



DEVELOPMENT CONTROL COMMITTEE

Wednesday 18th June 2015 at 7.00 PM

ADDENDUM SHEET

ITEM 5.01

4/03763/14/MFA - CHANGE OF USE OF FOUR LONG TERM VACANT RETAIL UNITS AT PODIUM LEVEL OF BLOCKS C AND D TO A TOTAL OF 15 ONE AND TWO BEDROOM CLASS C3 APARTMENTS

IMAGE DEVELOPMENT, LEIGHTON BUZZARD ROAD, HEMEL HEMPSTEAD

Additional Information

The applicant has submitted a letter from Lambert Smith Hampton (LSH) which addresses the question of whether £16 per sq. ft. is a reasonable asking rent from a viability / commercial perspective.



9th June 2015

Mr. Saxon Izatt
Dandara

T +44 (0)1727 834234
www.lsh.co.uk

Lambert Smith Hampton
45 Grosvenor Road
St Albans
Hertfordshire
AL1 3AW

Our Ref: SA/CM

Dear Saxon,

Re: The Galleries Retail, Hemel Hempstead - Pricing

In response to the request from the Council and Members, we are writing to reiterate that the asking rent of £16 per sq ft is the absolute minimum that could reasonably be sought, given the capital costs associated with the construction, fit-out and on-going occupation of the units, given the physical and locational challenges associated with the podium which have been well rehearsed throughout the planning application submitted.

We have used Unit 4 to demonstrate this point as the smallest of the remaining vacant units. At a size of 2,442 sq ft and applying build and fit-out costs associated with the Advanced Insurance occupation and therefore directly comparable and evidenced, it demonstrates that even assuming a best-case uninterrupted lease term of 5 years, it would take in excess of 4 years for the unit to break even at any rent less than £15 per sq ft.

So at the asking price of £16 per sq ft, with £15 per sq ft likely to be considered by Dandara during lease negotiations (no potential tenant during the 5 years got to this stage of negotiations!), it would not be until the latter years of the term that any value would be derived from the letting. At any value lower than £15 per sq ft, any letting would not represent a viable commercial venture given the up-front build and fit-out costs.

It is also worth noting that I am very doubtful that even this would be achievable given that any tenant taking space in this marginal location would likely have a very poor covenant, would be unlikely to commit to a full 5 year lease term without a break option at say 2 years and would have business rates on top of all other costs.

It is therefore clear that any rental price below that being sought by Dandara would be unviable and even at the asking rent, it is unlikely that an occupier in this location would sign up to a continuous 5 year term which would give confidence to Dandara to expend the fit-out works and costs.

The calculation below provides more detail:

Unit 4		
Size (sq ft)	2,442	
Build Cost	£57.19	
Total fit out cost	£139,657.98	
Income/ psf	Yearly income	Time (yrs) to break even
£13	£31,746	4.40
£14	£34,188	4.09
£15	£36,630	3.81
£16	£39,072	3.57

Kind regards,

Yours sincerely



Claire L Madden BSc (Hons) MRICS

DL: +44 (0)1727 896232

M: +44 (0)7803 245013

Email: cmadden@lsh.co.uk

Enc:

Additional Commentary

As set out above, LSH conclude that anything below £16 sq. ft. would not be a viable proposition for Dandara.

Amended Condition

5. Each residential unit hereby approved shall not be occupied until the applicant has provided evidence to the local planning authority that a car parking space has been made available for the use of that residential unit, or if not, that the occupant(s) have turned down the offer of a car parking space.

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

Recommendation

As per the published report

ITEM 5.02

4/01190/15/MFA - CHANGE OF USE OF FOUR EXISTING CINEMA AUDITORIA FROM CLASS D2 ASSEMBLY & LEISURE TO CLASS A3 RESTAURANTS & CAFE'S. ADDITIONALLY THE APPLICATION IS TO INCLUDE ALTERATIONS TO THE EAST ELEVATION OF THE BUILDING TO SUIT THE NEW USE

EMPIRE CINEMA, LEISURE WORLD, JARMAN WAY, HEMEL HEMPSTEAD, HP2 4JW

Recommendation

As per the published report

ITEM 5.03

4/00779/15/MFA - DEMOLITION OF EXISTING OFFICE BUILDING. CONSTRUCTION OF 14 NEW FLATS IN A FOUR-STOREY BUILDING WITH ASSOCIATED CAR PARKING AND LANDSCAPING

ABLE HOUSE, FIGTREE HILL, HEMEL HEMPSTEAD, HP2 5XL

Additional Consultation Response

Scientific Officer

The site has potentially contaminative former uses including a foundry and engineering works. A former graveyard is located approximately 150 metres to the east. She agrees with the Phase 1 report recommendation for an intrusive investigation and recommends the standard contamination conditions be included if permission is granted.

Additional Information

A C-Plan Sustainability Statement has been submitted. However, the applicant's agent has asked that the requirement for a C-Plan Energy Statement be deferred to a condition on the basis that the information to support the completion of this is not available at this stage as the building has not been fully designed. The applicant has suggested a condition that states "*performance increase of 5% above current building regulations*" or similar in relation to thermal performance or CO2 emissions, rather than specifically mentioning Code 4 compliance (which is now largely obsolete).

Additional Commentary

The C-Plan statement is generally considered acceptable. However, details of Sustainable surface water drainage from the building are missing and therefore a condition to seek this information is recommended. Updates to Condition 6 and an additional condition seeking certification of the energy performance details under Condition 6 are also recommended.

Amended Condition

6. The development hereby permitted shall be carried out in accordance with Section 7 (Sustainability and Environment Statement) of the Design and Access Statement, and the approved C-Plan Sustainability Statement. Notwithstanding any details submitted, no development shall take place until an energy statement has been submitted to and approved in writing by the local planning authority to demonstrate that an additional 5% CO2 reduction on the current Building Regulations will be achieved. The measures identified in the statements shall thereafter be retained and adequately maintained at all times unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS29 and 31 and Para. 18.22 of the Dacorum Borough Core Strategy September 2013 and adopted Supplementary Planning Guidance.

Additional Conditions

Prior to first occupation of the development, a post construction review to formally demonstrate achievement of the energy performance target approved under Condition 6 shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS29 and 31 and Para. 18.22 of the Dacorum Borough Core Strategy September 2013 and adopted Supplementary Planning Guidance.

No development shall take place until plans and details showing how the development will provide for sustainable surface water drainage from the building (including provision for its maintenance thereafter) shall have been 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 Policies CS29 and 31 of the Dacorum Borough Core Strategy September 2013 and adopted Supplementary Planning Guidance.

Recommendation

As per the published report



ITEM 5.04

4/01895/15/MFA - DEMOLITION OF FORMER GARAGE BUILDINGS AND REDEVELOPMENT TO PROVIDE 11 NEW DWELLINGS THROUGH A COMBINATION OF CONVERSION AND NEW BUILD

LAND AT 9, 11 & 13 HIGH STREET AND SWING GATE LANE, BERKHAMSTED, HP4

Additional Comments

2 Curtis Way

We welcome the further changes that have been made to this application to reduce the impact on our property. We seek clarity on the overall height of the highest section of the development as from the new drawings the apex of the roof line is showing 3 different measurements in height reduction ranging from 9.13 to 1300. For us the question still remains as to whether the scheme has been amended significantly enough to truly address previous concerns over scale, mass and bulk and particularly whether this amended proposal, which largely retains the original design, enhances the conservation area rather than simply improving the current abandoned site.

15 High Street

We are broadly in favour of the new development and consider these plans a real improvement on previous applications. However, we do still feel it would be more in keeping with current buildings (Bull Pub and terraced housing on High Street) if it were 2 storeys rather than the more overbearing 2.5 storeys around the corner of Swing Gate Lane/High Street.

Hertfordshire Highways

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

Hertfordshire County Council (HCC) has no objection to the principle of the proposed development, subject to the conditions detailed below:

SHC 18: Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.0m x 2.0m shall be provided to each side of the vehicle accesses where they meet the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

SHC 25: Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety.

SHC 42: No works shall commence on site until a Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority). The Construction Logistics Plan should outline the construction methodology, the predicted vehicle movements to and from the site, and how the movement of construction vehicles will be managed to minimise the risk to pedestrians and vehicles within the local highway network.

Reason: To manage the movement of vehicles during construction in the interests of highway safety.

Description of the Proposal The proposal is for the construction of 11 residential units. The proposed site is within the Dacorum Borough Council (DBC).

This application has previously been submitted following the refusal of a similar scheme for 13 affordable houses on the site on 19th March 2015, which was considered alongside an application to redevelop the site of the former police Station

and library on Berkhamsted High Street to provide 23 retirement properties and a new library. It is proposed that the redevelopment of land at Swing Gate Lane/High Street will provide the affordable housing contribution for that site.

The previous application was refused based on it not aligning with policy 120 of the local plan and policies CS12 and CS27 of the adopted Core Strategy. However, HCC had no objection to the previous application subject to the same conditions presented in this response. The resubmitted TS is largely the same as the one submitted in March but with the inclusion of the changes to the number of dwellings and an increase in the amount of turning area for vehicles within the site.

The site is located at the junction of Swing Gate Lane and High Street / London Road (A4251). The site is currently occupied by a vehicle workshop at the rear, open yard / car parking, along the High Street and Swing Gate Lane frontage, and retail units fronting High Street.

The proposed residential units consist of: • 6 x one-bedroom apartments (new building); • 3 x two-bedroom apartments (new building); and • 2 x two-bedroom dwelling houses (conversion of existing buildings).

High Street / London Road (A4251) is a Principal Road – Main Distributor and is subject to a 20mph speed limit. Swing Gate Lane is a local access road and is subject to a 30mph speed limit. There are two short-stay parking spaces provided on the western side of Swing Gate Lane outside the proposed site. Swing Gate Lane Infant School and Nursery is located on the eastern side of Swing Gate Lane opposite the proposed site. There is a signalised pedestrian crossing located outside the High Street frontage of the site, approximately 25m to the west of the Swing Gate Lane junction.

Policy The TA does not refer to the policy and guidance in the HCC Local Transport Plan, or in the Tring, Northchurch and Berkhamsted Urban Transport Plan (UTP). The proposed development has been assessed against the UTP and there is one proposed scheme that is considered relevant to the proposed development: Scheme 05 – Traffic Calming and Extension of 20mph zone on the High Street, Berkhamsted. Scheme 05 involves extending the existing 20mph zone on High Street / London Road to the east of the Swing Gate Lane junction. The proposed 20mph zone will improve the safety and efficiency of High Street / London Road and the Swing Gate Lane / High Street / London Road junction. Therefore a contribution towards Scheme 05 will be required. Analysis

A Transport Statement (TS) prepared by Dermot McCaffery was submitted with the application. Based on the proposed 11 units, this level of assessment is consistent with the Roads in Hertfordshire Design Guide 3rd Edition (RiH). A Design and Access Statement was not provided with this application. However, this was provided with the previous application and due to there being no significant transport changes in the new application this is considered acceptable.

Trip Generation and Distribution Existing Trip Generation The TRICS database does not include comparable sites for a small-scale vehicle repair or tool hire business. Both of the businesses are highly dependent on vehicle trips throughout the day by customers as well as the delivery of goods. However due to the uncertainty around calculating the exact number of vehicle trips generated, the TS assumes a worst-case scenario of the existing site generating no vehicle trips. This is considered to be an appropriate approach.

Proposed Trip Generation The TRICS database has been interrogated for residential developments with a small number of units. The sites selected range in size from 14 to 82 units. Based the trip generation rates, the proposed development would generate approximately 4 two-way trips during the AM Peak, 6 two-way trips during the PM Peak, and 48 two-way trips over the course of the day.

The assessment includes sites from Greater London that are not considered to be comparable to the subject site. For example the site in Newham is located adjacent to West Ham Station providing access to four Underground lines, the DLR and National Rail services. However, due to the number of sites used in the analysis, these sites are unlikely to have significantly reduced the trip generation rates for the proposed development. As a result, the proposed trip generation analysis is considered to be appropriate and the proposed development is unlikely to have any significant impact on the local road network.

Impact on Highway Network: Swing Gate Lane / High Street / London Road Junction
The Swing Gate Lane and High Street / London Road junction is a mini-roundabout. The junction operates adequately during peak traffic periods and there are no planned improvements within the UTP. The cumulative impact of the traffic generated the proposed development will be minimal and is unlikely to have an adverse impact on the safety or operation of the junction.

The existing land uses are likely to generate vehicle trips by commercial vehicles including light goods vehicles (LGVs). The proposed redevelopment of the site for residential purposes will significantly reduce the frequency of visits by commercial vehicles and LGVs and is likely to reduce the risk of conflict with vulnerable road users at the vehicle entrance on Swing Gate Lane, and at the Swing Gate Lane and High Street / London Road junction.

Road Safety: The accident data over the last 5 years for the local highway network adjacent to the site does not indicate any significant road safety issues. The proposed 20mph zone will reduce collisions and injuries on the local highway network.

Highway Layout Vehicle Access The existing vehicular access to the site is from Swing Gate Lane. The proposed development will utilise the same vehicle access on Swing Gate Lane.

As Swing Gate Lane is adopted, the applicant may need to enter into a Section 278 legal agreement to work on the highway in order to make changes to the existing means of access.

Visibility: The proposed building on the northern side of the access is set back, as is the parking space on the southern side of the access. A minimum visibility splay of 2.0m X 2.0m is achievable and should be indicated on the site plans. Any structure or planting within the splay should be less than 0.6m high to ensure that any pedestrians passing in front of the property are visible. This is particularly important given the proximity to Swing Gate School.

Servicing and Delivery: The proposed refuse storage is located within 25m of Swing Gate Lane. As such, a refuse collection vehicle is not required to enter the site, and collection can be undertaken at the kerb. Refuse collection is likely to take place outside of the peak traffic periods and school drop-off / pick-up times and there is unlikely to be any increased conflicts between the refuse collection vehicles and school-related traffic (including pedestrians). As a result, the servicing arrangements are considered to be appropriate.

The residential nature of Swing Gate Lane means that other deliveries are likely to occur, but at a reduced level compared to the existing use of the site. The proposed car parking area provides the opportunity for delivery vehicles to park within the site while making deliveries, or use the short stay parking spaces on the Swing Gate Lane. Therefore the provision for delivery vehicles is considered to be acceptable.

Parking: The existing site is currently used as a car repair / sales yard and there are regularly cars parked throughout the site. It is noted that the footway of High Street in front of the tool hire business is also used for vehicle parking.

The proposed development will provide 11 parking spaces (1 per proposed residential unit). The parking will be located to the rear of the site and will be accessed via Swing Gate Lane.

Parking Provision: The site is within Accessibility Zone 2 and the maximum parking requirements are 1 space per one-bedroom unit and 1.5 spaces per two-bedroom unit.

The appropriateness of the proposed provision of parking will be determined by the DBC and conditioned if necessary. However, the proposed residential use of the site is likely to generate a significantly lower demand for on-site car parking than the existing uses of the site. The proposed ratio of one car parking space per residential unit is likely to limit any overflow parking onto the adjacent highway.

Parking Layout: The proposed layout of the car park spaces is considered to be appropriate and there is adequate manoeuvring space for vehicles to exit the site in forward gear.

Cycle Parking: A cycle storage area is provided on the western boundary of the site, to the north of the garage conversion, adjacent to the car parking. This location is readily accessible to all residential units within the development.

The minimum cycle parking requirement is 1 space per unit and the cycle storage should provide adequate storage space for a minimum of 11 cycles.

Accessibility:

Pedestrian access to some of the flats will be directly from High Street, while the remaining flats will be accessible from Swing Gate Lane. There is no separate pedestrian facilities at the access from Swing Gate Lane. However the volume of vehicles entering and exiting the site is unlikely to cause any significant safety issues. Overall, the accessibility of the development for pedestrians is acceptable.

Cycling along the High Street is difficult due to the traffic calming measures in place. As a result, Scheme 05 in the Tring, Northchurch and Berkhamsted UTP proposes to improve the carriageway to make it more cycle friendly. The scheme also proposes to extend the 20mph limit to Kings Road adjacent to the development site. This will also assist safe access to the development for all road users and a contribution towards the Scheme is required.

The site is located close to Berkhamsted town centre with good access to facilities and public transport. Bus stops in both directions are located on London Road within 200m and the Berkhamsted train station is within 15 minutes walking time of the site. Overall, the site is considered to be accessible to sustainable modes of transport.

Travel Plan: Based on the proposed level of development (taking into account the proposed retirement units at the related site), a travel plan is not required.

Construction: The proposed development involves the demolition of some of the existing buildings of the site and the conversion of the buildings fronting High Street. The demolition and construction of the proposed development means there are potential safety concerns due to interactions between: • Construction vehicles and pedestrians on High Street due or vehicles parked on the footway or at the signalised pedestrian crossing; and • Construction vehicles and pedestrians / vehicles accessing the Swing Gate Lane School. A Construction Logistics Plan (CLP) is required to ensure that the safety and operation of the adjacent highway network is not affected during the construction and demolition phases. The CLP will be required as a condition.

Planning Obligations / Community Infrastructure Levy (CIL): HCC's Planning Obligation Guidance (2008) implements a two-strand approach to planning obligations in order to address the immediate impacts of the new development (first strand), and the cumulative impacts of all development on non-car networks (second strand). The contribution required below will be secured via a s106 agreement.

First Strand The development would not have significant impacts on the local highway network that require mitigation.

Second Strand The second strand contributions for Residential development set out in the HCC Planning Obligations Guidance is based on a standard charge per dwelling taking into account the number of bedrooms and the accessibility of the site. The site is located within the Town Centre Zone 2. Therefore the standard charge per dwelling is £375 for a one-bedroom unit and £500 for a two-bedroom unit. This equates to a total standard charge of £4,750 for the proposed development.

The contribution is payable on first occupation of the site. The contribution is to be index linked (SPON) from the date of the s106 agreement to the date of payment. The contribution is to be set aside towards implementing sustainable transport measures.

Summary Hertfordshire County Council has no objection to the principle of the proposed development, subject to the conditions detailed above.

County Council contributions

Thank you for your consultation on the above mentioned application for 11 dwellings. We will not be seeking any planning obligations in this instance.

Update to Committee Report

S106 Heads of Terms –

- All 11 units to be affordable housing units - “Affordable Housing Units” Means Fourteen (11) Residential Units to be constructed on the Property pursuant to the Planning Permission and made available for Affordable Housing of which Fourteen (11) Residential Units shall be Social Rental Dwellings or such other split of units and tenure as may be agreed in writing with the Housing Manage
- Fire Hydrant provision
- Highway contributions - £4750 - The contribution is payable on first occupation of the site. The contribution is to be index linked (SPON) from the date of the s106 agreement to the date of payment. The contribution is to be set aside towards implementing sustainable transport measures.

Recommendation

As per the published report

ITEM 5.05

4/01088/13/MFA - DEMOLITION OF EXISTING HOTEL PREMISES AND ASSOCIATED BUILDINGS WITHIN THE EXISTING COMPLEX AND CONSTRUCTION OF A NEW 100 BEDROOM HOTEL TOGETHER WITH REVISED ACCESS REQUIREMENTS AND CAR PARKING. RELOCATION OF 2 CARAVANS/MOBILE HOMES

BOBSLEIGH HOTEL, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0DS

Referral to the Development Control Committee

The application is referred to the Development Control Committee due to the detailed contrary views of the Parish Council, the high public interest in the site and that the development is a departure from Green Belt policy.

Bovingdon Parish Council

The first line of the response to the Revised Scheme should read:

The Parish Council's Planning Committee approved the decision to support the application in principle.

Update to Conditions

Conditions 3 and 4

Reason: The wording should refer to reinstatement.

Condition 5

The condition should read to accord with the sustainable approach to development including Policy CS17 of Dacorum Core Strategy.

Condition 7

Reason: In the interests of highway safety in accordance with Policies CS8, CS9 and CS12 of the Dacorum Core Strategy and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011

Condition 8

Reason: In the interests of sustainable development to accord with Policies CS8, CS9 and CS12 of Dacorum Core Strategy.

Condition 11

Reason: The wording should read trees.

Condition 15

Delete as this issue is addressed by condition 10.

Condition 22

Drawing Nos. To be confirmed at the meeting.

Representation from a Local Resident (on behalf of BAG)

In comparing the Bobsleigh documents that are uploaded on the DBC planning website with the planning recommendation document there is an inconsistency regarding the total number of parking spaces in the new plan.

In the attached 7 June 2013 planning application form, in the agent's planning overview documents and travel plan a total 133 vehicle parking spaces have been requested and planned for - 70 in the basement and 63 above ground.

The parking spaces on the amended design drawings and there are indeed 133 parking spaces in these drawings.

However in section (xci) of planning's recommendation that was submitted to the DCC (page 107 of the DCC agenda document) states that 138 parking spaces are being proposed.

We cannot find any '*amended plans or drawings*' on the Planning Website that indicate MacDonald or its agents have requested an additional 5 parking spaces. What is the actual number of parking spaces being requested and if the total has been increased shouldn't supporting documentation and drawings have been submitted?

Comment: The figure should read 133 spaces.

Recommendation

As per the published report subject to the above mentioned changed conditions.

ITEM 5.06

4/01228/15/FUL - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO DETACHED DWELLINGS WITH INTEGRAL GARAGES AND CAR PARKING, LANDSCAPING AND REVISED VEHICULAR ACCESS

THE PENNANT, DOCTORS COMMONS ROAD, BERKHAMSTED, HP4 3DW

Additional comments received

Neighbours

Voelas, Doctors Commons Road - Objection

The new plans and drawings recently posted on this website, concerning the revised proposed development of The Pennant at Reference do not appear to address the concerns, comments and objections raised previously both by the Dacorum Planning Department and Berkhamsted Town Planning Committee as well as the immediate neighbours. In our view, the new revised design is still not only inappropriate for the local conservation area and, in particular, this road but nor does it appear to conform to current planning regulations.

Spey Cottage

The applicant states that this will perfectly complement the nature of the Conservation area. The nature of the Conservation area is essentially Victorian (not an 'eclectic mix' as claimed) and the purpose of the Conservation order is to conserve this character. The proposed dwelling directly challenges the character and intent of the Conservation area, on which basis alone it should be rejected. Whatever its merits as modern(istic) architecture, this site is not appropriate for such experimentation (as was acknowledged by the submitter in earlier applications).

Liliput

Having read the details of the proposed design I still believe that there remains two essential problems. Firstly the design of the two houses appears bulky when compared to the houses to the left. Due to not having a sloped roof the proposed dwelling at first gives the appearance of being in proportion to neighbouring houses but when you consider the width of the ground and first floor I still consider the houses to be too wide for the plot. The second problem, in my opinion, is the extreme modern look they have been given. As I have said in previous comments the houses to the left are a much better template from which to design a house.

Dural Aman

We would like to strongly object to the proposed development for the following reasons

1. The proposal would neither preserve nor enhance the character and appearance of the Berkhamsted Conservation Area in this part of Doctors Commons Road...

There are already two exemplars of conservation-area new builds directly next door to The Pennant (Treetops & Greensleeves) - both are noted for their style and quality in Dacorum Borough Councils Berkhamsted Conservation area report. Page 112 states Tree Tops and Greensleeves, successfully use brick hanging tile, plain tile roofs and timber bays together, as on the original old houses. The hipped roofs also help these buildings to fit into their surroundings. The flat roofs on the proposed development are not in-keeping with the area....

2...We believe that the proposed design of the dwellings is not in keeping with the neighbouring properties of Treetops and Greensleeves, as well as the more traditional properties in this area, thus detracting from the street scene in this part of the conservation area...

3...The proposed balconies/roof terraces would add an incongruent element to the existing street scene as well as posing privacy issues and a loss of amenity for neighbouring properties and the street in general...

4...The scale, height, mass and bulk of the rear elevation is excessive. From the south east, the buildings would appear as large, stark and bulky additions to the area, that also would be prominent on the skyline. The buildings would also be seen when looking into the conservation area from Ashlyns Road and open space on the far side of the valley, from where its width and bulk relative to adjoining properties would be evident...

5...The scale of the properties is clear overdevelopment of plot, meaning garden depths are inadequate for these family sized dwellings...

Wayside

The proposed designs show excessive scale and height. They are a detriment to the appearance of the street scene within the Berkhamsted Conservation Area. The proposal is contrary to the aims of the National Planning Policy Framework, Policies CS11 (Quality of Neighbourhood Design)

Hilcote

I live opposite the site of the proposed development and objected to the previous application on grounds including the loss of privacy from the balconies which look across at my home. This concern has not been addressed in the amended plans, and I remain concerned at the loss of privacy.

Treetops

We have reviewed the revised plans and our objections set out in our previous letter dated 14th April 2015 still stand. Our position is that the design of these two houses does not blend in with the surrounding properties and mix of architecture. The new designs for the site have a very urban/city look which we deem to be inappropriate for Doctors Commons Road. There are other new dwellings in a close proximity to this site of a contemporary nature which blend in more sympathetically to their surroundings. We also object to the proposed roof terraces. The addition of the roof terraces will mean that as direct neighbours we will experience a loss of privacy due to being overlooked. Also, the depth of the garden is too shallow based on the proposed size of properties to be developed which we deem as an overdevelopment of the site.

Recommendation

As per the published report

ITEM 5.07

4/01454/15/OUT - CONSTRUCTION OF TWO DWELLINGS

HIGH DRIVE, AYLESBURY ROAD, TRING, HP23 4DJ

Additional Comments

Highways

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

1) Best practical means shall be taken at all times to ensure that all vehicles leaving the site during the construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway.

Reason: To minimise the impact of construction vehicles whilst the development takes place

2) All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway. ie not stored in either Aylesbury Road or Longfield Road.

Reason: In the interest of highway safety and free and safe flow of traffic.

3 The applicant is to provide and maintain a permanent turning head within land that he controls and this feature must be made available for all to use.

Reason: To allow all vehicles that enter this private track (in a forwards gear) the facility to turn around so that they may leave in a forwards gear when exiting out onto Longfield Road.

Highway Comment: The above scheme is to construct three new detached dwellings although the highway authority understands that this has subsequently been reduced to just two by agreement with the LPA and the applicant ie an amended scheme. Access is off an existing unmade track called Chiltern Villas which serves a number of other private dwellings (approximately eight) and connects to the highway at the junction of Longfield Road and Aylesbury Road. However, there are no revised layouts drawings showing this reduction in units and the highway authority has been given a reduced consultation period to comment on this application. Having said that the applicant's agent has had pre application discussions with the highway authority about a small development at the end of this track. These limited discussions

centred on the merits of this proposal and the arrangements around the continued use of the existing access to serve the site with its position, intensification and in particular peak hour movements and injury accident history at this junction being the key issues for further investigation by the applicant. The results of the search into injury accidents concluded that there have been no reported injury accidents at this junction during the period leading up to this application, although local perception of accidents including near misses have subsequently been made aware to the highway authority since this application has been presented for consideration. As part of these pre application discussions the developer has agreed to provide a permanent turning head to allow vehicles to turn and to exit Chiltern Villas in a forwards direction. This will need a carefully worded condition by the LPA to make sure that this feature will remain in perpetuity to this development for all to use. The highway authority considers that the provision of such a turning head would provide some mitigation to justify the slight increase in vehicle movement through the Chiltern Villas / Longfield Road junction. More importantly this may remove the need for any vehicle to reverse back out of Chiltern Villas into the junction of Longfield Road and Aylesbury Road and certainly any driver associated with the new dwellings would use this feature rather than reverse back down the entire length of Chiltern Villas. Although not mentioned as part of this application and whilst confirming that the highway authority has no desire to adopt Chiltern Villas, if the applicant were to consider surfacing or improving the running surface of Chiltern Villas, they should consider the effect that may have on drainage. This could lead to conditions that were that the track discharges surface water onto the highway network which of course is totally unacceptable to the highway authority.

Conclusion: The highway authority in principle has no objection to the construction of these houses. The slight increase in overall movements is marginal although during the construction phase there will be a temporary increase. There is no overriding accident history and whilst the highway authority has during the course of this application been made aware of near misses and the poor practice of reversing back out of Chiltern Villas the fact remains that there is no history of accidents attributed to this site. On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal. The Highway Authority has no objection subject to the above conditions to the grant of permission.

Further Comments from Local Residents

2 Chiltern Villas

I had submitted an objection, on the Dacorum planning website, to the above planning reference when the planning application was for 3 houses. I read on the Dacorum website that Tring Town council had refused the "3 house" application and so the property developer has amended the application to be for 2 houses.

In principle I do not object to 2 houses being built on that site. I note that all other planning documentation submitted by the developer, e.g. Application Form, and Site and Block plan, still show 3 houses. I ask that the developer resubmits the Site and

Block plan showing how the 2 houses would be configured on that site so that the nearby residents can review and make final comment.

3 Chiltern Villas

1. There has been no consideration given to the fact that the access to the site is no more than a gravel track which whilst gives compromised access to existing property directly adjacent to the track is not suitable for any new development in its current form. It certainly isn't suitable for construction traffic. The developers have failed to address the issue of improving access to any new development. I attach two photographs showing what would be the access to the site if the proposal was to go ahead.
2. The original planning application was for 3 houses and this new application is I understand for 2 houses. No plans are available to show the orientation of these two houses for the residents to take a view when considering overlooking or, to assess the size of the development regarding housing density.
3. The first application gave Tring Town Council the opportunity to raise/discuss any new concerns and procedurally this process is being ignored with the new application.

4 Chiltern Villas

I would like to register my further objection to the above planning application.

Although we welcome that consideration has been made to the size of the proposed development and the outline plans have been re-submitted with 2 rather than 3 dwellings we would like the department to seriously consider the following.

1. The first application gave Tring Town Council the opportunity to raise/discuss any new concerns and procedurally this process is being ignored with the new application.
2. There has been very little consideration given to the fact that the access to the site is no more than a historic gravel track which whilst gives compromised access to existing property it is not suitable for any additional development in its current form. We strongly believe that not enough consideration has been given by the highways agency and concern should be given to the increased probability of a serious incident occurring at that junction either, during construction or after construction, either with vehicles or pedestrians – we urge the council to carry out a much more detailed approach including a review and observation of the interaction of the junctions with Longfield and Aylesbury Roads.

The developers have failed to address the issue of improving access to any new development. I attach photographs showing what would be the access to the site if the proposal was to go ahead.

3. The original planning application was for 3 houses and this new application is I understand for 2 houses. No plans are available to show the orientation of these two houses for the residents to take a view when considering overlooking or, to assess the size of the development regarding housing density.

I know we cannot object to issues during construction, however the road in its form certainly isn't suitable for construction traffic and the safety of small children would be at significant risk.

I look forward to these comments being considered as part of the application.

7 Chiltern Villas

This proposal surely cannot meet the relevant garden size standards

The development would incur increasing over looking on Chiltern Villas, there seems to be no reasonable way to build these house without this.

I believe the neighbored density is 15 per ha, but the proposal is 19 per ha, so this would be 25% greater, so not sure how 3 x 3-4 bedroom houses will fit into the proposed space.

Road safety must be the forefront of this development, but we cannot see how this will be met, the access to the junction at the bottom of the unmade road onto the main road is perilous at best. You cannot turn left without encroaching the other side of the road, and with the proposed development this obviously comes with much more traffic trying to attempt this manoeuvre, a fatal accident waiting to happen we feel.

The existing unmade road has had a history of underground utility service problems and there is no way this road will cope with the development building traffic and extra house hold traffic. I believe that the sewage pipes are Victorian under this road, and we can foresee what will happen when brick, cement, and scaffold Lorries drive up this road on a near daily basis.

We feel that the idea of this unmade road being used as an access for the development and future household traffic is ludicrous.

We hope you can take these objections on board and come to the correct decision, and that is to reject the application.

8 Chiltern Villas

I would like to object on the grounds 3-6 and would ask that the Committee take into consideration the points 1 and 2.

1. *Potential over-development.* The neighbourhood density is 15 per ha; the proposal is 19 per ha; this is over 25% greater. A brief site visit easily shows that it would be challenging to fit in 2 houses into the space provided. Even if the 19 per ha figure is

reduced in a more detailed planning application, having 2 houses on this site is probably over development.

2. *Potential overlooking.* Given the layout of the plot, the proposed new houses will, it is likely, overlook most of the gardens on Chiltern Villas and some gardens on Longfield road; increasing overlooking. There is no reasonable way of fitting in the houses without this type of design and so accepting this outline planning permission would imply an increase in overlooking that is not insubstantial in my opinion.

3. *One of the outbuildings,* it is has been said, is potentially of historic importance. I believe I was told that this building was the hunting lodge of a former English King, taken from the forest and re-built in Tring - this may be inaccurate, but the historical significance should be explored before any decision is made to demolish the lodge.

4a. *Road Safety – no turning circle assumption.* The application states that there is no turning circle at present. I live on the road at number 8 and turn every day in order to exit on to Longfield Road driving forwards. So the assertion that the introduction of a turning circle will improve safety is not completely true.

4b. *Road Safety - unsafe even if exiting going forwards.* There is no way one can exit Chiltern Villas without driving onto the wrong side of Longfield Road. This is a dangerous manoeuvre as (i) traffic may be turning off Aylesbury Road into Longfield Road (into your lane as you are, momentarily at least, on the wrong side of the road), (ii) you need to execute a 2-3 point turn in the junction and (iii) you are inevitably not paying sufficient attention to pedestrians who may be about to cross your path on the pavement, usually going to the allotments. On this last point, I narrowly missed a young family with children only a few weeks ago; the wall on Chiltern Villas 1a blocks your view until the last moment.

5. *Inconsistent supporting documentation.* The original documentation for a 3 house development has been retained alongside the re-titling of the submission to indicate that it is now a proposal for a 2 house development. The planning officer's view, I believe, is that this aspect should not have a bearing on the outcome; however, Members, called upon to make their determinations on this case, may form their views based on the original documentation. As such that inconsistency of the supporting documentation should be resolved before this application is determined.

6. *Improper statutory consultation process.* The amendment to the scheme, from 3 to 2 dwellings has not had Tring Town Council's views. There is a statutory obligation to consult with Town and Parish Councils; this has not occurred in this case, due to an administrative oversight.

Unfortunately commercial arrangements have been put in place which mean that the only sensible development of the site (a series of houses in-line with the existing row) is not being tabled. I urge that this proposal is rejected.

Additional Case Officer Comments

Some concern has been raised about the statutory consultation process for clarity Parish Council/Town Councils are not statutory consultees (Table 2 Paragraph: 030 Reference ID: 15-030-20140612, National Planning Policy Guidance).

There is no historical evidence to suggest any buildings on site are of heritage value, visually the outbuildings appear to be of interwar construction. No factual evidence to support the claim it is a relocated royal hunting lodge claim has been presented.

Supporting documentation can form part of a submission but not form part of approved plans. Conditions attached with this recommendation make this explicit.

Due consideration has occurred with respect to Highways, Hertfordshire Highways have not objected to the scheme, there is no compelling counter evidence or alternative professional opinion to disregard the expert opinion of the Highways officer.

The Density of the site is two dwellings on a site area of approx. 0.15Ha (excluding access road, 0.177Ha inclusive of) which equates to a density of approx. 13.33 dwellings per/ha (11.33 including access road) which is considered to respect typical density in the locality.

Thames Water has not identified utilities infrastructure issues with the site.

The published report is considered to address other comments made since original publication of the agenda.

Recommendation

As per the published report

ITEM 5.08

4/00221/15/FUL - CONSTRUCTION OF DETACHED DWELLING WITH INTEGRAL GARAGE. NEW DETACHED GARAGE TO SERVE 2 ST MARYS AVENUE, CLOSURE OF VEHICLE ACCESS TO DARRS LANE AND FORMATION OF NEW VEHICLE ACCESS TO DARRS LANE. DEMOLITION OF TWO GARAGES

R/O 1 COVERT ROAD AND 2 ST. MARYS AVENUE, NORTHCHURCH, BERKHAMSTED, HP4 3RR

Additional comments from Trees and Woodlands

Both the Tree Protection Plan and Arboricultural Method Statement attached are acceptable.

Ground protection measures shown on the TPP adequately segregate construction activity from root protection areas, lessening the impact of works on nearby trees.

The AMS concisely describes the phasing of works, ensuring that tree protection is considered throughout the length of the whole project.

I would raise one minor point with regard to the existing driveway off Darr's Lane that is to be removed and returned to grass. It would aid the protection of roots if the existing surface was left untouched until all other construction activity had been completed. The reinstatement of this area to grass should form the final phase of works.

Recommendation

As per the published report

ITEM 5.09

4/00280/15/FUL - CONSTRUCTION OF FOUR 3 BEDROOM SEMI-DETACHED HOUSES

52 & 54 LOCKERS PARK LANE, HEMEL HEMPSTEAD, HP1 1TJ

Additional Information Received from the applicant in relation to Restrictive Covenant.

The covenants have not and will not be lifted. The normal process is for the owner of the covenant (usually the owner of the land in the first Conveyance) to vary the relative clauses of the conveyance such that they are no longer restrictive. Both property owners of 52 and 54 have an offer/agreement by way of an official letter from the DBC Assets Management dept that, on successful approval of our planning application, states they will vary all relevant clauses in the covenant, for a consideration, that would allow building new dwellings on the properties to take place.

The ownership of the Conveyance transferred to the Council in the Commission for New Towns transfer scheme 1976 - CNT being the original owner. To reiterate, the agreement from the Council provide the necessary changes/variations required to build on the land and negates all of the opposition raised relating to it.

For background info, though as stated numerous times not a planning issue, the difference between this and any other previous land tribunal appeals are that the Vendor of the land in the applicable Conveyance (now DBC) has agreed to vary the necessary clauses in the Conveyance, effectively removing the restrictive element. The Vendor reserved the right to do this in the Conveyance - an historic, and somewhat crude, form of planning control, I am told.

Previously, the covenants were contested/appealed via the land tribunal. Not really the right thing to do. A covenant has owners and beneficiaries. The beneficiaries are 6 houses in the original scheme (inc 52 and 54). The Vendor/owner is now DBC. All beneficiaries collectively or the owner in this case, as they provisioned it in the Conveyance, have the right to vary a covenant. We chose to deal with the owner - seemingly the right choice with hindsight!

We have followed the correct, legal, process and the offer from the Council is binding. It is, however, tied to the successful outcome of the planning application. There is an expiry date attached to the offer but, if the planning application is granted at the next committee meeting, this won't be an issue - it is cutting it a bit fine though.

Overall, I'm not sure if it makes much difference, but the wording in the Agenda does not quite reflect the semantics of the process and I felt I should explain that. In essence, the covenants won't be lifted, they will be varied, such that they are no longer restrictive. That's standard practice.

Recommendation

Planning law and estate management operate as independent dual systems of control. Developers must ensure they obtain both planning permission and consent from those with the benefit of a restrictive covenant, as the mere existence of planning permission will not override the authority of those benefiting from a restriction.

As per the published report

ITEM 5.10

4/03601/14/FUL - DEVELOPMENT OF 2 NEW DETACHED DWELLINGS ON LAND ADJOINING OLD FISHERY HOUSE WITH ACCESS ROAD AND SINGLE GARAGE ATTACHED TO EACH DWELLING

OLD FISHERY HOUSE, OLD FISHERY LANE, HEMEL HEMPSTEAD, HP1 2BN

Recommendation

As per the published report

ITEM 5.11

4/01813/15/FUL - DEMOLITION OF EXISTING DWELLING AND ERECTION OF TWO NEW DWELLINGS

7 PICKFORD ROAD, MARKYATE, ST. ALBANS, AL3 8RS

Recommendation

As per the published report

ITEM 5.12

4/00822/15/FHA - REAR GROUND AND LOWER GROUND FLOOR EXTENSION

60 CHARLES STREET, BERKHAMSTED, HP4 3DJ

Recommendation

As per the published report

ITEM 5.13

4/00751/15/FHA - TWO STOREY REAR EXTENSION

BRIARS ORCHARD, SHOOTERSWAY LANE, BERKHAMSTED, HP4 3NW

Recommendation

As per the published report

ITEM 5.14

4/01555/15/FHA - DIVIDING FENCE TO FRONT GARDEN

9 BARTHOLOMEW GREEN, MARKYATE, ST. ALBANS, AL3 8RX

Recommendation

As per the published report

ITEM 5.15

4/00186/15/FHA - FIRST FLOOR EXTENSION TO BUNGALOW AND RAISED PATIO

10 BRIAR WAY, BERKHAMSTED, HP4 2JJ

Recommendation

As per the published report
