



DEVELOPMENT CONTROL COMMITTEE AGENDA

THURSDAY 6 NOVEMBER 2014 at 7.00 PM

Council Chamber, Hemel Hempstead Civic Centre

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.

Mrs G Chapman
Clark
Collins
Conway
Guest
R Hollinghurst
Killen

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

Substitute Members

Councillors Mrs Bassadone, Elliot, Harris, Hearn, Peter, Organ, R Sutton and Tindall.

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 October 2014 will be circulated separately.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

A member with a disclosable pecuniary interest or a personal 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, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial
- (i) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct For Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

It is requested that Members complete the pink interest sheet which will be made available at the meeting 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 by contacting Pauline Bowles Members Support Officer Tel: 01442 228221 or by email: Pauline.bowles@dacorum.gov.uk

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.

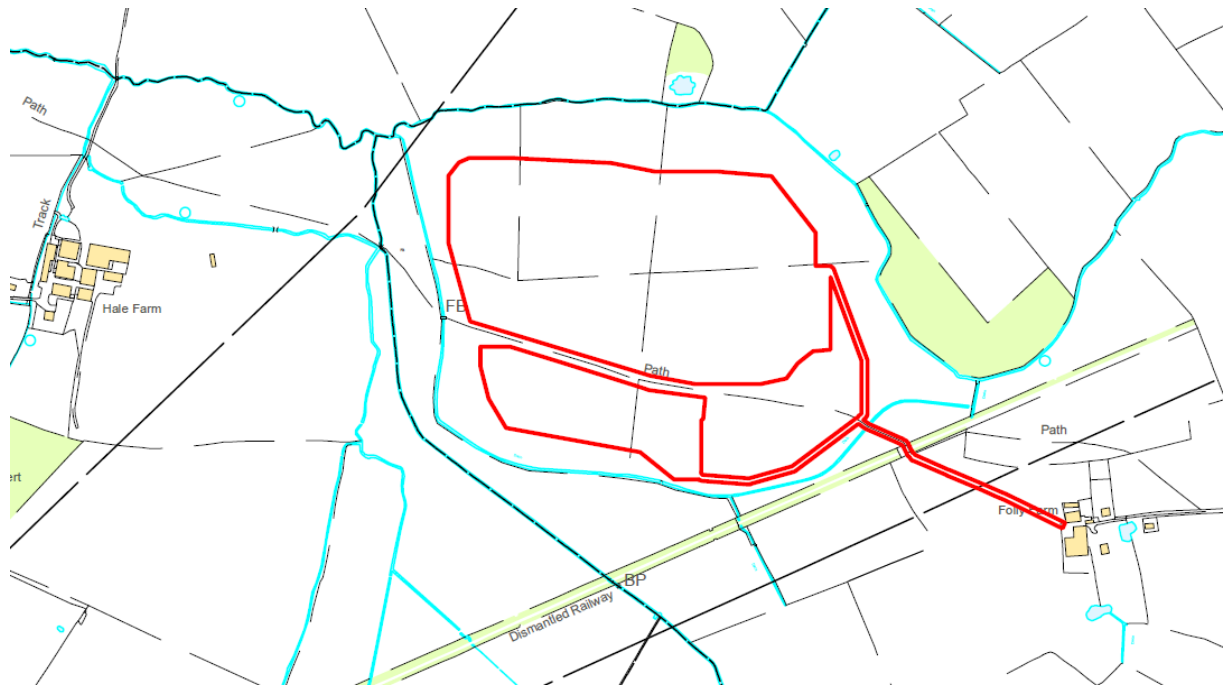
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5. PLANNING APPLICATIONS

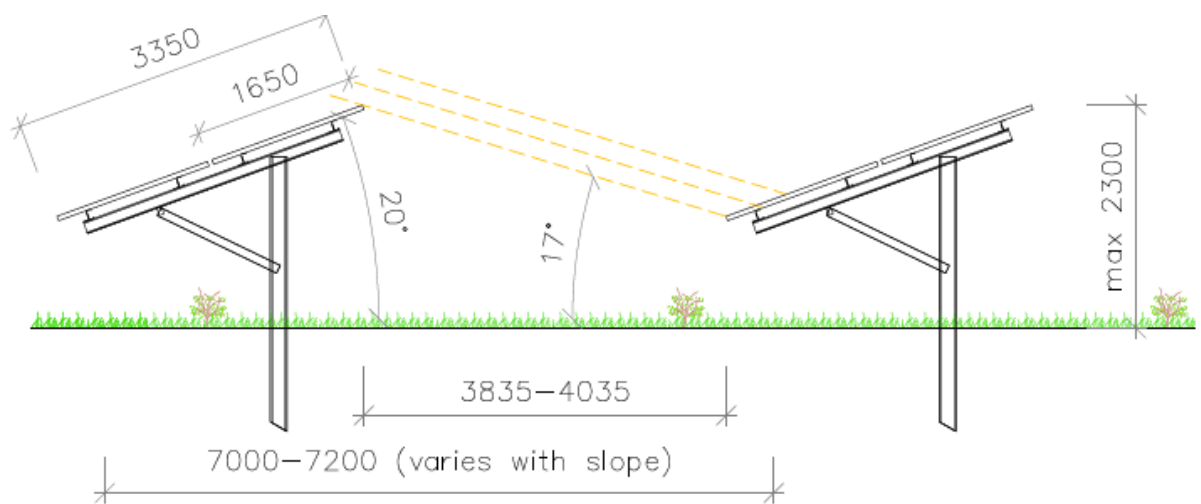
ITEM 5.01

**4/02099/14/MFA - GROUND MOUNTED SOLAR PV PARK COMPRISING OF TWO SUBSTATIONS, ELECTRICAL CABINS, STORAGE CABINET, SOLAR ARRAYS, PERIMETER FENCING/GATES, CCTV AND ACCESS TRACKS
FOLLY FARM, POTASH LANE, LONG MARSTON, TRING, HP23 4QY**



5. PLANNING APPLICATIONS

4/02099/14/MFA - GROUND MOUNTED SOLAR PV PARK COMPRISING OF TWO SUBSTATIONS, ELECTRICAL CABINS, STORAGE CABINET, SOLAR ARRAYS, PERIMETER FENCING/GATES, CCTV AND ACCESS TRACKS FOLLY FARM, POTASH LANE, LONG MARSTON, TRING, HP23 4QY



LES

5. PLANNING APPLICATIONS

5.1 4/02099/14/MFA - GROUND MOUNTED SOLAR PV PARK COMPRISING OF TWO SUBSTATIONS, ELECTRICAL CABINS, STORAGE CABINET, SOLAR ARRAYS, PERIMETER FENCING/GATES, CCTV AND ACCESS TRACKS FOLLY FARM, POTASH LANE, LONG MARSTON, TRING, HP23 4QY APPLICANT: HIVE ENERGY LTD - MR H BRENNAN

[Case Officer - Joan Reid]

Summary

The application is recommended for approval. The application is for a 15Mw Solar Farm which there is presumption in favour of in both the NPPF and guidance and the adopted Core Strategy subject to other considerations. The solar farm would not have a significant visual impact from longer strategic views and would not result in a long term loss of good quality agricultural land. There would not be significant highway impact as a result of the proposals and biodiversity would be generally enhanced through mitigation and planting. The development would conserve the character and setting of designated or undesignated heritage assets and it would not be located within flood zones 2 and 3. Overall, it is considered that the harm as a result of development is outweighed by the positive contribution that it would have to renewable energy.

Site Description

The application site comprises part of the agricultural holding of Folly Farm which is located North West of Long Marston village and North West of Folly Farm, close to the boundary of Aylesbury Vale District Council. Folly Farm is located 1.3km east of the village of Hulcott and 5.5km from Aylesbury.

The site to be developed measures approximately 25ha and is currently in agricultural use. The site is located in the Rural Area and is classified as Grade 4 (Moderate) according to Natural England's land classification Map. The site is comprised of five separate fields and it is sub divided by the Aylesbury Ring public right of way (PRoW004 Tring Rural). The site is well screened by mature trees and hedging.

Proposal

The application seeks planning permission for a 15 MW ground mounted solar farm which could generate enough energy for up to 4,500 homes.

The main built elements comprise rows of solar panels, laid out in arrays, approximately 0.5m from the ground rising to a maximum of 2.3m at the highest edge, eight electrical cabinets which are dispersed across the site measuring 6m in length by 2.44m in width and 3.2m in height. The proposed development also comprises a DNO substation measuring 12m by 6m and 3.4 in height, a customer substation and a storage cabinet (both measuring 6m, 2.44 in width and 3.2m in height. The proposal also includes a perimeter security fencing which is 2.5m in height, 67 CCTV camera poles which are to be 2.7m in height and new access road.

The applicant indicates that the ground mounted panels would allow grazing of animals between the panels. Construction and maintenance access is proposed from Potash Lane, along a track and neighbouring field. Permission is sought for a period of 25 years.

Referral to Committee

The application is referred to the Development Control Committee due as it is considered to represent a development of significant public interest.

Planning History

- 4/01336/06/ful - Conversion of two agricultural buildings to form holiday accommodation – granted - 09/08/2006
- 4/01626/89/4 - Submission of details of landscaping pursuant p/p 4/0535/89 (agricultural workers dwelling) – granted - 07/11/1989
- 4/01571/89/4 - Submission of parking details pursuant p/p 4/0535/89 (agricultural workers bungalow) – granted - 07/11/1989

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Adopted Core Strategy

CS1 - Distribution of Development
CS7 - Rural Area
CS8 - Sustainable Transport
CS9 - Management of Roads
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

13, 51,54, 55, 57, 61, 99, 109,113,118,

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Landscape Character Assessment (May 2004)

Other

UK Solar PV strategy Part 1: Roadmap to a brighter future - Department of Energy and Climate Change October 2013
UK Solar PV strategy Part 2: Delivering a Brighter future, April 2014
Statement by Minister of State for Energy and Climate Change (November 2013)
Climate Change Act 2008

Summary of Representations

Tring Rural Parish Council

No objection

Wingrave Parish Council

Wingrave Village lies on one of the routes considered in the Transport Report. The Parish Council notes that there is no preferred route stated in the Transport Report. Wingrave village

roads, although, consists of primarily, two traffic lanes, has vehicles frequently parked on both Winslow Road adjacent to the Post Office and shop and adjacent to the Church of England Combined School and Wingrave Pre-School. Both of these areas provide a higher risk to road safety as there is very little or no off road parking available. The road of most concern is Dark Lane/ Tring Road where the lane curves up a gradient, through an S-bend between two houses. The carriageway is narrow with no footway or paths and the measurements from the kerb to the centreline varies between 220cm and 256cm. This means that with the width of most HGVs of 249cm (without wing mirrors), a vehicle would approach the S-bend without clear sight and straddling the centre of the road.

Obviously, this creates a very dangerous situation with delays frequently occurring as vehicles have to reverse and manoeuvre with consequent problems of traffic backed up in both directions. In winter, the hill up into Wingrave is often coated with ice owing to natural water drainage from the surrounding higher ground running diagonally across the carriageway removing road salt as quickly as it can be applied.

It is understood several of the larger vehicle operators from Marsworth Airfield are prohibited from using this route as a condition of their original planning.

The area around the Post Office & shop on Winslow Road dates back to pre-motorised vehicles and therefore most of the houses along this section of road do not have the facility for off road parking. Therefore throughout night and day there are many cars parked one side of the road and the road curves round a gentle bend but also falls away to the south eastern end. This creates a hazard as cars cannot get a clear line of sight beyond the parked vehicles and frequently causes problems for both cars and heavier traffic that needs to service the Village. This is a danger area which this Parish Council have highlighted to Thames Valley Police who monitor the situation. Added to this, the Church of England Combined School and Wingrave Pre-School along Winslow Road attracts pupils from outside the Parish who need to be transported to the area, again parking at peak times causes a hazard to vehicles needing to pass through. Whilst we encourage walk to School and the need for parents to be vigilant, any increase in traffic, particularly heavy vehicles, will bring an unnecessary increased risk to Road Safety.

The Parish Council therefore requests that a condition of any planning approval is that any route through Wingrave is prohibited.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

1 Letter of support and 1 Letter of objection

3 Ravens Court, Long Marston

The proposal is well thought out and deserves support. The contribution of £60,000 to community projects by Hive Energy is welcome, but the use of this money should be determined by the Parish Council on behalf of villagers, and not by the company.

Windmill Hill Farm

I wish to comment on the access to this site for construction traffic. The transport study states that the access from the A418 through Wingrave is "*generally two lanes wide apart from a single lane bridge and is a little winding, although negotiable*". This statement is incorrect and misleading. In fact the route has a very narrow section down Dark Lane, Wingrave, which is effectively only a single lane wide for HGVs - it is impossible for HGVs to pass each other on this section. There is also a very sharp and narrow double bend at the bottom of Dark Lane (where I live) which is not suitable for HGVs.

Consequently the route to the A 418 through Wingrave is impracticable for construction traffic and therefore all such traffic to and from the site must be routed through Long Marston

Campaign to Protect Rural England (CPRE)

No objection – no conditions requested

Summary of comments from CPRE

This application is in proximity to the following Sites of Special Scientific Interest (SSSI):

- Bierton Clay Pit (3.1 km)
- Tring Reservoirs (4.5 km)

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

The proposal site lies within 5km of the Chilterns AONB. Although the Landscape and Visual Impact Assessment (URS, July 2014) duly acknowledges the 2004 Dacorum BC Local Plan (Policy 97), no further consideration is given to the analysis of potential views of the solar park from the Chilterns escarpment (e.g. direct views and effects of glint or glare). Notwithstanding this omission, Natural England is of the view that due to the distance involved (>5km) and the intervening topography and land use (limiting the Zone of Theoretical Visibility), there will be no material harm to the context and setting of the Chilterns AONB.

Solar farm developments offer excellent opportunities to create new habitats, and especially “priority habitats” listed under s41 of the NERC Act 2006. In particular, solar farms are ideally suited to creating new grassland habitats, which can be created among the rows of solar panels. As mentioned in the ecology report, the applicant should be encouraged to prepare a habitat creation plan (which should include measures to create suitable soil conditions / arable reversion techniques), suggested species mix for sowing, and details of how new habitats will be managed (e.g. grazing / mowing).

Other priority habitats that could be created or enhanced, depending on site conditions, are hedgerows, ponds, and arable field margins. We suggest that a habitat creation plan also references any existing local sites recognised for their nature conservation interest, such as SSSIs and Local Wildlife Sites.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that ‘*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*’. Section 40(3) of the same Act also states that ‘*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*’.

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing

Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

Under the Development Management Procedure Order (as amended) (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan. From the description of the development this application may impact on 'best and most versatile agricultural land'. However, we consider that the proposed development is unlikely to lead to significant and irreversible long term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas. In the short-term we recognise that it is likely that there will be a loss of potential agricultural production over the whole development area.

Although this proposal does not trigger additional comment from Natural England under the DMPO, your authority should consider whether the proposals involve any smaller scale or temporary losses of BMV agricultural land. Paragraph 112 of the National Planning Policy Framework (NPPF) states that: *'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'*. Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker in the first instance. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England under paragraph (X) of schedule 5 of the DMPO.

We draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2014) (in particular paragraph 013), and advise you to fully consider any best and most versatile land issues in accordance with that guidance. General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the development proceed, we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking soils in wet weather.

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geo-conservation group or other recording society)

and a local landscape characterisation document in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at Wildlife and Countryside link.

Hertfordshire Highways

The Highway Authority does not wish to restrict the grant of permission. The impact of this development on the local highway network has been assessed and would not have an unreasonable impact on the safety and operation of the adjoining highways subject to the inclusion of conditions relating to: on-site parking for construction workers, a Construction Traffic Management Plan and Access Route, and the provision of wheel cleaning facilities.

The proposal is a full application for the construction of a ground mounted solar PV park (up to 15MWp) comprising x2 substations, electrical cabins, storage cabinet, solar arrays, perimeter fencing and gates, CCTV and access tracks at land at Folly Farm, Long Marston, Hertfordshire. A Transport Report was submitted as part of the application.

The site is located on Potash Lane. Potash Lane is an unclassified road, designated as a local access road and is derestricted. The road is public highway for a length of 254m from its junction with Station Road and is maintained by the Local Highway Authority.

A traffic survey submitted for the planning application was carried out on Station Road in the vicinity of the junction with Potash Lane. The results of the two-way traffic flow survey give an average of approximately 1341 vehicles over a 12 hour (7am-7pm) survey period, covering the 5 weekdays surveyed. The percentage of goods vehicle/buses was assessed as 14.7% for the same survey period.

From the supplementary information an assessment has been made of the impact of the additional trips on the existing flows on Station Road and Wingrave Road. A summary of the maximum daily vehicle movements during the construction and commissioning stage presented in the planning application documents is estimated to be:

- Up to 8 HGV deliveries, i.e. 16 two-way HGV movements;
- Up to 10 van deliveries, i.e. 20 two-way van movements; and
- Up to 30 -50 other vehicles (including vehicles used by those working on the site), i.e. 60/100 two-way movements.

This shows that the traffic from the development can be accommodated on the highway network and the increase in flows cannot be considered as having a significant impact. This approach is considered acceptable by the Highway Authority.

Although auto track analysis data is presented in the planning application documents, the Highway Authority would like to recommend that a more representative and potentially onerous design vehicle should be used for the swept path checks to identify any overrun on the public highway. The Highway Authority would like to reserve the right to review these swept paths and recommend any necessary improvements prior to construction.

The site lies remote from the public highway along the private section of Potash Lane. Therefore, it is unlikely that parking will affect the public highway. However, it is recommended that details confirming this are submitted for approval as per condition SHC 25.

The Public Right of Way (Tring Rural 004) is affected by the proposals. The Dacorum Borough Council Public Right of Way team has responded to this consultation under separate cover.

Trees and Woodlands

Awaiting comments

Rights of Way Officer

This site is crossed by Tring rural public footpath 4.

Obviously the development will greatly alter the aesthetics of what was hitherto a very peaceful and rural location and one of the most tranquil areas with public access in the borough. It is also a promoted trail, known as The Aylesbury Ring.

The development plan shows the path passing between the two areas to be developed into the solar park. A sufficient width should be provided to ensure unhindered public passage. Given that the park will be fenced a width of 4m would be sought to allow for passing traffic, any hedgerow growth and, importantly, vehicular access for path maintenance.

Whilst the park may, initially at least, be an attraction to users of the path it is likely that the main reason for walking in the area, unspoilt countryside, may adversely affect the level of use. For this reason perhaps, as well as leaving the route of the definitive path open, is there scope for a permissive agreement be sought to minimise the contact with the park, perhaps immediately to the south of the drainage ditch?

There could be a risk to pedestrians from site traffic, both in the development phase and the on-going site maintenance. Where the solar park traffic crosses the public footpath, from the crossing of the old railway line to the bridge over the drainage ditch, there will be some form of traffic management. This could be in the form of unlocked vehicular gates that ensure vehicles generally keep to low speeds and stop around areas of poor visibility, particularly the railway line.

Hertfordshire Biological Records Centre

The site supports no previously recorded ecological interest as identified on the database, whether presence of important habitat or species. Obviously the local hedgerows would be locally significant and would have been likely to support Black poplar, a rare tree nationally but particularly characteristic of the Aylesbury Vale.

The ecological survey reflects this but also identified other local interest, summarised as:- *'the habitat within the site is known to support native black poplar, nesting birds and foraging badger. The habitats have some potential to support terrestrial Great Crested Newts [GCN] - recorded 450 m away], foraging and commuting bats and wintering birds'*

Although the survey was undertaken during winter which is not an ideal time for habitat and species surveys, it is still possible to determine the broad nature of the site and the potential for significant ecological interest at this time. On this basis, I have no reason to consider the report does not provide a fair and sufficient understanding of the ecological interest of the site to enable the ecological impacts to be determined. As such, no interest was identified that I would be reasonably consider represents an ecological constraint on the proposals.

Most if not all of the hedgerows are associated with ditch features which were waterlogged at the time of the survey although this was during a periods of localised flooding. Described as seasonally wet, whilst this is another characteristic of the site, the proposal will not impact on these.

The summary also states *'The Proposed Development has been designed to minimise potential impacts on protected species, for example by retaining the native black poplar with a buffer, avoiding loss of hedgerows and trees and maintaining a substantial buffer around these habitat features. Recommendations for a precautionary method of works in relation to GCN*

recorded nearby, have also been made. Further recommendations have been made in relation to habitat enhancements, specifically creation of neutral wildflower grasslands, enhancements to hedgerows and improvements in habitats for GCN in the vicinity of the ponds supporting this species, through habitat management'.

The Emorsgate EM4 grassland mix for clay soils has been proposed, which I consider appropriate. Any less suitable species would not thrive but there are few of these present. I am unconvinced about the increased botanical value of up to perhaps half of the land within the solar park itself as by default this will be shaded and not exposed to normal environmental conditions. Whilst it is probably most effective in practice to sow the whole area with a wildflower mix, I would not object to sowing strips between the panels with a wildflower mix and one of a lesser specification underneath the panels. The buffer would be entirely of the wildflower mix, notwithstanding any necessary associated structures.

I support the approach to habitat improvements off site (adjacent to the Folly Farm yard ponds) to benefit GCN.

Recommendations for ecological enhancements are given in Section 6.4, which I support; although they should be improved with further details. Currently Section 6.4 would form the basis of a Management Plan which will provide clear guidance for the recommendations and their implementation. Consequently I advise that a Management Plan should be submitted as a Condition of Approval. This must also include additional details of the proposed management of the site, such as;

- appropriate livestock grazing (sheep or cattle) around the edges of the site;
- the possibility of taking a hay crop if this was also part of the management regime - the buffer area is large enough to achieve this;
- sheep grazing within the solar park site itself;
- hedgerow enhancements (with what shrub or species and where) and any hedgerow management (trimming on rotation to provide additional structural diversity etc...).

If this area still forms part of a functional agricultural holding, there is no reason why the ecological enhancements should not be delivered. However I consider an appropriate Management Plan is needed to provide a standalone guidance document for implementation that could be monitored for compliance if necessary. Without a clear plan and its implementation, there is less reason to believe any of the associated ecological benefits claimed will ultimately be delivered.

The solar panel park will, in my view, alter the character of the land considerably locally, introducing a wholly artificial, engineered development into an otherwise open and rural open field landscape, exacerbated by the associated structures including roads, cabins, fencing and cameras. However this will not represent any significant or immediately visible imposition given the flat nature of the Aylesbury Vale area and the site's screening hedgerows and trees. It is also reasonable to assume there will also be a net ecological gain from improved hedgerows and creation of wildflower grassland if these are to be created and / or managed appropriately.

Consequently I do not consider there to be any ecological constraints on the proposals. However I do advise however that a Management Plan should be produced to the satisfaction of the LPA as a condition of approval.

Further comments from Hertfordshire Biological Records following submission of Ecological Management Plan

Thank you for sending the Ecological Management Plan associated with the above application, for which I have the following comments:

Guidelines are outlined for provision of habitat protection and precaution during construction works, which are beneficial and appropriate; I consider that the plan provides for a sound approach to dealing with protected species issues - including Great crested newts, badgers, bats and birds.

Proposals for wildflower seeding of grassland strips around the field margins are presented suggesting use of Emorsgate EM4 wildflower grassland for clay soils. This is appropriate and acceptable. Management as a hay crop is proposed which is also acceptable.

Grassland to be grazed is of a lesser specification, but will still enhance ecological diversity locally if not overgrazed. The proposed grazing period primarily over the winter will ensure grassland management and structural diversity during the summer which will benefit invertebrates and small mammals. This would represent an ecological enhancement of the area.

Works to habitats associated with ponds 1 and 2 have also been proposed, and these will serve to enhance these features for wildlife and GCN in particular.

On this basis, I consider that the information required as outlined in my original comments has now been provided by the EMP as part of the proposals, and there is no need to Condition this aspect. Consequently I have no further comments to make.

Environment Agency

Thank you for consulting us on this application, we have reviewed the information provided and have no objections to the proposal.

Although the site of falls within areas of flood zones 1, 2 and 3, the actual proposed development, which can be classified as 'Essential Infrastructure' is to be located within the Flood zone 1. The applicant has also demonstrated the use of Sustainable Drainage System (SuDS) to attenuate runoff from any increase in permeable areas presented by the control cabinets, thus demonstrating that there will be no increase in surface water run-off rates or volumes due to the proposed development

County Archaeologist

Awaiting comments

Footpath & Countryside Secretary - Aylesbury & District Ramblers

The following are the comments that I submitted to Hive Energy after they started their consultation process that I feel are relevant to the development:

Our Chairman Dan Sullivan passed your e-mail and attachments on to me and as I was unable to attend your consultation evening but I visited the proposed site today because we have a vested interest in that the footpath that passes through it is the one used by part of the Aylesbury Ring which was originated by our group. Below are my findings, comments and recommendations which are what I would have said to the planning authority on the basis of the information that I have now.

Ramblers policy on solar farms is still being developed although they are supportive of any green measures which includes solar energy but that wherever possible prefer them to be in built-up areas on old industrial sites, factory roofs, etc. and where built in open country the effect on the local countryside is to be duly considered with suitable mitigation measures where possible. I would go along with this although I think that there are areas where even quite large arrays would not impact on the accessible countryside where there are no public paths or

dwelling however consideration should be given to affected views from nearby high points. In respect of the last point this means that I would also prefer that these developments are on the smaller side with not too many farms in one locality.

As a member of Aylesbury & District Ramblers I have a particular interest in this path as we were the originators of the Aylesbury Ring which uses the public footpath that crosses the site of this application. In particular I have one concern in that long distance walks exist to highlight points of interest along the route and for the views and it is the latter that concerns me a little. Assuming that the arrays are on both sides of the path and are what currently appears to be the standard 2.4m in height then travelling along the path from the west views of the Chilterns would be obscured as would views of Wing and its ridge stretching westwards when walking from the east; screening the arrays would hide them from view but obscure the views further so a bit of a double-edged sword however on balance the screening is probably the best option.

On the plus side it sounds as if a better, wider path would be provided which presumably will be well maintained; the added suggestion of seats along the route would also be welcome and I would recommend a width of at least 3 metres to allow for the seating and the enclosed nature of the path.

NATS

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Spatial Planning

Comments were previously provided for pre-application advice (4/00459/14/PRE). The conclusion of the pre-application discussion was that 'the success of an application will be finely balanced, with regard to the harm that the installation would have to the character and landscape quality of the countryside and the benefits it would provide to solar energy.

The provision of the solar farm on undeveloped land is not ideal and it is noted that in recent months, government is less supportive of this approach...it is particularly important to put forward what benefit the development would have to renewable energy and the harm it would cause to visually to the countryside'.

On reviewing, there is little difference between the details of the full planning application compared to the material submitted for the pre-application advice request. The same issues should be considered, including:

- Renewable Energy and site selection (NPPF Paragraph 97 and Core Strategy Policy CS28);
- Development in the Rural Area (Policy CS7);
- Impact on Agricultural Land (NPPF paragraph 112 and Local Plan Policy 108);

- Visual Impact including trees and landscaping (Core Strategy Policy CS12);
- Highways and Access (Core Strategy Policy CS8)

To conclude, there is no objection in principle to the proposed development, which would promote the use of renewable energy in the Borough and result in farm diversification. There continues to be a number of key issues to consider, and it might be that the existing farms finances, the site selection process, mitigation measures, the potential impact on the visual amenity and the decommissioning at the end of the 25 year period should also be explored in order to gain full support. It is advised that appropriate mechanisms are in place to ensure the appropriate timescales are complied with.

Considerations

Policy and Principle

The National Planning Policy Framework (NPPF) sets out Central Government policies in relation to renewable energy developments. One of the core planning principles of the Framework is to support the transition to a low carbon future in a changing climate and encourage the use of renewable resources.

In July 2013 the Government adopted Planning Practice Guidance for Renewable and Low Carbon Energy. The guidance advises that ground mounted solar photovoltaic farms can have a negative impact on the rural environment, particularly in very undulating landscapes. Particular factors that the local planning authorities are advised to consider are:

- Encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays;
- That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- The effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- The need for, and impact of, security measures such as lights and fencing;
- Conservation of heritage assets;
- The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- The energy generating potential, which can vary for a number of reasons including, latitude and aspect

The Department of Energy and Climate Change has also published the UK Solar PV Strategy Part 1: Roadmap to a brighter future. This document sets out the Governments vision for the strategic direction for solar PV in the UK, based on four guiding principles:

- Support for solar PV should allow cost-effective projects to proceed and to make a cost effective contribution to UK carbon emission objectives in the context of overall energy goals;
- Support for solar PV should deliver genuine carbon reductions that help meet the UKs target of 15 per cent renewable energy from final consumption by 2020;
- Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them;

- Support for solar PV should assess and respond to the impacts of deployment on: grid systems balancing; grid connectivity; and financial incentives.

Policy CS28 of the adopted Core Strategy deals with Carbon Emissions Reductions and states that carbon emissions reductions will be sought in the generation and use of energy, building design and construction, and the use of the transport as far as possible.

Consideration of the principle

Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development and that planning permission should be granted where development accords with the development plan. One of the core planning principles set out in paragraph 17 of the NPPF is to support the transition to a low carbon future in a changing climate and encourage the use of renewable resources. Paragraph 97 states that to help increase the use and supply of renewable and low carbon energy Local Planning Authorities (LPA) should, inter alia, have a positive strategy to promote energy from such sources and consider identifying suitable areas for renewable and low carbon energy sources. At paragraph 98 the NPPF advises that in determining applications for such developments the applicants should not be required to demonstrate the overall need for renewable and low carbon energy, and authorities should approve the application if its impacts area (or can be made acceptable) unless material considerations indicate otherwise.

Balanced against this advice contained within the NPPF, is the requirement contained within the Planning practice guidance to prioritise renewable energy development on previously developed land. There is not a policy requirement for LPAs to apply a sequential test looking at previously development land, however, recent appeal decisions have required applicants to apply a reasonable assessment looking at whether suitable previously development land was deliverable in preference to green field land. The applicants have undertaken a sequential report addressing potential brownfield sites:

The sequential report has identified sites within the search area that provide a minimum of 24hectares clear developable areas, which is the minimum size required for the 15MWp solar park as proposed at Folly Farm. The sequential report reveals that none of the allocated sites in the Core Strategy are suitable for the scale of the development proposed at Folly Farm. The report has also considered a number of unallocated sites both within the Borough and also outside the Borough boundary including Bovingdon Airfield, Land to the east of College Road, Arla Foods and Marsworth Airfield. Of these sites, whilst they are previously development land (PDL), they are also green belt sites and as such there is general policy presumption to retain the openness of these sites. As such, it is considered that the proposal on open countryside is reasonable and there no suitable previously developed sites which could deliver the scale of the development proposed at Folly Farm, that would not result in harm to the openness of the Green Belt.

Together with a requirement to assess whether any PDL site are deliverable, the NPPF (para 112) requires the presence of best and most versatile agricultural land (defined as land grades 1, 2 and 3a of the Agricultural Land Classification) to be taken into account alongside other sustainability considerations when determining planning applications for solar farms. The NPPF expresses a preference for development to be directed to land outside of this classification (3b, 4 and 5); however paragraph 28 recognises the need to support diversification of agricultural land that helps to sustain an agricultural enterprise. Folly Farm is classified as grade 4 agricultural land and such it is not therefore considered that the proposal would result in a loss of the versatile and important agricultural land. This is supported by CPRE. Also as the proposal is for a temporary period of 25-30 years, it is considered that the impact of the development can be reversed. In order to understand better how the site could be reverted back to agricultural use, the applicant has provided a Site Decommissioning Strategy. The Site Decommissioning Strategy states that the proposed development is a

temporary operation which would operate for approximately 25-30 years. The cessation process including disconnection of the solar park would be carried out by an appropriately qualified personal. The infrastructure including the solar panels will be removed from the ground. The frames do not have concrete foundations, and are piled making the process of removal less intensive. The ancillary buildings will be loaded onto HGVs and removed from the site and their concrete foundations will be broken up and transported off site. The concrete can be processed into a recycled aggregate for use by the construction industry. The underground cabling, fencing and CCTV cameras and access track will be removed from the site. The statement also sets out provision for the replacement of soils and seeding. Overall, it is considered that the Site Decommissioning Strategy gives reassurance that the site will be returned to its agricultural use. A condition will be imposed requiring the development to be decommissioned in accordance with the statement after a period of 25-30 years.

Visual Impact

The NPPF requires the planning system to contribute to the natural and local environment generally, by '*protecting and enhancing valued landscapes*' (para 109). The NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty (AONB) which have the highest status of Protection in relation to landscape and scenic beauty. The NPPF also states that '*Where appropriate landscape character, and for areas where there are major expansion options assessments of landscape sensitivity*'.

Folly Farm has been selected as a viable proposal site due to its land use classification, agricultural classification and because it is outside of any special designations. The site is not designated as a National Park, Area of Outstanding Natural Beauty, SSSI, wildlife site and so on. It is also located 5km away from the Chilterns AONB. Natural England have been consulted on the application and they are satisfied that the proposal would not damage any SSSI or indeed that there would not be any material harm to the Chilterns AONB due to the intervening topography and distance between the sites.

In accordance with the NPPF, adopted local plans and other guidance, it is necessary to consider the impact of the proposal on the local landscape and the potential to mitigate the landscape and visual impact. The applicant has produced a Landscape and Visual Impact Assessment (LVIA) which identifies areas where there would theoretically be views of the proposed development. The LVIA has been devised to address the specific impacts likely to result from the development and looks at various landscape character areas together with areas of theoretical visibility. Each landscape character area (LCAs) has been assigned a category of sensitivity based on the quality and value of the existing landscape and its susceptibility to the type of change likely to result from the development (high, medium and low). The LVIA has focused on a number of key views:

1. Aylesbury Ring east of Hulcott
2. Orchard Close, Wingrave
3. Bridleway north of College Road North
4. Aylesbury Ring west of Folly Farm
5. Tring Road
6. PRoW north of Puttenham
7. Northern edge of Long Marston

From construction phase to decommissioning phase and remediation, the study has identified that two areas would experience significant adverse impacts from the development; Aylesbury Ring footpath which runs through the site and residents of Folly farm and the Red House however over the course of time, the impact on views would be limited by the proposed screening and planting. Whilst, there would be views to the solar farm in particular from the right of way, on balance, due to the limited sensitivity of the immediate area and the proposed

mitigation, it is considered that the gain from the development for renewable energy would be outweighed by the limited visual harm. From longer views as a whole, the development would not be particularly visible and as such, the LPA is satisfied that the development would not result in long term significant harm to the surrounding areas.

Mitigation and accumulative Impact

Guidance states that the approach for assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground mounted solar panels the impact could be minimal with effective screening and appropriate topography. At the present time there are no other permissions in place for solar farms in the immediate area within Dacorum Borough Council. Another application is currently being considered at Aylesbury Vale District Council for a 20Mw photovoltaic Solar Farm extending across an area of agricultural land of 43.1ha. This site is located approximately 0.7m away from the Folly Farm site and as such due to the close proximity, the impact of both the developments have been taken into account. Due to the proximity of the two sites, if planning permission is granted for the solar development in Aylesbury Vale, the visual impact of the two has been considered however for the same reasons set out in the earlier paragraph, longer views to the sites would not be significantly impacted and generally the harm would be mitigated by planting, and as such it is considered that the accumulative impact of both solar farms would not detrimentally harm the local area visually which would outweigh the benefits of the scheme.

In terms of mitigation, together with the retention of existing hedging and trees, it is proposed that additional tree planting and hedging will be carried out in order to fill in any gaps between the existing hedging and screening. Hedgerows are proposed to the public right of ways to soften the appearance of the development. The surrounding land is also proposed to be sowed with species rich grassland to enable biodiversity and again soften the built infrastructure. A condition will be imposed requiring the landscaping and planting to be carried out within a set time period following implementation of the scheme.

Other visual impacts

As well as the solar panels themselves, security fencing is proposed which is to be deer fencing. Over time, the fencing should assimilate into the landscape and would be mitigated by the planting. A number of electrical cabinets are proposed however these are sited away from the public views.

Flood Risk

Adopted Policy CS31 Water Management requires development to avoid Flood Zones 2 and 3 unless it is for a compatible use. Part of the overall agricultural holding is located within flood zones 1, 2 and 3. The actual proposed development, which can be classified as 'Essential Infrastructure' is to be located within the Flood Zone 1.

The EA have been consulted and have raised no objection to the proposal as it is located outside flood zones 2 and 3. The applicant has also demonstrated the use of Sustainable Drainage System (SuDs) to attenuate runoff from any increase in permeable areas presented by the ancillary buildings (control panels) and thus demonstrating that there will be no increase in surface water drainage rates or volumes which is supported and in line with policy CS31 of the adopted Core Strategy (Water Management). The Environmental Agency has raised no objection to the scheme however has requested that an informative to the applicant is imposed regarding the Thames River Basin Management Plan.

Access and Highways

Policy CS8 of the adopted Core Strategy requires all new development to contribute to a well connected and accessible transport system whose principles are to:

- (a) give priority to the needs of other road and passenger transport users over the private car;
- (b) ensure good access for people with disabilities;
- (c) ensure passenger transport is integrated with movement on roads, footways and cycleways;
- (d) create safer and continuous footpath and cycle networks, particularly in the towns;
- (e) maintain and extend the rural rights of way network;
- (f) improve road safety and air quality;
- (g) strengthen links to and between key facilities (bus and railway stations, hospitals, main employers and town centres); and
- (h) provide sufficient, safe and convenient parking based on car parking standards: the application of those standards will take account of the accessibility of the location, promoting economic development and regeneration, supporting shopping areas, safeguarding residential amenity and ensuring highway safety.

The main impact of the development to Highway safety would be during construction and decommissioning stages. Access during construction and operation is proposed from Station Road via Potash Lane and then from the private track passing Folly Farm. A new access track is proposed access the land to serve two access points for each sub-site, either side of the PRow. Site Tracks will be used to facilitate movement from within the site for construction and maintenance.

The traffic survey submitted for the application was carried out on Station Road in the vicinity of the junction with Potash Lane and the results of the two way traffic flow survey give an average of approximately 1341 vehicles over a 12 hour survey period, covering the 5 weekdays surveyed. The HCC are of the view that the traffic generated from the development can be accommodated on the highway network and the increase in flows cannot be considered as having a significant impact. However, the HCC have indicated that although the auto track analysis data is presented, the HCC would like to see a more representative and potentially onerous design vehicle used for the swept path checks to identify any overrun on the public highway. The HCC therefore have recommended a number of conditions.

It is noted the Wingrave Parish Council and a local resident have raised concern to the development if during construction and decommissioning, that Wingrave is used as through route. As there is no objection raised by the Highway Authority and through the planning system, it is not considered sound to condition that Wingrave is avoided by construction traffic however this matter has been raised with the applicant. The applicant has written a letter which offers the assurance that all reasonable endeavours will be made to route construction traffic to the site from the south, thus avoiding Wingrave. A construction traffic Management Plan will be required by condition and the applicant intends to set out the route within this plan.

Rights of Way

The application site is crossed by Tring rural public footpath 4 and as such from this public right of way, the development will significantly alter the character of the area visually. It is recommended by the Rights of Way officer that sufficient width should be provided to ensure unhindered public passage and recommends that a width of 4m be sought to allow for passing traffic, hedgerow growth and vehicular access for path maintenance. The minimum width of 4m is accommodated. It is also recommended that the rights of way remain open and are not gated off during further details will be required within the construction management plan to ensure that the development particularly during construction stage would not have a bearing on the accessibility of the right of way or harm pedestrian safety.

Ecological impact

The NPPG together with adopted policy CS26 of the Core Strategy seeks development and management action to contribute towards the conservation and restoration of habitats and species and to strengthen biodiversity where possible. An ecological survey has been produced and as such the county ecologist has considered that there is no ecological constraints on the site however recommended that an ecological management plan is produced to explain how the development would implement ecological improvements on the site. The applicant has submitted an ecological management plan (EMP) in advance of the application being determined which sets out guidelines for provision of habitat protection and precaution during construction works, methods for dealing with any protected species issues, proposals for wildflower seeding of grassland strips around the field margins and methods of grassland management. Works to habitats associated with ponds 1 and 2 have also been proposed. The ecologist is satisfied that the methodology and mitigation provided would enhance the area ecology and that development provides suitable mechanisms for habitat protection.

Public consultation

The applicants have submitted a statement of Community Involvement which outlines their involvement with the local community and other stakeholders prior to submitting the planning application. The applicant contacted residential and commercial properties within 1km of the proposed site and from the nearby the local settlements (326 properties) about the proposal at pre-application stage in writing to notify them about the proposal and requesting feedback. Also many were also invited to the information event.

The applicant also wrote and invited a number of stakeholders including Local Councillors, Parish Councils and the MP to a public exhibition which was held in Puttenham in June. Following submission of the application, DBC has also notified various stakeholders, and posted site notices. Overall, there have been relatively little responses from local residents and stakeholders, however the concerns raised have been discussed within this report. A fully list of all consultation responses are outlined at the start of this report.

EIA

A screening opinion was submitted to ascertain whether the development constituted EIA development. It is considered that the development does not constitute significantly impacting development and therefore no EIA is required.

Impact on Cultural Heritage

Paragraph 129 of the NPPF states the local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. Paragraph 131 also refers to the desirability of sustaining and enhancing the significance of heritage assets, and paragraph 132 states that their significance can be harmed or lost through development within their setting. The applicant has submitted a Heritage Baseline study which has considered the impact of the development on the setting and significance of heritage assets. The study identifies and describes heritage assets and considers the impact of potential harm to heritage assets on the site itself.

There are no World Heritage Sites, historic battlefields within the wider buffer area, but there are Scheduled Monuments, listed buildings, conservation areas and one registered park and garden however these are more than 1km away from the site. Having considered the impact of the proposal on Scheduled Monuments including the nearest which is a Moated site (located immediately east of All Saints Church in Hulcott) which is located approximately 1.6km from the centre of the site, it is not considered that the development would detract from the setting of the scheduled monuments due the distance and screening provided by mature trees.

There are five medieval settlements and villages within the 5km study area however again it is considered that the proposed development would not be particularly visible from these sites due to the distance and screening of the site. Mentmore Towers which is a Grade II* registered park and garden is located approximately 3.3km to the north east of the site. It is considered that due to the presence in the landscape between the proposal and the registered park, that the solar farm would not diminish the significance of the asset. In terms of conservation areas, there are ten conservation areas (CA) within the study area. The closest conservation area is Hulcott which is located approximately 1km from the centre of the site. Hulcott CA is generally screened from the site by mature trees however gaps within the hedge afford some limited views to the site however it is considered that the impact of the development to the Hulcott CA would not be significant.

The heritage baseline study has also surveyed listed buildings and has looked at Grade I and Grade II* listed buildings within the study area. The closest listed building to the site is contained within the Hulcott conservation area which is Church of All Saints (approximately 1.6m from the site). The closest Grade I listed building is the Church of St Mary in Puttenham which is approximately 2.2km from the site. Both of these listed buildings are screened from the site by landscaping and as such it is considered that the proposal is sufficiently separated from the site to ensure that the setting of the listed building would not be impacted. This is also the case for the other designated and non-designated heritage assets contained within the study area. Overall, the proposal is not considered to harm the setting of any listed building or undesignated heritage assets.

Archaeology

Paragraphs 123 to 139 of the NPPF seek to protect heritage assets, including sites of Archaeological Importance. A geosurvey has been undertaken as part of the archaeological evaluation of the site which re-evaluated 4 fields however one field was too densely planted with rape crop and was not evaluated. The survey produced a number of positive archaeological findings probably settlement remains (possibly late prehistoric or Roman) but confirmed that substantial archaeological features are unlikely to be present across most of the application site. As such, further investigations are required by conditions. The County Archaeologist has been consulted on the application but no final comments have yet been received. These will be feed into the addendum sheet and as such conditions will be imposed requiring further archaeological assessment. Subject to these conditions and based on the initial discussions with the archaeologist, it is likely that the development would not harm archaeological findings.

Conclusion

Government advice promotes applications for renewable energy projects where impacts are (or can be made) acceptable (NPPF Para 98). A thorough assessment of these impacts indicates that, for the most part, they are acceptable - or can be made acceptable by appropriate mitigation measures - in the context of Government advice and the clear need for renewable energy sources. Where impacts can be overcome by way of pre-commencement or other conditions (archaeology, highways) appropriate conditions are recommended. Subject to the appropriate controls set out in conditions, it is now considered that the impacts of the proposal can be considered acceptable as set out in Government guidance. Overall the proposal is considered to represent sustainable development which is accordingly recommended for approval.

Recommendation

That planning permission be **GRANTED** 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 permission is for a period not exceeding 28 years of the date of this permission. No later than 12 months after the expiry of the permission all elements of the development at and above ground level shall be removed and the site restored in accordance with the decommissioning strategy dated September 2014.**

Reason: In the interests of visual amenity and landscape protection in accordance with policies CS10 and CS12 of the adopted Core Strategy.

- 3 **Prior to the commencement of any works a Construction Traffic Management Plan and Access Route statement shall be submitted and approved in writing by the Local Planning Authority.**

The plan shall include details of:

- on site parking for construction workers for the duration of the construction period;
- methods to control and mitigate any abnormal wear and tear on the highway network;
- construction traffic routes;
- wheel cleaning facilities associated with the proposal;
- methods to ensure pedestrian safety for walkers using the rights of way.

The scheme shall be implemented in accordance with the agreed construction Traffic Management Plan and Access Route Statement.

Reason: In the interests of maintaining highway efficiency and safety and pedestrian safety in accordance with policy CS8 of the adopted Core Strategy and 'saved' policy 61 of the Local Plan.

- 4 **The scheme shall be implemented in accordance with the submitted Ecological Management Plan Oct 2014.**

Reason: In order to mitigate the impact of the development to protected species and to enhance biodiversity in accordance with policy CS26 of the Core Strategy.

- 5 **No development shall take place/commence until a scheme outlining an archaeological evaluation by means of trial trench methodology for the North East quarter of the site has been submitted and approved in writing. The scheme shall include:**

- The programme and methodology of site investigation and recording
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation if appropriate
- Provision to be made for archive deposition of the analysis and records of the site investigation if appropriate
- Nomination of a competent person or persons/organisation to undertake

the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the agreed Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with policy CS27 of the adopted Core Strategy.

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

FOL/SLP/100
SKD408 Rev B
SKD408 (FEN)
SKD408 (EOP)
SKD408 (SEC)
SKD408 (TAB)
SKD408 (SUB)
Ecological Management Plan - October 2014
Ecological Appraisal Report - July 2014
Design and Access Statement
Flood Risk Assessment - July 2014
Heritage Baseline Statement
Landscape and Visual Impact Assessment
Geophysical Survey
Transport Statement

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

Article 31 Statement

Planning permission/advertisement consent/listed building consent has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

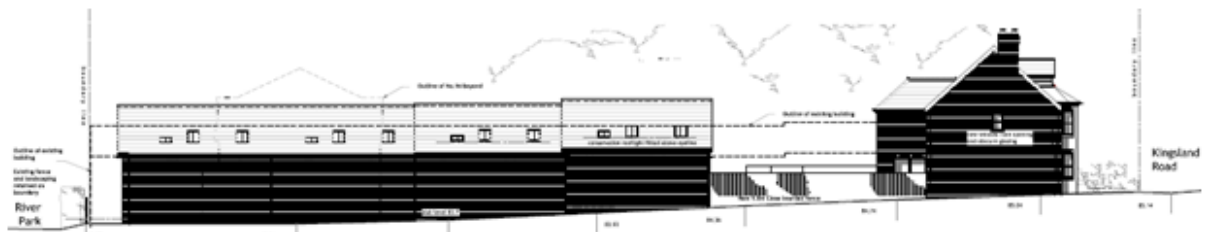
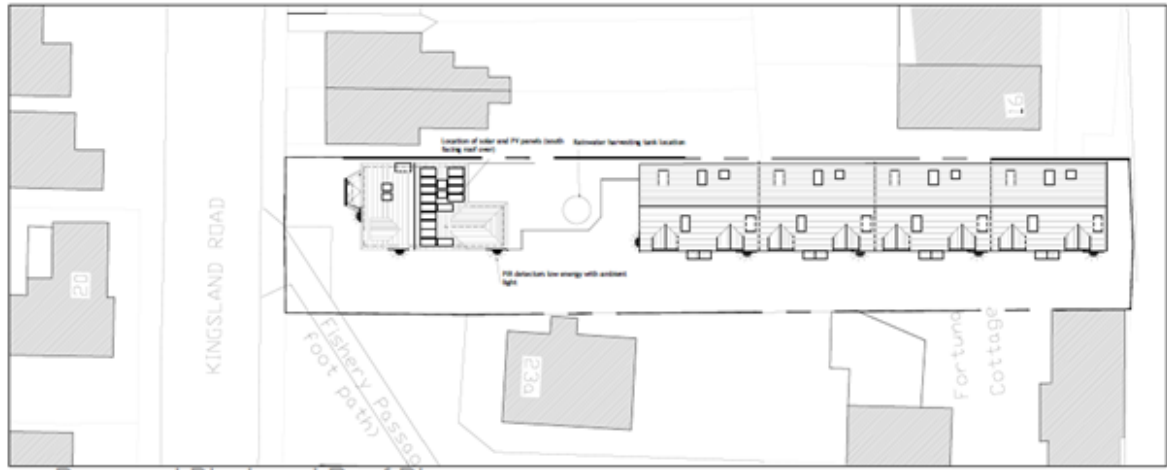
ITEM 5.02

4/02465/14/FUL - DEMOLITION OF EXISTING WAREHOUSE AND REDEVELOPMENT CREATING 1 X 4 BED HOUSE AND 4 X 2 BED COTTAGES WITH PARKING AND ANCILLARY WORKS.

23 KINGSLAND ROAD, HEMEL HEMPSTEAD, HP1 1QD



**4/02465/14/FUL - DEMOLITION OF EXISTING WAREHOUSE AND REDEVELOPMENT CREATING 1 X 4 BED HOUSE AND 4 X 2 BED COTTAGES WITH PARKING AND ANCILLARY WORKS.
23 KINGSLAND ROAD, HEMEL HEMPSTEAD, HP1 1QD**



Cottages South Elevation - (River Park)
45 degree as per BRE guidelines



Detached House: Rear Elevation



Detached House: Front Elevation

5.02 4/02465/14/FUL - DEMOLITION OF EXISTING WAREHOUSE AND REDEVELOPMENT CREATING 1 X 4 BED HOUSE AND 4 X 2 BED COTTAGES WITH PARKING AND ANCILLARY WORKS.

23 KINGSLAND ROAD, HEMEL HEMPSTEAD, HP1 1QD

APPLICANT: Hertfordshire Managing Agents Ltd

[Case Officer - Richard Butler]

Summary

The application follows a previous refused application for a similar development. The previous application was refused by Development Control Committee for three reasons; overdevelopment, highway matters and impact on neighbouring amenity. The refusal was appealed to the Planning Inspectorate by the applicant and the resulting decision by the Inspector was to up hold the reason of refusal relating to the impact on neighbouring amenity; the others reasons were not considered to be harmful by the Inspectorate.

The current application makes amendments to the previously refused scheme. Most notably the number of units has been reduced by one. This in turn allows the bulk of the proposed development to be reduced. The building to the southern extent of the site is set in from the southern boundary by 2m. The increase in the ridge height of the building is now 0.9m approx. whereas the previous scheme increased the ridge height by 2.4m approximately. Also the eaves height on the building is no higher than the existing building, negating the increase in boundary wall height at the east of the site that abutted the neighbouring River Park properties.

These amendments are considered to significantly reduce the impact to the neighbouring residents of River Park; whilst there shall be some increased impact over the existing building; this is to a far lesser extent than the previous application. The retention of the boundary wall height (compared to the existing building) and the limited increase in height of 0.9m shall not lead to a significant detriment to neighbouring amenity and the proposal is therefore considered to be in accordance with CS12 of the Adopted Core Strategy.

Site Description

The application site is a narrow plot sloping down from north to south between Kingsland Road and River Park, within the Boxmoor area of Hemel Hempstead. The site consists of a single storey pitched roof unit which abuts almost the full length of the east boundary with the flank wall forming the boundary treatment for the adjacent residential properties. The building has been in commercial use for a substantial period providing premises for a range of small business facilitating storage, office space and small scale workshops.

The northern extent of the building is set in from the boundary edge providing hard surfaced area adjacent to the site entrance onto Kingsland Road. The western half of the site provides access along the side of the building which offers access to individual commercial units and also the residential units at the southern end of the access road.

The surrounding area is predominantly of residential nature, with Kingsland Road being characterised by groups of semi-detached and small terraces of Victorian dwellings, whilst the northern side of the road is of more modern and modest dwelling types; River Park to the south comprises a series of three storey flat developments which front onto the River Bulbourne (further south), more immediately to the southern aspect of the site are two groups of four, recent three storey terrace dwellings.

In the wider context of the site, approximately 0.25miles to the south is Boxmoor, the open land Boxmoor Trust Estate and beyond this Hemel Hempstead Train Station. Equidistance to the north is the local centre of Boxmoor, which provides an active and vibrant centre to this area of

Hemel Hempstead.

Proposal

The application seeks permission for the demolition of the existing part single storey part two storey commercial building and redevelopment to provide one four bed detached dwelling and four two bed apartments, with associated parking and services.

The detached dwelling is proposed to be located at the northern section of the site, set facing onto Kingsland Road; the dwelling is set back from the position of the neighbour (no.25 Kingsland Road) and provides a parking bay for two vehicles in the area to the front of the dwelling, along with space for refuse/recycling collection area.

Private amenity space is provided to the rear of the dwelling with storage area for refuse/recycling and cycles. A turning area has been demarcated at the end of the plot with the objective of creating the ability for vehicles to turn within the site and therefore enter and exit Kingsland Road in forward gear. Alongside the garden area is a refuse collection point, where residents of the southern section of the site would deposit refuse receptacles on collection day.

The apartment development of four units follows the footprint of the existing building, comprising a part two storey block (where top floor accommodation is provided within the roof). The development retains the existing access which runs abutting the western boundary of the site, and follows a pattern of undercroft parking bays at the ground floor of the units, divided by entrances and ground floor accommodation of the apartments.

The design of the southern building maintains the pitched roof design of the existing building. There is a nominal increase in the ridge height of the building 0.9m; the ridge line moves ever so slightly to the (0.2m max) to the west.

Parking is allocated as two spaces for the four bedroom unit and one space for each of the apartments.

Referral to Committee

The application is referred to the Development Control Committee as a previous application for a similar development was refused by the Development Control Committee. The Scheme of delegation requires such applications, which would effectively grant something similar to which the committee had previously refused, to be referred to the Committee for decision.

Planning History

4/00399/11/MFA	DEMOLITION OF EXISTING WAREHOUSING AND REDEVELOPMENT PROVIDING ELEVEN 2-BED APARTMENTS WITH PARKING AND ANCILLARY WORKS Refused 09/06/2011
4/01716/12/FUL	DEMOLITION OF EXISTING WAREHOUSING AND REDEVELOPMENT CREATING ONE x 4 BED HOUSE, TWO x 2 BED MAISONNETTES AND 3 x 2 BED APARTMENTS WITH PARKING AND ANCILLARY WORKS Refused 16/07/2013

The above application was refused for three reasons:

- 1 *The proposed development by reason of its height at the lower (southern) section of the site would lead to overbearing impacts to neighbouring properties of 14 and 16 River Park, through overshadowing to the rear amenity areas and the front and rear elevations of the dwellings, resulting in a detriment to residential amenity contrary to Policy 11 (a) and (d) of the adopted Dacorum Local Plan and Policy CS12 (c) and (g) of the Pre Submission Core Strategy with Modifications January 2013.*
- 2 *The proposed development would not sufficiently provide access and areas for servicing appropriate to the level of development proposed on site. The access to the site and proposed dwelling units as well as limited areas for manoeuvre and inadequate turning head within the site would lead to a potential for increased danger to pedestrians and other road users, and limit normal servicing to residential properties. The development is therefore contrary to Policy 11 (f) and (h) of the adopted Dacorum Local Plan and Policy CS12 (a) and (b) of the Pre Submission Core Strategy with Modifications January 2013.*
- 3 *Through combination of the height, site coverage, number of residential units proposed and the close proximity to surrounding development; the proposal would provide a development of such density that it would be of detrimental impact to the character and appearance of the areas and lead to pressures on parking to the surrounding area and therefore represents overdevelopment contrary to Policy 11 (a), (c) and (g) of the adopted Dacorum Local Plan, HCA7 of the Area Based Policies, Supplementary Planning Guidance, May 2004 and Policies CS11(a) and CS12 (g) of the Pre Submission Core Strategy with Modifications January 2013.*

The refusal was then appealed by the applicant. The Planning Inspectorate reviewed the decision and upheld the reason of refusal relating to the impact on neighbour amenity, specifically the, *"significant harm that would be caused to the living conditions of neighbouring occupiers of No's 14 and 16 River Park."*

The full conclusion of the Inspectors Decision was as follows:

"I have concluded that the development would not have a detrimental impact upon highway safety and that the scale, density and layout of the proposal would be appropriate in terms of its effect on the character and appearance of the area. However, these matters do not outweigh my conclusions on the significant harm that would be caused to the living conditions of neighbouring occupiers of No's 14 and 16 River Park."

The text of the Inspector's Report is set out at Appendix 1.

Constraints

Urban Area of Hemel Hempstead
Former Land Use - Possible Contaminant
Flood Zone 3 – (part 3b)
Flood Zone 2

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS17 - New Housing
CS19 - Affordable Housing
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS33 - Hemel Hempstead Urban Design Principles
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 58
Appendices 1, 3 and 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area HCA 7: Boxmoor
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Planning Obligations (April 2011)
Affordable Housing

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Hertfordshire Highways

23 Kingsland Road is a former brush factory situated in a mainly residential area in the heart of Boxmoor. At present the site is served by a wide simple vehicle crossover. This VXO also serves as a means of access to other residential dwellings to the side and at the bottom of the site. The highway authority again assumes that the dwellings at the bottom of the site have access rights over the track and therefore this will remain as part of any new development.

At the point where this VXO joins the highway (Kingsland Road) the footpath known as Fishery passage crosses the front of the site and continues up to the next road, Horsecroft Road. This footpath is exceptionally busy at both the am and pm peak times with pedestrian use notably both children and commuters heading to schools and work via the main line train station at Boxmoor respectively.

Accident history - The 5-year rolling injury accident data has no record of any personal injury accident in Kingsland Road near to this site. Quite clearly this is not a known accident hotspot and that the change of use to residential use is not likely to change this fact.

Access - As mentioned above the previous application had a few highway concerns relating to access, turning area within the site, refuse collection. Looking at the access issue, the applicant proposes to continue to use the simple VXO but will highlight the access in block paving between the VXO/site access and fishery passage footpath. This footpath is heavily used at peak times and it was identified as an area to improve to make both pedestrians and motorists aware of each other's movements.

Site layout - The applicant has provided track runs, Dwg No 2-PL04a Rev A 2014, which shows a large vehicle turning around at the middle of the site.

Parking - The application form states that there will be 6 off street parking spaces provided. Ultimately, the local authority will determine the level of off street parking this site should provide in accordance with their local plan.

Highway financial contribution - Highway financial contributions would be used to provide measures or services in the vicinity of the site to encourage walking, cycling or the use of public transport. The bus stops in Fishery Road or St. Johns Road could be improved or sustainable measures locally to improve existing or proposed cycle networks. The Highway Authority will therefore seek a standard charge contribution of £750 per 2 bedroom apartment/cottage and £1500 per 4 bedroom house. Planning permission should therefore only be granted subject to an undertaking to secure a financial contribution of £4,500 towards measures or services in the vicinity as mentioned above to encourage walking, cycling or the use of public transport.

Conclusion – On balance the highway authority considers that this latest application is less intense a development than previously submitted and that the applicant has in the main looked to resolve the highway concerns that were previously raised. If the local planning authority were minded to grant planning permission then the highway authority would respectfully ask that they include the above requested conditions/informative to any decision notice they grant:

1. That the parking spaces shall be used for the parking of non-commercial vehicles only and thereafter retained for the occupiers of that property unless the Local Planning Authority otherwise agrees in writing.
2. The proposed car parking spaces must have sufficient manoeuvring space to ensure all vehicles can enter and exit the site, where possible in a forward gear.
3. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway.

Crime Prevention Design Advisor, Crime Prevention Design Service, Hertfordshire Constabulary

I would ask that what appears to be open car ports are made into garages, with up and over doors. There is storage shown at the rear of the car ports and there will be little to nil natural surveillance into these recess areas.

I note reference is made in the Planning and Design Statement regarding Secured by Design part 2 physical security and reference is made to plan PL04a. This plan does not detail the correct standards for Secured by Design which are: All exterior entrance doors to have been tested to BS PAS 24:2012 and ground level (easily accessible) exterior windows to BS Pas 24:2012. All glazing in the exterior doors, and ground floor (easily accessible) windows to include laminated glass as one of the panes of glass if double or triple glazed.

If the application is approved I would request the applicants confirm they have built to Secured by Design, by applying for and achieving Secured by Design accreditation.

I hope the above is of use to you in your deliberations and will help the development achieve that aims of the National Planning Policy Framework (NPPF).

17 – High quality design

58 – Function for the lifetime of the development as well as designing against crime and fear of crime.

69 – Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Dacorum Core Strategy policy CS12 – reference safe access, layout and security.

Strategic Housing

A financial contribution will be sought in lieu of affordable housing on this site. The methodology detailed in the Affordable Housing SPD should be used to calculate the financial contribution.

HCC Planning Obligations Officer

Based on the information to date for the development comprising 4x two bed flats and 1x four bed house (all open market) we would seek the following financial contributions towards Education, Youth, Libraries and fire hydrant provision, as set out within HCC's Planning Obligations Toolkit and summarised below.

Please note, if the size, number or tenure of any of the dwellings changes, these calculations will need to be reviewed.

Financial Contributions:

Primary Education	£6,985
Secondary Education	£6,199
Nursery Education	£1,239
Childcare	£427
Youth facilities	£134
Libraries	£757
Fire hydrant provision	

Further justification of these requests were provided in the full response.

Thames Water

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

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments:

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

Environmental Health (Contaminated Land)

The site has had a long history of industrial and commercial usage. Consequently there may be land contamination issues associated with this site. An appropriate land contamination assessment has not been submitted with the application. Furthermore, unlike the previous applications, Section 14 of this application form has not indicated that the land is known/suspected to be contaminated or the development is vulnerable to contamination. Insufficient information has been provided with this application to enable the risk of contamination to be assessed.

Senior Fire Protection Officer - Hertfordshire Fire and Rescue Service

We note from the Design and Access statement attached that a permanently locked gate will be created at the far end of the development (item 7.18) so that the fire service can gain access from both ends of the road as turning facilities are not achievable in an otherwise dead end route.

Access and Facilities:

Access for fire fighting vehicles should be in accordance with The Building Regulations 2000 Approved Document B (ADB), section B5, sub-section 16.

Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.

Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.

Water Supplies:

Water supplies should be provided in accordance with BS 9999.

This authority would consider the following hydrant provision adequate:

- Not more than 60m from an entry to any building on the site.
- Not more than 120m apart for residential developments or 90m apart for commercial developments.
- Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances.
- Not less than 6m from the building or risk so that they remain usable during a fire.
- Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.
- Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol 2, Section B5, Sub section 15.8.

In addition, buildings fitted with fire mains must have a suitable hydrant sited within 18m of the hard standing facility provided for the fire service pumping appliance.

Environment Agency

Although the application site is shown as being in Flood Zones 2/3 on our flood maps. The applicant has demonstrated as part of pre-application discussions with us that the site can be considered to be wholly in Flood Zone 1 because of the local topography. As such, the site can be considered to be in Flood Zone 1 and is under a hectare. Therefore cell F5 of our Flood Risk Standing Advice (FRSA) consultation matrix applies. You should consult the matrix to determine whether flood risk has been appropriately addressed for this site.

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 you use the surface water management good practice advice in cell F5 to ensure sustainable surface water management is achieved as part of the development.

If you have identified drainage problems at this site through your Strategic Flood Risk Assessment or Surface Water Management Plan, you may want to request a formal Flood Risk Assessment from the applicant in line with Flood Risk Assessment Guidance Note 1.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Fortuna Lodge, Kingsland Road

Could you please confirm that point 7.8 of the access statement below where it says "*this right of way with a width of approximately 5m is more than adequate for vehicular access FOR THE WHOLE SITE*" refers only to the people living at Fortuna Lodge, Fortuna Cottage and 23a Kingsland Rd (and not mentioned 23b Kingsland Rd) and not the people who would be living on the new development.

(Further comment on Web site)

We support the above application subject to the following:

We would like confirmation on 7.8 of the access statement where it says "*This right of way with a width of approx. 5m is more than adequate FOR THE WHOLE OF THE SITE*", refers only to the people living at Fortuna Lodge, Fortuna Cottage, 23a and 23b Kingsland Road and not the new people who would be living on the proposed new development.

We feel we must insist that 7.21 of the of the Access Statement is made part of the approval - boundary treatment and signage defining our property from the mews. At present it says "*may be appropriate*". Apart from this and the other point mentioned in my email of 26th September 2014, we would like to put on record that we are in favour of this development going ahead.

133 River Park

These comments have been agreed by seven (no's 129, 131, 133, 139, 141, 143, 145) of the nine owners of flats on the south side of River Park who received the notification letter dated 18 September 2014 and they are submitted as a block response. They also have the support of Mr Arthur Brown (no 41), Chairman of River Park Residents' Association. We focus on two proposals for the southern part of the development site: the terrace of four cottages and the provision of access for the fire service.

Design of the Cottages:

In most respects the design of the cottages is acceptable. Seen from the south the building has the same shape as the existing building, the brush factory. Setting it back from the boundary by 2 metres compensates for the slight increase in height. The hedge along the northern edge of the highway hides most of the ground floor. We object, however, to the use of black timber boarding on all the southern elevation above about a metre. Not only would this large expanse of black be ugly and obtrusive, the use of timber is inappropriate. All the surrounding buildings are brick, previous developments having taken their cue from the brush factory. The timber boarding proposed for the western elevation may be justified as it is broken up by doors,

windows etc and the brick plinth and tiled roof provide contrast, but this elevation can hardly be seen from the south. Visible from the south are the two plainer elevations, the southern and part of the eastern. The eastern elevation is all brickwork, and to present a pleasing, consistent appearance the southern must also be brickwork.

Fire Service Access:

Referring to access from River Park, paragraph 7.18 of the applicant's Planning and Design Statement says '*.... a permanently locked gate will be created to allow access to the southern part of the site should it be required by the fire service*'. We object to the provision of access as described. We are not convinced by the term '*permanently locked*'. We regard a conventionally locked gate as insecure (for example, anyone can buy a set of fire service keys on the web), and once unlocked it would give easy access into our parking/garage area to thieves, graffitists and the like and to rail-users wanting to evade the restrictions which prevent long-stay street parking near the station.

The Development Control Committee Agenda for 6 June 2013, when the previous application 4/01716/12/FUL was discussed, contains the following statement regarding fire service access: '*The access shall be permanently locked, however in the case of emergency fire fighters would be able to break through this access and gain pedestrian access to tend the southern accommodation with hose facilities*'. In two respects this is more acceptable than the entry in the P & D Statement. It specifies '*in the case of emergency*' rather than the vaguer '*should it be required*' and it uses the term '*break through*'. The latter implies that the access would be secured by something more robust than a simple lock and key - something which it would require, say, bolt cutters to remove and which would prevent entry by all but the most determined intruder. This is the level of security which we would describe as '*permanently locked*' and which we would expect.

Until the physical arrangements proposed for '*permanent locking*' are explained to us, or better still shown to us on an existing example, and we are satisfied that the required level of security will be achieved, we will continue to oppose the provision of access.

16 River Park

We write in regards to your letter regarding a proposed build of one 4-bedroom house and four 2-bedroom houses at the above site. For your information, we live at 16 River Park, our house and gardens run parallel to 23 Kingsland Road. Fortunately, the Planning Inspectorate & Dacorum Borough Council's Committee have seen for themselves the dramatic detrimental effect of this build on our house and neighbouring community; though the height is the concern that we are most passionate about.

As you are aware, this is the third proposal at the site, with two previously declined. The last application was refused by the Planning Inspectorate, on 28 March 2014:

Accordingly, the proposal is contrary to the aims of policy CS12 of Dacorum's Local Planning Framework Core Strategy (2013) (the Core Strategy) which requires, amongst other things, that development avoids a loss of daylight and sunlight to existing properties and that it respects adjoining properties in terms of its layout, scale, height and bulk. The proposal would also contravene one of the core planning principles set out at paragraph 17 of the National Planning Policy Framework (the Framework) which is to secure a good standard of amenity for all existing and future occupiers.

In regards to this new application, we are pleased to see the introduction of cottage-style properties that will fit into the area. However, we are still concerned about the height of the new property.

Whilst the proposal has been reduced in height from previous applications, it is still significantly

higher than the current building. As per the Planning Inspectorate's previous statement, there are limited shadow and sun diagrams to work with again. However, with increased height, bulk, pitch of new roof, etc.; we feel that this application should be referred back to the Planning Inspectorate for their opinion, as they were extremely apprehensive about any height increase:

Given its close proximity of No's 14 and 16 I consider that the proposal would have an overbearing impact and lead to a substantial loss of outlook from the habitable room windows to the front of No's 14 and 16, significantly worsening the existing situation. This impact would be most acutely felt by residents of No 16 but would also be detrimental to the living conditions enjoyed by residents of No 14 which is in close proximity.

In addition, the new plans do not show our second floor bedroom windows. Concerns have been raised that No's 14 & 16 River Park would be able to see into the roof windows of the proposed build, which should be unacceptable to all.

So in conclusion, whilst the cottages will look pleasant in the environment, we would like to see them reduced in height to match the existing building. We deem that the Planning Inspectorate has previously confirmed that the height would feel oppressive, with loss of sunlight to windows and gardens: ... it demonstrates that the proposal would result in a loss of sunlight and increased overshadowing to the front of No's 14 and 16 River Park and to the rear garden of No 16. When supplemented by my observations on site with regard to the scale, proximity and orientation of the proposal, I conclude that the development would cause significant harm to the living conditions of occupants of both dwellings.

Therefore, we consider that our Human Rights have been protected by the Planning Inspectorates previous decision and any increase of height of new build should be refused. We believe that it would be criminal for Dacorum Borough Council to overturn a height issue that has previously been refused by the Planning Inspectorate.

14 River Park

Firstly, the new proposal for cottages is far more suited to the site and I am glad to see they are pulled back from the southern end.

However, the proposed ridge height increase of almost a metre and the subsequent increased pitch and mass of roof are not in line with previous rulings and I object to the proposal on this basis.

7.14 of the Planning and Design Statement suggests this increase is to 'make sure an acceptable standard of accommodation .. is provided'. I would argue the Planning Inspector's ruling regarding existing residents, point 13 of his report saying one of the core planning principles set out in paragraph 17 of the National Planning Policy Framework is 'to secure a good standard of amenity for all existing occupiers' confirms that existing residents take precedence when future planning is considered.

Once again there is no evidence to show effects on light and sunlight in the afternoons and evenings, particularly during spring and late summer. Points 9, 10 and 11 of the Planning Inspector's dismissal of appeal cover this and in my opinion the current proposal contravenes his decision. Further, to quote point 13 of his dismissal again '... development avoids loss of daylight and sunlight to existing properties and that it respects adjoining properties in terms of ... scale, height and bulk'. This proposal does not meet core planning principles,

The only way these requirements can be met is for any new development to be the same height and roof shape as the existing, which is exactly what we asked for when our opinions were consulted. I believe this proposal should be rejected as it contravenes the Planning Inspectorate's decision of 28 March 2014.

Chairman of the River Park Residents Association

Referring to (i) Planning and Design Statement, paragraph 7.18: *'It is noted that there will be no access from River Park to the site. However, in response to the concerns raised by the fire service, a permanently locked gate will be created, to allow access to the southern part of the site should it be required by the fire service.'* and (ii) the Senior Fire Protection Officer's comment: *'We note ... that a permanently locked gate will be created at the far end of the development ... so that the fire service can gain access from both ends of the road as turning facilities are not achievable in an otherwise dead end route.'*

These prompt the following comments:

- Presumably 'there will be no access from River Park' means no access except the fire service access proposed in the next sentence.
- The applicant has chosen not to mention that access from the highway River Park must cross property adjoining his southern boundary which he doesn't own. Although that doesn't stop planning permission being granted and he doesn't have to seek consent to make changes on or cross that property before permission is granted, the omission might mislead the reader into thinking that the creation of a gate alone satisfies the fire service's requirements. It doesn't.
- The SFPO's comment might indicate that he's been misled into thinking that gate and access mean the same, and possibly that access includes vehicle access. The latter has never been suggested.
- If planning permission is granted, then the fire service's requirements must be fully and clearly expressed in a condition such as: *'No development shall take place until a pedestrian access from River Park has been provided. This access shall be for use by the fire service in an emergency, and it shall be permanently secured at the boundary to prevent its use for any other purpose. Fire fighters will be able to break through when necessary.'*
- A condition which referred to the gate within the applicant's boundary would be inadequate. A gate alone wouldn't give access during demolition and construction, when there's a strong possibility of an incident occurring.
- If the applicant has been given any reason to think that the need to obtain consent from the owners of the adjoining property can be circumvented, then the owners are entitled to know that reason.
- The fire service made known their requirements in comments about the previous application 4/01716/12/FUL. The applicant knew them when he started preparing his current proposal. By including the creation of a gate he has acknowledged that the only way that fire service requirements can be satisfied is by an access across the adjoining property, including changes on that property. In other words, encroachment on the adjoining property is an integral part of his proposal - the rest of his proposal can't be implemented without it. In that case, shouldn't he have given notice to the owners of the adjoining property before submitting his application? Or, perhaps, drawn the southern boundary of the development site to include the affected part of that property?

29 Kingsland Road

This is the third proposal for 23 Kingsland Road the other two were previously declined. The last application was refused by the Planning Inspectorate. The latest plans at least show some respect to the surrounding area with their design, however, the height of the building is still of great concern as it would impact on the light to existing properties.

The height of the current building has no impact on surrounding houses, if the new building were to be kept to this height then I feel it would have more support.

In light of the decision by the Planning Inspectorate to decline the previous application, I feel this new application should be referred back to them as the issue with height has still not been addressed with this new proposal.

Comments from 113 Cowper Road

We are the owners of Fortuna Cottage, which is one of the existing properties most impacted by this development. The property is currently rented out. It appears that our tenants provided positive feedback on the development as consultees, and then they promptly gave us notice that they would be moving out. The comments provided by the residents of Fortuna Cottage should therefore be disregarded, as they are not those of parties with an interest in the long term viability of this development.

We however bought Fortuna Cottage with the intention of long term ownership and with a view to passing it on to our children. Whilst we would welcome a sympathetic development of the warehouse to enhance the locality; this is not a sympathetic development.

- We believe that the current site plans are still over developed, and that the congestion will impact the welfare of all inhabitants, new and existing. The development density of 65 DPH is too high.
- There is no realistic provision for casual parking south of the bins store. Each cottage front (not including garage door) is only a little over 5m long; this means that an average family car can only just park in front of a cottage front without blocking one or other adjacent garage. Cars exiting from the garages will be unable to start to turn if cars are parked on the cottage side of the road; if cars are parked on the other side of the road, they will definitely not be able to turn out of the garages.
This level of congestion will inevitably result in tension between neighbours. Unless the development is included in the new parking restrictions on Kingsland Road, it is also likely to attract additional casual parking above and beyond new inhabitants adding to the stress.
- We are convinced that this arrangement of cottages and lack of provision for casual parking will result in access being impacted to our property, Fortuna Cottage.
- We note that the appeal inspector for application Ref 4/01716/12/FUL stated that 'the Council noted that existing occupancy rates are low for the warehouse'. He also stated that he 'had not been provided with data to support the assertion that the proposal would result in an increase in vehicular activity over and above the established commercial use'. We assert that the planning and highways department has a responsibility to collect this data on existing vehicular movements and also make predictions for future patterns. This will identify that current commercial activity is outside of peak pedestrian activity; where-as current peak domestic vehicular traffic for Kingsland Road coincides with peak pedestrian activity, at school start and end times, and at rush hour.
- Projection of the current pattern data will suggest that the vehicular movement for the site in future will exceed current levels and will peak around the times when pedestrian access is at peak, particularly if the development is not included in the Kingsland Road parking restrictions scheme.
- The plans for the development do not include pavement along the access road, and cars parked within the length of the proposed four cottages – on either side of the road – will have to reverse along the road to regain access to Kingsland Road, even if using the turning circle to exit the site facing forward. Whilst it is necessary to reverse within the existing site; by greatly increasing the DPH for the site, there is a much greater likelihood of children being on the access road.
- We believe that this constitutes an unacceptable hazard to children; with the only acceptable solution being a turning circle at the south side of the development.

We believe that these plans contravene Core Planning Principles as set out in paragraph 17 in the National Planning Policy Framework, specifically:

- These plans do NOT adhere to '*not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;*'
- These plans DO NOT '*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*'

Proposal - Instead of repeatedly presenting over developed plans in order to maximise the sale value of the warehouse plot, we suggest that Mr Hosier takes a completely different approach, and proposes a development that he can be proud of as a legacy. We suggest that if he envisaged members of his own family living within the development, then an appropriate and sympathetic design would present itself. Instead of squeezing in 4 cottages, why not make it just 3 cottages, *perhaps* with amenity space for both end terraces, and with *mandatory* turning space at the southern end of the development? This would please the River Park residents, as the building line would move even further from the boundary. This would improve the development density, and reduce the likelihood of inconsiderate casual parking, thereby reducing the likelihood of tension between neighbours. Another positive would be that each property would be more desirable and would sell at a premium. With neighbours on-side, demolition and building works could be much more easily accommodated.

We would raise no objections to a development of 3 cottages, with the same parking restrictions as are in place on Kingsland Road.

25 Kingsland Road

I am emailing on the back of the email below sent in 2013 regarding the planning application for 23 Kingsland Road. Again I am finding it impossible to view the plans online and as the deadline for responses is the 28th October I am re-submitting the objections that I raised below as I do not believe that they have changed since 2013 and judging by the description on the letter. Again I am totally against the Council agreeing to this application.

Considerations

As noted above, the Inspector made the following conclusion in his appeals decision notice: *"I have concluded that the development would not have a detrimental impact upon highway safety and that the scale, density and layout of the proposal would be appropriate in terms of its effect on the character and appearance of the area. However, these matters do not outweigh my conclusions on the significant harm that would be caused to the living conditions of neighbouring occupiers of No's 14 and 16 River Park."*

Policy and Principle

The site is located within the urban area of Hemel Hempstead, wherein the principle of development is acceptable. The area surrounding the application site is residential and the redevelopment for appropriate residential development is in accordance with CS4 of the Core Strategy.

The existing use on site is commercial, including mainly storage and distribution provisions with limited control or restriction on this use; however, at present the building is used at a low level with relatively limited impact on the surrounding residential area. The change of use to residential (in terms of use alone) is acknowledged as being a complimentary use to the surrounding residential properties and removes a potentially conflicting use. The principle of change of use is therefore acceptable.

Area Based Policy HCA7: Boxmoor

The area based policies from the Local Plan are Saved.

Area 1: The older central core based around St John's Road with residential roads to the North and South

Scope for Residential Development

- Redevelopment: Discouraged, although there may be opportunities for redeveloping non-residential buildings, according to the Development Principles.

-Development Principles

- Design: Style of dwellings may vary, but the scale, height and orientation of new proposals should follow that common to the street scene and to nearby and adjacent dwellings.

The orientation of the development follows that of the existing building, dictated by the existing form/orientation of the site. The detached dwelling follows the form, scale and height of development on Kingsland Road with the duplication of a two storey dwelling development. The layout of the development with rear garden and general proportions of the building follows the pattern of development within the area. The development to the rear follows the existing form of development on the site with the linear arranged building. The layout does not follow the traditional layout of the area; however, the proposal makes an efficient use of the long narrow site and only deviates from the existing form by a minimal amount.

- Type: Semi-detached and terraced dwellings are encouraged. Detached dwellings may be acceptable where this type forms the majority of nearby and adjacent development. Development of flats may be acceptable dependent on their resultant appearance and compatibility with the street scene.

The detached dwelling is considered appropriate for the Kingsland Road pattern of development. With regard to the four attached units within the scheme, these shall be assessed with regard to the impact and appropriateness of the scheme with regard to scale of building; impact on surrounding development and with regard to the provision of suitable access and parking.

- Height: Should not normally exceed two storeys.

The building detached dwelling has accommodation with the attic space; this is not specifically uncommon with the street scene and the scale of the building is in accordance with surrounding development. The block of four units to the rear of the site has accommodation on two storeys, with the upper floor being within the roof form. The previous application (refused and dismissed at appeal) had accommodation over three floors with a higher building.

- Size: Should be kept small to medium; large scale bulky development will not normally be acceptable.

The development would deliver a range of residential unit sizes which are needed within the area. The size of the development as a whole shall be considered with regard to the impact on the surrounding area.

- Layout: Proposals should normally maintain a close to medium spacing (less than 2 m or between 2 m and 5 m). Dwellings should normally front onto the highway following a straight, formal building line.

Due to the existing formation of the site, the proposed pattern of development is considered acceptable in principle.

- Density: Development in the high density range of 35-50 dwellings/ha (net) is acceptable, although lower densities will be required in areas where the predominant density is below those in this range.

The proposed density shall equate to 65 dwellings per hectare (the previous scheme was 78 DPH).

Density figures are noted for providing a guide to the broad density of an area. There shall

naturally be fluctuation in these figures and some areas of the character area shall be higher density than others. Similarly, taking a site in isolation provides a skewed density figure against the general density level for the wider area. The development shall be assessed with regard to the impact and appropriateness of the scheme with regard to scale of building; impact on surrounding development and with regard to the provision of suitable access and parking to determine whether the density is appropriate.

- *On-street parking: Limit effect by effective on-site provision in new development proposals.*
- *Off-street parking: Provision by either on-site or communal parking is acceptable.*

The parking for the development is provided within the site. The suitability of this shall be considered in the assessment below.

Design and Appearance

Detached dwelling

The Kingsland Road elevation was indented to form a repetition of the Victorian terrace type dwellings along the south side of Kingsland Road, providing a continuation of the street scene and retain the character of the area. This detached four bed two storey dwelling follows the gable end form, with feature bay window to the front elevation; the brick detailing and finish shall respect the immediately neighbouring dwellings and continue the established design principles of the Kingsland Road street scene. The proposed dormer window is noted as in keeping with other examples within the street.

The dwelling has a rear range extension feature which is positioned to the west side of the rear elevation, the scale and position of this give separation to the neighbouring property on Kingsland Road, with particular regard to windows within the rear elevation and avoiding significant detriment to loss of light to these windows.

The design of this unit is considered to be a successful addition to the Kingsland Road street scene, achieved through maintaining the eaves line, ridge line, front elevation features and material finishes as well as the chimney detailing.

The dwelling has a rear private amenity space, which is considered to be appropriate with regard to the mix of garden sizes within the surrounding developments and the close proximity to nearby public amenity space.

Rear Building

The development continues with a new build block running along the footprint of the existing building from the end of the garden area of the detached unit to the southern boundary of the site.

The design maintains simple roof forms of dual pitched, tiled roofs which characterise the area. The existing building has a ridge line running down the length of the site, and the proposed development retains this. The previous application had a variety of roof heights, with a two and a half storey block within the section adjacent to the neighbouring building. The building is now reduced in height and while there is some variation in roof height this is minimal with a near consistent roof line of the new building running through the site; albeit with two steps down to reflect the fall in topography of the site.

The proposed building is set away from the southern boundary by 2m; reducing the length of the existing building which currently abuts the southern building.

Dormer windows have been used on the eastern elevation of the building to provide natural light and aspect for the proposed bedrooms of the cottages. The rear roof slope shall contain

rooftlights. These provide light to the bathrooms and utility rooms of the units (non-habitable rooms); the internal sill height of these window openings is above 1.7m therefore limited views out shall be possible.

Parking is provided through undercroft parking bays; this moves cars away from the street and prevents them from dominating the appearance of the development.

Views of the southern building from Kingsland Road shall be limited due to the nature of the site; wherein the development shall be set down within site and not dominating the street scene. Within the site (from the access road) the building shall have a relationship of a domestic nature, wherein the appearance of the elevation is of the parking bays and entrances with accommodation above; this is of a small scale proposal and more similar to small scale residential infilling. View of the development from River Park have been reduced through the alteration to the design where the building has been moved 2m away from the southern boundary, the building at this point is also lower; therefore the appearance of the building shall be of a scale appropriate with the scale of other development within the surrounding area.

For these reasons for the design of the development is considered to be appropriate, with the provision of flats not leading to a compromise to the street scene character.

Effect on Amenity of Neighbours

The Planning Inspector upheld the previous reason for refusal regarding impact on neighbouring residents when the application was appealed. Following the Inspectors decision the applicant has amended the proposal and most noticeably has reduced the height of the southern building. The proposal is now 1.656m lower than the previous application and 0.901m above the existing ridge line. The building has also been set away from the southern boundary by 2m, wherein the previous application was set back at first floor only.

There are three areas of consideration, Kingsland Road, River Park and the group of properties to the west of the application site; these shall be assessed in turn.

River Park:

The Inspector's report includes the following comments on the relationship between the previous proposal and the neighbouring properties at River Park:

Paragraph 6.

"The southern extent of the existing building projects beyond the front elevation of the adjacent terrace (10-16 River Park) which is situated immediately to the east. The eastern facing wall forms the shared boundary with No 16 and creates a sense of enclosure and overshadowing within the rear garden of this dwelling. Due to its scale and projection beyond the front of the adjacent terrace, the southernmost section of the building also restricts the outlook from front facing habitable room windows of No's 14 and 16 River Park, as observed at the time of my visit."

It is noted the existing building has some impact on the residential amenity of the properties on River Park.

Paragraph 7.

"The proposed building would sit directly to the east of 16 River Park and would effectively be a storey higher than the structure which currently occupies the site; a substantial increase in terms of overall height and the mass of brickwork on the eastern elevation. Given its close proximity of No's 14 and 16 I consider that the proposal would have an overbearing impact and lead to a substantial loss of outlook from the habitable room windows to the front of No's 14 and 16, significantly worsening the existing situation. This impact would be most acutely felt by

residents of No 16 but would also be detrimental to the living conditions enjoyed by residents of No 14 which is in close proximity. Although the highest section of the building would be set in from the southern boundary, I am not satisfied that this would be sufficient to mitigate the loss of outlook and overbearing impact resulting from the significant increase in the height and mass of the structure."

The issue here is the outlook from the front elevation windows of 14 and 16 River Park. The previous proposal sought an increase in ridge height over the existing building of over 2.5m and an increase in eaves height by a similar level. The proposal in the current application seeks a much lesser increase in height; the ridge line increases by 0.9m and the eaves line does not change from the existing building. It is no longer the case that the proposal shall result in a significant increase in the height and the mass of the structure. The proposal retains the set back of 2m from the southern boundary and the increased ridge line height will not give rise to a significant detriment to outlook.

Paragraph 9.

"The proposed building is located due west of the neighbouring dwellings and the impact would be at its greatest in late afternoon/ early evening when the sun is lower in the sky. In my view, this loss of sunlight and overshadowing would be detrimental to the living conditions of residents of both dwellings and would add to the sense of enclosure and overbearing impact described above."

The proposed form of the building shall have some impact on the level of light to the windows of 16 River Park. However, this change is now at a marginal impact. The situation is not likely to cause a significant detriment to the residential amenity of the neighbouring property.

An assessment has been submitted demonstrating the impact of the proposed development in accordance with the BRE guidelines; 45 degree line has been drawn in both a horizontal and vertical axis from the proposed development to the nearest habitable windows in the front and rear elevation of 16 River Park.

The rear elevation of 16 River Park has a larger full height door providing access from the living area to the garden. The reduced height of the building and removal of a change to the eaves height greatly reduces the impact to light levels of the windows. As a result of the above assessment there is not considered to be a significant impact of loss of light to the properties of River Park, nor shall there be an overbearing impact.

Roof lights are located on the east elevation; these are positioned at an internal height above eye line and hence overlooking shall not be caused by these features.

Paragraph 10.

"Furthermore, the increased height of the proposed building, relative to the existing, as it runs adjacent to the rear of No 16 would result in an increased sense of enclosure within this adjacent garden. In combination with the increased level of overshadowing this would generate a substantial sense of enclosure that would significantly impair the enjoyment of the garden, to the detriment of the living conditions enjoyed by residents of No16."

Here the Inspector is assessing the impact on the garden areas of the neighbouring properties. The 0.9m increase in height of the ridge line and no change to the eaves line of the building shall result in a minimal increase in overshadowing of the garden area. It is accepted that the existing building has some overshadowing impact; the proposal shall increase this impact. However, the wall height does not increase and this was a fundamental impact on the neighbouring property in the previous application. The increase in height is only at the centre of the proposed building; rather than at the boundary with the neighbour, therefore the impact of overbearing and overshadowing is greatly reduced from the previous application proposal and only marginally worse than the existing situation and not to the extent that would warrant

refusal.

Kingsland Road:

The proposed development is set back from the front building line of 25 Kingsland Road, due to being set back the proposed structure shall not impact on the front elevation of the neighbouring property (25 Kingsland Road) and shall not be overbearing in this aspect.

No.25 has a traditional form with a rear projection leaving a small section of the original rear wall present close to the boundary; there is a window at ground floor and at first floor within this rear wall section. The detached dwelling design has a two storey rear wing at the west side of the dwelling to give more spacing from the rear elevation of No.25, and in particular these windows. On plan view the rear wall of the proposed dwelling would cast shadow over the inset area of No.25; when the elevation view is noted, the two storey rear projection of the dwelling is set far enough away to ensure the element does not impact on the rear elevation of No.25.; however, the main eaves line of the building, although set back, shows the building is likely to cause an impact on the ground floor window of the rear elevation. The impact of the development on No.25 is limited to the impact on the ground floor inset window of the rear elevation.

The rear range of No.25 currently blocks light to this window to a considerable extent, with the rear projection being very close to the edge of the window opening. The orientation of the site does provide a positive to the situation, wherein sunlight shall be directed into the inset area thus improving the situation of light reaching this window. On balance the scheme removes built development from the boundary in creating the garden area for the dwelling; although replaces with a two storey element which does not extend as far to the rear. The development does impact on light levels reaching the window in question, however the window is not entirely devoid of light due to the orientation of the rear elevation; the proposed development shall not significantly compound this situation and objection on this aspect is not considered to be significant to warrant refusal of the scheme.

21 Kingsland Road is set a considerable distance from the proposed development and no immediate detrimental impact to residential amenity is noted.

Properties west of application site:

23a is set back a considerable distance from the Kingsland Road street, the second floor windows in the gable end of the proposed detached dwelling are set far enough north within the site to avoid overlooking to private areas to the west; as a result of this the proposed development is not expected to cause a loss of light to habitable windows of this property.

The west elevation of the proposed cottage terrace block has dormer windows at first floor level which are directed towards the group of properties to the west. In the previous scheme the lower section of these sash windows was treated with obscure glazing to prevent overlooking while the upper levels would remain clear glass (above eye level) to allow view out but not into neighbouring property; this approach is considered to be necessary in this case also.

Access

The Inspector concluded the access was acceptable and agreed with the Highways Authorities conclusion on the matter of turning and manoeuvrability.

A neighbour has noted concern with a comment in the Design and Access Statement paragraph 7.8 which reads as follows:

"The proposal has had to take into consideration the access arrangements along the western

portion of site that provides a right of way to Fortuna Cottage, Fortuna Lodge and 23a Kingsland Rd. This right of way with a width of approximately 5 m is more than adequate for vehicular movements for the whole site.”

This refers to the access provision for the existing properties that are accessed via this areas and also to the proposed units which shall use this area to access the parking bays at ground floor. As noted above, the Inspector was satisfied that the access width along with the in-built turning areas (including the parking bays) was as appropriate means of access and circulation for the development (which now includes one less unit).

Emergency Access – the Fire Service have provided their requirements for access provision in the case of emergency and the consideration of access for fire fighting equipment, these comments have been clarified with the Building Control Department who have assisted in considering the appropriate solution for the development.

A Fire Tender vehicle shall only reverse 20m back into a site and then hose runs shall be distributed from this point. This would not give access to the most southern unit. To resolve this situation the provision of an emergency only, pedestrian access at the southern boundary would allow firefighter access from a vehicle that could be placed in River Park. This provides full coverage of the proposed development.

The emergency access at the southern boundary shall require the installation of a gate on the southern boundary and also the access over private land which comprises an amenity grass strip between the highway and the boundary. This land is owned by the River Park residents' management company. Should this application be granted the permission would not extend to providing permission to the developer to access/cross this land, this shall need to be agreed between the parties involved.

However, the emergency access is required to make the development acceptable with regards to fire safety. A Grampian condition requiring the development to not be occupied until such time that the access arrangements have been put in place shall be proposed, along with a second condition that specifies that the gate shall be permanently locked and only breached by the emergency services in the case of an emergency.

Parking

Properties along Kingsland Road have limited off street parking and as a result on-street parking is an issue within the area, this situation is worsened due to the location between Boxmoor local centre and the mainline train station of Hemel Hempstead. Commuter parking within surrounding streets has historically put added pressure on the already congested surrounding streets for parking spaces; however a Controlled Parking Zone has recently been implemented to address this issue.

The SPG document provides advice on accessibility zones and the implementation of parking provision standards. The application site is located within accessibility zone 3, With regard to residential developments, the following advice is given:

Para 3.2 “New residential development will generally be expected to accommodate all parking demand on site. However, significantly lower levels of parking provision may be acceptable where demand is likely to be less and a tendency for over spill on-street is, or can be controlled eg. high density housing in town centres, near railway stations or housing over shops.”

The policy states residential development should provide all parking needs on-site.

The site is located within walking distance of Hemel Hempstead mainline station, and is also well served with access to large open space areas and the local centre of Boxmoor, thus

providing a very sustainable location where justification is present for parking provisions below the maximum standard. The provision of one space per unit is considered to be a reasonable approach and it is recognised that car-free development has been approved within Boxmoor in the past.

The consideration of the existing on-street parking issues is a material consideration in the assessment of parking provision. There is no doubt that parking within the area is an issue, the location is one of the most sustainable within Hemel Hempstead especially for commuter accommodation which this development is targeted at. Private car use is best placed to be reduced in this location and with the type of development.

On balance a provision of one space per unit is considered sufficient for the two bed apartments. The provision of two spaces is also considered appropriate for the 4-bed dwelling. The proposal shall not amount to significant disruption where traffic generated would 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.

With regards to access the Inspector noted that the arrangements for a turning area; parking bays and refuse collection point was suitable to serve the dwelling in a manner that avoided detriment to Highway safety.

Sustainability

Further detail on this matter shall be sought by condition.

Other Material Planning Considerations

The Dacorum Planning Obligations SPD and the Herts County Council tool kit have been referred to with regard to the provision of contributions to Infrastructure required by the development. The following heads of terms are noted.

HCC

Primary Education	£6,985
Secondary Education	£6,199
Nursery Education	£1,239
Childcare	£427
Youth facilities	£134
Libraries	£757
Highways	£4,500

DBC

Allotments	£260
Outdoor Pitches	£1892
Cycles	£281
Child Play Space	£6,592
Natural Green Space	£103
Travel Smart	£125
Monitoring	£1769.64

Affordable Housing

CS19 Affordable Housing and the Affordable Housing SPD note that an off- site contribution in lieu of on-site affordable housing shall be required as the development proposes five new dwelling units. With the application of the formula in the SPD, the off-site contribution equates to £56,488.

A contribution on this basis shall be secured through the unilateral undertaking; however, information is awaited with regards to the applicants consideration of this amount against the viability of the development.

Conclusion

The concerns noted by the Planning Inspector in the consideration of the previous application are considered to be have overcome by the amendments to the scheme.

The proposal does not add any new matters of concern and the application is recommended for approval, subject to the completion of a unilateral undertaking for the items noted in the report.

Recommendation

That the decision be delegated to the Group Manager of Development Management and Planning, with a view to approval subject to the completion of a Unilateral Undertaking in accordance with the Heads of Terms Listed below and the conditions listed.

Primary Education	£6,985
Secondary Education	£6,199
Nursery Education	£1,239
Childcare	£427
Youth facilities	£134
Libraries	£757
Sustainable Transport	£4,500
Allotments	£260
Outdoor Pitches	£1892
Cycles	£281
Child Play Space	£6,592
Natural Green Space	£103
Travel Smart	£125
Monitoring	£1769.64
Affordable Housing	£56,448 (or as amended for viability)

- 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 details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with CS12 of the Adopted Core Strategy.

- 3 **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;
- Details of areas retained for turning vehicles and details of how this shall be delineated to ensure the area is kept clear for the turning of vehicles;
- Details of informative or directional signage within the site.
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);

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 CS12 of the Adopted Core Strategy.

- 4 **All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with 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 CS12 of the Adopted Core Strategy.

- 5 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation shown on Drawing No. PL01 Rev A and PL04a Rev A 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 off-street vehicle parking facilities in accordance with CS8 and CS12 of the Adopted Core Strategy.

- 6 **The development hereby permitted shall not be occupied until the turning space shown on Drawing No. PL04a Rev A shall have been provided and shall not be used thereafter for any purpose other than the turning of vehicles.**

Reason: To ensure that vehicles may enter and leave the site in forward gear in accordance with CS8 and CS12 of the Adopted Core Strategy.

- 7 **Development shall not begin until details of the junction between the proposed service road and the highway and the footpath have been approved by the local planning authority, and the building shall not be occupied until that junction has been constructed in accordance with**

the approved details.

Reason: In the interests of highways safety in accordance with CS8 and CS12 of the Adopted Core Strategy.

- 8 **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) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwelling and it shall not be converted or adapted to form living accommodation.**

Reason: In the interests of highway safety and the visual appearance of the development in accordance with CS8 and CS12 of the Adopted Core Strategy.

- 9 **The dormer windows within the west roof plans of the apartment building hereby permitted shall be non opening and shall be permanently fitted with obscured glass up to an internal height of 1.7m unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of the amenity of adjoining residents in accordance with CS12 of the Adopted Core Strategy.

- 10 **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 CS29 of the Adopted Core Strategy.

- 11 **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.**

(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.

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 the National Planning Policy Guidance and CS32 of the Adopted Core Strategy.

12

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.

(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 12 (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 12 (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 the National Planning Policy Guidance and CS32 of the Adopted Core Strategy.

13

The development hereby approved shall not be occupied until a means of pedestrian access, has been provided at southern boundary of the site. This pedestrian access shall only be made available for emergency services and used in the case of emergency only. The associated gate shall be permanently locked save for when breached by the emergency services in cases of emergency.

Reason: In the interest of Fire Safety in accordance with CS8 of the Adopted Core Strategy.

14

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

**PL01 Rev A (Ground & 1st Floor Plans, Internal Street Elevation)
PL04a Rev A (Block & Roof Plan, Swept paths, Road Junction Detail)
PL02 Rev A (2nd Floor Plan, Elevations & Sections)**

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

Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Informative:

Ecology:

It is possible that bats may be using areas of the existing building.

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;

Recklessly disturb bats;

Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

If bats or evidence of them are found to be present a licence will be required before any relevant works can be undertaken and this will involve preparation of a Method Statement to demonstrate how bats can be accommodated within the development.

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900), Bat Conservation Trust Helpline (0845 1300 228) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

Contacts:

English Nature	01206 796666
UK Bat Helpline	0845 1300 228 (www.bats.org.uk)
Herts & Middlesex Bat Group	01992 581442

Water:

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. 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. The applicant is advised to contact Thames Water Developer Services to discuss the options available at this site.

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

APPENDIX A: Appeal Decision

Appeal Decision

Site visit made on 4 March 2014 by Chris Preston BA (Hons) BPI MRTPI an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 March 2014

Appeal Ref: APP/A1910/A/13/2206678

23 Kingsland Road, Hemel Hempstead, Hertfordshire HP1 1QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D Hosier against the decision of Dacorum Borough Council.
- The application Ref 4/01716/12/FUL, dated 14 September 2012, was refused by notice dated 16 July 2013.
- The development proposed is: Demolition of existing warehouse and redevelopment creating 1 x4 bedroom house, 2 x 2 bedroom maisonettes and 3 x 2 bedroom apartments with parking and all ancillary works.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Dacorum's Local Planning Framework Core Strategy (2006-2031) (the Core Strategy) was adopted by the Council on 25 September 2013, after the application was determined. Upon adoption, policy 11 of the Dacorum Local Plan (2004) was superseded and no longer forms part of the development plan for the area. Consequently, I have taken no account of the contents of that policy in reaching my decision. The decision notice refers to policies CS11 and CS12 of the pre-submission Core Strategy (January 2013) which has been superseded by the adopted version. Accordingly, I have considered the proposal on the basis of the relevant policies of the adopted Core Strategy and all other relevant material considerations.

3. For clarity, I have made a slight amendment to the description of development within the banner heading above, from that given in the application form. The form stated '1 4x bedroom house'. I have amended to 1 x4 bedroom house to make clear that a single, four bedroom dwelling, was proposed in addition to the other elements of the scheme.

Main Issues

4. The main issues are:

- Whether the proposed development would have an adverse effect on the living conditions of neighbouring residents at No's 14 and 16 River Park;
- The effect of the proposed development on highway safety, with particular regard to the proposed means of access, internal manoeuvring arrangements and the level of car parking provision; and
- The effect of the proposal on the character and appearance of the area.

Reasons

- Living Conditions

5. The elongated footprint of the existing building on the site is distinctive, particularly as it runs perpendicular to the prevailing street pattern in a continuous run from Kingsland Road to the boundary with the modern development at River Park. Adjacent to Kingsland Road the original building is of single storey height but a later, two-storey, extension has been added at the southern end of the site. The floor level of this two-storey addition is lower than that of the original structure, taking account of the gradual fall in levels across the site. Consequently, the ridgeline remains consistent with that of the original single storey building.

6. The southern extent of the existing building projects beyond the front elevation of the adjacent terrace (10-16 River Park) which is situated immediately to the east. The eastern facing wall forms the shared boundary with No 16 and creates a sense of enclosure and overshadowing within the rear garden of this dwelling. Due to its scale and projection beyond the front of the adjacent terrace, the southernmost section of the building also restricts the outlook from front facing habitable room windows of No's 14 and 16 River Park, as observed at the time of my visit.

7. The proposed building would sit directly to the east of 16 River Park and would effectively be a storey higher than the structure which currently occupies the site; a substantial increase in terms of overall height and the mass of brickwork on the eastern elevation. Given its close proximity of No's 14 and 16 I consider that the proposal would have an overbearing impact and lead to a substantial loss of outlook from the habitable room windows to the front of No's 14 and 16, significantly worsening the existing situation. This impact would be most acutely felt by residents of No 16 but would also be detrimental to the living conditions enjoyed by residents of No 14 which is in close proximity. Although the highest section of the building would be set in from the southern boundary, I am not satisfied that this would be sufficient to mitigate the loss of outlook and overbearing impact resulting from the significant increase in the height and mass of the structure.

8. The proposed development would also lead to a significant increase in the level of overshadowing to the front and rear of No 16 and also, to a more limited extent, the front of No 14, as depicted on the shadow and sun diagrams submitted by the appellant. Whilst I have no reason to doubt the accuracy of these diagrams, they only provide a snapshot of three days over the course of the year. The sun diagrams show a loss of sunlight to the front of No's 14 and 16 in late afternoon/ early evening in July and that mid afternoon sunlight would be restricted to the front of No 16 in October. There would also be a loss of sunlight to the upper floors of both properties during late afternoon in March.

9. The proposed building is located due west of the neighbouring dwellings and the impact would be at its greatest in late afternoon/ early evening when the sun is lower in the sky. In my view, this loss of sunlight and overshadowing would be detrimental to the living conditions of residents of both dwellings and would add to the sense of enclosure and overbearing impact described above.

10. The shadow diagrams also depict an increase in overshadowing to the rear garden of No16, throughout the year, particularly in the afternoon. The drawings do not project the impact beyond 1500hrs on 12 March, 1623hrs on 23 June, and 1417hrs on 19 October. As noted above, the level of overshadowing would be at its greatest in the evening beyond these times. This would increase the level of overshadowing, further reducing the extent to which the rear of No16 receives direct sunlight. Furthermore, the increased height of the proposed building, relative to the existing, as it runs adjacent to the rear of No 16 would result in an increased sense of enclosure within this adjacent garden. In combination with the increased level of overshadowing this would generate a substantial sense of enclosure that would significantly impair the enjoyment of the garden, to the detriment of the living conditions enjoyed by residents of No16.

11. Both parties have referred to appendix 3 of the Dacorum Borough Local Plan (2004) with regard to the minimum requirement for a 45 degree angle of light to habitable room windows. I note that this appendix is referred to as a supplement to Policy 11 of the Local Plan which has been superseded. However, notwithstanding the status of the appendix, the requirement is noted as a basic minimum and the standard is a rule of thumb method of calculating impact.

12. In this case, the proposal was supplemented by more detailed analysis in the form of the sun and shadow diagrams. Although this information is limited in its extent, it demonstrates

that the proposal would result in a loss of sunlight and increased overshadowing to the front of No's 14 and 16 River Park and to the rear garden of No 16. When supplemented by my observations on site with regard to the scale, proximity and orientation of the proposal, I conclude that the development would cause significant harm to the living conditions of occupants of both dwellings.

13. Accordingly, the proposal is contrary to the aims of policy CS12 of Dacorum's Local Planning Framework Core Strategy (2013) (the Core Strategy) which requires, amongst other things, that development avoids a loss of daylight and sunlight to existing properties and that it respects adjoining properties in terms of its layout, scale, height and bulk. The proposal would also contravene one of the core planning principles set out at paragraph 17 of the National Planning Policy Framework (the Framework) which is to secure a good standard of amenity for all existing and future occupiers.

- Highway Safety

14. The proposal would be served by a single means of access from Kingsland Road which would also continue to provide access to a small number of existing dwellings. The private turning areas available to these dwellings would not be available for residents of the proposed scheme. The width of the access drive would be insufficient to allow vehicles to turn easily within it and, consequently, without adequate turning arrangements vehicles would be forced to reverse back onto the main highway, in close proximity to Fishery Passage, a well used public footpath.

15. As noted by the local highway authority residents would be able to turn in and out of the undercroft parking bays and within the turning area shown on the submitted plan. A single dedicated bay is proposed for each of the proposed flats, with two spaces for the dwelling adjacent to Kingsland Road. Further informal parking would also be available alongside the access road. Given the location of the site, close to public transport links, I am satisfied that the level of parking is commensurate with the scale of development proposed.

16. It is likely that the majority of vehicular trips would be generated by residents of the proposed units and I concur with the view of the highway authority, that those residents would be able to turn within the site, either by using the turning area or the undercroft parking bays. Visitors or delivery vehicles could also reverse within the allocated turning bay. The location of the bin storage area would also negate the need for a refuse vehicle to drive into the site. Should the turning area be blocked, it may result in vehicles reversing out from the site onto the highway and across the public footpath. However, the proposed plans include measures to provide a clearer demarcation between the access and the footpath and this would represent an enhancement above the existing situation, providing clearer definition between vehicles and pedestrians.

17. Furthermore, no turning facilities are available to serve the existing commercial use and there are no records of any accidents in the vicinity of the site access within the last 5 years. Whilst the Council note that existing occupancy rates are low, there is no certainty that this would remain the case in future, and no data has been provided to support the assertion that the proposal would result in an increase in vehicular activity over and above the established commercial use.

18. In view of the above, I am satisfied that the access, turning and car parking arrangements would be adequate to serve the development proposed and find no compelling evidence to suggest that the proposal would have a detrimental impact upon highway safety over and above the established commercial use of the site. In this respect, the proposal complies with the requirements of policy CS12 (a and b) of the Core Strategy.

- Character and Appearance of the Area

19. The prevailing pattern of surrounding development is of two storey or two and a half storey dwellings with rooms contained within the roofspace. The character is summarised within section HCA7 of the Supplementary Planning Guidance Area Based Policies (2004) (the SPG). The area surrounding the appeal site is typical of the prevailing character described within the SPG, with a core of late Victorian/ Edwardian dwellings and significant amounts of later infill.

20. Whilst recognising the general pattern of development described within the SPG, I have noted the distinctive character and form of the existing building which adds interest to the local townscape. The footprint of the proposed scheme would occupy a smaller proportion of the site than the existing buildings, taking account of the space allocated to the garden of plot 1 and the vehicle turning area. However, that aside, the layout would largely replicate the existing building and would not result in a noticeable increase in the built density of the area.

21. The scale and proportion of the proposed dwelling at plot 1 would also sit comfortably against the predominant late Victorian/ Edwardian style of Kingsland Road. As set out above, I have concluded that the height of the building would have a detrimental impact upon the living conditions of adjacent residents at 14 and 16 River Park. However, this conclusion was based upon the orientation and proximity to those dwellings. In architectural terms, the scale of the proposed building would not be out of character with the surrounding residential development which, at the River Park side of the site, ranges between two and three storeys in height. I have also concluded that adequate car parking would be provided in terms of the number and size of proposed units.

22. Consequently, the layout and density would reflect the existing pattern of development on the site and, in architectural terms, the scale, height and massing would be consistent with the prevailing pattern of development. Therefore, I am satisfied that the impact of the proposal on the character and appearance of the wider area would be acceptable and that it would comply with advice within the SPG and the requirements of policies CS11 and CS12 (f and g) of the Core Strategy.

- Other Matters

23. I note that a signed unilateral undertaking has been submitted with the appeal. However, in view of my conclusions on the main issues identified above, I do not find it necessary to consider the contents of the undertaking, given that the proposal is unacceptable for other reasons.

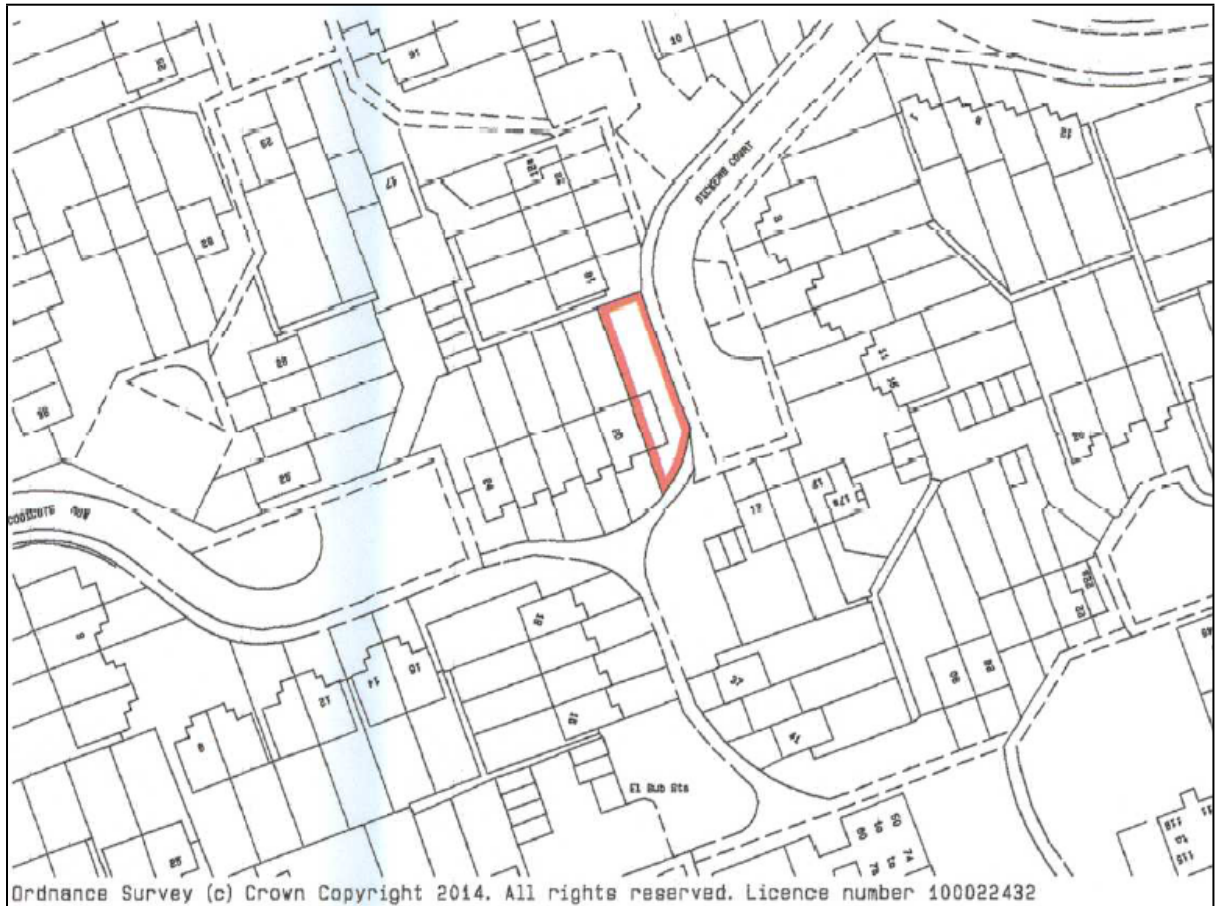
- Conclusion

24. I have concluded that the development would not have a detrimental impact upon highway safety and that the scale, density and layout of the proposal would be appropriate in terms of its effect on the character and appearance of the area. However, these matters do not outweigh my conclusions on the significant harm that would be caused to the living conditions of neighbouring occupiers of No's 14 and 16 River Park. The Government's Planning Practice Guidance was published on 6 March 2014. The content of the Guidance has been considered but in the light of the facts of this case the document does not alter my conclusions.

25. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

ITEM 5.03

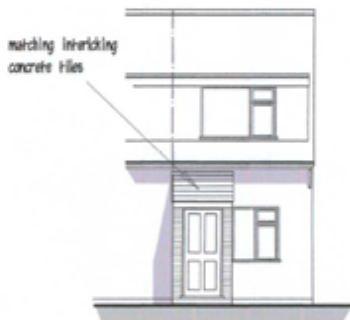
**4/02261/14/FUL - CONVERSION AND EXTENSION TO ORIGINAL HOUSE EXTENSION TO PROVIDE SEPERATE NEW ATTACHED DWELLING
20 CODICOTE ROW, HEMEL HEMPSTEAD, HP2 7JE**



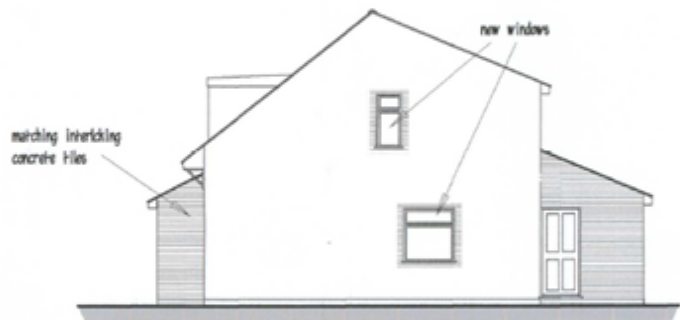
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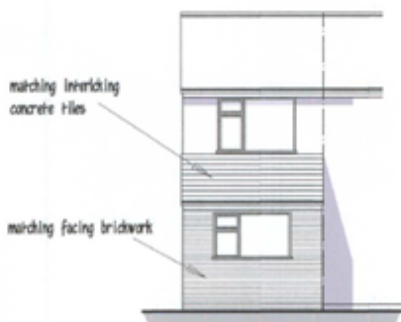
Block Plan



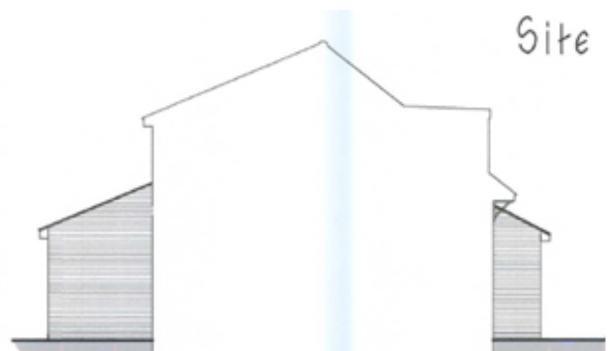
Proposed Front Elevation



Proposed Side Elevation (E)



Proposed Rear Elevation



Proposed Side Elevation (W)

**5.03 4/02261/14/FUL - CONVERSION AND EXTENSION TO ORIGINAL HOUSE EXTENSION TO PROVIDE SEPERATE NEW ATTACHED DWELLING
20 CODICOTE ROW, HEMEL HEMPSTEAD, HP2 7JE
APPLICANT: Mr Barrett**

[Case Officer - Briony Curtain]

Summary

The application is recommended for approval.

The principle of the development; the extension of No. 20 and conversion into dwellinghouses, has already been established by the allowed appeal 4/00442/08/FUL. The current proposal represents a decrease in the level of development. It is now proposed to provide a one-bedroom dwelling.

The application site is located within the urban area of Hemel Hempstead wherein the redevelopment of the site to provide a single dwellinghouse is acceptable in principle in accordance with Policies CS1, CS4, CS11 and CS12 of the Core Strategy. The proposed dwelling will not adversely affect the character or appearance of this part of Codicote Row or the wider area and thus complies with Policy CS11. In line with CS12, there will be no significant adverse impact on the residential amenities of surrounding properties in terms of light or privacy. Adequate private amenity space has been provided to serve this one bedroom house. There will be no adverse impact on the safety or operation of the adjacent highway or public footpath. Due to the net decrease in bedroom numbers a section 106 agreement securing financial contribution has not been sought in this instance. The proposals thus complies with all relevant Policies of the Core Strategy.

Site Description

The application site is located to the very eastern end of Codicote Row immediately adjacent to Dickens Court and comprises an end of terrace residential property. No. 20 has previously been extended by way of a two-storey side extension and currently comprises 5 bedrooms. The rear garden has already been sub-divided by the erection of close boarded fencing.

Proposal

Planning Permission is sought to extend the existing dwelling and then create a new attached one bedroom unit within the resulting building. The site is situated at the end of a terrace of five two-storey houses and has already been extended to the side by way of a two storey side extension. The existing dwelling would revert back to its original size and the existing two storey side extension, together with the proposed single storey rear and porch would form a new one-bed dwelling. The rear garden has been sub-divided to serve the existing and new dwelling.

Referral to Committee

The application is referred to the Development Control Committee as a previous scheme was refused by Members by 2008. This application was subsequently allowed at appeal.

Planning History

4/00442/08/FUL	TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION AND CONVERSION INTO DWELLINGHOUSE Refused 21/04/2008
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4/01337/92/4

TWO STOREY SIDE EXTENSION

Granted

16/12/1992

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Adopted Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS9 - Management of Roads

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 10,13, and 58.

Appendices 3 & 5.

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Area Based Policies (May 2004) - Residential Character Area [BCA 3:Bank Mill]

Accessibility Zones for the Application of car Parking Standards (July 2002)

Summary of Representations

Comments received from local residents

No Comments Received.

Hertfordshire Highways

Do not wish to restrict the grant of permission.

Considerations

Policy and Principle

The site is situated in the urban area of Hemel Hempstead, wherein residential development is acceptable in principle subject to compliance with other policies in the Core Strategy. More specifically it is located within the Woodhall Farm Character Area (HCA33) wherein infilling and redevelopment may be acceptable subject to it according to the development principles. CS4 supports appropriate residential development in such locations, whilst CS11 is concerned with quality of neighbourhood design. The principle of residential development on this site has already been established through the granting of planning permission for a three-bedroom house.

The main considerations in the determination of this application are the visual impact of the proposed development on the character and appearance of the street scene, the impact on the residential amenities of surrounding properties and the impact of the development on highway and footpath safety.

Effects on appearance of building / street scene

The proposal accords with Policies CS11 & CS12, there would be no adverse visual impact on the building or the street scene.

The site is situated at the end of a terrace of five two-storey houses. It has already been extended to the side and it is not proposed to extend any further in this location. The existing dwelling would revert back to its original size and the existing two storey side extension, together with the proposed modest single storey rear and porch extensions would form a new one-bed end of terrace dwelling.

In terms of external alterations the proposal seeks consent for a single storey rear extension and front porch only. Both of these elements are modest in size and scale and would not harm the building or street scene. Many of the properties in the area have extended in a similar manner such that the development would harmonise well. The site has already been subdivided by close boarded fencing and this does not harm the overall character or appearance of the area. It is important to note that an identical porch and larger single storey rear extension both formed part of the allowed appeal, these elements have thus already been accepted in the past.

Impact on Neighbours

The proposal would have no significant adverse impact on the residential amenities of adjacent dwellings and would thus accord with Policy CS12 of the Core Strategy.

The building is only modestly being extended at ground floor level to the rear and a small porch added to the front. The section of the existing building being converted into a one-bedroom flat is already in residential use and as such there would be no change in privacy levels or overlooking. The existing rear facing bedroom window would be replaced with an obscure glazed bathroom window so privacy back to No. 18 Dicken Court would actually be improved as a result of the development.

Impact on Highway Safety

The proposal would not have an adverse impact on the safety or operation of the adjacent highway.

The proposal seeks consent for a one-bedroom dwelling. Whilst Appendix 5 of the DBLP would require a single parking space, no parking is provided for this unit. The proposal would thus have a shortfall of 1 parking space.

The existing five bedroom dwelling currently provides no off-street parking spaces. Appendix 5 would require 3 spaces for a dwelling of this size. There is thus an existing shortfall of 3 spaces. The proposal does not result in a significant intensification of the use of the site (it represents a decrease in use from the previously approved use) and the car parking provision is therefore considered acceptable.

Other Material Planning Considerations

To comply with Policy CS35 of the Core Strategy and saved Policy 13 of the Local Plan, development for a new one-bedroomed dwelling would normally be expected to be accompanied by a Section 106 agreement securing financial contributions to offset the impact of the development upon local services. In this instance these have not been sought as there is a net decrease in the number of bedrooms. The existing 5 bedroom dwelling would be replaced by one 3-bedroom dwelling and one 1-bedroom dwelling (totalling 4 bedrooms).

Recommendation

That planning permission be GRANTED 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

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

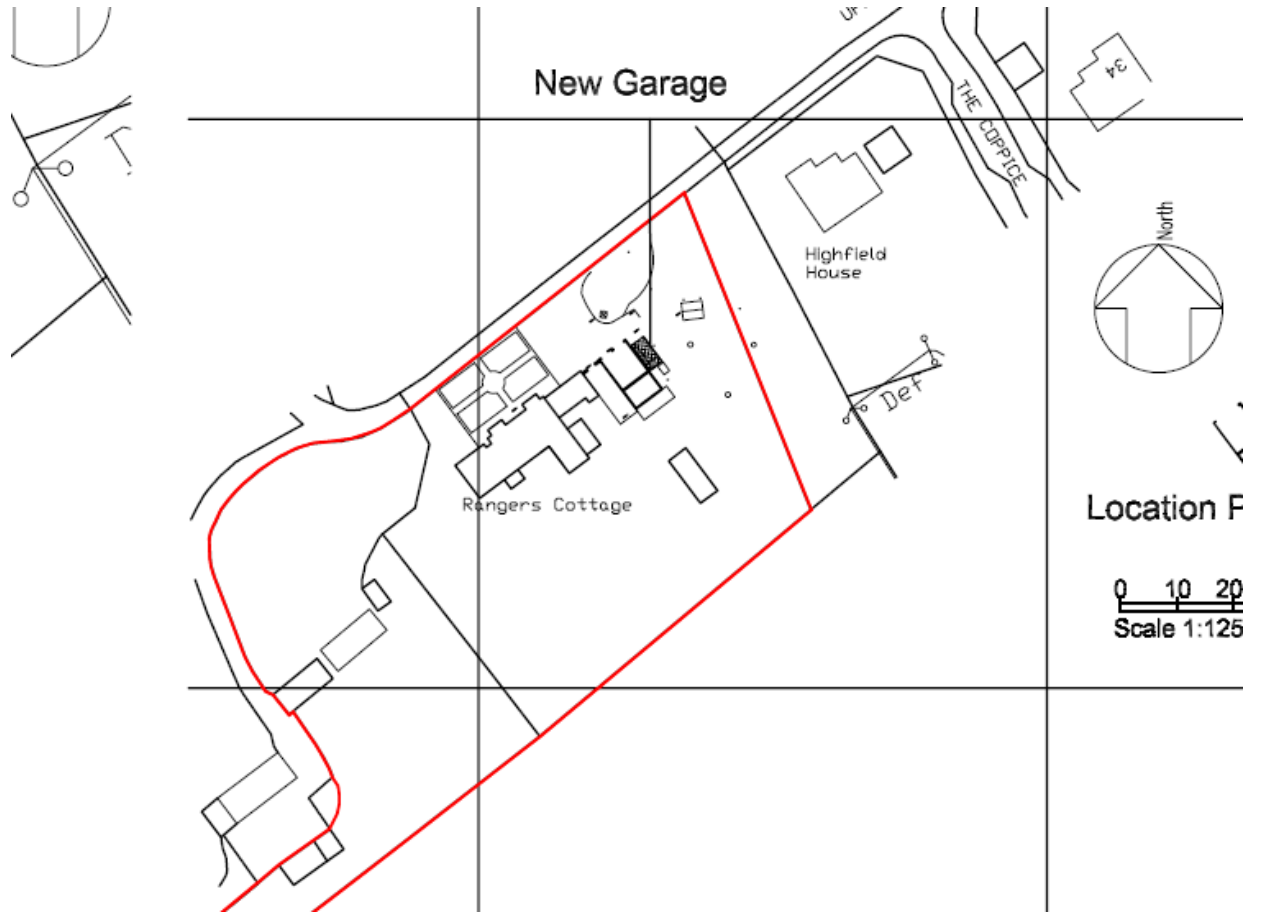
BARR/21407/DRAW1 Rev X

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

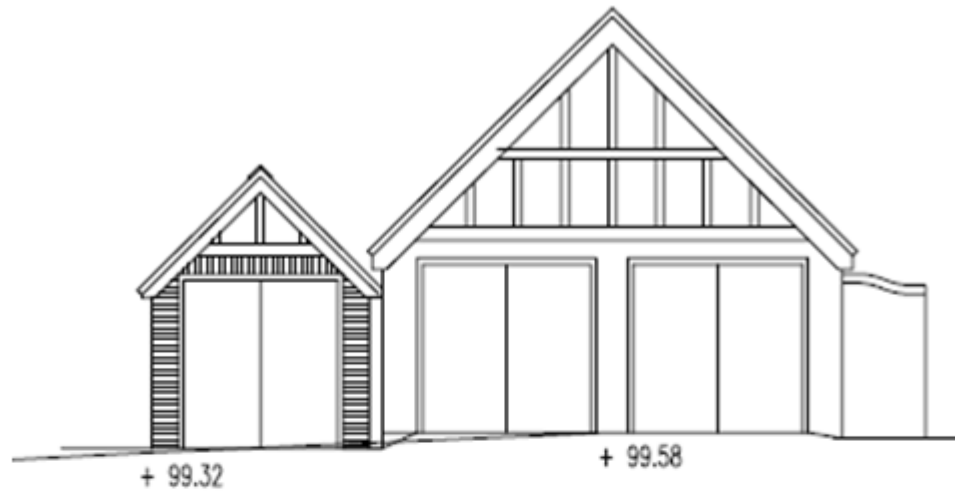
Article 31 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

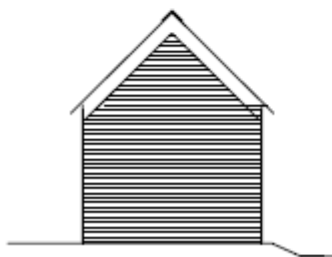
ITEM 5.04
4/02134/14/FHA - GARAGE
RANGERS COTTAGE, UPPER TRING PARK, WIGGINTON, TRING, HP23 6FB



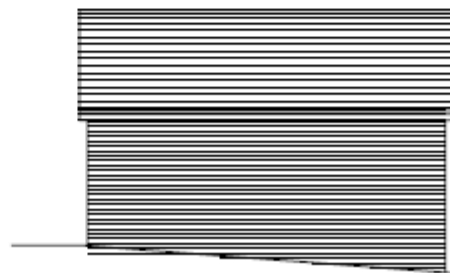
**4/02134/14/FHA - GARAGE
RANGERS COTTAGE, UPPER TRING PARK, WIGGINTON, TRING, HP23 6FB**



TH WEST ELEVATION



SOUTH EAST ELEVATION



SOUTH WEST ELEVATION

**5.04 4/02134/14/FHA - GARAGE
RANGERS COTTAGE, UPPER TRING PARK, WIGGINTON, TRING, HP23 6FB
APPLICANT: Mr & Mrs Dawson**

[Case Officer - Joan Reid]

Summary

The application is recommended for approval. The application site is located within the Green Belt and as such due to the previous extensions, the proposed garage constitutes inappropriate development. Very special circumstances have been provided which outweigh the harm to the openness of the Green Belt represented by the proposed garage. No trees would be harmed by the proposals and the proposed garage would be subordinate to the parent house and has an acceptable design. Overall, it is considered that the proposal accords with policies CS4 and CS12 of the adopted Core Strategy and 'saved' policy 97 of the Local Plan.

Site Description

Rangers Cottage is thought to have been constructed circa 1870 to 1898 and is a grand two-storey detached dwelling located near the end of Highfield Road, Wigginton. The style of the building is of the Tudor revival era largely undertaken by the local Tring architect William Huckvale. Planning permission was granted in 1999 to use part of the dwelling as a B and B. A large amenity space including a tennis court exists at the rear of the site and vehicle parking for at least six visitor car parking spaces. The nearest residential dwelling is some 35 metres away to the east and is screened by significant vegetation.

The site is located within the Green Belt and within the Area of outstanding Natural Beauty. The surrounding area is heavily comprised of woodland.

Proposal

The application seeks planning permission for a single garage adjacent to the existing garages at the property. The proposed garage measures 2.75m by 5.5m and extends to a height of 4m. The outbuilding is to be constructed in timber joinery to match the existing outbuildings.

Referral to Committee

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

Planning History

4/01861/13/FHA	GARAGE AND LOG STORE Refused 04/12/2013
4/00484/06/FHA	GARAGE AND LOFT CONVERSIONS Granted 26/04/2006
4/02226/04/DRC	DETAILS OF TREE PROTECTION, MATERIALS AND LANDSCAPING REQUIRED BY CONDITIONS 2, 3 AND 4 OF PLANNING PERMISSION 4/00817/04 (ALL WEATHER TENNIS COURT) Granted

07/12/2004

4/00817/04/FUL	ALL WEATHER TENNIS COURT Granted 16/07/2004
4/00252/03/FUL	CONSTRUCTION OF HARD ALL-WEATHER TENNIS COURT Refused 28/04/2003
4/00991/99/FUL	SINGLE STOREY SIDE EXTENSION TO PROVIDE 2 BEDROOMS FOR BED & BREAKFAST ACCOMMODATION & NEW GARAGE WITH 1 BEDROOM FOR BED & BREAKFAST Granted 21/07/1999
4/00105/99/4	SITING OF 2NO TRANSPORTABLE LOG CABINS FOR BED & BREAKFAST ACCOMMODATION Refused 25/03/1999

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Adopted Core Strategy

CS5 - The Green Belt
CS12 - Quality of Site Design
CS24 - Chilterns Area of Outstanding Natural Beauty
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 97

Summary of Representations

Tring Town Council - Object

The Town Council objects to this application. The property is in a prime location on the Ridgeway and its appearance must be sympathetic to this. The proposed development, unfortunately, is totally out of keeping - located poorly and of an unsatisfactory design.

Trees and Woodlands

A mature cedar tree is close to the proposed garage. This tree has a Root Protection Area (RPA) with a radius of 12 metre. The proposed garage is only 6 m away from this tree. To limit the impact of the development on the RPA, I recommend that strip foundations with piles are used. I also recommend that the RPA of this tree and 2 other cedar trees nearby are protected by protective fencing in accordance with the recommendations of British Standard 5837:2012. The 2 cedar trees nearest to the proposed garage may have to be pruned back but this should

be done professionally in accordance with the recommendations of the BS 3998:2010

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

None received.

Considerations

Policy and Principle

The National Planning Policy Framework states that extensions or alterations of a building within the Green Belt is acceptable provided that it does not result in disproportionate additions over and above the size of the original building (Paragraph 89). Policy CS5 of the adopted Core Strategy reiterates the green belt policy in the NPPF.

The local plans under Policy 22, extensions should meet the 5 criteria as follows:

- (a) be compact and well related to the existing building in terms of design, bulk, scale and materials. It is considered that the proposals would be compact and would be acceptable in terms of its design, bulk, scale and materials.
- (b) The proposed extensions would not extend the footprint significantly. They would be well designed having regard to the size and shape of the site, and retain sufficient space about the building to protect its setting and the character of the countryside.
- (c) Given the location within a built up area, the extension would not be visually intrusive on the skyline or in the open character of the surrounding countryside.
- (d) The extensions would not prejudice the retention of any significant trees or hedgerows.
- (e) In terms of size, proposals (including previous extensions) should not exceed 130% of the original floorspace. The policy indicates that when considering the size, control over size will be tightly applied at more isolated locations in the countryside and at the edges of existing settlements, but may be more relaxed at the centre of these settlements.

Green Belt Considerations

A planning application was refused planning permission in December 2013 for a larger detached garage than currently proposed. It was considered that the garage represented inappropriate development in the Green Belt and the very special circumstances put forward did not outweigh the harm to the openness of the Green Belt.

The current proposal has scaled down the size of the proposed garage and has relocated the proposal adjacent to the existing garages. Due to the scale and siting of the proposal it is considered that it is generally compact to the existing buildings and would adhere to points a - d of policy 22 above.

The agent has disputed however the proposal represents inappropriate development in the green belt and has made calculations which indicate that the existing extensions post 1948 together with the proposal amounts to 130% of the original dwelling. Whilst some of the ascertains put forward by the agent are disputed, nevertheless, the very special circumstances including what could be constructed under permitted development put forward by the agent are considered to outweigh the harm to the green belt as a result of the development. As such, it is recommended that planning permission is granted for the garage however permitted development for class e buildings is removed to prevent further incremental additions in accordance with 'saved' policies 22 and 23 of the Local Plan.

Effect on appearance of building

The design of the outbuilding itself is considered to be acceptable. It is considered the design of the outbuilding would not detract from the main house.

Effect on Street Scene and area of Outstanding Natural Beauty

Saved policy 97 of the local plan states that every effort will be made to discourage development and operations that would adversely affect the beauty of the area. Landowners are encouraged to adopt the following planning guidelines which will contribute to the preservation and enhancement of the area.

The Council will adhere to the guidelines whenever considering planning applications:

(a) New Buildings and Other Development

- Development must not be intrusive in terms of noise, disturbance, light pollution, traffic generation and parking.
- Building, plant and structures must be sympathetically sited and designed, having regard to natural contours, landscape, planting and other buildings; there should be no adverse effect on skyline views.
- Colours and materials used for a development must fit in with the traditional character of the area.

The proposed outbuilding is not considered to be intrusive in terms of noise, disturbance etc and would not have any adverse effect on skyline views. The amended proposal results in no harm to the existing trees subject to a condition and as such it is considered that the area of outstanding natural beauty would not be impacted adversely.

Effect on Amenity of Neighbours

There would not be any harm to any neighbouring properties as a result of the outbuilding.

Sustainability Checklist

A sustainability checklist has been submitted outlining how the scheme will accord with the objectives of policy CS29 of the adopted Core Strategy. No objection is raised.

Recommendation

That planning permission be **GRANTED** 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 materials to be used in the construction of the external surfaces of the outbuilding hereby permitted shall match the existing property.**

Reason: To ensure a satisfactory appearance to the development in accordance with policy CS12 of the adopted Core Strategy and policy 97 of the local plan.

- 3 **The trees shown for retention on the approved Drawing No. 04 rev C shall be protected during the whole period of site excavation and construction by the erection and retention of a 1.5 metre high chestnut paling fence on a scaffold framework positioned beneath the outermost part of the branch canopy of the trees.**

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with 'saved' policies 97 and 99 of the Local Plan.

4 The garage hereby permitted shall be constructed using pile foundations.

Reason: In order to ensure that damage does not occur to the root protection area of the adjacent trees during excavation in accordance with 'saved' policy 99 of the Local Plan.

5 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 without the prior written approval of the local planning authority:

Schedule 2, Part 1, Class E

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the openness of the Green Belt in accordance with policy CS5 of the Core Strategy and 'saved' policies 22 and 23 of the Local Plan.

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

**04 Rev C
09 Rev C
06 Rev C
03 Rev C
08 Rev
01 Rev B
10**

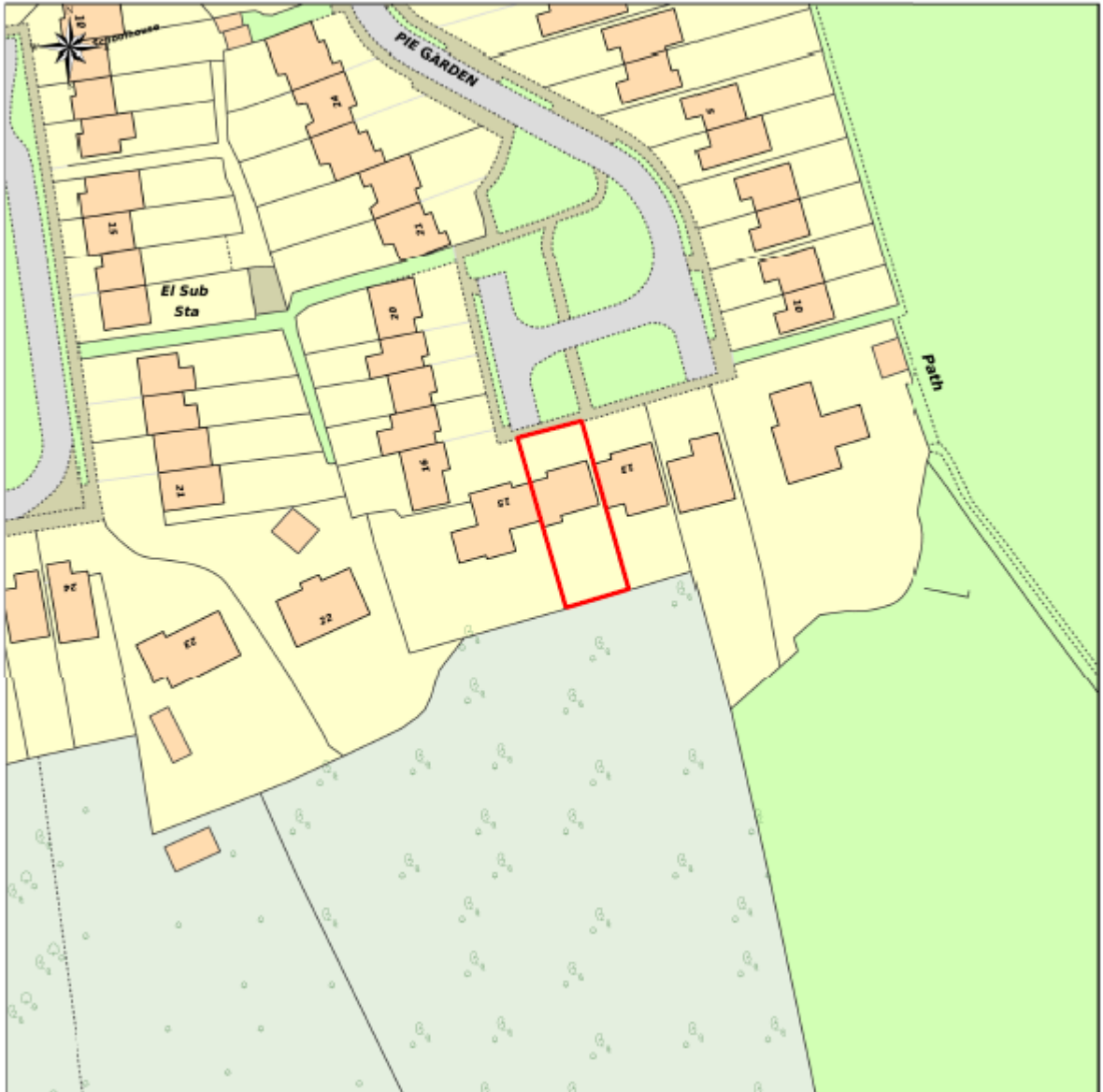
Reason: For the avoidance of doubt and in the interests of proper planning.

Article 31 Statement

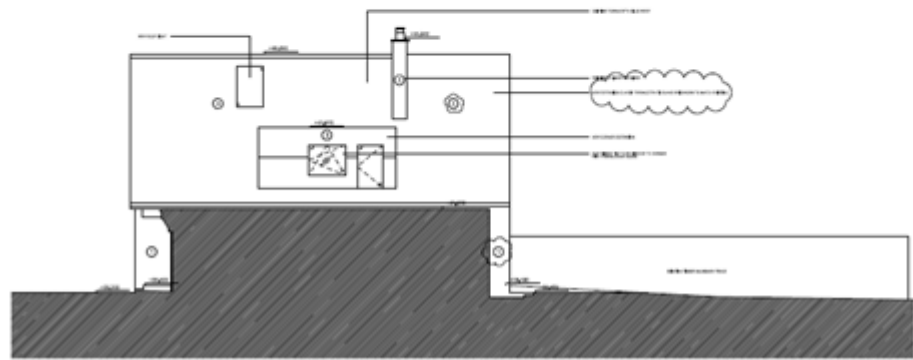
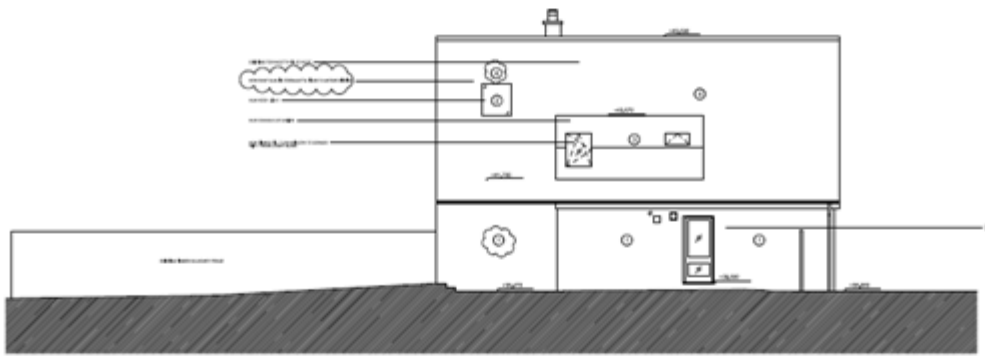
Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

ITEM 5.05

**4/02085/14/FHA - TWO STOREY REAR EXTENSION, REAR SINGLE STOREY SIDE EXTENSION AND TWO DORMERS TO EXISTING ROOF
14 PIE GARDENS, FLAMSTEAD, ST. ALBANS, AL3 8BP**



**4/02085/14/FHA - TWO STOREY REAR EXTENSION, REAR SINGLE STOREY SIDE
EXTENSION AND TWO DORMERS TO EXISTING ROOF
14 PIE GARDENS, FLAMSTEAD, ST. ALBANS, AL3 8BP**



**5.05 4/02085/14/FHA - TWO STOREY REAR EXTENSION, REAR SINGLE STOREY SIDE EXTENSION AND TWO DORMERS TO EXISTING ROOF
14 PIE GARDENS, FLAMSTEAD, ST. ALBANS, AL3 8BP
APPLICANT: MR M HICKSON**

[Case Officer - Intan Keen]

Deferral at Development Control Committee

The planning application was deferred at the Development Control Committee (DCC) of 25 September 2014 to allow the applicant the opportunity to consider the submission of amended plans detailing the removal of the roof terrace and altering the materials proposed to match those of the existing house.

In response to issues raised by the committee, the proposal has been amended to remove the roof terrace to the western side of the dwelling. The materials to the two-storey rear extension have been altered so that the side elevations would match that of the existing dwelling. No changes are proposed to the materials on the rear elevation or to the dormer windows, which shall remain as cement fibre cladding as originally proposed.

Consultation

Reconsultation has been undertaken in relation to these amendments to the Parish Council and all neighbours previously consulted and those who have submitted correspondence.

Neighbours

Responses have been received from Nos. 13, 15, 17, 18 and 19 Pie Gardens, objecting to the proposal on the following grounds:

- Confirm original objections (outlined in report below);
- Impact on solid wall extension on neighbouring conservatory at No. 15;
- Visual intrusion;
- Design, appearance and materials;
- Materials not in keeping with brick and tile exterior to neighbouring properties either side;
- Proposal would detract from the roof line on the south side of Pie Gardens;
- Dormer windows inappropriate particularly the door;
- Dormer windows would be floor to ceiling in height and may still enable access to flat roof;
- Potential overlooking and loss of privacy;
- Noise and disturbance; and
- Contrary to local plan policies.

Flamstead Parish Council

A response was received from Flamstead Parish Council stating the Council supports this application now the amendments have been addressed satisfactorily.

Considerations

The design of the amended proposals is considered acceptable.

It is noted that the proposed dormer windows, in terms of their size could be constructed under permitted development. However, the dormer windows require planning permission as their materials would not be similar in appearance to the existing dwelling. The selected materials are considered acceptable for reasons previously mentioned in the report and justify a

departure from the guidance contained in saved Appendix 7 of the Local Plan.

Although the dormer windows will be visible from the street scene and surrounding neighbouring properties, they are not considered to be overly bulky and would not significantly contrast against the form or materials of surrounding buildings so that they would detract from the appearance of the street scene and immediate area.

The previous report is included at Appendix 1 for clarification.

The recommendation is to grant subject to conditions with some changes to the conditions. Condition 4 to the previous permission relating to the timber screen to the roof terrace has been replaced with a condition restricting the use of the flat roof so that it cannot be used as a roof terrace to prevent overlooking to neighbouring properties.

The wording of Condition 3 has been strengthened so that upper-floor side-facing openings shall be obscure-glazed and non-opening below 1.7m above finished floor level.

Recommendation

That the application be GRANTED subject to the conditions set out below:

- 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 and Design and Access Statement or such other materials as may be agreed in writing by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 3 The windows at first floor level in the eastern and western side elevations of the dormer windows and extension hereby permitted including the roof lights to be inserted in the eastern and western side elevations shall be non-opening below a height of 1.7m from finished floor level and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 4 The flat roof above the rooms labelled 'garage' and 'children's play area' and associated walkway at ground floor level shall not be used as a roof terrace.**

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

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

**d-NA PGR 00 000 Revision P0 (site location plan);
d-NA PGR 00 001 Revision P0 (block plan);**

**d-NA PGR 01 100 Revision P0 (proposed ground floor plan);
d-NA PGR 01 101 Revision P1 (proposed first floor plan)
d-NA PGR 01 102 Revision P0 (proposed roof plan);
d-NA PGR 02 200 Revision P1 (proposed front elevation);
d-NA PGR 02 202 Revision P0 (proposed eastern side elevation);
d-NA PGR 02 203 Revision P0 (proposed western side elevation);
d-NA PGR 02 201 Revision P1 (proposed rear elevation);
d-NA PGR 03 301 Revision P0 (proposed long east section);
d-NA PGR 03 302 Revision P1 (proposed long west section);
d-NA PGR 03 311 Revision P1 (proposed cross section);
d-NA PGR 03 312 Revision P1 (proposed internal cross section); and
Design and Access Statement.**

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

Article 31 Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination stage which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

APPENDIX A: PREVIOUS COMMITTEE REPORT

Date of Meeting - 25 September 2014

Summary

The application is recommended for approval.

The extension of existing dwellings within the selected small villages in the Green Belt including Flamstead are acceptable in principle. The proposed extensions and roof terrace would not have an adverse impact on the character and appearance of the original building, the street scene, the adjacent countryside (Green Belt) or Chilterns Area of Outstanding Natural Beauty. The proposed external materials, although different from the existing building would not be of significant harm to the appearance of the building and wider area. The development would not have an adverse impact on the amenity of neighbouring properties. The car parking arrangements are sufficient.

The proposal is therefore in accordance with the National Planning Policy Framework, Policies CS6, CS11, CS12 and CS24 of the Core Strategy and saved Policy 22 of the Local Plan.

Site Description

The application site is currently occupied by a two-storey link detached dwelling located on the southern side of Pie Garden and within Flamstead which is a selected small village in the Green Belt. The application site and others within the immediate street scene are characterised by their steeply pitched roofs and prominent front gable features with the first floor level entirely within the roof space. Dwellings are linked by single-storey flat roofed garages and together with the roof pitches provide wide gaps between buildings which gives the street a spacious and well-landscaped character. There are no examples of dormer windows within the street scene.

Proposal

Planning permission is sought for a two side dormer windows, one with roof terrace, and two-storey and single-storey rear extensions.

The proposed side dormer windows would be of identical dimensions 4.3m in width and 1.1m in depth, with flat roofs reaching a height of 1.9m. The western side dormer window would provide access to a proposed roof terrace surrounded by a 1.7m high timber screen. A section of glazed balustrade would feature on the rear elevation.

A two-storey rear extension is proposed that would measure 7m in width and 3.6m in depth. It would feature a gable roof to a height of 7.6m to be the same height as the main ridge.

The proposed single-storey rear extension would measure 3.7m in width and 2m in depth with a flat roof to a height of 2.8m.

Referral to Committee

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

Planning History

No relevant history

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Dacorum Core Strategy (September 2013)

Policy NP1, CS5, CS6, CS11, CS12, CS24, CS29 and CS31

Dacorum Borough Local Plan 1991-2011 (saved policies)

Policies 22, 58 and 99
Appendices 5 and 7

Supplementary Planning Guidance / Documents

Chilterns Buildings Design Guide (Feb 2013)

Summary of Representations

Neighbours

Five items of correspondence was received from Nos. 11, 13, 15, 17 and 18 Pie Garden, objecting to the proposal on the following grounds:

- Dormer windows unacceptable in principle;
- Dormer windows are substantial in size;
- Timber screens would set an undesirable precedent;

- Materials are inappropriate and alien to the locality;
- Fenestration does not relate well to existing building;
- Development out of keeping with open and spacious setting of the area;
- Scale, size and materials of development not respectful of neighbouring properties;
- Two-storey rear extension would be unsightly and out of keeping with surrounding area;
- Visual intrusion from dormer windows and balcony;
- Loss of privacy to neighbouring properties;
- Loss of light to neighbouring conservatory;
- Noise and disturbance from terrace;
- Construction methods are inappropriate.

Flamstead Parish Council

Pie Garden: The Parish Council is objecting on the following grounds: inappropriate in size and mass, unacceptable overlooking, the extended house will affect the aspect / view when seen from AONB which is just beyond the back garden, the intended materials are not in keeping with style of surrounding houses. It is inappropriate development in Green Belt.

Considerations

The main issues of relevance to the consideration of this application relate to the policy and principle justification for the proposed extensions, the impact of the development on the character and appearance of the original building, the street scene, the adjacent countryside and Chilterns Area of Outstanding Natural Beauty; the impact on neighbouring properties; and the impact on car parking.

Policy and Principle

Paragraph 12 of the NPPF states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. The application site lies within the selected small village of Flamstead where the provisions of Policy CS6 of the Core Strategy are relevant. House extensions are permitted within the selected small villages in the Green Belt including Flamstead under Policy CS6 subject to meeting two criteria which shall be discussed in more detail in the following section.

In summary, the principle of development, particularly dwelling extensions, is acceptable in this location.

Impact on appearance of original building, street scene, adjacent Green Belt and Chilterns Area of Outstanding Natural Beauty

Policy CS6 requires development to be sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact. It also seeks to ensure that development retains and protects features essential to the character and appearance of the village.

The proposed extensions would leave the original building form prominent, in particular the existing front-facing gable would remain unchanged. The proposed dormer windows would be generously set back from the front wall and set down from the main roof so not to appear overly bulky or detract from the appearance of the building.

It is also noted that the proposed dormer windows would be permitted development and in fact much larger dormer windows could be carried out without formal planning permission.

The proposed roof terrace above the single-storey side projection would have a timber exterior to its front and side and is not considered to detract from the appearance of the building. The timber screen would ensure a soft appearance to the roof terrace.

The proposed rear extension would repeat the outline of the existing dwelling and would not project beyond the profile of the main A-frame dwelling. The extension is not considered to raise any objections with respect to design however the contrasting louvres at upper floor level would contrast significantly with the darker cladding finish to the remainder of the extension. This is not considered to be particularly harmful to the appearance of the building to warrant refusal.

External materials would largely consist of a fibre cement cladding in a dark grey. This is considered acceptable for the proposed dormer windows as a darker finish would make them appear smaller against the main roof and reduce the perception of bulk, particularly when viewed from the principal elevation.

With respect to the impact on the street scene, as mentioned above, the proposed dormer windows and roof terrace would be substantially set back 3.9m from the main front wall of the dwelling, and therefore a distance of 13.9m from the street frontage (existing setback approximately 10m). Concerns have been raised with respect to the development setting an undesirable precedent for development in the street. However, in comparison to what could be achieved under permitted development, it is not considered that the proposed extensions would be of significant bulk, size or scale to result in harm to the street scene. Importantly, if other dwellings of identical style within the street were to extend in a similar manner this would not have an adverse cumulative impact on the appearance of the street scene.

The proposed timber screening that would leave a gap of 0.88m together with a significant set back of 5.3m from the main front wall would not result in an adverse terracing effect when viewed from the street scene. The low profile nature of the screens to be 1.7m above the flat roof over the garage and rear extension (4.4m high from ground level) would not substantially narrow the gap between dwellings and is therefore considered acceptable in terms of its appearance in the street scene and the adjacent Green Belt.

It is noted that the proposed extensions, in particular the larger two-storey rear extension, would not be constructed of materials specified in the Chilterns Building Design Guide. The selected external materials would not raise concerns as the main building form and materials would remain unchanged. The proposed extensions would be viewed as later additions. As mentioned above, the use of a darker colour finish would reduce the perception of building bulk to ensure a minimal impact on the adjacent Green Belt land, adjoining countryside and the Chilterns Area of Outstanding Natural Beauty. The proposed materials would have a matt finish and therefore would be non-reflective. Consequently, a refusal could not be sustained on the selected materials.

The proposal is therefore in accordance with Policies CS6, CS11, CS12 and CS24 of the Core Strategy and saved Policy 97 of the Local Plan.

Impact on neighbouring properties

The application site has two directly adjoining properties, including the dwellings either side at Nos. 13 and 15 Pie Garden.

No. 13 features two upper floor side-facing roof lights which appear to serve habitable rooms. The dormer window would be sited approximately 5m from these roof lights and with a height of 1.9m above the eaves, it is not considered to result in an unreasonable level of visual intrusion. This element of the proposal would satisfy the 25 degree line test taken from the midpoint of these roof lights and therefore would not lead to loss of light to an unacceptable

degree.

The proposed two-storey rear extension would not project beyond the rear extension to No. 13 and therefore this element of the proposal would not have an adverse impact on ground floor rear-facing windows in terms of visual intrusion or loss of light.

No. 15 Pie Gardens features two high-level upper floor roof lights serving one bedroom, and a side conservatory located proximate to the shared side boundary. The neighbouring conservatory features openings towards the shared side boundary and to the south facing the rear boundary. Although the conservatory is dual-aspect, its main outlook is towards the rear garden where there is an open outlook as opposed to being towards the high close board boundary fence.

Similarly, the main light source to the conservatory would be through the rear windows. The proposed two-storey rear extension would achieve a separation of 3.8m from the conservatory and would project 1.4m beyond its rear glazed wall. Given this relationship, the proposed rear extension would not have an adverse impact in terms of loss of light. The proposed rear terrace would be sited 0.7m beyond of the rear conservatory wall and also sited 0.88m from the shared side boundary with a height of 4.4m such that it also would not result in an unreasonable loss of light to this internal area.

With respect to overlooking from the terrace, the 1.7m high timber screens would ensure there would not be an adverse level of overlooking into the windows of No. 15 Pie Gardens. The siting of the proposed terrace 0.88m from the boundary, together with the glazed area starting from a minimum point of 1.49m from the shared boundary would provide further relief and avoid views from the terrace into the neighbouring rear garden.

The proposed terrace is located on the far side of the building relative to No. 13 and therefore would not raise any overlooking concerns in this direction.

Side-facing upper floor windows, specifically those within the dormer window facing towards Nos. 13 and 15 and the roof light on the western side elevation (above the stairs) shall be conditioned to be obscure-glazed and non-opening below a height of 1.7m from finished floor level if planning permission is granted.

It follows that the proposal would not have an adverse impact on the amenity of neighbouring properties in accordance with Policy CS12 (c) of the Core Strategy.

Impact on car parking

The resultant dwelling would have a total of four bedrooms, therefore requiring a maximum provision of three car parking spaces on-site. The resultant site layout could accommodate three car parking spaces, one in the garage and two on the driveway immediately in front. Therefore the proposal would not have any parking implications.

Sustainability

Whilst a sustainability statement has not been provided, the Design and Access Statement includes information regarding the construction and materials of the proposed extension. It is noted that the structure would be constructed from cross laminated timber allowing it to be assembled on site. It would be sustainably sourced.

The external finish would consist of fibre cement board (Equitone) which are thin and light weight which results in minimal depletion of raw materials. Such materials have excellent environmental credentials.

It is therefore considered the proposal would satisfy the objectives of Policy CS29 of the Core Strategy.

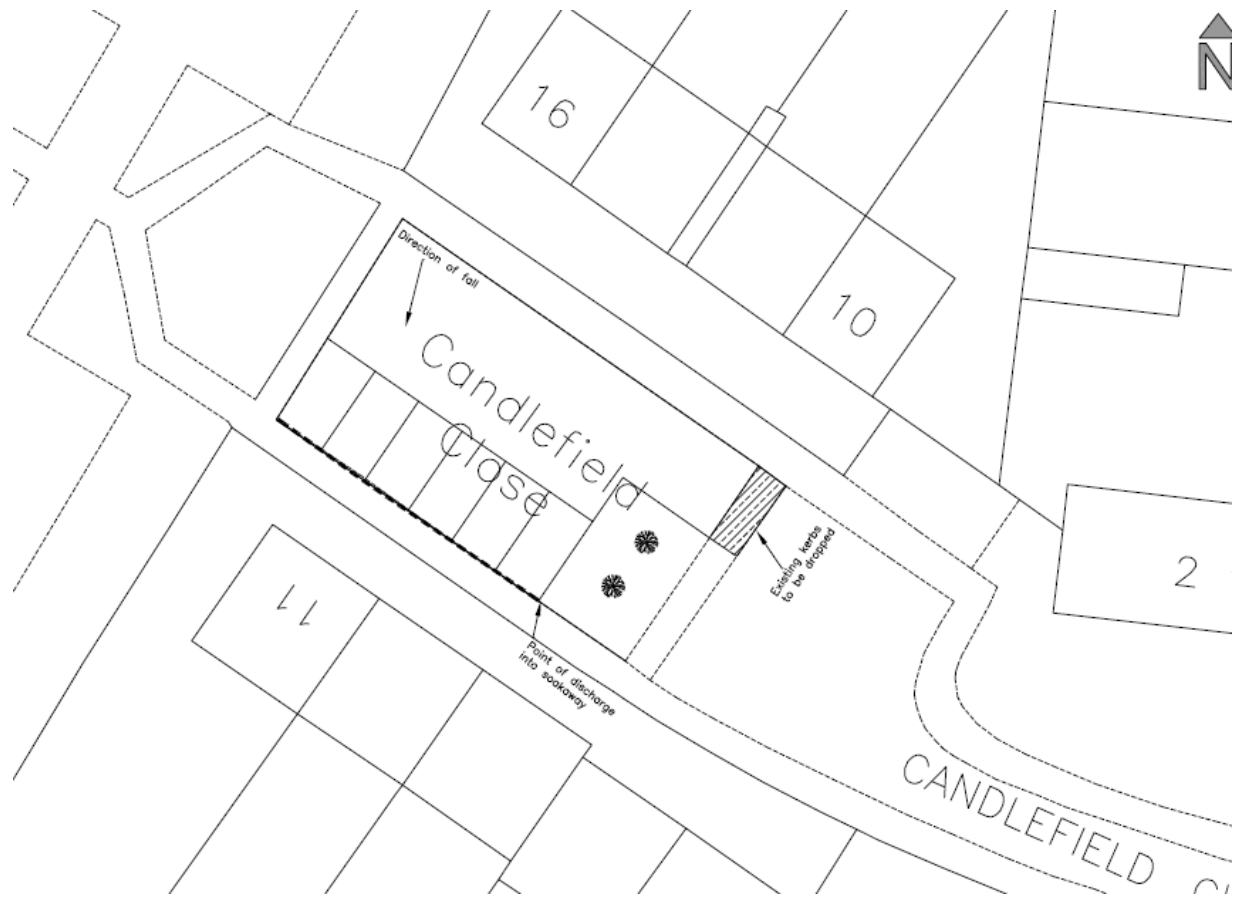
ITEM 5.06

4/01904/14/FUL - CHANGE OF USE OF AMENITY GREEN TO CREATE 6 PARKING SPACES

LAND AT, CANDLEFIELD CLOSE, HEMEL HEMPSTEAD, HP3



**4/01904/14/FUL - CHANGE OF USE OF AMENITY GREEN TO CREATE 6 PARKING SPACES
LAND AT, CANDLEFIELD CLOSE, HEMEL HEMPSTEAD, HP3**



5.06 4/01904/14/FUL - CHANGE OF USE OF AMENITY GREEN TO CREATE 6 PARKING SPACES

LAND AT, CANDLEFIELD CLOSE, HEMEL HEMPSTEAD, HP3

APPLICANT: DACORUM BOROUGH COUNCIL - MRS G BARBER

[Case Officer - Andrew Parrish]

Summary

The application is recommended for approval.

This application is the subject of a two year process ('The Verge Hardening Project') that has highlighted and prioritised the areas of extreme parking stress in the Borough, checked the feasibility and cost effectiveness of parking schemes in those areas, and undergone a pre-application process to determine the most appropriate areas and methods to deliver the needed additional parking.

The application site is considered a priority in this Project. There is a clear need for additional off-street parking in the area. This application provides 6 additional parking bays and this would be achieved in a way that maintains the most important green amenity strips in the locality. It is considered that an appropriate balance has been struck between meeting the parking requirements of the area and protecting the visual amenity of the neighbourhood. The application therefore complies with Policies CS11 and CS12 of the Core Strategy.

Site Description

The amenity green the subject of this application is located at the rear half of Candlefield Close. The front half of Candlefield Close comprises the access off Candlefield Road, leading to a turning area / existing on-street parking.

The amenity green, which measures approximately 25 metres long and 13 metres wide, is surrounded to its north and south by a run of terraced properties (typical of the surrounding area) with no provision (or possibility) of providing on-site parking without crossing the amenity green. To the west of the amenity green is a large green space, Bennetts End playing field, which contains some tennis courts adjacent to the north-west corner of Candlefield Walk. The amenity green itself has two mature trees.

Proposal

It is proposed to fell the two trees and to construct 6 new parking bays with turning provision and access using approximately 85% of the grassed amenity green. An area of green space measuring 5 metres wide and 7 metres deep would remain at the near end of Candlefield Walk. The parking bays themselves would be placed on the southern side of the land with the access road located on the northern side. The new parking bays would be laid in dense bituminous macadam.

The proposals have been amended at officer's request from that originally submitted in order to try and get a better balance of amenity green to hardsurfacing. The number of parking bays has as a result been reduced from 8 to 6. In addition SUDS details have been added for surface water to be discharged via a French drain into a buried soakaway within the retained amenity green and two replacement trees are indicated to be provided in this area.

Referral to Committee

The application is referred to the Development Control Committee as the applicant is the Borough Council.

Planning History

None relevant to this site.

At Candlefield Walk, permission was granted in 2013 for the construction of seven parking bays on an amenity green:

4/01330/13/FUL	CONSTRUCTION OF SEVEN PARKING BAYS Granted 01/10/2013
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Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Adopted Core Strategy

CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS26 - Green Infrastructure
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 57, 59 and 116
Appendix 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area HCA 21: Bennetts End
Water Conservation & Sustainable Drainage (June 2005)
Accessibility Zones for the Application of car Parking Standards (July 2002)

Summary of Representations

Hertfordshire Highways

Does not wish to restrict the grant of permission.

Questions whether the application form is correct in stating that there is no new or altered vehicle access to serve the parking spaces. The clear space for manoeuvring behind the parking spaces was scaled off the plan and shown to be in excess of 6m which is acceptable.

Trees and Woodlands

The present proposal is not acceptable because it replaces all of the amenity green. I have met the applicant Gill Barber on site and have discussed with her, what would be acceptable to us. She has agreed to submit a revised plan that would be acceptable to us.

Rights of Way

Any comments received will be reported at the meeting.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

- | | |
|----------------------|---|
| 11 Candlefield Close | Supports. Often have to park in Candlefield Road as cannot park anywhere in the Close. |
| 3 Candlefield Close | Asks that someone look at the road layout before putting 8 spaces on the left side of the green in front of 7 to 11. This is not increasing the parking, just moving it to the green, maybe even losing spaces. On the other side you would get 4 more spaces. |
| 1 Candlefield Close | Asks what the plan is regarding the trees in the square and whether any green areas will be left. Believes that the current parking configuration as detailed on drawing DBC/037 provides the Close with no additional parking advantage with the loss of the green area. Considers that if the parking spaces were provided to the right of the Close, this would allow the extension of the number of spaces to 12. Considers that if the green is to be given up, it should be for added benefit of more car spaces not just the same as before the works began. |

Considerations

Policy and Principle

The proposed development would take place in an urban area of Hemel Hempstead and would therefore be acceptable in principle in accordance with Policy CS4 of the Core Strategy.

In accordance with policies CS11, 12 and 13, any scheme is expected, inter alia, to integrate with the streetscape character, preserve and enhance green gateways, avoid large areas dominated by parking, retain important trees or replace with suitable species if their loss is justified, avoid harm to neighbouring residential amenities and not compromise highway safety.

Furthermore saved Policy 116 of the DBLP seeks the protection of open land in Towns from inappropriate development. In particular 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, while the integrity and future of the wider area of open land in which the new development is set must not be compromised.

Appendix 5 of the DBLP states that, "*Achievement of parking provision at the expense of the environment and good design will not be acceptable. Large unbroken expanses of parking..are undesirable. All parking must be adequately screened and landscaped*".

The application site is located within the residential area of Bennetts End (HCA21). In this area amenity land is to be retained. However, use of parts of these areas of amenity land for car parking may be acceptable if the character and appearance of the area is not unduly harmed

by the resulting visual impact and the effects of established landscaping.

Impact on Street Scene / Character of Area

The creation of six new parking spaces within the Candlefield Close amenity green would result in a change to the appearance of the area. In particular the use of tarmac would create a harsher feel to the locality and two mature trees would be removed.

However, there are several factors that should be noted or that have been put forward by the applicants in response:

- The number of parking spaces has been reduced from 8 to 6, thereby allowing an area of amenity green to remain.
- A higher quality block paved appearance, as was requested by the case officer, cannot be specified as it would make the scheme less economic to implement due to cost, and therefore it wouldn't be a value for money scheme anymore. However, sustainable drainage will be incorporated, as was done at Candlefield Walk. This is shown on the revised plan.
- The Tree Officer has indicated that he is happy for the trees to come out subject to replacement planting. This is shown on the revised plan.
- The area of amenity green would be sited towards the front of the Close with the new parking bays set behind this. Whilst the need to provide access to the bays means that the retained green is smaller than would otherwise be the case if the retained area was set at the back of the Close, set against this, the amenity green would help screen and soften the appearance of the parking area beyond.
- As also argued at Candlefield Walk, it is not considered that the Candlefield Close amenity green is of such importance within the locality to warrant its retention in full. This view has been reached for two reasons. Firstly, there are larger, more prominent green spaces in the area (such as the playing fields to the west of the site and the circular green within Candlefield Road to the north-east of the site). Secondly, the initial section of Candlefield Close is already hardpaved as a normal adopted road up to the turning area and therefore the existing green space is not prominent within the wider street scene and only becomes readily apparent upon entering the cul-de-sac.
- Whilst accepting that the existing amenity green creates a pleasant outlook for adjoining residential occupiers, and some have questioned the wisdom of removing this and the mature trees, this must be balanced against the benefit of providing additional parking for residents, with an associated reduction in congestion, improvement in manoeuvrability, turning provision, etc.

Some residents have questioned why the parking bays have been laid out to the left rather than the right of the Close which logically would have enabled more parking spaces to be provided overall within the Close by utilising the hammerhead. The reason for this is two-fold:

- Although the existing hammerhead is currently used for parking, technically this is intended to assist the turning of vehicles and therefore its use for parking should not be encouraged. Utilising this side as an access does not therefore interfere with legitimate parking on the other side and would additionally help keep the hammerhead free of cars.
- The applicant has considered the future potential for residents on the northern side of the Close being able to convert their front gardens to parking where the depth available is more generous than on the southern side. This would be assisted by the proposed layout. It should be noted that the depth available appears nevertheless to be less than the standard 4.8 metres and therefore little weight should be given to this potential.

On balance, it is considered that the proposed application represents the most appropriate way of achieving the parking spaces that are in very short supply in this locality. In addition it is

considered that the provision of these spaces would not unduly harm the character and appearance of the area and as such the proposals comply with Policies CS10, 11, 12 and 13 of the Core Strategy and saved Policy 116 and HCA21 of the Local Plan.

Impact on Trees and Landscaping

There are two mature trees on the Candlefield Close amenity green. Policy CS12 and saved Policy 99 seek to retain trees in new development or replace them with suitable species if their loss is justified under Policy CS12 and saved Policy 100.

The location of the existing trees interfered with the proposed parking layout such that the root protection area of the trees would have been breached or the parking area would have had to have been reduced to a point where it was not cost effective to carry out the works. Amended plans have therefore been submitted which indicate the replanting of two new trees in replacement of the two to be lost. The loss of existing trees is always regrettable but needs to be balanced against the need for additional parking in this case. A condition is recommended with regards to the details of replacement trees, including whether to be of semi-mature stock.

Impact on Highway Safety

The Highway Authority raises no objection to the initial scheme other than to point out the absence of any reference to a new or altered vehicle access to serve the parking area. One will clearly need to be created and is shown on the revised plan.

In reference to the revised plans, the Highway Engineer has orally raised no objection but advised that an informative be added with regards to the desirability of installing double yellow lines within the hammerhead which would be a matter for the Borough Council as Parking Authority.

Impact on Neighbours

It is not considered that the proposed parking bays would cause significant harm to the amenity of neighbouring properties, in particular those adjacent the site at Nos.7-11 and 10-16 Candlefield Close. It is appreciated that these properties would experience a greater degree of noise and disturbance from cars using the new parking spaces. However they are separated from the site by their front gardens/hedges as well as a public footpaths. It is also likely that the users of the parking area would be the residents themselves.

No objections have been received on grounds of direct nuisance, whilst it is understood that a pre-application consultation process indicated broad support for the proposals. As such it is not considered that any harm caused to neighbouring residential amenities would be so significant to warrant refusing this application.

Sustainability

Sustainable drainage in the form of a French drain is proposed to offset the increase in runoff from the site. It is considered that details should be considered alongside the landscaping scheme in order to ensure an acceptable relationship with trees, and therefore it is recommended that this be included in the condition.

Under Policy CS29 and Para. 18.22 of the Core Strategy, completion of a sustainability statement online via C-Plan is a normal requirement. Whilst no statement has been submitted, given the nature of the development it is not considered that much further value would be added from the submission of such a statement in this case.

Conclusions

The proposed parking spaces would provide much needed local parking, but would be achieved in a way that does not significantly compromise the visual amenity of the area. The amendments made to the proposed development would ensure a satisfactory compromise between loss of the amenity green and additional car parking.

Recommendation

That planning permission be GRANTED 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:**

- **soft landscape works which shall include tree planting; 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;**
- **proposed and existing functional services above and below ground (e.g. drainage, soakaways, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted. The approved landscape works shall be carried out prior to the first use of the development hereby permitted. 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 Policies CS12 and CS13 of the Dacorum Core Strategy (September 2013) and Policy 100 of the Dacorum Borough Local Plan 1991-2011.

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

**DBC/014/004
DBC/014/003A**

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

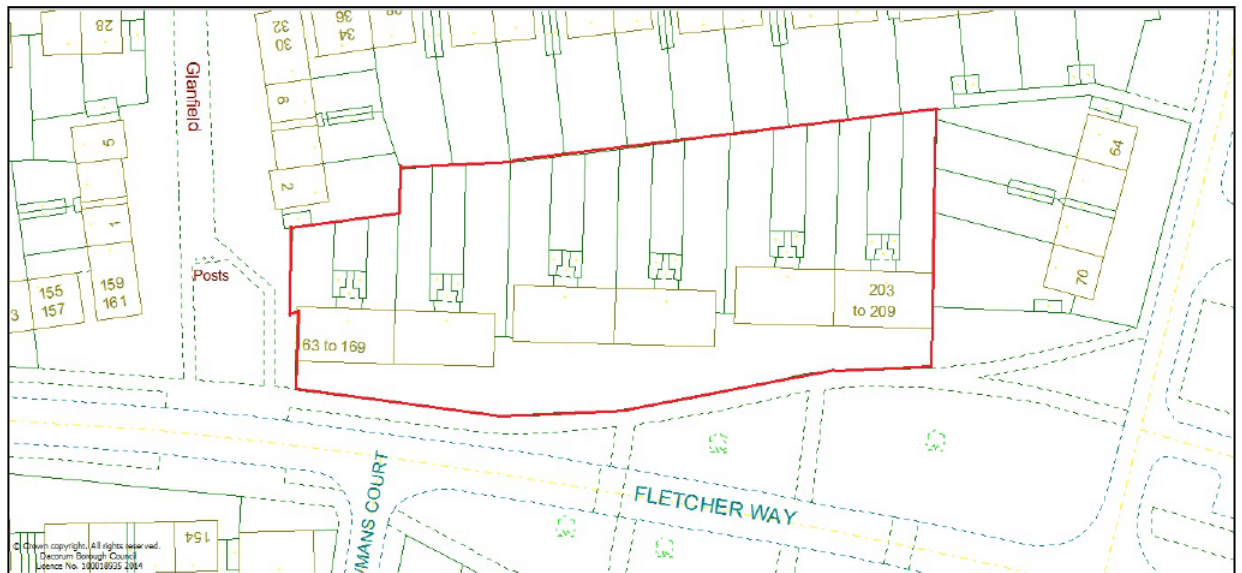
Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Informative

The local authority may wish to consider placing some form of waiting restrictions in the turning head area. This will help maintain the turning head for that function and prevent the blocking of dropped kerb access to the proposed off street parking spaces.

ITEM 5.07
4/02705/14/FUL - REMOVAL OF EXISTING BALCONIES AND REPLACEMENT WITH
JULIET BALCONIES
COMMUNAL 163 TO 209 (ODDS), FLETCHER WAY, HEMEL HEMPSTEAD, HP2 5SA



**4/02705/14/FUL - REMOVAL OF EXISTING BALCONIES AND REPLACEMENT WITH JULIET BALCONIES
COMMUNAL 163 TO 209 (ODDS), FLETCHER WAY, HEMEL HEMPSTEAD, HP2 5SA**



**5.07 4/02705/14/FUL - REMOVAL OF EXISTING BALCONIES AND REPLACEMENT WITH JULIET BALCONIES
COMMUNAL 163 TO 209 (ODDS), FLETCHER WAY, HEMEL HEMPSTEAD, HP2 5SA
APPLICANT: MISS K TAYLOR**

[Case Officer - Richard Butler]

Summary

It is recommended that planning permission be granted. The proposal includes the removal of balcony structures (where there are concerns over structural integrity) and the replacement with juliet balconies. This shall have a minimal impact on the appearance of the building and not lead to any other detrimental impact on the surrounding area or residents.

Site Description

The application site comprises a group of three residential blocks of three storey flats which are set in a staggered formation. Each terraced block has balconies on the 2nd floor to the front elevation. Majority of the dwellings are characterised by a lawn area to the front with a minority converted into off road parking areas, and fair size rear gardens. The application site is within an existing residential area and character area of Highfield (HCA20). The surrounding area is characterised mainly by terraced properties of a two storey height, rising to four storeys within the immediate surroundings of Fletcher Way.

Proposal

Full planning permission is sought for the removal of existing balconies and replacement with Juliet balconies. The door and windows would be replaced with new toughened glass, with the height of the existing windows reduced. The proposed Juliet balconies would only span the width of the door whereas previously the existing balconies extended under the door and window.

The requirement for these works is due to concerns with the stability of the existing balcony structures and the Council is undertaking a borough wide programme to remove these structures of concern.

Referral to Committee

The application is referred to committee as the applicant and land owner is Dacorum Borough Council.

Planning History

No relevant planning history

Relevant Policy

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Adopted Core Strategy

NP1, CS4, CS10, CS12, CS13, CS29

Saved Policies of the Dacorum Borough Local Plan

Policy 13
Appendices 1, 3

Constraints

Existing Residential Area
Character Area: Highfield (HCA20)

Representations

DBC – Building Control

Response to Neighbour Notification/ Site Notice/ Newspaper Advertisement

No comments received to date.

Considerations

Policy and Principle

The application site is located within the residential area of Hemel Hempstead wherein the principle of development is considered acceptable in accordance with policy CS4 of the adopted Core Strategy.

Effects on Appearance of Building

The existing windows would be replaced with smaller new toughened safety glass with the doors opening inwards. The proposed Juliette balconies would span only the full width of the new door rather than the previously where it also extended under the window. The existing concrete cantilevers would also be reduced in size to reduce any unnecessary detailing to the front. The void area under the new shorter windows where the balconies previously extended would be infilled to match existing and paint to a matching finish. Therefore it is considered there would be no adverse impact on the appearance of the building.

Impact on Streetscene

There will not be any significant harm to the character of the streetscene as a result of the development. The proposed new Juliette balconies extending only under the doors would not significantly alter the character or appearance of the block of flats and have limited impact on the character of the area.

Impact on Trees and Landscaping

There would not be any significant harm to any landscaping or trees as a result of the applications.

Impact on Neighbours

There would not be any significant impact on the amenities of the neighbouring properties. Due to the limited area of movement on the balconies this would increase the level of privacy, sunlight and visual amenity for neighbours. The reduction in size of the balconies would not cause any significant harm to the amenities of the neighbouring properties.

Residential Amenity

The removal of these structures shall remove an element of private amenity space to the top floor units. There shall remain an ample provision of green space around the building to provide usable amenity space. Therefore the proposal is not considered to significantly detract from the provision of amenity space for the occupiers of the flats.

Sustainability

Policy CS29 of the adopted Core Strategy requires new development to comply with the highest standards of sustainable design and construction possible. Due to the limited development proposed, it is considered that the all of the policy criteria would not be applicable to this application.

Recommendation

That the application be **GRANTED** subject to the conditions set out below:

- 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building. The balustrade to the Juliet balconies shall match the appearance of the existing balcony balustrade and the finishes to the elevation shall match the existing.**

Reason: To ensure a satisfactory appearance to the development in accordance with CS12 of the adopted Core Strategy.

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

Site Location Plan

13157.BR.07

Location of Balconies

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

Article 31 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012

6. APPEALS

A. LODGED

- 4/00868/14/FUL MR A ASHFAQ
CHANGE OF USE FROM RETAIL (A1) TO FAST FOOD OUTLET (A5),
OPENING HOURS 11AM-11 PM AND INSTALLATION OF AN EXTERNAL
FLUE PIPE
ENTREAT, GOSSOMS END, BERKHAMSTED, HP4 1DD
[View online application](#)
- 4/00881/14/FUL Chedgate Properties Ltd
DEMOLITION OF EXISTING OFFICE BUILDING AND CONSTRUCTION
OF 4 X 2 BED AND 2 X 1 BED FLATS WITH ASSOCIATED CAR
PARKING
17 ALEXANDRA ROAD, HEMEL HEMPSTEAD, HP2 5BS
[View online application](#)
- 4/01012/14/FHA MR P JACKSON
REPLACEMENT DOUBLE GARAGE WITH SELF CONTAINED
ACCOMMODATION
6 WESTWICK CLOSE, HEMEL HEMPSTEAD, HP2 4NH
[View online application](#)
- 4/01970/14/FUL MR P BYRNE
DEMOLITION OF GARAGE AND CONSTRUCTION OF ONE THREE-
BEDROOM DWELLING
13 COBB ROAD, BERKHAMSTED, HP4 3LE
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

None

E. DISMISSED

- 4/00322/14/FUL Mr & Mrs M Batchelder
NEW DWELLING WITH VEHICLE/PEDESTRIAN ACCESS AND
ASSOCIATED EXTERNAL WORKS (AMENDED SCHEME)
GATES HEATH, SHOOTERSWAY, BERKHAMSTED, HP4 3NJ
[View online application](#)

Development was for an infill two storey detached house in the back garden of a corner plot.
The inspector agreed broadly with all the reasons for refusal .

Policy notes:

'The SPG significantly pre-dates the Government's National Planning Policy Framework ('the Framework'). Nevertheless, it remains relevant in my view and is sufficiently compatible with the principles of the Framework that I can continue to give its policies significant weight.'

This is another appeal decision I've had where the inspector doesn't make any reference to our saved DBLP appendices. Saved DBLP policy 99 (trees) has also been ignored.

Appearance/Street scene notes:

The inspector agreed the insertion of the dwelling in the back garden would unacceptably alter the layout, density and character of the area.

Although design was not a reason for refusal to which he agreed he added the unique style would draw the eye to the inappropriate siting and layout which would breach the dominant character of the area and would be visually emphasise the manner in which the new dwelling's plot size and layout was atypical of the area.

The proposed dwelling would intrude into the street scene to be visually discordant and mask some views of visually important trees.

Neighbouring Amenity notes:

Agreed overlooking would be unacceptable between donor and proposed property and adjacent property 1 Crossways but not The Ridge which is sited at an angle to the proposed property. By being sited forward of 1 Crossways the proposed property would also be unduly harmful to outlook and light.

Trees:

Inspector accepted there would be some risk to trees but could be overcome by appropriate conditions for Lawson cypresses and Yew tree located behind the proposed property. However A Beech tree near the front of the property on 1 Crossways land was considered to provide an important landmark and whilst possible to protect during construction the proximity would promote future conflict which would unacceptably alter the tree leading to harm to the character and appearance of the area contrary to CS11 and CS12

S106:

Agreed at later date therefore reason or refusal overcome. Agreed our standard template meets the relevant requirements.

Costs Application - Dismissed:

Appellant contended we had acted unreasonably due to having only received tree comments the day before the day of determination given them no realistic chance to respond. There had been a history of a previous refusal on site and TPO order put in place to which the appellants were involved in strongly objecting to.

The inspector agreed that the appellants significantly weakened their application for costs by being aware of the issues and not engaging in pre-application discussions. There were also other substantive:

Issues for refusal and he was unconvinced a solution could have been reached given other concerns. Even if there was scope for a solution this is best to occur in an environment less

dominated by targets and discussion before the application would have prevented the situation from occurring altogether.

F. ALLOWED

4/00944/14/FHA

DR HELEN WATERHOUSE
FIRST FLOOR SIDE EXTENSION AND TWO STOREY FRONT
EXTENSION
10 DEANS CLOSE, TRING, HP234AS
[View online application](#)

The Inspector noted that the proposed first floor side extension would result in the gable wall of the appeal property being brought out approximately 2.8m closer to No. 23 and across most of the width of its rear garden. However, despite the proposed side extension resulting in the first floor gable being closer to No. 23; it being positioned on the shared boundary between the two properties; and the difference in ground levels, it was considered that the retained separation distance between the two dwellings would ensure that the proposal would not be unacceptably overbearing. In reaching a decision, the conservatory extension at No. 23 was taken into account, which has reduced the original garden length of the property; however this did not alter the Inspector's findings. Additionally, the removal of existing upper floor windows directed towards No. 23 was considered a benefit.

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: