

Development Control Committee Agenda

THURSDAY 6 SEPTEMBER 2012 AT 10.00 PM
COUNCIL CHAMBER, Civic Centre, Heme Hempstead

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The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Adshead
Clark
Guest
R Hollinghurst
Lawson
Lloyd (Chairman)

Macdonald
McKay
Reay(Vice-Chairman)
G Sutton
Whitman
C Wyatt-Lowe

Substitute Members

Councillors Mrs Bassadone, G Chapman, Conway, Mrs Green, Hearn, Harris, N Hollinghurst, Peter and Mrs Rance.

For further information please contact: Pauline Bowles, Members Support Officer on Tel: 01442 228221, E-mail Pauline.bowles@dacorum.gov.uk or visit our web-site www.dacorum.gov.uk

PART I

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1. MINUTES

The minutes of the meeting held on 16 August 2012 will be circulated separately.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DECLARATIONS OF INTEREST

To receive members declarations of interest; to be announced at the beginning of the relevant planning application.

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw to the public seating area.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure. Disclosable pecuniary interests, personal interests and prejudicial interest are defined in Part 2 of the Members' Code of Conduct.

It is requested that Members complete the pink interest sheet which can be found at the end of this agenda and then hand this to the Committee Clerk at the meeting.

4. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements or ask questions in accordance with the rules as to public participation.

Time per speaker	Total Time Available	How to let us know	When we need to know by
3 minutes	Where more than 1 person wishes to speak on a planning application, the shared time is increased from 3 minutes to 5 minutes.	In writing or by phone	Noon the day of the meeting

You need to inform the council in advance if you wish to speak. There are limits on how much of each meeting can be taken up with people having their say and how long each person can speak for. The permitted times are specified in the table above and are allocated for each of the following on a 'first come, first served basis':

- Town/Parish Council and Neighbourhood Associations;
- Objectors to an application;
- Supporters of the application.

Every person must, when invited to do so, address their statement or question to the Chairman of the Committee.

Every person must after making a statement or asking a question take their seat to listen to the reply or if they wish join the public for the rest of the meeting or leave the meeting.

The questioner may not ask the same or a similar question within a six month period except for the following circumstances:

- (a) deferred planning applications which have foregone a significant or material change since originally being considered
- (b) resubmitted planning applications which have foregone a significant or material change
- (c) any issues which are resubmitted to Committee in view of further facts or information to be considered.

At a meeting of the Development Control Committee, a person, or their representative, may speak on a particular planning application, provided that it is on the agenda to be considered at the meeting.

INDEX TO PLANNING APPLICATIONS

Item	Application No.	Description and Address	Pg No.
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5.2	4/00552/12/MOA	CONSTRUCTION OF SEVEN DWELLINGS AND SIX APARTMENTS AND ACCESS ROAD (AMENDED SCHEME) 89 SUNNYHILL ROAD, HEMEL HEMPSTEAD, HP1 1TA Grid Reference: TL 04620 07431	36
5.3	4/01211/12/MFA	REDEVELOPMENT AND ALTERATIONS TO PROVIDE MIXED RETAIL DEVELOPMENT WITH ASSOCIATED CAR PARKING, SERVICING, LANDSCAPING AND OTHER ASSOCIATED WORKS BERKHAMSTED DELIVERY OFFICE, 300 HIGH STREET, BERKHAMSTED, HP4 1ZZ Grid Reference: SP 98837 08045	63
5.4	4/00224/12/FUL	DEMOLITION OF GARAGE, SWIMMING POOL AND EXTENSTION. REFURBISHMENT OF EXISTING DWELLING TO FORM TWO DWELLINGS AND CONSTRUCTION OF 4 NEW DWELLINGS. THE PINES, NORTH ROAD, BERKHAMSTED, HP4 3DX Grid Reference: SP 98559 07539	83
5.5	4/00133/12/FUL	TWO 2-BED FLATS LAND AT 221, NORTHRIDGE WAY, HEMEL HEMPSTEAD, HP1 2AA Grid Reference: TL 04048 07107	115
5.6	4/00134/12/FUL	DEMOLITION OF PART OF SINGLE STOREY REAR EXTENSION. CONVERSION OF HOUSE AND ANNEXE INTO TWO 2-BED FLATS AND ONE 2-BED HOUSE 221 NORTHRIDGE WAY, HEMEL HEMPSTEAD, HP1 2AA Grid Reference: TL 04057 07096	128
5.7	4/00970/12/FHA	PROPOSED TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION, ROOF CONVERSION TO CREATE A FIRST FLOOR AND INTERNAL ALTERATIONS AND DRIVEWAY - AMENDED PLAN (12/33/2 REV M) AND ADDITIONAL PLANS (52610AA/A & 52610AA/B) 8 HOME FARM ROAD, NORTHCHURCH, BERKHAMSTED, HP4 3SL Grid Reference: SP 96899 09138	139

- 5.8** 4/01118/12/MFA TEMPORARY PERMISSION FOR ONE YEAR TO ALTER THE HOURS OF USE OF FLOODLIT ASTROTURF PITCH BETWEEN 1ST NOVEMBER AND 31ST MARCH - MONDAY TO FRIDAY 2PM TO 10PM AND SATURDAY AND SUNDAY 2PM TO 6PM
THE CAVENDISH SCHOOL, WARNERS END ROAD,
HEMEL HEMPSTEAD, HP1 3DW
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- 5.9** 4/01227/12/FHA RETENTION OF EXISTING SIDE WALL AND NEW EAVES AND PARTIAL SLOPING ROOF
4 OSBOURNE AVENUE, KINGS LANGLEY, WD4 8DB
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- 5.10** 4/00648/12/RET NEW SINGLE STOREY MEDITATION ROOM TO REAR GARDEN
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- 5.11** 4/01098/12/FHA LOFT CONVERSION
41 PEMBRIDGE ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0QN
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**5.1 4/00468/12/MOA - DEMOLITION OF 27 BOX LANE AND CONSTRUCTION OF 2NO TWO STOREY BUILDINGS BOTH WITH ROOF ACCOMODATION EACH CONTAINING 5 X 2 BED APARTMENTS WITH UNDERGROUND PARKING & ACCESS RAMP. CONSTRUCTION OF A DETACHED TWO STOREY DWELLING WITH ROOF ACCOMMODATION AND DETACHED TIMBER FRAMED DOUBLE GARAGE. FORMATION OF VEHICULAR ACCESS TO BEECHWOOD PARK. (AMENDED SCHEME) 27 BOX LANE, HEMEL HEMPSTEAD, HP3 0DH
APPLICANT: Village Homes (Southern) LLP**

[Case Officer - Andrew Parrish]

[Grid Ref - TL 03643 05486]

Summary

The application is recommended for approval. The application proposes 1 detached house and 10 apartments and is an amended scheme following refusal in 2011 of a similar scheme on grounds, inter alia, of appearing over-dominant in the street scene, overdeveloped with insufficient landscaped margin to the Box Lane frontage, thereby harmful to the semi-rural character of the area and the character of the area of single family homes.

The revised scheme addresses these concerns by resiting further from the Box Lane frontage, omitting the 3-storey glazed link between the two blocks, amending the size, height, scale and form of the building, and increasing the overall number of parking spaces, including the introduction of visitor and service vehicle parking at surface level.

The provision of apartments is acceptable in accordance with the character assessment HCA4 which does not rule out the creation of flats standing in large, well landscaped grounds. Means of access, impact on neighbours, ecology, archaeology and the 'Arts and Crafts' design are considered satisfactory. Herts Highways has confirmed there would be no material impact on highway safety. The amended siting would have an acceptable relationship to trees on the site and would maintain good screening and a satisfactory setting to the development. The amendments satisfactorily address the concerns on the previous refused scheme in respect of the size and scale of the development and the issue of on-street parking. Given the basement parking, which would obviate the need for lots of surface level parking, the mature landscaped setting to the site, and the changes to the buildings outlined above, the proposal would respect the character of the area of single family detached dwellings and preserve its semi-rural setting. The proposal would provide private amenity space in accordance with Appendix 3. Given the foregoing, the density of the proposal would not be materially harmful to the character of the area. The proposal would be a sustainable form of development and there is a commitment to complete a planning obligation to secure the contributions necessary to mitigate the impacts of the development in accordance with the Planning Obligations SPD and HCC Toolkit. The proposal is therefore compliant with Policies in the Dacorum Borough Plan Local Plan 1991-2011.

Background

Members will recall that at the meeting of 26th July 2012, consideration of this application was deferred to allow for further consideration of all consultation responses to the amended plans, provide the opportunity for local residents to discuss their concerns with local councillors and Planning Managers and allow a member site visit to take place.

A member site visit took place on Monday 13th August 2012 and a meeting between officers and residents took place on Tuesday 14th August 2012.

The consultation and neighbour notification period has now expired and all responses received are reported herein. No additional representations have been received other than clarification of the s106 contributions from HCC Planning Obligations Officer.

Members should note that this is an amended scheme following refusal of an application in 2010 on three grounds:

1. Appearing over-dominant in the street scene, overdeveloped with insufficient landscaped margin to the Box Lane frontage, thereby harmful to the semi-rural character of the area and the character of the area of single family homes.
2. Failing to demonstrate that the principles of sustainable development had been fully incorporated into the development.
3. Lack of a satisfactory legal mechanism to secure the contributions necessary in order to mitigate the impacts of the development.

The amended scheme follows further extensive pre-application negotiation in respect of the siting, design, size, scale, materials and car parking. Amended plans have been submitted during the course of the application on which neighbours and consultees have been notified/consulted.

Site Description

The application site comprises a large detached two-storey pebble dashed and painted brick and tile property located on the corner of Box Lane and Beechwood Park in the Felden area of Hemel Hempstead. The property dates from the early C20 and is set in extensive mature landscaped grounds of 0.32 ha. Along with its neighbour, No. 29, it is one of the few remaining original detached dwellings in this area. The dwelling fronts Box Lane, being set back some 40 metres. The property has a link detached single garage to its Beechwood Park side. Vehicular access is from Beechwood Park, having been relocated from its original Box Lane frontage following the development of Beechwood Park. The surrounding area comprises a variety of designs of mainly post war redevelopment and infill post war housing laid out on large plots within a sylvan setting, including the Hawthorns, a cul de sac of 10 dwellings which was built on the rear gardens of No's 27 and 29 Box Lane. The character of the area is one of single family homes in a quiet, low density neighbourhood. There are no flats/developments in the area. The site falls within an Area of Archaeological Significance and is subject to a Tree Preservation Order. It is located within the outskirts of the built up area of Hemel Hempstead, in close proximity to open countryside, including Boxmoor Trust land.

Proposal

Permission is sought in outline (landscaping reserved) to demolish the existing dwelling and outbuildings and to erect a 2 storey, 5 bedroom, detached house with play room in the roof, together with two blocks of 5 x 2 bed apartments (with rooms in the roof). Access would be from Beechwood Park, sited to the south of the existing, with the existing stopped up and reinstated to verge. The development would be set back between approximately 11 and 14 metres from the Beechwood Park frontage and between 12 and 15 metres from the Box Lane frontage. The detached house would be of traditional design with a hipped roof over brick and tile hung walls. The two apartment blocks would be of similar 'Arts and Crafts' design featuring chimneys, balconies, dormer windows, brick and tile with some half timbering. A single basement parking area would be provided for both apartment blocks together with double garage and driveway for the detached house. The buildings would be spaced 5 metres apart.

	Standard/Guideline	Proposal
Density	< 15 dwellings per hectare	34 dwellings per hectare
Parking	3 spaces per 5 bed 1.5 spaces per 2 bed dwelling	4 spaces 2 spaces per unit
Garden	A rear garden depth over 11.5 metres. For flats, an amenity area to the rear at least equal to the footprint of the building for two storey development, increasing with building height.	The dwelling house is served by a rear garden depth of min 24 metres. The block of flats has communal areas to the front and back more than equal to the footprint. The ground floor flats have direct access to the communal garden via french doors. The first floor flats are served by balconies and the second floor flats by roof terraces.

Referral to Committee

The application is referred to the Development Control Committee at the request of Councillor Gbola Adeleke.

Planning History

4/01756/11/MOA	DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO STOREY BUILDING WITH ROOF ACCOMMODATION, CONTAINING 10 (2 BED) FLATS WITH UNDERGROUND PARKING AND ACCESS RAMP. CONSTRUCTION OF TWO STOREY DETACHED DWELLING WITH ROOF ACCOMMODATION AND DETACHED DOUBLE GARAGE. FORMATION OF VEHICULAR ACCESS TO BEECHWOOD PARK. Refused 09/12/2011
4/00703/11/PRE	DEMOLITION OF EXISTING, 2 DWELLINGS AND 10 APPARTMENTS, NEW ACCESS POINT Unknown 06/06/2011

Policies

National Policy Guidance

NPPF
Circular 11/95

East of England Plan

Policies SS1, ENV6, ENV7, ENG1

Dacorum Borough Local Plan

Policies, 2, 9, 10, 11, 13, 14, 16, 17, 18, 21, 51, 58, 63, 99, 100, 111, 122 and 124, 129

Appendices 1, 3 and 5

Emerging Core Strategy

Policies CS1, 4, 5, 7, 8, 9, 10, 11, 12, 13, 19, 25, 26, 27, 28, 29, 30, 31

Supplementary Planning Guidance/Documents

Environmental Guidelines

Character Area HCA4- Felden West

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Sustainable Development Advice Note March 2011

Advice Note on Achieving Sustainable Development through Sustainability Statements

Representations

Conservation and Design

I have strong design objections to this proposal and consider that it would be out of keeping with the sylvan character of the area.

The design would appear bulky and boxy with a dominant cluttered roofscape. The buildings would appear overwhelming and oppressive on the site. The appearance of the buildings would be over fussy with a clash of different architectural styles. There is no cohesion in the design.

In terms of finding an appropriate design, I would suggest that the architect needs to take their lead from the proportion, scale and detailing of large Edwardian or Victorian Villas.

Comments on amended plans

Following recent design amendments, I am happier with this proposal. Whilst the proposed flat units are large and boxy, on balance considers that the proposal has been sufficiently improved. Therefore raises no design objections subject to conditions:

- All materials to be submitted;
- Scaled drawings at 1:10 showing details of all windows and doors, including section and profile and method of opening. Windows and doors shall be timber unless otherwise agreed in writing.
- Details of balconies;
- Details of UPV's;
- Flues, vents and extracts;
- Hard and soft landscaping, boundary treatment
- Lighting

Hertfordshire Highways (in summary)

No objection subject to conditions covering visibility, no occupation until construction of access and car parking, sufficient manoeuvring space so that vehicles may enter and exit in forward gear, wheel washing, and completion of an agreement to secure a minor s278 agreement for the construction of the required off site highway works, and financial contribution of £9,000 towards Sustainable Public Transport Programmes.

Access to the site will be off a repositioned new access drive serving both the apartments and the dwelling with all parking at the maximum level of the local authority's parking policy.

The new access will require consent from the local highway authority and should be constructed under a small Section 278 agreement. The closing off and making good of the existing access will be covered by the same agreement.

Looking at the accident statistics for Box Lane from the junction of the A4251 to past the mini roundabout and up to the golf club house there are no reported injury accidents in the last 5 years apart from one outside the golf club and two at the junction by the former PH The Swan PH.

As the proposed new access is set further back into Beachwood Park than the existing, any likely queues attributed to the development will be held back on the minor road and not the major i.e. Box Lane. This would only occur at peak times and in particular the morning. Personal experience of queuing traffic in the am peak often backs up from the junction of the A4251 past the mini roundabout at Beechwood Park and up the hill towards Bovington. It follows that any extra vehicular movements generated from this site would unfortunately add to this queue.

The main concern would be over the level of parking and that includes visitor spaces too and as this is an outline application the applicant will need to discuss this matter with the LPA to make sure that not only is the level of street parking acceptable but realistic too.

From a sustainable point of view it is noted that there is a bus service on both sides of Box Lane close to the junction of Beechwood Park. Both of these bus stops could be improved and made DDA accessible

The quoted distance to the Boxmoor train station, slightly exceeds the 800m walking distance as suggested in the DFT's 'inclusive mobility' but is acceptable.

The good sustainable links may help reduce car ownership and therefore allay some of the concerns raised about parking and congestion.

Comments on amended plans (In summary)

No objection subject to conditions covering visibility, no occupation until construction of access and car parking, sufficient manoeuvring space so that vehicles may enter and exit in forward gear, wheel washing, and completion of an agreement to secure a minor s278 agreement for the construction of the required off site highway works, and financial contribution of £7,500 towards Sustainable Public Transport Programmes.

One of the main changes to this amended application is removal of the service bay off Beechwood Park whilst the number of parking spaces has increased to 20 overall for the 10 apartments, including two spaces on the frontage and secure storage for cyclists.

Access to the site will be off a repositioned new access drive serving both the apartments and the dwelling with all parking at the maximum level of the local authority's parking policy. The new access will require consent from the local highway authority and should be constructed under a Section 278 agreement. The closing off and making good of the existing access will be covered by the same agreement.

The positioning of two parking spaces at the top of the turning area (one is marked for service vehicles) may impede manoeuvrability within the site but not prohibit it entirely as there is still quite clearly enough space to allow a large vehicle to turn around be it with some back and fore manoeuvring.

Experiences of similar sized developments would lead the highway authority to believe that the largest vehicle to frequent this site would be the weekly refuse vehicle and in all

probability, this would be by way of a kerbside collection service. All other service vehicles like courier vans can easily enter and leave in a forwards gear and the occasional removal lorry will probably reverse in.

Any additional traffic attributed to this development will be held back on the minor road and not the major road i.e. Beechwood Park and this would only occur at peak times in the morning. Traffic in the am peak often backs up from the junction of the A4251 past the mini roundabout at Beechwood Park and up the hill towards Bovingdon.

Looking at the accident statistics for Box Lane from the junction of the A4251 to past the mini rbt and up to and past the Golf Club house, there are no reported injury accidents in the last 5 years apart from one slight injury accident outside the golf club and two at the junction by the former Swan PH. Clearly, they are all not associated with the Rbt at Beechwood Park

The site is reasonably sustainable. There are bus stops on both sides of Box lane close to the junction of Beechwood Park. Both of these bus stops could be improved and made DDA accessible by any sustainable highway contribution.

The quoted distance to the Boxmoor train station, slightly exceeds the 800m walking distance as suggested in the Dft's 'inclusive mobility' but is acceptable.

SPAR (Strategic Planning) (in summary)

Refers to previous comments to the earlier refused scheme. A reduction in scale and footprint of the development is welcomed. However, it remains fundamental to assess the revised scheme in the light of the local character of the area.

Environmental Health (in summary)

No objection subject to informatives on working hours, internal noise and room sizes.

Crime Prevention Advisor

Comments on amended plans (in summary)

On the basis that previous recommendations have been taken into account has no further comment.

Building Control

The developer should be notified that Building Control must be informed about the proposed demolition so that the appropriate documentation can be issued.

Trees and Woodlands

Comments on amended plans (in summary)

Comments much the same as for the refused scheme. Were it possible to drop the development into this site then its physical arrival would cause little difficulty with trees and most if not all would survive, root damage as a result of foundations would be minimal. Thus it is straight forward enough to draw a joined red pecked line around the root protection areas and say that all is well. However, assuming the protective fencing is put up in accordance with the drawing and before the demolition contractor moves in and before construction, asks how the following will be achieved:

- storage of the top soil scraped off the site pre building.

- the site huts
- the builder's facilities
- the materials for what is a large job
- the machinery and plant

and once that lot is stored between the outline of the building and the protective fencing, questions how anyone can undertake construction.

With a high level of programming and supervision, it is possible, but may mean completing the development in phases.

If serious about keeping the trees around this site, advises that the developer needs to demonstrate how tree protection, storage and construction can be undertaken on this site.

The Arboricultural report alludes to this under *timing of operations* but considers that there is a need for more assurance from a builders perspective.

The pull back from the Box Lane side is good news because it provides some extra space for planting on that frontage however the question remains the same: take the space across the whole site between the building and the protective fence and ask, can all the paraphernalia connected with building be stored in that zone and is there then enough room to construct the building. If it can then how, if it can't then what compromises are going to be made.

Hertfordshire and Middx Wildlife Trusts

Comments on previous refused application (in summary)

Notes that a bat report has been submitted in support which confirms that the western end of the roof void has been used recently (in 2011) as a roost for a small number of brown long-eared bats. The trees affected on site were also found to display limited potential for roosting. The report assesses the impact of the proposals on bats, and makes recommendations for mitigation of impact on bats and nesting birds.

Has no objections on wildlife grounds to the granting of permission and supports the findings, conclusions and recommendations of the consultant ecologist. The mitigation measures proposed would be satisfactory to compensate for the loss of a bat roost of relatively low conservation importance (ie. the summer roost of small number of a relatively common bat species). The methodologies are appropriate and in line with Bat Conservation Trust guidance.

Notes that a European Protected Species licence will be required from Natural England to make the development and planning permission lawful, as the proposed development will lead to the loss of a bat roost.

Would also encourage enhancement of the biodiversity potential of the site. The developer has an opportunity to encourage biodiversity in the locality by installing or creating features benefiting wildlife onto the new development and in the surrounding garden area. Landscaping should be used to enhance the site for wildlife benefit.

Recommends conditions covering need for bat licence, landscaping, retention of trees, hedges and natural features, biodiversity enhancement, mitigation strategy for bats and no removal of trees and hedges between 1st March and 31st August in the interests of preventing disturbance to nesting birds which are protected under the Wildlife & Countryside Act 1981 (as amended).

HCC Minerals and Waste

Any comments received will be reported at the meeting

Contaminated Land Officer (in summary)

The site is located within the vicinity of potentially contaminated land uses. Recommends standard contamination condition.

HCC Planning Obligations Officer (in summary)

Based on the information to date for a development of 11 dwellings would seek financial contributions towards primary education, secondary education, youth and library services as set out in Table 2 of HCC's Planning Obligations Toolkit. In addition, fire hydrant provision is also sought as set out within HCC's Toolkit to ensure adequate water supplies will be available for fire fighting in the event of an incident at this site.

The proposed floor plans show additional habitable rooms within each apartment which need to be taken into account (the Toolkit identifies the fact Table 2 uses an assumed relationship between habitable rooms and bedrooms). Accordingly, I have set out the contributions based on the floorplans below. This calculation takes the existing dwelling (assumed 4 bedrooms in absence of floorplans) into account.

Financial Contributions

- Primary Education £13,920
- Secondary Education £16,770
- Youth £410
- Libraries £1,640

Fire hydrant provision is also sought and should be secured by the standard form of words in a planning obligation.

Revised comments (in summary)

Has recalculated the contributions to increase the size of the exiting dwelling from 4 to 5 bedroom. This has resulted in the following figures:

Financial Contributions

- Primary Education £13,920
- Secondary Education £16,770
- Youth £410
- Libraries £1,640

All calculations are based on PUBSEC index 175 and will be subject to indexation.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

1, 2, 3, 4, 6, 7, 9 The Hawthorns, 4 The Lindens, 1, 2A, 2B, 2C, 4, 10, 22, 33 Beechwood Park, 1, 4 Hawkshill Drive, 18 The Chestnuts, 23A Box Lane - Object for the following reasons (in summary):

General

- Revised application should not have been validated as does not address reasons for refusal of previous application
- All previous letters of objection and the petition are relevant and should be taken into

account

- No community consultation carried out by developer
- There are restrictive covenants with regards to the boundary hedgerow which should not be removed to allow a new access
- Amendments not changed significantly from refused scheme other than siting
- Little change in the size, height, scale and bulk from the refused scheme
- Plans inconsistent
- As an area of archaeological significance a WSI should be undertaken
- Investigation of bats should be undertaken

Type and density

- There are no flats in the surrounding area
- Apartment concept not mandated by any planning guidelines
- Recent request for two-bed apartments nearby has been refused
- Development containing 10 apartments will be contrary to the policy of the Council to grant only those in keeping with the character of Box Lane and refuse those out of keeping
- Will set precedent for No. 29 Box Lane and other large gardens in Box Lane, destroying current character of Box Lane
- Would not object to 2 or 3 detached family houses

Character and details

- Gross overdevelopment despite stated reduction in footprint of 8%
- Unsympathetic to local community
- Too large and local population increase too great
- Nature of development out of character with low density area and development principles in RCA
- Out of character with area of detached dwellings in semi-rural location
- 3 storey out of keeping
- The changes are still dominant in views from Hawkshill Drive
- Ugly and not at all in keeping with properties in Beechwood Park and undoubtedly look like the massive block of flats that they are
- The principle of apartments is being used as a Trojan Horse to drive through the erection of buildings larger than those in the locality
- Spacing not compliant with guidance and appears cramped
- Finishes, particularly render, cheap and incongruous
- Visibility splay will require removal of trees and shrubs to detriment of street scene

Highways and infrastructure

- Will increase load on infrastructure
- More traffic and adverse impact on road safety at the junction with Box Lane where speed limits are often ignored
- Additional on street parking from visitors, work vans etc, will create a hazard in Beechwood Park where traffic often has to queue
- A new access should be created from Box Lane
- Service bay off Beechwood Park hazardous
- Obstruction when refuse is collected
- Inadequate number of parking spaces
- Insufficient parking for visitors
- Minimum of 2 spaces per apartment should be provided
- Additional provision should be made for alternative transport - bicycles, motorbikes
- Detached house has no secure, lockable, garage

Amenities

- Major disruption during construction
- Increase in noise and disturbance from additional traffic
- Visual intrusion and noise to No 2B Beechwood Park from lighting, headlights, bins, shutters, washing/drying areas, communal areas
- Lack of screening in winter will result in overlooking of 2A and 2B Beechwood Park
- Potential loss of trees during construction would cause overlooking

Comments on amended plans

2, 9 The Hawthorns, 7 Haywood Drive, 2b, 4, 10 Beechwood Park, 23a Box Lane, 3 Roughdown Villas Road - Object for the following reasons (in summary):

General

- Latest plans still raise the same issues
- Recent request nearby to develop 2 bed apartments has been refused
- Covenants prevent building of more than 1 dwelling on the land and to maintain and not cut down the hedges
- No environmental assessment regarding radon gas
- Confirmation of ownership of grass verge should be obtained
- Grass verge should not be extinguished
- Precedent for development of No. 29 Box Lane, exasperating traffic congestion and safety
- No community consultation carried out
- Issue of developer profit at expense of area should be a consideration
- This is garden land, not 'brownfield site'
- Previously refused so should be refused again
- Little change from earlier submissions
- Contrary to Policy 11 and HCA4
- No social need for this type of intense development - many hundreds of properties are for sale in the area e.g. Manor Estate

Type and density

- Too dense
- Flats out of character as not in keeping with surrounding houses
- Erection of flats remain - the amendments are merely cosmetic
- Town centre project not suitable for semi-rural area
- Too dense
- Similar height and same density as previously rejected

Character and details

- Too large and overpowering design which will dominate the area
- Construction of underground car park will likely cause harm or removal of trees
- Overdevelopment
- Over-dominant
- Unclear if there is any genuine reduction in height
- Loss of trees
- Basement will impact on trees
- Out of character
- Insufficient garden space for wildlife and vegetables
- Visibility splays will result in removal of trees to detriment of area

Highways and infrastructure

- Extra traffic onto an already dangerous junction will cause accidents
- On street parking will cause further hazards
- Obstruction when refuse is collected
- Lack of visitor parking encouraging on street parking
- Insufficient parking for high end flats – should accommodate at least 20 spaces plus 6 visitor spaces
- Insufficient water supply

Additional letters from 2 local residents

Two letters addressed specifically to Members from local residents received late on Wednesday before the last committee meeting have been circulated separately to members.

Considerations

Policy and Principle

The site falls within a residential area in Hemel Hempstead, where in accordance with Policies 2 and 9 of the Dacorum Borough Local Plan 1991-2011 there is no objection in principle to appropriate residential development.

Policy 10 states that "general building development should be designed to achieve the maximum density consistent with the character of the area, surrounding land uses and other environmental policies in the plan. NPPF requires, through good design, that decisions should aim to ensure developments optimise the potential of the site to accommodate development.

In addition, the recent statements from the CLG highlighting amendments to PPS3, which are reflected in NPPF, should be noted:

- Private residential gardens are excluded from the definition of previously developed land.
- The national indicative minimum density of 30 dwellings per hectare is deleted.

Consequently, it is considered that Policy 11 and the Residential Character Area (RCA) SPG hold greater material weight when assessing the proposal. Whilst private residential gardens have been excluded from the definition of previously developed land, they still remain (in this case) part of the urban area of Hemel Hempstead. Private residential gardens have not been given the same status as Green Belt and / or Open Land designations, where such classifications adopt a presumption against development. Therefore, it can safely be concluded that the principle of developing private residential gardens is not unacceptable. Indeed, NPPF guidance puts the onus back to Local Planning Authorities through their policies to "... resist inappropriate development of residential gardens, for example where development would cause harm to the local area". In this case it is considered that the RCA has greater relevance given the additional layers of detail that are provided to enable a thorough assessment of whether a proposal is consistent with the character of the area. This will be considered in detail below.

As an outline application, the layout, scale, access, design and appearance of the development are for consideration at this stage. Landscaping is reserved.

The key issues in the assessment of this application relate to the impact of the proposal on the street scene and the character of the area, on existing trees, on highway and pedestrian safety and on the amenities of neighbouring residential properties. Other issues concern the

preservation of important archaeological remains, conservation of ecology and the incorporation of sustainable development principles.

Impact on street scene and character of area

The recently refused scheme was considered unacceptable in street scene terms and out of character with the area of single family homes due to a combination of the apartment block's size, height, bulk and scale, and its siting close up to Box Lane, together with the density of the proposal and the lack of sufficient and easily accessible visitor parking provision. The proposals were therefore considered to result in the apartment block appearing too massive, too high and covering too much of the site, whilst also encouraging on-street parking to the detriment of the character of the area. The use of white painted render would have exacerbated this harm.

Policy 11 states that development will not be permitted unless it is appropriate in terms of layout, site coverage, design, scale, bulk, height, materials and landscaping on the site itself, in relation to adjoining property and in the context of longer views. Development should also respect the townscape, density and general character of the area and avoid harm to the surrounding neighbourhood and adjoining properties through for example, visual intrusion, loss of privacy, loss of sunlight, loss of daylight, noise disturbance or pollution. There should be sufficient parking and the traffic generated should neither compromise the safe and free flow of traffic on the existing road network nor have a detrimental impact on the safety of other road users or on the amenity of the area. There should be reasonable facilities for access by people with disabilities. It should avoid harm arising from pollution in all its forms, including air, water, noise and light pollution. In particular, there should be no detrimental effect on air quality in sensitive areas.

The RCA Felden West (HCA 4) notes that the area has an almost semi rural appearance with a high level of mature private, publicly visible landscaping in a very low density layout. The area consists of predominantly detached dwellings of two storey height positioned informally with a wide to very wide spacing (5-10m and over 10 m respectively) and a density typically below 10 dph. Dwellings are generally large to very large size, although examples of the smaller type are found on and around the Beechwood Park area.

The Character Appraisal notes the following development principles:

1. Design: No special requirements.
 - Type: Detached houses encouraged although flats standing in large, well landscaped grounds also acceptable.
 - Height: Should not normally exceed two storeys.
 - Size: Large to very large dwellings acceptable and appropriate.
 - Layout: Informal and irregular layout appropriate with wide to very wide spacing. Rear gardens at over 11.5 m.
 - Density: Development should be compatible with the character (< 15 dph).

The proposed detached house would generally conform to the above principles including providing satisfactory spacing with the adjoining dwellings, and a satisfactory rear garden depth of some 24 metres. Although the height is technically 3 stories, in practical terms, given the modest dormer windows and the two storey eaves height, it has the appearance of being two storey. The detached house therefore complies with the above principles.

Most of the amendments negotiated have been aimed at addressing the concerns raised in respect of the apartment block.

Design

There are no special design requirements. Although a number of objections concern the

design of the buildings not being in keeping with the surrounding area, the Arts and Craft style adopted is considered acceptable and would not be harmful to the appearance or character of the area in our view. Hipped roofs, chimneys, brick and plain tile are common to the surrounding area and these are all part of the proposals. Although a small element of render is proposed this is not considered detrimental. Revised plans omit rendering from the stairwell dormer window in favour of tile hanging and reduce the window from a 3 to a 2-light window. Dormer windows are not common in the area, but given their small scale in the development would not be a dominant feature or materially harmful to its character. The use of balconies, jettied first floor gables, and half timbering would add some interest to the design and would be typical of an Arts and Crafts building, as would the use of timber windows and joinery.

Siting

This part of Box Lane is characterised by a heavily treed setting in views along Box lane. The existing dwellings at 27 and 29 Box Lane are set well back from the frontage (40 m) of their respective plots and as such sit inconspicuously in views along Box Lane and also in views from Hawkshill Drive opposite which is dominated by a mix of mature, mainly deciduous, trees. The site, together with No. 29, provides an important transition between the more built up area of the town and open countryside beyond. The site is also on a prominent corner location where the impact of any development is likely to be more strongly experienced. It is important therefore that any development should not appear prominent in the general street scene and should maintain an acceptable landscaped setting in keeping with the semi-rural / transitional characteristics of the location.

Given its proximity to Box Lane, the refused scheme was considered unacceptable in siting terms, resulting in the loss of a number of mature trees from the site frontage considered important to the landscaped setting and Arcadian character of Box Lane. To this extent, it is considered that the revised plans satisfactorily address this concern by resiting the apartment blocks a minimum of 12 metres from Box Lane, thereby maintaining a satisfactory landscaped setting and ensuring that the building will not appear prominent or intrusive in street scene views up Box Lane, particularly during the winter. The proposal therefore complies with Policy 11 and HCA4.

Size, scale, bulk and spacing

The refused scheme was considered to be unacceptable in size and footprint compared with the established grain of the surrounding detached housing forms. Whilst the proposal sought, through the recessed entrance foyer, to give the impression of two blocks, it was nevertheless considered that the proposed blocks would appear out of scale with the general size and grain of dwellings in the area. Furthermore, the introduction of the crown roof to reduce the height that would otherwise result was indicative of the excessive roof span adopted, yet was still high. Moreover, the proposed glazed communal entrance and staircase element which linked the two blocks, was not subordinate in size or height to the blocks either side and further emphasises the overall size and scale of the apartment building as being significantly out of keeping with the surrounding character.

With a view to addressing these concerns, the plans for the apartments have been amended as follows:

- All apartments reduced in size
- Overall building footprint reduced by 8%
- Significant reduction in silhouette
- Roof reworked, simplified and lowered
- Link element between the two halves of the apartment block removed
- Overall separation between buildings of 5 metres each

As a result of the above, including further changes negotiated during the course of the

application, the size, scale and bulk of the apartment blocks has been substantially reduced. The changes result in the creation of three distinctly separate blocks which reflect more closely the size and grain of the surrounding detached forms. The simplification of the roof form together with the reduced number and size of dormer windows significantly reduces the manifestation of the third storey such that the resultant buildings are read more as a two storey buildings with ancillary roof accommodation rather than three storey.

In terms of Beechwood Park, they would be similar in width to the detached dwellings opposite and in frontage silhouette terms visually also similar. Whilst the depth of the blocks has not been altered from the refused scheme, given the existing screen planting to the frontages it is not considered that the proposal would be significantly harmful to the street scene or character of area, particularly given, as a corner site with frontages on two roads, there is a need for the return elevation to properly enclose and address Box Lane. In these terms, arguably the corner block does that, and presents an elevation not unexpected in such a situation, but also commensurate in width to Nos. 27 and 29 Box Lane. The proposals are therefore considered acceptable in street scene terms.

HCA4 states that spacing should be in the range of wide to very wide (5 m - 10 m and over 10 m respectively). Proposed spacing between flank walls would be 5 metres which is at the lower end of this range but nevertheless in accordance with the guidance. Spacing in any individual circumstance must clearly be considered in the context of the surroundings. In this case, it should be noted that properties directly opposite the site exhibit spacing of only 3 metres. In response to concerns on the refused scheme in relation to providing a satisfactory set back from the Box Lane frontage, the separation between the detached house and the apartment blocks has unfortunately been reduced from 9.5 metres to 5 metres. Nevertheless the apartment block has itself been split in two thereby introducing a new gap of 5 metres. On balance, and having regard to the situation opposite, it is considered the proposed spacing would be satisfactory.

In accordance with HCA4 there is no requirement to follow existing or create formal building lines. Apart from the garage, the buildings are set back behind the build line established by 1 Beechwood Park thereby ensuring a satisfactory landscaped setting whilst limiting the impact on existing mature trees.

In terms of private amenity space, a minimum 24 metre rear garden for the detached house would accord with Appendix 3 advice whilst communal and private space for the apartments is provided around the periphery equivalent to and in excess of 150% of the footprint of the buildings. This again is in accordance with Appendix 3 requirements. It is stated that ground floor apartments would also have private screened space details of which can be considered as part of the landscaping scheme. First floor apartments would have balconies whilst the two second floor apartments would have private roof terraces.

The proposals would accord with Policy 11 and HCA4 guidance.

Land Optimisation and Density

Policy 10 requires a coordinated and comprehensive approach to development by ensuring that opportunities for development in the immediate area are not missed. It also seeks to secure the optimum use of land in the long-term by requiring, inter alia, that general building development should be designed to achieve the maximum density compatible with the character of the area, surrounding land uses and other environmental policies in the plan and, in particular, building development should make optimum use of the land available, whether in terms of site coverage or height.

Given the available access from Box Lane, the development of this site would not prevent the development of the adjoining site at 29 Box Lane from coming forward in future. Given the

mature trees around the boundary which it is desirable to maintain, it is not considered that the development of this site in the form proposed would result in any clear missed opportunity for accessing that site from this.

A large number of residents have expressed the view that the density of the proposal and the flatted type of development would be out of keeping with the single family occupied nature of the area.

The number of dwellings units proposed is 11. Policy 21 of the Local Plan states that densities will generally be expected to be in the range of 30 to 50 dwellings per hectare although higher densities will generally be encouraged in accessible locations within town centres. However, the national indicative minimum density of 30 dwellings per hectare has been deleted from paragraph 47 of PPS3 and the subsequent NPPF guidance. Therefore, there is no requirement to ensure that developments meet minimum density threshold as stipulated under Policy 21. Consequently, the issue is more focussed towards considering whether the density is compatible with the surrounding context.

The Character Appraisal notes that new development should adopt a density of less than 15 dph. The proposal has 34 dwellings per hectare which is over twice that recommended. However, in urban design and street scene terms, given the flatted form of development, a higher density per se need not result in any harm to the character of the area if the building form and general layout reflects that of the surroundings. The previous concerns with the size, bulk and massing of the development, as well as with its siting has, it is considered, been addressed in the current proposals and are considered acceptable in street scene terms. In addition, it should be noted that the accommodation of car parking in a basement eliminates the need for extensive surface level car parking on the site. This not only benefits the visual appearance of the site but will also increase the amenity space available to the apartments, and the overall landscaped setting of the development. In the circumstances, it is considered that there would be no material harm to the character of the area from either the density of or the type of development in this case.

With regards to the matter of precedent, it is accepted that No. 29 Box Lane presents a similar opportunity for redevelopment. Each application must be considered on its merits. Nevertheless, all else being equal, given the same considerations above, there would not necessarily be any material harm to the character of the area. It should also be noted that the opportunities in Box Lane for similar flatted developments are limited given the few number of similar sized sites.

The proposal would therefore comply with Policies 11, 21 and the SPG HCA4.

Impact on Trees and Landscaping

The landscaping of the site is reserved. However, information has been provided in the form of the layout plan, site survey, Tree Survey Report, Arboricultural Implications Assessment and through comments in the Design and Access Statement whereby the impact on trees and the character of the area can be considered.

The site is extensively populated by mature trees and boundary hedges. A number of these are subject to individual and group TPOs (TPO 025 Land East of Box Lane, Adj London Road confirmed in June 1969). The trees make an important contribution to the semi-rural character of the area and their retention will be important to the setting of the development by helping to integrate it into the surrounding character. To this extent satisfactory spacing needs to be allowed between trees and the buildings. Six or seven trees are shown for removal. However, the Trees and Woodlands Officer has considered the Tree report and has no disagreement with the findings. In particular he notes that two of the trees (10 and 12 - Horse Chestnut) are in poor condition and therefore would not in themselves constrain development. In strictly

arboricultural terms, therefore, there is no basis to object to the development. However, it is also necessary to consider the impact on the setting of the development and the impact on trees during construction.

In terms of setting, given the established semi-rural character of the area, it is considered important that the siting of the development should allow suitable space and provision for replacement planting in order to help integrate it satisfactorily into the surrounding area. The landscaping of the site is therefore of key importance. The previous application was refused, inter alia, on grounds that its siting would fail to provide a satisfactory margin for replacement tree and shrub planting along the Box Lane frontage. However, the current proposal, in resiting the apartment block some 12 metres from the Box Lane frontage, will not only ease any potential pressure for pruning or removal of trees on the frontage, but also provide a satisfactory setting to the building, whilst also providing room for additional or replacement planting.

Overall, the proposal offers relatively good scope for soft planting through the retention of existing trees together with additional shrub or tree planting as necessary. Details will be requested via the landscaping scheme as a reserved matter.

There are valid concerns that the visibility splays as stipulated by Herts Highways could impact on trees along the Beechwood Park frontage. However, whilst some pruning and trimming may be required to ensure the 2.4 x 40/43 metre splays can be provided, these should not require the removal of any trees according to the applicant. The splays are shown on a revised site plan.

In terms of construction, tree protection fencing is proposed that will provide a minimum margin of 2 metres around the building to enable construction to proceed. In addition, a no-dig driveway together with temporary ground protection is proposed in order to protect trees in the vicinity of the detached house. The details are considered acceptable and a condition is recommended to ensure compliance with the details on Drg. No. DS02051101.04 Rev A with the measures to be in place before any construction or demolition takes place.

Car parking, access and highway safety

A key concern of residents relates to the adequacy of parking provision, potential for overspill onto Beechwood Park and increased traffic, congestion and safety issues at the Box Lane junction with the related argument that the remote location vis a vis services and the higher disposable incomes requires that more than the minimum car parking should be provided for the flats.

Parking is to be provided in the form of conventional surface parking for the detached house with basement parking for the apartments. Basement parking is considered beneficial by eliminating the need for extensive surface parking and increasing the amenity space about the building. In addition, secure cycle parking is proposed within the basement in accordance with Appendix 5, together with motorcycle anchor points.

Hertfordshire Highways has raised no objection to the development, including the impact of the additional traffic generated on the junction with Box Lane, subject to visibility and other conditions. The main concern would be over the level of car parking, including visitor spaces, which is a matter for the local planning authority to determine on the basis that this should be both adequate and realistic.

Parking at minimum 4 spaces (two in the garage) is considered satisfactory for the 5 bed dwelling.

With regards to the apartments, on the refused scheme, despite meeting parking standards at

1.5 spaces per 2-bed dwelling, it was felt that the proposals would lead to pressure for on-street parking given the type of persons and car ownership levels that it would be marketed at. The site is on the edge of town in a non-sustainable location (Zone 4 of the Accessibility Zones for Parking Standards), therefore will not discourage high car ownership. No specific visitor parking was proposed and the basement parking would therefore be a psychological deterrent to short term visitors even if it wasn't allocated to individual flats and the entrance gates were omitted. The proposal at 1.5 spaces per dwelling was therefore considered to be unrealistic and on the conservative side given the potential dual income professional type persons likely to occupy the flats. In these terms, bearing in mind the number of units, it was considered that the proposals would be likely to encourage an element of on-street parking that would be harmful to the established low density semi-rural character of the area. The proposal was therefore considered contrary to Policy 11 even though strictly in accordance with Appendix 5. In response to these concerns, 20 parking spaces are now proposed, including one surface level visitor space and one service bay/visitor space, thereby increasing the ratio of parking spaces serving the apartments to 2 spaces per dwelling. In addition, the gated access has also been omitted. The proposed reuse of the existing access as a service bay with access from Beechwood Park has been omitted on visual as well as highway safety concerns. The access will be stopped up and the verge reinstated. Satisfactory turning facilities will be available on site for the visitor bays together with any small service vehicle that enters the site. In this respect it is anticipated that refuse would be a kerbside collection service and therefore refuse vehicles will not need to enter the site. It is worth noting that as most service deliveries will likely take place during the weekday when most residents will be at work, the premium on visitor spaces will not be significant but in any event even if both visitor spaces were occupied there would still be sufficient manoeuvring space on site for a van to enter and exit in forward gear.

The overall parking provision is considered satisfactory and in accordance with Policies 11 and 58 of the Borough Plan.

Affordable Housing

Under Policy 20 the threshold for affordable housing provision is 25 dwellings or 0.5 hectares. In terms of the Council's latest formal advice note the requirement is a minimum threshold of 15 dwellings. The proposal, at 11 dwellings, falls under the threshold and therefore would not require affordable housing as part of the mix.

Crime Prevention and Safer Places

Details are provided in the Design and Access Statement and the Crime Prevention Officer has stated that the proposals have incorporated his recommendations. The proposal provides active frontage which would promote safety, security and a more vibrant public realm and street face in accordance with best practice advice e.g. CABE's *By Design*. Previous concerns from residents that gating of the development will create an exclusive not inclusive form of development with the surrounding area, and exacerbate traffic issues because temporary visitors will be forced to remain on the road, have been addressed in the current proposals through the omission of the gates. The scheme will include 2.1 m high fencing between boundaries, roller shutter to the basement ramp, communal lighting, external utility metres, entrance doors and windows to SBD standards, natural surveillance through design and siting of windows, dusk to dawn lighting on the access ramp, low level lighting along the pedestrian paths serving the entrances. These details, along with full details of the frontage boundary enclosure, and hard and soft landscaping, will be requested through the landscaping scheme.

Impact on Neighbours

The impact on residential amenities needs to be considered as part of this application given that layout and design is for determination.

Given the siting, trees and distance from boundaries, it is considered that there would be no adverse effect on the amenities of No. 29 Box Lane.

In terms of No. 1 The Hawthorns and No. 1 Beechwood Park, there is a 5m high hedge that would largely screen the development and prevent overlooking of these properties. However, it would be difficult to rely on this alone as it could be removed by the new owners or die back in time. The design of the house is such that only windows to non-habitable rooms would face these properties. In the circumstances it is considered reasonable that overlooking should be controlled through a condition requiring obscure glass to first and second floor windows on this elevation and the plans indicate this. Given the siting to the north, and the distance from the common boundary, there would be no material loss of light experienced to either the windows or garden areas to these properties.

There would be potential overlooking of the rear garden to the detached house from the apartments. It is therefore considered appropriate that obscure glass to eye level be installed in the first and second floor windows overlooking this property by condition. A screen panel to the balcony is also appropriate. These provisions are shown on the plans.

In terms of properties opposite Beechwood Park, whilst windows, balconies and dormer windows from the development would overlook these properties, given screen planting, the distance of some 36 metres and the fact that these are already overlooked from the street, there would be no material detriment and a refusal would be difficult to justify on appeal.

Whilst accepting that there would be an intensification of use, given the residential nature of the proposal, it is not considered that there would be such an increase in noise and disturbance or visual intrusion from headlights, washing/drying areas, lifts and stairwells etc that a refusal could be justified. However, it is nevertheless considered reasonable to control a number of these aspects such as the details of lighting, through the approval of the landscaping details to ensure that these are not visually intrusive. For instance, the issue of headlights could be mitigated through control over the driveway gradient, in regards to clothes drying, the applicants have confirmed that there will be a Building Management Agreement in place for the apartment buildings which will contain a restriction prohibiting the use of the balconies for drying purposes.

The proposals would comply with Policy 11 of the Borough Plan.

Sustainability

A Sustainability Statement and Energy statement have been submitted electronically using C-Plan. In accordance with the Council's advice note, a minimum of Code Level 3 plus 5% additional CO2 reductions is required over Building Regs. The Energy Statement scores green and indicates compliance with this requirement. It is therefore acceptable. It is recommended that the developer should be required to certify compliance before occupation as a condition.

Although the Sustainability Statement scores only orange, this is in some respects a technicality and is otherwise considered acceptable in sustainability terms. nevertheless, further information has been requested to update the statement. Subject to this, the proposal demonstrates a sustainable approach to the development and would be compliant with Policy 1. The applicants have confirmed that it is proposed to seek Code level 3 certification.

Permeable surfaces are proposed for the surface level parking and manoeuvring areas together with water butts. However, no details have been provided in respect of the general surface water runoff from roofs. It is therefore considered that details of this should be provided pursuant to a condition to ensure that this is disposed of sustainably rather than adding to any storm water outflows from the site.

Section 106

Draft heads of terms and a s106 unilateral undertaking has been submitted covering the matters set down in the Council's Planning Obligations SPD. Following advice of the HCC Planning Obligations Officer, the following sums are agreed, based on a net increase on site of 10 x 2 bed flats (but note HCC have based it on 10 x 3 bed flats by counting the studies as bedrooms):

HEMEL HEMPSTEAD	£
Allotments	£480.00
Outdoor pitches - HH	£3,490
Cycles - Hemel	£520
Primary schools	£13,920
Borough wide	
Child play space	£12,160
Natural Green Space	£190
Travel Smart	£250
Police	£0.00
Libraries	£1,640
TOTAL	£32,650

In addition, HCC specific contributions are as follows:

- Financial contributions towards secondary education and youth services in accordance with Table 2 of the "Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) January 2008 "
- Sustainable transport contribution of £7,500.
- Provision of fire hydrants.
- S106 monitoring contribution based on 6% of total contributions in accordance with DBC Planning Obligations SPD.

This is still to be completed and officers' recommendation is therefore to approve subject to the completion of a planning obligation covering the above.

The applicants wish it to be known that in the interests of retaining the present recommendation and for commercial reasons they are willing to pay the above stated contributions. However, they nevertheless hold significant reservations about how the HCC figures in particular have been (a) calculated and (b) subsequently justified. They remain thoroughly unconvinced by the justification put forward regarding (a) HCC treating the apartments as 3 bedroom, not the 2 bedroom actually applied for and (b) the justification put forward regarding the 'necessity' for secondary education contributions (as set out in the 16/8/12 email from Herts CC).

In the event the members decide to refuse the application, the lack of a completed obligation will need to be included as a reason for refusal on the grounds that no legal mechanism is in place to secure the contributions necessary in order to mitigate the impacts of the development, thereby contrary to Policy 13 of the Borough Plan and SPD.

Other material considerations

The site is located within an Area of Archaeological Significance No. 35 which affects a Scheduled Ancient Monument. Although no comments have been received in respect of the current application, the County Archaeological Officer has previously recommended that an

archaeological condition be attached including a WSI. There have been no material changes since the last application in this respect, and therefore it is considered appropriate that the condition be imposed.

The development would potentially impact on European Protected Species and other wildlife due to the demolition of the building and the removal/disturbance of trees. A bat survey has been commissioned and the results submitted in a report. The results indicate that a small number of bats are using the loft of the house as a roosting site on a temporary basis. No evidence was found within the trees. A bat licence will be required from Natural England. A mitigation strategy will be required which could include bat boxes on mature trees, new buildings, bat bricks, bat tubes or bat lofts incorporated into the development.

It is also recommended that tree felling is carried out outside the nesting season and that bird boxes should be considered.

The ecological consultant also recommends further survey work to be carried out in May/June, as appropriate to inform the application for a European Protected Species licence from Natural England, as will be required as the works will cause the loss of a known bat roost.

Although no comments have been received from the ecology groups, Herts and Middx Wildlife Trust previously raises no objection and considered the mitigation measures satisfactory to compensate for the loss of a bat roost of relatively low conservation importance. HMWT would also encourage the developers to enhance the biodiversity potential of the site by installing or creating features benefiting wildlife onto the new development and in the surrounding garden area. HMWT recommend a number of conditions and informatives.

Based on the bat survey results, the 3 derogation tests in the Habitats Directive are satisfied.

Conclusions

The amended siting would have an acceptable relationship to trees on the site and would maintain good screening and a satisfactory setting to the development. The amendments undertaken to the siting, size, height, roof form, spacing and car parking arrangements satisfactorily address the concerns on the previous refused scheme in respect of the size, scale and appearance of the development and the issue of on-street parking. Herts Highways has confirmed there would be no material impact on highway safety. Given the basement parking arrangements, the mature landscaped setting to the site, and the amendments to the design, size and siting of the buildings, the proposal would respect the character of the area of single family detached dwellings and preserve its semi-rural setting. The proposal would provide private amenity space in accordance with Appendix 3. Given the above, the density of the proposal would not be materially harmful to the character of the area. The proposal would be a sustainable form of development and there is a commitment to complete a planning obligation to secure the contributions necessary to mitigate the impacts of the development in accordance with the Planning Obligations SPD. The proposal is therefore acceptable for approval.

RECOMMENDATIONS

That the application be **DELEGATED** to the Group Manager Planning and Regeneration with a view to approval subject to:

1. The receipt of a planning obligation under s106 of the Town and Country Planning Act 1990 to secure the draft heads of terms as set out below:
 - a) Financial contribution of £480 towards allotments.
 - b) Financial contribution of £3,490 towards outdoor pitches.

- c) Financial contribution of £520 towards cycle networks.
- d) Financial contribution of £13,920 towards primary education.
- e) Financial contribution of £16,770 towards secondary education.
- f) Financial contribution of £12,160 towards child play space.
- g) Financial contribution of £190 towards natural green space.
- h) Financial contribution of £250 towards travel smart.
- i) Financial contribution of £1,640 towards libraries.
- j) Financial contributions of £410 towards youth services.
- k) Financial contribution towards sustainable transport of £7,500.
- l) Provision of fire hydrants.
- m) S106 monitoring contribution based on 6% of total contributions.

2. Subject to the following conditions:

- 1 Approval of the details of the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 2 Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the reserved matters to be approved.**

Reason: To prevent the accumulation of planning permission; to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 4 No development shall take place until samples of the materials proposed to be used on the external walls and roofs of the development (including the bins stores and detached garage) shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy 11 of the Dacorum Borough Local Plan 1991-2011.

- 5 All external joinery shall be in timber and no development shall take place until the following shall have been submitted to and approved in writing by the local planning authority:**

- a. **1:20 details of all windows and doors (including vertical cross section through the opening, finished colour and method of opening)**
 - **1:20 details of balconies**
 - **Details of photovoltaic panels**
 - **Details of any flues, vents and extracts**

The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy 11 of the Dacorum Borough Local Plan 1991-2011.

6 The details to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include:

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **details of measures and features to enhance biodiversity, such as ponds, loggeries and dead wood features;**
- **trees to be retained;**
- **proposed finished levels or contours;**
- **external lighting, including details of timing and means to prevent harm to residential and visual amenities;**
- **location of clothes drying areas;**
- **minor artefacts and structures (e.g. furniture, storage units, signs etc);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines) including heating strips, indicating lines, manholes, supports etc.**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

Reason: To ensure a satisfactory appearance to the development, to increase biodiversity and to safeguard the visual character of the immediate area in accordance with Policies 11 and 100 of the Dacorum Borough Local Plan 1991-2011.

7 No development shall take place until details of the proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings shall have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved levels.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policy 11 of the Dacorum Borough Local Plan 1991-2011.

8 The development shall be carried out in accordance with the submitted C-Plan Sustainability and Energy Statements and, notwithstanding any details submitted, no development shall take place until plans and details of the measures for sustainable drainage and water conservation shall have been submitted to and approved in writing by the local planning authority. The

development shall be carried out in accordance with the details approved and no dwelling shall be occupied until a final Code Certificate has been issued and provided to the local planning authority certifying that Level 3 has been achieved under the Code for Sustainable Homes.

Reason: To ensure the sustainable development of the site in accordance with Policy 1 of the Dacorum Borough Local Plan 1991 - 2011 and adopted Supplementary Planning Guidance.

- 9 **The development shall be carried out in accordance with the recommendations contained within the submitted Bat Survey Report and no development shall take place until details of a bat mitigation strategy, including site plan showing the proposed location of replacement roosting features, shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details approved.**

Reason: To ensure the protection of bats and their habitats in accordance with Policy 102 of the Dacorum Borough Local Plan 1991-2011.

- 10 **The trees shown for retention on the approved Drawing Nos. 11 0208-101 F and DS02051101.04 Rev A and covered by a Tree Preservation Order shall be protected during the whole period of site demolition, excavation and construction in accordance with the details shown on Drg. No. DS02051101.04 Rev A.**

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with Policy 99 of the Dacorum Borough Local Plan 1991-2011.

- 11 **No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence.

- 12 **Before the development hereby permitted is commenced, details shall be submitted to and approved in writing by the local planning authority of the measures to be taken in the design, construction, operation and decommissioning of the development to: minimise the amount of waste generated; to re-use or recycle suitable waste materials generated; to minimise the pollution potential of unavoidable waste, including appropriate remediation measures for any contaminated land; to treat and dispose of the remaining waste in an environmentally acceptable manner; and to utilise secondary aggregates and construction and other materials with a recycled content. The measures shall be implemented in accordance with the approved details.**

Reason: To accord with the waste planning policies of the area in accordance with Policy 129 of the Dacorum Borough Local Plan 1991-2011.

- 13 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved**

scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local

Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

- 14 **Visibility splays of not less than 2.4 m x 43 m shall be provided to the left and 2.4 m x 40 m to the right (towards the mini roundabout) before any part of the development hereby permitted is first brought into use, and they shall thereafter be maintained, in both directions from the crossover, within which there shall be no obstruction to visibility between a height of 0.6 m and 2 m above the carriageway. No trees shall be removed to facilitate the provision of the splays unless first agreed in writing by the local planning authority.**

Reason: In the interests of highway safety and amenity in accordance with Conditions 11 and 51 of the Dacorum Borough Local Plan 1991-2011.

- 15 **The development shall not be occupied until the access and car parking areas have been constructed. The car parking and turning areas so provided shall be maintained as a permanent ancillary to the development and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents and businesses.

- 16 **Before the new access hereby permitted is first brought into use the existing access shall be stopped up and closed by removing the vehicle crossover, raising the kerb and reinstating the grass verge.**

Reason: In the interests of highway safety.

- 17 **The windows at first and second floor level in the south eastern elevations of the apartment blocks as shown on Drg. No. 11 0208-103 D hereby permitted shall be permanently fitted with obscured glass and the window to the living room directly overlooking the detached house shall be permanently fixed shut unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of the amenity of adjoining residents in accordance with Policy 11 of the Dacorum Borough Local Plan 1991-2011

- 18 **The windows at first and second floor level in the south eastern elevation of the detached house hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of the amenity of adjoining residents.

- 19 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

**16050
11 0208-101F
11 0208-102C
11 0208-103D
11 0208-104F
11 0208-105E
11 0208-106B
11 0208-107B**

Reason: For the avoidance of doubt and in the interests of proper planning.

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The site is located within the urban area of Hemel Hempstead wherein, under Policies 2 and 9 of the Local Plan, residential development is acceptable in principle subject to complying with relevant policy criteria. The development of the site would not prevent the development of the neighbouring site therefore complying with Policy 10 of the Borough Plan. The proposal is considered acceptable in layout and access terms and will not have any adverse impact on adjoining residential occupiers. The proposal would have an acceptable appearance in street scene terms and would respect the character of the area of single family detached dwellings and preserve its semi-rural setting. The siting would have an acceptable relationship to trees on the site and would maintain good screening and a satisfactory setting to the development. Car parking and private amenity space within the site is satisfactory. There would be no adverse impact on highway safety. The proposal would accord with sustainability principles. The proposals therefore accord with Policies 1, 11 and 58 of the Borough Plan.

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

Policies 1, 2, 9, 10, 11, 13, 14, 16, 17, 18, 21, 51, 58, 63, 99, 100, 111, 122 and 124, 129

Appendices 1, 3, 5 and 8

Emerging Core Strategy

Policies CS1, 4, 5, 7, 8, 9, 10, 11, 12, 13, 19, 25, 26, 27, 28, 29, 30, 31

Supplementary Planning Guidance

Environmental Guidelines

Character Area HCA4- Felden West

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Sustainable Development Advice Note March 2011

Advice Note on Achieving Sustainable Development through Sustainability Statements

INFORMATIVES:

Bats

The existing building is the site of a confirmed bat roost (Windrush Ecology, 2011). A European Protected Species licence from Natural England will be required before any works affecting the roost can start, in order to make the proposed development and this permission legally compliant. The licence application will need to include a Method Statement with the results of the surveys, a Mitigation Strategy and Works Schedule stating how it is proposed to accommodate each species of bat within the development.

All Bats and their roosts are legally protected by the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. If bats are present it is illegal to intentionally kill, injure, capture or disturb individuals, or damage, destroy or obstruct their roosts. It is also an offence accidentally damage or destroy a roost. Bat roosts are legally protected whether or not bats are permanently present.

Birds

No removal of trees, scrub or hedges, shall be carried out on site between the 1st March and 31st August inclusive in any year, unless searched beforehand by a suitably qualified ornithologist.

Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended).

WILDLIFE PROTECTION LEGISLATION

Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), it is illegal to kill, injure or capture any wild bird, and illegal to damage, destroy or take their nests and eggs. Bird species listed in Schedule 1 are also protected against disturbance whilst nesting and while they have dependent young.

All bats and their roosts are legally protected by the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. If bats are present it is illegal to deliberately kill, injure, capture or disturb them, or to damage, destroy or obstruct their roosts. Bat roosts are legally protected whether or not bats are permanently present. Since amendments to the Habitat Regulations (1994) entering into force in 2007, it is also an offence to accidentally damage or destroy a breeding site or resting place.

Some bat species have been identified as priority Biodiversity Action Plan species, including soprano and common Pipistrelle (UK BAP) and Natterer's bat (UK and Herts BAP), thereby placing a greater duty of species protection and enhancement on planning authorities, in line with the NERC Biodiversity Duty, PPS9 and policy ENV3 of the East of England Plan (2008).

Where development activities affect a European protected species (great crested newts, bats, dormice, otters), or their places used for shelter or protection, work may need to be conducted under a European Protected Species licence issued by Natural England under Regulation 53(2)(e) of the Conservation of Habitats and Species Regulations 2010. In order for a licence to be issued the following three tests must be met:

The consented operation must be for "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment";

There must be "no satisfactory alternative"; and

The action authorised "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

Highways

The applicant is advised that all works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments". A minor s278 agreement will need to be completed. Before proceeding with the proposed development, the applicant will need to apply to the South West Hertfordshire Highways Area Office (Telephone 01923 257000) for further instruction.

Contamination

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

Balconies

The applicant is advised that a Building Management Agreement with apartment residents should include provisions prohibiting the use of balconies for clothes drying in the interests of preserving the visual amenities of the area.

**5.2 4/00552/12/MOA - CONSTRUCTION OF SEVEN DWELLINGS AND SIX APARTMENTS AND ACCESS ROAD (AMENDED SCHEME)
89 SUNNYHILL ROAD, HEMEL HEMPSTEAD, HP1 1TA
APPLICANT: CAPITAL BUILDERS LTD**

[Case Officer - Andrew Parrish]

[Grid Ref - TL 04620 07431]

Summary

The application is recommended for approval. The application is a resubmission following a dismissed appeal in 2011 on grounds of a number of specific junction and safety related concerns including the absence of a safety audit. The revised scheme addresses these concerns by accepting a condition to establish the details and objectives of a management company, proposing a 10 metre transition curve on the access road, incorporating the recommendations of a road safety audit in relation to the junction and approach roads, and increasing the number and output of heating elements up to the edge of the public highway. Hertfordshire Highways raise no objections to the revised details given that the appeal Inspector appears to accept the principle of under-road heating as a solution to the severe gradient of the access road, and given the further significant safety improvements incorporated both on and off-site to mitigate the impact of a junction at this point. The proposal is considered acceptable in layout and access terms and will not have any adverse impact on adjoining residential occupiers. It would be designed to meet Code level 3. The proposal provides satisfactory evidence that there will be no harm to any bats and the application is accompanied by a signed s106 unilateral undertaking securing contributions to help mitigate the impacts of the development on local services and infrastructure.

Site Description

For a description of the site please see the annexed report on the previous application for this site (4/00542/11/MOA) which was considered by the development control committee at its meeting of 1st September 2011.

Proposal

The application is a resubmission following a dismissed appeal in relation to 4/00542/11/MOA.

The application seeks outline permission for the demolition of the existing dwelling and construction of seven dwellings and six apartments with a new access road. All matters are reserved apart from access and layout. The details submitted in respect of layout and access are virtually identical to those submitted under the previous application, and members are referred to the annexed report for a full description of the proposal.

The changes now proposed relate to the introduction of a hog curve on the access road, submission of a stage 1 and 2 road safety audit, and an increased number and output of under-carriageway heating elements. These are considered in under the Considerations section.

Referral to Committee

The application is referred to the Development Control Committee at the request of Councillor Janice Marshall.

Planning History

- 4/00542/11/MOA CONSTRUCTION OF SEVEN DWELLINGS AND SIX APARTMENTS AND ACCESS ROAD (AMENDED SCHEME)
Refused and appeal dismissed
14/09/2011
- 4/00561/10/MOA CONSTRUCTION OF SEVEN DWELLINGS AND SIX APARTMENTS AND ACCESS ROAD
Refused and appeal dismissed
30/06/2010
- 4/00984/92/4 TWO DETACHED DWELLINGS
Refused
11/03/1993
- 4/00827/91/4 TWO DETACHED DWELLINGS AND ACCESS DRIVE (OUTLINE)
Refused
09/08/1991

Policies

National Policy Guidance

National Planning Policy Framework
Circular 11/95, 1/2006, 05/2005
Manual for Streets

Herts County Highways

Roads in Hertfordshire, A Guide for New developments, June 2011

East of England Plan

Policies SS1, ENV6, ENV7, ENG1

Dacorum Borough Local Plan

Policies 1, 9, 10, 11, 13, 51, 54, 58, 61, 62, 63, 99, 100, 102, 111, 113, 122, 124, 129
Appendices 1, 3, 5, 6, 8

Emerging Core Strategy

CS1, 4, 5, 7, 8, 9, 10, 11, 12, 13, 19, 25, 26, 27, 28, 29, 30, 31

Supplementary Planning Guidance

Environmental Guidelines
Residential Character Area HCA9: Hammerfield North
Water Conservation & Sustainable Drainage
Energy Efficiency & Conservation
Advice Note on Achieving Sustainable Development through Sustainability Statements

Representations

Hertfordshire Highways (in summary)

Does not wish to object to the grant of planning permission.

The above proposal has been the subject of several planning applications. The previous issues raised by the highway authority were specifically associated with the severe longitudinal gradient of the proposed access road. However, the Planning Inspectorate Appeal Decision (APP/A1910/A/11/2160924) appeared to accept the introduction of heated carriageway as a solution for both vehicle and pedestrian access.

In response to the Appeal Decision the applicant has also provided a safety audit of the access arrangement. Where possible the recommendations have been incorporated into the design.

If the planning authority is minded to grant the planning application the highway authority would request a financial contribution towards sustainable transport measures in the vicinity of the site in line with the County Council's Planning Obligation Toolkit.

A commuted sum towards maintenance of the anti-skid as suggested by the applicant's consulting engineers has also been requested.

Recommends conditions covering construction of access and junction arrangements in accordance with the submitted details before development commences, closure of any existing access points, wheel washing and construction management plan.

Hertfordshire Biological Records Centre (in summary)

The application is accompanied by a bat report. Given the location of the property to be demolished close to woodland and trees, advises that such a survey is appropriate.

Notes that the survey found no evidence of bats and limited potential. A few slipped or damaged tiles etc were noted which could provide opportunities for bats although no external signs of use were observed. It was considered that access for bats into remaining roof spaces was not possible, and that the garage was not suitable.

Whilst the development will degrade the nature of the immediate environment adjacent to the woodland by removing open land with scattered trees, has no reason to consider this will present an ecological constraint on the proposals. However, given that bats could potentially be discovered during works, advises that an informative on bats be attached.

Advises that demolition should be undertaken consistent with the recommendations as outlined within Section 4.3 of the bat report. Unfortunately there is limited scope for other habitat enhancements given the development proposals.

Also advises that no trees or shrubs should be removed within the bird nesting season April - September, or at least not without demonstrable evidence that they have been assessed as supporting no actively nesting birds.

Herts and Middx Wildlife Trusts (in summary)

The application site is located adjacent to the Local Wildlife Site 65/038 – Gravel Hill Spring Wood.

Notes the submitted bat report and arboricultural report.

Advises that trees should be removed outside of bird nesting season, and following precautions with respect to bats.

Notes that the proposals will not directly affect the Local Wildlife Site (LWS) but advises that:

- Existing trees, shrub and hedgerows on the boundary with the Local Wildlife Site should be retained, adequately protected during construction, and enhanced where possible to better buffer the LWS and provide habitat for wildlife;
- The LWS should be protected from indirect impacts, deposition of materials and waste, pollutant runoff *etc.*, arising from the development;
- Minimal, sensitive lighting should be used (during construction and the life of the development) to prevent adverse impacts on the LWS and nocturnal wildlife active the area;
- Opportunities to incorporate biodiversity enhancements into the new development should be taken up (eg. wildlife-friendly landscaping, installation of bird and bat boxes, creation of ponds and dead wood habitats *etc.*)

The applicant should aim as part of their development to provide a net gain for biodiversity, in line with policy in the NPPF. Ecological surveys can form a basis for developing a programme of biodiversity enhancement for the site, appropriate to the surrounding environment.

Recommends a number of conditions covering protective fencing along the boundary with the adjacent LWS, protective fencing around all trees and hedges shown to be retained within the site, landscaping to include a structurally diverse habitat plan, and local species of provenance together with a programme of management, no external lighting unless approved, demolition in accordance with the recommendations in the bat report, and control over times of tree removal in the interests of ornithology.

Recommends informatives in respect of biodiversity enhancement and EPS licence.

Scientific Officer (in summary)

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. Recommends that the standard contamination condition be applied to this development should permission be granted.

Comments on amended details

I refer to the notification of amended and/or additional plans/information received on 17 August 2012; I have no specific additional comments to make in respect of these.

Thames Water (in summary)

Waste Comments

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval must be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings.

Surface Water Drainage - 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 Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Water Comments

With regard to water supply, this comes within the area covered by the Veolia Water Company.

HCC Planning Obligations Officer (in summary)

Requests financial contributions (in accordance with the HCC Toolkit) for the following:

Primary Education £15,217

Secondary Education £13,821

Nursery Education £2,508

Childcare £911

Youth £288

Libraries £1,748

All calculations are based on PUBSEC index 175 and will be subject to indexation. Notes that if the size, number or tenure of any of the dwellings changes, this calculation will need to be reviewed.

Also requests fire hydrant provision.

Trees and Woodlands (in summary)

Comments as before, viz.

I had detailed conversations with the applicant's Arboricultural consultant last year and am satisfied that the proposal causes minimum damage to the trees on Council owned land. I have no further comments to make as the proposals remain unchanged.

Previous comments

"I have now received a comprehensive Arboricultural report from the applicant's consultant Patrick Stileman. While I still have some concerns about damage to tree roots on adjacent Council owned land, I consider the recommendations of the report to be technically sound and acceptable to us. I recommend that the three dimensional cellular confinement system used in no-dig system should be installed before any vehicles are allowed to access the site. I have no further concerns provided recommendations of the Arboricultural report are fully implemented."

Strategic Planning and Regeneration (in summary)

Refers to the policy comments made for applications 4/00561/10/FUL and 4/00552/11/FUL, and notes that these applications were refused and dismissed on appeal, purely on highway safety grounds.

The revised application seeks to overcome the previous reasons for refusal regarding access. You will need to be satisfied that the amended scheme overcomes these earlier concerns and that you consult the Highways Authority. It appears that the layout proposed in the previous

applications was satisfactory. Therefore, providing there are no significant changes, no comments are made in respect of the layout.

The Pre-submission Core Strategy has been published since the earlier applications were determined. We have no objections to the current application in terms of the Core Strategy policies. Policy CS19 on affordable housing proposes new site size thresholds for affordable housing in Hemel Hempstead of 0.3 ha or 10 dwellings. However, the new thresholds are not being applied at present. Furthermore, even if the new thresholds were being used, it is debatable whether affordable housing should be sought given the site's planning history.

Rights of Way

The site, as shown on the definitive map, appears to include Public Footpath Hemel Hempstead 24 along its northern boundary. Having consulted with Hertfordshire County Council's Rights of Way section we are advised that there is some doubt as to the location of the path as shown on the definitive map and that it may, legally speaking, be partially located within the development site. If this is the case it will be necessary to 'divert' the path, presumably to the line we recognise as the public footpath. The development would require a footpath diversion to be completed before works commence.

The impact of 13 dwellings replacing number 89 Sunnyhill Road is likely to be detrimental to users of Gravelhill Spring and the allotment site, i.e. noise, additional traffic, visual. Currently the site is relatively peaceful, particularly considering its location (residential properties, Warners End Road etc).

A barrier, in keeping with the location, with no private access from the estate would be desirable from the point of view of helping to prevent erosion of the hedgebank in Gravelhill Spring, waste being dumped (particularly garden waste) in the wood/on the footpath.

HCC Minerals and Waste Team (in summary)

Recommends the imposition of condition(s) to deal with the sustainable management of waste and advises that a Site Waste Management Plan (SWMP) is required by law for all projects worth more than £300,000.

Herts Police Crime Prevention Officer (in summary)

Any comments received will be reported at the meeting but note previous comments on 4/00542/11/MOA (see Annex).

Environmental Health - Noise Pollution & Housing

Any comments received will be reported at the meeting.

Three Valleys Water PLC

Any comments received will be reported at the meeting.

Hertfordshire Fire and Rescue

Any comments received will be reported at the meeting.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement (in summary)

10, 21, 22, 23, 24, 34, 37, 42, 50, 56, 61, 63, 67, 74, 76, 81, 85, 86, 87, 70, 78, 87A, 88, 90, 94 Sunnyhill Road, 12 Wrensfield, 24, 34, 36 Melsted Road

15 Fallowfield Walk - object

General

- Developers are using a tactic of wearing residents and committee members down
- Under road heating not sustainable
- If allowed will give rise to more flats being built, destroying natural habitats
- The proposal offers nothing new
- There is no other back garden development in the area
- Undesirable precedent for further back garden development if allowed
- The construction of the road and its maintenance will need to be able to accommodate similar applications in respect of adjoining sites. Any permission must be conditional upon allowing free access and connection to services from this development

Ecology

- Ecological survey limited to bats is insufficient and further details should be required by condition
- Badgers, slow worms, owls, woodpeckers live within rear gardens and allotments
- Adverse effect on wildlife of badgers, foxes and birds
- Loss of wildlife
- Would destroy the habitat of birds, badgers, foxes, voles, toads, frogs, newts, butterflies and deer

Character and details

- Apartment blocks not in keeping with detached and semi-detached houses
- No other developments in the area comprise flats
- No other development fronting Sunnyhill Road or Melsted Road comprises 3 storeys
- Consideration must be shown to local residents before adding to the density and spoiling a pleasant corner
- Blot on this green oasis of woodland
- Loss of trees and harm to the woodland walk
- Out of keeping
- Too high, bulky and cramped
- Overdevelopment
- The density is far too great in relation to the existing property
- Would destroy semi-rural character offered by the gardens

Highways and infrastructure

- Additional traffic would exacerbate the existing road safety and parking problems
- The plot is too steep and the joining roads too narrow due to parked cars
- Bend difficult to negotiate due to cars parked too close to the corner
- Adverse impact on highway and pedestrian / school safety as a result of increased traffic on a narrow and dangerous corner.
- New road joining existing steep road will create a dangerous situation in wet and snow conditions
- The proposed access is inappropriate given the gradients of surrounding roads especially in icy conditions and will make matters worse
- Vehicle skid assessment is not accurate or correctly simulate what actually happens
- If the access was of correct gradient there would be no need for expensive under carriageway heating
- Poor visibility at new access due to parked cars

- Under-road heating will not solve problems in Melsted Road
- Under-road heating on the development site will not prevent vehicles colliding as they attempt to leave the site
- Where will the extra vehicles park during conditions of ice and snow?
- Increased obstruction from parked vehicles during inclement weather
- Under road heating should be installed in Melsted Road
- Who will pay for the under-road heating?
- If permission is granted it should be subject to a s278 agreement covering 'No through route for Sunnyhill Road, traffic calming, resident only parking in Sunnyhill Road, that the new access road is not adopted by HCC'
- Contractors must not be allowed to park in Sunnyhill Road
- Where will contractors park during construction?
- Mud on road during construction
- Adverse impact on existing infrastructure of sewers, drains and water supply
- Question whether the narrowing of the allotment access is acceptable
- Access road at 1 in 7 is far too steep and in excess of the recommended standard
- It is obvious that steepness in inclement weather can exacerbate the danger of a difficult road situation
- Insufficient parking
- Inadequate turning facility
- Increase in number of accesses onto Sunnyhill Road is excessive and will reduce the amount of on-street parking available
- Introduction of anti-skid surfacing is an acceptance that this is a dangerous junction, but will not help during snow and ice
- The roads are also not on the Hertfordshire County Council salting route, which, due to the gradient of the roads, has led to several accidents and near misses over recent winters. Any increase in traffic would make these problems significantly worse
- Adoption of the private road will be essential if the safety feature of the under-road heating is to be maintained and powered. The Council must reserve the right to take control of any management committee and funding
- No waste storage facility has been provided, yet the road will not be adopted

Amenities

- Increase in noise, dust, air pollution
- Size will be detrimental to the enjoyment of Gravel Hill Spring Wood and the allotments

71, 89 Sunnyhill Road, 7 The Back, Potten End, 9 Clementine Way, Boxmoor, 6 Crossways, 4 Dara House, Belmont Road, 28 Ashtree Way, 114 Stephen Wharf, 352 Chambersbury Lane, Octagon House, 18 Nash Green, The Thatched Cottage, Felden Lane, 169 Boxted Road, 24 Wharfedale, 39 Leverstock Green Road, 13, 28 Cemmeas Court Road, 6, 12 Lyne Way, Gold Fish House, Noale Mill End, Water End, 60 Adeyfield Gardens, 14 Someries Road, 1 Cemmaes Meadow, 10 The Sonnets, 13 Handleys Court, 4 White Lion Street, 17 Knights Orchard, 47 Hatfield Crescent, 29 Bellgate, 6 Ivory Court, Cheery Beam, St. Margarets, Great Gaddesden, 41 Mancroft Road, 42 Maynard Road, 17 Tenin Road, 140 Windmill Road, 36 Mercury Walk, 346 Galley Hill, 7 Aragon Close, 43 The Horseshoe, 23, 25 St Michaels Avenue, 48 Stoneycroft, 18 Pixies Hill Crescent, Elizabeth House, Chapel Street - support:

- Will provide 13 dwellings within the town with further scope on adjacent garden land which will be of considerable benefit to the community of Hemel Hempstead by reducing the release of Green Belt countryside and is in any event a site identified by the Council's own planning guidance for residential development.
- Will provide the prospect of further homes on the adjacent land providing much needed housing in the town.
- This is a logical place for new development and will be hidden from public view.

- The new housing would be in keeping aesthetically with the surroundings.
- Road safety has been explored comprehensively and satisfactorily addressed by the developer and by independent safety audit.
- The constant pressure from developers to build in the countryside makes it difficult to understand why this application has been so opposed.
- Any refusal could result in a further appeal and possible cost application which, as local taxpayers, would wish to avoid.
- With the access issues now resolved would hope that this application can now be approved.

Considerations

The application is a resubmission following a dismissed appeal in December 2011.

Policy and Principle

Members are referred to the report (4/00542/11/MOA) annexed to this for an explanation of the policies and principles applicable to this development. The only change relates to the substitution of NPPF for PPS3. The policies and principles applicable then are otherwise the same and residential development of this site is therefore acceptable in principle.

In considering the previous appeal, it should be noted that the Inspector raised no objections in relation to the layout of the development or the impact on the character of the area or residential amenities. There has been no material change in circumstances since the last application or appeal and therefore the main issues in this case relate to the impact of the proposals on highway safety only.

Highway and Access Considerations

The application is in outline with access and layout for determination at this stage. In accordance with Department for Communities and Local Government Circular 1/2006 all matters relating to accessibility to and within the application site for vehicles, cycles and pedestrians in terms of positioning and treatment of access and circulation routes and how these fit into the surrounding network should be considered and assessed by the Highway and Planning Authorities.

The previous application (4/00542/11/MOA) was refused by the Development Control Committee for the following reason:

"The proposed access gradient is substantially in excess of the local highway authority's maximum recommended gradient for new roads, as stated in "Roads in Hertfordshire - A design Guide for New previous application Developments". Whilst the road is said not to be offered for adoption, large vehicles, highway users, local residents and pedestrians will nevertheless still need to use the road in all conditions and will therefore still be subjected to the problems associated with a steeper gradient than design guidance would normally allow. Whilst noting the proposals for under-carriageway heating and failsafe systems, these only relate to conditions of snow or ice, and do not address wet conditions when under-carriageway heating would not be deployed and thus have no effect. Moreover, the highway authority has no experience or, therefore, proof of effectiveness or reliability of such measures. The cumulative impact of these issues and the locally untested measures taken to deal with them by the developer continue to demonstrate the overall unsuitability of the access proposals, thus failing to comply with Policies 11 (f) and (g), 51, 54 and 61 of the Dacorum Borough Local Plan 1991-2011."

Appeal decision:

At the subsequent appeal, the Inspector dismissed the case exclusively for the following reasons:

- In paragraph 7 of the decision letter, the Inspector noted that the Council had recommended a condition to establish the details of a management company at the site in relation to the under-carriageway heating system proposed. The Inspector considered that a condition would also be needed to set out the objectives of such a company.
- In paragraph 10, the Inspector noted the requirement in NHBC standards for transition lengths to be provided at the end of steep gradients in order to reduce the risk of vehicles grounding. This had not been indicated on the plans.
- In paragraph 13 the Inspector attributed considerable weight to the absence of and the requirement for a road safety audit as set out in Manual for Streets. Although noting that "designers are encouraged to take a flexible approach" he was not satisfied that the designers had "thought through for themselves the likely outcome of any course of action based on experience and local circumstances". He noted the suggestion that the new access might function as an emergency slip road and that this would be a benefit, but also noted that there was "no explanation either of how the proposed access junction, including the existing roads, would function safely in the circumstances described by third parties or of why such concerns should be discounted."
- In paragraph 13, the Inspector also identified a deficiency in the effectiveness of the under carriageway heating at the junction, noting that this would not extend up to the edge of the existing carriageway and so its benefit to front wheel drive vehicles was not clear.

Applicants' response to appeal decision:

- In response to these matters, the applicants have made the following changes:
- Acceptance of a planning condition to establish the details and objectives of the management company for the under-carriageway heating.
- Introduction of a 10 metre long transition curve between the 6 metre level platform and the 1 in 7 access gradient. This is shown on the submitted plans.
- Submission of Stage 1 and 2 road safety audits for the access junction and approach roads and incorporation of the recommendations as follows:
 - Alterations and narrowing of the allotment access road junction belmouth to provide vehicle deflection at the 'give way' line.
 - Introduction of pedestrian visibility splays both sides of the allotment access belmouth.
 - Introduction of pedestrian guard rails at allotment access.
 - Visibility from development access and allotment access in excess of 2.4m x 43 m.
 - Introduction of footway on southern side of development access road and on northern side to serve pedestrian crossing point.
 - High friction anti-skid surface on bend of Melsted and Sunnyhill Roads up to the crest of Melsted Road with suggested commuted sum to secure long term maintenance.
 - High friction anti-skid surface along the proposed access road.
 - Omission of ramp near junction of access road with Sunnyhill Road.

- Handrails provided along footways within the development.
- Tactile paving at pedestrian crossing points at access bellmouth and across allotment access bellmouth not to exceed 1 in 12 and to be laid flush with channel line.
- Skid-resistant covers to service chambers within access bellmouth and allotment access bellmouth.
- Generator to be located outside any visibility splays and footway.
- Street lighting at development access in accordance with the requirements of the highway authority.
- Introduction of vehicle deflection bollards on bend of Melsted Road.
- Introduction of double yellow lines on inside of bend

In addition, the following measures additional to the safety audit requirements are proposed as follows:

- Introduction of SLOW road markings on the approaches to the bend.
- Extension of existing centreline warning lines.
- Installation of chevron sign on bend.
- Introduction of "Junction on bend ahead" warning signs.
- Increased number and output of under-carriageway heating elements where they abut the public highway to aid vehicles emerging from the access.

Discussion: The above measures are additional to the under-carriageway and footway heating system already proposed, which go hand in hand with a three tier failsafe system, together with anti-skid keyblok surface, the details of which are described in the report annexed to this.

It should be noted in regard to the generality of accepting a steeper than standard access gradient that, in considering the previous appeal proposal, the Inspector noted that several nearby streets already have gradients at least as steep as that proposed, but without the benefit of heating. He noted that the evidence is that at those sites the gradient has not been a contributory factor to reported vehicle or pedestrian personal-injury accidents and that this is consistent with the submitted NHBC standards (January 2011) which say that private roads (such as this) should have a maximum gradient of 1 in 6. He noted that the NHBC is a reputable body and therefore he attributed some weight to its views in this regard.

The applicants' safety auditors have considered the Inspector's scenario that vehicles waiting to turn into or out of the new junction "would present new obstacles to vehicles that may be skidding out of control in the adopted highway (which would) increase the risk to traffic". However, the findings of the safety audit did not throw up this scenario and the reason for this is that "the proposed access is too far from the bend for there to be any interaction between vehicles out of control going down Melsted Road and vehicles using the new access". This has been explained in detail in Chapter 6 of the submitted Development Access Design Report.

The Highway Authority's own Safety Audit Team (The Mouchel Group) has reviewed the applicant's Stage 1 and 2 Safety Audit Report. The Review Team largely agreed with the findings of the original safety audit and acknowledged that they can be dealt with in a detailed submission once permission has been secured. i.e. They have no bearing on the safety of the proposals in principle. However, specific concerns were raised in respect of the following:

- Anti-skid surfacing will wear faster than if the road were flat.
- There is currently a potential for conflict between vehicles travelling in opposite directions around the bend which is exacerbated when there are vehicles parked on the inside bend of Melsted Road. This would be aggravated by another side road junction in close proximity to the bend and could not be mitigated by measures incorporated into the new road layout. It is therefore recommended that at the very least double yellow line waiting restrictions should be introduced on the inside of the bend.

- The use of safety fencing either side of the allotment bellmouth could reduce the useful width of the footway, which could present a hazard for pedestrians. The fencing should therefore be replaced by a system of bollards to optimise the useful width of footway.

The applicants' response to the above points is as follows:

- The application of anti-skid surfacing is frequently provided in more onerous conditions with high volumes of vehicles and where HGV's are prevalent. They note that the basis of road design in Design Manual for Roads and Bridges is based on number of HGV's and not severity of road alignment. However, given the concerns, it has been suggested that a commuted sum be secured by the Highway authority from the developer to pay for repairs or replacement of the surfacing.
- Whilst the applicants safety auditors do not share the concerns of the Review Team, they accept that double yellow lines would benefit the overall safety of the highway and therefore this has been shown on the amended plans.
- The applicants' safety auditors accept this change which is shown on the amended plans.

In addition to the recommendations of the Highways Authority's Safety Audit Team, the applicants have also added additional road markings and signage to the final design drawing. 'Slow' road markings on the approach to the bend and an extension to the existing centreline warning lines are proposed. There is also a chevron sign shown on the bend and 'junction on bend ahead' warning signs. These measures are additional to those recommended by the safety auditors and will improve highway safety.

The following points, which were raised by the applicants in respect of the previous application, should also be borne in mind:

- This is previously developed land within a part of the town characterised by similar gradients that has not prevented their development during the past 100 years.
- The only level access to the site was cut off by the decision to grant permission for Glendale some years ago.
- Under-road heating will be installed and activated below 4 degrees centigrade and slip resistant block paving applied to the road and footway.
- Whilst remaining private the proposed road and turning head will be designed to adoptable standards and all vehicles will have no difficulty in negotiating the 1:7 slope as evidenced in and around the surrounding area.
- There will be clear and uninterrupted visibility at the junction with Sunnyhill Road and no driveways accessing onto the access road.
- Level pedestrian approach in accordance with Part M of the Building Regulations can be made to the entrance of each dwelling.

Given the changes outlined above, it is considered that the safety concerns raised by the Inspector in considering the previous appeal proposal have now been fully addressed. Hertfordshire Highways raise no objection given that the appeal Inspector appears to accept the principle of under-road heating as a solution to the severe gradient of the access road, and given the further significant safety improvements (following the recommendations of a safety audit) incorporated both on and off-site to mitigate the impact of a junction at this point.

It is recommended that the off-site highway works be secured before commencement of development through a Grampian style condition. Herts Highways has also recommended a commuted sum for maintenance of the anti-skid surfacing on Melsted Road. However, legal advice is that this will need to be secured by the highway authority through the s278 agreement with the applicant, not the s106 planning obligation. On highway grounds, it is therefore recommended that the application should be approved.

Layout

Layout is a matter for determination at this stage. For detailed discussion on this, Members are referred to the previous report which is annexed to this wherein the proposals were considered acceptable for approval and in compliance with Policy 11 and related guidance. There has been no material change in circumstances since the previous application / appeal in respect of the layout. It should also be noted that in considering the previous appeal, the Inspector did not raise any issues about the layout of the development.

The proposals are therefore considered acceptable in layout terms.

Impact on Street Scene

Design and appearance form part of the reserved matters. For detailed discussion on this, Members are referred to the previous report which is annexed to this wherein it was considered that the design and appearance of the proposal will integrate with the wider context successfully.

There has been no material change in circumstances since the previous application / appeal that affect the design or appearance. Again, the appeal Inspector did not raise any issues about the design or appearance of the development or its impact on the street scene.

The proposals are therefore considered to be acceptable in street scene terms.

Land Optimisation and Density

The road layout would enable potential development of neighbouring gardens therefore complying with Policy 10 that requires a coordinated and comprehensive approach to development by ensuring that opportunities for development in the immediate area are not missed. The density is considered acceptable in accordance with the Character Appraisal. Members are referred to the annexed report for a full discussion.

There has been no material change in circumstances since the previous application / appeal that affect land optimisation or density issues. It should also be noted that in considering the previous appeal, the Inspector did not raise any issues in respect of density or land optimisation.

The proposals are therefore considered to be acceptable in density and land optimisation terms.

Whilst noting some adjoining residents' ask that any permission should be conditional upon allowing free access and connection to services from this development, like any land deal, this will be a matter for negotiation between adjoining land owners. The applicants have indicated that they would not be happy to accept such a condition.

Affordable Housing

Under Policy 20 the threshold is 25 dwellings or 0.5 hectares. Following PPS3, this was updated to a minimum threshold of 15 dwellings. The proposal, at 13 dwellings, falls under the threshold and therefore would not require affordable housing as part of the mix.

Policy CS19 on affordable housing proposes new site size thresholds for affordable housing in Hemel Hempstead of 0.3 ha or 10 dwellings. However, the new thresholds are not being applied at present.

Impact on Trees and Landscaping

The landscaping of the site will form part of the reserved matters. For detailed discussion on this, Members are referred to the previous report which is annexed to this wherein it was considered that the site offers an excellent opportunity for a high level of planting and, in accordance with the Trees and Woodlands Officer's advice there would be no adverse impact on trees.

There has been no material change in circumstances since the previous application / appeal that would affect this conclusion. Again, the appeal Inspector did not raise any issues in respect of the impact on trees and landscaping.

The proposals are therefore considered to be acceptable in landscape terms.

Impact on Neighbours

The impact on residential amenities is a material consideration. However, there has been no material change in circumstances since the previous application / appeal that change the conclusion reached that the proposal would cause no material harm to residential amenities. Members are therefore referred to the previous report annexed to this for detailed discussion.

Again, it should be noted that the appeal Inspector did not raise any issues in respect of the impact on residential amenities.

Crime Prevention and Safer Places

This is a material planning consideration, although no details have been provided with the application. The applicants have nevertheless orally advised the case officer that the development would be done to Secured by Design standards and further details have been promised. That notwithstanding, the perimeter block layout would comply with recognised good practice urban design in terms of limiting opportunities for crime by ensuring public areas are well overlooked and private areas are secure and not easily breached by following the principle of public fronts and private backs. No comments have been received from the Police Crime Prevention Officer on this application although previously he had requested that crime prevention measures be addressed. Further details have been requested and an update will be provided at the meeting.

Detailed consideration of crime prevention and lighting may need to form part of the reserved matters to the current application.

Sustainability

The proposed development is re-developing an existing site and making more efficient use of land for housing in a sustainable location. C-Plan sustainability and energy statements have not been submitted, although previously the Design and Access Statement indicated that the proposal would meet Level 3 of the Code for Sustainable Homes which is implicitly sustainable. The applicant has confirmed orally that the development would meet the full code standard, not just the energy side. The applicant has been requested to provide a sustainability statement to support this application and subject to its satisfactory receipt, compliance with this should be conditioned together with a requirement that details of energy and water conservation be approved as part of the reserved matters given that no specific information has been provided. The developer should also be required to certify compliance as a condition.

Whilst accepting that the introduction of under-road heating is not sustainable per se, this should be considered in the context of its use on a limited number of days in any one year, and balanced against the safety improvements that enable the land to be developed for much

needed housing in a sustainable urban location that would otherwise have to take place in the countryside thereby encouraging more car journeys.

Impact on ecology and wildlife

It is noted that several concerns have been expressed covering other considerations, such as the impact on the local ecology. The Hertfordshire Biological Records Centre has noted that it has evidence of bats in this area of Hemel Hempstead.

An internal and external bat inspection of the property was conducted on the 28th of June 2011 by Skilled Ecology Consultancy Ltd. No signs or evidence of bats was observed and internal access for bats into the loft space was not possible.

Precautionary measures are recommended such as:

- Hand removal of the tiles;
- Demolition and tree removal (if necessary) outside of the most important times of year for bats (summer and winter);
- External lighting reduction (as far as safely possible) for the new development to minimise disturbance to locally foraging bats;
- If at any stage during works, bats or evidence of bats (droppings) are observed, works on the site should stop and an ecologist called for advice.

Based on the bat survey results, there is no need for further testing against the 3 derogation tests in the Habitats Directive.

It is recommended that demolition be undertaken consistent with the recommendations as outlined within Section 4.3 of the bat report.

The site is located adjacent to a Local Wildlife Site, Gravel Hill Spring Wood, and a number of residents have mentioned the possible impact on badgers, slow worms and other fauna and flora protected under the Wildlife and Countryside Act 1981. However, the proposals will not directly impact on the LWS and there is no evidence of badger setts or slow worms actually inhabiting the site.

The ecological groups have commented on the application, but have not specifically requested any surveys be carried out, although a number of conditions / informatives are recommended.

Herts Biological Records Centre advised on the previous application that if badgers are actually on the site, a consultant may be required to advise but if they are simply using the area for foraging then precautions re on-site works may be required. In any event badgers are not EPS so any surveys can be done after determination by condition. Otherwise an informative that reminds the applicants that badgers may be in the area, are protected and precautions may be required to avoid disturbance or harm would be advisable.

Appropriate conditions and informatives are recommended to cover the above, including a survey of the site for badgers/slow worms.

Section 106

A number of discussions have taken place with the applicants on financial contributions and the following sums have been agreed although a unilateral undertaking has yet to be signed. It should be noted that as this is an outline application and the size and number of dwellings could change, SPD and Toolkit contributions should be expressed in terms of the calculations in the relevant documents:

- Financial contribution of £5,239 towards Hemel 2020 project - Marlowes pedestrianised area.
- Financial contributions towards open space, allotments, natural green space, outdoor sports pitches, cycle networks in accordance with the DBC adopted Planning Obligations SPD April 2011.
- Financial contributions towards primary education, secondary education, nursery education, childcare services, youth services and library services in accordance with Table 2 of the "Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) January 2008 "
- Provision of fire hydrants.
- Sustainable transport contribution in accordance with HCC Toolkit.
- S106 monitoring contribution based on 6% of total contributions.

Other Material Planning Considerations

The Footpaths Officer has advised that Hemel Hempstead Footpath 24 which runs along the northern boundary of the site appears to lie within the application site according to the definitive map. He therefore advises that a footpath diversion order will be required. In practical terms, the actual footpath used will not change. An informative is recommended should planning permission be granted.

The matter of access to the footpath and dumping of garden waste could be controlled by appropriate means of enclosure as part of the reserved matters/landscaping details.

Conclusions

The principle of residential development and the overall layout of the proposal is considered acceptable. The previous appeal was dismissed by the Inspector exclusively for 4 junction related grounds which have been specifically addressed in this latest application. These relate to:

- No objections to a condition to establish the details and objectives of a management company
- The provision of a 10 metre transition curve on the access road
- The submission of a Stage 1 and 2 MFS road safety audits for the junction and approach roads, and incorporation of the recommendations
- An increase in the number and output of heating elements up to the edge of the public highway

There were no other grounds for dismissal. Hertfordshire Highways raise no objection given that the appeal Inspector appears to accept the principle of under-road heating as a solution to the severe gradient of the access road, and given the further significant safety improvements incorporated both on and off-site to mitigate the impact of a junction at this point. The lack of a formal highway objection is a material consideration that, on balance, given the acceptability of layout and other material considerations in this case, and the fact that the only reason for refusal last time was on highway safety grounds, leads to the conclusion that permission for the development should not be withheld on this site.

RECOMMENDATIONS

1. That the application be **DELEGATED** to the Group Manager Development Management with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and the conditions set out below.
2. That the following Heads of Terms for the planning obligation be agreed:

- Financial contribution of £5,239 towards Hemel 2020 project - Marlowes pedestrianised area.
- Financial contributions towards open space, allotments, natural green space, outdoor sports pitches, cycle networks in accordance with the DBC adopted Planning Obligations SPD April 2011.
- Financial contributions towards primary education, secondary education, nursery education, childcare services, youth services and library services in accordance with Table 2 of the "Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) January 2008"
- Provision of fire hydrants.
- Financial contribution towards sustainable transport in accordance with "Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) January 2008"
- S106 monitoring contribution based on 6% of total contributions.

3. Subject to the following conditions:

- 1 **Approval of the details of the appearance and scale of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 2 **Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 3 **The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.**

Reason: To prevent the accumulation of planning permission; to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

- 4 **No development shall take place until samples of the materials proposed to be used on the external walls and roofs of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy 11 of the Dacorum Borough Local Plan 1991-2011..

- 5 **The details to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include:**

- **hard surfacing materials, which shall include the footpath and carriageway;**
- **means of enclosure, which shall include enclosure to prevent private**

access to Hemel Hempstead Footpath 24 from the site;

- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (to include structurally diverse habitat and local species of provenance), noting species, plant sizes and proposed numbers/densities where appropriate;
- measures for biodiversity enhancement;
- programme of management for the soft planting;
- proposed finished levels or contours;
- secure cycle storage facilities;
- back-up generator;
- pedestrian handrail;
- minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines) including heating strips, indicating lines, manholes, supports etc;

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies 11 and 100 of the Dacorum Borough Local Plan 1991-2011.

- 6 **The trees shown for retention on the approved Drawing Nos. SRH/01E shall be protected during the whole period of site demolition, excavation and construction in accordance with the details included in the Tree Survey, Arboricultural Implications Assessment and Arboricultural Method Statement prepared by Patrick Stileman Ltd and shown on the associated Tree Protection Plan at Appendix 2.**

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with Policy 99 of the Dacorum Borough Local Plan 1991-2011.

- 7 **No vehicles associated with the demolition of 89 Sunnyhill Road or the construction of the development (including infrastructure works or provision of foundations) shall be allowed to access the site unless and until the three dimensional cellular confinement system used in the no dig part of the access road as shown on the Tree Protection Plan and referred to in the Arboricultural Method Statement at Appendix 2 of the Tree Survey, Arboricultural Implications Assessment and Arboricultural Method Statement prepared by Patrick Stileman Ltd shall have been installed.**

Reason: To ensure the appropriate protection of important trees and a satisfactory appearance to the development in accordance with Policies 11 and 99 of the Dacorum Borough Local Plan 1991-2011.

- 8 **No development shall take place until details of the proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings shall have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved levels.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policy 11 of the Dacorum Borough Local Plan 1991-2011.

- 9 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- **a survey of the extent, scale and nature of contamination;**
- **an assessment of the potential risks to:**
 - **human health,**
 - **property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
 - **adjoining land,**
 - **groundwaters and surface waters,**
 - **ecological systems,**
 - **archaeological sites and ancient monuments;**
- **an appraisal of remedial options, and proposal of the preferred option(s).**

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The

scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

- 10 **The development shall be designed to meet level 3 of the Code for Sustainable Homes, unless alternative arrangements acceptable to the local planning authority are agreed at reserved matters stage, and notwithstanding any details submitted, no development shall take place until plans and details of the measures for energy efficiency and conservation, sustainable drainage and water conservation, and of sustainable materials sourcing shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details approved and no dwelling shall be occupied until a final Code Certificate has been issued and provided to the local planning authority certifying that Level 3 has been achieved under the Code for Sustainable Homes.**

Reason: To ensure the sustainable development of the site in accordance with Policy 1 of the Dacorum Borough Local Plan 1991 - 2011 and adopted

Supplementary Planning Guidance.

- 11 **The development shall be designed to meet *Secured by Design* standards and no development shall take place until details of the physical measures to design out crime shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To design out crime in the interests of ensuring a secure residential environment and a sustainable development in accordance with Policy 11 of the Dacorum Borough Local Plan 1991-2011.

- 12 **Before the development hereby permitted is commenced, details shall be submitted to and approved in writing by the local planning authority of the measures to be taken in the design, construction, operation and decommissioning of the development to: minimise the amount of waste generated; to re-use or recycle suitable waste materials generated; to minimise the pollution potential of unavoidable waste, including appropriate remediation measures for any contaminated land; to treat and dispose of the remaining waste in an environmentally acceptable manner; and to utilise secondary aggregates and construction and other materials with a recycled content. The measures shall be implemented in accordance with the approved details.**

Reason: To accord with the waste planning policies of the area in accordance with Policy 129 of the Dacorum Borough Local Plan 1991-2011.

- 13 **No development shall take place until the off-site highway works identified in the approved Development Access Design Report by Abington Consulting Engineers and shown on Drg. No. 12002/101B shall have been completed.**

Reason: To ensure the adequate and satisfactory provision of a safe access and approaches to the access in accordance with Policies 11, 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 14 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking and circulation together with the access road shown on Drawing Nos. SRH/01E, 12002/101B and the details of electric under carriageway heating identified in the report from Strada Associates Ltd (within Appendix 4 of the Development Access Design Report by Abington Consulting Engineers) shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of a safe access and off-street vehicle parking facilities in accordance with Policies 11, 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 15 **The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include details of:**

- a) **Construction vehicle numbers, type, routing;**
- b) **Traffic management requirements;**
- c) **Construction and storage compounds (including areas designated for car parking);**

- d) **Siting and details of wheel washing facilities;**
- e) **Cleaning of site entrances, site tracks and the adjacent public highway;**
- f) **Timing of construction activities to avoid school pick up/drop off times;**
- g) **The management of crossings of the public highway and other public rights of way;**
- h) **Post construction restoration/reinstatement of the working areas and temporary access to the public highway.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

- 16 **Before the new access hereby permitted is first brought into use any existing access / crossover not incorporated into the development hereby permitted shall be stopped and closed by removing the vehicle access / crossover, raising the kerb and reinstating the footway surface to the same line, level and detail as the adjoining footway verge and highway boundary**

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.

- 17 **No part of the development shall be occupied until details of a management company (to oversee the management and running of the communal parts of the development, including the undercarriageway and footway heating) together with a full list of its objectives, shall have been submitted to and approved in writing by the local planning authority. The company shall be permanently retained to manage the estate unless otherwise agreed in writing by the local planning authority under this condition.**

Reason: To ensure appropriate means are in place for the long term maintenance of the communal areas and facilities in accordance with Policies 11, 51, 54 and 100 of the Dacorum Borough Local Plan 1991-2011.

- 18 **No development shall take place until details of a survey of the site for the presence of badgers/slow worms or their foraging area shall have been carried out and the results of the survey, together with any recommendations for protection of their habitat or mitigation of the impact of the development shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the details as approved.**

Reason: To ensure the protection of badgers/slow worms and their habitats in accordance with Policy 102 of the Dacorum Borough Local Plan 1991-2011.

- 19 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) no external lighting shall be installed on the site or affixed to any buildings on the site without the prior written approval of the local planning authority:**

Reason: To enable the local planning authority to retain control over the development in the interests of limiting the impact of light pollution on nature conservation and the adjoining Local Wildlife Site in accordance with Policy 102 of the Dacorum Borough Local Plan 1991-2011 and NPPF guidance.

20 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

**SRH/01E
SRH/102C
12002/101B
C0710**

Reason: For the avoidance of doubt and in the interests of proper planning.

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The site is located within the urban area of Hemel Hempstead wherein, under Policies 2 and 9 of the Local Plan, residential development is acceptable in principle subject to complying with relevant policy criteria. The means of access and the overall layout of the proposal is considered acceptable. The road layout would enable potential development of neighbouring gardens therefore complying with Policy 10 of the Borough Plan. Whilst the access gradient does not comply with the normal standards for adoptable roads, given that the road is not to be adopted, that the appeal Inspector appears to accept the principle of under-road heating as a solution to the severe gradient of the access road and given the significant safety improvements on the junction and surrounding roads incorporated to mitigate the impact of excess gradient, Hertfordshire Highways has recommended that it does not wish to object to the grant of planning permission in this case. The amenity of adjoining neighbours would not be adversely affected. Car parking, landscaping and private amenity space within the site is adequate. There would be no material impact on ecology and the proposal would comply with sustainable development principles. The proposals therefore accord with Policies 1 and 11 of the Borough Plan.

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

Policies 1, 9, 10, 11, 13, 51, 54, 58, 61, 62, 63, 99, 100, 102, 111, 113, 122, 124, 129

Appendices 1, 3, 5, 6, 8

Emerging Core Strategy

Policies CS1, 4, 5, 7, 8, 9, 10, 11, 12, 13, 19, 25, 26, 27, 28, 29, 30, 31

Supplementary Planning Guidance

Environmental Guidelines

Residential Character Area HCA9: Hammerfield North

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Advice Note on Achieving Sustainable Development through Sustainability Statements

INFORMATIVES:

Bats

The applicant is advised that, in accordance with the bat survey carried out by Skilled Ecology Consultancy Ltd, precautionary measures are recommended such as:

- Hand removal of the tiles;
- Demolition and tree removal (if necessary) outside of the most important times of year for bats. No work affecting the roof area is to take place between 1st of May and 31st August, when bats are breeding, and early November to late March, when bats are hibernating. Any works taking place outside of this recommended period must be carried out in the presence of a bat ecologist;
- External lighting reduction (as far as safely possible) for the new development to minimise disturbance to locally foraging bats;
- If at any stage during works, bats or evidence of bats (droppings) are observed, works on the site should stop and an ecologist called for advice.

European Protected Species Licence

The applicant is advised that should the presence of bats within trees or buildings on the development site become apparent, Natural England will need to be consulted and a European Protected Species licence obtained prior to any re/commencement of work. The licence application will need to include a *Method Statement* with the *results of the surveys*, a *Mitigation Strategy and Works Schedule* stating how it is proposed to accommodate each species of bat within the development.

All bats and their roosts are legally protected by the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. If bats are present it is illegal to intentionally or recklessly kill, injure or take any individuals or to deliberately capture or disturb individuals. It is an offence to intentionally or recklessly damage or destroy a roost, to obstruct a roost, and to disturb an individual whilst occupying the roost.

Ways to achieve biodiversity gain

- Features identified in ecological surveys as of particular value for wildlife, such as mature tree lines, hedgerows or ponds, should be retained, protected and enhanced where possible;
- Opportunities for wildlife can be integrated into new buildings, through the installation of bird and bat boxes or bat lofts, or the creation of high quality green roofs;
- Landscaping can be designed to benefit wildlife, through creating structural and habitat diversity and use of native, wildlife-friendly plant species. Including fruit, seed and nut bearing species and nectar source plants will help attract insects and birds. Creation of ponds, dead wood habitats and loggeries provides further habitat diversity, enhancing the potential to support amphibians, invertebrates and small mammals.
- Retained, enhanced and newly created habitats and habitat features should

be appropriately managed in the long term so as to maintain and improve their ecological value. Habitat management plans should be used where required.

- Sustainable Drainage Systems (SuDS) should be considered as part of the new development. The sustainable drainage scheme should be designed, wherever practicable, to encourage wildlife and contribute to biodiversity enhancement.

Drainage

Thames Water advise that there are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval must be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings.

Surface Water Drainage - 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 Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Contamination

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

Details of design

The applicant is advised that the details to be submitted in accordance with condition 1 should include details of the design, appearance and materials for all windows and doors (including typical vertical cross sections through the openings at a scale 1:20), eaves, fascias and bargeboards.

**5.3 4/01211/12/MFA - REDEVELOPMENT AND ALTERATIONS TO PROVIDE MIXED RETAIL DEVELOPMENT WITH ASSOCIATED CAR PARKING, SERVICING, LANDSCAPING AND OTHER ASSOCIATED WORKS
BERKHAMSTED DELIVERY OFFICE, 300 HIGH STREET, BERKHAMSTED, HP4 1ZZ
APPLICANT: METRIC PROPERTY BERKHAMSTED LTD - MR N HEATH**

[Case Officer - Richard Butler]

[Grid Ref - **SP 98837 08045**]

Summary

The application is recommended for approval. The application site is a prominent town centre location, representing an important gateway site into Berkhamsted and the conservation area therein. The proposed change of use is compliant with the adopted local plan policies 9, 38, 40 and emerging Core Strategy Policies CS4 and CS16. The impact on the Berkhamsted Conservation Area is considered to be positive, with the development enhancing the appearance of the existing building and providing an improved form of development to the rear of the site, according with Policy 120 of the saved Local Plan and CS27 of the emerging Core Strategy.

The development preserves and enhances the amenity offered by the preserved trees to the south and west corner of the site, through the management of the trees.

Site Description

The application site is the former Royal Mail delivery office and the delivery vehicle garage situated at the western end of the High Street on the north side of the highway. To front of the site is a wide pedestrian foot way (outside of the application boundary) which serves pedestrian access to the site. Vehicle access is from the west boundary, off of St. John's Well Lane. The site is 'L-shaped' with the BT telephone exchange occupying the area to the north west. To the north of the site is the public car-park which then joins with the Waitrose site (further east), and the Grand Union Canal and River Bulbourne further to the north. The east of the site is the A3 use of Cafe Rouge, a listed building onto the High Street, the rear of this unit is the Penny Farthing hotel.

The existing built development on site comprise the main Royal Mail office which has a two storey building set back from the neighbouring building (Cafe Rouge), the building is gable end and constructed in red brick with slate tile roof. The area to the front of the building is paved with large slabs with a mix of street furniture and utilities. At the western extent of the site the building steps down to a single storey flat roof element and the corner of the site is open grass, bordered to the south and west by significant mature trees which are protected by a Tree Preservation Order.

To the rear of the frontage building the site is made up of a north light building projecting back along the east boundary into the site to the north boundary. The remainder of the site to the west of the northern extent is hard surfaced parking area.

Proposal

The application seeks permission for the change of use of the delivery office to a Marks & Spencer 'Simply Food' store comprising 1,786 sq m gross floor space with a sales area of 1,079 sq m including a small cafe; two other small shop or cafe units totalling 497 sq m gross floor space and a parking area (with 21 standard car parking spaces, one accessible space, bike racks and a trolley bay) together with access and servicing areas.

The development involves the retention of the High Street frontage building (with some alterations to the frontage) and the demolition of the rear range of buildings and replacement with a two storey extension from the main gabled building. An extension to the west elevation

is also proposed which shall provide the smaller shop/cafe uses.

The rear extension provides two pitched roof elements of differing heights, the smaller section is positioned to the east side (2m from boundary) with the taller element positioned centrally within the site.

The side extensions are single storey and step down with regard to scale and bulk appearance as the building extends towards the west boundary, the end building is to be built with a light weight structure to avoid disruption to the roots of the retained trees; the several mature trees will all be retained as part of an enhanced soft landscaped area around one of the restaurants.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

Planning History

- 4/02126/11/PRE Redevelopment to provide mixed retail and commercial development with off street parking and servicing and enhanced landscaping
Principle acceptable subject to further detail
22/01/2012
- 4/00528/08/TCA Works to trees
Raise no objection
28/03/2008
- 4/00339/04/TCA Works to trees
Raise no objection
25/03/2004
- 4/01986/97/4 Works to trees
Raise no objection
12/02/1998
- 4/01284/92/4 Submission details of materials pursuant to cond 2 of p/p 4/1657/91 (ext & int alts, re-roofing & car parking
Granted
03/11/1992
- 4/01657/91/4 External and internal alterations re roofing and additional car parking
Granted
25/03/1992

Constraints

Town Centre
Conservation Area
Area of Archaeological Importance
Flood Zone 2 & 3
Tree Preservation Orders
Former Land Use

Policies

National Policy Guidance

National Planning Policy Framework

Dacorum Borough Local Plan

Policies 1, 2, 9, 10, 11, 13, 34, 38, 39, 40, 41, 51, 58, 99, 107, 118, 119, 120
Appendices 1, and 5.

Supplementary Planning Guidance

Environmental Guidelines

Residential Character Area [BCA 3:Bank Mill]

Conservation Area Character Appraisal for [Berkhamsted / Hemel Hempstead / Potten End]

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Advice Note on Achieving Sustainable Development through Sustainability Statements

Accessibility Zones for the Application of Parking Standards

Chilterns Buildings Design Guide

Landscape Character Assessment

Core Strategy - Submission Document

CS1, CS4, CS10, CS11, CS12, CS13, CS14, CS16, CS27

Representations

Berkhamsted Town Council

Object.

The proposal would be detrimental to the Conservation Area by virtue of the height, scale mass, bulk of, the rear extension to the former sorting office, which is excessive in relation to adjoining properties and the longer view, contrary to Local Plan Policy 11 and 120.

The proposed rear extension proposed building materials would have a detrimental impact on the setting of the adjoining listed building, contrary to Local Plan Policy 119.

The proposal makes inadequate provision for customer parking and places an overdue reliance on already inadequate public parking provision to meet employee parking requirements.

The Plan will create a conflict between the needs of customer and service vehicles to the rear of the building, contrary to Local Plan Policy 11.

The Plane trees which have Tree Preservation Orders on them make a significant contribution to the Conservation Area, as does the green space currently owned by the Highways Agency, and are not included in the current plans. We would request an assurance that all the trees are retained and adequately maintained to ensure their future health; and that the land currently, owned by the Highways agency is retained as green space, not be built upon, and included in any future development proposals.

Spatial Planning

Please see the comments from Strategic Planning and Regeneration dated 19 December 2011 on the pre-application scheme, 4/02126/11/PRE. Since the pre-application stage, the following significant changes to the planning policy context have taken place:

- The publication of the final version of the National Planning Policy Framework (NPPF) and the cancelling of most previous Government guidance, including PPS6 on retail development.
- The submission of the Core Strategy for public examination. However, Policy CS16 on shops and commerce is unchanged from the Pre-submission version (which was published shortly before the Policy comments on the pre-application scheme were produced).
- A draft Berkhamsted Conservation Area Character Appraisal and Management Proposals (2012) has been produced by the Hertfordshire Buildings Preservation Trust. The draft document is due for publication shortly.

Paragraph 2 of the Policy comments on the pre-application scheme supported the principle of a mixed use scheme and appropriate retail development. Paragraph 3 stated that:

“When considering the appropriateness of the retail aspect of the scheme, the key things to consider are its location, scale and impact (Local Plan Policy 40 and Core Strategy Policy CS16). The store is within the town centre but outside of the main/mixed shopping frontage. We consider that it could be complementary to the core shopping areas provided it is well connected to it. The Core Strategy states that opportunities will be given over the plan period (2006 to 2031) to provide 1,000 square metres of convenience floor space in Berkhamsted if there is demand. The unit proposed is 1,200 square metres. Whilst this single proposal exceeds the total convenience floorspace figure stated in the Core Strategy, we do not think that the scale proposed is unreasonable. What is more important is the likely impact of the store.”

The comments on the pre-application scheme concluded with a number of bullet points, which set out concerns/suggestions regarding the likely impact of the proposed store.

Section 6 of Montagu Evans’s ‘Planning, Retail and Heritage Statement’ accompanying the current application provides a ‘Retail Assessment’. We accept most of the points made in the retail assessment, but not paragraph 6.9 which contends that the requirement in Policy CS16 for new retail development to be assessed in terms of its location, scale and impact is not consistent with the NPPF.

As at the pre-application stage, we regard the scale of the proposed retail development as acceptable. The current application proposes that Unit 1(intended for occupation by Marks and Spencer) will have a net floorspace of 1,097 sq metres. This unit is expected to include a customer cafe of 233 sq metres, so the likely net convenience floorspace is 864 sq metres, which is significantly lower than the 1,200 sq metres proposed in 4/02126/11/PRE.

Our previous comments identified a need for an impact assessment, to address the impact of the development on the vitality and viability of Berkhamsted Town Centre and on the Water Lane scheme (Shopping Proposal Site S1 in the Local Plan). However, such an assessment has not been carried out. Nevertheless, taking account of the scale and nature of the proposed development and the points made in section 6 of the Montagu Evans report, we do not think the proposal will have a detrimental impact on the vitality and viability of the town centre. Indeed, it may well boost vitality and viability, particularly in the western part of the High Street. The proposed development further reduces the prospects for development on

site S1. However, even without the Delivery Office proposals, S1 is unlikely to come forward in the near term. Given the above, we do not see the lack of an impact assessment as a potential reason for refusal.

We agree with paragraph 6.38 in the Montagu Evans report that there is no need for a planning condition to control the convenience / comparison floorspace. Waitrose is the major foodstore in the town, so it was appropriate to limit the proportion of floor space that could be used for comparison goods. However, use of the proposed Marks and Spencer store for comparison goods sales in the future would not cause serious harm to the vitality and viability of the town centre, particularly given the assessed need for a substantial increase in comparison goods floor space (see Policy CS16). Nevertheless, we are concerned that the application seeks full flexibility to use the proposed development for A1, A2 A3 and A4 use (see paragraph 4.2 in the Montagu Evans report). Given the assessed need for additional retail development in the town centre and the limited opportunities for such development, we would not like to see Unit 1 being used mainly or entirely for non-A1 purposes. We therefore favour a condition to control change of use to A2, A3 and A4.

The proposed car parking provision is only marginally higher than at the pre-application stage and is below the level required to comply with the parking standards in the Local Plan (bearing in mind the location within Accessibility Zone 2, where we require 25-50% of the standards). Whilst a higher level of parking would be preferred, we do not see the proposed provision as grounds for refusal. This conclusion reflects the site's central location, its proximity to public car parks and opportunities for linked trips.

The draft Berkhamsted Conservation Area Character Appraisal and Management Proposals document includes 300 High Street (Royal Mail offices and the neighbouring telephone exchange on St John's Way) on a list of buildings/sites which have a negative impact on the character and appearance of the conservation area as a whole. Also, Appendix 6 in the draft Character Appraisal provides important 'Design Guidance' for new development in Berkhamsted Conservation Area.

Conclusion: We support this proposal, which is likely to increase the vitality and viability of the town centre and (if the design is acceptable) enhance the conservation area. We suggest that a condition is imposed to control the change of use of Unit 1 to A2, A3 and A4 use.

Conservation and Design

I have considered this application in detail and remain of the view that the proposed rear extensions to the former Royal Mail Sorting Office would for reasons of height, scale and massing:

- Be detrimental to the character of Berkhamsted Conservation Area;
- Be detrimental to the adjacent listed building;
- Have an adverse impact on longer distance views
- Not make a positive contribution to local character or local distinctiveness.

For the above reasons I consider that the proposal is contrary to Paragraphs 56, 58, 131, 132 of the NPPF, Policies 11 and 120 of the adopted Dacorum Local Plan, and Policies CS12 and CS 27 of the pre-submission Local Planning Framework Core Strategy.

Update 28/08/2012:

I have re-considered this amended application in detail and whilst it is an improvement on the initial scheme I remain of the view that the proposed rear extensions to the former Royal Mail Sorting Office would for reasons of height, scale and massing:

- Be detrimental to the character of Berkhamsted Conservation Area;

- Be detrimental to the adjacent listed building;
- Have an adverse impact on longer distance views
- Not make a positive contribution to local character or local distinctiveness.

The former Royal Mail site/building is considered to have a negative impact upon the character and appearance of Berkhamsted Conservation Area (highlighted in the draft Berkhamsted Conservation Area Character Appraisal Statement). The building is unduly horizontal in form and has little visual interest; it occupies a prominent location in the conservation area and is an important gateway into the town centre. The site/building is also adjacent to Cafe Rouge a Grade II listed building; the Penny Farthing Hotel is physically linked to Cafe Rouge and therefore is also considered listed through attachment.

The existing former Royal Mail building fronting on to High Street is 10m in height to its ridge in comparison to Cafe Rouge which whilst two storey is a minimal 6.5m to ridge. There are two pitched rear extensions proposed to the Royal Mail building. The lower in height of the two large extensions measures 8.5m to ridge (increasing to 9.2m) and the taller extension measures 10.8m to ridge (increasing to 13m). The scale and bulk of the proposed extensions would in my view dominate the listed building and small scale buildings in the locality. Whilst I note that there are other boxy buildings in the locality and in the conservation area, building heights at the rear of High Street are largely of domestic in scale unlike the bulky commercial scale extensions proposed.

During discussions with the developers team finding a subservient form for the proposed extensions to the Royal Mail building has always been an issue. This has largely been hindered by the proposed occupiers desire to have an unbroken internal floor slab running from the front to the rear of the building. From a commercial perspective (which is not a conservation concern), I understand their preferred trading requirements however a break in the floor slab could provide a change in levels and provide a reduction in height of the proposed extensions.

I do however note that the first floor of the existing building and larger of the two extensions is proposed as "Back Up Space". I understand from discussions that staff accommodation is proposed within the existing building and storage within the proposed extension. The floor to ceiling height of the first floor of the existing building is 2.4m, in comparison to floor to ceiling height at the first floor of the proposed extension of 3.2m. In addition the proposed extension has an open unusable void in the space above the ceiling. Given that the rear extension is proposed for storage I can see no reason why there cannot be more flexibility in lowering the proposed floor to ceiling height in the extension, perhaps having storage within the eaves and opening up the roof void to maximise usable space.

Either breaking the floor slab level or reducing floor to ceiling height of the proposed storage area would in my view have the big advantage of reducing the overall height of the extension and making this element less dominant in its setting. The key to obtaining a successful scheme at the rear of the existing building is in my view subservience to the existing form.

For the above reasons I consider that the proposal is contrary to Paragraphs 56, 58, 131, 132 of the NPPF, Policies 11 and 120 of the adopted Dacorum Local Plan, and Policies CS12 and CS 27 of the pre-submission Local Planning Framework Core Strategy.

Historic Environment Advisor, Herts County Council

Please note that the following advice is based on the policies contained in National Planning Policy Framework (NPPF), and the PPS 5 Practice Guide which DCLG have formally confirmed is still active.

Having read the Archaeological Site Impact Assessment submitted in support of the

application, I believe that the evidence of this document alone is insufficient to adequately assess the likely impact of the proposed development on the archaeological interest of the site. I understand that the archaeological monitoring of geo-technical test-pits is planned. However, to date, I have not received details or results of this exercise.

The site of the proposed development is situated within Area of Archaeological Significance No.21. This notes that the area contains a number of important prehistoric, Roman and mediaeval sites, including the mediaeval town. The Hertfordshire Historic Environment Record (HER) records several important heritage assets in the area of the proposed development. These include:

- the site of St John the Baptist hospital for lepers (MHT4142),
- the site of St John's Well (MHT4143), a spring associated with the hospital, which may have had a pre-Christian ritual significance, given the reference to the Bishop of Lincoln having come to St James's in the late 12th century, in order to prevent the worshipping of nymphs and spirits in the well.
- the probable site of the parish church of St James (MHT9181), and graveyard (MHT9182). St James' may have been the parish church of Berkhamsted Borough before the construction of St Peter's church (MHT9092) in the 13th century. The church is believed to have become the chapel for the hospital.

In addition, archaeological investigations undertaken in the vicinity of the development site have identified significant evidence for medieval occupation, including rare and archaeologically valuable water logged deposits (MHT17541). Some medieval deposits have been identified at depth, suggesting the possibility for the survival of deposits below the current buildings on the site. Notably, excavations undertaken recently in connection with a development at 8 Manor Street, identified very significant archaeological features (MHT16203, MHT17443), which had survived beneath a modern office block and tarmac car-park.

Given the potential importance of the above sites in expanding our understanding of the medieval and earlier periods in Berkhamsted, the archaeological interest of the proposed development site can be regarded as high. I recommend, therefore, that an archaeological field evaluation is undertaken to establish the significance of the heritage assets likely to be affected by the proposed development. This work should be completed before determination of the planning application, as the findings of these investigations may impact on the extent and/or design of the development.

Based on the results of the field evaluation, further archaeological works may be required by condition to mitigate the impact of the development. These may include:

- a) the preservation of any remains *in situ*, if warranted,
- b) appropriate archaeological excavation of any remains before any development commences on the site,
- c) archaeological monitoring of the groundworks of the development,
- d) such other provisions as may be necessary to protect the archaeological interests of the site.

Thames Water

Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in

consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed”.

Hertfordshire Highways

Ok with this scheme. Initial concerns were over the potential increase in vehicular trips the food store element may generate to a busy town centre like Berkhamsted. Having looked at the TA the trips this proposal would generate is reasonable. Agree with the TA's findings that customers have a choice in Berkhamsted and would not do their weekly shopping at a simply food store. They are not trying to tap into the large family/ weekly grocery shop market but to offer choice to the other food stores in Berkhamsted. It follows that vehicular congestion should not be a major concern as they seem to be steering towards local foot fold based customers that are already shopping in Berkhamsted. The parking allocation is small but again this is a 'pop in and out' arrangement and of course there is the pay and display car park behind the store should it be needed. It is important to remember the sites former use in comparison and the different class of motor vehicles that used the sorting office.

Trees and Woodlands

No comments received.

Scientific Officer, Environmental Health

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. I recommend that the standard contamination condition be applied to this development should permission be granted.

Environment Agency

This site is in Flood Zone 1 and is under a hectare. Therefore cell F5 of the consultation matrix applies and you did not need to consult us. The main flood risk issue at this site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere. We recommend the surface water management good practice advice in cell F5 is used to ensure sustainable surface water management is achieved as part of the development.

Comments received from local residents /businesses:

Glanville Consultants (on behalf of Waitrose Limited)

Objections raised on the following grounds:

Traffic Impact - The traffic impact section of the TA relies heavily upon the assumption that additional food retail floor space in the town will not give rise to many new trips. The trip generation rates for food retail are taken from TRICS and relate to retail floor area, and appear quite low. Permission is sought for a range of possible uses for Units 2 and 3; the TA assumes that one unit would be occupied as a restaurant and the other by a non-food retailer. Trip rates from TRICS for restaurant use have been applied to the total GFA for Units 2 and 3. Given that permission is sought for a range of uses, the traffic generation should be based on the worst case.

Therefore, the trip generation of the development could be significantly higher than suggested within the TA and the impact on the local highway network could be more severe.

No allowance appears to have been made for future traffic growth.

No capacity assessments have been carried out for the High Street / Lower Kings Road junction. The TA justifies this on the basis that the impact is small (1.2% increase overall). However, the TA estimates that increases on certain movements at this junction are as high as 4.5% and if the increases in traffic are higher than assumed then the impact would be greater. This junction is signal controlled and already suffers from congestion at peak times. Therefore, capacity assessments should be carried out on the basis of more robust traffic impact assumptions to demonstrate that the impact is acceptable.

The proposed scheme does not comply with Local Plan Policy 51.

Car Parking - The level of car parking proposed for M&S (20 spaces) is well below the maximum level permitted by Local Plan Policy 57 (see Table 5.1) and the Parking Standards SPD (July 2022) which requires between 25 and 53 spaces given the accessibility of the site. No parking is proposed for Units 2 and 3.

The TA seeks to justify that the level of provision is adequate based on assumed trip generation rates and proportion of linked trips. However, as stated above, these assumptions have not been supported by technical evidence and are not robust.

Therefore parking demand could be much higher than the TA suggests resulting in congestion within the car park with a knock-on effect back to the public highway. Any shortfall in provision against demand would have to be met either on-street or in local public car parks. The TA acknowledges that local off-street public car parks operate close to capacity at peak times. The TA also mentions that the lack of restrictions means that on-street parking is widespread. The TA also states that Dacorum Borough Council is in the process of preparing plans for the introduction of Controlled Parking Zones in the town centre to reduce inappropriate on-street parking. If approved, the CPZs would reduce the availability of on-street parking for public use and therefore increase demand for off-street public parking which would exacerbate existing capacity problems.

Servicing - Servicing for the M&S is from within the site but the car park is required for vehicles larger than a rigid lorry to manoeuvre. This means that deliveries would need to take place outside of the store's trading hours which gives rise to concerns for residential amenity. The swept path drawings for the servicing arrangements do not extend to the High Street / St John's Well Lane junction. This is a mini-roundabout and is quite constrained with a pedestrian refuge on the St John's Well Lane approach. The applicant should demonstrate that this junction can accommodate the turning of service vehicles. There is also a steep uphill gradient on the St John's Well Lane approach to High Street which HGVs would find difficult to negotiate and may cause increased delay and congestion. The TA states that deliveries to Units 2 and 3 are expected to be undertaken by 3.5t box or Transit type vans, although there is no guarantee that this will be the case. The TA does not explain whether these units will be serviced from High Street or from the rear, via the access road to M&S. Either way, the servicing of these units may be disruptive to traffic flow. On this basis, the proposal is in conflict with Local Plan Policy 51.

Resident of 6 New Manor Croft

Boost to the town. Worthy addition. Parking is an issue in Berkhamsted generally but I feel that people visiting M&S will be attending other stores as well hence minimal extra cars.

17 North Road, Berkhamsted

I write to object to the proposed application. Another major store with inadequate provision for parking for shoppers and, more particularly, staff would make matters even worse.

The developers should be encouraged to build a multi-storey car park which is what we badly need. Doubtless there would be room for some retail space as well.

17 North Road

Insufficient parking spaces, not only for people visiting M & S and the other proposed units, but also for the staff who work in these premises. Berkhamsted, as is well known by the planning department, already suffers from insufficient parking spaces. This site should have a multi storey car park on it, and then you can consider whether to introduce more business premises.

17 Boxwell Road

The proposal takes no consideration for or makes no mention of the possible impact to local side streets from additional visits.

The parking provision is inadequate and is likely to see additional pressure on local streets over weekdays and weekends.

328 High Street, Berkhamsted

Whilst we welcome Marks and Spencer coming to the town, there is great concern over the problem of parking in the town centre and related traffic congestion. Although it would be nice to be able to agree to the Transport Assessment's assertion that "there would not be an unacceptable impact on the local highway and transport network" I can see that in using the existing entrance, there will be long queues of traffic tailing back along the High Street.

Waitrose have two entrances into their car park of 200 spaces which is often packed to capacity and still causes queues in the St Johns Well Lane car park back up to the High Street. If Metric propose such limited parking facilities operated by a barrier system on site, how will vehicles be able to turn and exit the site when they find there are no parking places available?.

Metric states that "the traffic system in the car park to the north would make it very dangerous to form a new link (access)" but I believe this would be a much safer option in bringing cars away from the junction of the High Street and St Johns Well Lane.

What we need is a solution and/or assistance from Metric to alleviate the existing severity of parking problems in Berkhamsted both for shoppers and workers alike.

320 High Street

- 1) Existing mature tree cover must be maintained;
- 2) Adequate car parking must be provided on site;
- 3) Late alcohol drinking licences must not be granted to businesses and outside drinking must be limited at all times;
- 4) Height of buildings should be restricted to existing structure.

Considerations

Policy and Principle

The site is located within the town centre but outside of the main mixed shopping frontage. The proposed uses comprises a mix of retail uses, primarily a convenience food store, but also smaller cafe, restaurant or shops units.

Policy 9 of the Adopted Local Plan notes that in town centres:

- (i) a mix of uses, normally including housing and social and community uses, is sought.
- (ii) shopping (including financial and professional services and catering establishments) is encouraged.
- (iii) compatible leisure uses are encouraged.
- (iv) business use, including offices, is normally acceptable.
- (v) shopping and business development will be controlled, however, to enable a broad range of uses to be maintained or achieved.
- (vi) a high density of development, linked to the achievement of transport objectives, is generally supported.
- (vii) the mixed use of individual buildings is generally encouraged.”

The development accords with the above principles, and the retail uses are acceptable at the broad principle level. Similarly Policy CS4 supports the change of use of the existing site to retail uses due to the town centre location.

Policy 40 states the criteria to assess proposals for new retail uses:

"Development will not be permitted in town centres and local centres, unless it is of a scale which is compatible with:

- (a) the size and function of the centre; and
- (b) the centre's historic and or architectural character.

Development will not be considered compatible in scale if:

- (i) the height or massing of building, the area occupied by the use or the level of activity it generates would significantly exceed that associated with the surrounding pattern of buildings and uses;
- (ii) the resulting movement and parking demands cannot be accommodated without damage to the character of the surrounding area; or
- (iii) it fails to respect any special local character, particularly in Conservation Areas."

Core Strategy Policy 16 states, "*New retail development will be assessed in terms of its location, scale and impact*".

With regard to the proposed developments compatibility with the location, the scale of the proposed store has been confirmed by the Spatial Planning department to be acceptable. The Core Strategy identifies a need of 1,000sqm of additional convenience food retail floor space over the period until 2031. The application puts forward a net convenience retail floorspace of 864sqm; whilst this goes somewhat towards fully achieving the future requirement of such floorspace within the town, the impact of the development is not considered to cause a detriment to the vitality of this part of the town centre and is considered to have a positive impact in this regard.

Effects on appearance of building

The development includes the removal of the existing single storey side extension of the building and the more industrial vehicle store areas to the rear of the building. The loss of these elements does not detract from the building and removes elements of the existing structure which in fact detract from the appearance / character of the surrounding area.

The alterations to the front elevation, although subtle, provide a great improvement to the appearance of the building. The concrete pillars and elevational beams are accentuated providing a good horizontal emphasis across the building, while also creating a striking focal point to the main entrance of the building with the vertical delineation and double storey

glazing to the entrance. The full height glazing to the frontage of the building across the ground floor level provides an active frontage that shall positively enhance the appearance of the building.

The new extension to the west fronting onto the High Street are designed with an obvious step down in height and bulk as they approach the landscaped corner. This transition is considered to be a positive feature to the corner and moves away from the light industrial appearance of the existing building and creates an appearance which is more suitable for the retail use and town centre street scene.

To the rear, the proposed extension creates a significant change to the appearance of the building. At present the building does not address the northern boundary and has a boundary wall with open parking area beyond. The proposed development provides a rear projection of two pitched roof structures of differing heights. The lower (and longer) projection extends adjacent the east boundary. The higher element is central within the site and emphasises the functional layout of the development and the optimisation of the L-shaped site and provides a new entrance to the building at the northern extent, highlighted by full height glazing to the corner, demarking the entrance and providing visual interest to the building.

The extension is constructed with a light pallet of materials sympathetic to the area, including brick at low level, with painted render or boarding above. Metal cladding within the gable end provides a bold, yet simple appearance to the rear elevation.

A service bay is enclosed within the structure to minimise the visual impact of the necessary loading / delivery bay. This gives recognition to the need for the development to respect the surrounding area of the site.

The northern extent of the site shall provide a parking court with 21 parking spaces (1 with disabled access), the treatment of the hard surfaced area shall provide an improved appearance over the existing more industrial fore court. The rear boundary shall be replaced with a low level wall with railings above, and a ramped pedestrian access across this boundary providing access from the area to the north of the site into the site. This results in enhanced permeability of the site and this area of Berkhamsted, and create a more open appearance to the area.

The changes to the existing building through the alterations to the existing fabric at the front of the building and the replacement of previous extensions provides a much needed improvement to the appearance of the building and the site as a whole. These alterations are considered to be positive and meet Policy 11 with regard to being appropriate in terms of site coverage, and layout, of high quality materials and landscaping.

Impact on Street Scene / Conservation Area

The impact on the Berkhamsted High Street is considered to be positive. The alterations to the front elevation of the existing building are subtle but very effective, providing an active frontage to the street scene which improves the vibrancy of the street scene and compliments the conservation area character as this part of the High Street. The extensions to the western elevation also respect the conservation area character, providing a suitable terminus of the built development while enhancing the landscaped end to the street scene view.

Concern has been raised by the conservation department with regard to the height, scale and massing of the rear projections. Through the course of pre-application discussions and also the current application this has been the area of most debate and negotiation on the design of the scheme. The initial design put forward two gable ends of similar height (both of the scale of the current proposed larger element), which was considered to be too dominant with regard to long distance views from the north. As a solution to this issue the scheme was amended to

provide the stepped form and height of the building; this greatly improved the appearance of the scheme, offering interest to the building, as well as reducing the height, scale and massing of the building, particularly with regard to the neighbouring site of The Penny Farthing. This neighbouring building is relatively small scale when viewed across the rear pattern of development in the area, and the proposed building (close to the boundary) needed to respect the difference in scale between these sites. The setting down of the height of the building at this point was considered to provide an improved relationship between the neighbouring site and the proposed development. This was agreed with the conservation department.

However, following the submission of the application, the height of the central projection remained an area of concern, due to the height, scale and massing. An amendment to the application was submitted which provided a reduction in the height of this element by 1.6m, achieved through the lowering of the eaves line and reduction in pitch of the roof.

This amendment has improved the relationship between the existing (parent) building and the proposed rear projection. The proposed remains at a height of 0.8m above the height of the existing building, but is separated via a flat roof link building, giving a visual break and separation from the main building.

Concerns remain from the conservation department that the central (higher) projection is still too high, resulting in the development being detrimental to the character of the conservation area; detrimental to the adjacent listed building; would have an adverse impact on longer distance views; and would not make a positive contribution to local character or local distinctiveness.

These comments are surmised through the conclusion that "the key to obtaining a successful scheme at the rear of the existing building is in my view subservience to the existing form." A reduction in the height of the scheme to achieve a rear projection that is not higher than the existing building is noted as being a reasonable solution to this issue. The lower section of the rear projection has been confirmed as acceptable by the Conservation Officer.

These suggestions have been considered in detail and weighed against the potential impact on the proposed scheme, the potential impact to the surrounding area and the other benefits of the scheme.

The purpose of the suggested reduction in height of the higher rear projection would be to give a reduced height, scale and massing; the intention being to make the extended element of the building subordinate to the main building, particularly in long distance views of the scheme and with regard to the relationship with the adjacent listed buildings.

With regard to the High Street frontage, the rear projections, due to their set back from the building (via the flat roof link building) shall not be visible from street scene level. The rear roof scape may well be visible from views across the valley, as the land level increases in height to the south, however the proposed roof forms shall then be viewed within the context of the wider pattern of development and no detrimental impact could be identified.

When viewed from the public car park to the north, looking back at the rear elevation, the proposed rear extensions, due to the change in levels and scale of development shall always screen views of the existing building due to their positioning. Therefore, a view where these would appear subordinate to the existing building is not possible.

The relationship to the neighbouring building of the Penny Farthing has been addressed through the previous amendment to the scheme through the stepping down of the building adjacent to the boundary. These changes had been agreed through meetings between the Conservation Officers and the applicants. A further reduction of the height of part of the building by 0.8m would not have a significant impact when viewed from this aspect; indeed

this may have a detrimental impact on the appearance of the scheme as the roof pitch may need to be further reduced, resulting in an appearance that would be bulky through the lack of a strong roof form.

The view of the proposal when viewed from St John's Well Lane, is considered acceptable. The rear range projections shall be visible from the street scene with the flank wall being visible from the site entrance. This is the only view where the existing building and the proposed extensions shall be visible at the same time. The eaves lines of these buildings follow a consistent height, from the front of the building, through to the extensions at the rear, this side view highlights the aspirations of the scheme to provide a single slab level across the site; ensuring a level retail floorspace for customers, ensuring access for all mobility levels within the retail floor space. The level of the site falling from south to north is dealt with at the lower entrance point at the northern end of the building. The flat roof link building provides a visual separation at roof level between the buildings. Due to the distance of this element from the site entrance the proposed building does not appear as a dominating addition to the building; the detail within the flank elevation shall provide interest to the elevation and emphasise the form and functionality of the building, rather than being dominated by the height of the building. A reduction in height of the building would have limited impact when viewed from this aspect due to this distance from the street scene and limited opportunity to view the building within the context of other surrounding development; albeit the bulky, uninspiring telephone exchange building forms the foreground to any views of the development from this area.

On balance, with regard to the considerations above, there is considered to be a improvement to the character and appearance of the conservation area as a result of this development. This is considered with particular reference to the High Street frontage, however also with consideration to the rear aspects of the development. The character of the conservation area is considered to be enhanced by the proposed development.

Impact on Neighbours

The application site is not located immediately adjacent to residential properties, however, specific aspects of the development must be considered.

The Penny Farthing is a hotel with some rooms located close to the boundary with the application site. There are no windows which would be affected by the proposed development either through loss of light, loss of privacy or other impact as there are no windows within the flank elevation. The proposed building shall be moved approximately 2m from the shared boundary and shall be separated by a boundary wall.

The loading bay is located at the rear of the building and close to this boundary, however as the design proposes to include this element within the fabric of the building, the impact of noise emitting from this activity is greatly reduced.

Residential properties are located at the opposite side of St. John Wells Lane, at the lower (north) section of the road. Impacts of the development are likely to be screened by the telephone exchange building at this point.

Directly opposite the site entrance is a veterinary clinic, the impacts on this business are considered to be no worse than the previous Royal Mail activity.

Impact on Trees and Landscaping

The retention of the preserved trees along the south west boundary is noted, as is the general approach to respecting the existing positive aspects of the existing landscaping on the site. The scheme therefore accords with Policy 11 (b) and 118 of the Adopted Local Plan.

The TPO trees along the south west corner of the site are heavily restricted with ivy that has grown over the majority of the trunks of the trees. Most of these trees are within the application site and the landscape works propose to remove this ivy in the best interest of the trees.

Access and Parking

Access - Access to the site is to remain at the existing location off of St John's Well Lane. This road is accessed from the High Street via a mini roundabout and serves the business and residential properties of St. John's Well Lane and St John's Well Court and also the public car park to the rear of the site, which then provides access to part of the Waitrose supermarket car park.

The Highways Authority have raised no objection to the proposed access arrangement; regard has been given to the previous use of the site as the Royal Mail operations regarding deliveries and access for large vehicles.

The Transport Assessment describes how the proposed primary use of the food store is one which attracts trips rather than generates trips. This refers to effect that the store may well become a destination to visit whilst in the town centre (visiting other stores or facilities) but does not become a destination in it's own right. This is not a rule, but provides a consideration when assessing the likely impact on traffic in the surrounding area and particularly the access roads and nearby junctions. The Transport Assessment concludes, "the results of the trip distribution assessment illustrates that there could be an additional 9 to 11 trips each way along the High Street during a typical PM Peak hour, with approximately 7 to 8 additional flows each way during a typical Saturday afternoon peak hour. This anticipated level of increase is unlikely to have a noticeable or material impact of the prevailing traffic conditions." This conclusion is considered reasonable and has also been agreed with the Highways Authority.

The Site access junction with St. Johns Well Lane is a priority junction with St. Johns Well Lane having priority over traffic entering and exiting the car park. The studies conducted suggest that the junction would operate within capacity with short queues forming within the Site. However, it is recognised that the proximity to the junction with the High Street is such that queues at that junction could extend to the Site Access and it is therefore recommended that a "KEEP CLEAR" box be painted on the road surface to ensure that vehicles turning right into the site are not unnecessarily delayed and reduce the risk of queues forming for the right turn into the Site. This would be completed under a separate agreement with the Highways Authority.

The junction with St. Johns Well Lane and High Street takes the form of a mini-roundabout with the High Street forming the northwestern and south-eastern arms, and St. John's Well Lane the north-eastern leg. The assessments conducted illustrate that whereas longer queues are anticipated, the redevelopment of the site will not have a material impact on the operation of the junction.

Representations received have raised concern that the trip modelling data is not robust, and relies on assumptions that have not been substantiated. However, the Highway Authority have examined the data and do not form the same opinion. The conclusion that the road junctions and access shall operate without material impact from the development is accepted.

Parking - The adopted Policy (58 and Appendix 5) provides the maximum parking standards required for the development type. A retail foodstore within the floorspace range of 500sqm to 2,500sqm would yield a parking requirement of 1 space per 18sqm.(gfa). The site is located within the accessibility zone 2, wherein a provision of 25% to 50% percent of the parking provision is appropriate, due to the potential for good accessibility from alternative modes of transport.

The proposed retail floorspace of 1,897sqm would imply a maximum provision between 25 and 53 spaces. The proposed development provides a total of 21 parking spaces. Cycle parking is also provided.

The shortfall of parking against the maximum provision is noted, and parking has been highlighted as an issue in comments received against the application.

However, there must be consideration given to the following factors:

- The site is located immediately adjacent to the public car park to the rear of the site.
- The retail food store is likely to be accessed by linked trips, wherein visitors shall be visiting the site inconjunction with other visits within the town centre.
- The product within the store is for predominantly small basket selection and shall not replace the larger food store shop - this means people do not need a car to visit the store (weight of items to transport home) and are more likely to access the store on foot from other parts of the town centre.
- The stay within the store is far shorter than other store (product selection and type of shopping activity) therefore the turnover of parking spaces is far higher therefore serving a greater frequency of parking.
- Staff parking peaks occur prior to store opening therefore conflict does not occur with customers or with users of public car park to rear.

The above factors are considered to provide sufficient justification for the level of parking proposed. The optimal and functional layout of the site and inability to conjoin the neighbouring telephone exchange into the development has prevented further parking being able to be provided within the site.

With the above items considered the proposed parking is considered to be appropriate for the accessible location and nature of the store. The development shall not lead to issues with the surrounding highway.

Servicing - The proposals include a service bay to the rear of the store as illustrated on the plans. The deliveries to the stores are to be managed in the following way:

There would typically be 3 deliveries per day with 4 deliveries on Tuesday and Friday, and 5 deliveries on occasions summarised as follows:

- One Food delivery by articulated HGV daily before the store opens;
- One Bakery delivery by 10m rigid daily;
- One Newspaper delivery by 10m rigid daily;
- One Frozen Food delivery by articulated HGV twice a week before the store opens;
- One additional articulated HGV at peak trading times.

With regard to the delivery vehicles accessing the site and the service bay, the movements have been tracked against the site layout:

- A 16m articulated HGV would be required to use the parking spaces to manouvre into the service bay. These deliveries would take place when the car park is closed to the public.
- A 13m articulated HGV would be required to use the parking spaces to manouvre into the service bay. These deliveries would take place when the car park is closed to the public.
- A 10m rigid HGV would be able to access the service bay without using parking spaces to manouvre into the service bay. Deliveries by these vehicles could take place under the supervision of a banksman during opening hours.

- A large refuse vehicle is able to access the service bay without parking spaces. Refuse collection could take place under the supervision of a banksman during opening hours.

There appears to be a contradiction in the information submitted within the Transport Assessment; the tracking information states that all deliveries by articulated vehicles shall take place when the store is not open to the public, however the delivery expectations indicate there shall be one articulated HGV delivery at peak times. A condition precluding the deliveries to the store by articulated vehicles within store opening times shall ensure this does not take place.

An Interim Travel Plan has been prepared for the Marks & Spencer store which sets out how they intend to promote sustainable travel. It is anticipated that the document which has been submitted as a standalone report will be finalised within 3 months of occupation. In summary, the Travel Plan includes;

- The appointment of a Travel Plan Co-ordinator;
- A commitment to fund the Travel Plan;
- A commitment to promote walking and cycling;
- A commitment to review the document annually on the anniversary of the approval of the document.

These details shall be confirmed by condition.

Flood Risk and Drainage

The site is less than 1Ha in size. There are no specific flood risk issues associated with the development. The Flood Risk Note carried out on the site makes the conclusion there is not at risk of flooding from either the canal or the river and the site is suitable for re-development subject to a sustainable surface water drainage strategy which demonstrates that surface water runoff from the development will not increase flood risk.

The drainage report submitted with the application suggests a design site runoff rate of 44l/s which represents a betterment of 30% on the existing.

Flood Risk and sustainable drainage are therefore considered to be suitably addressed with regard to this development.

Archaeology

The application site is located within a significant location with regard to potential archaeological remains and the County advisor has requested that site investigation works are conducted prior to the determination of the application. This is because the significance of potential finds could give reason for the development to be affected by the presence of such material; at its greatest impact this could mean the scheme may need to be amended to take account of such finds, especially should they need to be retained in situ. This would only be the case should the finds be of significant importance.

The County advisor has discussed the required site investigation works with the applicants' advisor. These investigative works have begun on site and the results are expected to be provided in the near future.

In light of the progress that is taking place, the recommendation is to delegate the decision to the Group Manager following suitable consultation and discussion between the applicant team and the County Advisor. Should archaeology become an insurmountable issue with regard to the proposed scheme a refusal could be found on this basis. However, at this time, there is not the evidence to suggest such an issue.

Sustainability

The development proposes the re-use of an existing building as well as the extension of this regraded building. The site is within a sustainable location, promoting retail use within a town centre location. Air source heat pumps for the smaller retail units as well as solar gain principles have been applied to the main retail building.

Where possible sustainable technologies have been considered and applied where practically. The premise of the development is sustainable by its very principle.

Conclusions

The scheme represents an opportunity to provide a retail development within the sustainable location of Berkhamsted Town Centre. The design as well as the proposed use are considered to add vibrancy and an attractive, active street frontage to a part of the High Street which has an existing appearance which has been identified to detract from the appearance and character of the Berkhamsted Conservation Area. The benefits provided by the development are considered to have a positive impact on the wider town centre, enhancing choice and quality for the users of the Berkhamsted Town Centre.

RECOMMENDATIONS

1. That the application be **DELEGATED** to the Group Manager of Development Management with a view to approval subject to

a) the completion of the required archaeological investigations works and submission of the findings to the planning department and satisfactory consultation with the County Historic Environment officer;

b) the conditions to be provided within the addendum report.

or

2. Should the above not be achieved within a period of six months from the date of the committee resolution to grant, the application should be refused due to the potential impact on historic environment.

Conditions to follow

5.5

4/00133/12/FUL - TWO 2-BED FLATS LAND AT 221, NORTHRIDGE WAY, HEMEL HEMPSTEAD, HP1 2AA APPLICANT: MR C WINSLADE

[Case Officer - Philip Stanley]

[Grid Ref - TL 04048 07107]

Summary

The application is recommended for approval.

The proposed building has been amended in its appearance so that it would more closely resemble the properties opposite, while its positioning has also been subject to several amendments to ensure that it would not cause significant harm on the occupiers of the existing house or on the trees in the adjacent parkland. Parking has been provided in accordance with maximum standards. For these reasons it is considered that the application complies with Policy 11 of the Dacorum Borough Local Plan.

Site Description

The application site comprises a detached two-storey house on the north-western side of Northridge Way, in the residential area of Warners End, Hemel Hempstead. It is positioned on the corner of the junction with Green End Lane and backs onto the open space known as Northridge Park. The land slopes uphill from south to north.

The property forms part of a row of originally identical detached properties with tile hung front gable ends and buff coloured bricks. However, this property has been significantly extended by way of two-storey extensions to the sides and the rear, and then an additional single storey rear extension running close to the boundary of No.223 for a depth of 9.4 metres. The south-western two-storey side extension is an annexe to the property and the rear garden has been landscaped to provide this annexe with its own section of private amenity space.

The rear garden is a very generous size and contains numerous shrubs and trees, including an attractive but only semi-mature sycamore tree near the Green End Lane boundary. The rear garden is bordered on the boundary with No.223 by conifers. A 2 metre high close boarded fence forms the rear boundary with conifers in front of this fence and a belt of trees the other side within the open land to the rear of the site. The roadside boundaries are strongly defined by a dense hedge that is approximately 3 metres high along the Northridge Way section and 4.5 metres high where the boundary turns down Green End Lane. Beyond the rear building line of the house the Green End Lane boundary is formed by a hedge, close-boarded fence, brick wall combination with a total height of approximately 3.5 metres.

Proposal

It is proposed to construct two 2-bed flats (in one block) in the rear garden of the site. The proposed building would be measured 8.3 metres wide and 4.3 deep. The design of the building has been amended so that it would now have full side gables (rather than a little hip), chimneys on either side (rather than one placed centrally) and in terms of materials the break up of the front elevation would now be done vertically rather than horizontally.

The proposed flats would be accessed off a new entrance into the site off Green End Lane. The two units would be provided with a total of three parking spaces on the western boundary of the site, while they would benefit from a shared rear garden 8 metres deep and 16 metres wide.

This application needs to be seen in conjunction with planning application 4/00134/12/FUL, which is seeking to demolish a part of the existing house and convert the existing house and

annexe to two 2-bed flats and one 2-bed house.

Referral to Committee

The application is referred to the Development Control Committee due to the call-in by the local ward Councillor, Janice Marshall. She has called in the planning application for the following reason:

"My concern is principally access and visibility splay. As you know, the site is at the crossroads of Northridge Way and Green End Road, both fairly busy roads particularly at rush hour and when the traffic is heavier with children leaving school. In addition, Northridge Way is a bus route. As an indication of the busy nature of that junction, there is a mini roundabout. Exiting the site onto Northridge Way is awkward now. With the probability that the number of car owners at that address greatly increasing, as a consequence of the development, I am concerned that the access is inadequate. Maybe my concern can be overcome by greatly improving the visibility splay. I doubt it would help exiting onto Green End Road because of the curve in that road and hill".

Planning History

4/00711/90/FUL: Two-storey side/rear extension – Refused.

4/01283/90/FUL: Two-storey rear and single storey side and rear extension (resubmission) – Granted.

4/01016/91/FHA: Single storey side extension – Granted.

4/00011/92/FHA: Formation of front canopy – Granted.

Policies

National Policy Guidance

NPPF

Circular 11/95

Dacorum Borough Local Plan

Policies 1, 2, 9, 10, 11, 13, 18, 21, 58 and 99
Appendices 3 and 5

Dacorum Borough Core Strategy

Policies CS11, CS12

Supplementary Planning Guidance

Environmental Guidelines

Development in Residential Areas Character Area HCA 3: Warners End

Urban Design Assessment: Hemel Hempstead

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Advice Note on Achieving Sustainable Development through Sustainability Statements

Accessibility Zones for the Application of Parking Standards

Representations

Conservation and Design

Think the design of the new building is fairly awful – does not relate to anything around and is not a high enough quality to merit such a change. Also concerned that it will be raised as I believe that the land is? The principle is acceptable though.

Hertfordshire Highways

Object to the original scheme on the grounds of inadequate vehicle visibility splays from the new entrance (Green End Lane) and sub-standard manoeuvrability within the rear parking area.

Comments are awaited for the amended scheme, though the Highways Officer has informally stated by e-mail that, *"I think the visibility splays will probably be acceptable having been there before but I still need to either see it for myself or have it on a drawing from the new access. I will also need to look at the internal parking arrangements. Parking space 5 looks a little tight but the arrangement seems better than before"*.

Trees and Woodlands

There are 4 trees that merit discussion in connection with this application.

T1 Sycamore - It is a self sown tree, I would describe it as a sapling, nothing wrong with either of those things but it will grow away from the tree cover in the park and become a tree with a one sided crown like T2. I don't think it merits consideration as part of this application.

T2 Sycamore - A completely one sided tree that has squeezed in under the influence of much older and larger trees to the rear. The owner would be able to remove overhanging branches (90% overhangs No.221), but this tree is not worthy of a TPO.

T3 Lime - A very large and prominent tree. Much of its root protection area (RPA) is within the park and therefore safe, while the building is outside the RPA. I have some concerns about residential development being so close to what is a very large tree as unease between people/property and tree then leads to pressure for management in the form of height reduction or felling.

T4 - Pine. Much the same as for T3 except the tree is not so large so will cause less worry.

Cypress Screen all trees stunted by shade from others, no constraint.

It appears that the trees will survive the development and the development survive the trees however I think it doubtful whether the future residents will have a happy relationship with trees in the adjacent park, especially the 30 metre lime.

Thames Water

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.

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.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Some local residents, for example, objected to the totality of the development, though only responded to one application number. As such this section summarises the responses received for both applications presently being considered for the site.

Six comments objecting to the application have been received from Nos. 223, 282, 284, 288 Northridge Way, No.29 Ridge Lea, and No.2 St. Nicholas Mount, which raised the following concerns:

PARKING AND HIGHWAY SAFETY

- Any restriction on visibility at what is a very busy & potentially dangerous junction will increase the risk of serious accidents. There have already been numerous collisions at this mini roundabout.
- Green End Lane has considerable use as a back road, particularly in the rush hour. Access into the lane from Northridge Lane is a little difficult due to the angle of the road and parked cars in the lane could cause a more significant hazard. I suggest this aspect is carefully researched and possibly have double yellow lines to ensure safety.
- The close proximity of the entrance to the mini-roundabout on Northridge Way constitutes a further hazard.
- Parking on Northridge Way is already insufficient and this proposal, if approved, will lead to an increase in demand for parking spaces.
- With 5 two bedroom flats this could result in 10+ cars needing to park. Therefore, we have concerns regarding the inadequacy of parking/turning.

IMPACT ON RESIDENTIAL AMENITY

- This development would increase noise and disruption in what is a comparatively quiet, peaceful and pleasant neighbourhood.
- Additional occupants to the dwellings is likely to add significant noise pollution.
- The distance between the rear of No.223 and the new building (at its closest corner) will be around 12m, compared to the minimum requirement of 23m in the Local Plan.
- The rear top floor bedroom windows will have a line of sight to our rear bedroom windows, which will be intrusive and will impact on our privacy, especially our garden areas.
- The new building by virtue of its height will cause a significant blockage of light and would be overbearing given the topography of the area.

IMPACT ON CHARACTER OF AREA

- The overall density of the proposals is 38 dwellings / hectare - this is a substantially higher density than for the other four properties on this row along Northridge Way.
 - The proposals represent an over-development of the site.
- The proposed layout is incompatible with the character of the area.
- No.221 already dominates the row of houses.

MISCELLANEOUS

- The proposals contravenes restrictive covenants in the Title deeds.

Considerations

Policy and Principle

The site is located within an urban area wherein there is no objection in principle to residential development (Policy 9, 10, CS4) provided it meets the aims of Policies 11 and CS11 and CS12. In particular a scheme should seek to respect the character and typical density of the area, avoid harming the residential amenities of neighbours, retain important trees (or replace them with suitable species), and provide sufficient parking.

Furthermore the site is located in the Hemel Hempstead character area of Warners End. In HCA 3 this area is described as, '*an extensive new town residential neighbourhood largely dating from the 1950s featuring a range of all dwelling types and focusing on a local centre, with good access to open land which provides strong, identifiable natural boundaries in the area*'. In terms of the scope for residential development this is an area of minimal change and the Development Principles should be adhered to.

In terms of the development principles for new housing a variety of design is acceptable. Regard must be paid to the dwelling type adjoining and nearby the development site. Proposals at variance with the character of adjoining and nearby development will not normally be permitted. Small to medium-sized two-storey dwellings are encouraged, while buildings with large mass and bulk will be resisted. A spacing in the medium range (2m – 5m is expected) and the building line should be followed or where appropriate provided. Density should be maintained in the medium density range (30-35 dwellings per hectare).

Effects on appearance of building

The Conservation Officer criticised the design of the original submission on the grounds that it did not relate to anything around and was not of sufficient quality. As a result the building has undergone some amendments which have improved its appearance and which have replicated the features of the houses opposite. It remains of simple, rectangular design and while it is not original, it does respect the surrounding housing stock. In particular it is worth noting that the dwelling (which provides for two flats) would appear visually as a detached house and not as a 'block of flats'.

Impact on Street Scene

The proposed new building has been amended as described in the Proposals section above. These changes were sought to bring the design more in line with the houses on the opposite side of Green End Lane. The use of gable ends and side chimneys and the vertical alignment of materials along the front elevation would all replicate these features opposite. In addition it is noted that the proposed building would be positioned 14 metres back from the road and this would mean the park trees to the west and No.221 (the existing house) to the east would block views from those directions.

The site is located within the residential character area of Warners End (HCA 3). It is considered that the proposal complies with the Development Principles within this document, which states that a variety in design is acceptable, that regard must be paid to the dwelling type adjoining and nearby the site, that it is not to exceed two storeys in height, that small to medium sized dwellings are encouraged, that spacing in the medium range (2m - 5m) is expected, and that the building line should be followed where appropriate. The only exception to this is that density should be maintained in the range 30-35 dwellings/hectare, while the proposal would represent a scheme of 38 dwellings/hectare. However, this is not considered to be a material difference that would affect the visual appearance and character of the area, or the ability of the scheme to provide the necessary parking and private amenity spaces.

It is also important to ensure that the new parking and turning area within the site does not dominate the development. Therefore, it is important to note that the existing hedging would be maintained to the right-hand side of the entrance, while on both sides there would be a planting strip 2.5 - 3.5 metres deep. Subject to final details being sought in a soft landscaping condition it is considered that future planting would provide a significant screen of the new parking area and would help to soften the development.

Overall it is considered that the proposed building would not look out of place or dominate the street scene.

Impact on Trees and Landscaping

The impact on the trees in the adjacent park has been a key concern in the history of these proposals. As a consequence the proposed building was turned 90 degrees so that it has its narrow side adjacent to the park and the separation distance between itself and the park has been increased as much as possible (a balance has to be struck between the distance to the trees and the distance to the existing house).

In addition the applicant has commissioned a Tree Report which outlines the species, quality and height of the parkland trees adjacent to the site. This report also provides recommended separation distance between the trees and the new building, which this development meets.

The Council's Trees & Woodlands Officer has agreed with the conclusions in the Tree Report and has also stated that the trees would survive the construction and the development would survive the trees. He does, nevertheless, raise concerns that future occupiers would perceive the lime tree as dangerous bearing in mind the height of the lime tree and the distance between the tree and the proposed flats. However, it is considered that this application could not be refused based on a hypothetical situation. It is worth noting that this tree does not have any branches overhanging the site and therefore there would be no concerns about branches touching the building or resulting in a loss of residential amenity for the future occupiers (the usual reasons why the Council is asked to remove / prune trees). Finally, as the tree is on Council owned land there would be no obligation for the Council to remove or prune this attractive specimen, especially as it is healthy and in good condition.

Impact on Neighbours

A key consideration has been the impact of the new building on the residential amenities of the occupiers of the existing house and as such the exact position and orientation of the house has undergone several amendments.

The most recent amendment saw the new building pushed an additional 1.5 metres further from the existing house and this would create a separation distance of 11.3 metres between them. As a result a 25 degree line drawn from the existing house would only just clip the top of the proposed house. This amendment has ensured therefore that the existing house would suffer no significant loss of daylight as a result of the new building, while it would also reduce any sense of visual intrusion to an acceptable level. It must also be noted that the ground floor flat (as proposed under 4/00134/12/FUL) affected by the new house would only have a small portion of its room space directly in line with the new building and even the room affected, a kitchen-diner, has an additional window which is not directly in line. Finally, no windows are proposed on the side elevation facing the existing house and this would ensure the privacy of both sets of future occupiers.

The neighbour to the north, No.223, has objected on the grounds that the scheme would result in a loss of light and would also be overbearing on them. They note that the back-to-back separation distance is 12 metres, which is far less the minimum requirement of 23m in the Local Plan. However, it is considered that the 23m rule in Appendix 3 of the DBLP relates to

properties in direct line with one another. In this case the new building is set behind No.221 and is therefore at an oblique angle to No.223. Furthermore, it is noted that while the new building and No.223 would be 12 metres apart at their closest corners the distance between the two properties rapidly increases as the new building is set at 90 degrees to No.221.

It is appreciated that the proposed new building would have an adverse impact on No.223, however it is considered that any harm caused would not be slight and not significant enough to warrant refusal. For example, while the scheme would cause some loss of sunlight for No.223 this would be limited to very late afternoon winter sunlight. Similarly, while the first floor windows would be able to overlook No.223's garden there would not be any loss of privacy to the No.223's rooms due to the oblique angle. In terms of overlooking of the garden area a degree of natural surveillance is expected in urban residential areas (for example, No.225 would also be able to see into No.223's garden from their first floor windows). In addition it is worth noting that the proposed relationship of the new building with No.223 is repeated countless times across the Borough on corner plots.

Local residents have also objected on the grounds that the new development would result in unwanted noise and disturbance, both during construction and following occupation of the new houses. However, neither of these points would warrant refusing this application. Construction is a necessary part of development and an informative should be added to remind the applicant of best practice in terms of considerate construction, while environmental health would be able to deal with unreasonable noise levels should they occur from future occupiers under their own legislation. It is also not considered that the increased level of traffic (simply serving three dwellings) would cause such a noise nuisance to warrant refusal.

Sustainability

The applicant has provided a sustainability checklist that outlines the measures that will be undertaken to achieve sustainable development. It is proposed to implement, amongst other features, extra insulation in the walls, floors and roof that exceed Part L (2010) by 5%, bike sheds and a grey water harvesting system. This together with an adequate level of insulation should ensure that the scheme achieves a reasonable sustainability rating. It is also agreed that solar panels would not be productive due to the site's relationship with the parkland trees.

However, no details have been submitted regarding how the insulation would be achieved, or where the bike sheds and rainwater harvesting tank would be located. It is therefore recommended that a sustainability condition be applied to allow for further negotiation on these issues.

Parking and Highway Safety

As stated above the development will provide three parking spaces, which meets the requirement for 1.5 spaces per dwelling as stated in Appendix 5 of the DBLP. The parking layout has been amended so that manoeuvrability within the parking area is satisfactorily achieved.

The application has been called to committee by the local ward councillor on the grounds that the site is next to a busy road (indicated by the mini-roundabout) and that the development would see an increase of use of the awkward exit from the site onto the road. However, this development would not make use of that entrance, i.e. on the Northridge Way side. (Please refer to the Parking and Highway Safety section of report 4/00134/12/FUL for a consideration of the Councillor's concerns).

In terms of the Green End Lane entrance Herts Highways originally raised an objection to the proposals on the grounds of inadequate vehicular visibility splays and sub-standard manoeuvrability within the rear parking area. However, these concerns have been overcome

by a moving the proposed entrance slightly closer to Northridge Way and by increasing the manoeuvring space within the rear garden. Furthermore, visibility splays can be met to the required standards subject to removing some of the overgrowth adjacent to the park. The removal of this recent growth would be unproblematic as it would simply form part of the maintenance of the park boundary. As an example to the type of works required the lamppost there is covered in tree / bush growth and should this type of growth be removed then the visibility splays can be achieved. Herts Highways have informally agreed to the amended scheme, though formal comments are still awaited.

Unilateral Undertaking

In accordance with the requirements of the Supplementary Planning Guidance 'Planning Obligations' a Unilateral Undertaking is being sought that would mitigate the impact of the proposed development on local infrastructure. Contributions will need to be made for, inter alia, education, playing pitches, cycle network and libraries, and it is expected that these will total £5,622.48. At this stage a signed Unilateral Undertaking has not been received.

Local residents have made reference to the title deeds which they argue would prevent the redevelopment of the land. In response to this the Agent has confirmed that there are no such restrictive covenants on this property. Notwithstanding the above it should be noted that any grant of planning permission would not override any restrictions in the property's title deeds. This would be a private legal matter that has no bearings on the planning application.

Conclusions

The proposed building would provide two additional residential units in an urban area without harming the character of the surrounding area or the residential amenities of the existing house and neighbours. Furthermore the proposals would not cause future pressure to remove the parkland trees, while sufficient parking and adequate visibility splays will be provided to ensure there would be no negative implications on highway safety.

RECOMMENDATIONS

1. That the application be **DELEGATED** to the Group Manager - Development Management & Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.

2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

- Primary Schools: £1,632
- Libraries: £258
- Travel Smart: £50
- Child Play Space: £2,432
- Playing Pitches: £698
- Allotments: £96
- Cycle Networks: £104
- Natural Green Space: £38
- Monitoring and Administration: £314.48

3. Subject to the following conditions:

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

Reason: To comply with the requirements of Section 91 (1) of the Town and

Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2 No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours.

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy 11 of the Dacorum Borough Local Plan.

3 Notwithstanding any details submitted as part of the planning application, prior to the commencement of the development hereby permitted, plans and details showing how the development will provide for renewable energy and conservation measures, and sustainable drainage and water conservation shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy 1 of the Dacorum Borough Local Plan 1991 - 2011 and adopted Supplementary Planning Guidance.

4 No development shall take place until details of facilities for the storage of bicycles have been submitted to and approved in writing by the local planning authority. The approved facilities shall then be provided before the development is first brought into use and they shall thereafter be permanently retained unless otherwise agreed in writing with the local planning authority.

Reason: To accord with Policy 1 of the Dacorum Borough Local Plan 1991-2011.

5 Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

6 Visibility splays of not less than 2.4 m x 43 m shall be provided before any part

of the development hereby permitted is commenced, and they shall thereafter be maintained, in both directions from the crossover, within which there shall be no obstruction to visibility between a height of 0.6 m and 2.0 m above the carriageway.

Reason: In the interests of highway safety.

- 7 **The development hereby permitted shall not be occupied until the car parking layout and other vehicle and pedestrian access and circulation areas shown on the approved plans have been fully constructed. The approved parking layout and circulation areas shall thereafter not be altered.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Policy 58 of the Dacorum Borough Local Plan.

- 8 **No development shall take place until details of the proposed slab, finished floor and ridge levels of the building in relation to the existing and proposed levels of the site and the surrounding land shall have been submitted to and approved in writing by the local planning authority. These details shall demonstrate that the slab levels for the building hereby permitted would be the same as for the original house at No.221 Northridge Way. The building shall be constructed in accordance with the approved levels.**

Reason: For the avoidance of doubt and in the interests of the residential amenities of No.221 Northridge Way in accordance with Policy 11 of the Dacorum Borough Local Plan.

- 9 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

**Site Location Plan
31111/3/A
31111/7
31111/11C**

Reason: For the avoidance of doubt and in the interests of proper planning.

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The site is located in an area where residential development is acceptable in principle in accordance with Policy 2 of the Borough Plan. There would be no adverse effects on the appearance of the adjacent building or the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. Vehicle access and visibility splays can also be achieved. The proposals therefore accord with Policy 11 of the Borough Plan.

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

Policies 1, 2, 9, 10, 11, 13, 18, 21, 58 and 99
Appendices 3 and 5

Supplementary Planning Guidance
Development in Residential Areas

Dacorum Borough Core Strategy - Pre-submission (October 2011)

Policies CS11, CS12

INFORMATIVES

Environmental Health - Noise

During the construction phase of your development you should be mindful of the impact you have on the neighbours surrounding your site. Environmental Health has produced a guide: 'Minimising Environmental Impacts from Building and Demolitions'.

Thames Water

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.

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.

**5.6 4/00134/12/FUL - DEMOLITION OF PART OF SINGLE STOREY REAR EXTENSION.
CONVERSION OF HOUSE AND ANNEXE INTO TWO 2-BED FLATS AND ONE 2-BED
HOUSE
221 NORTHRIDGE WAY, HEMEL HEMPSTEAD, HP1 2AA
APPLICANT: MR C WINSLADE**

[Case Officer - Philip Stanley]

[Grid Ref - TL 04057 07096]

Summary

The application is recommended for approval.

The proposal would see a reduction in the built form of the existing house, while as the scheme proposes to convert the remaining space there would be no impact on adjoining neighbours. Sufficient off-street parking is provided and each flat would be provided with a private garden area. Finally, the existing and proposed site entrances would not compromise highway safety. As such the proposal complies with Local Plan policies 11, 58 and CS12.

Site Description

The application site comprises a detached two-storey house on the north-western side of Northridge Way, in the residential area of Warners End, Hemel Hempstead. It is positioned on the corner of the junction with Green End Lane and backs onto the open space known as Northridge Park. The land slopes uphill from south to north.

The property forms part of a row of originally identical detached properties with tile hung front gable ends and buff coloured bricks. However, this property has been significantly extended by way of two-storey extensions to the sides and the rear, and then an additional single storey rear extension running close to the boundary of No.223 for a depth of 9.4 metres. The south-western two-storey side extension is an annexe to the property and the rear garden has been landscaped to provide this annexe with its own section of private amenity space.

The rear garden is a very generous size and contains numerous shrubs and trees, including an attractive but only semi-mature sycamore tree near the Green End Lane boundary. The rear garden is bordered on the boundary with No.223 by conifers. A 2 metre high close boarded fence forms the rear boundary with conifers in front of this fence and a belt of trees the other side within the open land to the rear of the site. The roadside boundaries are strongly defined by a dense hedge that is approximately 3 metres high along the Northridge Way section and 4.5 metres high where the boundary turns down Green End Lane. Beyond the rear building line of the house the Green End Lane boundary is formed by a hedge, close-boarded fence, brick wall combination with a total height of approximately 3.5 metres.

Proposal

It is proposed to demolish the part of the single storey section of the existing house and then convert the remainder of the dwelling into three dwellings. The main part of the house would be converted into two flats, one on each floor, while the existing two-storey annexe to the house would be converted into a two-storey house. The proposals also include some minor alterations to the property's fenestration on the annexe side. An additional window would be added to the rear ground floor, while the side entrance door would be placed slightly further to the rear

The flats would benefit from three parking spaces within the existing front hardstanding and a rear garden measuring 5 -8.7 metres deep and 12 metres wide. The house would have two parking spaces to the rear of the property, accessed from a new crossover and entrance into the site off Green End Lane. This property would have a garden 6-9 metres deep and 6.5

metres wide.

This application needs to be seen in conjunction with planning application 4/00133/12/FUL, which is seeking to construct a new building for 2 two-bed flats within the rear garden of the existing property.

Referral to Committee

The application is referred to the Development Control Committee due to the call-in by the local ward Councillor, Janice Marshall. She has called in the planning application for the following reason:

"My concern is principally access and visibility splay. As you know, the site is at the crossroads of Northridge Way and Green End Road, both fairly busy roads particularly at rush hour and when the traffic is heavier with children leaving school. In addition, Northridge Way is a bus route. As an indication of the busy nature of that junction, there is a mini roundabout. Exiting the site onto Northridge Way is awkward now. With the probability that the number of car owners at that address greatly increasing, as a consequence of the development, I am concerned that the access is inadequate. Maybe my concern can be overcome by greatly improving the visibility splay. I doubt it would help exiting onto Green End Road because of the curve in that road and hill".

Planning History

4/00711/90/FUL: Two-storey side/rear extension – Refused.

4/01016/91/FHA: Single storey side extension – Granted.

4/01283/90/FUL: Two-storey rear and single storey side and rear extension (resubmission) – Granted.

4/00011/92/FHA: Formation of front canopy – Granted.

Policies

National Policy Guidance

NPPF

Circular 11/95

Dacorum Borough Local Plan

Policies 2, 9, 10, 11, 13, 19 and 58

Appendices 3 and 5

Dacorum Borough Core Strategy

Policies CS11, CS12

Supplementary Planning Guidance

Environmental Guidelines

Development in Residential Areas Character Area HCA 3: Warners End

Urban Design Assessment: Hemel Hempstead

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Advice Note on Achieving Sustainable Development through Sustainability Statements

Accessibility Zones for the Application of Parking Standards

Representations

Hertfordshire Highways

Object to the original scheme on the grounds of inadequate vehicle visibility splays from the new entrance (Green End Lane) and sub-standard manoeuvrability within the rear parking area.

Comments are awaited for the amended scheme, though the Highways Officer has informally stated by e-mail that, *"I think the visibility splays will probably be acceptable having been there before but I still need to either see it for myself or have it on a drawing from the new access. I will also need to look at the internal parking arrangements. Parking space 5 looks a little tight but the arrangement seems better than before"*.

Strategic Planning

No specific comments. Policy 19 will apply.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Some local residents, for example, objected to the totality of the development, though only responded to one application number. As such this section summarises the responses received for both applications presently being considered for the site.

Seven comments objecting to the application have been received from Nos. 223, 282, 284, 288 Northridge Way, No.29 Ridge Lea, No.121 Green End Lane, and No.2 St. Nicholas Mount, which raised the following concerns:

PARKING AND HIGHWAY SAFETY

- Any restriction on visibility at what is a very busy & potentially dangerous junction will increase the risk of serious accidents. There have already been numerous collisions at this mini roundabout.
- Green End Lane has considerable use as a back road, particularly in the rush hour. Access into the lane from Northridge Lane is a little difficult due to the angle of the road and parked cars in the lane could cause a more significant hazard. I suggest this aspect is carefully researched and possibly have double yellow lines to ensure safety.
- The close proximity of the entrance to the mini-roundabout on Northridge Way constitutes a further hazard.
- Parking on Northridge Way is already insufficient and this proposal, if approved, will lead to an increase in demand for parking spaces.
- With 5 two bedroom flats this could result in 10+ cars needing to park. Therefore, we have concerns regarding the inadequacy of parking/turning.
- There is not adequate parking for visitors and therefore they will park in Green End Lane causing problems, such as obstructing vision.
- Cars parked opposite could cause difficulty in neighbours getting off their drive.

IMPACT ON RESIDENTIAL AMENITY

- This development would increase noise and disruption in what is a comparatively quiet, peaceful and pleasant neighbourhood.
- Additional occupants to the dwellings is likely to add significant noise pollution.
- The distance between the rear of No.223 and the new building (at its closest corner) will be around 12m, compared to the minimum requirement of 23m in the Local Plan.
- The rear top floor bedroom windows will have a line of sight to our rear bedroom windows, which will be intrusive and will impact on our privacy, especially our garden areas.

- The new building by virtue of its height will cause a significant blockage of light and would be overbearing given the topography of the area.

IMPACT ON CHARACTER OF AREA

- The overall density of the proposals is 38 dwellings / hectare - this is a substantially higher density than for the other four properties on this row along Northridge Way.
- The proposals represent an over-development of the site.
- The proposed layout is incompatible with the character of the area.
- No.221 already dominates the row of houses.

MISCELLANEOUS

- The proposals contravenes restrictive covenants in the Title deeds.

Considerations

Policy and Principle

The site is located within an urban area wherein there is no objection in principle to residential development (Policy 9, 10, CS4) provided it meets the aims of Policies 11 and CS11 and CS12. In particular a scheme should seek to respect the character and typical density of the area, avoid harming the residential amenities of neighbours, retain important trees (or replace them with suitable species), and provide sufficient parking.

Furthermore the site is located in the Hemel Hempstead character area of Warners End. In HCA 3 this area is described as, '*an extensive new town residential neighbourhood largely dating from the 1950s featuring a range of all dwelling types and focusing on a local centre, with good access to open land which provides strong, identifiable natural boundaries in the area*'. In terms of the scope for residential development this is an area of minimal change. The conversion of dwellings into smaller units is generally discouraged, but proposals may be permitted where they do not harm the character and appearance of the site and surrounding area. In particular, larger detached dwellings from the 1950s and 1960s may be appropriate.

In terms of the development principles for new housing a variety of design is acceptable. Regard must be paid to the dwelling type adjoining and nearby the development site. Proposals at variance with the character of adjoining and nearby development will not normally be permitted. Small to medium-sized two-storey dwellings are encouraged, while buildings with large mass and bulk will be resisted. A spacing in the medium range (2m – 5m is expected) and the building line should be followed or where appropriate provided. Density should be maintained in the medium density range (30-35 dwellings per hectare).

Finally Policy 19 permits the conversion of houses to flats in urban areas providing certain size and highway safety conditions are met and that the amenities (refuse, garden space and parking) are provided for the occupiers of the flats.

Effects on appearance of building

The existing property, despite of its size, is hidden away behind the tall roadside hedging and other boundary treatments. In addition the corner positioning gives the site a large appearance. Overall it is not possible to appreciate the full extent of the existing property from within the street scene. Nevertheless the original front gable end plays an important role in linking it to the neighbouring houses.

As the proposals include the demolition of a significant amount of the very long single storey rear extension there would be a positive impact on the appearance of the original building. The

sub-division of the house into three dwellings, and the resultant minor changes to the house's fenestration, would have no effect on the appearance of the original dwelling.

Impact on Street Scene

It is appreciated that a local resident has stated that the applicant's property already dominates the street scene. However, as stated in the previous section the size of the dwelling is not readily apparent from the street scene. In any case the proposals are not seeking to make any external changes (except for very minor fenestration alterations) and as such the conversion of the dwelling into three dwellings would not have any impact on the character or appearance of the area. As such it is considered that the proposals comply with the requirements contained within HCA 3.

In terms of parking the scheme seeks to make use of the existing hardstanding and therefore this would have no impact on the street scene. Conversely, the cutting into the side boundary (along Green End Road) would be very noticeable. However, it is not considered the character of the street would be adversely affected by this part of the proposals. Firstly, it must be emphasised that only a small section of this boundary treatment need be affected by the new access into the site. To the right-hand side of the entrance the present boundary treatment would be able to stay and on both sides the border would be supplemented by additional planting (as part of a soft landscaping scheme which would be conditioned). Secondly, this boundary, containing a standard conifer hedge and a close-boarded fence at its highest points is not worthy of protection. Finally, there are dwellings on the opposite side of the road and therefore this section of the road does already contain property accesses.

Impact on Trees and Landscaping

As the scheme would see no increase in the size of the existing dwelling it would only have an impact on the landscaping along the Green End Road boundary where the new entrance into the site would be placed. However, the entrance would see the loss of a part of a very standard conifer hedge and therefore no harm would be caused to significant or important specimens.

Impact on Neighbours

There would be no impact on the residential amenities of adjoining and surrounding neighbours as a result of this development. This is because the built form of the existing house would be smaller under these proposals.

Local Residents have objected under the grounds that the proposals would see an increased number of occupiers within the site and that in general there would be more noise and disturbance as a result of the development. In terms of the existing house it must be remembered that this is an extremely large dwelling and consists of the main house (four bedrooms) and the annexe (two bedrooms). As such there is no increase in the number of bedrooms compared to this scheme (2 two-bed flats and one two-bed house). Therefore, there would be no negligible increase in intensity of use as a result of the proposed conversion, while this particular application would involve very little construction (solely relating to some minor fenestration changes, which could be completed under permitted development) and the new entrance of Green End Road.

Conversion of Dwelling

It is considered that the proposed conversion of the house into three dwellings is acceptable in both principle and in detail.

HCA3, while generally discouraging the conversion of dwellings into smaller units, specifically

states that larger detached houses may be appropriate for conversion. The application site contains a six-bed dwelling, which is almost too large for a house in this location - indeed the existing house is already split into two in terms of the annexe. Consequently, it is considered that the site is exactly the type of site where residential conversions is considered appropriate.

Policy 19 of the DBLP states the conversion of houses to flats will be permitted in the towns, except in the following locations:

(a) *No more than 25% of the houses along a street has been converted.* There are no records of any planning applications for conversions since 1990. It is certainly the case that very few, if any, properties have been converted to flats along Northridge Way and the 25% figure would not be breached by this application.

(b) *In roads where traffic movement would be hindered and the safety of road users and pedestrians prejudiced.* This point is dealt with in the section below.

(c) *In small houses with an internal floor area of less than 110 sq.m.* The applicant's property is very large and is well in excess of 110 sq.m.

(d) *In terraced houses over 110 sq.m., unless they contain three or more bedrooms.* The applicant's property is detached.

It is considered that the proposed conversion has been designed to a high standard as required by Policy 19. The flats are large, self-contained and have a convenient and logical layout. There is ample space for refuse disposal facilities, drying areas, and outdoor amenity space, however permitted development will need to be removed for the two-bed house to ensure that this remains the case. In particular it is noted that the amended scheme have pushed the parking spaces away from the immediate rear of the two-storey house, giving this property a much improved aspect and private amenity area. In addition it is noted that the properties would also be adequately noise insulated through Building Regulations. Finally, five parking spaces have been provided in total for the three units, in excess of the 1.5 spaces per dwelling requirement within Appendix 5 of the DBLP.

Parking and Highway Safety

As stated above each unit within the development would provide five parking spaces, which is in excess of the requirement for 1.5 spaces per two-bed dwelling stated in Appendix 5 of the DBLP. It should also be noted that the existing house has six bedrooms, the same number as proposed here. Overall, therefore the proposed development would not give rise to an increased maximum demand for parking spaces, nor would it create additional pressure for on-street parking in the area.

The application has been called to committee by the local ward councillor on the grounds that the site is next to a busy road (indicated by the mini-roundabout) and that the development would see an increase of use of the awkward exit from the site onto the road.

In response to this it is important to note the following factors:

- This is an existing access into and out of the site.
- This access is presently used by a six-bedroom dwelling, whereas the proposal would see it used by 2 two-bed flats. The two-bed house would use the new access off Green End Lane. Therefore there would actually be a reduction in the intensity of use (based on the number of bedrooms).
- Herts Highways have raised no objections to this aspect of the proposals.
- It is possible to increase the visibility out of the site by removing some of the site frontage hedgerow. This needs to be carefully balanced against the screening benefit afforded by the

hedgerow, and can be subject to a condition seeking further details of hard and soft landscaping.

- Conditions would be placed on the permission seeking adequate pedestrian and vehicular visibility splays.

There is therefore no justification for refusing this application on the grounds that the Northridge Way entrance / exit compromises highway safety.

In terms of the Green End Lane entrance Herts Highways originally raised an objection to the proposals on the grounds of inadequate vehicular visibility splays and sub-standard manoeuvrability within the rear parking area. However, these concerns have been overcome by a moving the proposed entrance slightly closer to Northridge Way, by removing some of the overgrowth adjacent to the park, and by increasing the manoeuvring space within the rear garden. Herts Highways have informally agreed to the amended scheme, though formal comments are still awaited.

Amenity Space for two-bed House

This property would have a garden 6-9 metres deep and 6.5 metres wide. This is below the requirement for 11.5 metres as stated in Appendix 3 of the Dacorum Borough Local Plan. However, Appendix 3 also states that, "A reduced rear garden depth may be acceptable for small starter homes, homes for the elderly and development backing onto or in close proximity to open land, public open space or other amenity land". In this case two of the exceptions apply: the property would provide a small two-bed starter home, while it would be located immediately next to Northridge Park. As such a refusal on insufficient private amenity space grounds could not be justified.

Nevertheless it is appreciated that the garden area should not be further compromised. Therefore it is recommended that permitted development rights for extensions are removed for this property to ensure there is no encroachment on this private space.

Title Deeds

Local residents have made reference to the title deeds which they argue would prevent the redevelopment of the land. In response to this the Agent has confirmed that there are no such restrictive covenants on this property. Notwithstanding the above it should be noted that any grant of planning permission would not override any restrictions in the property's title deeds. This would be a private legal matter that has no bearings on the planning application.

Conclusions

The proposed development is acceptable in principle within an urban area, while the details ensure that the scheme would not affect the character of the area or the residential amenities of neighbours, that the units are good-sized and contain adequate facilities for future occupiers, and that suitable parking provision is provided. Finally, the existing and proposed site entrances would not compromise highway safety.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

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

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and

Compulsory Purchase Act 2004.

2 **No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas.**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy 11 of the Dacorum Borough Local Plan.

3 **Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy 11 of the Dacorum Borough Local Plan.

4 **Pedestrian visibility splays of 2 m x 2 m shall be provided before any part of the development is first brought into use, and they shall thereafter be maintained, on both sides of the entrance to the site, within which there shall be no obstruction to visibility between 600 mm and 2 m above the carriageway.**

Reason: In the interests of highway safety.

5 **Visibility splays of not less than 2.4 m x 33 m shall be provided before any part of the development hereby permitted is commenced, and they shall thereafter be maintained, in both directions from the crossover, within which there shall be no obstruction to visibility between a height of 0.6 m and 2.0 m above the carriageway.**

Reason: In the interests of highway safety.

6 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out to the two-bed house**

hereby permitted without the prior written approval of the local planning authority:

Schedule 2 Part 1 Classes A, B, D, E and F

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality.

7 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan

31111/ 1

31111/ 2

31111/ 4 REV A

31111/ 5

31111/ 11C

Reason: For the avoidance of doubt and in the interests of proper planning.

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The site is located in an area where residential development is acceptable in principle in accordance with Policy 2 of the Borough Plan. There would be no adverse effects on the appearance of the building or the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policy 11 of the Borough Plan.

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

Policies 2, 9, 10, 11, 13, 19 and 58

Appendices 3 and 5

Supplementary Planning Guidance

Development in Residential Areas

Dacorum Borough Core Strategy - Pre-submission (October 2011)

Policies CS11, CS12

**5.7 4/00970/12/FHA - PROPOSED TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION, ROOF CONVERSION TO CREATE A FIRST FLOOR AND INTERNAL ALTERATIONS AND DRIVEWAY - AMENDED PLAN (12/33/2 REV M) AND ADDITIONAL PLANS (52610AA/A & 52610AA/B)
8 HOME FARM ROAD, NORTHCHURCH, BERKHAMSTED, HP4 3SL
APPLICANT: MR I DRAPER**

[Case Officer - Joan Reid]

[Grid Ref - **SP 96899 09138**]

Summary

The application is recommended for approval. The application site is located within the residential area of Northchurch wherein extensions to properties are acceptable in accordance with policy 2 of the DBLP. There would be no adverse effects on the appearance of the street scene or to the character of the parent dwelling. The amenity of adjoining neighbours would not be adversely affected in terms of loss of sunlight, daylight or privacy. Car parking locally to serve the site is adequate. Important trees and landscaping is not affected by the proposal. The details of this scheme accord with the development principles for this area and planning guidelines. The proposal therefore accords with Policies 2 and 11 and Appendices 5 and 7 of the Borough Plan and policies CS1, CS11, CS12 and CS29 of the Pre-submission Core Strategy and the NPPF.

Site Description

The application site is located within the residential area of Northchurch, to the north east of Home Farm Road, which is a unmade road containing 11 dwellings. Home Farm Road contains a mixture of bungalows and two storey dwellings which are all detached. Home Farm Road is a cul de sac with no vehicular access through to Birch Road.

The application property is a small bungalow dating back to the 1960/70s that remains relatively unaltered. The property is set back from the road by approximately 5 metres and the front garden has recently been cleared and laid with hard surface. The rear garden extends to approximately 23m and contains a couple of outbuildings. No.8 is separated from the neighbouring boundaries by a 2m close boarded fence and mature hedge. To the east of the application site, there is a two storey detached property (No.6) which has a single garage to the side and a small conservatory to the rear. No.6 has no windows on the first floor side elevation. To the west of the application property, there is a chalet bungalow which originally was of the same design as no.8 but altered the roof in 1997 to accommodate dormer windows. No.10 has 3 windows on the side elevation at ground floor level, a large window which serves as a secondary window to the living room and two smaller windows which serve a wc and utility room.

Proposal

The application seeks planning permission for an extension to the property. The extension involves the demolition of part of the dwelling and extending it to side and rear. The dwelling will also be extended by raising the roof height to allow for the provision of 3 bedrooms and bathroom on the first floor level. The roof will be raised from a height of approximately 5.5m to 6.5m and includes three dormer windows to the rear and three to the front roof slope. The height of the eaves remains the same as the original property. The side extensions includes a garage to the western elevation which is set back approximately 3.5m from the front elevation and set in from the boundary with no.10 by 200m at the nearest point. The house will be extended to the eastern side by approximately 1.59m, still retaining on average 2m to the boundary. The flat roof rear extension extends to 4m and has a height of 3.2m, level to the eaves height.

The plans now for determination are amended, following concern over the extent of demolition and rebuild. The works now involve retaining the western flank elevation, most of the front elevation and part of the rear elevation and I am content that the application can be treated as an extension as opposed to a replacement dwelling. It is worth noting, however that within this location, there is no objection to replacement dwellings in principle.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Northchurch Parish Council.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Dacorum Borough Local Plan

Policies 1, 2, 11, 13 and 58
Appendices 3, 5 and 7

Pre-Submission Core Strategy

Policies CS1, CS11, CS12, CS24 and CS29

Supplementary Planning Guidance

Residential Character Area BCA 19 Northchurch

Representations

North Church Parish Council

- loss of light to no.10;
- overdevelopment of the site;
- parking spaces are inadequate due to the proximity to the neighbouring fence.
- No objection to raising roof.

Hertfordshire Highways

Highway Authority does not wish to restrict the grant of permission. Home Farm Road is a private road as such Hertfordshire County Council as Highway Authority as no jurisdiction over this stretch of the highway. The proposal to extend the residential property and alter on site-parking arrangements will not have any significant implications for the public highway network.

Trees and Woodlands

Waiting for response

Fire Protection - Hertfordshire County Council

We have examined the online documentation and assume that as the dwelling is existing, access for fire appliances and provision of water supplies are sufficient. Further comments will be made when we receive details of the buildings regulations application.

Response to Neighbour Notification

6 Home Farm Road

- overdevelopment of the site;
- too close to number 10;
- out of character with the road
- Home Farm Road is a narrow cul-de-sac, unadopted, unmetalled, unlit, without footpath or turning space;
- Emergency vehicles and refuse collection have difficulty with access;
- Road may not be able to cope with additional traffic from a large development;
- damage to road from construction vehicles;

Detailed comments -

- less than 8.5m of original external walls are retained in 54 metres of proposed external walls, therefore the proposal is a rebuild rather than an extension;
- with regards to the height, an independent survey is required to establish the height relative to adjacent buildings because of the ground level variations;
- proposed development would reduce light, privacy and overlook number 6 by virtue of its bulk and depth of the proposed development;
- Proposed garage and drive is minimal in size and over time, could result in parking on the road.

10 Home Farm Road

- Overdevelopment of the property;
- decrease in parking on the site;
- parking is too tight to boundary;
- extension is only by name as footprint is significantly greater than original;
- height of proposal is greater than original and to no.10 and bungalows opposite;
- lane is not suitable for construction work;
- lane has already been damaged by application from construction vehicles;
- no other property has been development to this extent;
- 10 metres of development running adjacent to boundary (4m to the rear);
- significantly less light into main living area until the afternoon;
- plot is too small for garage and loss of access to the rear on one side;
- extension will set a precedent.
- rear extension will be high in relation to properties to the rear;
- highway safety concerns;

Petition signed by occupiers of 5, 6, 3a Birch Road, 2 Ashby Road and 1 and 2 Home Farm Road. (10 signatures in total)

- proposed scheme is two large relative to the style prevailing in the area. Proposal is only extension by name as new foot print will be significantly greater than the existing bungalow;
- roof height is significantly higher than the existing bungalow;
- Proposed five bedroom dwelling has inadequate parking potentially leading to additional vehicles being parked on the lane.

Additional comments attached to petition

- Work has commenced on site using diggers and lorries, which have caused damage to the stoney lane. Concerns whether Home Farm Road will be able to take the construction vehicles that will be necessary for the development. Also, due to the size of the rear extension the amount of earth being dug out and removed will be excessive

leading to large earth moving lorries being used.

- The hard surface of the lane has been scraped away and is not left unstable and prone to flooding due to uneven surface.
- No other properties have been developed to this extent
- With exception of skip lorries, no major construction vehicles have ever been used in the lane.

5 Home Farm Road

Amended plans - No objection

Initial Plans

- The current owners of the bungalow property in its existing 2 bedroom plan are not able to park their vehicles off street as there is inadequate parking on the existing plot. The proposed increase of the property to a 5 bedroom house is very likely to attract a medium/large size family with an increased number of vehicles.
- The ground floor bedroom(s) would be attractive to a family with grandparents and this could further increase the number of vehicles.
- A recent property development at 1 and 1a Dell Road (application numbers 4/01727/09/DRC and 4/00690/09/FUL) is an example of a proposed plan not including adequate off street parking. These are 4 bedroom houses that have 3 cars per house and the developments do not have enough off street parking as cars for these properties park on Ashby Road. The proposed plan for 8 Home Farm Road does not include as much off street parking as 1 and 1a Dell Road.
- There have been a number of occurrences over the last 2 months where the current owners of 8 Home Farm Road have had to move their vehicle(s) to enable owners of surrounding properties to either gain access to or leave their property via their vehicles. Home Farm Road is narrow and, with 2 cars parked on opposite sides of the road, entrance or exit to the road is blocked (more of a concern for emergency and council access)
- If further parking spaces were included in the proposed plan then very careful consideration would have to be given to the rural nature of Northchurch and surrounding areas and adequate planting of hedges, plants, trees etc included.

7 Home Farm Road,

- Overdevelopment of the plot
- overlooking to no.6 and 10
- as an office has already been built in rear garden, little garden left
- development is higher than original roof line;
- overlooking to no.7 opposite
- not enough car parking spaces
- narrow unmade road.

4 Home Farm Road

- The other extensions to houses along this small road have been done with sloping roofs and mostly loft conversions and are not impinging on neighbouring properties. The loss light and privacy to neighbouring properties where it is being built so high and so close to boundaries are just a couple of things that this massive build will mean.

- It is only a small road with limited access, no street lighting etc. You can guarantee that a house of this size will not come with just one car, and there are no provisions for parking that I can see to take more than one car. It is quite difficult enough now to get in and out of the driveways with people parking opposite.
- We have quite a few elderly people in the road who still drive and having this built will make it more difficult to manoeuvre.
- Access by emergency services, rubbish collections already have a difficult time as they also use it to collect from Birch Road at the end. This will surely get worse.
- I of course have no objection to improvements, but a house of this size surely warrants a bigger more private site. I hope that when you visit our road you will see that the dimensions of such a property are far and beyond the scope of our little road.

Considerations

Policy and Principle

The NPPF promotes good design and advises that local planning policies and decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

DBLP 11 Quality of Development accords with the advice in the NPPF and states that a high standard is expected in all development proposals. Development will not be permitted unless it is appropriate in terms of: layout; site coverage; design; scale; bulk; height; materials and landscaping. On the site itself, in relation to adjoining property and in the context of longer views: it respects the townscape, density and general character of the area in which it is set; it avoids harm to the surrounding neighbourhood and adjoining properties through, for example, visual intrusion; it retains, does not adversely affect and where appropriate enhances important landscape, natural, ecological, historical or architectural features.

Appendix 7 of the local plan should also be considered as it sets out good design practice for small-scale extensions. Appendix 7 indicates that extensions should harmonise with the original design and character of the house in terms of scale, roof form, window design and external finishes. A reasonable private garden/amenity space should remain following the construction of the extension, and it should not bring the house unduly close to a wall of an adjoining dwelling. In terms of the surrounding area, any extension should maintain the common design characteristics of the row or street within which a house is located, with particular regard to roof line and building pattern, design details. In terms of side extensions, Appendix 7 states that strict requirements will apply to prominent side extensions, but mainly to those parts that are clearly visible from the street.

Policy CS12 of the Pre-submission Core Strategy requires development to provide safe and satisfactory means of access and sufficient parking. Development should also avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties. Retention and enhancement of trees and will be expected and all development should respect adjoining properties in terms of; layout, security, site coverage, scale, height, bulk, materials and landscaping and amenity space.

Area appraisal for Northchurch (BCA 19) states within this character area, states that extensions should normally be subordinate to the parent dwelling in terms of scale and height.

Effects on appearance of building

The proposed development will alter the appearance of the original bungalow quite significantly, with the main variation being the increase in the roof height and its pitch. However, although the works result in the roof being altered, the dwelling still remains as a chalet bungalow and many of the original characteristics of the property still are retained

including the bay windows to the frontage and low eaves level. The introduction of the three pitched roof dormer windows are considered to appear sympathetic to the roof form as they are set in the from the flank wall, set up from the eaves and are symmetrical with the fenestration below. The application also proposes a flat roof extension to the rear which is not considered to extend an excessive distance from the original rear wall of the property (4m extension can normally be constructed without requiring planning permission) and does not conflict with the design of the parent property. The dwelling is proposed to be rendered and roof to be in plain concrete tiles with the upper side elevations to also be finished in tile hanging to match the roof tiles.

Impact on Street Scene

The proposed development at no.8 will not result in significant harm to the character of the streetscene. Home Farm Road is characterised by both two storey dwellings (no.6) and bungalows, some of which have already been extended to incorporate additional bedrooms within the attic space (no.10). The proposed extension will result in a roof form and height consistent with the adjoining neighbours and no objection is raised to this. It is difficult to get accurate measurements of the neighbouring properties but it is estimated the height of the roof will be approximately 1m higher than no.10 and approximately 1.m lower than no.6, however it is noted that there is some variation in ground levels. It is therefore considered, that due to the variation of heights within the streetscene, the proposal will not be a departure from the immediate neighbours and it would not detract from the overall appearance of the street.

Concern has been raised from the neighbours that the proposal is out of character with the street scene due to the reduced spacing to the side. There are 11 properties located along Home Farm Road and majority of these properties have garages or outbuildings which are built to the side, close to the boundary. The application proposes a single garage to the western elevation, close to the boundary fence with no.6. The garage is set back from the front elevation and appears subservient to the parent property and would not appear prominent or cramped on the site. Access to the rear of the property is retained to the eastern side.

It is considered the proposals do not represent overdevelopment of the site. The works to the property increase the height of the property however the height is still below that of its neighbour at no.6 and still retains spacing ranging from 1.7m to 2.3m on that side of the site. The provision of a four bedroom dwelling is not uncommon on this road. A space of approximately 23m is retained to the rear of the site to ensure that the site is not cramped and significant garden is retained to the back. The dwelling is still set back from the road and maintains the existing building line and overall, is considered to not cause detrimental harm to the character of the streetscene.

Impact on Trees and Landscaping

No comments have yet been received from Trees and Woodlands however it is noted that no significant trees are proposed to be felled. Concern has been raised in respect of the mature hedge located on the boundary with no.10. There is already a 2m boundary fence separating no.8 and no.10 and the extension will be set away from the fence. The construction of the extension may result in uprooting of the hedge, however a reason for refusal on this basis alone could not be sustained. No details of boundary treatment have been given as a condition requesting these is therefore recommended.

Impact on Neighbours

Concern has been raised that the proposals will result in a loss of light to neighbouring properties and reduce privacy. No.10 Home Farm Road contains three windows on the side elevation. One of these windows is a large window which serves the front room along with another window to the front elevation. Although, there may be most loss of light to this window,

as it forms a secondary window to the living room of no.10, there would not be significant loss of light to this room to warrant a refusal. Similarly, the other two windows are secondary and the loss of light to these windows would not be significant to warrant a refusal.

A number of residents have also raised concern that the proposals will result in overlooking to no.6 and no. 10 Home Farm Road. There are additional windows proposed to the new roof slope however it is considered that there is mutual overlooking between all three properties and these additional windows would not significantly reduce privacy over and above the existing relationship. There are already windows on the ground floor of the property to the eastern side and the windows to the western side (adjacent the boundary fence with number 10) will look onto the boundary fence and there will not be an opportunity to see into the property of no.10 from these windows. In terms of overlooking from the front windows to no.7 opposite, the views from these windows are within public views and no significant overlooking as a result is anticipated. No windows are proposed to the first floor side elevations. The new dormer windows to the rear will be located approximately 23m from the nearest dwelling to the north-east and therefore meets the minimum distances required in appendix 7 of the local plan.

Fire and Rescue

Hertfordshire County Council have been consulted in respect of fire and rescue and have raised no objection to the proposals.

Highways and Parking

Hertfordshire Highways have been consulted on the application and have raised no objection to the proposals. Home Farm Road is an unmade road private road containing 11 dwellings. Concern has been raised by local residents that insufficient and inadequate parking has been proposed and cars may be subsequently parked on the road, causing difficulty for emergency vehicles to access other properties.

The proposals result in dwelling to contain 4 bedrooms. Appendix 5 of the local plan sets out a maximum car parking standard of 3 spaces for this house size in the Northchurch location. The application plans show a garage to the side of the property and a gravel drive to the front. The garage measures 2.8m across and 6m in depth which is sufficient in size to contain an average car. Sufficient space is also retained to the front of the garage to allow for the provision the parking of another car. A third car could also be parked on the gravel drive to the front. A reason for refusal cannot be sustained therefore on lack of parking and there is no evidence to suggest that emergency vehicles or refuse collection vehicles could not access the neighbouring properties or to assume that cars would be parked on the road as result of this development.

Construction vehicles

Concern has been raised that the private road will be damaged as a result of heavy construction vehicles accessing the site. Damage as a result of construction vehicles in this context is considered to be a private legal matter which falls outside what can be taken into account as a planning consideration.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

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

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings.**

Reason: To ensure a satisfactory appearance to the development.

- 3 **No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the first occupation of the extensions hereby permitted. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and in the interests of highway safety.

- 4 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

12/33/2 M
12/33/1
Site Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The site is located in an area where domestic extensions are acceptable in principle in accordance with Policy 2 of the Borough Plan. There would be no adverse effects on the appearance of the building or the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policy 11 of the Borough Plan. The proposals therefore accord with Policy 11 of the Borough Plan and Policies CS4, CS11, CS12 and CS29 of the Pre-Submission Core Strategy.

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

Policies 1, 2, 9, 10, 11, 13 and 58

Appendices 5 and 7

Pre-Submission Core Strategy

Policies CS1, CS4, CS10, CS11, CS12, and CS29

Supplementary Planning Guidance

Development in Residential Areas

4/01118/12/MFA - TEMPORARY PERMISSION FOR ONE YEAR TO ALTER THE HOURS OF USE OF FLOODLIT ASTROTURF PITCH BETWEEN 1ST NOVEMBER AND 31ST MARCH - MONDAY TO FRIDAY 2PM TO 10PM AND SATURDAY AND SUNDAY 2PM TO 6PM

**THE CAVENDISH SCHOOL, WARNERS END ROAD, HEMEL HEMPSTEAD, HP1 3DW
APPLICANT: MR P DODGE**

[Case Officer - Nigel Gibbs]

[Grid Ref - TL 04686 07685]

Summary

The application is recommended for approval.

The existing dual purpose floodlit artificial pitch is a long established sporting facility located on non designated Open Land used by the School and the local community. The current weekday hours of use are limited to between 5pm and 9pm Mondays to Fridays. The proposed additional hours of use of the existing floodlit facility will enable increased opportunities for participation in community based sport.

The significant recent changes to the existing floodlighting system and resultant reduction in the light output has diluted the facility's night time impact in terms of light pollution. With now less light pollution a temporary permission to allow the facility's more intensive use will enable the LPA to assess the effect upon the residential amenity of the nearby housing with specific focus upon noise/ disturbance. This includes the use of the pitch and the off street car parking facilities.

Site Description

Cavendish School (CS) is located on the northern side of Warners End Road to the west of the junction with Gadebridge Road. There is housing along Warners End Road opposite the School's fenced floodlit all weather pitch (planning permission 4/0951/94). Some of the houses are raised above the road.

The pitch occupies a wooded elevated setting in relation to the descending Warners End Road and the adjoining Gadebridge Valley (designated Open Land). The facility's eight 15-metre high galvanised steel raise and lower columns each support three floodlights. The approved hours of use are:

Monday to Friday 5 to 9pm
Saturdays and Sundays 2 to 7 pm

Following pre application discussions the original floodlighting system has been changed to create a lower level (lux) of pitch lighting from 350 to 200. This reflects the lighting required for football. The higher 350 lux was designed for hockey which has not been played at the site in recent years. This not now feasible due to the modification to the pitch surface.

The School is on the edge of the Gadebridge Ward. It is bounded by Boxmoor Ward (on the other side of Warners End Road) and Warners End (Spring Lane).

Proposal

This is for the use of the floodlighting between 9 and 10 pm on Mondays to Fridays. It is for temporary period from 1st November 2012 to 31 March 2013. This is to enable the assessment of the impact on the local community. It is expected that the School will monitor and record any issues raised by local residents during this period.

Due to the level of demand from the local community the School wishes to increase the number of available sessions. If approved the facility would be hired to local youth football teams and younger members of the community during the early sessions with the adult teams taking the later times.

Cavendish School's Supporting Statement confirms:

- CS is a specialist sports college. It wishes to be the forefront of the Government's healthy lifestyle agenda. This aims to encourage as many members of the community to actively participate in sporting activities.
- CS has successfully managed and operated the pitch's letting for over 14 years. During this time there have been no major issues raised by either local residents or hirers of the facilities. This is due to CS treating any incidents with the upmost priority, which is also reflected in the manner in which any issues are handled and resolved.
- A large proportion of the hirers are longstanding users of the facilities and there are no known ongoing issues with them causing disturbance/ inconvenience to the local community.
- CS ensures that all those responsible for pitch hire so do on the basis of a signed contract letter. These confirm rules and regulations with which respective hirers are required to comply.
- If approved CS will reinforce the requirements placed on hirers by re-emphasising the rules particularly with regard to noise level and language when using the facilities and also on how they exit the site. This will include the installation of new signage within the CS grounds. These will state that hirers should act in an appropriate manner and consider the local community at all times. The signage will also provide contact numbers if they wish to report any inappropriate behaviour from any users. To ensure the site is secure and managed during the period of the lettings CS will have a member of staff on site at all times whilst hirers are present to ensure that there is a responsible use of the facility.
- Request for a Temporary Permission. If any issues are raised CS will work in collaboration with both DDBC and the local community to resolve them to the satisfaction of all parties.
- CS has over 70 car parking spaces available to hirers of the facilities which have been found to be sufficient to meet the parking needs.

Pre Application Dialogue with the LPA and Pre Application Local Community Engagement: Summary

Officers explained to the CS the background history and the need for the most careful consideration to given to the environmental impact of additional hours. As clarified the original floodlighting system was modified. Also the School arranged to meet local residents in February 2012 to discuss the proposal. Four residents from Warners End Road and Borough Councillor Roger Taylor attended.

Local residents invited by letter to the meeting included Gadebridge Road, The Thistles, Warners End Road, Sunnyhill Road, Melsted Road and Spring Lane. Six local Councillors were notified of which Councillors Roger Taylor and Maureen Flint expressed their support. According to CS the feedback from the residents was that their main concerns are the level of noise, and issues around users of the facilities parking on the local roads. The lights themselves were of secondary importance.

History

Planning Permission 4/00941/94 Original Scheme

This was granted following consideration by the DCC and this was set against strong

objections from local residents. Subsequently there were significant problems associated with light pollution from the installation which were thereafter reduced.

Temporary Planning Permission 4/01207/98/ROC Use of the floodlighting between from 9pm to 10pm on Mondays to Fridays with additional screening.

Condition 1 restricted this to a 9 month period. The reason was to enable the local planning authority to review the use of the floodlighting between these times in the long term interests of safeguarding the visual and residential amenity of the locality and in the interests of nature conservation.

Withdrawn Application 4/ 00896/98.Use of Floodlit Pitch from 9pm to 10pm Mondays to Fridays.

This was considered by the DCC in 29 July 1999. The decision was deferred in order to fully consider the effect of cowling.

There were subsequent requests by the LPA to provide the information and a meeting held with representatives of the School on 17 September 1999. In January 2000 CS confirmed that it was unable to commit itself to further expenditure on the floodlights. CS confirmed would wish to reapply if circumstances change.

Planning Permission 4/00659/00. Variation of condition 12 of Planning Permission 4/0951/94 (floodlighting etc.) to enable the use of the floodlights for community use from 1st September to 31st May each year

This was and an alternative to the proposal under 4/00896/98. Condition 1 specified:

‘The floodlights shall only be used during the following periods and times, unless otherwise agreed in writing by the local planning authority:

Day	Period 2000, 2001 and 2002	
	1 October - 30 April	May and September
Mondays to Fridays	5 pm to 9 pm	5 pm to 9 pm
Saturdays	2 pm to 7 pm	2 pm to 7 pm
Sundays	2 pm to 7 pm	2 pm to 7 pm

After 30 September 2002 the use of the floodlights shall cease during the whole of the months of May and September, unless otherwise agreed in writing by the local planning authority.

Reason: To enable the local planning authority to review the use of the floodlighting during the months of May and September, in the long term interests of safeguarding the visual and residential amenity of the locality and in the interests of nature conservation, with particular regard to reducing light pollution from the site’.

Referral to Committee

Councillor Ian Reay has requested the DCC’s consideration on the following basis:

- This application site is on the boundary of two wards and affects residents in a ward other than the one in which the application is taking place. This is a case where it is appropriate for it to be called in given that there are implications for the neighbouring ward.
- It is recalled that when the Scheme of Delegation was agreed there was some concern expressed about just this kind of case.

It is also in the context of Councillor Janice Marshall's representations/ similar request.

Policies

National Policy Guidance

NPFF
Circular 11/95

Dacorum Borough Local Plan

Policies 1, 2, 9, 11, 13, 49, 51, 54, 58, 63, 72, 73, 89, 113, 120 and 122
Appendices 1 and 8

Dacorum Pre-Submission Core Strategy (incorporating the List of Proposed Amendments June 2012)

Policies CS 1, CS4, CS8, CS10, CS11, CS12, CS25, CS26, CS28 and CS32

Supplementary Planning Guidance

Environmental Guidelines

Representations

Councillor Janice Marshall

Object on behalf of my constituents in Warners End Road, who live very close to the pitch.

The measures taken by Cavendish School to diminish the light pollution are appreciated. However, there still remains a noise problem. It is inevitable that, in the excitement of playing, there will be shouting and general noise emanating from the pitch and, of course, disturbance from the players exiting into Warners End Road.

Whilst that noise and disturbance up until 9 p.m. might arguably be acceptable, extending it on an open air pitch until 10 p.m. is unacceptable.

If the pitch was indoors, the noise would be less obtrusive. But it is not. In Warners End Road, the noise of the players, mainly shouting, can be heard very clearly from about the junction with Spring Lane to about the junction with Lockers Park Lane. It was principally because of the noise that the Development Control Committee reduced the hours from 10 p.m. to 9 p.m. in March 2000 under application 4/00659/00.

It is entirely unreasonable for residents, especially those with children, to be expected to suffer this noise until 10 p.m. every week day. I therefore urge that this application is refused on the grounds of loss of amenity and would be grateful, if Officers are minded to grant permission to have this application referred to the Development Control Committee in order that the members can hear the objections in person.

Assistant Access Officer

Comments awaited.

Noise, Pollution & Housing

There have been no neighbour complaints registered with the Environmental Health Unit regarding the existing use. A temporary permission will enable consideration to be given to the impact of the use until 10 pm.

Hertfordshire County Council: Highways

The Highway Authority does not wish to restrict the grant of permission.

Hertfordshire Biological Records Centre

Comments awaited.

Hertfordshire Constabulary: Crime Prevention

Comments awaited.

Sport England

The proposal affects the use of a playing field and the consultation is therefore statutory.

The proposal has been considered with regard to Sport England's policy 'A Sporting Future for the Playing Fields of England' (1997).

The aim of this policy is to ensure that there is no further reduction in the supply of conveniently located, quality playing fields to satisfy the current and likely future demand. Sport England will normally oppose development that would lead to the loss of, or prejudice the use of, all or part of a playing field, without meeting at least one of the specific exception criteria identified in the above policy.

The additional hour is sought to help meet local demand as the facility is fully booked during peak community use periods. SE has noted that to help address potential impact on residential amenity there has been a reduction in lighting levels and there is a request for a temporary permission of one year to allow monitoring of the impact of the extended use

In general term hours of operation of similar AGPs on school sites usually extends until 10.00 p.m. (on Mondays to Fridays at least). This is because it covers the peak period of community use (i.e. most clubs/teams/sports bodies have their training/coaching/matches between 18:00 and 22:00 in the evenings).

On a number of all-weather pitches, the hours of use extend until 22:30 or 23:00 in order to meet local demand. In this context, the principle of extending the hours of use of the facility beyond those currently permitted is therefore reasonable and consistent with the approach taken on comparable sites.

If there is identified demand from the community for using the pitch after 9.00 p.m. in the evenings which is currently not being met, the additional hours would be expected to have a positive impact on the use of the facility from a sports development perspective.

The alterations to the lux levels would reduce light emissions although the AGP would no longer be suitable for hockey use in the evenings as this requires higher lux levels. However, it would appear that the majority, if not all, of the demand for use of the AGP in the evenings is from football clubs/teams and the proposed 200 lux would be appropriate for football.

Overall, the implications of altering the permitted hours of use of the AGP would appear to be positive from a sports perspective and the proposal would not be detrimental to the use of the playing field. On this basis, there has no objection to the planning application as a statutory consulted and SE is supportive as a non-statutory consultee.

EDF Energy

No response.

Response to Neighbour Notification/ Response to Site Notice/Newspaper

Three written responses representing 4 houses in Warners End Road.

Light Pollution. This will be harmful to the quality of life for residents in Warners End Road, especially for young children looking to sleep during the winter months from 7.00pm. The lights shine into the bedroom windows of the houses opposite and should be kept to a minimum.

Noise Pollution. The noise and shouting of participants in the football is considerable at present and will further intrude into residents peace and quiet in this residential area.

Parking. Parking outside the school in Warners End Road may be further extended. This is considerable during school days and after school functions, creating more traffic and parking hazards and associated issues of noise and disturbance. The proposal will exacerbate current problems during the week and weekends.

Considerations

Policy and Principle

New development on designated Open Land is subject to DBLP Policies 9 and 116. Under 'protective' Policy 9 Open Land's primary purpose is to maintain the generally open character, supporting a range of uses such as leisure which will be retained and encouraged. In this respect the existing use performs a recognised 'Open Land function'.

Complimentary DBLP Policy 116 is supportive of the principle of ancillary buildings and works such as the proposal.

This approach is reinforced by Policy CS4 of the Dacorum Pre-Submission Core Strategy (incorporating the List of Proposed Amendments June 2012).

In terms of DBLP Policy 116 the following criteria must be satisfied if such ancillary development is to be supported:

(a) the location, scale and use of the new development must be well related to the character of existing development, its use and its open land setting; and

(b) the integrity and future of the wider area of open land in which the new development is set must not be compromised.

Also measures to conserve and improve the attractiveness, variety and usefulness of all open land will be investigated, encouraged and promoted.

There are no daytime implications. The night time implications are referred to below.

Visual Impact at Night: Lighting Implications

There is inevitable light pollution associated with any external floodlit facility. The floodlit facility is now a well established feature of the nightscape. The School's preparedness to change the floodlighting system has diluted the night time effect and on this basis the additional hours should not fundamentally compromise the character/ setting of the designated Open Land.

Impact on Neighbours

This is in the context of DBLP Policy 11 and the NPPF paragraph 133. There is now longstanding relationship between the existing housing and the sports facility.

The pre application dialogue with the School specifically addressed this issue which resulted in CS's community engagement.

The representations from residents in Warners End and Councillor Janice Marshall require careful consideration. With regard to these, site conditions, CS's approach and the advice of the Council's Environmental Health Officer, a temporary permission will enable all stakeholders to be involved in considering the impact after 9pm. To be properly assessed this will require officers to visit the site and surrounding area and for CS to carry out comprehensive monitoring/management and associated liaison with local residents.

This process will need to consider both the use of the floodlit facility and impact of the regular and later night use of the car parking close to houses. This albeit that there has been no response from residents with gardens adjoining car parking.

Highway Safety/ Access/ Emergency Access/Parking/ Traffic Generation/ Sustainable Location /Inclusive Access/ Access for Persons with Disabilities

Hertfordshire County Council Highways Unit has considered these implications and raises no objections. Emergency access is feasible.

The extra hours of use will ensure that new sporting opportunities will be available for all members of the community.

The use of alternative modes of transport to the private cars should be encouraged through a Green Transport Plan condition.

Energy Consumption

The modification to the floodlighting has reduced energy consumption.

Ecological Implications/ Biodiversity

Hertfordshire Biological Records previously raised reservations regarding the impact of additional hours. This is due to the closeness to important ecological sites. Since then there has been the international recognition of the harmful ecological effects of artificial lighting which is reinforced by the NPPF.

A temporary permission would enable a more thorough ecological review.

Health

The NPPF supports the delivery of sports, social and recreational facilities for community needs in 'Promoting Healthy Communities'. This approach reinforces the current development plan policies. Some additional use of the facility will be in the interests increasing the

opportunity to participate in sport at the school and locally.

Crime Prevention/ Security

The Crime Prevention Officer's advice is awaited. This is with regard to whether the later use will result in increased vulnerability of adjoining housing, school premises and participants vehicles to theft and vandalism.

Conclusions

The additional hours of will enable increase opportunities for participation in sport at a site where neither the Council's Environmental Health Unit and LPA has been unaware in recent years of environmental problems associated with the use of the floodlights. However, the response from residents in Warners End Road and Councillor Janice Marshall are highly indicative of the need for evidence based consideration of the impact of the use after 9pm.

Therefore given the relationship of the pitch to housing in Warners End Road and associated off site parking close existing housing, and with regard to the response to public consultation, a precautionary approach to the use up to 10pm use is recommended. This is through a temporary permission, providing the opportunity to closely examine whether the facility can coexist with the surrounding residential environment beyond the now long established 9pm cut off band whether there are any harmful ecological implications.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **This permission is for a limited period expiring on 31 August 2013.**

Reason: To enable the local planning authority to assess the impact of the use of the floodlights between 9pm and 10pm Monday to Friday in the interests of safeguarding the local environment and residential amenity.

- 2 **The all weather pitch shall only be used during the approved period subject to Condition 1 in accordance with the following :**

- **Mondays to Fridays: Between 9 am and 10 pm, and**
- **Saturdays and Sundays Between 2 pm and 6pm.**

and the lighting shall be fitted with an automated time switch at all times to ensure that the floodlighting's use is terminated each day in accordance with the approved times.

Reason: In the interests of safeguarding the local environment.

- 3 **The floodlighting shall only be used with an average pitch lux level of 200 lux.**

Reason: In the interests of safeguarding the local environment with due regard to the associated letter from SJB Floodlighting Ltd to Cavendish School.

- 4 **Within one month of the date of this permission a Green Travel Plan shall be submitted to the local planning authority for its approval in writing. The Travel Plan shall provide details of measures for reducing car dependency, the need to travel to site by car whilst promoting alternative modes of transport such as walking, cycling and use of public transport. The approved Travel Plan shall then be operated implemented in accordance with the approved details within**

one month of the date of its approval in writing by the local planning authority.

Reason: In accordance with the sustainable transportation policies of the development plan.

5 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan M.1059/01/04

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

NOTE 1:

This decision to grant planning permission has been taken for the following reasons, having regard to the policies and proposals in the development plan set out below, national planning policy/guidance, regional planning guidance, to all other material planning considerations, including relevant supplementary planning guidance, the imposition of conditions, the expert advice of the responding technical consultees and the response to neighbour notification/ publicity.

The existing dual purpose floodlit artificial pitch is a long established sporting facility on designated Open Land used by the School and the local community. The current hours of use are limited to 9pm Mondays to Fridays.

The proposed additional hours of use of the existing floodlit facility will enable increased opportunities for participation in community based sport.

The significant recent changes to the existing floodlights and resultant reduction in the light output has diluted the facility's night time impact in terms of light pollution.

In the context of less light pollution a temporary permission to allow the facility's more intensive use will enable the LPA to assess the effect upon the residential amenity of the nearby housing with specific regard to noise/ disturbance. This includes the use of the pitch and the off street car parking facilities. The ecological implications of the additional lighting can also be considered by the LPA.

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991-2011

Policies 1, 2, 9, 11, 13, 49, 51, 54, 58, 63, 72, 73, 89, 113, 120 and 122
Appendices 1 and 8

Supplementary Planning Guidance

Environmental Guidelines

Dacorum Pre-Submission Core Strategy (incorporating the List of Proposed Amendments June 2012)

Policies CS 1, CS4, CS8, CS10, CS11, CS12, CS25, CS26, CS28 and CS32

**5.9 4/01227/12/FHA - RETENTION OF EXISTING SIDE WALL AND NEW EAVES AND PARTIAL SLOPING ROOF
4 OSBOURNE AVENUE, KINGS LANGLEY, WD4 8DB
APPLICANT: MS J EARLEY**

[Case Officer - Jackie Ambrose]

[Grid Ref - TL 06892 03332]

Summary

The application is recommended for approval.

The rear dormer and side hip-to-gable roof extension, and garage conversion, complied with Permitted Development thus gaining a Lawful Development Certificate. However this was then constructed not in accordance with the plans, by virtue of leaving no roof edge above the eaves. This planning application was subsequently submitted and includes a 'skirt' around its lower edge in order to improve its appearance. Although this is not ideal and has been objected to by the Parish Council and neighbouring property, nevertheless it does act as an improvement to what has been built and on balance is considered to be acceptable.

Site Description

This application relates to a semi-detached dwelling within the residential area of Kings Langley, in on the western side of Osbourne Avenue, close to its junction with Coniston Road. This is a long residential road comprising rows of (originally-identical) semi-detached dwellings, built to the same design and positioned close together with relatively short front gardens. The site rises up from the road through to its rear boundary, part of which backs onto Coniston Road. A variety of side/rear extensions and roof conversions have been built along Osbourne Avenue.

Proposal

This application has been submitted to amend the recently constructed rear dormer and hip-to-gable roof extension which was not built in accordance with the Lawful Development Consent granted under 4/02055/11/LDP. The large rear dormer was, wrongly, constructed with its vertical face extending completely down to be flush with the existing rear elevation of the house. It should have ended 20cm above the eaves level of the house. Similarly, the dormer should have ended leaving a gap of a 20cm from the edge of the converted hip-to-gable roofline in order to retain its definition as a rear dormer. However no gap was left, resulting in the rear dormer merging completely with the new side gable and the side elevation all finished in white render.

The proposed change is for a 'skirt' to be attached to the lower edge of the rear dormer on the rear elevation and following the original eaves line along the side elevation, just under the newly constructed side gable. This 'skirt' will comprise a single roof tile slanting downwards supported by white barge board with guttering placed under the tile. There will be a layer of lead flashing immediately above the tile. The 'skirt' will project out from the wall by 20cm plus the gutter. The roof tiles will match the existing roof tiles.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Kings Langley Parish Council.

Planning History

Please see above for the Lawful Development Certificate.

First floor side extension granted but not implemented.

Retrospective planning application for retention of outbuilding for meditation use, being presented to this committee - 4/00648/12/RET

Policies

National Policy Guidance

NPPF
Circular 11/95

East of England Plan

Policies SS1, ENV6, ENV7, ENG1.

Dacorum Borough Local Plan

Policies 1, 9, 11, 13, 58
Appendix 7

Core Strategy

CS12

Representations

Kings Langley Parish Council

The Council do not consider the tile crease along the existing side wall to be in keeping with the street scene.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

6 Osbourne Avenue - Objects:

- It is out of character and not in keeping with the street.
- It is unlike every other dormer conversion in the street which are in line with the natural roof slope
- It would re introduce the 20 cms as a "skirt" pointing towards my property
- It is just an attempt to get around the rules on the cheap
- It should not be allowed to happen
- It will make what is already an unsympathetic conversion to a period 1930's building look very strange

Considerations

Policy and Principle

Rear dormers and roof extensions to dwellings are acceptable in principle providing they comply with Policy 11 criteria regarding their impact on the dwelling, the street scene and

neighbouring amenities.

In this case, the dormer and roof extension were built not in accordance with the plans that were granted as Permitted Development and therefore this application has to be judged on the visual impact of the dormer and roof as built, together with the proposed skirting, as detailed above.

Effects on appearance of building

The rear dormer has been constructed without leaving a gap above the roof eaves and, although it is in tile hanging to match the original roof, lacks any definition between where the dormer ends and the roof begins and visually sits flush with the rear elevation. As such it looks slightly top-heavy and does not match other rear dormers along the road.

By constructing the proposed 'skirt' as detailed above, it is considered that this will provide a degree of definition between the dormer in the roof and the rear elevation and with the guttering in place may rectify its visual appearance to some degree.

Similarly the current view to the side elevation gives the appearance of an unrelieved block of white render. By introducing the 'skirt' this will serve to break up this block and again provide some definition between the side elevation and the roofscape. The 'skirt' will protrude out 20cm and will slightly overhang the existing side extension (converted garage).

Impact on Street Scene

Due to positioning of the site, its rear elevation is visible from along Coniston Road to the rear of the site. It is viewable along this road, and can also be seen in a row with other rear dormers to No. 8 and 10 Osbourne Avenue. Both these provide a gap between the lower part of the dormer and the roof eaves as normally the case. One of these is all in white render and the other in matching roof tiles. As a result this dormer is clearly different from these other dormers. However, by providing the 'skirt', it is considered that this will be sufficient for its differing appearance not to be so visually harmful.

As viewed from Osbourne Avenue, the 'skirt' will be noticeable in that it will protrude by 20cm from the face of the side wall. However, this protrusion will only look slightly odd when viewed directly on to the front of the building, but when viewed from along the road at an angle across the gap between No. 4 and 6, then its appearance will make more sense: delineating between the side wall and side gable. As a result of this skirting it is considered that the impact of the rear dormers merging with the side gable together with the delineating skirting will not be visually unduly harmful within the street scene.

Impact on Neighbours

It is noted that the neighbouring property at No. 6 that faces directly onto the side elevation, has one window in its side elevation which serves the staircase. Therefore the side dormer/gable and the proposed skirting will be visible from their front garden, their staircase window and their rear garden. Similarly the rear dormer and the skirting will also be visible from their rear garden.

The neighbour has raised concerns that his amenity is being compromised in that the dormer is out of character with others in the road and that the skirting will look odd. This is backed up by the Parish Council in objecting to the existing dormer as built and the proposed skirting.

It is accepted that the dormer has not been built in accordance with the plans, as lawfully granted under Permitted Development, and as a result does not provide a good relationship with the existing roof.

The fallback position for the applicant is, that if this application is refused enforcement notice would then be served against the rear dormer as incorrectly built. The applicant would then have the right to appeal against this notice. If the notice was upheld by the Planning Inspectorate then the dormer would have to be removed and rebuilt in accordance with the Lawful Development Certificate. If the appeal is allowed then the dormer would remain as built.

On balance it is considered that in this case, by constructing some skirting around the building, comprising a row of matching roof tiles and guttering, it will be sufficient to ameliorate and visually improve the current dormer extension to such an extent as to overcome its harmful impact on the two roads and the neighbouring property.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

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

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings.**

Reason: To ensure a satisfactory appearance to the development in compliance with Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 3 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

0A.07
0A.15
0A.13
0A.11
0A.12A
0A.14A

Reason: For the avoidance of doubt and in the interests of proper planning.

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The site is located in an area where domestic extensions are acceptable in principle in accordance with Policy 2 of the Borough Plan. On balance it is considered that in this case, by constructing some skirting around the building, comprising a row of

matching roof tiles and guttering, it will be sufficient to ameliorate and visually improve the current dormer extension to such an extent as to overcome its harmful impact on the two roads and the neighbouring property. The proposals therefore accord with Policy 11 of the Borough Plan and CS12 of the emerging Core Strategy.

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

Policies 2, 9, 10, 11, 13 and 58

Pre-Submission Draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

Policy CS12

**5.10 4/00648/12/RET - NEW SINGLE STOREY MEDITATION ROOM TO REAR GARDEN
4 OSBOURNE AVENUE, KINGS LANGLEY, WD4 8DB
APPLICANT: MS J EAREY**

[Case Officer - Jackie Ambrose]

[Grid Ref - TL 06892 03332]

Summary

The application is recommended for approval.

This timber outbuilding in a residential garden was built without planning permission, under the assumption that it was Permitted Development, however its height just exceeded that permissible under these rights. An application was then submitted for retrospective consent for this outbuilding described as a meditation room by its owner. As initially built, the outbuilding had an unacceptable impact on neighbouring amenities due to loss of privacy and visual intrusion. However, amendments have subsequently been made to the site and the outbuilding and, with conditions to limit its use, now make it accord with Policy 11 criteria.

Site Description

This application relates to a semi-detached dwelling within the residential area of Kings Langley, in on the western side of Osbourne Avenue, close to its junction with Coniston Road. This is a long residential road comprising rows of (originally-identical) semi-detached dwellings, built to the same design and positioned close together with relatively short front gardens. Due to rising ground levels the site rises up from the road through to its rear boundary, part of which backs onto Coniston Road. A variety of side/rear extensions and roof conversions have been built along Osbourne Avenue.

Proposal

This outbuilding is 3.7m wide by a maximum of 4.7m deep (due to the angled far side elevation along its boundary with Coniston Road). It has a flat roof with a height of 2.7m, although it appears higher as it sits on an existing concrete plinth of 0.7m. It is positioned 1.9m away from the side boundary with No. 6 Osbourne Avenue. Its front elevation is positioned 16m away from the rear of the house with grass and footpaths in between.

This application seeks retrospective planning permission for this outbuilding, as now amended. According to the applicant it was assumed that its size, positioning and height meant that it fell within the limits of Permitted Development (PD) and thus did not require planning permission. However, its height of 2.7m exceeds the limit for PD of 2.5m.

The applicant has described its proposed use for meditation purposes, primarily for herself but on occasions with friends.

Planning history for the outbuilding

As the planning officer dealing with two other current applications for this site (see under Planning History), I was alerted to this structure being built by the neighbour. The enforcement officer then visited the site (although there was some delay due to the applicant being away) and confirmed that it did not fall within the limits of PD and, in accordance with the correct enforcement procedure, invited the owner to submit a planning application.

There was some delay in the applicant submitting this application, which was finally submitted on 29 March 2012. Neighbours at No. 6 and 8 have strongly objected to this application, as detailed below. Many of their objections raised at the time related to loss of privacy and visual intrusion and contrary to planning policy. Following site meetings with the applicant and her

builder, amendments were made to the outbuilding and the plans. Neighbours and the Parish Council were then re-consulted on these amendments. Their continued objections are provided below.

These amendments have meant that the outbuilding now has no possibility of inserting windows within the front elevation. The four windows along the side elevation, facing No. 6, are now all at high level (above 1.5m from the internal floor level), remaining with clear glass and are non-openable. There is a door in the far side elevation, closest to the gate opening out onto Coniston Road to the rear. The building is faced in horizontal timbering that has been stained a mid-brown. A 2m high close-boarded fence, stained the same colour, has recently been erected along the shared side boundary with No. 6, replacing the previous fence that was only 1m high.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Kings Langley Parish Council.

Other applications for the site

A Lawful Development Certificate (LDC) was submitted on 21 November 2011 for a rear dormer and a side hip-to-gable roof extension with the conversion of the side garage into habitable accommodation under 4/2055/11/LDP. Although there is no requirement to carry out any consultation for an LDC, the neighbour at No. 6 had been made fully aware of this application and made no adverse comments. The submitted plans accorded with the requirements under PD and thus a Certificate of Lawfulness was granted under delegated powers on 9 January 2011.

Two weeks after this application was submitted, a planning application for a first floor side extension was submitted on 2 December 2011, under 4/2063/11/FHA, but with no explanation as to why they submitted two separate applications at the same time. Following a site visit and discussions with the neighbour and an assessment of the proposal in terms of what other forms of development had been allowed along this road, this application was considered to be appropriate in terms of its impact on the house, the neighbouring house and within the street scene and thus complied with Policy 11 criteria. The planning officer visited the neighbour at No. 6 who raised no objections to the scheme, nor did the Parish Council. It was therefore approved on 2 March 2012 under delegated powers. However, this consent has not been implemented and indeed would require a new application as the original roof form has since changed due to the LDC.

The rear dormer and roof extension granted under the LDC has now been implemented, although not in accordance with the approved plans therefore meaning that it does not fall within the PD rights. The appropriate enforcement procedure was duly followed and the applicant has now submitted a planning application, under ref 2/1227/12/FHA, to retain the existing rear dormer and side gable but with certain additions in order to improve its appearance. Due to an objection from the Parish Council this application has also been referred to this DC Committee meeting with an officer recommendation for approval.

Policies

National Policy Guidance

NPPF
Circular 11/95

East of England Plan

Policies SS1, ENV6, ENV7, ENG1

Dacorum Borough Local Plan

Policies 1, 9, 11, 13

Core Strategy

CS12

Representations

Kings Langley Parish Council

The Council objects to this application on the grounds that its bulk and height made it overbearing, and its design and quality of materials meant that it was contrary to Dacorum Borough Council's Policy 11. The Council is also concerned about the lack of privacy afforded to the neighbouring property.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Relating to the original plans:

6 Osbourne Avenue - Objects:

- I am disappointed that it was only after two enforcement letters were issued that plans were actually received and when these were submitted to the Parish Council, they were not sufficiently detailed or accurate to fully reflect the overall size of the construction in proportion to the garden size.
- My comments are relevant to Policy 11 of the Dacorum Local Plan and to the supplementary planning guidance which I believe are the standards worked to when assessing this application.
- The build is outside permitted guidelines and as it has been built on a "plinth" off raised ground it has become a very imposing structure. It is intrusive and not particularly well built and not in keeping with other wooden constructions at the end of people's gardens.
- It is not proportionate to the size of the garden, being tantamount to a Scout Hut.
- Crime prevention is required to be incorporated into planning from the outset & with the build being so large, out of character and highly visible from Coniston Road, it will most definitely attract the wrong type of attention.
- The proposed use of the building may not be "residential" but "leisure" use, contrary to policy
- It is intended for a number of invitees as well as owners to use to hold regular gatherings there with friends.
- It causes harm and is unneighbourly in terms of visual intrusion.
- It has resulted in a complete loss of privacy.
- The garden is very important to our family life and with windows that so totally overlook us and so up close.
- I worry about who could be looking at my 7 & 3 year old daughters, especially in the summer when it is hot & they are in their swimwear. This is a totally unacceptable situation as even if I raised my fence to the maximum 2 metres, my property remains overlooked. The plans (although not currently incorporated in to the build) also show a couple of windows at the front, which again will overlook our patio area & look straight in to our house.
- Use of obscured glass is not acceptable and there should be no windows either at the

front or the side facing our garden.

- It will deny my children the joy they obtain from talking to the neighbour's children over the current fence each day (if the neighbour increases their fence).
- Its proposed use for gatherings will bring with it potential noise pollution for the neighbouring properties and parking issues for the residents of Coniston and use of side gate.
- The evening sun sets at the rear of my garden and my concern is the loss of light from the direction of the build. I have an Oak tree at the end of my garden and this is subject to a tree preservation order so I am not able to touch without council permission so in the summer months we are fully reliant on the light from the direction of the structure.
- Planning permission should be refused and then the structure removed from site.

8 Osbourne Avenue - Objects:

- The structure was erected without planning permission being applied for in the first instance
- It contravenes planning regulations in terms of height.
- The side windows intrude on our privacy and quality of life.
- We have two young children under the age of 5 who spend a lot of time in the garden and was the principal reason for the purchase of the property.
- This is now no longer possible with the structure erected by Number 4 Osbourne Avenue.
- In addition a side entrance has been created from neighbouring Coniston Road that enables access to the structure and rear of the property of Number 4 Osbourne Avenue which only serves to heighten the concerns had around the intrusion on our privacy and quality of life, not to mention raise further concerns around the security of our children when they are playing in 'their' garden.
- I have noticed the side entrance to Number 4 Osbourne Avenue is wide open so as a consequence there is access not only to their garden but also Number 6 and Number 8 - no security whatsoever.

2 Osbourne Avenue – supports:

- We have no objections to the Shed at the end of the garden at 4 Osbourne Avenue
- We live next door at 2 Osbourne Avenue and have no issues with its position or construction

Further comments received relating to the amended plans:

6 Osbourne Avenue - Objects:

- I reaffirm my objections as detailed in my original letter.
- I do appreciate that the applicant has built her own fence, that she has stained the timber and reduced the size of the windows.
- But alters nothing as the "height, size and bulk" of the construction has not change.
- Although the size of the windows has been reduced they still fully over see my garden (due to the plinth) as they are set above the level of the fence.
- By simply installing some blinds does not change the fact that our garden remains over seen and that there is a significant breach of our family's privacy.
- Proposed use as now stated by applicant is definitely not in keeping with a residential area due to noise pollution and potential parking issues for the residents of Coniston Road, near side gate.
- The construction remains out of character with the area.
- I believe that there are at least 5 breaches of Policy 11 thus there is a statutory duty to have the construction removed.
- Impact on the marketability of our house.
- It has to be remembered that this build was completed without consultation with either

the council or all of the applicant's neighbours & without the correct planning procedure being undertaken.

- In correct information given on application form.

8 Osbourne Avenue - Objects

- The amended plans are 'still' not representative of the structure itself, are somewhat misleading.
- Height of the structure has not been modified.
- The amended plans infer the structure is smaller than is given the surrounding land available. Certainly, not representative to scale. Not the degree of section available at the rear of the structure as the plans suggest i.e. nearly the size of the structure itself.
- The amended plans make reference to reduced 'glazed' windows which I do see to be the case.
- The structure is not in keeping with the characteristics of the area.
- To be used as a communal gathering centre for any number of people at any one time would be an obvious intrusion on our family life as such and reiterate concerns around the security of our children.
- Its intended use is not with keeping in character of a residential area and will heighten the traffic congestion already apparent on Coniston Road, particularly during school runs to nearby schools.
- Factually incorrect information provided on application forms.
- Trees were cut down and removed to make way for the structure.
- Its intended use as a gathering centre for numerous individuals will heighten traffic congestion already apparent on Coniston Road, and indeed potentially Osbourne Avenue.
- The structure can be seen from Coniston Road, Coniston Road Footpath and part of public right of way leading to KL Schools.

Considerations

Principle

It is common for outbuildings to be constructed in residential gardens that are of a size that fall within Permitted Development rights and thus do not require planning consent. These outbuildings can be used for a variety of reasons providing they are considered to be ancillary to the main use of the house, such as a home office, gym or children's playroom. These structures would thus fall outside of planning control.

In this particular case the outbuilding is of a height that is just higher than that within Permitted Development and therefore requires planning permission. Its proposed use, as a meditation room, for the applicant, could also be considered as ancillary to the main use of the house.

Policy

The site lies within the residential area of Kings Langley wherein the principle of outbuildings is acceptable providing they are in accordance with Policy 11 of the Dacorum Borough Local Plan (DBLP) which relates to the 'Quality of Development'.

Policy 11 covers a range of criteria and the following criteria are relevant to this application:

- (a) Development will not be permitted unless it is appropriate in terms of layout, site coverage, design, scale, bulk, height, materials and landscaping on the site itself, in relation to adjoining property and in the context of longer views.
- (c) It respects the townscape, density and general character of the area.
- (d) It avoids harm to the surrounding neighbourhood and adjoining properties through for example, visual intrusion, loss privacy, general noise and disturbance.

(f) It provides a satisfactory means of access that will not cause or increase danger to pedestrian, cyclists and other road users.

(g) the traffic generated would neither compromise the safe and free flow of traffic on the existing roads or have a detrimental impact on the safety of other road users or on the amenity of the area.

It should be noted that Policy CS12 of the emerging Core Strategy encompasses very similar requirements to Policy 11.

This application as amended is to be judged against the above criteria, focusing on the outbuilding's physical impact and its proposed use upon neighbouring amenities.

In terms of its floor space, the outbuilding is not particularly large; measuring 3.7m by a maximum of 4.7m and is positioned in the rearmost part of the garden. However, as the land rises up towards the rear boundary and it sits on a concrete plinth then it does appear larger than if it was on level ground. It is also positioned next to small garden shed which is on lower ground thus accentuating its height. Furthermore, rather than having a typical pitched roof, it has a flat roof and its boxy shape is accentuated by the horizontal timbers. Thus, in this respect it does appear quite bulky.

However, in terms of its footprint within the whole rear garden area, it still leaves sufficient usable garden space within this relatively small garden. The front elevation of the building is unrelieved, but this is in order to prevent any loss of privacy which otherwise could be afforded into the rear windows of No.6. The amended plans confirm that this would remain a blank elevation to ensure no windows can be inserted in the future and can be ensured by imposing a condition to that effect.

In terms of materials, the dark stained boarding is very typical of garden outbuildings and now that it is stained to match the side fence it is considered to be both appropriate and in harmony.

Importantly, the four side windows have been halved in size by blocking the lower half using matching stained timbers. Each window now has a small cill. In this way the building remains simple in its appearance.

It is acknowledged that a small part of the building can be viewed above the side gate and fence running alongside Coniston Road, however, a timbered outbuilding is not an uncommon feature in a rear garden and therefore, despite its flat roof form, is not considered to have a harmful appearance in Coniston Road. There is no clear view of the outbuilding from Osbourne Avenue itself.

In terms of its visual impact on the immediate neighbour property at No. 6, there was originally a clear view of this building from all their rear windows and their garden. This was due partly to the low 1m dividing fence and its positioning against the small garden shed. Since the outbuilding was initially constructed the applicant has erected a taller 2m high close-boarded fence along the shared boundary.

Therefore, the complementary stained timber of the completed shed, situated beyond the 2m high fence has resulted in the outbuilding blending more favourably within the garden as a whole and is considered to have had its visual impact upon the house and garden of No. 6 significantly reduced.

In terms of loss of privacy, before the outbuilding was fully completed, the four large windows along the side meant that there was undoubtedly the potential for overlooking into the rear garden of No. 6 and also across to No.8. This loss of privacy would have been unacceptable. The plans were then changed and the outbuilding was altered to effectively completely block

up the lower part of each of the four side windows. The officer re-visited the building when the internal floor was completed and the lower window sections blocked up and was entirely satisfied that there was no ability to look out of the windows across to either gardens or any direct view across to the rear house windows of No. 6. The blocking up of any view of the garden was further ensured by the continuous 2m high close-boarded fence now erected along the shared side boundary with No. 6.

Consequently, it is now considered that there is no loss of privacy for the occupants of No. 6 or 8 within their rear gardens and no direct views to their rear windows. Through these changes the harmful impact on the neighbouring amenities through visual intrusion and loss of privacy has now been removed.

Consideration is now given to the use of the outbuilding. As stated above it is the applicant's wish to use this building for personal meditation and on occasions to share her meditation with other friends on an ad hoc basis.

It is important that the use of this building does not interfere with the living conditions of neighbouring properties and remains ancillary to the main use of the house as residential. The applicant has confirmed that the actual meditation process is quiet and would not lead to any undue noise or disturbance for neighbours. The concern would therefore be if any gathering of people caused undue noise and disturbance when leaving the outbuilding, particularly if this at unsocial hours. This could be controlled through agreement with the applicant as to numbers meditating in the building at any time and the time limit for any of these sessions to end. This could be achieved by condition with specified maximum numbers of visitors and times for meditations sessions to end. This will also ensure that no undue noise is created along Coniston Road when people leave the premises.

However, it is important to acknowledge the fact that any residential household can create noise and disturbance on an ad hoc basis which is not controlled through planning powers. However, any intrusive disturbance can be controlled under the Environmental Health Acts. In this way undue disturbance caused by noise or lights can be dealt with through these powers.

The applicant is fully aware of families living in close proximity and thus should respect this fact by using this building in a reasonable and neighbourly manner.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 4 Osbourne Avenue, Kings Langley and shall at no time be used for any commercial purposes.**

Reason: To safeguard and maintain the strategic policies of the local planning authority as expressed in Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012') and for the avoidance of doubt.

- 2 The use of the meditation room hereby approved shall be limited to the following restrictions:**

- Maximum number of people attending a meeting here at any one time shall**

be no more than 6 persons.

- **No use of the meditation room after 9.00pm.**
- **The frequency of meditation use by non-family members is limited to 4 times per week.**
- **The side gate shall not be used for means of access or egress for non-family members using the meditation room and which shall remain padlocked.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in compliance with Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 3 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no windows, doors or other openings other than those expressly authorised by this permission shall be constructed without the prior written approval of the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in compliance with Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 4 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

AO.07
AO.01
AO.02B
AO.03C

Reason: For the avoidance of doubt and in the interests of proper planning.

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The site is located in an area where domestic extensions are acceptable in principle in accordance with Policy 2 of the Borough Plan. There would be no adverse effects on the appearance of the building or the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policy 11 of the Borough Plan.

This timber outbuilding in a residential garden was built without planning permission, under the assumption that it was Permitted Development, however its height just exceeded that permissible under these rights. An application was then submitted for retrospective consent for this outbuilding described as a meditation room by its owner. As initially built, the outbuilding had an unacceptable impact on neighbouring amenities due to loss of privacy and visual intrusion. However, amendments have subsequently been made to the site and the outbuilding and, with conditions to limit its use, now make it accord with Policy 11 of the Dacorum Local Plan and CS12 of

the emerging Core Strategy.

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

Policies 2, 9, 10, 11 and 13

Pre-Submission Draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

Policy CS12

**5.11 4/01098/12/FHA - LOFT CONVERSION
41 PEMBRIDGE ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0QN
APPLICANT: MR A W MORRIS**

[Case Officer - Briony Curtain]

[Grid Ref - TL 01118 03267]

Summary

The application is recommended for approval. The application site is located within the large village of Bovington wherein extensions to properties are acceptable in accordance with Policy 3 and 11 of the DBLP.

The dormer does adversely effect the appearance of the street scene and the character of the parent dwelling and this is contrary to Policy 11 and the NPPF. In addition the amenity of adjoining neighbours in terms of loss of privacy would be slightly adversely affected. The greater level of overlooking afforded from the dormer is not however significant when compared to other rear facing windows in the vicinity (application site and dormer at No. 39) or when compared to previous levels (when properties were constructed). The proposal does not affect the amenity of adjoining neighbours in terms of loss of sunlight or daylight.

Whilst contrary to Policy, a dormer of almost identical size and form to that proposed could normally be constructed under the normal permitted development rights of the property. However in this instance a condition attached to a 2003 planning consent restricted the construction of windows, doors, dormers or other openings on the entire dwelling, as opposed to the approved extension. The 2003 Case Officers report fails to include clear reasons for the imposition of this condition and its relation to the entire dwellinghouse. Bearing in mind the lack of justification, should the applicants apply to vary or remove this condition it would be difficult for the LPA to resist. If this condition were varied or removed the proposed dormer would be permitted development (as with the dormer at No 39) and fall outside the control of the LPA. This is a material consideration and must be given significant weight in the determination of this application. It is thus recommended that permission is granted.

Site and surroundings

The application site is located to the very south-eastern corner of Pembridge Road and comprises a semi-detached dwelling, which has previously been extended by way of a single storey side extension. The dwelling fronts onto an open green space. To the side, at a space of approx 8.5m, are the front elevations of No. 43-45 Pembridge Road. To the rear, at a distance of approx 8m and at a slight angle is No. 37 Pembridge Road. The garage of the application site is located at the end of the rear garden and attached to No. 37.

Proposal

Planning permission is sought for the retention of a partially constructed loft conversion which includes a large full width rear dormer.

The proposed dormer measures 7m in length and is attached to an almost identical dormer at No. 49 Pembridge Road. The overall structure is approximately 14m in length and covers the entire rear roof slope of this pair of semi-detached dwellings. This application however only relates to the half at No. 41.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Bovington Parish Council.

Planning History

4/02200/02/FHA SINGLE STOREY SIDE EXTENSION
Granted
23/01/2003

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Dacorum Borough Local Plan

Policies 1, 3, 11, 13 and 58
Appendices 3, 5 and 7

Pre-Submission Core Strategy

Policies CS4, CS11, CS12, and CS29

Constraints

Large Village of Bovingdon.

Representations

Bovingdon Parish Council

OBJECT - We are concerned that the earlier permission for the single storey development was specific (one storey only and restrictions). We believe that there is a risk that this development will in effect be an attempt to circumvent the earlier restriction. We need further clarification. In the meantime we object to the proposal.

(Clarification regarding previous consents and relevant conditions was provided. However the Parish Council feel the fairest way of dealing with the application is to send it to committee so that applicant and objector can both have their say. Their objection thus stands. No planning reasons for the objection were advanced).

Enforcement

The Council's planning enforcement policy was formally adopted in April 2010. This document sets out the Council's approach to handling planning related enforcement matters. The power to issue an enforcement notice is discretionary. A notice should only be used where we are satisfied that there has been a breach of planning control and it is expedient to issue a notice, having regard to the provisions of the development plan and to any other material considerations. Department of the environment Circular 10/95 provide specific guidance on the enforcement of planning legislation and issuing of enforcement notices. This Guidance states 'an enforcement notice should not normally be issued solely to "regularise" development which is acceptable on its planning merits'.

Planning enforcement officers have considered the development that has taken place at the adjoining property (No. 39) and concluded that the development is permitted development and does not require planning permission. To take any formal action against the dormer recently constructed at the adjoining property would be contrary to the Council's planning enforcement policy and national guidance.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

One letter of objection received from No. 37 Pembridge Road:

- strongly object as in fact the development is adding a third floor which is not in keeping with the surrounding properties and not sympathetic to the building style of the estate.
- a previous application was refused because of the intrusion into our privacy and detrimental effect to neighbouring houses. This was amended to a single storey. The loft conversion is worse because of its height we feel completely overlooked
- the dormer has been attached to No. 39 thus giving a box like appearance to the rear of both properties
- the development has a tremendous adverse affect on our sense of wellbeing, invasion into our personal space and privacy as the elevated window position have a direct view into the rear rooms of our property, including our sitting room.
- the development is not a very sympathetic design. Bovingdon court is a three storey construction of similar boxy design, however this is flats not single dwellings.

Considerations

Policy and Principle

The NPPF promotes good design and advises that local planning policies and decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

DBLP 11 Quality of Development states that a high standard is expected in all development proposals. Development will not be permitted unless it is appropriate in terms of: layout; site coverage; design; scale; bulk; height; materials and landscaping. On the site itself, in relation to adjoining property and in the context of longer views: it respects the townscape, density and general character of the area in which it is set; it avoids harm to the surrounding neighbourhood and adjoining properties through, for example, visual intrusion; it retains, does not adversely affect and where appropriate enhances important landscape, natural, ecological, historical or architectural features.

The site is situated within the large village of Bovingdon wherein extensions to properties are acceptable in accordance with Policy 3 and 11 of the DBLP. The main considerations in the determination of this application are the visual impact of the development and its impact on the residential amenities of surrounding properties.

Effects on appearance of building and street scene

The proposal does adversely affect the overall visual appearance of the building and the wider street scene. The size and scale of the dormer is excessive (full width of rear roof slope) and this is further exacerbated by the fact it has been attached to an almost identical structure at No. 39. The proposal is thus contrary to NPPF and Policy 11 of the Dacorum Borough Local Plan.

There are however many examples of similar, (full width) dormers in the immediate vicinity of the application site (at least 3 within a 30m radius). All of these have been constructed under Permitted Development Rights. Of most relevance is the immediate neighbours (No. 39) full width dormer. A lawful development certificate for the dormer window at No. 39 Pembridge Road was granted in 2012 (ref. 4/00027/12/LDP). The proposed dormer is attached to this dormer and as such does reinstate a certain amount of balance to the rear elevation of the pair of properties. Given the presence of similar structures the development currently proposed does not cause significant harm, or appear incongruous or overbearing to this part of the street

scene.

Effect on Amenity of Neighbours

The proposal does have an adverse impact on the residential amenities of surrounding properties in terms of light, privacy or visual intrusion.

The dormer at No. 41 results in a slightly greater level of overlooking to No. 37 Pembridge Road than existed prior to its construction. The rear elevation and immediate garden of No. 37 are overlooked from the ground floor, and first floor windows of the application property and from the first floor and loft room windows of No. 39 (the lawful dormer). However given its height and proximity to No 37, the dormer now constructed provides clear, uninterrupted views to the rear of No. 37 (lounge and immediate rear garden).

However, the layout and spacing of the properties in this section of Pembridge Road is unusual and given the level change (No. 39 & 41 being higher) does provide an unusually high level of overlooking between properties. When the properties were first constructed and only close boarded fencing separated the sites, the rear elevation of No. 37 would have been entirely visible from all rear facing windows, as well as from the rear garden of No. 41 (numerous photographs submitted as part of the application support this). In addition photographs from the 2003 file demonstrate that the rear of No. 37 was originally visible from the street scene (where the single storey side extension has been constructed).

The sites (No's 37 and 41) are now partially screened from each other by mature landscaping. This landscaping however is under the control of the applicant and could be removed at any time. If it were removed the level of overlooking from the ground and first floor of No. 41 would revert back to the level demonstrated shortly after construction and be similar to that now possible from the new loft room. The proposed dormer is concluded to provide no greater level of overlooking than that that existed when the properties were first constructed.

With regard to previous consents, planning restrictions and privacy implications, there appears to be some confusion. Planning permission was granted in 2003 for the construction of a single storey side extension. It was originally proposed to construct a one and a half storey (front facing dormer in roof) extension but the scheme was amended following concerns from the Case Officer. These concerns related to the overbearing impact of the extension on the front elevations of No's 43 and 45 (to the north) and not any adverse privacy implications to No. 37. The scheme was amended to reduce the overall mass and bulk at roof level (half hip amended to full hip) and omit the front facing dormer so as to limit the overall mass and bulk when viewed from the front of 43 and 45, not to prevent overlooking. The dormer that was omitted was a front facing dormer overlooking the open green and not a rear dormer facing No. 37. The amendments sought in 2003 are not considered relevant to the determination of this application, and do not indicate the unacceptability of dormers as suggested.

The earlier restrictions were an attempt to minimise the mass and bulk of the extension roof and as such the current proposal does not appear to be an attempt to circumvent earlier restrictions as stated by the Parish council. The 2003 amendments should thus be given very little weight in the consideration of this application.

Other Considerations

A dormer of identical size to that currently proposed could be constructed at No. 41 under the normal permitted development rights were it not for a condition attached to a previous planning permission. Condition 5 of Planning Permission 4/00027/02 stated:

5. Notwithstanding the provisions of the Town and Country Planning (General or without modification), no windows, dormer windows, doors or other openings

other than those expressly authorised by this permission shall be constructed.

Reason: *In the interests of the residential amenities of the occupants of the adjacent dwellings.*

Unlike surrounding properties the dormer at No. 41 thus needs planning permission. The Case Officers report and file notes of various meetings appear to indicate that this condition was intended to relate to the extension itself and not the entire dwelling. The reason given was to ensure no overlooking or privacy implications to neighbouring properties. There is no mention of future loft conversions or the need to limit/restrict these.

The applicants could, if they wish, apply to vary or remove Condition 5 of that planning permission (the condition could be varied to relate to the approved extension only as opposed to the entire dwellinghouse). Bearing in mind the reasons given in the Case Officers report for imposing condition 5 it is considered that should an application to vary or remove this condition be received it would be very difficult to refuse. Should this condition be removed or varied then the current proposal would be Permitted Development and fall outside the control of the Local Planning Authority.

This is a material planning consideration and should be given significant weight in the determination of this application.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

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

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

**letter from applicant,
site location plan**

LC 02 B

LC 03 A

LC 04 A

LC 01

Reason: For the avoidance of doubt and in the interests of proper planning.

NOTE 1:

This decision to grant planning permission has been taken for the following reason having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The development is compatible with the maintenance and enhancement of the character of the settlement. The proposals therefore comply with the aims of Policy

3 of the Borough Plan. The dormer does adversely effect the appearance of the street scene and the character of the parent dwelling and this is contrary to Policy 11 and the NPPF. In addition the amenity of adjoining neighbours in terms of loss of privacy would be slightly adversely affected. However, the greater level of overlooking afforded from the dormer is not significant when compared to other rear facing windows in the vicinity or when compared to previous levels (when properties were constructed). The proposal does not affect the amenity of adjoining neighbours in terms of loss of sunlight or daylight. Sufficient car parking is provided. The proposals therefore comply with Development Plan policies listed below.

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

Part 3 General Proposals

Policies 3, 9, 11, 13 and 58

Appendices

Appendices 5 and 7

Pre-Submission Draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

Policy CS12

6. APPEALS

A. LODGED

- | | | |
|-------|----------------|--|
| (i) | 4/00359/12/FUL | Mr Bhaloo
Change of use residential to offices
42 Thumpers, Hemel Hempstead |
| | | Delegated |
| (ii) | 4/02166/11/FHA | Mr M Boniface
Replacement front windows
74 Shrublands Avenue, Berkhamsted |
| | | Delegated |
| (iii) | 4/01480/11/FUL | Mr H Webby
Detached dwelling
Lavender Cottage, Dunny Lane, Chipperfield |
| | | Delegated |
| (iv) | 4/01807/11/FHA | Mr T Pike
Two storey side and rear extensions, conservatory &
internal alterations.
Fairfields, The Grovells, Hudnall Common, Little
Gaddesden |
| | | Delegated |

- (v) 4/00061/12/LDP Mr Dunleavy
Dormer (Certificate of Lawfulness)
27 Athelstan Road, Hemel Hempstead

Delegated
- (vi) 4/02091/11/FHA Mr and Mrs N MacDougall
Rear extension and porch
Old Farm House, Nettleden Road, Frithsden

Delegated
- (vii) 4/00286/12/FUL The Dean Trust
Construction of a detached dwelling
Land adj. Broom Cottage, Kings Lane, Chipperfield

Delegated
- (viii) 4/00462/12/LBC Carluccio's Ltd
Floating timber floor
The Town Hall, High Street, Berkhamsted

Delegated
- (ix) 4/00195/11/FUL Hollywell Properties
Redevelopment of car park for seven dwellings
r/o 121-127 High Street, Berkhamsted

Committee
- (x) 4/02174/11/FUL Mr Henry
Demolition of existing dwelling and construction of 4-bed
dwelling
Woodland View, Rossway, Berkhamsted

Delegated

B WITHDRAWN

None.

C FORTHCOMING INQUIRIES

- (i) 4/02174/11/FUL Mr Henry
Demolition of existing dwelling and construction of 4-bed
dwelling
Woodland View, Rossway, Berkhamsted

Delegated

D FORTHCOMING HEARINGS

None

E DISMISSED

- (i) 4/01945/11/FHA Miss J Talbot
First floor rear extension
40 Ellesmere Road, Berkhamsted

Delegated
- (ii) 4/02227/11/RET Mr N Knight
Retention of playhouse
Airlie, Doctors Common Road, Berkhamsted

Delegated

F ALLOWED

- (i) 4/000525/12/FHA Mr and Mrs S Ashworth
Piers and gates to Cross Oak Road
Greystoke, Cross Oak Road, Berkhamsted

Committee

The Inspector concluded that the appeal scheme would not cause an unacceptable increase danger to the safety of highway users for the following reasons: the flow of traffic along the road, nor its speed, was excessive; vehicles using some of the other entrances along the road had to slow down, impeding the flow of traffic for a short time; the alignment of the carriageway; the fact that no accidents have been recorded in nearby junctions; adequate visibility exists between the access and these junctions; and the removal of some vegetation to the side of the access would have a highway safety benefit. Furthermore the Inspector agreed with the Council's conclusion that the design of the gates and piers was acceptable.

7. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

That, under s.100A of the Local Government Act 1972 Schedule 12A Part 1, Paragraph 12 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the Agenda for the meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during this item there would be disclosure to them of exempt information relating to