



DEVELOPMENT CONTROL COMMITTEE AGENDA

THURSDAY 19 MARCH 2015 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 26 February 2015 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
- (ii) 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

5.01 4/03271/14/MFA - DEMOLITION OF FORMER GARAGE BUILDINGS AND REDEVELOPMENT TO PROVIDE 12 NEW DWELLINGS THROUGH A COMBINATION OF CONVERSION AND NEW BUILD LAND AT HIGH STREET AND SWING GATE LANE, BERKHAMSTED, HP4 APPLICANT: BEECHCROFT DEVELOPMENTS

[Case Officer - Joan Reid]

Summary

The application is recommended for approval.

The principle of development is considered acceptable in accordance with policies CS4 and CS17 of the adopted Core Strategy. The principle of new dwellings within the designated residential area of Berkhamsted is acceptable and supported. There would not be an adverse impact to neighbouring properties as a result of the proposals and satisfactory parking is provided on site. The access to the development would not compromise highway safety and the site would be enhanced by additional planting and landscaping. The design and form of the development would not adversely impact the character of the area and would enhance the character and setting of the conservation area. Adequate provision is made for amenity space and provision for storage of waste is satisfactorily accommodated. Provision has been made to retain and conserve any Archaeological findings. The proposals therefore accord with the NPPF, policies CS1, CS4, CS8, CS10, CS11, CS12, CS18, CS19, CS23, CS27, CS29, CS31 and CS35 of the adopted Core Strategy and saved policies 58, 111 and 120 of the local plan.

Site Description

The application site is located to the corner of Swing Gate Lane and Berkhamsted High Street and is the gateway site of Berkhamsted Conservation Area. The site comprises a currently vacant piece of land which has formerly been used as a car sales business together with buildings numbered 9, 11, and 13 High Street. These three buildings are currently utilised as Berkhamsted Tool Hire shop and offices. The southern boundary of the site is shared with the rear gardens of residential properties along Curtis Road and to the east of the site, across the road is Swing Gate Lane School. The western boundary of the site is shared with number 15 High Street and the existing wall of the work house runs along side the boundary. The site is located within an area of archaeological significance.

Proposal

The application seeks planning permission for the conversion of numbers 9, 11, and 13 High Street to form one 2 and one 3 bedroom units together with erection of a further 10 flats in the form of one 2 and half storey block which wraps around the corner plot. The buildings associated with the car business are to be removed from the site. 15 car parking spaces are proposed which are to be accessed from the existing access on Swing Gate Lane.

The proposal is for 100% affordable housing provision of which 8 of the units are off site provision for the residential development at the former police and library site on the High Street, Berkhamsted (Planning ref: 4/03286/14/MFA).

Referral to Committee

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

Planning History

The car sales site has been used for its current purpose for many years. The car valeting site has a long established history of industrial uses and vehicle repairs.

In 2011, planning application 4/02344/11/RET sought retrospective planning permission to use the Swing Gate Lane site as a car valeting business for a temporary period of three years. This application was withdrawn.

A fresh planning application (4/00991/12 RET) for the use of the Swing Gate Lane site for car valeting for three years was submitted in June 2012. This application was refused by the Council in August 2012 for two reasons. Following the refusal of application 4/00991/12RET, the Council has issued an enforcement notice which was subsequently appeals and dismissed.

It is also relevant to note that in 2002, planning application 4/02000/02 FUL proposed to the demolition of the existing buildings at 1-13A High Street and the construction of 16 flats with parking. The application site covered all the land subject of this concept statement. A three storey 'L' shaped building fronting High Street and Swing Gate Lane was proposed, with 19 parking spaces accessed from Swing Gate Lane.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS3 - Managing Selected Development Sites
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS9 - Management of Roads
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
CS27 - Quality of the Historic Environment
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS30 - Sustainability Offset Fund
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 58, 120.
Appendices 3, 5 and 7

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Water Conservation & Sustainable Drainage (June 2005)

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

Planning Obligations (April 2011)

Affordable Housing (Jan 2013)

Summary of Representations

Berkhamsted Town Council

Further comments to amended plans

Object.

We have noted the reduction in the height of the Coach House and considered the responses to our previous objections. Unfortunately the latter do not address our continuing objections with respect to the following.

Height and Bulk. The height and bulk of the corner building. The proposed building is some 5m higher than the adjoining cottages numbers 11 – 13 in the High Street and would be completely out of character in the street scene.

The building dominates and detracts from the character of the Grade II Listed Building (The Bull) on the opposite side of the road; and will dominate this part of the High Street and Conservation Area.

Excessive height. The excessive height of the development is further illustrated by the fact that, whereas the height of existing buildings along Swing Gate Lane towards the High Street work with the transition of levels along the road, the roofline of this proposed development goes in the opposite direction.

Rendering. We consider rendering as originally proposed on the building on the corner plot to be more in keeping with neighbouring properties than the hanging tiles now proposed.

Overall, the proposal represents an overdevelopment of the site, which appears to emanate from the housing departments needs for affordable housing rather than any aesthetic architectural considerations, and would be out of keeping with the character of the Conservation Area of which it would be a part.

Contrary to Core Strategy Policies CS 11, CS 12, and Saved Local Plan Policies 120, Appendix 3 and Appendix 7.

Original comments

It was RESOLVED to suspend Standing Orders to allow Mr and Mrs Adams and Mr Fryer, adjacent neighbours to the application site, to speak against this proposal.

Mrs and Mrs Adams questioned the accuracy of the current planning application, its measurements and its resultant impact on Mr and Mrs Adams neighbouring property at 2 Curtis Way. These inaccuracies have been substantiated by an independent surveyor.

Specific concerns are:

1. that the proposed development will overlook and dominate the rear boundary and outlook on the property at 2 Curtis Way.
2. the proposed Coach House boundary line and distance from 2 Curtis way is unclear. The proposed scale, roof form and window of the Coach House will impact on privacy in the kitchen, living room, a bedroom and the garden
3. windows on the flank facing the corner of the building appear too close to the boundary wall, directly overlook the garden, impact on privacy and dominate their house
4. the impact of additional cars – potentially 26 cars plus guests and visitor – when only 2 car parking spaces are provided. This is already a heavily congested area of parked cars and with parking restrictions on the High Street. The proposal will add to that parking congestion.

Mr Fryer of 15 High Street added that the Coach House would also overlook his property causing loss of amenity. The plan seems to propose that his garden wall will be demolished to be replaced by a new wall of the development. The Coach House appears to extend further onto a busy pavement.

The meeting was reconvened.

Object.

The height, bulk and scale of the High Street elevation of the building on the corner of the High Street and Swing Gate Lane is excessive in relation to neighbouring cottages along the High Street.

The building dominates and detracts from the character of the Grade II Listed Building (The Bull) on the opposite side of the road; and will dominate this part of the High Street and Conservation Area.

The excessive height of the development is illustrated further by the fact that, whereas the height of existing buildings along Swing Gate lane towards the High Street work with the transition of levels along the road, the roofline of this proposed development goes in the opposite direction.

We consider rendering as originally proposed on the building on the corner plot to be more in keeping with neighbouring properties than the hanging tiles now proposed.

We are concerned about the accuracy of the drawings and the impact on privacy and amenity of neighbouring buildings. We suggest the windows on the flank wall be opaque glazing.

The new building appears to encroach too far into the existing pavement along the High Street by the traffic lights and would seek reassurances as to the sufficiency of the remaining pavement in what is a busy road crossing route.

We are also concerned about the increased pressure on car parking spaces the development will bring. Parking provision is already insufficient in the area. The proposed development will both increase demand for parking from residents at the flats and at the same time remove a supply of available parking for existing residents currently available at this site.

We consider this proposal to represent an overdevelopment of the site and out of keeping with the character of the Conservation Area of which it would be a part.

Contrary to Core Strategy Policies CS 11, CS 12, and Saved Local Plan Policies 120, Appendix 3 and Appendix 7.

Conservation and Design

This site is an important gateway into Berkhamsted and occupies a prominent corner in Berkhamsted Conservation Area. It is also highly prominent from many public views and any development would impact the setting of The Bull PH a Grade II Listed Building.

I have no objection in principle to the redevelopment of this site since the garage site is identified in the Berkhamsted Conservation Area Appraisal as a 'Negative site'; hence its enhancement is positively encouraged via redevelopment or sympathetic alteration of the appearance of the existing buildings.

The proposal has been subject to extensive negotiations with officers including myself. Whilst I have maintained that redevelopment is acceptable in principle, I have expressed concern regarding the difference in scale between the proposed two-and-a-half storey corner building and that of neighbouring existing cottages which are a small scale two storey. I have discussed this concern with the developer and his team and following public consultation they reduced the height of the proposal by approximately 0.8m whilst still maintaining accommodation within the roof. This reduction has improved the scale and massing although there would still be a significant jump in height between the simple domestic cottages and that of the proposed corner building.

My other concerns regarding the front elevations are the inaccuracies between the elevations and the roof plan, the lack of clarity over the proposed design of shop fronts and entrances onto High Street; internal layout of kitchens against shop fronts (NB having internal kitchen cupboard against glazing is unacceptable); and the use of stone lintels above windows when brick arches would be a better architectural detail.

I also consider that the height of the FOG could be reduced and the front elevation improved to be more utilitarian/warehouse in design. In addition, there is note of a waste storage area in the courtyard which would benefit from enclosure/screening.

On balance should you be minded to approve this development proposal please would you condition the following:

- All materials to be submitted and approved; sample panels of brickwork constructed on site for approval (to include details of mortar colour and jointing)
- Detailed of the shop fronts and entrances onto High Street, including details of stall risers, pilasters, fascia's and cornices
- Detailed scaled drawing of joinery. NB Id drawings show a sash window this should be to be sliding sash unless otherwise agreed
- Details of windows heads and cills
- Metal rainwater goods
- Details of all boundary treatment
- Details of all chimneys
- Details of any balconies

- Details of rooflights
- Details of fanlight and details above entrance doors
- Details of lighting
- Details of boundary treatments
- Details of waste storage
- Hard and soft landscaping

In conclusion I consider that the proposal has a lot of positive aspects but the issue of the height of the buildings remains a concern. I acknowledge however that the height of the buildings has been reduced and there is a fine balance between what is acceptable and what causes the scheme to fail.

Hertfordshire Highways

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

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 13 residential units. The proposed site is within the Dacorum Borough Council (DBC).

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: • 8 x one-bedroom apartments (new building); • 3 x two-bedroom apartments (new building); and • 2 x two-bedroom dwelling houses (conversion of existing buildings).

This application is linked with the separate application to redevelop the site at the junction of High Street and Kings Road to provide 23 retirement units. The Swing Gate Lane site will provide the affordable housing requirements generated by the redevelopment of the High Street / Kings Road site.

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 13 units, this level of assessment is consistent with the Roads in Hertfordshire Design Guide 3rd Edition (RiH). 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 6 two-way trips during the AM Peak and PM Peak, and 57 two-way trips over the course of the day.

The assessment includes two sites from Greater London that are not considered to be comparable to the subject site – 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 13 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 13 cycles. **Accessibility Pedestrian Access** 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.

Cycle Access 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.

Public Transport Access 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 £5,500 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 above.

Environment Agency

We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below.

Condition 1

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To protect the water environment, including groundwater as the site is located on a Principal Aquifer. The Principal Aquifer is a designated groundwater body under the Water Framework Directive, known as the Mid-Chilterns Chalk that is currently of poor status. The groundwater in this water body needs to be protected from further contamination, particularly those contaminants already identified in the Thames River Basin Management Plan, so that the water quality does not deteriorate. This condition is in line with your Local Plan policy CS31: Water Management, and the National Planning Policy Framework (NPPF). Paragraph 109 of the NPPF states that the planning system should contribute to and enhances the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of

water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Advise to Local Planning Authority

This site is in Flood Zone 1 and is under a hectare. Therefore cell F5 of the consultation matrix of our Flood Risk Standing Advice applies. 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.

Advice to applicant

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SuDS, which encourages infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

You should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, you should contact us for advice at an early stage to avoid any delays. We recommend you should

- Position statement on the Definition of Waste: Development Industry Code of Practice
- Follow the risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination', when dealing with land affected by contamination.
- Refer to our 'Guiding Principles for land contamination' for the type of information that we require in order to assess risks to controlled waters from the site. The Local

HCC Planning Obligations Officer

I refer to the above consultation and am writing in respect of planning obligations sought towards education, library and fire and rescue services to minimise the impact of the development on Hertfordshire County Council Services for the local community.

Based on the information to date for the development comprising 2 x 2-bed intermediate houses, 2 x 2-bed intermediate flats, 1 x 2-bed social rented flats and 8 x 1-bed social rented flats we would seek the following financial contributions towards Primary Education,

Secondary Education and 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, this calculation will need to be reviewed.

Financial Contributions

Primary Education	£5,223
Secondary Education	£2,865
Libraries	£938

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

Provision

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

Herts Fire and Rescue

We have examined the on line documents and make the following comments:

ACCESS AND FACILITIES

1. Access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB), section B5, sub-section 16.
2. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.
3. 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

4. Water supplies should be provided in accordance with BS 9999.
5. 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.

Herts Minerals and Waste Team

I am writing in response to the above planning application insofar as it raises issues in connection with minerals or waste matters. Should the Borough Council be mindful of permitting this application, a number of detailed matters should be given careful consideration.

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted Waste Planning documents. In particular the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

Most recently, the Government published its National Policy for Waste (October 2014) which sets out the following:

When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- *The likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for management is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- *New, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- *The handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimise off-site disposal.*

The Department for Communities and Local Government also highlights the need for Local Planning Authorities 'to help to contribute to delivering the waste hierarchy' in the *National Planning Policy for Waste (October 2014)*.

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the borough council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan. This aims to reduce the amount of waste produced on site and should contain information including types of waste

removed from the site and where that waste is being taken to. Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or
http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html

SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the borough council.

Strategic Planning Team

We welcome this proposal, which accords with the broad approach for the site in the Council's draft Concept Statement (January 2013) and the Pre-Submission Site Allocations document (September 2014). The development involves redevelopment of a visually prominent site, at the entrance to the Berkhamsted Conservation Area.

Draft Concept Statement (January 2013)

A copy of the draft Concept Statement accompanies these comments. It was prepared originally because of concern about noise and disturbance from Prestige Hand Car Wash, which used to occupy part of the site.

It should be noted that the draft Concept Statement has not been subject to public consultation or approved by the Council. Earlier this year, it was envisaged that we would consult on the draft Concept Statement at the same time as we consulted on the Pre-Submission Site Allocations document. However, we decided that this was unnecessary, as the site had been acquired for housing development.

The version of the draft Concept Statement accompanying these policy comments lacks Appendix 3 (design cues for new development on the site), as the appendix has not been finalised by the Council's conservation and design officers.

In view of the above, no real weight can be given to the draft Concept Statement in deciding the current application. Nevertheless, the draft statement gives a good idea of the scale and nature of the development that the Council would like to see on the site.

Section 1 in the draft Concept Statement provides an introduction and background material.

Section 2 explains the purpose and status of the draft Concept Statement. A comprehensive redevelopment is encouraged, mainly or entirely for residential purposes. 9-13A High Street should be retained and enhanced. Note: the status of the draft statement is explained above.

Section 3 sets out the planning policy context, including reference to the draft Berkhamsted Conservation Area Character Appraisal and Management Proposals document. This document (which has now been finalised):

- proposes that 9-13A High Street should be designated as locally listed buildings, which means there is a general presumption in favour of their retention; and
- identifies the motor trade uses on the site and the machinery on the pavement at Berkhamsted Tool Hire as negative features which compromise the integrity and attractiveness of the conservation area as a whole. The site is an important gateway into Berkhamsted Conservation Area, which should be given high priority for improvement.

Section 4 details the site's planning history, including earlier housing proposals.

Section 5 outlines the development constraints:

- conservation area, listed buildings and locally listed buildings;
- archaeology;
- residential amenity;
- utilities; and
- contaminated land.

Section 6 is the key part of the draft Concept Statement. It puts forward development principles which are summarised below:

- Land uses: the site should be used mainly or entirely for housing purposes. Small scale retail or food and drink uses are acceptable on the ground floor frontage to High Street and on the corner of High Street and Swing Gate Lane.
- Comprehensive development: there is a strong preference for a comprehensive development.
- Housing mix and size: the site is suitable for flats (around 12-14 units). Town houses would also be acceptable.
- Layout and design: a high quality new building is encouraged. A wrap-around terraced development is envisaged, partly 2 storey with a 2.5 storey element on the High Street/Swing Gate Lane corner.
- Sustainable design and construction: proposals should comply with Local Plan Policy 1 (now superseded by the Core Strategy) and Core Strategy Policies CS28-CS30.
- Affordable housing: 35% of the homes should be affordable.
- Access and car parking: road access should be from Swing Gate Lane. The site is in Accessibility Zone 2, where the Council's residential car parking standards are lower (1 space per dwelling for 1 and 2 bedroom units).

Section 7 deals with planning obligations and the Community Infrastructure Levy.

Pre-Submission Site Allocations document (September 2014)

The site is shown as proposed housing allocation H/17 in the Site Allocations document. Net housing capacity is estimated at 15 dwellings. The planning requirements for the site are as follows:

"Proposal to provide for a high quality new building on the corner of High Street and Swing Gate Lane to ensure a suitable gateway to the Conservation Area. Nos. 9-13A High Street should be retained and refurbished. There may be scope for modest extensions to the rear of these buildings. Access should be taken from Swing Gate Lane, at or very close to the existing point of access into the car sales and car valeting sites. Pedestrian access onto High Street would be acceptable. Relaxation of normal requirements for amenity space for the proposed housing appropriate to secure a high quality design."

Current planning application

We consider that the proposed development accords fully with the overall approach to the site,

as per the draft Concept Statement and Site Allocations document.

It will also be necessary to consider carefully the more detailed matters referred to in the draft Concept Statement, such as design (the Council's conservation and design officers should be consulted), archaeology and contaminated land. 13 car parking spaces are proposed, in line with the Council's parking standards. The amount of amenity space is considered as acceptable if the design is regarded as 'high quality' (see last sentence of planning requirements in the Site Allocations document).

The application has been submitted alongside 4/03286/14/MFA to redevelop the Police Station/library site at High Street/Kings Road, Berkhamsted to provide 23 retirement properties and a new library. It is proposed that all 13 units on the High Street/Swing Gate Lane site will be affordable, with all those at High Street/Kings Road to be open market dwellings. 36% of the homes provided on the two sites will be affordable. This is acceptable, as long as secure arrangements are in place to ensure that the affordable homes at High Street/Swing Gate Lane are actually delivered. We note that paragraph 5.6 in the High Street/Swing Gate Lane Planning Statement states that both sites are under the applicant's control and will be delivered simultaneously. Also, paragraph 6.1 on planning obligations states:

"To be delivered once Dacorum Borough Council complete the purchase of the site. A suitable clause to be added to the S.106 to cover this matter."

Trees and Woodlands

No significant vegetation to be affected at all. There is scope, although limited, to replant so some detail of landscaping would be good to see.

Archaeological Officer

The proposed development site occupies a prominent position at the eastern edge of the Medieval core of Berkhamsted, and lies within Area of Archaeological Significance number 21, which includes a number of important prehistoric, Roman and Medieval sites. Evidence of early post-medieval occupation and industrial activity has been recorded from the rear of 25 High Street (HER15716) and 31-33 High Street (HER11966).

In light of the above I would expect below ground heritage assets with archaeological interest, relating to later medieval to post-medieval occupation, to be present within the proposed development site. It is likely that some truncation of archaeological features has been caused by later use of the site. However, deeper features, particularly wells, cess or rubbish pits, are likely to survive, and provide a valuable insight into the development of Berkhamsted through time.

In addition, several extant structures believed to date between the late 16th and early 20th century will be subject to conversion as part of the development. This will clearly impact the archaeological interest of these buildings.

I, therefore, recommend that the following provisions be made, should you be minded to grant consent:

- 1 the archaeological monitoring of all interventions affecting the fabric of the historic buildings (16th to early 20th century)
- 2 the archaeological monitoring of all groundworks, including removal of existing slab, any ground reduction, new foundation trenches, landscaping and service runs
- 3 the archaeological investigation and recording of any remains encountered during this process,
- 4 the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive, and if appropriate, a publication of these results.

5 such other provisions as may be necessary to protect the archaeological interest of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within National Planning Policy Framework (policies: 135, 141 etc.), and the guidance contained in the Historic Environment Planning Practice Guide.

In this case two appropriately worded conditions on any planning consent relating to these reserved matters would be sufficient to provide for the level of investigation that this proposal warrants.

Ecologist Comments

1. We have no ecological records for this application site or adjacent areas, although there are a few scattered records of bats within Berkhamsted. The proposals will primarily affect existing buildings to the rear of the High Street buildings, which will remain. These are a large gable roofed shed, a flat roofed shed and the single storey extensions (one flat roofed) to the older buildings of 9-13 High Street. Otherwise the existing buildings and their roofs will remain unaffected by the proposed demolition.

2. The location generally has some habitat recourse for bats in the mature trees and gardens of adjacent properties between Curtis Way and the High Street. However, I do not consider the nature of the buildings or extensions to be demolished provide a sufficient likelihood of supporting bats for the LPA to justify requiring any survey prior to determination. From the photos of these buildings in the Heritage Statement, their design, construction and materials do not suggest good opportunities for bats being present.

3. However, bats and their roosts remain protected at all times and if the application is approved, I advise that an Informative is attached to any permission to the effect that :

- Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from one of the following: a bat consultant, the UK Bat Helpline: 0845 1300228, Natural England: 0845 6014523, or the Herts & Middlesex Bat Group website: www.hmbg.org.uk

4. I have no reason to believe there will be any other ecological constraints associated with the proposals.

Contaminated Land Officer

Awaiting comments

Swing Gate Lane School Council

These comments are made by the Swing Gate Infant and Nursery School and Eco Council. The School Council is made up of 2 elected representatives from every class at school (Nursery, Reception and Years One and Two).

The School Council looked at the site, as viewed from the school and examined the proposed plans and elevations and made the following comments:

Current use of the site:

Our School is directly opposite the proposal site. The site had been used as a car park and is now just a scrap of land.

It isn't very attractive to look at and needs to be better looked after. There is already rubbish on the site and the wall on the far end looks like it needs to be repaired.

It is a bit sad looking and lacks any colour or greenery. The School Council agreed that it was

important to make better use of the land as it isn't pleasant to look at in its current state.

Proposed use:

The School Council considered what they thought might be appropriate to go on the site. They liked the idea of the site being used for more child friendly uses such as a skate park, but understood that the developer has alternative ideas.

They would like the site to be

- More attractive to look at
- More flowers, trees and greenery and generally more colourful
- Needs to be safe for the children coming to and from school
- Not disrupt the children at the school

The School Council looked at the developers plans and made the following comments:

- The site developed will look much better than its current state
- The proposed development looks very big for the corner plot and could be smaller.
- They would like to see more greenery such as plants and trees – will there be any open space?
- They would like a more colourful view than the one they have.
- Could the scheme also include benches on the edge of the site

Construction Phase:

The School Council are very concerned about what the impact might be when the site is being built. They are particularly concerned about:

- How the school will be safe with the movement of the big construction vehicles
- The impact of the construction of the building (e.g dust and noise) on the school
- The impact on the existing car and people traffic on Swing Gate Lane.

The School Council is also an Eco-council and would like to see all aspects of sustainability to be considered for example the use of solar panels and the types of materials used.

The School Council would be very grateful if you could acknowledge receipt of this letter and advise how their comments will be taken forward in assessing the planning application. We would also like to know what the timetable will be for the determination of the application.

Refuse Department

I would envisage that the waste storage area is large enough to house 3 x 1100ltr containers for residual waste, 3 x 1100ltr containers for recycling, 4 x wheeled bins for green waste and 13 kitchen kaddy's.

There should be no steps between the storage area and the collection vehicle and doorways should be robust.

Consideration should be given to the size (10m x 3m), weight (26ton) and manoeuvrability of the collection vehicle.

Chair of Governors Swing Gate Infant School

4. Design: The proposed design is site is out of proportion with the buildings on that side of the road and looks too imposing, even within the slight reduction in height made by Beechcroft in the final version of their plans compared to the initial proposed presented to the public.
5. Traffic: The proposed development will increase traffic and congestion problems in an area close to two schools (Swing Gate and Thomas Coram) which is already badly congested at

certain times of day and therefore mitigation measures need to be put in place. These could include designing access for vehicles which is as safe as possible for pedestrians (especially families arriving and leaving the schools), parking restrictions at new entrance points and enhancement of the pedestrian crossing arrangements. Section 106 could be used to support these mitigation measures.

6. Sustainability: the sustainability statement does not explain how the development will incorporate renewable sources of energy, aside from the design and layout of rooms to maximise solar gain during the day. The development should incorporate sources of alternative energy such as PV or solar thermal panels or a 'living roof' on the internal parts of the building. There should be high levels of insulation above the minimum requirements and use of sustainable building materials.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

2 Curtis Way

In principal, we welcome the regeneration of the corner of Swing Gate Lane and High Street, Berkhamsted. However, we have serious concerns around the scale of the proposed development and our resulting loss of amenity, and its fit with the surrounding area, both in terms of character and building height so as the proposal stands, we object.

Specifically, we have four key areas of concern:

1. Accuracy of current planning application and the resulting impact
7. We questioned the accuracy of the drawings and scale at the first consultation event and had Duncan and colleague from Beechcroft stand in our garden to witness this first hand. At that time, we also asked for more information ie. rear aspect drawings these have not been provided.
 - We have had a surveyor measure independently and the proposal contains many inaccuracies and inconsistencies. Based on this we have requested DBC provide an original A1 1:100 drawing
 - The inaccuracy and inconsistency of the drawings has resulted in loss of confidence that they accurately reflect what is proposed and the impact this will have on our garden and dwelling eg. measurement from building; boundary wall; roof apex of Berkhamsted Tool Hire; projecting gablette to the coach house
 - The longest measurement of this proposal is our rear boundary wall at 25.7 metres we therefore get the full thwack of this entire scheme on our rear boundary.
 - We currently have a 5ft high brick wall which means the whole of our rear boundary and outlook will be dominated by this development and will result in loss of amenity
2. Impact of the single unit that creates the Coach House
 - This is our biggest concern as the drawings show this will effectively be a 2 storey of similar scale to 2 and 4 Curtis Way combined
 - The boundary line and distance separating our property and the proposed Coach house is inconsistent and unclear
 - Our principal windows focus to the rear ie. kitchen, living room, bedroom this is a focal point for our family
 - we have young children - this is our family space for entertaining and for them to play in
 - scale of the building with roof form and windows will diminish any sense of privacy or private use of our garden
 - we have serious concerns about how this will dominate our space and reduce our enjoyment and use of our property particularly given the rear focus

3. Windows on flank facing of the corner building

- Drawings currently show two windows from the main corner block that will directly overlook our garden
- These appear to be only a matter of metres away from our boundary wall
- This will again impact on our privacy, dominate our space and reduce our enjoyment and use of our property

4. Impact of additional cars on already heavily congested area

- While we appreciate the need to accommodate parking, the reality is that this end of town is already overflowing with school traffic (peak times), other residents, shoppers and restaurant goers
- The proposal for 13 units means that there could potentially be 26 cars + guests in the evening/weekends where will they go? This is a real issue for the residents of Curtis Way as there are currently only 2 spaces available on the whole corner.
- Since the site became vacant over a year ago, it has been used as an overflow for school during the day/business (legit or not) and also in the evenings and at weekends. Since the site has been secured the parking issues have become exponentially worse with residents in Curtis Way no longer able to find parking near their own homes. A development of this scale will only compound the problem further.

Summary

We request that a decision on the application is deferred until we have more information available, as their measurements are out by at least 2 metres in favour of the developer. Specifically, we would like the developer to provide an accurate rear elevation drawing along the boundary wall of our property to understand the impact as well as a centre line section through our property to understand the full implication of the proposed coach house upon our garden and dwelling.

In addition, we would like consideration given to the overall scale of the development which would address some of the concerns raised and request that the two windows on flank wall if they are to be made are blind windows.

We have invited representatives from both Berkhamsted Town Council and Dacorum Borough Council to come to our property to witness first-hand the impact of this development in advance of any decision being made.

15 High Street

Firstly, whilst it is great that there were public meetings held we were disappointed that we, who live next door, were given no specific invitation to attend. We did not see any information about the event and unfortunately missed it.

The back of the buildings which borders our property, it appears, is to be raised from its current level to two storeys. (We believe from the plans that this is called the Coach House). This will severely affect the light into our house (particularly the back bedroom) and the garden, and significantly overshadow the back of our house due to its proximity. If it were to be reduced to the height of the current wall, we believe this would be much more satisfactory.

It is not clear what is happening to this wall, which effectively functions as our garden wall. From our garden we cannot tell whether or not this is part of an existing building or an independent wall. Either way, this is an integral part of our garden and its loss would severely impact on the attractiveness of the house and the garden. Our garden has been designed around this boundary wall, with the inclusion of several large very well established shrubs which cling to it. We feel that this wall should be maintained.

Whilst we are pleased that the site is being converted into something potentially more

attractive, and understand the need to find a suitable solution for everybody, we do feel that as next door neighbours we have a particularly significant interest and that the plans will have a particular impact on us.

We sincerely hope you will be able to consider our views and in particular clarify the plans for the wall that borders our property.

Further comments

We appreciate the clarification given that the existing boundary wall will be maintained as this is an essential part of our garden. We are also glad that the height of the Coach House has been lowered.

However, we remain very concerned that the height of the Coach House (a similar height to our own house - or even higher?) built so close to us will be imposing and intrusive, lessening light into our bedroom and back garden, where in the summer we tend to socialise.

The house to be built next door (no 13) will block light to our kitchen overshadowing the skylights which are there, making the kitchen darker. This on its own is a small inconvenience but in relation to the other points made will add to the loss of light to our house and garden.

The issue of loss of light and the overbearing height of the buildings is the issue for us both, and for many others it would appear. A bungalow might more appropriately exist where the coach house is planned.

25 High Street

Whilst we feel the site in question can be improved visually, the proposed development is too large for the space. It will affect the gardens and light of the existing cottages, create an increased parking issue which is already significant for cottage residents and we feel any development should follow the existing cottage roof line - not exceed it.

60 Billet Lane

The proposal is to provide 13 parking spaces for housing that could easily have 18 car owners. The parking in that area is already very tight, and at school times the use of Curtis Way as a turning and parking area means local people can find it impossible to park outside their own house on that road. I suggest more parking is provided off the street to avoid any further congestion in this area, and a site visit during the morning or afternoon school run by the decision makers to look at traffic flow, and the parking problem.

32 The Rex

Too many retirement flats in Berkhamsted! What about affordable housing? An person earning average salary cannot afford property much more than £100K - what hope for the young professionals? Berkhamsted is not a retirement village!

Swing Gate Lane (No number given)

This development is far too large with the parking being a real issue. Parking on Swing Gate Lane is virtually impossible for the residents at the bottom of the street as it is. If 13 units are built they may have 1 space each but there is nothing to stop each household having more than one car or visitors. The impact on the local streets is clearly not being considered. There is then also the issue of congestion. The junction of Swing Gate lane and Curtis way is

extremely busy in the mornings with parents dropping children off at the school. Cars back up trying to get up and down the street. This proposed development would just be adding another entrance/exit from Swing Gate Lane, yards from a roundabout and the junction of Curtis Way. Being directly opposite a school safety has to be a major concern.

Also the height and visual impact this development will have on the immediate area will be far too over bearing, it will completely change the look of the terrace and is in no way in keeping with either the houses on the high street or the houses behind. The development should blend in to the current environment not dominate it which in the current proposal it most certainly will.

1 Coram Close

1.The planned development is too high, recent reduction in height on the plans is too small to make any significant difference. Viewed from across the A4521 High Street it is out of proportion and would dwarf the row of cottages which line the road.

2.The development is visually stark along Swing Gate Lane and when viewed from the A4251. It is inappropriate for the building line to meet the pavement. The pavement is narrow, particularly near to the junction. The appearance could be much improved by addition of a planted area and metal fencing (as along A4251 between The Bull pub and Robertson Road).

3.The junction between Swing Gate Lane and the A4251 does not operate safely. The bollard on the small traffic island East along the A4251 from the mini roundabout is often hit by traffic. Each time it is replaced it is only a very short time before it is destroyed again. There have been several accidents at this junction (most recently involving a taxi and another vehicle), I have witnessed numerous near misses in the last year.

4.There is no safe pedestrian crossing point on Swing Gate Lane, crossing is difficult even when the school patrol is present.

5.There is frequent localized flooding at the junction of the A4251 and Swing Gate Lane. This appears on the side of the road of the proposed development whenever there is heavy rain.

6 Curtis Way

As a resident of Curtis Way, I am concerned that the development being proposed is far too large for the area. On Curtis way we already have a problem with parking and having a school so close causes additional problems. I fear that having this many properties built in a small area would add to a problem that is already getting out of hand. Another concern is the new development is too high and I will lose the privacy in my garden and the back of my home. I would rather see a playground built, youth club or an adventure playground as Hemel has four of these while Berkhamsted dose not have any. Our children need somewhere where they can go and us parents can know they are safe.

4 Curtis Way

I am writing to register my objection to this planning application.

My garden backs on to this site on the corner of Swing Gate Lane and I have serious concerns about how this will affect the enjoyment and use I have of my property and also the knock on effect of a development of this size on the immediate area. Two key areas for me are firstly, the scale of the development overall its far too big. Most worrying for me is the proposed

Coach House building which will be immediately on my back wall, completely dominating my garden and result in loss of privacy and amenity. The building that is there now at one storey is acceptable but I do not believe a 2 storey building will be as there will be too great an impact on us.

Secondly, parking. Since the site has been fenced off we have already seen the cars that were using that space, are now using Curtis Way as there is off road parking and currently no restrictions. The problem is that some residents, like me, do not have their own parking so we rely on being able to park on the street near our own homes. I can no longer do this due to other cars taking those spaces and this will be much worse when there are another 13 units and this will be their nearest overflow for extra cars and guests. Its too many units, resulting in too many cars that will make an already difficult parking situation much worse.

I understand that something will be developed on the corner and am not against that it just needs to be done in a way that wont badly affect local residents as I think this proposal will.

12 Curtis Way

Whilst we think that the plans to improve that area, we also think that the height or the building is too imposing and should be only two storeys. It's a very busy junction so the scale of the building might also obscure view for drivers on the High Street and Swing Gate Lane. Drivers do quite often fail to stop at that particular roundabout and feel that the building would only exacerbate the problem.

Also, we feel that enough parking spaces have not been allowed. Many households have two cars (or more), plus an allowance will need to be left for visitors. With two schools and a nursery parking is already horrendous and would mean that the roads would become even more dangerous, especially near a primary school and would also exacerbate parking issues for local residents.

Just one point to note and you're just in planning, after the RTA back in May where our local Post Box was destroyed (and Royal Mail are refusing to replace it partially to do with road changes/plans in that area) it would be much appreciated by many local residents, if a Post Box could be installed into the wall of the building somehow. There are many elderly residents, small businesses, local residents and the school who have used this as their local postbox.

B Hive Group

1. Design: The proposed design is site is out of proportion with the buildings on that side of the road and looks too imposing, even with the slight reduction in height made by Beechcroft in the final version of their plans compared to the initial proposal presented to the public.
2. Traffic: The proposed development will increase traffic and congestion problems in an area close to two schools (Swing Gate and Thomas Coram) which is already badly congested at certain times of day and therefore mitigation measures need to be put in place. These could include designing access for vehicles which is as safe as possible for pedestrians (especially families arriving and leaving the schools), parking restrictions at new entrance points and enhancement of the pedestrian crossing arrangements. Section 106 could be used to support these mitigation measures?
3. Sustainability: The sustainability statement does not explain how the development will incorporate renewable sources of energy, aside from the design and layout of rooms to maximise solar gain during the day. The development should incorporate sources of

alternative energy such as PV or solar thermal panels or a 'living roof' on the internal parts of the building. There should be high levels of insulation, above the minimum requirements, and use of sustainable building materials.

Considerations

Policy and Principle

The proposal for a residential development which comprises the refurbishment of numbers 11, 12 and 13 High Street is welcomed and supported in principle. Policy CS17 of the adopted Core Strategy seeks for development of new housing and this application accords with the draft concept plan for the site. The site has been in use as a car sales/repairs/wash for some time which has been considered a poor neighbour for the residential properties surrounding it. The proposal for a residential scheme is considered to a more neighbourly use and provides for 12 new affordable units which is welcomed.

The proposal therefore conforms with the strategic policies relevant to the site; more detailed elements of the scheme / brief requirements shall be assessed under sections later in this report. The proposals are considered to be in accordance with NP1 and CS1 of the Adopted Core Strategy as well as the NPPF and NPPG.

Effects on appearance of building and conservation area

Policy CS27 of the adopted Core Strategy states that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. Development will positively conserve and enhance the appearance and character of conservation areas. Negative features and problems identified in conservation area appraisals will be ameliorated or removed. It is considered that the scheme positively enhances and conserves the appearance of the character of the conservation area and successfully removes a negative poor quality site which is the gateway of the conservation area. The existing buildings on the site (with exception to numbers 9, 11 and 13) are to be removed from the site. These buildings have been identified as making a negative contribution to the character of the conservation area and mark a poor quality environment at the entrance of the town.

The redevelopment of the site is welcomed and supported and is considered to enhance the conservation area providing a good quality development providing the gateway into Berkhamsted. Numbers 9, 11 and 13 High Street are considered to be locally listed buildings and are proposed to be retained and converted as part of this application. No objection is raised to the works proposed to enable these buildings to convert to residential use.

The scheme has been subject of pre-application discussions with both planning officers and the conservation team. The main concern that has been expressed in design terms is the height of the buildings in relation to its setting. The corner of the site as it wraps around to Curtis Way is three-storey in height and staggers down to two storey as the building moves up the hill. Concern has been raised in relation to the height and bulk of the proposal; however the scheme has been reconsidered to reduce the overall height of the buildings by 1.3m and rearranged the layout to break up the mass of the buildings. It is considered that the corner three storey building marks the gateway of the Conservation Area and when considered in the context of the other three storey buildings on the opposite side of the road, it would not appear overly large or bulky. The buildings will be seen in context of other taller buildings including the residential development opposite on the High Street. It is also considered that due to the variation in heights and styles along the High Street, that the proposal would not appear out of context, though it is noted that it is a taller building than that adjacent locally listed properties. Nevertheless, it is considered to represent a bookend to the street scene. It is noted that Berkhamsted Town Council has raised concern over the tile hanging proposed on the corner

plot. This detail has specifically requested by the design officer to break up the mass of the building and introduce detail to the corner elevation.

Overall, from a design perspective, on balance, it is considered that the redevelopment of the site which will positively enhance the character of the area is acceptable for approval. A condition will be imposed requiring fully details of materials to ensure that the development is constructed to a high standard in accordance with policies CS12 and CS27 of the adopted Core Strategy.

Affordable Housing Provision

The scheme proposes 12 new dwellings which are to be 100% affordable homes. This is made of up the off site provision of 8 units displaced from the Former Police Station and Library Site at High Street/Kings Road which is subject of a separate planning application together with 4 additional affordable housing units. Altogether as there are 23 residential units proposed at the former police station site together with 12 additional units at Swing Gate Lane site, this amounts to 35 new dwellings of which 12 are to be affordable. This equates to 34% affordable units which is slightly below the recommended 35% affordable housing requirement set out in policy CS19 of the adopted Core Strategy however the small under-provision is considered acceptable on balance as the removal of the 13th unit from the scheme ('the Coach House', which was causing harm to neighbouring amenities) should be taken into account. Also it is noted that two of the dwellings are converted from the retail units along the High Street and if these were a separate conversion they would not be required to be affordable homes.

Density of Development

The scheme proposes the development of 10 new residential units together with the conversion of existing buildings for two additional units. It is not considered that the scheme represents overdevelopment of the site and results in a density in accordance with the draft Concept Statement for the site (refer to Strategic Planning comments above).

Impact on Trees and Landscaping

There are no trees or landscaping on the site of any importance. The scheme offers some opportunity for planting which is encouraged. A condition requiring specific details of hard and soft landscaping will be imposed.

Impact on Highway Safety and parking provision

The application has been supported by a Transport Statement and Hertfordshire Highways have raised no objection to the proposals subject to conditions. Hertfordshire Highways are satisfied that the car movement associated with the development would not result in adverse impact on the existing road network and 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 uses contained within the site amount to greater numbers of heavy traffic movements than proposed and as such no objection is raised. It is considered that the access arrangements are acceptable subject to visibility splays being maintained which will be secured by condition. Also, the HCC find it reasonable and necessary to acquire a sustainable transport contribution in accordance with the CIL regulations to offset the impact of the development.

It is proposed to have 15 spaces within the site which provides one space for unit and three

additional visitor spaces. Concern has been raised that insufficient parking provision has been provided however having regard for the nature of the dwellings together with the location of the site close to the town centre and within easy walking distance from shops, schools and public amenities, it is considered that the parking provision is acceptable and in accordance with the maximum standard set out in appendix 5 of the local plan.

Provision is made for cycle storage within the scheme which is supported and accords with appendix 5 of the local plan.

Concern has been raised by the neighbouring school regarding the construction of the site and it is noted that the applicants have been liaising directly with the school, however it is also considered reasonable and necessary (having regard to the recommendations of the Highway Authority) to impose a condition requiring a construction management plan in accordance with policy CS8 of the adopted Core Strategy.

Impact on Neighbours

The plans have been amended and now removes the additional 'Coach House' building which previously was abutting the boundary with 2 Curtis Way and 15 High Street. Concern was raised that this element resulted in a harmful impact to the neighbouring properties. The scheme is now subject of a further 14 days consultation period.

The application site abuts 2 and 4 Curtis Way and is adjacent to number 15 High Street.

2 Curtis Way is orientated at an angle to the site and has a tri-angular shaped garden which its boundary runs along the length of the rear of the application site. It is considered that since the removal of the Coach House, the development results in improved amenity for number 2 Curtis Way, which has been subject to noise and nuisance issues as a result of the former use. The existing buildings nearest number 2 Curtis Way are to be demolished which will result in a more open aspect from the property. The flank elevation of the development will extend out 4m beyond the corner of number 2 however due to the orientation of the site, and the separation distance of over 13m, it is not considered to appear unduly overbearing. A window on the flank elevation appears on the plans however following discussions with the residents of number 2, it is considered that this window would be removed from the scheme and instead be a blind window. A condition will be imposed requiring the removal of the first floor window of the flank elevation. All other first floor windows of the development are located in excess of 23m from the rear windows of number 2 Curtis Way and as such, no objection is therefore raised in terms of adequate privacy.

In terms of 4 Curtis Way, the proposals are not considered to result in any significant harm to this property in terms of privacy, loss of light or overbearing impact.

Number 15 High Street is located next to 13 High Street which is to be converted to a residential unit. The existing boundary wall is to be retained. This wall is significantly higher when viewed from the rear garden of number 15 due to the difference in levels. As a result of the demolition of the work house to the rear there will be an improvement to the aspect from the upper floor windows of number 15 as they currently look down upon an iron roof. Concerns were raised in relation to the impact of the Coach House building to number 15 and this element has subsequently been removed from the application. No other significant harm is considered to result to number 15 as a result of the development proposals.

Sustainability

A sustainability Statement has been prepared which sets out the sustainability objectives of the scheme in line with adopted policy CS29 of the Core Strategy. The objectives of this policy are met and no objection is raised.

Loss of Employment Land and retail

The three shops (9, 11 and 13) are located outside of the protected primary retail frontage and there is no policy presumption in favour of their retention. No objection is therefore raised to the conversion of the three units to two residential units. Similarly, the employment use of the site is not restricted and no objection is raised for the redevelopment for residential accommodation, indeed it is considered that the redevelopment of the site will result in an overall more neighbourly use for the adjoining residents.

Quality of accommodation

All of the residential units are arranged in a convenient layout and provide good quality accommodation for affordable housing. The site had been designed to allow for the larger houses to contain their own private amenity space. The amended plans provide for private amenity space located to the rear of the each of the dwellings and communal space for the flatted development. It is considered that sufficient private amenity space has been provided for the small residential homes in accordance with appendix 3 of the local plan. Nevertheless in order to protect this amenity space provision it is recommended that permitted development rights for extensions (Class A) and outbuildings (Class E) are removed for the three houses in the scheme.

Refuse

The amended plans show provision for a communal bin storage facility contained adjacent to the car parking provision. This is located within 25m from the Highway and as such it is considered to be acceptable in terms of capacity, siting and design.

S106 Heads of Terms

Transfer of site to a Registered Social Landlord to bring forward affordable housing provision in association with the requirements of redevelopment site at Berkhamsted Police Station.

- Primary Education £5,223
- Secondary Education £2,865
- Libraries £938
- Sustainable Transport £5,125

Contamination

No comments from the contamination land officer have been received. However, due to the existing use of the site, it is considered that it is reasonable to require a further contamination assessment and remediation works if necessary. The standard contamination conditions will be therefore imposed.

Also the Environment Agency have requested a condition to ensure protection of the water environment, including groundwater as the site is located on a Principal Aquifer. This condition is in line with policy CS31: Water Management of the Core Strategy, and the National Planning Policy Framework (NPPF).

Archaeology

The site is located within an area of archaeological significance and occupies a prominent position at the eastern edge of the medieval core of Berkhamsted. In light of the above, it is believed that below ground heritage assets with archaeological interest, relating to later

medieval to post-medieval occupation, to be present within the proposed development site. It is likely that some truncation of archaeological features has been caused by later use of the site. However, deeper features, particularly wells, cess or rubbish pits, are likely to survive, and provide a valuable insight into the development of Berkhamsted through time. Therefore, it is considered both reasonable and necessary that a condition is imposed requiring the investigation and preservation if required of any archaeological findings in accordance with policy CS27 of the adopted Core Strategy.

RECOMMENDATIONS

The recommendation is to delegate the decision to the Group Manager of Development Management & Planning (or nominated substitute) with a view to approval subject to the completion of the Section 106 agreement in accordance with the details referenced above and the conditions listed.

- 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 Notwithstanding the details shown on plan ref:2724.p.316 Rev C, there shall not be a glazed window on the first floor of the flank elevation abutting the access. This window shall be a blind window. Details of the blind window shall be submitted and agreed in accordance with condition 3.**

Reason: To avoid harm to the adjoining neighbours by virtue of perceived overlooking in accordance with policy CS12 of the adopted Core Strategy.

- 3 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. Specific details of the following shall be submitted and development shall be carried out in accordance with the approved details:**

- **sample panels of brickwork constructed on site for approval (to include details of mortar colour and jointing);**
- **Details of the shop fronts and entrances onto High Street, including details of stall risers, pilasters, fascia's and cornices;**
- **Detailed scaled drawing of joinery;**
- **Details of windows heads and cills;**
- **Metal rainwater goods;**
- **Details of all chimneys;**
- **Details of any balconies;**
- **Details of rooflights;**
- **Details of fanlight and details above entrance doors;**

- **Details of the blind window on the first floor of the flank elevation abutting the access.**Reason: In the interests of the visual amenities of the Conservation Area in accordance with policy CS12 and CS27 of the adopted Core Strategy.

4 **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;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- External lighting.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with policy CS12 and CS27 of the adopted Core Strategy.

5 **Prior to the commencement of any works a Construction Management Plan 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;
- wheel cleaning facilities associated with the proposal;
- A scheme for construction methodology including 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.

The scheme shall be implemented in accordance with the agreed Construction Management Plan.

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.

6 **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 in accordance with policy CS8 of the adopted Core Strategy and policy 58 of the local plan.

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

(a) Site Characterisation

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

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

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

(b) Submission of Remediation Scheme

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

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its

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

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

(d) Reporting of Unexpected Contamination

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

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

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

INFORMATIVE:

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

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

8 **No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:**

1. **The programme and methodology of site investigation and recording**
2. **The programme for post investigation assessment**
3. **Provision to be made for analysis of the site investigation and recording**
4. **Provision to be made for publication and dissemination of the analysis and records of the site investigation**
5. **Provision to be made for archive deposition of the analysis and records of the site investigation**
6. **Nomination of a competent person or persons/organisation to**

undertake the works set out within the Written Scheme of Investigation.

Reason: In order to ensure investigation and preservation of archaeological findings in accordance with policy CS27 of the adopted Core Strategy.

9

i) Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 8.

ii) 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 approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In order to ensure investigation and preservation of archaeological findings in accordance with policy CS27 of the adopted Core Strategy.

10 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out to 9, 11 and 13 High Street, Berkhamsted**

Schedule 2, Part 1, Class A and E.

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with policy CS12 of the adopted Core Strategy.

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

**2724.P.310 Rev B
2724.P.311 Rev C
2724.P.312 Rev C
2724.P.313 Rev C
2724.P.314 Rev c
2724.P.315 Rev D
2724.P.316 Rev C
2724.P.317 Rev E
2724.P.319 Rev A**

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

INFORMATIVES AND NOTES

Notes 1 - 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.

Note 2: Environment Agency

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SuDS, which encourages infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

You should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, you should contact us for advice at an early stage to avoid any delays. We recommend you should

- Position statement on the Definition of Waste: Development Industry Code of Practice
- Follow the risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination', when dealing with land affected by contamination.
- Refer to our 'Guiding Principles for land contamination' for the type of information that we require in order to assess risks to controlled waters from the site.

Note 3 - Ecology

Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from one of the following: a bat consultant, the UK Bat Helpline: 0845 1300228, Natural England: 0845 6014523, or the Herts & Middlesex Bat Group website: www.hmbg.org.uk

5.02

4/03286/14/MFA - DEMOLITION OF FORMER POLICE STATION AND LIBRARY AND CONSTRUCTION OF REPLACEMENT LIBRARY AND TWENTY THREE RETIREMENT APARTMENTS

FORMER BERKHAMSTED POLICE STATION AND LIBRARY, CORNER OF HIGH STREET AND KINGS ROAD, BERKHAMSTED, HP4

APPLICANT: Beechcroft Developments

[Case Officer - Joan Reid]

The application is recommended for approval. The principle of development is considered acceptable in accordance with policies CS4, CS17 and CS23 of the adopted Core Strategy. The principle of new dwellings located within the town centre is acceptable and supported. The existing library is to be retained in size and relocated to provide a more accessible facility on the High Street. There would not be an adverse impact to neighbouring properties as a result of the proposals and satisfactory parking is provided on site. The access to the development would not compromise highway safety and the site would be enhanced by additional planting and landscaping. The design and form of the development would not adversely impact the character of the area and would enhance the character and setting of the conservation area. Adequate provision is made for private amenity space and parking to serve the proposed mixed use development and provision for storage of waste is considered satisfactory. Provision has been made to retain and conserve any Archaeological findings. The proposals therefore accord with the NPPF, policies CS1, CS4, CS8, CS10, CS11, CS12, CS17, CS18, CS19, CS23, CS27, CS29, CS31 and CS35 of the adopted Core Strategy and saved policies 58, 111 and 120 of the local plan.

Site Description

The application site extends to approximately 0.23ha and comprises the former police station on the corner plot between the High Street and Kings Road together with the Berkhamsted Library which is situated along Kings Road. The application site is located within Berkhamsted Town Centre, Berkhamsted Conservation Area and an area of Archaeological Importance. The existing police station which has been vacant for some time is considered to be of poor architectural quality and is considered to be a poor asset within the Conservation Area. Access to the site is from Kings Road. The High Street lies directly to the north of the site and Kings Road to the west along with residential properties to the south. Further residential properties lie to the west on the other side of the Kings Road and to the east the site give way to the rear of the commercial/retail properties along the High Street together with some upper floor residential apartments.

Proposal

The application seeks planning permission for demolition of existing buildings and redevelopment of the site to comprise:

- new library;
- 23 retirement flats (21 x2 bedroom apartments and 2 x 3 bedroom cottages for people aged 55 and over);
- 30 car parking spaces;
- associated landscaping

The application is linked to another planning application at corner of High Street/Swing Gate for 12 new residential units which are to fulfil the affordable housing provision in lieu of the police station site. The implementation of this application is proposed in two phases: phase

one is for the demolition of the existing police station and redevelopment of the site to provide the new library which extends to 180sq.m and fronts onto the High Street, together with phase 1 of the residential accommodation. Phase 2 proposes the demolition of the existing library once the new library is operational and redevelopment of this site to provide the second phase of residential units. The residential accommodation is provided in a mix of buildings: 10 units are contained within the buildings which wrap around the High Street and Kings Road and a further 6 units are accommodated within the distinct building located on Kings Road. Two separate buildings are proposed within the site comprising a 'wharf' style building containing 5 apartments and a pair of 'cottage' style dwellings.

It is proposed to have two accesses serving the development, one located where the existing police station access is to serve the library and adjacent residential apartments (17 car parking spaces), the other is located adjacent to 8 Kings Road and this will serve the remaining residential units (13 spaces). Communal amenity space is provided for the residents within the site.

Referral to Committee

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

Planning History

4/01043/02/FUL	REPLACEMENT ROOFTOP ANTENNAE AND ASSOCIATED EQUIPMENT Granted 27/07/2002
4/01422/95/4	NEW GLAZED ENTRANCE SCREEN AND DOORS Granted 17/01/1996

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS3 - Managing Selected Development Sites
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS9 - Management of Roads
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
CS23 - Social Infrastructure
CS27 - Quality of the Historic Environment

CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS30 - Sustainability Offset Fund
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 58, 120
Appendices 3 and 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Planning Obligations (April 2011)
Affordable Housing (Jan 2013)

Summary of Representations

Berkhamsted Town Council

Further comments to amended plans

Object.

We note the changes to the previously submitted application with respect of the removed dormers on the western elevation and alterations to the parking and servicing arrangements.

Unfortunately these amendments do not address our continuing objections with respect to the following issues.

Height, Bulk and Scale. One consideration in the design brief was the relationship of the buildings on Upper Kings Road to the listed building on the Western Side namely that “the scale of new buildings not to overwhelm the existing listed building opposite”.

Contrary to the developer’s assertions this remains an issue to which we object. The new building would completely dominate this corner plot and overshadow the Grade II Listed Building on the opposite side of Kings Road (Barclays Bank). At present this junction consists of 2 and 3 storey buildings.

Whereas existing properties along Kings Road work with the transition of the levels along Kings Road towards the High Street, those of this proposed development reverse this pattern.

We are also concerned that the bulk and mass as proposed will prove to be visually overwhelming when the buildings along Kings Road are viewed from the traffic lights at Lower Kings Road.

As proposed, the buildings would also be disproportionate for the location, which is a landmark site, and would dominate and detract from the historic Town Hall, which should be the main focal point in this area.

We note that justification for the height is made with respect to several buildings in the High Street which are higher than that proposed. Such comparison is erroneous as the buildings cited are deemed in the Conservation Area Character Appraisal (p81) to be inappropriate by

virtue of their height, bulk and scale, and detract from the Conservation Area

The developers quote Saved Local Plan Policy 111 in support of the height of the proposed building. This refers to circumstances where buildings up to 3 storeys (not 3.5/4.0) might be acceptable namely that "Such higher buildings will be expected to make a positive contribution to the townscape of their area. In all case special regard will be paid to the effect of site levels on the resultant appearance and visual impact of the proposal. This proposal fails on all these counts.

Nor for the same reasons as those cited above does the proposal comply with Saved Local Plan Policy 120 which states in (c) that the scheme should be "be of a scale and proportion which is sympathetic to the scale, form, height and overall character of the surrounding buildings".

In addition to lowering the roof height further, we would suggest that a lowering of the proposed tower, so as to incorporate it within the roofscape, might be considered, to be consistent with the tower in the Town Hall.

Car Parking. We continue to object to the loss of car parking space at the library - whereas two spaces will continue to be provided for disabled persons, the current allocation of 5 spaces for staff and 8 further public spaces will be reduced to 2 spaces for staff and 2 for visitors to the library respectively. This reduction of 9 parking spaces will put even more pressure on the already over-stretched public and on-street parking in the area.

We cannot accept the proposition by HCC that such a reduction in car parking is justified because accessibility to the library from the High Street will be greater than it is from its current position in Kings Road; *the difference will be negligible.*

Access and Servicing Arrangements. We continue to be concerned about issues associated with access, turning and manoeuvrability of vehicles for, say doctors visits, visitors, emergency vehicles, service providers, waste collection and deliveries to the apartments; and the lack of adequate space for bin storage and electric buggies.

Overall, this development continues to represents an attempt to squash a quart into a pint pot, and as such it equates to a gross overdevelopment of the site, which by virtue of its dominance will detract from the Conservation Area in this critical location at the heart of Berkhamsted.

Contrary to Core Strategy Policies CS 11, CS 12, CS 13, and CS 27 and Saved Local Plan Policies 119 and 120.

Original Comments

It was resolved to suspend Standing Orders to allow Mr White, a local resident, to speak about the application.

Mr White asked about proposals for relocating the Library into the proposed development. It was confirmed that proposals are for the Library to be of a similar size as the current library and occupy a ground floor site with an entrance on the High Street.

The meeting was reconvened.

Object.

The height, bulk and scale of the proposed northern elevation of this development are excessive in this corner plot location.

Whereas existing properties along Kings Road work with the transition of the levels along

Kings Road towards the High Street, those of this proposed development reverse this pattern.

The new building would completely dominate this corner plot and overshadow the Grade II Listed Building on the opposite side of Kings Road (Barclays Bank). At present this junction consists of 2 and 3 storey buildings.

As proposed the buildings would be disproportionate for the location, which is a landmark site, and would dominate and detract from the historic Town Hall, which should be the main focal point in this area.

We would not want the proposed building to become the dominant building in the High Street or this part of the Conservation Area. Nor would we want the proposed development to become the benchmark for scale of buildings.

In addition to lowering the roof height further, we would suggest that a lowering of the proposed tower, so as to incorporate it within the roofscape, might be considered, to be consistent with the tower in the Town Hall.

We would suggest that gables are more appropriate on the new dwellings which replace the library along Kings Road, rather than the hipped ended roofs as proposed.

We are concerned that the new building encroaches too far into the existing pavement along the High Street by the traffic lights and would seek reassurances as to the sufficiency of the remaining pavement in what is a busy pedestrian and road crossing route.

We object to limited amenity space for residents, the absence of parking for visitors and service providers to the apartments and the absence of space for storage of buggies.

We object to the loss of parking provision for staff and visitors to the library. Whereas two spaces will continue to be provided for disabled persons, the current allocation of 5 spaces for staff and 8 further public spaces will be reduced to 2 spaces for staff and 2 for visitors to the library respectively. This reduction of 9 parking spaces will put even more pressure on the already over-stretched public and on-street parking in the area.

We are concerned about the impact of the bin collection on the traffic flow on Kings Road given the proximity of the exit to the traffic lights, and on the egress of residents turning towards the High Street.

Overall, this development represents an attempt to squash a quart into a pint pot, and as such it equates to a gross overdevelopment of the site, which by virtue of its dominance will detract from the Conservation Area in this critical location at the heart of Berkhamsted.

Contrary to Core Strategy Policies CS 11, CS 12, CS 13, and CS 27 and Saved Local Plan Policies 119 and 120.

Conservation and Design

This site is in the heart of Berkhamsted Conservation Area and forms a pivotal focal point on the cross roads in the town centre. It is highly prominent from many public views and any development would impact the setting of Barclays Bank and the former Town Hall which are both Grade II Listed Buildings.

I have no objection in principle to the redevelopment of this site since both the Police Station and Library are identified in the Berkhamsted Conservation Area Appraisal as 'Negative sites and buildings', hence their enhancement is positively encouraged via redevelopment or sympathetic alteration of the appearance of the existing buildings.

The proposal has been subject to extensive negotiations with officers including myself. Whilst I have maintained that redevelopment is acceptable in principle, I have always expressed concern regarding the scale and massing of the development proposed on Kings Road since I consider that this would be excessive given the domestic scale of built form on the opposite side of the road. I have discussed this concern with the developer and his team and following public consultation they have reduced the height of the proposal by a limited amount whilst still maintaining accommodation within the roof.

My other concern regarding the Kings Road elevation is the use of dormer windows within the roofspace since the existing buildings within this part of Kings Road are predominantly uncluttered.

Hence ideally the design of this proposal would have reduced the height of the terrace fronting Kings Road to a greater amount and removed the dormer windows from the 'Victorian' villas. This in my view would also have assisted in stepping down the built form and allowing it to follow the slope and gradient of Kings Road as well as helping with a transition between existing Victorian terraces along Kings Road and the proposed focal corner building. However I have been advised by the applicant that this is economically unviable due to the loss of units.

On balance should you be minded to approve this development proposal please would you condition the following:

- All materials to be submitted and approved; sample panels of brickwork constructed on site for approval (to include details of mortar colour and jointing) ;Detailed scaled drawings of the shop front, including details of stone work pilasters, fascia and cornice; Detailed scaled drawing of joinery. All windows to High Street and Kings Road to be to be sliding sash unless otherwise agreed; Detailed scaled drawings of all stonework including the corner tower; Details of windows for warehouse block at rear. These are to be metal and of a traditional warehouse form and appearance; Metal rainwater goods; Details of all boundary treatment; Details of decorative infill panels above windows and below brick window heads; Details of all chimneys; Details of all balconies; Details of rooflights; Details of fanlight and details above entrance doors; Details of lighting; Details of glazed top to warehouse building ; Details of entrance gates; Hard and soft landscaping; Signage for shop units/library

In conclusion I consider that the proposal has a lot of positive aspects but the issue of the height of the buildings remains a concern. I acknowledge however that the height of the buildings has been reduced and there is a fine balance between what is acceptable and what causes the scheme to fail.

Hertfordshire Highways

Additional comments on amended plans

Comments from the Highway Authority regarding the amended details.

- A bin store and waste collection area within 25m of the gate. It is not clear from the plans but I assume this is the space marked "Bin Collection Area" within parking space 8 (M). The initial plans showed a secondary bin storage in the south-eastern corner of the site, which was beyond MfS guidance distance for collection. I assume that the Manager will move the bins to this space on collection day. This should be covered in the Delivery and Servicing Plan.
- Relocation of the gates into the site to achieve a 10.0m clearance of the front edge of the building allowing the refuse vehicle to be clear of the highway/pavement when reversed into the site. 10m is considered an acceptable clearance for refuse vehicles without overhanging the highway / footway. The Delivery and Servicing Plan should cover how vehicle movements in and out of the site will be managed during refuse collection.
- Resized all the parallel parking so these are all now 2.0 x 6.0m. This is consistent with the minimum dimensions and is appropriate.

- Increased the width of all car parking spaces adjacent to walls to make access easier. This revised layout is considered to be acceptable. As indicated on Drawing 2724.P.253 Rev F, a Standard Estate Car can be accommodated.
- Vehicle tracking information has been added onto our site plan to show that there is sufficient room for the library lorry to manoeuvre within the site. Drawing 2724.P.253 Rev F indicates that a 7.5t Box Van can access the Drop off / Pick up area for servicing without encroaching on other parking spaces or the buildings. However it will still block a number of library parking spaces for an indeterminate period of time. As a result, how the servicing area is utilised (so that it doesn't unnecessarily block other vehicles) would need to be covered in the Delivery and Servicing Plan.

Original comments

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

SHC 02: Prior to the commencement of the development hereby permitted full details (in the form of scaled plans and / or written specifications) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following: i) Parking provision and layout in accordance with adopted standard; ii) Loading areas for delivery and servicing vehicles; and iii) Turning areas for delivery and standard vehicles.

SHC 15: No part of the proposed structure (to include fascia board / rainwater goods and guttering) shall overhang or encroach upon highway land and no gate / door / ground floor window if installed shall open outwards over the highway.

Reason: In the interests of highway safety.

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 24: No works shall commence on site until a scheme for the parking of cycles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport.

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: Development shall not commence until a Delivery and Servicing Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority) to illustrate how deliveries and servicing of the development will be managed and coordinated to minimise the impact on the local highway network and ensure that visitors and staff to the Library can access parking spaces without unnecessary delay.

Reason: In the interests of highway safety.

SHC 43: No works shall commence on site until a Car Parking Management Plan for the proposed development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority) to illustrate that a standard size vehicle can gain access to all of the proposed car parking spaces at all times, and how the use and occupation of the car parking spaces will be managed to ensure they are utilised by the designated land use.

Reason: In the interests of highway safety.

SHC 44: 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 a new Berkhamsted Library and 23 retirement apartments. The proposed site is within the Dacorum Borough Council (DBC).

The site is located on the corner of High Street and Kings Road in Berkhamsted and is currently occupied by the former Berkhamsted Police Station and the Berkhamsted Library. The retirement units comprise 21 x 2-bedroom apartments and 2 x 3-bedroom cottages. The proposed development involves the demolition of the existing library building and the construction of a new library on the ground floor (replacing the existing Police Station building) with frontage on High Street and Kings Road.

This application is linked with the separate application to redevelop the site at the junction of High Street and Swing Gate Lane. The Swing Gate Lane site will provide the affordable housing provision generated by the redevelopment of High Street / Kings Road site. As a result, this type of development would not be considered appropriate without the off-site provision of the affordable housing.

High Street (A4251) and Kings Road (A416) are both Principal Road – Main Distributors. The High Street (from St John's Well Lane to Three Close Lane) is subject to a 20mph speed limit, while Kings Road is subject to a 30mph speed limit. 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 are a number of proposed schemes that are considered relevant to the proposed development including:

- Scheme 01 – Improve operation of High Street / Kings Road Junction
- Scheme 05 – Traffic Calming and Extension of 20mph zone on the High Street, Berkhamsted
- Scheme 14 – Cycle Parking in Tring and Berkhamsted. Identifies replacement of existing wooden cycle rack on High Street outside proposed development site with 2 x cycle hoop stands

The Schemes proposed within the UTP are likely to improve the accessibility of the proposed development site and mitigate the impact on the local highway network. As a result, a contribution towards the schemes identified within the UTP will be required. Analysis A Transport Statement (TS) prepared by Dermot McCaffery was submitted with the application. Based on the proposed 23 units, this level of assessment is consistent with the Roads in Hertfordshire Design Guide 3rd Edition (RiH). Trip Generation and Distribution Existing Trip Generation The TS argues that the existing police station is similar to a normal office accommodation in terms of the trip generation. The TS assesses the existing police station building using the trip generation rates in TRICS for an employment office to provide a comparison with the proposed retirement housing. This is considered to be a reasonable approach as an office is likely to generate a higher number of trips during the AM and PM Peak hours. Therefore this is likely to represent a worst-case scenario in terms of the impact on the local highway network during peak times. However it is noted that, due to the shift nature of Police work, the station is likely to have generated vehicles trips throughout the day. The trip generation rates for an existing office building with a gross floor area of 1215m² would generate 20 two-way trips in the AM Peak, 17 two-way trips in the PM Peak, and 131 daily two-way trips.

A trip generation assessment has not been undertaken for the library as it will be replaced on a similar basis to the existing building. This is considered to be acceptable. Proposed Trip Generation The TS argues that the proposed retirement apartments are similar to sheltered housing category in the TRICS database. It is noted that there is a retirement flats category in the TRICS database. However, as the proposed development is likely to be for active elderly (i.e. the residents are likely to generate a higher number of trips during the day than a retirement village, but fewer trips than normal residential units), the sheltered housing category is considered to be appropriate.

The proposed 23 retirement apartments are predicted to generate 6 two-way trips during the AM Peak, 4 two-way trips during the PM Peak, and a total of 54 two-way trips over the entire day. Therefore, the existing uses of the site are likely to generate a higher level of vehicle trips than the proposed retirement housing, even taking into account the off-peak trips generated by the Police Station. Impact on Highway Network High Street / Kings Road Signalised Junction Queued vehicles are commonplace at the High Street / Kings Road signalised junction during the AM and PM Peak periods. Queued vehicles can often extend along Kings Road and across the existing accesses to the site. This can often cause delays to vehicles wanting to turn right into / out of the existing site.

The proposed development removes one of the existing accesses and is likely to reduce the number traffic movements into and out of site from Kings Road during peak periods. This is likely to improve vehicle access to the site, and reduce congestion of Kings Road during peak periods.

Scheme 01 within the Tring, Northchurch and Berkhamsted UTP proposes the following improvements to the junction:

- Update the existing MOVA signal timings to reflect current traffic conditions. Less congestion would then occur at the junction, with priority given to higher demand.
- Investigate the feasibility of implementing 4.0m Advanced Stop Lines (ASLs) on all approaches at the High Street / Kings Road Junction to increase priority for cyclists at the junction and improve conspicuousness. This Scheme is likely to benefit the proposed development in terms of improved accessibility for vehicles and cyclists. As a result, a financial contribution towards Scheme 01 will be required.

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. Highway Layout Vehicle Access The Police Station and Library are currently served via three vehicle access points off Kings Road:

- Access 1 (closest to the High Street junction) providing vehicle access to the rear of the Police Station;
- Access 2 providing access to the visitor parking for the Library; and
- Access 3 providing servicing and access to staff parking at the rear of the Library.

Access 1 and Access 2 will be combined to provide a 4.8m carriageway with a separate footway on the northern side of the site access. It will be gated, with gates set back 10m from the Kings Road carriageway. This will provide access to the Library staff and visitor parking (including disabled parking) as well as some of the parking for the retirement units. This will also be the main access point for servicing and delivery (refer to section below).

Access 3 will be widened to provide a 4.1m wide carriageway for the first 10m into the site from Kings Road. Thereafter the access width will reduce to 3.5m. This will also be gated and will provide access to parking for the retirement units.

As Kings Road 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 TS states that the new buildings will be set back between from the edge of the Kings Road carriageway to ensure suitable visibility can be achieved for drivers emerging from the proposed vehicle accesses. The visibility of the proposed vehicle accesses is considered to be appropriate but will need to be secured via a condition. Servicing and Delivery The TS states that the refuse collection arrangements have been designed to comply with the Waste Management Officer's stipulations.

The applicant proposes to operate a managed development so that bins are taken to the collection point on collection days and then returned to the refuse storage points. Therefore residents are not required to move bins from the storage area and the maximum carry distances in Manual for Streets for residents are not applicable.

The Waste Management Officer stated that the refuse vehicle does not require entry into the development. As a result, the vehicle will reverse up to the gates at the main Kings Road access. This will require the vehicle to stop and reverse manoeuvre within the highway on Kings Road. Since refuse collection is not an everyday occurrence and is normally carried out outside the peak traffic periods, this is unlikely to have a major impact on the safety and operation of Kings Road.

Refuse vehicles will be required to wait outside the proposed gates at the main access. Based on the swept path analysis, a refuse vehicle parked at the gates will overhang onto highway land and potentially the carriageway on Kings Road. The refuse vehicle is likely to be

stationary for an extended period of time and would obstruct pedestrians (who would be forced to walk in the carriageway) and potentially vehicles on Kings Road. As a result, the proposed gates should be relocated further within the property so that a refuse vehicle does not obstruct the flow of pedestrians or vehicles on Kings Road.

Manual for Streets states that refuse vehicles should be able to get to within 25m of the bin storage. The location of the bin storage area adjacent to the proposed Library is within 25m. However the other bin storage area (in the south-eastern corner of the site) is approximately 40m from where the refuse vehicle would be parked at the main access. There is insufficient space for a refuse vehicle to manoeuvre within the secondary vehicle access at the south of the site. As a result, the location of the bin storage areas is not considered to be appropriate and should be revised.

The refuse vehicle will block the main vehicle access whilst collecting the bins. During this time, vehicle access to and from the Library parking spaces (including disabled and visitor parking) will be obstructed. This is likely to cause delays for people travelling to and from the Library.

The TS states that for delivery vehicles there is a turning area provided within the main parking area nearest the Library. The swept path drawing indicates that a large refuse vehicle can be accommodated (although it is noted that a refuse vehicle is not required to enter the property). However this requires the vehicle to track over one of the Library staff parking spaces (there is a discrepancy between the plans and the parking layout indicated on Drawing 2724.P.256A is assumed to be correct). This manoeuvre would not be possible if there was a vehicle parked in the space (which is likely if it is a staff car parking space). When a delivery vehicle is loading / unloading, the Library visitor and staff parking spaces will also not be accessible. This is likely to create delays for people travelling to and from the Library, and may cause unnecessary movements into and out of the site.

The secondary vehicle access will also provide access to the substation located directly to the south of the site. There are no details provided as to what vehicle will be required to gain access to the substation.

Overall, the proposed servicing and delivery arrangements for the development are not appropriate and additional information/clarification is required and will be conditioned. Parking The main vehicle access will lead to a parking area containing 17 parking spaces – six of the spaces are for use by the library (two for staff, two for visitors, and two for disabled users), one space will be allocated to the site manager, and the remaining 10 spaces will be for retirement units. The secondary access to the south of the site will lead to 13 parking spaces. Parking Provision The DBC Parking Standards are set out in Appendix 5 of the Local Plan. The development calculates the required level of parking based on a maximum of 1.5 spaces per unit. However it is unclear which category has been used calculate the maximum parking provision. Elderly persons' accommodation (retirement dwellings) permits a maximum of 1.5 spaces per unit including 0.25 visitor spaces. The TS has previously argued for the purposes of trip generation that the proposed development is similar to sheltered housing, where the maximum parking ratio is 0.75 space per unit including 0.25 visitor spaces.

The proposed 23 parking spaces are allocated for residents at a ratio of 1 space per unit. This may be an over-provision of parking based on how the development is classified within the DBC Parking Standards. There are no visitor parking spaces provided for the proposed retirement units.

The appropriateness of the proposed parking provision will be determined by the DBC and conditioned if necessary. Parking Layout The design and location of some of the parking spaces (particularly those located flush against the walls and boundaries of the site) is not considered to be appropriate without evidence of tracking for a standard vehicle. The length of parking space #14 is approximately 4.4m and appears to have been shortened to avoid overhanging the adjacent parking spaces. The minimum dimensions for a parallel car parking space are 2m x 6m.

There are potential issues related to the management / use of the parking spaces within the development. The main access to the car park will be gated but it is not clear how visitors to the Library will access the visitor parking. Furthermore, the TS does not outline how the car park will be managed to ensure that library visitors do not park in the parking spaces

designated for the retirement units.

Further details related to the management / use of the parking spaces within the development are required and will be conditioned. Cycle Parking The TS states that “secure cycle parking at a ratio of 1 space per unit will be provided within the development and conveniently close to the pedestrian entrances”. The proposed cycle storage for the residents is located in the south-west corner of the site, away from the main pedestrian entrances and only provides space for 16 cycles. This location is not appropriate or convenient, and a condition for a revised plan for cycle parking is required. The minimum number of cycle parking spaces required will need to be determined by the DBC, in accordance with the required car parking spaces.

The proposed cycle parking for the Library is located around the corner from the main entrance and would not be overlooked by staff or visitors. Scheme 14 of the Tring, Northchurch and Berkhamsted UTP proposes the upgrade the existing wooden cycle racks on High Street outside the Library. This is considered to be a more suitable location for the Library cycle parking and a contribution towards the Scheme is required. Accessibility Pedestrian Access Pedestrian access to the former Police Station is provided from the High Street, while pedestrian access to the existing Library is from Kings Road.

The proposed Library will be accessible from the High Street, while pedestrian access to the retirement units will be from Kings Road. There is a separate pedestrian gate at the main vehicle access, but the secondary access will be shared.

Pedestrian facilities along and across High Street are of a high quality. The High Street / Kings Road junction includes signalised pedestrian crossings on each arm. Overall, the accessibility of the development for pedestrians is suitable.

Cycle Access 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.

Public Transport Access The site is located within Berkhamsted town centre with good access to facilities and public transport. Bus stops are located on High Street and the Berkhamsted train station is within 400m walking distance of the site. Travel Plan Based on the proposed level of development (taking into account the proposed 13 units at the related site), a travel plan is not required. Construction The application includes a Demolition Plan of the site.

However this merely shows the existing buildings that are to be demolished.

The site is located on a Principal Road and there is no on-street parking provided within the vicinity of the site. Any construction vehicles parked on the adjacent highway would have a significant impact on the safety and operation of Kings Road. As a result, all vehicles associated with the construction of the development should be parked within the site. This will need to be secured via a condition.

The TS does state if the Library will remain open during the construction and demolition phases. The scale of the demolition is significant and is likely to require a high number of vehicle movements. Due to the proximity of the site to High Street and Kings Road, a Construction Logistics Plan (CLP) is required to manage the movement of construction vehicles to and from the site. The CLP will ensure that the safety and operation of the adjacent highway network is not affected during the construction and demolition phases. 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 £500 for the two-bedroom units and £750 for the three-bedroom units. This equates to a total standard charge of £12,000 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 (HCC) has no objection to the principle of the proposed development, subject to the above conditions.

HCC Planning Obligations Officer

I refer to the above consultation and am writing in respect of planning obligations sought towards education, library and fire and rescue services to minimise the impact of the development on Hertfordshire County Council Services for the local community.

Based on the information to date for the redevelopment of the former police station site consisting of 23 retirement apartments (21 x 2-bed open market flats and 2 x 2-bed open market houses) we would seek financial contributions towards libraries services only, 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, this calculation will need to be reviewed.

Financial Contributions

Libraries	£3,003
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All calculations are based on PUBSEC index 175 and will be subject to indexation.

Provision

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

Trees and Woodlands

No comments received.

Hertfordshire Biological Records Centre

1. We have no existing ecological information associated with this development site or adjacent areas. The buildings are recent - built in the 1970s - essentially flat roofed and the hanging tiles on the mansard roof of the police station buildings all appear in good condition and close fitting. There is little significant vegetation in and around the buildings other than one isolated tree on the corner of the garages behind the police station within this otherwise heavily developed central area of Berkhamsted, providing very limited foraging or flight line resources for bats. Whilst the garage structure may have perhaps the most potential for bats, this building is also flat roofed with little other features likely to be of significance for bats. The few existing records of bats within the urban area of Berkhamsted are associated with older buildings with greater adjacent vegetation of some form.

2. On this basis I consider that the site is highly unlikely to provide good opportunities for bats. Consequently I advise that the LPA can proceed with determination without requiring any bat survey of the buildings. However, bats or their roosts could be discovered unexpectedly and being fully protected I advise that an Informative is attached to any permission to the effect that:

If bats or any evidence for them are found, all works must stop immediately and advice sought as to how to proceed from one of the following: A bat consultant; The UK Bat Helpline: 0845 1300 228; Natural England: 0845 6014523 or Herts & Middlesex Bat Group: www.hmbg.org.uk

Environmental Health

No comments.

Archaeology comments

Further to our earlier correspondence, I have now received the report detailing the findings of the archaeological trial trench evaluation undertaken on the proposed development site. The investigation identified a substantial number of cut features containing a mixture of domestic rubbish, industrial waste and humic material (probably cess). These features were all dated to between the 12th and 15th centuries from pottery they contain, and are typical features of medieval urban settlement. Although partially truncated the survival of these features also indicates that elements, particularly cellars, of the medieval/post-medieval structures fronting the High Street are likely to survive beneath the current Police Station.

I believe that the position and details of the proposed development are such, that it should be regarded as likely to have an impact on significant below ground heritage assets, and that this impact should be mitigated in line with P141 of the National Planning Policy Framework (NPPF). I recommend, therefore, that the following provisions be made, should you be minded to grant consent:

- 1 the archaeological field evaluation/excavation via a process of 'strip, map and record' to the archaeological horizon, of the proposed building footprints, and the archaeological monitoring of removal of the existing slab, and any other areas which will be the subject of significant ground disturbance, e.g. drainage, services, access, parking and landscaping
- 2 the archaeological investigation of any remains encountered during this process, and a contingency for the preservation of any remains in situ, if warranted.
- 3 the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive, and if appropriate, a publication of these results.
- 4 such other provisions as may be necessary to protect the archaeological interest of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within National Planning Policy Framework (policies: 135, 141 etc.), and the guidance contained in the Historic Environment Planning Practice Guide.

Secure By Design

Whilst on the basis of information supplied I am content with the application, if I can raise the following points:

The dwellings because they are in a town centre area should be built to the physical security of Secured by Design part 2, which is the police approved minimum security standard. This would involve all entrance doors to dwellings have been tested to BS PAS 24:2012 or STS 202 BR2. Ground level exterior windows to BS Pas 24:2012. All glazing in the exterior doors, and ground floor windows to include laminated glass as one of the panes of glass. Page 36 of the Design and Access Statement (DAS) under 'Physical Protection', says will be specified to

comply with Secure by Design security and performance standards. This could be conditioned.

Condition: The development will achieve the 'Secured by Design' part 2 (physical security), which will be confirmed by Hertfordshire Police on development completion.

Reason: In the interests of the safety, crime prevention and amenity of future occupiers of the development. . National sustained research proves that Secured by Design housing developments suffer at least 50% less burglary, 25% less vehicle crime and 25% less criminal damage.

Gates from roadway to on site vehicle parking and Courtyards: One of the rear parking areas is shown as for use by visitors to the library (plan of basement and ground floor level). How will the residential parking in this area be protected from others (library users, shoppers) parking in their space, and who will police this? The gates that are shown controlling the rear parking from the highway I presume will be electrically operated with access control for when the library is shut?

Lighting in rear courtyards: Will there be appropriate column or bulkhead lighting off a Landlords Meter for the internal courtyard movement spaces and parking areas?

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 – re high quality design
- 58 – re function for the lifetime of the development as well as designing against crime and fear of crime.
- 69 – re 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 policies:

- CS12 – re safe access, layout and security
- CS13 – re pedestrian friendly, shared spaces in appropriate places

Strategic Planning Team

This is a prominent corner site in the heart of Berkhamsted town centre (Policy CS4) and Conservation Area (Policy CS27). The proposal represents an important opportunity to remove less attractive buildings, to enhance this sensitive site, and to secure a better located community facility. We understand that the site has already been subject to local pre-application consultation organised by the applicant.

In principle, we welcome the development particularly in respect of delivering Site Allocations Proposal H/15 which this proposal forms part of. The current application site differs in that it also includes the adjoining County Council library site. We support the more comprehensive approach the applicant has taken to looking at this location and the mix of uses it contains.

The scheme aims to specifically provide for retirement apartments. There is no objection to this in principle as it will meet a particular element of the wider housing market (Policy CS18), will add to the local mix of housing in the town, and is likely to prove to be a growing requirement giving the general trend towards an ageing population.

The planning requirements to H/15 seeks a high quality scheme given its prominent location. It accepts that a high density scheme would be appropriate (a net capacity of 14 is indicated) potentially as part of a mix of other town centre uses. This certainly delivers in terms of density (100 dph), although the capacity has now increased significantly to 23. The latter increase is in part due to the scheme occupying a larger site than that under H/15. Therefore, we would not object in principle to the change in capacity.

The planning requirements encourage exploring a new link into adjoining land as a potential link to Proposal H/16 Civic centre and land r/o High Street. However, we accept that this may not be practical especially not knowing the detailed delivery of the latter. Given all the other potential benefits of the scheme it would not be justified objecting to it based solely on the link not being explored or delivered.

We support the provision of the new library facilities (Policy CS23) alongside the housing. It will be positioned on the frontage to the High Street which will improve its general accessibility for users and provide for an active frontage at ground floor level.

A scheme of this scale would normally need to provide for affordable housing on-site at 35% (Policy CS19). We note that this element is to be secured on a separate site also in the applicant's ownership on c/o High Street / Swing Gate Lane under 4/3271/14. 13 units are to be provided which is in accordance with policy if both sites are taken into account (i.e. of a total of 36 homes (at 36%)). Strategic Planning have provided separate advice on this site and we are generally supportive of the approach.

The design and layout of the proposal will be a key consideration, especially given its sensitive location and height/scale i.e. it reaches a maximum height of 4 storeys. The views of the Design and Conservation team should be sought. In addition, the impact of the building on other buildings, particularly any residential properties (Policy CS12), needs to be carefully assessed.

Berkhamsted town centre falls within accessibility zone 2 and therefore there is greater flexibility to consider lower levels of parking for both the residential and community elements of the scheme (saved Policy 58). The views of the Highway Authority should be sought.

Environment Agency

We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below.

Condition 1 Following demolition, no development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority: 1) A preliminary risk assessment which has identified: - all previous uses, - potential contaminants associated with those uses, - a conceptual model of the site indicating sources, pathways and receptors, - potentially unacceptable risks arising from contamination at the site. 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To protect the water environment, including groundwater. The site is located on a Principal Aquifer, and within a Source Protection Zone 1 which feeds a public water supply. This condition has been recommended as we are satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site.

However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.

Condition 2 No occupation of any part of the permitted development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason

To protect the water environment, including groundwater. The site is located on a Principal Aquifer, and within a Source Protection Zone 1 which feeds a public water supply.

Condition 3 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To protect the water environment, including groundwater. The site is located on a Principal Aquifer, and within a Source Protection Zone 1 which feeds a public water supply.

Condition 4 No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To protect the water environment, including groundwater. The site is located on a Principal Aquifer, and within a Source Protection Zone 1 which feeds a public water supply.

Condition 5 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

To protect the water environment, including groundwater. The site is located on a Principal Aquifer, and within a Source Protection Zone 1 which feeds a public water supply.

Advice for Local Planning Authority

The above conditions are in line with your Local Plan policy CS31: Water Management, and the National Planning Policy Framework (NPPF). Paragraphs 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that

adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

This site is in Flood Zone 1 and is under a hectare. Therefore cell F5 of the consultation matrix of our Flood Risk Standing Advice applies. 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

Hertfordshire Fire and Rescue Service

Unfortunately the plans were not sufficient to enable this Fire Authority to adequately assess the provision for access for the fire service.

This Authority would expect to view drawings with the following provisions for access and water supply:

Access and facilities

1. Access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB), section B5, sub-section 16.
2. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.
3. 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

4. Water supplies should be provided in accordance with BS 9999.
5. 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.
6. For your information the size of the appliances in current use by HFRS are:
Width: 2.5m Length: 8.1m

Height: 3.3m Weight: 17.8 tonnes
Minimum clearance height: 3.7m

The comments made by this Fire Authority do not prejudice any further requirements that may be necessary to comply with the Building Regulations.

Minerals and Waste Policy Team

I am writing in response to the above planning application insofar as it raises issues in connection with minerals or waste matters. Should the Borough Council be mindful of permitting this application, a number of detailed matters should be given careful consideration.

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

Most recently, the Department for Communities and Local Government published its *National Planning Policy for Waste (October 2014)* which sets out the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

7. *the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- *new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- *the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'*

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the borough council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types

of waste removed from the site and where that waste is being taken to. Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or
http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html

SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the Borough Council.

Affinity Water

You should be aware that the site is located within the groundwater Source Protection Zone (SPZ) corresponding to Berkhamsted Pumping Station. This is a public water supply comprising a number of chalk boreholes operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Thames Water

Waste Comments

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

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. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Contaminated Land Officer

The Environmental Health Division has since received the following report submitted in respect of the above application:

- Geo-environmental Site Assessment; Report reference: 26983-R01(00); RSK Environment Limited; April 2014

The report provides a thorough account of the preliminary risk assessment, intrusive investigation and generic quantitative risk assessment undertaken for the site. The initial conceptual site model identified the following potential pollutant linkages for the site (with a risk of moderate or above):

- Potential for future site users to be impacted by potential contaminants within Made

- Ground via direct contact, dermal and ingestion pathways;
- Potential for future vegetation to uptake potential contaminants within Made Ground;
 - Potential for groundwater/surface water to be affected via migration and leaching of potential contamination; and
 - Impact upon water supply pipes by contaminants within the Made Ground.

The intrusive investigation provided good general site coverage and also targeted the location of the former above ground fuel storage tank. Analysis of the soil samples indicated elevated concentrations of Benzo(a)anthracene and Benzo(a)pyrene within the Made Ground at one location (PH05 at 0.5mbgl). Two rounds of ground gas monitoring were undertaken; the associated ground gas risk assessment indicated that no protection measures were required. In terms of recommendations for the proposed development, a 300mm depth of clean, certified topsoil is recommended within the front and back gardens of the two houses, with validation sampling being undertaken of the formation level prior to placement. Whilst, in general, I am in agreement with RSK's recommendation, the current plans do not seem to indicate any houses with private gardens proposed for this site.

In respect of further works, I would advise the incorporation of a 300mm depth of clean, certified topsoil in any proposed areas of communal soft landscaping to ensure that future site users are not able to come into contact with any residual contamination within the soil. Should any private garden areas be incorporated within the development then the previous recommendations by RSK should be applied, if sampling of the formation level indicates elevated contaminant concentrations when compared against appropriate screening levels (generic assessment criteria for a residential end use), then the depth of the cover system will need to be adjusted accordingly so as to be suitably protective. The validation of the imported soils/cover system must be undertaken in line with Dacorum Borough Council guidance (attached). The presence of hard standing and buildings will effectively provide a barrier to any residual non-volatile contaminants within the soils. The ground gas risk assessment has indicated that no protection measures are necessary, to which I am in agreement.

If areas of communal soft landscaping and/or private gardens are proposed, I recommend a condition be applied to the planning permission to ensure that the above recommendations are adhered to.

As recommended by RSK, the developer should be advised to keep a watching brief during ground works on the site for any potentially contaminated material, particularly within the vicinity of the former above ground fuel storage tank and also the unknown buried structure at PH06. Owing to the former use of the site, there is the possibility that underground fuel storage tanks may exist on-site; ground workers should be vigilant for such structures. Should any visual/olfactory evidence of contamination be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

B Hive

Police station and library site

1. Future proofing: We are concerned that the plans do not allow any public access through the former police station and library sites to Dwight's Yard and the Civic Centre. This severely limits the future opportunities to open up the wider site beyond the police station through to Butt's Meadow as proposed in the B-Hive Report in 2013. This is a lost opportunity to provide an attractive open space in the town centre and the additional space for community activities and local business, which the local population, via the B-Hive consultation in 2013, clearly said they wanted to see in Berkhamsted.

2. Public vs private space: The police station was formerly a publicly owned building and the library still is. With the exception of the new library building, there is no other public space or commercial space within this development, which entirely comprises private residential retirement property. Even the library space would be owned by the developer and only leased to the public governing bodies.

3. Too much residential development: We are concerned that this development reduces the High Street in that quarter of the town to a commercial ribbon development with no mixed commercial/public/residential use behind the High Street, as the B-Hive public consultation demonstrated the local community wanted. We do not think there is a need for a further development of this residential type in the centre of Berkhamsted.

4. Green space: The green spaces which have been included in the development will be private and limited to residents when the centre of Berkhamsted is very much in need of additional open space.

5. Sustainability: The sustainability statement does not explain how the development will incorporate renewable sources of energy, aside from the design and layout of rooms to maximise solar gain during the day. Even given the constraints imposed by its location in the conservation area, it should be possible for the development to incorporate sources of alternative energy such as PV or solar thermal panels or a 'living roof' on the internal parts of the building. There should be high levels of insulation, above the minimum requirements, and use of sustainable building materials.

6. Repositioning of the library: We really welcome the inclusion of the library in the plans. The proposals will give the library an improved town centre location and much greater visibility at the centre of Berkhamsted. The space is larger than the existing facility and there is more potential for the space to be used flexibly for community use. It should be available for other community groups to use while maintaining or improving the current library provision in terms of access to books, the children's library, IT/internet provision and opening hours.

7. Shared Space: DBC should consider the opportunity to change the roads surrounding the new development to a shared space concept as set out in the 2013 B-Hive report. This would address the problem of congestion around the crossroads, reduce pollution levels and improve safety for pedestrians and cyclists, prevent overcrowding of pedestrians at the crossing points at busy times and help achieve the 20 mph speed limit in the town centre. This would fit in well with the improvements to the high street appearance and environment that are already planned.

A link to the B-Hive consultation report, which supports many of the points above, can be found here:

<http://transitionberkhamsted.org.uk/wp-content/uploads/B-Hive-Report-Results-of-Town-Consultation-v1.2.pdf>

17 Cobb Road

Whilst it would be difficult to object to the replacement of two of the least attractive buildings in Berkhamsted's town centre, I do have two concerns.

Firstly the proposed development seems very tall. Reference to the height of the rebuilt 195 High Street (Mint Velvet) is unhelpful as this also is an unusually high building and I would suggest that the proposed development will have a darkening effect on the main town centre

crossroads immediately to the north.

My second concern is that of parking provision, especially that the existing number of library spaces be maintained as well as adequate provision for residents and visitors to the flats. The library currently has both the public car park to the north and also the staff car park to the south, a combined provision of at least 13 spaces.

32 The Rex

I will be glad to see the end of the hideous police station. The library move to the high street is a good idea, and architecturally I like the design. My objection is that every new development in Berkhamsted is for retirement flats. What about the rest of us who are under 50? No normal working person can afford property these days - there is a need for affordable housing. All these retirement flats are turning the town into Valley of the Dinosaurs!

60 Billet Lane

23 retirement apartments having 17 parking spaces is too few, as visitors will want to park on site as well, and the town centre parking is inadequate at present anyway, if it proposed that visitors park elsewhere. 6 spaces for the library is too few, and how will they be kept for library users if other people come and park there? It has sometimes been problematic to drive to the town to return library books and find nowhere to park. This situation will get worse under the proposed development. Anything that reduces parking availability in the town centre will have a detrimental effect on the town.

The proposed development of 21 x 2 bed flats and 2 x 3 bed houses, allowing 1 parking space per dwelling, 23, is way too inadequate. Couples in a 2 bed flat are likely to have a car each, and a 3 bed home may have 3 if not 3 car owners. I suggest 46 car parking spaces would be more suitable.

If new residents have to compete for parking on the streets and car parks nearby, they will find these spaces are already inadequate. We need more spaces in the town, not fewer.

31 Shrublands Avenue

I support the scheme overall and replacing the badly designed police station building is positive. I would like to see a really big library with additional shared services including the library service working better with the local school.

3 Chalet Close

1) I have enquired of both Beechcroft and Hunter page as to what defines these apartments as "retirement"; what extra elderly specific facilities or modifications are there that make them suitable only for over 55s. Hunter page, said they are slightly larger than normal and there is a lift; Beechcroft did not reply. This appears to be purely a marketing choice and there appears to be nothing in the design or facilities to differentiate them from any other apartment.

2) No where to store mobility scooters

3) Too little outside space or balcony areas. As people become older and more infirm they need easy access to the outside - Doors opening onto a balcony and a few plants, somewhere to watch the world go by can make a huge difference to the feeling of isolation and well being,

3) Although the core strategy identifies a need for housing for the elderly and this is an ideal location, Berkhamsted has many such facilities - castle village, Pegasus, Churchill, nightingale lodge, Kilfillan House, Callaghan Court, Gilhams court,

the Mandelyns Estate in Northchurch, to name but a few - and at the same time we are short of housing for the non- elderly.

4) As a member of the retired community, I am totally against "old folks Ghettos" - how much better to have mixed occupation, where for instance there is someone next door to change my light bulbs so I don't have to perch on a ladder, and for whom I can babysit etc. a community

that can support each other. Although these apartments are for over 55s - they are likely to end up full of 80 and 90 year olds which would benefit from younger neighbours.

Berkhamsted Citizens Association

The Berkhamsted Citizens Association wishes to **object** to the design of the replacement library and 23 retirement apartments on the corner of High Street and Kings Road, whilst not objecting to the development in principle.

The BCA welcomes the enhancement of the library and community facilities, although the loss of car parking spaces for staff and customers is a negative point. It is disingenuous to assume that a 50% reduction of parking spaces will cater for visiting users when the number of spaces offered at the present site is barely adequate – even when use of the car park is properly limited to library users.

The BCA also wishes to draw attention to the massing issues on the Police Station site brought about by the design of the 23 apartments. Their height and bulk overwhelm the Barclays Bank building on the opposite corner; and also negate the downhill gradient of Kings Road, approaching the crossroads. The BCA would like to see a redesign to reduce the height to fit in with the surrounding buildings at this very significant site in the Berkhamsted Conservation Area.

Considerations

Policy and Principle

The application site is located within the urban area of Berkhamsted on previously developed land which currently accommodates the former police station and library. It is proposed to demolish the existing police station and redevelop the site with phase one comprising a new library and residential flats. The second phase of development comprises the demolition of the existing library once the new facility is operational and redevelopment of this site for the second phase of residential accommodation.

The site is situated within the urban area of Berkhamsted wherein the principle of residential development and social infrastructure is considered acceptable under Policies CS4 and CS23 of the adopted Core Strategy. The existing police station will be lost as a result of the development however policy CS23 of the Core Strategy makes allowance for the loss of social facilities as long as alternative provision has been provided for.

In accordance with policy CS27 of the adopted Core Strategy, the redevelopment of the site will make a positive contribution to the Berkhamsted Conservation Area and enhance its character. In design terms, it is considered the existing buildings have been identified as making a negative contribution to the character of the conservation area. As such, in terms of visual amenity, the redevelopment of the site is welcomed.

Policy CS18 deals with mix of housing and states that new housing will provide a choice of homes. This will comprise: a) a range of housing types, sizes and tenures; b) housing for those with special needs; and c) affordable housing in accordance with policy CS19. The scheme provides for a mix of dwellings which are to be for over 55s population in accordance with Policy CS18. Policy CS19 states that affordable homes will be provided outside of Hemel Hempstead, on sites of a minimum size of 0.16ha or 5 dwellings (and larger). 35% of new dwellings should be affordable. A minimum of 75% of the affordable housing units provided should be for rent. The scheme provides for the provision of off-site affordable housing at Swing Gate Lane Site which is subject of a separate application (4/03271/14/MFA).

The site forms part of site allocations proposal H/15 which identifies the former police station to

be redeveloped for a high quality residential scheme. The site allocations document identifies a net capacity of 14 units for the police station site and requests that any development explores potential links to allocation H/16 through adjoining land (Civic Centre Site).

The key issues in the assessment of this proposal concern the extent to which it optimises the use of land, the likely impact on the street scene and on the character of the conservation area, the impact on the amenities of neighbouring residential occupiers, the provision of affordable housing provision and the acceptability of the proposal in highway terms.

Loss of community facilities

Policy CS23 of the adopted Core Strategy states that existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable. The re-use of a building for an alternative social or community service or facility is preferred. The existing police station can be considered as a community facility which would be lost as a result of the development. The police vacated the site in 2011 when they consolidated their operations across Hertfordshire and this was one of the stations which has closed. The police now operate from the first floor of the main Civic Centre building which is located along the Berkhamsted High Street and thus still maintain a publicly accessible police station. As such it is not considered that there would be a loss of the community facility (police station) as alternative accommodation has been found and has been operational as a police station, albeit smaller, within the town centre for some time.

In terms of the library, it is proposed to relocate the existing library to the ground floor of a new building forming Phase 1 of this development. There will be a small increase in floorspace provided in a new purpose built facility which will have a greater presence fronting onto the High Street and wrapping around onto Kings Road. It is proposed that the existing library will not close until the new facility is constructed and operation to ensure that Berkhamsted would not lose the community facility for any substantial period of time. The phasing of the development is to be controlled by a S106 legal agreement. In accordance with the principles set out in the NPPF and Policy CS23 of the adopted Core Strategy, the redevelopment of the existing library to a modern purpose built facility located on a prominent location within the High Street is welcomed and supported.

Residential Development

The application proposes the erection of 23 high quality apartments arranged in a number of buildings. Phase 1 of the development proposes the erection of 10 apartments located within the buildings which wrap around the High Street and Kings Road. Phase 2 of the development comprises 3 distinct buildings comprising 3 storey buildings along the Kings Road, a wharf style building together with two 3 bedroom cottages.

The Core Strategy states that Berkhamsted will meet its local housing needs and will provide around 1,180 new homes between 2006 and 2031. In principle, therefore the proposal for high quality new homes is welcomed and supported in accordance with policies CS1, CS4 and CS17 of the adopted Core Strategy. The mix of the dwellings is primarily for two bedroom apartments together with two three bedroom units which are intended for be occupied by people over the age of 55. Whilst there is no specific policy requirement for this development to be occupied by over 55s, it is considered that this form of development will meet demand for independent elderly accommodation which is located in a convenient town centre location. The development will provide for good quality accessible housing for people over the age of 55 which in turn is likely to make available larger family homes for occupation within the area. Overall, the scheme is considered to provide good quality and accessible mix of housing stock in accordance with policy CS17.

Impact on Street Scene and Conservation Area

Policy CS12 of the adopted Core Strategy states that development should integrate with streetscape character. Policy CS27 of the adopted Core Strategy states that Development will positively conserve and enhance the appearance and character of conservation areas. Negative features and problems identified in conservation area appraisals will be ameliorated or removed. The former police station is considered to be of poor architectural merit and indeed the existing library is not considered to have any design accomplishment and both are considered to make a negative contribution to the conservation area. The scheme which proposed to redevelop the site is therefore welcomed and supported.

The development varies in height from 1.5m -3.5 storeys and the block on the corner of High Street and Kings Road is 4 storeys to mark the junction creating what is considered a landmark building on the prominent corner position. The height of the building then steps down to 2.5 storeys as you move south along King's Road and the High Street. The scheme has been subject to pre-application discussion with the council and their conservation officer and the advice from the conservation team to lower the buildings has generally been taken. The original concern was that the buildings located along the Kings Road would detract from the setting of the listed building opposite. From pre-application stage, the proposals have been scaled back by reducing the overall heights and refining the buildings and it is considered that there is now a satisfactory relationship. The agents have produced computer generated images comparing the proposal to the surrounding built environment. This demonstrates that the height of the proposed buildings create an emphasis on the junction of the town, however do not create any taller buildings than that evident on the High Street. Indeed, the corner building albeit 4 storeys in heights has been refined in its detailing to avoid appearing bulky and clumsy on the corner.

The development has been designed to break up the buildings by differences in ridge height, roof forms and details. Further amendments have been made to the scheme following advice from the conservation team including removal of the dormer windows along the Kings Road which is supported. The location of the new library along the High Street is intended to have an active frontage and will represent a significant improvement from the existing police station. Two separate buildings are located within the site which have distinct styles; wharf/industrial style building and cottage. These represent backland development within the scheme however this form of development is not uncommon within Berkhamsted Town Centre and these buildings introduce variety and contrast to the design. They are intended to take reference from the historical forms of development within the town.

It is considered that overall, the scheme achieves a good quality redevelopment of the existing buildings which make a negative contribution to the area and will enhance and improve the overall character of the conservation area by providing a well designed quality development which also relocates the library to a more prominent position on the High Street and provides additional housing supply. A condition will be imposed requiring submission of full details of materials in accordance with policy CS12 and CS27 of the Core Strategy.

Impact on Highway Safety and Parking

The application has been accompanied by a Transport Statement and Hertfordshire Highways (HCC) have been consulted on the scheme. The HCC have raised no objection to the proposals subject to the imposition of conditions and payment of financial contributions towards sustainable transport infrastructure.

The TA uses TRICs data based on similar developments which has been studied by the HCC and have considered that a reasonable approach has been taken and consider that the proposed development would not result in significantly greater highway movements than the existing uses. The HCC consider that the removal of one of the existing accesses is likely to

improve vehicle access to the site and reduce congestion of Kings Road during peak periods. In terms of upgrading the existing access, the HCC consider this to be sufficient subject to the imposition of a visibility splay condition. Additional swept path analysis has been submitted demonstrating the following:

- A bin store and waste collection area within 25m of the gate.
- Relocation of the gates into the site to achieve a 10.0m clearance of the front edge of the building allowing the refuse vehicle to be clear of the highway/pavement when reversed into the site. 10m is considered an acceptable clearance for refuse vehicles without overhanging the highway / footway.
- Resized all the parallel parking so these are all now 2.0 x 6.0m. This is consistent with the minimum dimensions and is appropriate.
- Increased the width of all car parking spaces adjacent to walls to make access easier. This revised layout is considered to be acceptable. As indicated on Drawing 2724.P.253 Rev F, a Standard Estate Car can be accommodated.
- Vehicle tracking information has been added onto our site plan to show that there is sufficient room for the library lorry to manoeuvre within the site. Drawing 2724.P.253 Rev F indicates that a 7.5t Box Van can access the Drop off / Pick up area for servicing without encroaching on other parking spaces or the buildings. However it will still block a number of library parking spaces for an indeterminate period of time. As a result, how the servicing area is utilised (so that it doesn't unnecessarily block other vehicles) would need to be covered in the Delivery and Servicing Plan.

The development will utilise the existing access onto Kings Road. The northern access (closest to the High Street junction) will be widened to provide a 4.8m carriageway with a separate footway on the northern side. The access is to be gated with gates set back 10m from Kings Road. The new buildings are to be set back between 2 and 3m from the edge of the Kings Road carriageway to ensure suitable visibility. This access will lead to the central car parking area comprising 17 spaces (6 library spaces and 11 residential spaces). The existing access serving the library is to be closed and the southern access is to be improved to provide a 4.1m wide access to allow for access for the further 13 spaces to serve the remainder of the residential units.

The development provides 23 car parking spaces for the residential units together with 6 car parking spaces for use of the library. The provision of car parking spaces for the residential accommodation is a ratio of one space per unit. Appendix 5 of the local plan sets out maximum car parking standards for dwellings. Whilst the residential accommodation is for people aged 55 or over, it is not sheltered accommodation and as such the parking standards for C3 units will be applied. Within residential zone 2 (Town Centre in Berkhamsted) the adopted SPG "Accessibility Zones for the Designation of Car Parking Standards" allows for a reduced car parking provision equating to 1 space per 2 bedroom unit and 1.5 space for 3 bedroom units. The scheme provides 1 space per unit which is a reduction of 2 spaces overall based on the maximum standards set out in appendix 5. Having regard to the nature of the development for people aged 55 or over together with the location of the site which is in a very sustainable location in the centre of Berkhamsted, it is considered that the car parking provision is acceptable. Objection has been received from Berkhamsted Town Council and others relating to lack of visitor parking however it is considered that sufficient parking provision has been provided. Hertfordshire Highways have recommended that a condition is imposed requiring a car parking management plan and this condition will be imposed to enable the local authority to ensure that the library provision is retained for that use.

Provision of 6 car parking spaces (including 2 for disabled users) is proposed to the library and these are located to the rear of the building access from the entrance off Kings Road. Appendix 5 of the local plans sets out a maximum provision of 1 space per 30sq.m floorspace. The proposed library extends to approximately 180sq.m and as such 6 spaces accords with the maximum standards set out in appendix 5. It is noted that concern has been raised that there would be a loss of car parking spaces currently available at the library however the scheme provides for sufficient parking provision in accordance with adopted policy and no objection is raised on car parking provision. Hertfordshire County Council as the Highway Authority are satisfied that the car parking layout is accessible and functional.

Secure cycle parking at a ratio of 1 space per unit will be provided within the development and this is considered to be in accordance with appendix 5 of the local plan.

In terms of servicing, the county council and cupid green refuse department have both been consulted on the plans. The applicant operates a managed development and as such the bins will be taken to the collection points for refuse collection on the allocated days.

Hertfordshire Highways have recommended that no features such as rainwater goods overhand the pavement and this condition will be imposed. Although separate consent is required from the landowner for any features overhanging the pavement, it is considered in planning terms necessary to impose this condition to ensure that no feature would protrude onto the public highway resulting in an obstruction.

Although Hertfordshire Highway have recommended a servicing plan by condition, the applicants have provided this up front however this has not yet been agreed by the Highway Authority and as such the conditions requiring this condition remains until such time that the plan has been agreed. Any agreement to the plan will be imposed in the addendum report to the committee and conditions amended accordingly.

Affordable Housing Provision

Policy CS19 (Affordable Housing) states that 35% of the new dwellings should be affordable homes. The adopted SPD 'Affordable Housing' states that affordable housing should be provided as part of development proposal on the development site. The application proposes to construct 100% of the residential units at the Police Station/Library Site as market units and accommodate the affordable housing provision off Site at Swing Gate Lane site which is subject of a separate planning application. Provision of 8 residential units are proposed to be affordable at the High Street/Swing Gate Lane site which equates to 35% and this is considered acceptable provision. Paragraph 14.35 of the Core Strategy states that affordable housing should be provided on site, however where this is not feasible, off site provision or a financial contribution will be acceptable instead. The applicants have provided evidence of why they feel that the on-site provision is impracticable including problems within management of affordable accommodation when it is accommodated within scheme for retirement flats. It has been found at appeal at other areas in the country that often affordable housing provision within retirement villages is not ideal and it is considered in this instance, the 35% provision to be located at High Street/Swing Gate Lane would allow the Council to meet affordable housing targets which is unrestricted by age. As both sites are owned by the same developer, the provision of the affordable housing at Swing Gate Lane site will be secured through a carefully worded s106 agreement.

Ecology

The site presently is of very low ecological value and as such no objection is raised in ecological terms. The County Council ecologist has confirmed that there it is very unlikely that any bats or other species would inhabit the site.

Refuse

Concern has been raised from Berkhamsted Town Council that the collection of refuse from Kings Road would result in highway concerns. This has been considered by the HCC and no objection has been raised subject to the imposition of a condition which requires a scheme for refuse management.

Impact on Trees and Landscaping

There are no trees or landscaping of any value presently on the site. The scheme proposes to introduce additional landscaping within the scheme which is considered to generally improve the urban landscape of the site and this is supported. A condition will be imposed requiring specific details of hard and soft landscaping.

Impact on Neighbours

The layout of the development has been designed in order to provide a satisfactory relationship with neighbouring properties. Adequate distances are achieved between the existing residential accommodation and the development in order to ensure that sufficient privacy is maintained. The layout of the scheme is not considered to result in an adverse impact in terms of loss of privacy, light or overbearing impact to any of the surrounding properties in accordance with Policy CS12 of the adopted Core Strategy. In particular, number 8 Kings Road is the nearest residential property abutting the existing library and consideration has been given to how the development would impact this property. A new access is to be created running alongside the boundary with number 8 and therefore the adjacent development would be located in excess of 5m away. There are windows on the side elevation of number 8 however these are not primary habitable windows and no objection is therefore raised in terms of loss of light or visual intrusion. The proposed cottages nearest number 8 have been designed to avoid overlooking by removing any first floor windows on the rear elevation and instead using roof lights to allow for light. In order to ensure that privacy is not lost to number 8 at a future time, a condition removing permitted development rights for extensions and dormer windows will be imposed as the construction of either an extension or dormer window without planning permission could result in overlooking.

In terms of residential flats located to the rear of 179 High Street, it is proposed for habitable windows to be located 21m away from these windows which is below the minimum recommended distance set out in appendix 3 of the local plan, however as these windows are already overlooked by the existing buildings and car park, it is not considered that there would be an adverse impact on privacy over and above the existing situation.

The scheme has been laid out in order to achieve good relationships between buildings in terms of privacy and visual impact. There would be mutual overlooking between the communal residential areas however this is typical for a residential complex and no objection is raised.

Noise

A sound insulation Testing Report has been submitted which tests the suitability of the site for residential accommodation in line with the objectives of the NPPF. The report concludes that subject to some noise mitigation measures (window glazing specification and standard trickle vents) the site is a satisfactory environment for residential accommodation. No objection is raised in terms of the provision for mitigation of noise and the scheme will be subject to building regulations which will require mitigation measures to be in place.

Quality of residential accommodation

Amenity provision - Appendix 3 of the local plan states that all residential development is required to provide private open space for use by residents. Communal gardens are provided for the flats located along the High Street and Kings Road. Whilst, the level of private amenity space is low across the development, in this case whereby the development is to be occupied by people over 55s, it is considered that the level of communal garden accommodation is adequate within the Town Centre location.

Sustainability

The application is supported by a sustainability statement which sets out how the development will accord with the objectives of policy CS29 of the adopted Core Strategy. The statement specifies how the scheme achieves the objectives including recycling of materials, waste management, energy consumption measures and so on. It is considered that the scheme will adhere to the aims of policy CS29 and no objection is raised.

Ground Water Contamination and Flood Risk

The Environment Agency have been consulted on the development and have raised no objection however they have requested that a number of conditions are imposed relating to ground water contamination. The standard conditions proposed by the Environment Agency will be imposed in line with adopted policy CS31 of the Core Strategy (Water Management).

Archaeology

Policy CS27 of the adopted Core Strategy states that features of known or potential archaeological interest will be surveyed, recorded and wherever possible retained. An archaeological statement has been submitted which identified the potential for archaeological remains on the site dating back to the medieval period and would not dismiss whether the more recently constructed police station damaged the survival of potential archaeological remains. As such further investigation was requested by the County Archaeologist and the applicants submitted to her a report which details the findings of the archaeological trial trench evaluation. The findings were typical features of medieval urban settlement and the archaeologist believes that elements of the medieval/post medieval structures fronting the High Street are likely to survive beneath the existing buildings. As such the County Archaeologist considers that the position and details of the proposed development are such that it should be regarded as likely to have an impact on significant below ground heritage assets and should therefore be mitigated in line with the NPPF. Therefore, in order to mitigate any impact on archaeological remains, two conditions will be imposed.

S106 agreement

Heads of Terms

- Age restriction to over 55s
- Phasing of development to ensure that the library will be reprovided within Phase 1 before closure and demolition of the existing library within Phase 2;
- Affordable housing - Mechanism allowing for secure delivery of the affordable housing at Swing Gate Lane/High Street Site.

Financial contributions

- Highways £12,000

- Libraries £3,003
- Cycles £3,726
- Natural Green Space £437
- Monitoring 6% £1149

Other Material Planning Considerations

Due to the level of demolition on the site proposed, it is considered necessary to impose a condition requiring details of a demolition plan to ensure the safe and satisfactory removal of waste from the site is achieved. A condition will therefore be imposed.

It is noted that an objection has been received from the B Hive Group and they refer to objectives that are set out in the B-Hive Report dated 2013. The B Hive group are an independent group and the B Hive Report is not a formally adopted planning document and carries therefore very limited weight in the determination of planning applications.

Recommendation

The recommendation is to delegate the decision to the Group Manager of Development Management & Planning (or nominated substitute) with a view to approval subject to the completion of the Section 106 agreement in accordance with the details referenced above and the conditions listed.

- 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. The development shall be carried out in accordance with the approved details. Details shall include:**
 - **Sample panels of brickwork constructed on site for approval (to include details of mortar colour and jointing) ;**
 - **Detailed scaled drawings of the shop front, including details of stone work pilasters, fascia and cornice;**
 - **Detailed scaled drawing of joinery.**
 - **Detailed scaled drawings of all stonework including the corner tower;**
 - **Details of windows for warehouse block at rear. These are to be metal and of a traditional warehouse form and appearance;**
 - **Metal rainwater goods;**
 - **Details of all boundary treatment;**
 - **Details of decorative infill panels above windows and below brick window heads;**
 - **Details of all chimneys;**
 - **Details of all balconies;**
 - **Details of rooflights;**

- Details of fanlight and details above entrance doors;
- Details of glazed top to warehouse building ;
- Details of entrance gates;
- Signage for shop units/library.

Reason: In the interests of the visual amenities of the Conservation Area in accordance with policy CS12 and CS27 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;
- 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;
- proposed finished levels or contours.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with policy CS12 and CS27 of the adopted Core Strategy.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out to the dwellings referred to as the 'Cottages' on approved plan 2724.p.261 Rev B without the prior written approval of the local planning authority:

Schedule 2 Part 1 Class A

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with policy CS12 of the adopted Core Strategy.

5 No part of the proposed structure (to include fascia board/rainwater goods and guttering) shall overhang or encroach upon highway land and no gate/door/ground floor window if installed shall open outwards over the highway.

Reason: In the interests of highways safety in accordance with policy CS8 of the adopted Core Strategy and saved policy 58 of the local plan.

6 Prior to the first occupation of the development hereby permitted a visibility splay measuring 2m by 2m 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 in accordance with policy CS8 of the

adopted Core Strategy and policy 58 of the local plan.

- 7 **No works shall commence on site until a scheme for the parking of cycles have been submitted and approved in writing by the local planning authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained solely for this purpose.**

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with policy CS8 of the adopted Core Strategy and with standards set out in appendix 5 of the local plan.

- 8 **No works shall commence on site until a Car Parking Management Plan for the proposed development has been submitted to and approved in writing by the Local Planning Authority to illustrate that a standard size vehicle can gain access to all of the proposed car parking spaces at all times, and how the use and occupation of the car parking spaces will be managed to ensure they are utilised in accordance with the uses.**

Reason: In the interests of Highway safety in accordance with policy CS8 of the adopted Core Strategy and saved policy 58 of the local plan.

- 9 **No works shall commence on site until a Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Logistics Plan should outline construction methodology, the predicted vehicle movements to and from the site, and how the movement of construction vehicles will be managed. The plan shall also include a scheme detailing the provision for on site parking for construction workers during the duration of the construction period. The plan shall be implemented throughout the construction period.**

Reason: To manage the movement of vehicles during construction and to ensure adequate off street parking during construction in the interests of Highway Safety in accordance with adopted policy CS8 of the Core Strategy and saved policy 58 of the local plan.

- 10 **Development shall not commence until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate how deliveries and servicing of the development will be managed and coordinated and shall thereafter be operational.**

Reason: In the interests of Highway Safety in accordance with policy CS8 of the Core Strategy and saved policy 58 of the local plan.

- 11 **No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and**

1. The programme and methodology of site investigation and recording;
2. The programme for post investigation assessment;
3. Provision to be made for analysis of the site investigation and recording ;
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of

the site investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In the interests of preserving archaeological remains in accordance with the NPPF and policy CS27 of the Core Strategy.

- 12 **i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 11.**
ii) 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 approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In the interests of preserving archaeological remains in accordance with the NPPF and policy CS27 of the Core Strategy.

- 13 **Following demolition, no development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:**

1) A preliminary risk assessment which has identified:

- all previous uses,
- potential contaminants associated with those uses,
- a conceptual model of the site indicating sources, pathways and receptors,
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the water environment, including groundwater in accordance with policy CS32 of the adopted Core Strategy. The site is located on a Principal Aquifer, and within a Source Protection Zone 1 which feeds a public water supply.

- 14 **No occupation of any part of the permitted development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and**

monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect the water environment, including groundwater in accordance with policy CS32 of the adopted Core Strategy. The site is located on a Principal Aquifer, and within a Source Protection Zone 1 which feeds a public water supply.

- 15 **If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.**

Reason: To protect the water environment, including groundwater in accordance with policy CS32 of the Core Strategy. The site is located on a Principal Aquifer, and within a Source Protection Zone 1 which feeds a public water supply.

- 16 **No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.**

Reason: To protect the water environment, including groundwater in accordance with policy CS32 of the Core Strategy. The site is located on a Principal Aquifer, and within a Source Protection Zone 1 which feeds a public water supply.

- 17 **Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.**

Reason: To protect the water environment, including groundwater in accordance with policy CS32 of the Core Strategy. The site is located on a Principal Aquifer, and within a Source Protection Zone 1 which feeds a public water supply.

- 18 **No development shall take place until details of the external lighting 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 development in the setting of the conservation area and to ensure highway safety is not impacted in accordance with policy CS8 and CS27 of the adopted Core Strategy.

- 19 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after**

development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.

(a) Site Characterisation

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

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

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

(b) Submission of Remediation Scheme

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

(c) Implementation of Approved Remediation Scheme

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

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

(d) Reporting of Unexpected Contamination

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the adopted Core Strategy.

INFORMATIVE:

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

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

- 20 **No development shall take place until details of measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, together with a site waste management plan (SWMP), shall have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.**

Reason: To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (September 2013) and saved Policy 129 of the Dacorum Borough Local Plan 1991-2011.

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

**2724.p.271
2724.p.262 rev b
2724.p.259 rev c
2724.p.258 rev a
2724.p.257 rev b
2724.p.253 rev f
2724.p.261 rev b
2724.p. 254 rev b**

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

Informatives

Note 1 - Article 31 Statement

Planning permission 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.

Note 2

If bats or any evidence for them are found, all works must stop immediately and advice sought as to how to proceed from one of the following: A bat consultant; The UK Bat Helpline: 0845 1300 228; Natural England: 0845 6014523 or Herts & Middlesex Bat Group: www.hmbg.org.uk

Note 3 - Thames Water

Waste Comments

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

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. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Note 4 - Afinity Water

You should be aware that the site is located within the groundwater Source Protection Zone (SPZ) corresponding to Berkhamsted Pumping Station. This is a public water supply comprising a number of chalk boreholes operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be

noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

5.03

4/03495/14/FUL - CONSTRUCTION OF 3 STABLES, HAY STORAGE AND GROOMING ROOM

LAND SOUTH-WEST OF HOLLYBUSH LANE, FLAMSTEAD, ST. ALBANS, AL3

APPLICANT: Dr GHADIRI

[Case Officer - Emily Whittredge]

Summary

The application is recommended for approval.

Site Description

The application site is a field of approximately 3.8 acres land-locked with access onto Hollybush Lane via a long grassy track. The point of access onto Hollybush Lane is midway between the edge of Flamstead village and the road junction with the A5 trunk road. The field rises up from the valley and is surrounded by land grazed by horses.

Hollybush Lane itself is typified along its western boundary by a thick hedgerow that has grown unabated into a variety of full height trees. This line of trees is set well back from the roadside by a broad grass verge. The lane gently rises up towards the village, whilst the pasture land behind rises gently up to the west. This rising land can be viewed from across the valley from Old Watling Street running east of the A5 road.

The application site along with the land to the south east is part of the same pasture land that has been subdivided by the original owner using post and rail fencing. The site lies within the Metropolitan Green Belt whilst the south west boundary adjoins the Chilterns Area of Outstanding Natural Beauty. The wider area is subject to an Article 4 Direction preventing the fields from being subdivided into smaller paddocks, which originally related to the prevention of piecemeal selling of this land and erection of mobile homes. The subdivision of the pasture was granted permission with the stables to the east of the application site under reference 4/00399/05/FUL.

Proposal

The application seeks to construct a stable block to accommodate three horses, with additional storage space for tack and hay and a room for grooming. The building would be positioned parallel to the field boundary midway between the highest and lowest points of the tree line. The building would measure 18.6 meters long and 5 metres deep, with an eaves height of 3 metres and ridge height of 4.1 metres. It would be constructed from horizontal weatherboarding under a shallow pitched roof in onduline sheeting. No change is sought to the existing pedestrian-only access via the grass track.

Referral to Committee

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

Planning History

FIELD AT, HOLLYBUSH LANE, FLAMSTEAD, ST. ALBANS

4/01077/05/DRC DETAILS OF HEDGEROW PLANTING REQUIRED BY CONDITION 8 OF PLANNING PERMISSION 4/00399/05 (BLOCK OF THREE STABLES

AND HAY STORE WITHOUT USE OF TRACK FOR VEHICULAR
ACCESS AND WIDENING OF AREA BY GATE (AMENDED SCHEME))
Granted
28/06/2005

4/00399/05/FUL BLOCK OF THREE STABLES AND HAY STORE WITHOUT USE OF
TRACK FOR VEHICULAR ACCESS AND WIDENING OF AREA BY
GATE (AMENDED SCHEME)
Granted
17/05/2005

4/02687/04/FUL BLOCK OF FOUR STABLES AND HAYSTORE WITH ACCESS TRACK
ON TO HOLLYBUSH LANE
Refused
14/01/2005

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS6 - Selected Small Villages in the Green Belt
CS12 - Quality of Site Design
CS24 - Chilterns Area of Outstanding Natural Beauty
CS25 - Landscape Character
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policy 81 - Equestrian Activities
Policy 97 - Area of Outstanding Natural Beauty

Supplementary Planning Guidance / Documents

Landscape Character Assessment (May 2004)
Chilterns Buildings Design Guide (Feb 2013)

Summary of Representations

Flamstead Parish Council

The Parish Council objects to the application as it is inappropriate development in the countryside and as an area of restraint in the Green Belt.

Strategic Planning

The site falls within the Green Belt, whilst the south west boundary of the site adjoins the Chilterns Area of Outstanding Natural Beauty.

In view of the small size of the proposed building and its limited impact on the openness of the

Green Belt, it seems reasonable to treat it as appropriate development in the Green Belt (see paragraph 82, bullet point 2 of the National Planning Policy Framework).

The proposed development should be regarded as 'small scale' in terms of saved Local Plan Policy 81 (equestrian activities). Paragraph 2 in this policy states that small scale equestrian facilities will normally be permitted in the Green Belt, provided they meet the criteria set out in the policy. The proposal appears to involve the sub-division of a field, so the final paragraph in Policy 81 should also be taken into account. However, the proposals involve the construction of a building in only one field, so we have no objections regarding this aspect of Policy 81.

The impact of the proposal on the Chilterns Area of Outstanding Natural Beauty should be assessed (see Core Strategy Policy CS24 and saved Local Plan Policy 97).

The site is affected by an Article 4 direction (see sheet 3 of the Local Plan Proposals Map and Appendix 9 - the site forms part of area 1: Watling View, Flamstead). The terms of the Article 4 direction should be looked into.

Conclusion: we have no objections in principle to this application, but the proposals should be assessed against the policies and other considerations referred to above.

Hertfordshire Highways

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Note: whilst accepting that there is an existing access onto Hollybush Lane, the applicant may wish to harden the vehicle crossover for the first 5m back from the metalled carriageway. It may also be prudent to remove the cut and deposited foliage that has been placed on the verge, immediately to the right hand side when exiting the site. Currently this restricts visibility but it is not apparent where these arisings have come from and to whom they belong.

Contaminated Land Officer

The site is located within the vicinity of potentially contaminative former land uses.

Historical maps show that the property is situated within the vicinity of a potentially contaminative land use (sewage works). There exists the slight possibility that this activity may have affected the application site with potentially contaminated material. Therefore I recommend that the developer be advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

No responses received.

Considerations

Policy and Principle

The site lies within the Green Belt where building development for open uses which preserve the open character of the Green Belt are acceptable.

Principle of equestrian facilities

Paragraph 89 of the National Planning Policy Framework states that there are certain types of buildings that may be considered appropriate development in the Green Belt, one of these

being facilities for outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. In view of the small size of the proposed building and its limited impact on the openness of the Green Belt, it seems reasonable to include the development within this category.

Impact on Green Belt

Saved Policy 81 of the Dacorum Borough Local Plan refers to the provision of small scale, non-commercial equestrian facilities in the Green Belt. Such activities will be supported providing the facilities are carefully integrated into the rural landscape by siting adjacent to existing buildings or trees and hedgerows, respect the countryside setting and quality of the surrounding area and where there is sufficient grazing land in relation to the number of stables.

In terms of its siting, the stable block is to be located alongside the existing tree line and hedgerow on a lowered area of the field and will therefore be reasonably well screened and will not prejudice views across the valley of this whole tract of pasture land. The proposed stable block would be sensitively integrated into the rural landscape as required by Policy 81(b). In accordance with Policy 81(g), the application does not seek to subdivide the land further, and the site area of more than 3 acres will allow sufficient grazing land for three horses. If additional fencing were required for the purposes of good pasture management and grazing rotation, permission would need to be sought but in principle this alone would not conflict with policies for the countryside.

The fields are close to established bridleways.

The provision of stables on this site therefore accords with Policy 81 criteria.

Impact on Highway Safety

The existing access between the field and Hollybush Lane is a grass track that ends at the bottom corner of the field. No alteration is proposed to the current access arrangements, which were considered under application 4/00399/05/FUL and for which conditions on visibility splays and vehicular use were imposed. Hertfordshire Highways has raised no objection to the proposals on highway safety grounds.

Impact on Neighbours

The site is not located near to any residential properties and would therefore not impact on residential amenity.

Sustainability

The applicant has submitted a sustainability checklist for the proposed development and the Local Planning Authority is satisfied that the development would meet the criteria of Policy CS29.

Conclusions

The stable block is a small scale building that would be sensitively sited in relation to existing trees and hedgerows and the topography of the pasture land. The proposals would not adversely affect the openness of the Green Belt or the character of the area. The proposed stables for small scale equestrian use represent an appropriate form of development in the countryside and therefore comply with the aims and intentions of Policies CS6 of the Core Strategy and 81 of the Dacorum Borough Local Plan.

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

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

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings 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 2013.

- 3 **The stables hereby permitted shall not be used for any business or commercial use.**

Reason: For the avoidance of doubt and to safeguard the rural character of the area in accordance with Policy 81 of the Local Plan.

- 4 **There shall be no external lighting associated with the development hereby approved unless otherwise agreed in writing by the local planning authority.**

Reason: To safeguard the character of the area in accordance with Policy CS6 of the Core Strategy.

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

**1, 2, 3, 4
Site Location Plan**

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

CONTAMINATED LAND INFORMATIVE:

The developer is advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

HIGHWAYS INFORMATIVE

Whilst accepting that there is an existing access onto Hollybush Lane, the applicant may wish to harden the vehicle crossover for the first 5m back from the metalled carriageway. It may also be prudent to remove the cut and deposited foliage that has been placed on the verge, immediately to the right hand side when exiting the site. Currently this restricts visibility but it is not apparent where these arisings have come from and to whom they belong.

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.

5.04

4/03228/14/FHA - TWO STOREY FRONT EXTENSION 8 GILPINS RIDE, BERKHAMSTED, HP4 2PD APPLICANT: Mr Saunders

[Case Officer - Jackie Ambrose]

Summary

The application is recommended for approval.

The proposed front extension and new roof structure will visually improve the appearance of the house itself and within the street scene, in compliance with Core Strategy policy CS12 and Appendix 7.

Site Description

The application site is located to the south side of Gilpins Ride, off Gravel Path in Berkhamsted. Gilpins Ride comprises a mix of large detached houses on substantial plots which take account of the steep fall in ground levels from north to south and a strong curve in the road. Hence, this particular site, occupied by a modest 1970's house is on a site that slopes significantly down from the highway through to its rear boundary. The house itself is set well down on its site with an open aspect to its front garden. The curve in the road means that these houses have a very pronounced stagger to their front building line.

The application property is a rather dated 1970s building which has not undergone any changes. The adjacent house originally of the same design has recently undergone a significant change in terms of its size and appearance. There is only one other house of this design now remaining in the road. Many of the properties along Gilpins Ride have been considerably extended and consequently now display a variety of designs and detailing as viewed within the street scene.

Proposal

The original scheme kept the existing roof line, with its shallower pitch in profiled concrete tiles, whilst adding the same frontage depth under two front gables linked by a projecting parapet section. Its design was not considered favourably.

Through a number of sketches, a new scheme was devised entailing the reconstruction of the whole roof in order for it to tie in with the forward extension and transform the house, rather than appearing as an obvious addition.

This application, as amended, is for a full two storey front extension including a new roof over the whole house involving raising its ridge height by 1.2m. The extension would be 4.1m in depth with a 1.2m front projection under a hipped front gable feature.

Whilst it is unusual to fully extend a house to the front rather than to the rear, this submission is due to the positioning of the house set well back within its site and to prevent raising the land levels to the rear or harming the existing patio arrangement.

Referral to Committee

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

Planning History

None

Policies

National Policy Guidance

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

Adopted Core Strategy

NP1 - Supporting Development
CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Appendix 7

Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Residential Character Area BCA 7 Gravel Path

Summary of Representations

Berkhamsted Town Council

Object. The proposed scale, bulk and mass of this amended proposal, together with what is now a significantly taller roofline than that previously proposed, is still excessive; a two story extension of this magnitude (scale, bulk, mass and height) to the front of the house would dominate, erode and seriously detract from the intended 'staggered' character of the street scene at this important gateway to Gilpins Ride. Contrary to Core Strategy Policy CS11 and CS12 and Saved Local Plan Policy Appendix 7 (ii) and (iii).

Trees and Woodlands

I have no objection to the proposed construction of a two-storey front extension at 8 Gilpins Ride, Berkhamsted.
The positioning of the extension would require the removal of three trees from the front garden. However, none of these is of high quality or important to the immediate local landscape. A further tree in the front garden would be unaffected, as would a Fir on adjacent property.

Should it be deemed appropriate, there is space available within the front garden to install new tree or shrub planting to mitigate the loss of three existing trees.

Response to Neighbour Notification

7 Gilpins Ride - Objects: The revised plan has a significantly higher roof line, which would be out of keeping with the roof lines of neighbouring houses, which currently rise up in height as the road rises. In addition, there would be a significantly greater profile of brickwork and roof

visible from the road. This is in contrast to the previous plan, for which we had no objection, which kept the roof line lower, was a less bulky structure and we believe would be in keeping with the rest of the road.

Considerations

Policy and Principle

The principle of an extension in this location is acceptable and should be considered against Core Strategy policies CS11: Quality of Neighbourhood Design, CS12: Quality of Site Design and saved DBLP Appendix 7 - Small Scale House Extensions.

In particular, policy CS12 states that development should:

- a) provide a safe and satisfactory means of access for all users;
- b) provide sufficient parking and sufficient space for servicing;
- c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties;
- d) retain important trees or replace them with suitable species if their loss is justified;
- e) plant trees and shrubs to help assimilate development and softly screen settlement edges;
- f) integrate with the streetscene character; and
- g) respect adjoining neighbours in terms of:
 - i) layout; ii) security; iii) site coverage; iv) scale; v) height; vi) bulk; vii) materials; and viii) landscaping and amenity space

Effects on appearance of building

The revised proposal provides a new roofscape that is appropriate in terms of its roofing materials and increased angle of pitch, when viewed against the surrounding properties. The overall design details and materials are considered to improve the appearance of the house.

The introduction of plain tiles and traditional brickwork will complement the surrounding houses.

Impact on Street Scene

As stated, many of the houses in Gilpins Ride have been substantially extended and the proposal will therefore harmonise with these properties. In particular the adjacent house at No. 6 which was of the identical 1970's design has recently been completely altered by a similar-sized extension (to the rear) and radical changes to its front elevation. This has set a further precedent for enlarging this site to a similar size and bulk. The introduction of traditional plain tiles and brickwork will also complement the surrounding houses and thus improve upon its impact within the street scene.

Concern has been raised as to its impact on the street scene due to its significant front extension. However, due to the substantial staggering of the front building lines along this part of the road, the projection will still maintain a set back from the adjacent house at No. 10. Furthermore, even with the increase in ridge height by just over a metre, it will still be lower than the ridge height of No. 10.

Another concern was the appearance of the side elevation within the street scene. The proposed side elevation is shown to have feature brick panels in order to provide relief from the plain brickwork.

The increase in ridge height of just over 1m is not considered to be excessive and will not dominate the street scene or erode the stagger between the building lines.

For the reasons given above it is considered that this proposal will comply with the relevant criteria within Core Strategy policies CS11 and CS12.

In terms of Appendix 7, the reference made to this in the objection from the town council are as follows:

Appendix 7 (ii) states that an extension should maintain the common design characteristics of the row or street scene, particularly in respect to maintaining a consistent roof line, or not to disrupt the group effect of a row of houses of uniform design and building line.

As stated above no two houses are the same in this road and the only one that was identical to this site has now completely changed its appearance from the front. Photos clearly demonstrate this point.

Appendix 7 (iii) allows for front extensions providing they do not dominate the street scene or have flat roofs.

As discussed above, it is not considered that this proposal will dominate the street scene and it will have a hipped roof.

Impact on Trees and Landscaping

The tree officer has raised no objection, commenting that there will be a loss of three trees from the front garden, of which none are of high quality or important to the immediate local landscape. A further tree in the front garden would be unaffected, as would a Fir on adjacent property.

Impact on Neighbours

The front extension will be set against the side elevation of No. 10 which has no windows and will therefore cause no loss of light, privacy or visual intrusion.

In terms of No. 6, the extension will be sufficiently far forward of their house as not to create any undue loss of light or privacy or visual intrusion.

The only neighbour objection is from the house opposite the site, at No. 7 where concerns were raised as to the raised roof height. However, as the proposed ridge height will still be less than the adjacent house at No. 10 and on ground that is much lower than the elevated houses opposite, thus the proposal is not considered to have any significant impact in terms of visual intrusion or loss of light.

Sustainability

The proposals would be built to modern building regulation standards thereby improving the overall sustainability of the home. The proposals therefore accord with CS29.

Other Material Planning Considerations

The available parking on site will remain the same. There is no change to the existing side garage.

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

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

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings 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 compliance with Core Strategy policy CS12.

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

Site Location Plan

WREN NAJ 66e D 2014

WREN NAJ 66c D 2014

WREN NAJ 66f D 2014

WREN NAJ 66 2014

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.

5.05

**4/03315/14/FHA - NEW RAISED ROOF WITH REAR DORMER WINDOW, FIRST FLOOR FRONT EXTENSION AND SINGLE-STOREY FRONT EXTENSION
12 PIE GARDENS, FLAMSTEAD, ST. ALBANS, AL3 8BP
APPLICANT: MRS JO FROOME**

[Case Officer - Jackie Ambrose]

Summary

The application is recommended for approval.

The application site is located in Flamstead, a small village in the Green Belt. The proposal would result in the overall height of the dwelling being increased by 1.3m to a maximum of 8.4m high and would allow the applicants to make better use of the existing first floor space to enlarge the first floor bedroom and create an additional bedroom with facilities. The proposal would retain use of the single garage plus 3 parking spaces to the front of the property. The proposal accords with the aims of the National Planning Policy Framework, Policies CS6, CS12 and CS29 of the Core Strategy along with Appendix 5 and 7 of the saved local plan.

Site Description

The application site comprises of a detached two storey dwelling located at the southern, far end of Pie Garden cul-de-sac. The property is set back from the main highway and has a prominent front catslide roof and flat roof dormer within it. The property benefits from an attached garage and hardstanding to the front for up to 3 cars and incorporates trees and hedgerows around the site to integrate with the semi- rural character of the surrounding environment. The surrounding area displays different forms of detached dwellings to the south with semi-detached houses along the east and a terraced row along the west. The properties vary in size, with gable end roofs being the only roof form displayed in the street scene.

Proposal

Planning permission, through a series of amendments, is now sought for the construction of a front gable extending to the highest point of the roof, loft conversion and a single storey front extension. (The application has withdrawn the single storey rear element). The proposed front gable would result in the ridge increasing in height by 1.3m to a total of 8.4m with the eaves level remaining as existing, together with the removal of the front dormer but adding a dormer window and rooflight to the rear elevation. The single storey front extension would be characterised by the existing roof form and would extend in depth by 1.5m. The extension would be finished in facing brickwork and interlocking concrete tiles to match the existing and neighbouring dwelling.

Referral to Committee

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

Planning History

4/01943/89/4/FUL – Single storey front and rear extension – Granted

Policies

National Policy Guidance

National Planning Policy Framework

National Planning Policy Guidelines

Core Strategy

Policies NP1, CS6, CS12 and CS29

Dacorum Borough Local Plan

Policy 99

Appendix 3 and 5.

Summary of Representations

Neighbours

No. 13 Pie Garden

- Cul-de-sac characterised by 1960s two-storey dwellings with low pitched roofs;
- Orientation of the gable roof across the plot will have a significant impact on the street scene in comparison to taller and steeper pitched roofs at Nos. 13, 14 and 15;
- Ridge line would be at least 1m higher than adjacent dwelling at No. 13;
- Two and a half storey full height gable extension replacing catslide roof is excessive, increasing bulk of the house in a prominent location;
- Scale and height of extensions would lead to loss of light to kitchen at No. 13;
- If lean to above the garage door was retained and first floor of the gable extension was no further forward than the proposed single storey extension with a hipped roof it would be less obtrusive;
- Single-storey rear extension containing pool house is excessive noting dwelling has been extended twice to the rear;
- Extensions of 11.5 in depth would be over 12m beyond the rear of No. 13;
- Due to slope of rear garden the pool extension would be greater in height from perspective of No. 13;
- Rear extension would set an undesirable precedent for deep extensions in the village;
- Rear dormer would be prominent from rear garden of No. 13 and materials should match the existing dwelling;
- Pumping mechanism for the pool is likely to create excessive noise and disturbance; and
- Contrary to local plan policies CS6 and CS12 of the Core Strategy and saved Appendix 7 of the Local Plan.

No. 11 Pie Garden

- No objection to the proposed development however concerns were raised regarding vehicle congestion and obstruction and maintenance of the green during construction. It was requested that the following conditions are applied.
- Obliging the contractors and suppliers at all times not to obstruct the highway access to neighbouring properties, particularly Nos. 10 and 11;
- Requiring suitable measures to be taken to protect the green and make good any damage caused to it directly or indirectly in the course of works.

Objections to Amended Scheme

No. 13 Pie Garden

- Proposed extensions would be excessive in height, size, scale and prominence;
- Design and appearance of front gable extension would be unacceptable;
- The front gable extension would result in visual intrusion;
- Loss of light to kitchen;
- Development contrary to local plan policies;
- Materials for dormer window should be conditioned to match the roof;
- Seek clarification of materials and pitch of extended lean to at front of dwelling.

11 Pie Garden

- No objection to the proposed development however concerns were raised regarding vehicle congestion and obstruction and maintenance of the green during construction. It was requested that the following conditions are applied.
- The amended scheme proposes four rooflights to the eastern flank roof, and due to the steep pitch of the new roof would be very prominent and significant. Strongly object to the row of rooflights for the following reasons:
- A three storey house is incongruous, The original design was well thought to incorporate a third floor within a steeper roof, however the addition of four rooflights to the eastern flank would be clearly seen from the public footpath and would be clearly obvious. This would defeat the concept design features which could have made an exception for the additional storey.
- Because of the steep pitch roof the rooflights would be almost like a mansard and would face the windows of two bedrooms at the front of our house at a fairly short distance.
- As it stands with four rooflights we must change our response and object to the application, however just one rooflight should provide adequate lighting and would appear the other three are not really essential (two are for the attic store room). Our objection could be overcome if the design is amended to show just one rooflight on the eastern flank or if a condition to that effect is imposed.

Flamstead Parish Council

Flamstead Parish Council was notified on 18 November 2014. The following response was received on 5 January 2015:

Whilst the footprint does not represent overdevelopment of the site, the massing of the building within the street scene is inappropriate and not sympathetic to its surroundings. It is also understood that other neighbours have raised significant issues regarding this application.

Flamstead Parish Council - response to amended plans:

The PC has not changed its objection which it made in December 14 which states that whilst the footprint does not represent overdevelopment of the site, the massing of the building within the street scene is inappropriate and not sympathetic to its surrounding. Furthermore, a reduction in the height of the gable would also lessen the impact of loss of light to neighbouring property.

Flamstead Parish Council – Response to further amended plans

The PC has not changed its objection to the amended application.

Considerations

Policy and Principle

The application site is in Flamstead which falls within a selected small village in the Green Belt, and therefore Policy CS6 and CS12 of the Core Strategy would be the main policies taken into consideration in regards to this application. Policy CS6 states that house extensions will be permitted provided each development is sympathetic to its surroundings, including the adjoining countryside, in terms of local character, design, scale, landscaping and visual impact and retain and protect features essential to the character and appearance of the village.

Core Strategy policy CS12 states that there should be safe access for all users, sufficient parking, integration with the streetscape character, trees and shrubs and that development should respect adjoining properties by avoiding impact on neighbouring amenities.

Impact on Appearance of Building

The application site comprises of a detached two storey dwelling sited on the south side of Pie Garden cul-de-sac. The application dwelling is set back from the main road and is characterised by a gable end catslide roof. The proposed gable end roof would be constructed flush with the front elevation of the ground floor garage, and would increase the height of the original dwelling by 1.3m to a maximum height of 8.4m. The eaves would remain level as existing and would allow the property to make better use of the existing first floor front bedroom and create an extra bedroom with en-suite and dressing room in the loft.

The proposal would harmonise with the original dwelling and character in terms of roof form and matching materials and would therefore be in accordance with Appendix 7 of the Dacorum Local Plan. A rear dormer would be constructed to the rear roof slope, which would not exceed the ridgeline and would be set in from the flank walls and finished in materials to match the main dwelling.

The proposed number of rooflights along the side, eastern roof slope have been reduced to a maximum of two, through amended plans, in order to reduce the cluster visible along this roofslope. The proposed single storey front extension would measure 1.5 x 4.4m, and would infill a small area of space to the front whilst following the existing roof form.

The proposed roof alteration would result in the dwelling being 1.3m taller; however, much of the original roof form would be retained and would be finished in matching materials and is therefore considered not to have an adverse impact on the appearance of the main dwelling.

Impact on Appearance of Street Scene and Green Belt

The application dwelling is positioned to the south side of Pie Garden, and first in line of a row of two storey detached dwellings. House No. 11 is sited to the east, is of a unique design and set approximately 11m apart from the application site.

The application dwelling is characterised by a catslide roof, with the row of neighbouring

detached dwellings along Pie Garden characterised by front gable ends. The application dwelling is the only dwelling in this row of houses which differs in height, appearance and size in comparison to the neighbouring dwellings at No.13, 14 and 15 Pie Garden, and hence does not form part of this visual group. The ridge height of the application dwelling is currently 0.7m lower than the direct neighbour and following the construction of the roof would be 0.6m higher. The proposed front gable is therefore considered not to disrupt a clear consistent roof line as its already set lower along the street scene.

All the dwellings within Pie Garden are characterised by gable ends and the proposed works would not deviate from this group and is therefore considered not to have an adverse impact on the character and appearance of the street scene.

The proposed rear dormer window, within the rear elevation, would not be visible from the street scene. The proposed single storey front extension is considered to be a minor infill addition that would have no harmful impact on the street scene.

The proposal would therefore retain the two storey appearance within the street scene and would respect the surrounding area in regards to design and scale. The rear dormer would face the open countryside, and despite its fully glazed feature would not appear overly dominant and would be compliant with Appendix 7 of the Dacorum Local Plan. The proposed extensions are therefore considered sympathetic to the character and appearance of the surrounding area and adjoining countryside.

Impact on Amenity of Neighbours

The application site has two directly adjoining properties at No. 11 and 13 Pie Garden.

No. 11 Pie Garden is set apart 11m to the east and faces the application site. The site benefits from a ground floor study window which is located within the principal elevation of this dwelling. The proposed two storey front gable would slightly impede the 25 degree line from the centre point of the ground floor study window. However, it would not have a significantly adverse impact on neighbouring amenities due to the roof pitch of this front gable.

There are two roof lights proposed to the eastern flank roof slope, which would serve a stairway and store room. The rooflights would be positioned high up the roof slope and close to the ridge, and would therefore be a source of natural light rather than provide an outlook.

No. 13 to the western flank does not feature any habitable room windows within its side elevation which directly faces the application site. The main front gable would be sited to the far side, and additionally would not project beyond the front wall of No. 13 and would therefore not have an adverse impact on the amenity of this neighbour. The two first floor windows proposed to the western flank elevation would serve a bathroom and toilet and would therefore be obscure glazed and fixed shut at 1.7m internal floor level.

Impact on Car Parking

The application property would retain 3 off road parking spaces and the garage. The proposal would therefore be in accordance with Appendix 5 of the Local Plan, which seeks a maximum of 3 parking spaces for a four or more bedroom dwelling.

Sustainability

The proposal would be built to modern building regulation standards therefore improving the overall sustainable performance and general improvement of the property. The proposal is considered acceptable with reference to Core Strategy policy CS29.

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

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

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **The 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 compliance with Core Strategy policy CS12.

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

LOCATION PLAN 036-50A

036-51

036-52

036-53B

036-54A

036-55B

036-56C

036-57

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.

5.06

**4/03493/14/FUL - CHANGE OF USE OF OUTBUILDINGS FROM HOLIDAY LETS TO RESIDENTIAL ACCOMMODATION.
HIGHCROFT FARM, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0DS
APPLICANT: MR BLOFELD**

[Case Officer - Jackie Ambrose]

Summary

The application is recommended for approval.

Following consent for the conversion of this linked outbuilding, next to the farmhouse, for part-time holiday lets, their conversion to two permanent, independent residential units with their own dedicated garden and parking areas, will not result in any physical changes or additions and thus complies with Green Belt policy and Appendices on residential facilities.

Site Description

The application site relates to former outbuildings next to the house at Highcroft Farm set in a semi-wooded area off the Hempstead Road leading into Bovingdon. It is situated just to the rear of The Bobsleigh Inn. The site lies in the Green Belt.

Proposal

This full application is for the change of use of these linked outbuildings from use as part-time holiday lets to two permanent, independent residential units. This 'L' shaped barn like building comprises two units. The 'Upper Unit' comprises an open plan kitchen/living room, bathroom and two bedrooms all on the ground floor with a private garden area and parking spaces for two cars. The 'Lower Unit' comprises an open plan kitchen/lounge area, shower room and spiral staircase leading to one bedroom in the roofspace with a private garden area and parking for two cars.

The linked units are part clad in stained feather-edged boarding and part in brickwork, under a plain clay tile roof with the original openings having been infilled with glazing and conservation style rooflights in part of the roofscape.

Referral to Committee

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

Planning History

This building together with the main house formed outbuildings associated with the former farmhouse at the Bobsleigh Inn, in the late 1890's. The outbuilding had been partially used for domestic storage and low key agricultural storage.

In 2000 planning permission was granted (4/0468/00/FUL) for the conversion of this freestanding outbuilding into a single holiday unit with disabled facilities. The details of this consent confirmed that the building was structurally sound and did not involve any change to the roof form. This consent was not implemented.

A further application was then approved in 2006 (4/01404/06/FUL) for the conversion of this building into 2 holiday letting units. This included the recladding in stained feather-edged boarding and brickwork under a plain clay tiles roof with rooflights.

In approving this scheme it was considered that the retention of this building would be in the interests of maintaining the historic link between the main buildings at Highcroft Farm and its countryside location. No objections were raised by the Highways Authority for their holiday-let use.

More recently, Pre-app advice was sought to change the use of the holiday lets into two permanent independent residential units. It was confirmed by the applicants/owners that only one of these units had been completely converted and that its use as a Holiday let for 6 weeks per year no longer suited their personal circumstances.

Policies

National Policy Guidance

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

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
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, 15, 18, 19, 21,
Appendices 3 and 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Summary of Representations

Bovingdon Parish Council

Object as it is in the Green Belt.

Response to Neighbour Notification / Site Notice

No comments received.

Considerations

Core Strategy policy CS5 deals with the Green Belt and states that small scale development will be permitted: i.e.

- (a) building for the uses defined as appropriate in national policy;
- (b) the replacement of existing buildings for the same use;
- (c) limited extensions to existing buildings;
- (d) the appropriate reuse of permanent, substantial buildings; and
- (e) the redevelopment of previously developed sites

provided that:

- i. it has no significant impact on the character and appearance of the countryside; and
- ii. it supports the rural economy and maintenance of the wider countryside.

The use of these two units will not involve any changes to the outbuilding and private garden space and two dedicated parking spaces already exist. There is no concern over access out onto the highway and no impact on neighbouring amenities. They will have no impact on the character and appearance of the countryside

As such, this proposal complies with the above policy criteria.

Impact on Green Belt

These buildings have always existed and thus they do not represent any new structures within the Green Belt. Hence, there would be no intrusion or impact on the openness of the Green Belt, contrary to the concerns of the Parish Council.

Effects on appearance of building

This application would make no changes to the existing buildings.

Impact on Street Scene

The building is set well back from the highway within a semi-woodland setting and thus is not visible from the highway.

Impact on Trees and Landscaping

There would be no impact on the surrounding trees as there will be no changes to the site.

Impact on Neighbours

This proposal would have no impact on neighbouring properties.

Sustainability

These building have already been converted to habitable accommodation.

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

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

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **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 Classes A, B, C, D and E

Reason: To ensure the existing level of private parking is retained on site and where such extensions would harm the visual amenity of the countryside and have a significant detrimental effect on the openness of the Green Belt in compliance with Core Strategy policy CS5 and saved local plan policy 110.

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

Drawing 1 - Location Plan

Drawing 2 - Site Plan

Drawing 3 - Floor plans of both units

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.

5.07

4/01052/14/FUL - DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF TWO FOUR-BEDROOM DWELLINGS, TRIPLE GARAGE AND ASSOCIATED LANDSCAPING 10 COPPER BEECH CLOSE, HEMEL HEMPSTEAD, HP3 0DG APPLICANT: MR D DOWIE

[Case Officer - Nigel Gibbs]

Summary

The application is recommended for approval.

The principle of residential development is acceptable in the urban area of Hemel Hempstead. Subdivision of the existing residential curtilage of no.10 to retain an adequate garden for the existing dwelling house and to build two additional dwelling houses will form plots commensurate with the established layout of this part of Copper Beech Close, facilitated by the demolition of the existing attached garage. The Original Scheme was incompatible with no.4 Aspens Place and New Pastures. Modifications to the design of both proposed dwelling houses has improved the relationship with these existing buildings and their gardens and resulted in design benefits. There are no fundamental detailed objections.

Site Description

No. 10 is a detached gable roof two storey 1960's /1970's dwelling house located at the northern end of this part of Copper Beech Close. Its access is at a right angle to the dwelling house adjoining the original turning head serving the cul de sac. No. 10 is at a lower level served by an elongated sloping driveway.

The drive adjoins the common boundary with no. 4 Aspens Place. This more modern two storey hipped roof dwelling house is at a lower level with its rear/ side garden and rear elevation facing towards the driveway, dwelling and garden of no.10.

No. 10 features a substantial side and rear garden which is distinguished by its changing levels and 'wooded character'. The residential curtilage is much larger than those within the immediate part of the Copper Beech Close and in Aspens Place. The residential curtilages of dwellings fronting London Road / A41 known as Old Pastures (a Grade 2 listed dwelling house) and New Pastures (a modern detached two storey dwelling house) adjoin the application site's northern boundary. The rear elevation of the lower New Pastures faces towards the common boundary, separated by its rear garden.

Proposal

Revised Scheme

This is for the subdivision of the garden of no. 10 into two additional residential plots facilitated by the demolition of the existing garage. The respective rear gardens of the residential gardens of Plots 1 and 2 and the retained garden no. 10 follow the layout of this part of Copper Beech Close.

Plot 1. The light rendered and tiled two storey hipped roof dwelling will follow the same alignment as no. 10 with a ridge level 1.75m m below that of the existing dwelling. Its front elevation will face towards and be elevated in relation to the rear of no. 4 Aspens Close, but at a lower level than no.10. According to the submitted drawings the level of separation between the proposed dwelling and the angled no.4 's rear elevation will range from 26.9 m to 29.3 m but less in relation to no. 4's garden.

Plot 2 This 5.5m high two storey flat roof timber clad unit will be stepped forward of the alignment of no. 10 and the dwelling on Plot 1. It will 4.75m lower than the ridge level of the dwelling on Plot 1, inset slightly from the common boundary with the rear garden of no. 4 Aspens Place, with no windows facing no. 4, but visible from no. 4. The 15m elongated building will be inset from the common boundary with Old Pastures and New Pastures. According to the submitted drawings the level of separation between the proposal and New Pastures will be between 15m and 16.5m due to the angle of New Pastures, extending across about 2/3 of the rear elevation of New Pastures.

The three dwellings will be served by the communal driveway currently serving no. 10, associated parking and a triple hipped roof garage adjoining the turning head serving Copper Beech Close. The garage will adjoin the lower residential curtilages of nos. 4 and 3 (part) Aspens Place.

Original Scheme

The current proposal is materially different from the original scheme. The changes include:

Plot 1. The original design was for 'clipped' hipped roof creating greater massing. It was also about 1.5m more forward. Recently the agent has agreed for the central first floor front window to be obscure glazed.

Plot 2. The original scheme was for a higher part hipped (facing no. 4) and part gable roof (adjoining New Pastures) dwelling house. Note: The ground level has however been raised by 0.5m.

Driveway. There were to be changes to the existing driveway's alignment and boundary treatment.

Changes to the Original Scheme

These were in response to the LPA's objections to the Original Scheme which would have been recommended for refusal. This was due to the harmful effect upon the residential amenity of no 4 Aspens Place and New Pastures.

Note: In discussions between the LPA and the agent, officers have also requested consideration be given to lowering the level of the dwelling house on Plot 2, setting the dwelling back further on Plot 1, further changing the first floor front window design of the dwelling on Plot 1 facing no. 4 Aspens Close and changing the detached garage to a flat/parapet roof. These have been aimed at further improving the residential environment for no 4 Aspens Place and New Pastures and the appearance of the garage in relation to Copper Beech Close. For clarification the agent has advised of the technical feasibility problems of lowering the building on Plot 2 and setting the dwelling further back on Plot1.

Referral to Committee

The application is referred to the Development Control Committee due to the local objections to the development and the site history.

Site Planning History

- Outline Planning Permission for a Dwelling. Unimplemented.
- Refusal 4/02617/07/OUT.Four bedroom dwelling. Appeal Dismissed.

In dismissing the appeal PINS considered the following issues:

- Effect upon the character and appearance of the surrounding area.
- Effect on living conditions of adjoining neighbouring property in relation to outlook, daylight, overlooking and noise and disturbance.
- The effect on nearby trees

A copy of the decision notice will be sent to Members with the Agenda.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS9 - Management of Roads
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
CS21 - Existing Accommodation for Travelling Communities
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Dacorum Borough Local Plan (saved policies)

Policies 10, 13, 15, 18, 51, 54, 58, 61, 62, 63, 99, 100, 102,103 111,113,118, and 119

Appendices 3 (Layout and Design of Residential Areas), 5 (Parking Provision) and 8 (Exterior Lighting)

Supplementary Planning Guidance / Documents

Area Based Policies - Development in Residential Areas: HCA 4 : Felden West
Environmental Guidelines (May 2004) - Development in Conservation Areas and Affecting Listed Buildings
Accessibility Zones for the Application of Car Parking Standards
Water Conservation & Sustainable Drainage (June 2005)

Energy Efficiency & Conservation (June 2006)
Landscape Character Assessment (2004)
Affordable Housing

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Please Note: For clarification the report only refers to the responses to the Original and Revised Schemes where considered relevant/ material to the decision.

Conservation & Design

- *Response to Original and Revised Schemes*

No 10 Copper Beech Close marks the end of a development of detached houses possibly mid 1980s design with strong horizontal linear elements and traditional pitch roof with catslide and linear dormers at first floor, but dated in appearance. Copper Beech Close winds off at one point the land rising but by No 16 and its descent to No 10 and its curtilage the land levels changes quite drastically dropping sharply away to the levels of the lower positioned surrounding properties to its lowest point at Fishery Lane.

The scheme seeks to introduce another two four-bedroom houses and garaging into the land to the side of the existing property.

The concerns are in regard to the alien form of the design of both properties, and their lack of any cohesion with the existing no 10. CD is also concerned at the cramped appearance of the furthest proposed house from no 10.

Whilst there may be an opportunity for a single dwelling on this plot CD consider the dwelling on Plot 2 is of a particularly poor in design and looks like something that has just been crammed into the available space. Any building should pay homage to the existing no 10 so that it settles within this development.

There may be an opportunity for a single property but this should be very much subject to its design. There are no concerns regarding the garage building.

Building Control

Based upon extensive dialogue there are no apparent overriding problems.

Trees & Woodlands

The proposal 'misses all the major trees to the west ' and is therefore acceptable from this perspective. The main issues will be screening to properties in Aspens Place to the east. The scheme show broad outline of how that will be dealt with (Dwg 3758) but detail is needed or needs conditioning.

Scientific Officer

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. It is recommended that the standard contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website (www.dacorum.gov.uk/default.aspx?page=2247).

Refuse Controller

- *Initial Advice*

The waste provisions for the houses are a storage area for 3 x wheeled bins and a food caddy and space for them to be placed outside the boundary for collection. The collection vehicle is a 26 ton rigid freighter and consideration should be given to its size and manoeuvrability.

It has been the case where the boundary of a property is beyond a shared access or right of way has caused problems of access. It may be that the boundaries for all 3 properties are at the existing roadside if there will be an access issue for the vehicle and if this is the case then that is where the residents will be expected to present their bins.

- *Further Advice*

The considerations for refuse collections are a storage area for 3 x wheeled bin and a kitchen caddy at each property and space for them to be presented outside the boundary for collection.

If the collection vehicle is to reverse up the drive to the new properties then the size (10m x 3m), weight (26tons) and the manoeuvrability of the vehicle should be considered.

If the original boundary at the drive entrance is a shared boundary then the residents will be expected to present their waste there.

Hertfordshire County Council: Highways: Revised Scheme

Recommendation

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1 All car parking spaces shall have measurements of 2.4m x 4.8m respectively and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development shall be paved and shall be used for no other purpose. *Reason: To ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway.*

2 The proposed car parking spaces must have sufficient manoeuvring space to ensure all vehicles can enter and exit the site in a forward gear. The applicant will need to submit tracks runs demonstrating this to the LPA. *Reason: To demonstrate that an acceptable standard can be achieved*

3 Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, which clearly demonstrate how refuse is to be collected from the site. *Reason: To ensure that refuse collection does not have a significant adverse effect on the safety and efficiency of the highway.*

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

Highway Comment

The applicant is proposing to serve the new dwellings via the existing driveway to number 10 and by constructing additional driveway. All the off street parking that the whole site provides will have to accord with the LPA's parking standards.

Conclusion. On balance, the Highway Authority does not consider the proposed dwellings will result in a significant material change in vehicle movements from this site. This development is therefore unlikely to result in 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 therefore has no objection (subject to the above stated conditions) to the grant of permission.

Subsequent Clarification regarding Recommended Conditions 2 and 3

Recommended Condition 2 is met and that the Highway Authority is content with this. In fact Manual for Streets (MfS) 8.3.53 suggests that where space is limited some back and forth manoeuvring may be required. This is likely to be acceptable where traffic volumes and speeds are low. This site would qualify for this type of allowance.

Although recommended Condition 3 for bin collection exceeds the 25m distance a waste vehicle should be able to get within (MfS 6.8.9) by just a couple of metres. In this instance and given the location and the site conditions mentioned above, the Highway Authority is content with this to.

Advice upon the need for a Contribution for Highway Works (given the Ministerial Statement upon Small Scale Residential Development)

The Highway Authority will not be seeking highway contributions from this development, but a legal highway act 1980, Section 278 agreement will be required for the works to connect the new access to the highway.

Hertfordshire Fire & Rescue Service

Final advice based detailed Layout Plans

The plans showing the position of the existing fire hydrant and the measured distance to the furthest point on the projected plan appears to be within/on the 45 metres and therefore HFRS would accept this proposal with regard to access facilities for the fire service.

Initial Advice

It was not clear from the online plans where the nearest fire hydrant is located.

Unless the attending fire appliance can use the drive that serves the new dwellings it would appear that this development is close to or possibly exceeds the guidance that states access should be provided for fire appliances to within 45 metres of every point of the proposed dwellings. We could not accurately scale from the electronic plans.

- Access

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.

- *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.

The comments made by this Fire Authority do not prejudice any further requirements that may be necessary to comply with the Building Regulations.

Hertfordshire Ecology

HE has no ecological data for the application site or its immediate surrounds.

The general area is likely to be used by bats but HE considers the risk that bats are likely to be present in the garage to be demolished to be low. Consequently HE does not consider that it is reasonable for the LPA to require a bat assessment prior to determination of the application.

However, the possibility of bats being present if circumstances are suitable cannot be discounted and consequently HE advises that the following informative is placed on any approval to the effect that:

- *Bats and their roosts remain protected at all times under National and European law. If bats or any evidence for them is discovered during the course of any works, all works must stop immediately and advice sought as to how to proceed from one of the following:*
 - *A bat consultant;*
 - *The UK Bat Helpline: 0845 1300 228;*
 - *Natural England: 0845 6014523 or
Herts & Middlesex Bat Group: www.hmbg.org.uk*

On the basis of the above HE do not believe there to be any ecological constraints associated with this development.

Hertfordshire County Council: Historic Advisor

The proposed development site lies within Area of Archaeological Significance number 35. This notes that there is a Scheduled Roman Villa at Boxmoor (SM10786). Further significant archaeology of Roman date has been identified from the area around the villa, notably evidence of Roman occupation (HER11911, HER12807) from Aspens Place. Given the proximity of the proposed development site to areas of known archaeology it is highly likely that heritage assets lie within the site.

The position and details of the proposed development are such, that it should be regarded as likely to have an impact on significant below ground heritage assets, and that this impact should be mitigated in line with P141 of the National Planning Policy Framework (NPPF). Therefore it is recommended that provisions be made for a programme of archaeological works, should the LPA be minded to grant consent:

The programme of works should as a minimum include:

- 1 .The structured removal of existing slab and hard surfacing under archaeological supervision.
2. The archaeological evaluation by means of a strip, map & sample and/or trial trench methodology (10%) (whichever is more appropriate archaeologically).
3. A contingency for the archaeological investigation of remains encountered.
4. The analysis of the results of the archaeological work and the production of reports and archive.
5. Such other provisions as may be necessary to protect the archaeological interest of the site, as indicated by the archaeological field evaluation. These may include:

- a).the preservation of any remains *in situ*, if warranted,
- b).appropriate archaeological excavation of any remains before any development commences on the site,
- c) .archaeological monitoring of the groundworks of the development,

6. The analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive, and if appropriate, a publication of these results.

These recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. Also these recommendations closely follow the policies included within National Planning Policy Framework (policies: 135, 141 etc.), and the guidance contained in the Historic Environment Planning Practice Guide.

In this case two appropriately worded conditions on any planning permission consent relating to these would be sufficient to provide for the level of investigation that this proposal warrants:

Recommended Condition A

No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording.
2. The programme for post investigation assessment.
3. Provision to be made for analysis of the site investigation and recording.
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.

5. Provision to be made for archive deposition of the analysis and records of the site investigation.
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Recommended Condition B

- i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).
- ii) 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 approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

If planning permission is granted, then HCC HA would be able to provide information on archaeological contractors who may be able to carry out the work.

Thames Water

Waste. Sewerage Infrastructure capacity. No objection.

Surface Water Drainage. It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. 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. *Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.*

Water Supply. This is under the jurisdiction of the Affinity Water Company.

Affinity Water Company

No response.

Response to Neighbour Notification/ Publicity

Please see Annex A.

Considerations

Policy and Principle

The NPPF clarifies that housing applications should be considered in the context of the presumption of sustainable development. Core Strategy Policy CS4 directs residential development to the Borough's towns and large villages and therefore Hemel Hempstead. In the town's residential areas appropriate residential development is encouraged. Policy CS17 supports the provision of an average of 430 net dwellings each year. Policy CS18 expects the provision of a mix of housing. Policy CS19 addresses the provision of affordable housing.

In summary, the principle of residential development is acceptable.

Layout/ Character and Appearance / Visual Implications/ Impact upon the Street Scene/
Effect upon the Setting of Old Pastures

- General

This is in the context of the Core Strategy's approach to the Quality of the Built Environment as expressed through Core Strategy's Policies CS10 (Quality of Settlement Design), CS11 (Quality of Neighbourhood Design) and CS12 (Quality of Site Design) and the saved DBLP Policy 21 (Density of Development) the Residential Character Appraisal for Felden West and DBLP Appendix 3.

There is an expectation to raise the standard of architecture, using innovative design and materials that are sympathetic to local character, whilst meeting the needs of different people and households.

- The Context: Felden West Policy Statement

This specifies the following:

Approach: Maintain defined character.

Scope for Residential development :Opportunity Area

Relevant Criteria:

- *Redevelopment*: May be acceptable within the terms of the Development
- Principles. *Plot amalgamation*: May be acceptable within the terms of the Development.

Principles.

Infilling: May be acceptable within the terms of the Development Principles.

Conversion of dwellings into smaller units: Encouraged where the character and appearance of the area is not harmed. In particular, schemes should maintain and where necessary improve the heavily landscaped character of the area. Car parking areas should be well landscaped in this respect and well screened by planting from the road.

Development Principles: Housing

Design: No special requirements.

Type: Detached houses are encouraged, but the creation of flats standing in large, well landscaped grounds will also be acceptable.

Height: Should not normally exceed two storeys.

Size: Large to very large dwellings are acceptable and appropriate.

Layout: Informal and irregular positioning and layout of dwellings is appropriate. No building lines need be created; very regular building lines will be discouraged. A wide to very wide spacing must be maintained or provided (5 m - 10 m and over 10 m respectively). Rear gardens to houses will be expected to be provided at over 11.5 m in length.

Density: Development should be compatible with the character, within the existing density range, (less than 15 dwellings/ha).

Amenity

Amenity land: No special requirements.

Front gardens and forecourts: Front gardens should be provided in all cases, common in size and layout to nearby and adjacent dwellings.

Landscaping and planting: Extensive use of private landscaping is strongly

encouraged, and will be expected as part of schemes for new residential development.

Views and vistas: No special requirements.

Landmarks and focal points: No special requirements.

Traffic

On-street parking: No special requirements.

Off-street parking: To be provided within the curtilage of private dwellings.

Communal provision, except for visitor parking requirements, is discouraged.

- DBLP Appendix 3: Layout and Design of Residential Areas

This addresses how proposals should be guided by existing topographical features of a site and the immediate surroundings. There needs to be respect for the character of the surrounding area and in particular there must be adequate space for the development without creating a cramped appearance. It explains the approach towards privacy, gardens and amenity space and the spacing of dwellings.

With regard to spacing there should be space around buildings to avoid a cramped layout and to maintain residential character, to ensure privacy/ maintenance. A minimum of 23m should be provided between the main rear wall of a dwelling and main wall (front or rear) of another to maintain privacy. The distance may be increased based upon character, levels and 'other factors. Also spacing should be provided at a distance consistent with the surrounding areas, as recommended by the SPG: Development in Residential area.

Note: The relationship between rear/ front windows and the flank wall of a building.

There is no 'standard' regarding the relationship between rear/ front windows and the flank wall of a building. In this respect it is not uncommon for a layout to feature a dwelling with an 11.5m rear garden and a flank wall of the dwellinghouse lying parallel to the rear boundary. In this respect this can be applied as a 'benchmark' for spacing of rear windows to flank walls in terms of assessing overbearing/ oppressive/ visually intrusive development, which is subjective/ qualitative. In this respect PINS views and the LPA's views regarding the 2007 Appeal were very different and provide a documentary/ procedural context in considering the current proposal's impact upon residential amenity.

- Assessment

Whilst the design of no. 10 echoes the design of other dwellings within this part of Copper Beech Close and its rear garden reinforces the established layout, its substantial side garden is at variance with this and provides an opportunity for new residential development. It would be expected that any development on the land respects the Copper Beech Close physical/ layout and visual context/setting. This is with due regard to local topography.

The subdivision of the side garden into two plots, facilitated by the demolition of the attached garage, ensures the retention of a rear garden for no. 10 commensurate with the established immediate locality. The rear garden for Plot 1 will reinforce this layout pattern. Plot 2's, albeit smaller rear curtilage, will maintain this overall pattern, also taking into account the form/ layout/ size of the rear gardens of dwellings in the Aspens Close cul de sac and New Pastures. Both no. 4 Aspens Close and New Pastures have relatively limited rear gardens.

The Conservation and Design officer is concerned however at the cramped appearance of the furthest proposed house from no 10 and that the site should be limited to a single dwelling. However, as an overview the application site is relatively isolated from the established Copper Beech Close street scene. It can be more interpreted as a physical transition with the existing development in London Road and because a design is different this is not in itself a cogent

reason to justify a refusal per se.

The physical/topographical context is a critical material consideration. Significantly the application site is relatively isolated from the established Copper Beech Close street scene. It can be more regarded as a physical transition with the existing development in London Road, rather than forming part of the existing cul de sac, with the access being the main visual connection. This is a central reason why officers have sought the retention of the driveway and its associated vegetation. The major visual change at this point is the garage to which CD raise no objection. A hipped roof relates to Aspens Place. Moreover a flat roof would relate to the proposed dwelling on the lower Plot 2 at the end of the driveway at a key transitional point with the development in London Road, complemented by the 'green setting'.

Therefore in terms of the urban design context terms there is logic to the proposed approach and rigid adherence to housing existing design in terms physical design cohesion with at no. 10 is not regarded as essential. This would be different if the site was in the central part of Copper Beech Close.

The design of both proposed dwellinghouses are materially different to no. 10 Copper Beech Close. This too is not in itself a reason to refuse the application. The dwelling on Plot 1 in its revised form will create a greater sense of spacing with no. 10 due to the hipped roof design, reinforced and taking advantage of its lower level. Due to its recessed position it will not be visible from the Copper Beech Close turning head. When viewed from London Road the existing flank wall of no. 10 is very brutal and assertive due to its exaggerated elevated position/height. The northern side of the dwelling on Plot 1 should significantly soften this harsh visual impact by partially screening the existing flank wall of no. 10 and further 'broken' / subdued by the effect of the timber clad and lower dwelling on Plot 2. The combined effect the northern flank walls of the new dwellings should create a stepped appearance from London Road.

As a principle variety in design creates visual interest and can have a positive reinvigorating effect. In fact at this key transitional point the two storey hipped dwelling on Plot 1 echoes design features evident in the locality through its the roof and rendering with some visual continuity with Aspens Place .It may differ from Copper Beech Close, but due to its recessed and discreet position in relation to the serial view of the immediate Copper Beech Close street scene it will not appear as an abrupt and discordant feature. Therefore it will not conflict with visual cohesion of this part of the Copper Beech Close street scene.

It is set against this urban design context that the development of Plot 2 provides the opportunity for design innovation/ experimentation. This is due to the combination of levels and the wooded setting in the context of the pattern of development in the immediate locality. This is where a wholly different design can make a positive difference. It is a design that utilises the levels, the land available and 'the green context'. Due to its 'sunken position ' in relation to the driveway its impact in relation to near, medium and long views the building will appear as a lower terminal feature in relation to Copper Beech Close, notwithstanding the visual effect of the parking area. In this respect the building should not appear cramped and there is an urban design case for accommodating more than a single dwelling at the site.

The Revised Scheme's flat roofed design and timber cladding of the dwelling on Plot 2 are obviously materially very different to the established modern housing in the locality. In this respect the Revised Scheme's flat roofed design does not echo / reinforce this roof vernacular, but because it is different this is not a reason per se to object to the development. In the Borough there are many examples of recently approved modern designs- design variety and innovation adds visual interest. Also the building's position takes advantage of the levels. From Copper Beech Close turning head the part of the building will be visible within the street scene, appearing at a much lower level. It will form a positive and subtle terminal feature/ visual focus to the cul de sac, set against the 'green' background, with views channelled through the effect of the proposed triple garage In terms of visual cohesion and continuity this was the reason why the agent was requested to consider a flat roof for the garage.

Moreover, timber is part of the local street scene in London Road. This is best demonstrated by the recently built and Chilterns Conservation Board award winning Boxmoor Trust Centre which respects the London Road historic context, featuring listed buildings. A timber clad two storey annex was also approved at the listed building adjoining Boxmoor Trust. There is also a timber clad agricultural building nearby. Timber cladding should also be considered in the context of the site's wooded /green setting which was also a key factor influencing why officers have been unprepared to support a change the existing driveway and in doing so maintaining the driveway's established 'green' relationship with no. 4 Aspens Place and its role in relation to the setting of the Copper Beech Close cul de sac. In this context it is not considered that there will be harmful effect upon the setting of the listed Old Pastures.

Therefore, notwithstanding the comments of the Conservation and Design officer, subject to the careful choice of materials and the permanent retention of the timber cladding for the dwelling on Plot 2, the character, layout and design are considered acceptable to support the proposal, whilst it may not rigidly adhere to a 'strict design code' regarding the maintenance of greater spacing of dwellings. Applying such would in this case, due to the level changes and wooded setting, actually stifle innovation.

However, the issue of cramped form of development is more pertinent to the development's relationship with adjoining dwellinghouses in terms of residential amenity.

Impact upon Residential Amenity

This is with reference to the physical impact (whether overbearing/oppressive/ visually intrusive), privacy, the receipt of light and noise/ disturbance. This is with due regard to the neighbour objections (including pictorial representation of the effect) and PINS 2007 Appeal decision.

The agent and applicant has always been informed that the most fundamental material consideration to carefully address is whether the development of the site can be compatible and coexist with the surrounding dwellings, especially 4 Aspens Place and New Pastures. Both post date the LPA's 1993 decision to grant permission for a dwelling at the application site.

It is fully acknowledged that given the difference in levels this will exaggerate the effect of any development upon both dwellings. Also since PINS decision the boundary hedge between New Pastures and the site has been removed.

- 4 Aspens Close

The Original Scheme was considered to be harmful to the residential amenity of no. 4. This was due to the combined physical impact of the profiles / bulk of both dwellings with due regard to effect of the higher / elevated application site. This was notwithstanding the level of 'privacy' separation which the agent has designed to be in excess of 23m.

In this context and dismissing the Appeal PINS noted:

'The rear first floor windows of 4 Aspens Place would face the front living room windows of the proposed dwelling which would be slightly higher. However, the ridge levels would be similar and there would be some 28 metres between the properties which compares favourably with a minimum distance of 23 metres in the DBLP (sic) residential design guidelines.'

The Revised Scheme's currently proposed dwelling on Plot 2 is closer than that subject to the appeal. However, as compared to the Original Scheme the collective design changes achieved through the Revised Scheme improves the relationship with no.4. This has been due to the collective effect of Plot 1's more open roof design, its increased separation with no.4, the use

of obscure glass for the central first floor window and Plot 2's changed roof and lower profile design from hipped roof to flat roof and the use of timber cladding. As confirmed the timber dwelling on Plot 2 is considered to be architecturally 'design innovative' rather than functional /utilitarian, with the cladding key to this interpretation. As confirmed the agent has clarified that the requested further lowering of the dwelling on Plot 2 has not been possible, which would dilute the effect. Therefore further opportunities for change have been exhausted through the extensive dialogue.

It will be absolutely essential that there are strict controls over the future changes to both the dwellinghouses through the imposition of a wide range of conditions regarding permitted development restrictions, no use of the flat roof as a balcony/ roof garden and exterior lighting controls.

The Original Scheme's shortcomings also included the provision of new driveway which would have opened up the site to no. 4 Aspen Place. The retention of the driveway and the existing boundary treatment maintains the current conditions. It is not considered that the application could be refused based upon noise/ disturbance and headlamp glare given that the LPA granted permission for the Aspens Place development after the grant (albeit unimplemented) for a dwelling at no.10 with a modified driveway.

- New Pastures

In dismissing the Appeal PINS noted:

'Because of the slope the proposed dwelling would be 2metres higher than New Pastures and there would be separation distance of about 19 metres between them. Whilst I did not view the site from New Pastures I noted that the view from the rear of this property would be restricted by a tall screen hedge. The proposed development would be seen above this, not as an isolated feature but in the context of the existing setting of mature trees within the appeal site, the woodland beyond and the higher flank wall of no.10. As such I do not consider that it would appear unduly oppressive or adversely affect daylight'.

Unlike PINS three officers (including the current Case Officer and Team Leader) had visited New Pastures and met the current occupier/ objector viewing the site in relation to the house and garden.

Significantly PINS unequivocally disagreed with the LPA regarding the impact upon New Pastures, despite the reason for refusal regarding the impact upon New Pastures:

'There will be an adverse impact upon the residential amenity of adjoining dwellings, especially New Pastures. This is in terms of the physical impact with respect to any overbearing/ oppressive/ visually intrusive effect...'

It is set against this long established and detailed LPA knowledge and context that the LPA has discussed with current agent and applicant the sensitivity of the scheme and in the context that the previously scheme was recommended for refusal due to the harm to New Pastures, which was not supported by PINS. Substantial weight has to be given to PINS decision which has very significantly and undoubtedly diluted how the LPA has considered such an impact in terms of the current proposal.

There are material differences between the proposals and the Appeal. The dismissed Appeal involved a gable roof building further from the common boundary (with two storeys visible) and over a shorter distance across the boundary. The loss of the hedge, the lesser separation and greater spread across the boundary are all factors to take into account, with about 15 m between the rear windows of New Pastures and the flank wall of the building. The lower ground floor windows will be screened by boundary fencing with first floor

windows limited to en-suite which should be subject obscure glazing and limited openings,

The Revised Scheme reduces the impact upon New Pastures by lowering its profile and the incorporation of timber cladding. There would also be an expectation that a privacy/ acoustic timber fence is installed and hedge is planted parallel to the common boundary. There would need to be the aforementioned removal of all permitted development rights for extensions, outbuildings, new windows and the use of the roof as a roof garden/ balcony and exterior lighting controls. The subsequent insertion of flank wall windows would negate the effect of the current proposal which maintains the privacy of New Pastures It has also been taken into account that under current permitted development rights an outbuilding could be constructed in a similar position under Class E permitted development rights in a similar location.

- Old Pastures

The physical effect/ relationship would be much less as compared with no. 4 Aspens Close and New Pastures.

- 10 Copper Beech Close

The removal of permitted development rights for the dwelling on Plot 1 will limit the impact.

- Copper Beech Close

Given the availability of curtilage parking there are no apparent overriding effects in terms of noise and disturbance.

- Aspens Close

The position of the garage should not be harmful to the residential amenity of no.3. There are no other obvious impacts.

- Conclusion

The area has been the subject to incremental change in recent years through the development at New Pastures and Aspens Place. In granting both permissions these dwellings have benefitted from views towards the undeveloped garden of no. 10, in the context of the unimplemented planning permission in the 1990's for one dwelling at 10 Copper Beech Close. If the garage had been demolished at no. 10 there would have been no apparent reason not to have supported two dwellings at no. 10 at that time. The question in reverse would be whether the LPA would have refused planning permission New Pastures or Aspens Place given the positions of the dwellings and their designs as now proposed.

There will be undoubted noticeable change to the residential amenity of no. 4 Aspens Close and New Pastures. However the observed impacts are not unique and with due regard to the DBLP Appendix 3, the general approach regarding rear windows to flank walls and especially PINs decision, the fundamental question is what would be the clear parameters for substantiating harm in this case to the amenity of these dwellings, assuming that there are strict controls over future changes to either building.

Highway Safety (Vehicle/ Pedestrian), Traffic Generation, General Access, Fire Access, Access for Persons with Disabilities / Inclusive Access / Access for Persons with Persons with Mobility Difficulties and Parking

Due to the site's location and the changing levels there has been a need to ensure access,

turning and manoeuvrability are feasible and there is adequate off street parking. A workable layout during the day, night and in the winter has been considered.

Modifications to the layout resulting in a more recessed dwelling on Plot 1 has enabled the provision of more space for manoeuvring/ turning and parking. There has been extensive liaison with Hertfordshire County Council Highways Unit, Hertfordshire Fire and Rescue Service and the Refuse Controller.

The revised layout satisfies the expectations of Hertfordshire County Council Highways Unit and Hertfordshire Fire and Rescue Service with refuse storage adjoining the access.

Notwithstanding that there is parking available within the garages and parking adjoining the flank wall of no. 10 it is acknowledged that in winter conditions there is far less likelihood of resident/ visitors using the driveway due to the steep gradient beyond the garage. This will encourage the use of the Cooper Beech Close turning head for parking to the detriment of other users. However HCC Highways raises no fundamental objections and elsewhere the Planning Inspectorate has supported a heated roadway at Sunnyhill Road, Hemel. This could be installed at the site.

It will be expected that both new dwellings will be constructed to ensure access for persons with disabilities/ limited mobility. The layout addresses with the first floor of the dwelling on Plot 2 at the same level as the tuning/ parking area.

Refuse collection is not straightforward, with opportunities for collection within the site or at the access. It is acknowledged that the pushing refuse bins to the driveway access for all persons, but especially those with disabilities or mobility problems, will be difficult even in non winter conditions. Subject to the provision of a driveway to accommodate reversing refuse vehicles this could be avoided.

Ecological Implications/ Biodiversity/ Landscaping

- Bats

The site is in area featuring older buildings, water and trees. All these are 'habitat friendly factors' for bats. Hertfordshire Ecology advised that there are no adverse ecological implications resulting from the garage's demolition.

- Planting/ Soft Landscaping

The recommended landscaping conditions are an opportunity to carrying out 'biodiversity friendly' planting and retain existing planting.

Drainage

A condition is recommended given Thames Water's advice and the need to ensure a sustainable approach to surface water.

Contamination/ Ground Conditions

- Contamination

Standard contamination conditions are recommended in accordance with the recommendations of the Council's Scientific Officer.

- Land Stability

The agent has confirmed that there are no anticipated land stability issues. With due regard to the NPPF's expectation's regarding land stability this is addressed by an informative.

Archaeology

There will be a need to impose standard conditions.

Crime Prevention/Security

There are no apparent objections. There is good surveillance to the front and rear, controlled side entrances and curtilage parking including a secure garage.

Approach to Sustainable Construction/ Policy CS29: Sustainable Construction

The approach is acceptable.

Exterior Lighting/ Light Pollution

A condition is necessary to minimise the effect of light pollution. This is with regard to safeguarding the residential amenity of adjoining dwellinghouses.

The installation of anti-light pollution glazing for the front elevation of the dwelling house on Plot 1 would reduce the impact upon 4 Aspen's Place and is addressed through a recommended condition.

Planning Obligation

This is not required in relation to the previously applicable Dacorum and Hertfordshire County Council Toolkits.

A written Ministerial Statement on 28 November 2014 (House of Commons Written Statement - reference HCWS50) sets out proposed changes to national policy with regard to Section 106 planning obligations, and has resulted in an amendment to the National Planning Practice Guidance (NPPG), paragraph 012 of the Planning Obligations notes the following:

'There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.'

The NPPF confirms that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floor space of no more than 1000m².

This ministerial guidance and note within the NPPG are considered to represent significant weight as material considerations to be balanced against the requirements of Policy CS35 of the Core Strategy, DBLP Policy 13 and DBC and HCC Planning Toolkits which aim to secure planning obligations to offset the impact of new residential development upon local services and infrastructure. The commitment of the Government to revise the Section 106 process indicates that the existing policies of the Development Plan are out-of-date with the current Government guidance. In line with Policy NP1 of the Core Strategy. Therefore it is proposed to apply more weight to the revised guidance in the NPPG.

The proposal falls beneath the threshold of more than ten dwellings, have a gross floor space of less than 1000m² and is under where the exemption from Section 106 affordable housing contributes and tariff style contributions applies.

No financial contribution is necessary for highway works.

Environmental Impact Assessment Screening

An Environmental Impact Assessment is not required for this development.

Article 31

There has been the need for various changes / additional information involving extensive and protracted dialogue.

Conclusions

This has proven to be a locally controversial scheme. This should be considered in the context of the change which has occurred in the area with new housing being accommodated in single and multiple plots in Felden East and West. The proposal reflects national and local pressures to accommodate new housing within the Borough's urban areas, as reflected by the significant change in Felden East and West in recent years, representing another phase of this incremental change.

The proposal represents a further opportunity to provide additional housing within an established residential area. There is no objection in principle to the development. The land can accommodate two dwellings which will feature three relatively commensurate plots in relation to Copper Beech Close, facilitated by the demolition of the attached garage.

In terms of the effect upon residential amenity the development of the site is not straightforward due to the site's relationship with adjoining dwelling houses which have been constructed in recent years, post dating Copper Beech Close.

The fundamental question is whether there will be harm to the residential amenity of adjoining dwellinghouses. The LPA has sought changes to reduce the impact with reference to the effects of local levels and the position of both no. 4 Aspens Place and New Pastures. This is with regard to privacy and the physical impact. Based upon the LPA's established 'spacing criteria' and with due regard to PINS previous appeal decision, officers have attempted to balance these issues. This has culminated in a considerable change to the originally proposed design, especially the dwelling on Plot 2. Whilst there is local criticism of the design of the dwelling on Plot 2 and objections from the Conservation and Design Team it reflects the current architectural vogue for individual quality and innovative and sustainable designs. It may be different but this does not by implication justify refusal, with the timber cladding respecting the wider heritage context.

As confirmed further requested changes have not been possible for technical and applicant choice reasons with due regard to balancing support for new housing against the environmental implications.

It is concluded that having exhausted the opportunity for further detailed changes to the layout / design in accommodating two new dwellings to address residential amenity the DCC should now determine the application. In this context the application is recommended for permission subject to the imposition of conditions which, in particular place emphasis upon controlling further changes through the exercise of permitted development rights and additional controls.

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

- 1 **The development hereby permitted shall be begun before the expiration of**

three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 Notwithstanding the details specified by the application form and by the originally submitted drawings the dwellinghouse hereby permitted on Plot 2 shall be constructed with timber cladding fully in accordance with the details shown by the approved drawings and the samples of which shall be submitted and approved in writing by the local planning authority before the commencement of the development hereby permitted. Thereafter all the approved timber cladding for the dwellinghouse on Plot 2 shall be retained and maintained fully in accordance with the approved details.**

Reason: To ensure that the development is compatible with the appearance of the locality and that the development establishes a satisfactory relationship with no. 4 Aspens Place and New Pastures in terms of residential amenity to accord with the local planning authority's dialogue with the agent, to accord with the requirements of Policies CS10 and CS12 of the Dacorum Core Strategy.

- 3 The ridge level of the dwellinghouse on Plot 1 hereby permitted shall be 1.75m lower than the ridge level of the existing dwellinghouse at 10 Copper Beech Close unless a lower height is agreed in writing by the local planning authority,**

Reason: To ensure that the development establishes a satisfactory relationship with no. 4 Aspens Place, New Pastures, 10 Copper Beech Close in terms of residential amenity and in the interests of the character and appearance of the locality to accord with the requirements of Policies CS10 and CS12 of the Dacorum Core Strategy.

- 4 The roof of the dwellinghouse on Plot 2 shall be 4.75m lower than the ridge level of the dwellinghouse hereby permitted on Plot 1, unless a lower height is agreed in writing by the local planning authority,**

Reason: To ensure that the development establishes a satisfactory relationship with no. 4 Aspens Place, New Pastures, 10 Copper Beech Close in terms of residential amenity and in the interests of the character and appearance of the locality to accord with the requirements of Policies CS10 and CS12 of the Dacorum Core Strategy.

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

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a

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

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

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

(b) Submission of Remediation Scheme

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

(c) Implementation of Approved Remediation Scheme

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

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

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS31 and CS 32 of the Dacorum Core Strategy.

- 6 **No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years shall have been submitted to and approved in writing by the local planning authority.**

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority for its approval in writing.

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

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 Policies CS31 and CS 32 of the Dacorum Core Strategy.

- 7 **The development shall be served by soakaways which shall not be constructed on contaminated land.**

Reason: To protect groundwater to accord with the requirements of Policies CS31 and CS32 of the Dacorum Core Strategy.

- 8 **Within the first planting season following the first use of the dwellinghouses hereby permitted full details of all proposed planting (including planting times) shall be submitted to the local planning authority. All the approved planting shall be carried out in accordance with those details fully in accordance with the approved details. For the purposes of this condition the planting season is between 1 October and 31 March.**

Reason: To safeguard the local environment in accordance with the requirements of Policies CS12, CS26 and CS29 of the Dacorum Core Strategy.

- 9 **If within a period of 5 years from the date of the planting of any tree, shrub or section of hedge, that tree, shrub or section of hedge or any section of hedge planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), another tree, shrub or section of hedge of the same species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives its written consent to any variation.**

Reason: To safeguard the local environment in accordance with the requirements of Policies CS12, CS26 and CS29 of the Dacorum Core Strategy.

- 10 **Before the first use of either dwellinghouses hereby permitted the access, access road, fire turning area and all the vehicle parking shall be provided fully in accordance with the details shown by the approved plans. The access road and turning area shall be designed with a capacity/ loading and design to accommodate use by a fire tender at all times. Thereafter the approved access, turning area and parking shall be retained at all times and only used for the approved purposes.**

Reason: To ensure that there is a safe access including for fire/emergency access, adequate and satisfactory provision of off-street vehicle parking facilities and in the interests of highway safety in accordance with Policies CS9 and CS12 of the Dacorum Core Strategy and saved Policies 54 of the Dacorum Borough Local Plan 1991-2011.

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

Reason: To ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining highway in accordance with Policy CS12 of the Dacorum Core Strategy and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

- 12 **All doors shall be provided with a level threshold.**

Reason: To ensure there is additional parking for persons with disabilities provided at all times in accordance with Policies CS 8 and CS12 of the Dacorum Core Strategy and Policy 63 of the Dacorum Borough Local Plan 1991-2011.

- 13 **Before the commencement of the development hereby permitted a scheme for fencing shall be submitted to and approved in writing by the local planning authority. The approved fencing shall be installed fully in accordance with the approved details before the first occupation of either dwellinghouse hereby permitted. The approved fencing shall be thereafter retained at all times.**

Reason: In the interests of residential amenity in the interests of the character and appearance of the locality to accord with the requirements of Policies CS10 and

CS12 of the Dacorum Core Strategy.

- 14 **Unless otherwise subject to other requirements of this planning permission the development hereby permitted shall be carried out in accordance with the submitted Policy CS 29 (Sustainable Design and Construction) of Dacorum Core Strategy sustainability statement submitted with the application.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 of the Dacorum Core Strategy.

- 15 **Details of any exterior lighting shall be submitted to and approved in writing by the local planning authority. The exterior lighting shall be installed and thereafter retained fully in accordance with the approved details.**

Reason To the residential amenity of 4 Aspens Place, New Pastures, Old Pastures and 10 Copper Beech Close, to safeguard the local environment in accordance with the requirements of Policies CS12, CS26 and CS29 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of Dacorum Borough Local Plan 1991-2011.

- 16 **Prior to the commencement of the development hereby permitted details of a surface and foul water drainage system shall be submitted to and approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system and shall provide for the appropriate interception of surface water runoff so that it does not discharge into the highway or foul water system. The development shall be carried out and thereafter retained fully in accordance with the approved details.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development to accord with the requirements of Policies CS29, CS31 and CS32 of the Dacorum Core Strategy.

- 17 **The roof area of the dwellinghouse on Plot 2 shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.**

Reason: To safeguard the residential amenity of no. 4 Aspens Place, New Pastures, 10 Copper Beech Close in terms of residential amenity and in the interests of the character and appearance of the locality to accord with the requirements of Policies CS10 and CS12 of the Dacorum Core Strategy.

- 18 **The central first floor front window of the dwellinghouse on Plot 1 shall be fitted at all times with obscure glass and fixed above 1.7m above finished floor level.**

Reason: To ensure that the development establishes a satisfactory relationship with no. 4 Aspens Place in terms of residential amenity and to accord with the local planning authority's discussion with the agent, to accord with the requirements of Policies CS10 and CS12 of the Dacorum Core Strategy.

- 19 **All the toilet/ en suite windows shall be at all times fitted with obscure glass and be of a fixed type below 1.7m finished floor level.**

Reason: In the interests of residential amenity in accordance with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 20 **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 within the residential curtilages of the dwellinghouses hereby permitted and and 10 Copper Beech Close:**

Schedule 2 Part 1 Classes A, B, C and E and Part 2 Class A.

For the purposes of this condition there shall not be the carrying out of such development with the existing residential curtilage of 10 Copper Beech Close before the commencement of the development hereby permitted.

Reason: To safeguard the residential amenity of 4 Aspens Place, New Pastures and the dwellinghouses hereby permitted and the character and appearance of the locality.

- 21 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no windows other than those expressly authorised by this permission shall be constructed within any parts of the dwellinghouses and garage hereby permitted.**

Reason: In the interests of residential amenity of Crossways in accordance with the requirements of Policy CS12 of the Dacorum Core Strategy.

- 22 **A).No part of the development hereby permitted shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:**

1. **The programme and methodology of site investigation and recording**
2. **The programme for post investigation assessment**
3. **Provision to be made for analysis of the site investigation and recording**
4. **Provision to be made for publication and dissemination of the analysis and records of the site investigation**
5. **Provision to be made for archive deposition of the analysis and records of the site investigation**
6. **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

B) No development hereby permitted shall commence other than in accordance with the Written Scheme of Investigation approved under requirement (A).

C) No development hereby permitted shall commence until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard the site archaeology to accord with the requirements of Policy CS27 of the Dacorum Core Strategy.

23 **Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plans:**

3758 PLA 1.01C
3758 PLA 1.10 C
3758 PLA 1.11 B
3758 PLA 1.12B
3758 PLA 1.13A
3758 PLA 1.14A

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

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 led to a range of improvements to the scheme. As a consequence of a range of changes during the consideration of the proposal the scheme has been granted rather than refused.

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.

Informatives

Fire Access : Liaison with Hertfordshire Fire & Service

Before the commencement of development it is recommended that the developer contacts Hertfordshire Fire & Rescue Service to ensure accessibility to fire hydrants. Fire Protection Inspecting Officer before carrying out the development. The contact details are:

Fire Protection Dept. Postal Point: Mundells - MU103, Hertfordshire County Council, Welwyn Garden City, AL7 1FT Telephone : 01707 292310.

Ground Conditions and Land Stability

The local planning authority has noted the agent's submission regarding land stability.

Water Quality

Before the commencement of development it is recommended that Affinity Water is contacted.

Bats : Demolition Works

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

Removal of Asbestos

Advice should sought from the Council's Environmental Health Unit and the Health & Safety Executive.

Construction

Best practical means should 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 to not emit dust or deposit mud, slurry or other debris on the highway to minimise the impact of construction vehicles whilst the development takes place.

All areas for storage and delivery of materials associated with the construction of this development should be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway; in the interest of highway safety and free and safe flow of traffic.

The highway authority requires that all new vehicle crossovers are constructed by approved contractors. All works must be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact www.hertsdirect.org or telephone 0300 1234 047 for further instruction.

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. Contact details : 0800 009 3921.)(Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing

sewerage system).

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

Water Supply

This is within the area covered by the Affinity Water Company. It is recommended that the developer contacts Affinity Water.

Land Stability

Before the commencement of development it is recommended that the developer checks the site's land stability.

ANNEX A: COMMENTS RECEIVED FROM LOCAL RESIDENTS/ RESPONSE TO SITE NOTICES

ORIGINAL SCHEME

New Pastures

Introduction

NP is located immediately adjacent to the North of the application site. 10 Copper Beech Close sits in an elevated position to the south of NP.

Although it has forward facing front windows, these are at an oblique angle to NP's property and garden and NP's existing laurel hedge provides reasonable screening and privacy. At the bottom of NP's garden, bordering number 10's garden there is a fence which provides screening whilst not being overbearing.

Attached photographs show the outlook from NP's upstairs and downstairs rear windows..

Effect of the proposed development on New Pastures

Copper Beech Close has a number of detached properties all with good separation and large sized gardens. The proposal to cram in two four bedroom new dwellings situated directly to the rear of NP's garden will change the outlook significantly, presenting a complete eyesore which also intrudes on my privacy.

The current garage at 10 Copper Beach Close to the lower side of the property houses only two vehicles, nevertheless the movement of cars in and out of the garage and the adjacent lay-by already causes some light disturbance i.e. headlamps when returning home. With the movement of additional cars for two four-bedroom detached properties will cause significantly more light intrusion.

The design of the lower dwelling when viewed from NP will be intrusive and somewhat ugly. A 15 metre long house wall with only very small windows incorporated in the very bland brickwork on the first floor will make this look more like factory rather than a domestic residence. This will be totally out of character with the other houses situated in Copper Beach Close. The lower property will be around 2-3 metres from the my laurel hedge at the rear of New Pastures and therefore my house and garden will be totally overlooked, removing any privacy that NP now

enjoys.

The upper dwelling is set further back from my property but still have very little space between it and 10 Copper Beech Close . Thus neither of the two new proposed four bedroom properties meet the Dacorum Borough Council requirement for “wide to very wide spacing” between residential buildings (policy “Development in Residential Areas” DBLP). The policy states that such spacing “must be maintained”. The construction of dwellings with approximately 2-3 metres between each house, including New Pastures, which will give an overcrowded impression and out of character with Copper Beech Close in general.

The whole of the lower dwelling will be directly behind NP’s laurel hedge, which is approximately 2-3 meters as stated in the previous owner’s application. It will overlook the windows of three bedrooms and three bathrooms at the rear of my property.

Whilst acknowledging that some existing shrubs and hedging will have to be removed to allow for vehicle access to the proposed new properties it will affect the privacy of the new owner of 4 Aspens Place. Any replacement planting will take several years to mature and in the meantime considerable overlooking of number 4 Aspens Place will occur. The development will provide considerable visual intrusion and loss of privacy to my rear garden, which will dramatically reduce any enjoyment of NP’s garden.

The separation between the lower building and the fence of New Pastures will be an average of around 2-3 metres. This will lead to a squashed layout and will not be consistent with the spaciousness of the surrounding area.

A previous outline planning application (4/02617/07/OUT) was refused on the grounds that the development might conflict with relevant criteria in Policy 11 of the Dacorum Borough Local Plan 1991 – 2011. That application was for one four bedroom property. The current proposal for two four bedroom dwellings will be much worse than the previous application and totally incompatible with the surrounding properties with a huge visual adverse impact.

Summary

The layout, design and bulk density of the proposed dwellings are not consistent with the surrounding properties and neither reflect nor respect the general character of the Boxmoor area.

Insufficient space between the three properties will result in a cramped layout and the residential character of the area will be compromised. This will have an overbearing and visually intrusive effect on NP.

The writer has tried to demonstrate how inappropriate this proposed application is and if permission is granted, it will have a significant affect on NP . It is strongly felt I that a site visit by a Planning Case Officer is essential to understand the full impact of the proposed development.

4 Aspens Place

(Gateway Comments: 13 June 2014)

Profound concerns with regard to the above application.

The property was recently purchased. Delighted to move into a family home that was

in a secluded and peaceful location with a few properties discreetly sited around it. The openness to the rear of the plot gives a wonderful vista whilst also providing privacy. No.4 is located immediately adjacent to the North East of the application site.

10 Copper Beech Close sits in an elevated position to the south west of no.4. Although it has forward facing front windows, these are at an oblique angle to no.4 and its garden. The existing hedge provides reasonable screening and privacy. At the bottom of the garden, bordering number 10s side garden is a fence which provides screening whilst not being overbearing.

The outlook from the upstairs and downstairs windows is illustrated by submitted photographs.

The impact of the proposed development

Copper Beech Close has a number of detached properties all with good separation and good sized gardens. The proposal to cram in two new dwellings directly to the rear of no.4 my garden will completely change the outlook and be substantially overbearing and visually intrusive.

The garage to the lower side of the property houses two vehicles and the movement of cars in and out of the property is relatively unobtrusive. The movement of at least three additional vehicles in and out of the proposed drive which will be immediately adjacent to my boundary will cause noise and disturbance.

The rear wall of the lower dwelling will be directly behind my rear fence and only 20 metres away from no.4's bedroom window. It will appear grossly overbearing and be a considerable visual intrusion. In addition, the starkness of the plain brickwork above fence height will be particularly grim. It will be more like an institutional or industrial than a residential building, and totally out of character with the surrounding area and properties.

In order to facilitate vehicle access to the proposed new properties, some existing shrubs and hedging will have to be removed (see accompanying photograph of the existing view from my house). The planting contributes towards the privacy in my house and garden. When it is removed, the privacy of no. 4 will be too. Any replacement planting will take several years to mature, therefore in the meantime considerable overlooking will occur.

The upper dwelling is set further back from our property, but with very little separation from number 10. This does not meet the Dacorum Borough Council requirement for wide to very wide spacing between residential buildings (policy Development in Residential Areas DBLP). The policy states that such spacing must be maintained. The construction of dwellings with approximately 2.3 m between them will create a cramped appearance, out of character with Copper Beech Close in general.

The development will provide considerable visual intrusion and loss of privacy to our rear garden, which will considerably reduce our enjoyment of our garden as an amenity space.

In addition, the design of the lower dwelling when viewed from New Pastures in London Road, will appear over bearing and ugly. A 15 metre long wall incorporating only very small windows in the side flank first floor will make this look more like an industrial unit than a dwelling house- totally out of character with the area, and

visually intrusive. The property will be around 15 metres from the rear of New Pastures and the overshadowing effects will be considerable.

The separation between the lower building and the fence of New Pastures will be an average of around 2 metres. This will lead to a cramped layout, which will not be consistent with the spaciousness of the surrounding area.

A previous outline planning application (4/02617/07/OUT) was refused on the grounds that the development might conflict with relevant criteria in Policy 11 of the Dacorum Borough Local Plan 1991 2011. That application was for 1 property. The current proposal for 2 dwellings will undoubtedly have an adverse impact on the residential amenity of adjoining dwellings, and there will be an incompatible visual relationship between the proposed dwellings and their surroundings.

Conclusion

The layout, design and bulk of the proposed houses are not appropriate in relation to the adjoining properties. The proposed development respects the density and general character of the Boxmoor area. Insufficient space between the three properties will result in a cramped layout, and the residential character of the area will be compromised. There will be an overbearing and visually intrusive effect on no.4..

The writer has tried to demonstrate how this proposal is inappropriate and, if granted permission, will affect no.4 .A site visit by a Planning Case Officer is essential to understand the full impact of the proposed development

8 A Copper Beech Close

(Gateway Comments : 12 June 2014)

Object:

The reasons for objecting to this application are:

1) The details which appear on Site Location

Plan(<http://site.dacorum.gov.uk/PlanDocs/234/44/69/68/44696869.pdf>) regarding property boundaries between 10 and 8a Copper Beech Close are not correct or accurately drawn. Referring to Land Registry documents for both properties and Title Deeds for 8a Copper Beech Close, the southern-most extended section should not extend beyond the boundary featured in the more detailed plans of the site development. This must be redrawn so as not assumed to be correct.

2) The existing communal turning area will become congested with vehicles spilling out from the properties proposed in the application, and is likely to extend up the rest of Copper Beech Close. The plans make provision for 5 additional vehicles for the two new properties, plus room for 5 vehicles at No. 10 (assuming the garage is linked to No.10). The manoeuvring area proposed as part of the new development looks very restrictive, so a more likely outcome is that vehicles will be left in the easier to access existing communal turning area which is disruptive for the rest of the traffic in the Close.

3) Copper Beech Close enjoys an open, spacious feel, which is one of the attractive

qualities which originally attracted the neighbour to the area. This will be significantly impacted by the pitched roof 3-vehicle garage development on the right hand side at the entrance to the site, plus the introduction of the two additional properties.

4) Linked to points 2) and 3) above, the increase in additional traffic (at least 5 more vehicles) within the Close will have an impact on the safety and quality of life. This will lead to the need to enclose boundaries (currently no properties in the Close have fencing) resulting in a significant change to overall spaciousness, look and feel of the Close.

5) If the development does get approved, all the parking of construction vehicles should be kept within the confines of the boundaries of No.10 and not be allowed to spill over into the surrounding streets or communal parking area in order to minimise the impact on safety of children and pets.

Jo and Jeff Ayres

(E Mail : 12 June 2014)

The following statement was included:

(Gateway Comments :12 June 2014)

Object.

1. Garage will be unsightly coming down the Close and out of character.
2. Excessive traffic and further strain on already difficult parking/turning situation.
3. Boundary dispute with 8a.
4. Common land at site of proposed garage.

12 Copper Beech Close

(Letter dated 12 June 2014 : Summary)

1. Incorrect labelling of no.12 as no.9.
2. Objections based upon vehicle manoeuvring and access implications.
3. The site is only suitable for one additional house of similar size and style to the existing properties in Copper Beech Close.

(Comment added Monday 6 June 2014) .

REVISED SCHEME

New Pastures

As before.

4 Aspens Place

There are continuing objections and profound concerns

The neighbour has never had the opportunity to engage with the owners of number 10 prior to the application being submitted. This was limited to a 'knock on the door

and a brief glimpse of the plans where I expressed my concerns about privacy only to find out a few days later that the application had already been entered and was now registered and acknowledged without me having a chance to properly appraise them or pass comment' and 'I have had no further opportunity to discuss the proposal with the owner of number 10 or his architects since'.

Notice of the amended plans on the weekend immediately prior to Christmas and the writer was unable to prepare more substantial comments in the allotted time frame. Nevertheless the writer thanks the LPA for offering to accept these comments after the due date.

The writer would particularly like to demonstrate how the proposal would impact on no. 4 from the writer's point of view through a 3 dimensional visual appraisal. It would be as shown from the immediate garden outside the rear lounge and would serve to demonstrate how severe the lack of privacy issue is for no.4.

Revisions to plans

While there has been some effort to provide screening to the frontage separating the no.4's garden and 10b there can't be a solid guarantee that this will be permanent. Also- if it is allowed to grow uncontrolled it will affect the light aspect of my garden. It is assumed that any tree screening would be in leaf all year round.

The frontage of the upper dwelling has been set back slightly from the original. However this only nominally changes the over dominant front windows overlooking the rear of no.4 home and the private garden area. This of course would not be the case were the properties on the same level as in normal circumstances.

Previous comments still pertaining

4 Aspens Place is in a secluded and peaceful location with a few properties discreetly sited around it. The openness to the rear of the plot gives a wonderful vista whilst also providing privacy. No.4 is located immediately adjacent to the North East of the application site.

10 Copper Beech Close sits in an elevated position to the south west of my property. Although it has forward facing front windows, these are at an oblique angle to my property and garden and the existing hedge provides reasonable screening and privacy. At the bottom of my garden, bordering number 10's side garden is a fence which provides screening whilst not being overbearing.

The impact of the proposed development

Copper Beech Close has a number of detached properties all with good separation and good sized gardens. The proposal to cram in two new dwellings directly to the rear of my garden will completely change no.4's outlook and be substantially overbearing and visually intrusive. There will be a lack of privacy due to the elevated frontage of the new upper dwelling the upper windows (if not the lower windows) of which will directly overlook my rear garden from an elevated position.

The garage to the lower side of the property houses two vehicles and the movement of cars in and out of the property is relatively unobtrusive. The movement of at least

three additional vehicles in and out of the proposed drive which will be immediately adjacent to my boundary will cause noise and disturbance.

The rear wall of the lower dwelling will be directly behind no.4's rear fence and only 20 metres away from my bedroom window. It will appear overbearing and be a considerable visual intrusion. In addition, the starkness of the plain brickwork above fence height will be particularly grim- more like an institutional or industrial than a residential building, and totally out of character with the surrounding area and properties. The design of the lower dwelling will be particularly grim- more like an institutional or industrial than a residential building, and totally out of character with the surrounding area and properties. This has been exacerbated by the higher parapet walls, effective eaves height and flat roof detail.

The upper dwelling is set further back from no.4 , but with very little separation from number 10. This does

The development does not meet the Dacorum Borough Council requirement for "wide to very wide spacing" between residential buildings policy "Development in Residential Areas" DBLP). The policy states that such spacing "must be maintained". The construction of dwellings with approximately 2.3 m between them will create a cramped appearance, out of character with Copper Beech Close in general.

The development will provide considerable visual intrusion and loss of privacy to no.4's rear garden, which will considerably reduce our enjoyment of our garden as an amenity space.

In addition, the design of the lower dwelling when viewed from New Pastures in London Road, will appear over bearing and ugly. A 15 metre long wall incorporating only very small windows in the side flank first floor will make this look more like an industrial unit than a dwelling house- totally out of character with the area, and visually intrusive. The property will be around 15 metres from the rear of New Pastures and the overshadowing effects will be considerable.

The separation between the lower building and the fence of New Pastures will be an average of around 2 metres. This will lead to a cramped layout, which will not be consistent with the spaciousness of the surrounding area.

A previous outline planning application (4/02617/07/OUT) was refused on the grounds that the development might conflict with relevant criteria in Policy 11 of the Dacorum Borough Local Plan 1991 – 2011. That application was for 1 property. The current proposal for 2 dwellings will undoubtedly have an adverse impact on the residential amenity of adjoining dwellings, and there will be an incompatible visual relationship between the proposed dwellings and their surroundings.

Conclusion

It is still felt that the layout, design, spacing and bulk of the proposed houses are not appropriate in relation to the adjoining properties.

The proposed development respects the density and general character of the Boxmoor area. Insufficient space between the three properties will result in a contrived and cramped layout, and the residential character of the area will be

compromised. Most significantly there will be an overbearing and visually intrusive effect on my property with a serious lack of privacy.

The OS plan should show the proposed new properties on a larger scale which I feel would give the best appraisal of the cramped form of the development.

Subsequent 3 D Visuals

There are 3-D visuals from two perspectives submitted by no.4's architectural representative.

They are quite demonstrative of no.4's concerns and request these are included in the report to the Committee.

The normal back to back distances are negated by the elevated position.

The distance from the upstairs windows of the new centre property to the patio is a little over 20 metres.

The submitted photographs of the decking and lovely garden which has been created at considerable expense but will no longer be a private area.

Under planning rules it is realised that there is no right to a view but these images emphasise the visual intrusion and loss of privacy.

The lower property is quite out of character with the street scene of Copper Beech Close.

The separation between these three properties and the rest of Copper Beech Close is most inconsistent.

The lower building would be appear ugly and 'institutionalised' and 'industrial' to look at from our client's property and the one it sides on to.

8 Copper Beech Close

For some reason no.8 did not receive the consultation letter but have been shown a copy by a neighbour.

Whilst it is acknowledged that some changes have been made to the previous plans to accommodate concerns expressed at the time, the issue of an unsightly triple garage as one enters this spur of the Close remains and would be quite out of keeping with the surround. Also, parking is already an issue in the Close and is being looked into by Councillor Roberts and this development will almost certainly compound the situation. The turning point at the bottom of the Close which is immediately outside No. 10 and opposite No. 12 is frequently used for parking and more houses with more cars will exacerbate the problem.

5.08

**4/00082/15/FHA - SINGLE STOREY REAR EXTENSION.
47 VICTORIA ROAD, BERKHAMSTED, HP4 2JS
APPLICANT: DACORUM BOROUGH COUNCIL**

[Case Officer - Elspeth Palmer]

Summary

The application is recommended for approval.

The principle of residential development is considered acceptable as the site is located within a town and residential area.

The development would not have any adverse impact on the appearance of the dwelling and would not significantly detract from the street scene or the adjacent Conservation Area. The development would not have a detrimental impact on the amenity of neighbouring properties. This proposal will not require any change to parking arrangements. There are no significant trees in close proximity to the proposal. Therefore the proposal is acceptable in accordance with the aims of the National Planning Policy Framework; Policies CS4, CS11, CS12, CS27 of the Core Strategy and saved Policies 58, 99 and 120 and saved Appendices 5 and 7 of the DBLP.

Site Description

The application site comprises a two storey modern brick end of terrace dwelling on the eastern side of Victoria Road towards the top of the hill. The site is adjacent to the Berkhamsted Conservation Area. The character of houses continuing up Victoria Road are similar to No.47 with the lower end being predominantly terraced cottages possibly late 18th early 19th century situated within Berkhamsted Conservation Area.

Proposal

The application seeks planning permission for a single storey rear extension 7.7 metres deep along the boundary with the immediate neighbour and 3.9 metres wide. The proposal will provide a downstairs bedroom with ensuite WC and shower facilities for a wheelchair user ensuring the long term suitability of the premises for occupation by the resident who currently has no access to the first floor. The resident is currently using the existing lounge for a bedroom.

Referral to Committee

The application is referred to the Development Control Committee as the site is owned by the Dacorum Borough Council.

Planning History

4/03005/14/PRE for a similar proposal to that now being considered.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 15, 21,58,120
Appendices 1, 3, 5,7

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Landscape Character Assessment (May 2004)
Chilterns Buildings Design Guide (Feb 2013)
Planning Obligations (April 2011)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)
Conservation Area Character Appraisal for Berkhamsted

Summary of Representations

Berkhamsted Town Council

Original Plans

No objection. No concerns raised with regard to parking.

Conservation and Design

Original Plans

Number 47 Victoria Road is a house that is situated just outside the Berkhamsted Conservation Area: it is a modern 20th century development.

The applicant (DBC) seeks to demolish an external W.C. and shed and replace these with a single storey extension.

I have no issues with this proposal in principle, but I do have concerns regarding the internal layout, and the reasoning behind not squaring off the gable end of the extension.

I spoke at length with the couple who rent the dwelling from DBC regarding the internal layout, the gentleman is wheelchair bound, and have spoken to the Agent today to discuss their concerns regarding this. I also discussed the form of the structure, which can be altered.

This may possibly lead to a revised drawing being presented.

The Conservation Officer has no objections to changing the design of the window to protect the privacy of the neighbour at No.45 Victoria Street.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Original Plans

No objections raised to the proposal or the possible impact on parking.

Considerations

The main issue of relevance to the consideration of this application relate to the impact of the works upon neighbouring properties. Other issues of relevance relate to the impact of the proposal on the character of the existing dwelling, the streetscene, the adjacent Conservation Area and parking.

Policy and Principle

The site is located in an urban area and the principle of providing domestic extensions is acceptable in accordance with Policy CS4 of the Core Strategy.

Impact on Neighbours

As the extension is only one storey and there are currently outbuildings along this boundary there will be no significant loss of sunlight and daylight for either of the neighbours.

There are no windows proposed on the southern elevation so no loss of privacy for No. 49 Victoria Road.

However it is considered that the bedroom window facing north will result in a loss of privacy to the rear first floor windows of No. 45 Victoria Road. Amended plans have been submitted changing the design of this window to remove vision from the left side of the window but still keep a clear view down the hill.

In conclusion, there will be no harm to the residential amenities of the neighbouring properties as a result of this proposal. The proposed extension would not impact on the immediate neighbouring properties in terms of visual intrusion, loss of light and loss of privacy in accordance with Policy CS12 of the Core Strategy.

Effects on appearance of building and street scene

The extension will be in character with the existing building in terms of design and materials and will not be visible from the street.

In conclusion, it is considered that the proposal will not have a detrimental impact on the appearance of the building or street scene. The proposal is not considered to be visually intrusive or harmful to the character and appearance of the dwelling or street scene in accordance with Policies CS4, CS11 and CS12 of the Core Strategy and saved Appendix 7 of the DBLP.

Impact on Conservation Area

Amended plans were requested by the Conservation Officer to square off the end of the proposed rear extension.

As the extension is to the rear of the dwelling and is in character with the existing dwelling. There will be no detrimental impact on the Conservation Area which abuts the site.

In conclusion, it is considered that the proposal will not have a detrimental impact on the adjacent Conservation Area.

Impact on Trees and Landscaping

There are no significant trees in close proximity to the proposal.

Impact on Highway Safety

The dwelling currently has no parking. The proposal will provide for an additional bedroom thus making it a four bedroom dwelling.

The site lies within Zone 2 of the Accessibility Zones for the Designation of Car Parking Standards. The maximum standard for a 3 bedroom house is 1.5 spaces and for a 4 bedroom dwelling the maximum car parking is 2 spaces. Based on the difference between these only being .5 and as the additional bedroom is not allowing an additional person to live in the dwelling but providing a downstairs bedroom and bathroom for a disabled person it is not considered necessary to change the parking requirements.

RECOMMENDATIONS

1. That the application be DELEGATED to the Head of Development Management with a view to approval subject to the expiry of the neighbour notification period on the amended plans.

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 Borough Core Strategy (September 2013).

3 The development hereby permitted will have as shown on the amended plans a side bedroom window in a style which ensures the privacy of the dwelling at 45 Victoria Road.

Reason: For the avoidance of doubt and in the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Core Strategy Policy 12.

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.

5.09

**4/00440/15/FUL - MODULAR BUILDING INCORPORATING PUBLIC TOILETS AND TICKET/INFORMATION OFFICE
LAND ADJ DACORUM INFORMATION CENTRE, MARLOWES, HEMEL HEMPSTEAD, HP1 1DT**

APPLICANT: Dacorum Borough Council - Ms J Deacon

[Case Officer - Emily Whittredge]

Summary

The application is recommended for approval.

Site Description

The application site is located within the Marlowes Shopping Zone of Hemel Hempstead on the wide pedestrianised area of the Marlowes near the junction with Bridge Street. The site is located within a cluster of small buildings in the pedestrianised area: the Volunteer Centre and two food kiosks and would be sited directly opposite 180 Marlowes.

Proposal

The application seeks to construct a new modular building to provide two public toilets and a ticketing office for the provision of travel information and bus tickets. The office would be related to the future relocation of the bus station. The public toilets would be free of charge with the option of charging an entrance fee in future. One of the two toilets would be DDA compliant and contain baby change facilities.

The building would measure 7.61 metres long by 2.865 metres wide, with a flat overhanging roof measuring 2.783 metres high. The building comprises two distinct parts defined by contrasting cladding: the ticketing office would occupy the west end of the building and would be clad in aqua marine coloured "Trespa" cladding, while the east side of the building comprising public toilets would be clad in horizontal timber with a stainless steel parapet and stainless steel doors. Lighting would be provided by LEDs from beneath the roof overhang.

The ticketing office would be accessed via tempered glass double doors facing the principle pedestrian route, while the toilet entrance doors would face the Volunteer Centre.

Referral to Committee

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

Planning History

None relevant.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development

CS2 - Selection of Development Sites
CS4 - The Towns and Large Villages
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS14 - Economic Development
CS15 - Office, Research, Industry, Storage and Distribution
CS16 - Shops and Commerce
CS23 - Social Infrastructure
CS26 - Green Infrastructure
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS33 - Hemel Hempstead Urban Design Principles

Saved Policies of the Dacorum Borough Local Plan

Policies 42, 63, 64 & 99

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Pre-Submission Site Allocations Development Plan Document
Hemel Hempstead Town Centre Master Plan (Gade Zone and Marlowes Shopping Zone) /
Gade Zone Planning Statement).

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Hertfordshire Highways

Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Trees and Woodlands

No comments received at time of writing.

Estates

No comments received at time of writing.

Town Centres Manager

No comments received at time of writing.

Contaminated Land Officer

The site is located within the vicinity of potentially contaminative former land uses. There exists the slight possibility that this activity may have affected the application site with potentially contaminated material. Therefore I recommend that the developer be advised to keep a

watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

None received.

Considerations

Policy and Principle

The site falls within the designated town centre (Policy CS4) wherein a mix of uses is encouraged. While the proposed uses are not expressly referred to in the policy they are part of the wider activities that support the functioning of the shopping area. It is vital that these facilities are replaced in a timely manner to allow the land in and around the bus station to be eventually redeveloped. This will make way for the potential delivery of new leisure facilities and to support the relocation of the bus station along the Marlowes under the bus interchange project.

The new building is needed to allow key corporate regeneration projects in the town centre to come forward that are identified under a number of policy documents including the Core Strategy (Hemel Hempstead Place Strategy -Town Centre), the Pre Submission Site Allocations DPD and the Hemel Hempstead Town Centre Master Plan.

The Hemel Hempstead Place Strategy aims to refresh and maintain the role of the centre as a hub of commerce and public transport.

Core Strategy Policy CS33 of the states that new development will contribute fully to the achievement of town centre uses, movement and design principles; and meet relevant opportunities for character zones within the town centre.

New development should secure an integrated transport hub and circulation within the centre and should use high quality materials to complement the existing palette of materials and features.

The Pre Submission Site Allocations Development Plan Document identifies the redevelopment of Market Square/bus station under Leisure Proposal L/1 and the bus interchange facilities under linked Transport proposals T/1 and T/2. The regeneration of the town centre aims to strengthen its role as a community hub and its provision of local goods and services.

As outlined in the Hemel Hempstead Town Centre Master Plan (Gade Zone and Marlowes Shopping Zone) / Gade Zone Planning Statement), a major ambition of the Masterplan is to improve the evening offer in the town centre and increase vibrancy. The new kiosk and toilet facilities would support the relocated bus station as a key part of this objective and contribute to town centre regeneration as a whole.

Impact on Street Scene

The proposed building would be located between the Volunteer Centre building (The Roundhouse) and two food kiosks at the north end of the Marlowes pedestrianised area. The materials palette is high quality and contemporary while remaining sympathetic to the existing architecture of the Marlowes shopping area. The design would harmonise with that of the recently-constructed stainless steel kiosks adjacent. The proposals would contribute to the current shopping zone public realm improvements and would have a positive impact on the

street scene in accordance with Policy CS13 of the Core Strategy.

Impact on Trees and Landscaping

There are currently no trees on the proposal site.

Impact on Highway Safety

The proposed building would be located within the pedestrianized area and would adjoin the vehicular access from Bridge Street used by market stallholders. The building would not encroach on the vehicular access and would have no impact on highway safety. The site was previously occupied by a large planter, and the proposed building would occupy a smaller footprint than this, providing a larger area of circulation space for pedestrians. There would be sufficient space between the buildings to allow pedestrians to pass.

Impact on Neighbours

The proposal would be integrated with the existing structures and would have no material impact on adjoining occupiers. No representations have been received in response to neighbour notification letters.

Sustainability

Issues of sustainability have been considered as part of the application and are outlined in the Design and Access Statement provided. The toilets incorporate a variety of sustainability measures including the use of natural lighting, semi-automatic functions and longevity of materials. A CS29 sustainability checklist has been requested but not received prior to completion of this report.

Conclusions

The proposed public toilets and ticketing kiosk would uplift the appearance of this part of the Marlowes as well as provide much-needed facilities that will play an important role in meeting the objectives of the Hemel Hempstead town centre strategy.

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

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

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings 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 and Policy CS13 of the Dacorum Core Strategy 2013.

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

HM-DBC-HH-11 Revision 03
HM-DBC-HH-12 Revision 03
HM-DBC-HH-15 Revision 03
HM-DBC-HH-16 Revision 03
HM-DBC-HH-17 Revision 03
HM-DBC-HH-18

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

CONTAMINATED LAND INFORMATIVE

The site is located within the vicinity of potentially contaminative former land uses. There exists the slight possibility that this activity may have affected the application site with potentially contaminated material. The developer is advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

6. APPEALS

A. LODGED

4/01576/14/FUL MR S LIDDLE
CHANGE OF USE OF OFFICES (B1) TO RESIDENTIAL (C3)
67 HIGH STREET, HEMEL HEMPSTEAD, HP1 3AF
[View online application](#)

4/02306/14/LBC MR S LIDDLE
CONVERSION OF THE BUILDING TO TWO APARTMENTS ON
FLOORS ONE AND TWO PLUS A SELF CONTAINED RETAIL UNIT ON
THE GROUND FLOOR TO INCLUDE THE BASEMENT AREA
67 HIGH STREET, HEMEL HEMPSTEAD, HP1 3AF
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

None

E. DISMISSED

None

F. ALLOWED

4/00262/14/MFA TAYLOR WIMPEY (UK) LTD
NEW DEVELOPMENT TO PROVIDE 92 DWELLINGS TOGETHER WITH
ACCESS FROM SHOOTERSWAY, ASSOCIATED HIGHWAY WORKS,
FORMAL SPORTS PITCH PROVISION, SCHOOL DROP OFF AREA,
CAR PARK, AMENITY SPACE AND LANDSCAPING.
LAND AT JUNCTION OF DURRANTS LANE &, SHOOTERSWAY,
BERKHAMSTED
[View online application](#)

Summary of Inspectors findings

The appeal site includes part of a strategic housing site (SS1) in the Dacorum Core Strategy 2006-2031 (CS). The Council confirms that it wishes to remove its 1st, 2nd and 3rd refusal reasons (relating to comprehensive development, Green Belt policy and highway safety) and amend its 4th refusal reason to delete the references to amenity space and play areas. The proposed playing fields would be located on land within the Green Belt to the north-west of Durrants Lane. The Council's Policies Map identifies this area for a 'community playing field and additional open space to be provided alongside SS1'. As such, this element of the scheme would be consistent with the CS. Although disputed by the appellant, I share the Council's view that the proposed establishment of playing fields on what is presently agricultural land

would amount to a material change of use. This is not identified as one of the exceptions to the definition of inappropriate development in the National Planning Policy Framework (the Framework). Nevertheless, the specific policy support for such a use in that location in a

recently adopted Local Plan would in my view amount to a very special circumstance sufficient to clearly outweigh the harm by reason of inappropriateness and any other harm. Taking the above matters together, the main issue in this appeal is whether the scheme would provide a satisfactory layout

The appeal proposals include the development of a residential estate with a vehicle access from Shootersway. The Council's remaining concern is that this part of the scheme would fail to incorporate appropriate focal points. In particular, it refers to the following elements: the main vehicular entrance from Shootersway; the pedestrian access proposed on the western side of the housing area; the intended location of the vehicular link to phase 2 of the development (at the north of the site); and the proposed east-west pedestrian linkage within the site. The spacing of dwellings along the scheme's main circulation route and the degree of set-back from that route are also criticised. In summary, I do not accept the Council's criticisms. I share the view of its officers that the design and layout of the scheme is satisfactory. With reference to the appellant's design evidence, it is noted that the development would comprise a number of distinct character areas.

The main vehicular entrance (within a 'gateway' character area) would be defined by flanking dwellings (plots 1 and 73): plot 71, which would include a facing gable, would provide a central visual focus at that point. The retained woodland belt would provide a visually distinctive edge to the housing development (the 'suburban edge' character area) and would also provide a focal point on the footpath link from the west. Within the scheme itself, a number of distinctive dwellings would be sited so as to terminate views along particular stretches of road – for example at plots 8 and 79.

On the northern side of the housing area, the dwelling on plot 56 would provide a focal point when approaching the scheme from the proposed phase 2 area. However, this would not form a primary approach to the development and, as such, its role as a 'gateway' would be less significant than the above-noted approach from Shootersway. The intended use of a less visually distinctive dwelling type in this position than the plot 71 dwelling is therefore justified.

The proposed east-west pedestrian link within the site would provide necessary permeability. Adjoining dwellings, such as those on plots 65 and 66 would be oriented so as to provide passive surveillance of the route, while the gap between those two properties would clearly identify the walkway's junction with the main circulation route. The design of the plot 65 house, with a chimney and bay window close to the footway, would act as a further signal. The linear area of open space next to footpath would prevent the pedestrian route from appearing unduly confined, thereby adding to its attractiveness and usability.

In terms of the spacing and set-back distances of dwellings along the main circulation route, it seems to me that the resulting effect would be more varied than the Council suggests. The degree of separation between dwellings would not be uniform: gaps of varying sizes are proposed to accommodate garages, small cul-de-sacs off the main circulation route, gardens (for example in plots 13 and 72) and the above-noted pedestrian link. Much of the western side of the scheme would contain dwellings on only one side of the road, facing the woodland area opposite. Similarly, there would be a range of set-back distances from the circulation route. As already noted, some dwellings would be sited close to the road (such as plot 65), while others would be set-back some distance (such as plots 9-13). This would create an appropriate degree of variety, consistent with the area's wider character and appearance. I conclude that the appeal scheme would provide a satisfactory layout, in line with CS policy CS11.

Although not maintained as refusal reasons by the Council, other parties raise concerns about (1) whether the scheme would amount to an appropriately comprehensive form of development and (2) its effect on highway safety. In respect of the first matter, it is clear that – as already mentioned – the intended location of housing and open space reflects the

requirements of the relevant CS allocation. The allocation is supported by a jointly prepared Framework Masterplan which formed part of the CS evidence base. The appeal scheme is broadly consistent with that masterplan, allowing (as already discussed) a linkage to be provided to an additional development area to the north. I have no reason to doubt that this policy context is sufficient to safeguard an appropriately comprehensive development scheme.

In respect of highway safety, I have seen no substantive technical evidence that would cause me to disagree with the findings of the appellant's Transport Assessment, which has assessed the transport implications of a larger scheme than the present proposal. Although derived from 2012 traffic counts, this has been adjusted for growth using recognised growth factors and an accepted modelling methodology. Traffic arising from other developments in the area has been accounted for, and recommended improvement works, including at the Kings Road/Kingshill Way/ Shootersway junction, have been identified.

Provision for contributions towards off-site transport infrastructure have been made in a Section 106 agreement. The local highways authority does not object to the scheme on traffic impact or highway safety grounds and does not require a condition delaying commencement until the identified improvement works have taken place. I have no reason to take a different view.

4/01388/14/FUL Mr T Senior
ERECTION OF BOUNDARY TREATMENT IN ACCORDANCE WITH
AGRICULTURAL USE
LAND AT UPPER BOURNE END LANE AND OPPOSITE DRIVING
RANGE, BOURNE END LANE, HEMEL HEMPSTEAD, HP1
[View online application](#)

This appeal was against the Council's imposition of Condition 2, which sought to distinguish a previous planning permission should the development granted under this application be implemented. The Inspector concluded that this condition was not necessary, reasonable or relevant to the development permitted. It therefore failed three of the six tests for conditions set out in the NPPF and the Planning Practice Guidance. In particular the Inspector noted that the condition was not necessary because agriculture is an acceptable use whilst the Council has granted permission for the dog day care activities. Therefore, it was unreasonable for the Council to force the appellant to choose which permission to implement. Furthermore, a dual use on the site, which was the Council's principal concern cannot proceed without a further application even if Condition 2 had not been imposed.

The Inspector refused the appellant's application for Costs against the Council. The Inspector considered the condition's intention (to protect the Green Belt and the countryside) was clear. He also understood that the Council's may have had concerns over a dual use on the site due to the appellant's use of the site and recent permissions and the uncertainty this had created. Finally the Inspector concluded that the Council was not seeking to stifle development on the site or was prejudiced in any way against the appellant (proved by the granting of four out of the five applications submitted by the appellant). As such the Inspector concluded that Council properly exercised its development management responsibilities in relation to the imposition of Condition 2 on planning permission 4/01388/14/FUL and that the actions of the Council did not amount to unreasonable behaviour.

4/02254/14/FHA MR & MRS BONNER
LOFT CONVERSION WITH FRONT AND REAR DORMERS, PORCH
AND REPLACEMENT REAR EXTENSIONS
33 WINGRAVE ROAD, TRING, HP23 5HE
[View online application](#)

Whilst the proposed rear dormer and first floor extension would enable the appellants to create useful additional accommodation, on balance and for the above reasons, I conclude that the appeal should be dismissed with regard to the proposed rear dormer and first floor

extension. Also, it is evident that the appeal decision plans for the conversion of the loft space would not be possible without the construction of the proposed rear dormer. Therefore, as I am unable to separate this part of the proposed development, I dismiss the appeal in this respect. For the avoidance of doubt and in the interests of good planning, I impose a condition requiring the development to be carried out in accordance with the approved plans.

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: