



DEVELOPMENT CONTROL COMMITTEE AGENDA

THURSDAY 26 June 2014 at 7.00 PM

Council Chamber, Hemel Hempstead Civic Centre

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

Mrs G Chapman
Clark
Collins
Conway
Guest
R Hollinghurst
Killen

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

Substitute Members

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

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

PART I

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1. MINUTES

The minutes of the meeting held on 5 June 2014 will be circulated separately.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial
- (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

Item 5.1

4/00262/14/MFA - 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



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4/00262/14/MFA - 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



4/00262/14/MFA - 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

APPLICANT: Taylor Wimpey (UK) Ltd

[Case Officer - Richard Butler]

[Grid Ref - **SP 97371 07811**]

Summary

The application is recommended for approval subject to the completion of a Section 106 agreement to secure financial contributions and other arrangements in terms of transfer and management of parts of the site.

The application site is identified as part of Strategic Site SS1 in the Dacorum Core Strategy. There is an associated Site Development Brief which is adopted Supplementary Planning Guidance. The proposal, whilst short of the stated 180 homes outlined in the Core Strategy, would deliver much needed housing in the Borough and secures an acceptable level of affordable housing.

The proposal is considered satisfactory in terms of layout, design, density and landscaping and would provide an appropriate transition between the urban fringe of Berkhamsted and the surrounding Green Belt. Playing fields would be incorporated into the proposal which accords with the proposals for the site outlined in the Core Strategy.

The development would not have an adverse impact on the amenity of neighbouring properties. Additionally, car parking provision within the site is satisfactory.

Accordingly, the proposal accords with the National Planning Policy Framework, Policies CS1, CS4, CS5, CS11, CS12, CS17, CS18, CS19, CS23, CS25, CS28, CS29, CS31 and CS35 of the Dacorum Core Strategy (September 2013) and saved Policies 13, 18, 21, 58, 99, 100 and 101 of the Dacorum Borough Local Plan 1991-2011.

Site Description

The application site forms part of the SS1 housing proposal site as allocated in the Dacorum Borough Local Plan 1991-2011, in particular it forms the south-western portion as well as a parcel of agricultural land immediately opposite Durrants Lane. The site is located on the south-western edge of Berkhamsted and adjacent to Egerton Rothesay School.

The application site irregularly shaped and comprises three open agricultural fields and straddles Durrants Lane. The main part of the site abuts Shootersway to the south-west whilst the western part of the site is separated from Shootersway by a dense narrow strip of woodland and a dwelling at The Lodge (occupying the corner site at the junction of Shootersway and Durrants Lane).

To the north-east is Egerton Rothesay School and associated playing fields included within the SS1 site, which are sited over Grim's Ditch. Also north-east (on the north-western side of Durrants Lane) is a public path, beyond which are residential properties and a small group of allotments. Immediately north-west of the site is a group of low density dwellings in a rural setting off Bell Lane.

The application site shares its south-eastern boundary with part of the street and several dwellings on Coppins Close which form part of the residential area of Berkhamsted. Dwellings in the immediate area are generally detached with lower densities at the fringe residential

areas.

Levels in the surrounding area fall in a north-easterly direction (towards High Street in Berkhamsted and Northchurch), however the fall across the application site is fairly gentle.

Proposal

The application seeks planning permission for the partial development of Strategic Site 1 (SS1) of the Core Strategy. The development put forward comprises a total of 92 dwellings to the east section of the site (excluding the playing fields of Egerton Rothsay School) and shall be referred to as Phase 1 of the development of SS1. The proposal also includes two further elements, first a parking, vehicle circulation and drop off area to the south of the existing school site, and second, the allocation of a 11.14HA area of land to the west of Durrants Lane for the use as playing fields.

1. Housing Development

The housing element of the scheme shall be accessed from Shootersway, approximately xm to the west of the existing Coppins Close entrance to the site; this shall provide the single entry point for the proposed 92 dwellings (and also the housing to be provided as Phase 2).

The proposed layout is defined into grouped character areas; in summary the housing largely follows a layout dictated by the east and west boundaries of the site. The west side of the site faces dwellings onto the wooded area of the west boundary, while the east boundary, where neighbouring rear gardens back onto and abut the boundary of the site has proposed dwellings backing onto these properties to create a back to back relationship. A circulation road forms a loose loop internally within the site with dwelling groups at the north and south boundaries of the site, and smaller units within the centre.

Provision is retained for a vehicular link to the land to the north of the site where the existing playing fields for the Egerton Rothsay school are; this, as noted in the development brief for the site shall form phase 2 of SS1 and the proposal allows for a link to this land.

To summarise, the housing proposed is represented by the following schedule:

Dwelling Size	Market Sale	Social Rent	Total
2-bed	0	13	13
3-bed	16	9	25
4-bed	34	2	36
5-bed	18		18
Total	68	24	92

2. School Parking, Turing and Drop Off Area

The proposals include the provision of a School bus drop off area; turning area and 'school over flow' car park. This is to be set out to the south of the existing school site and accessed from Durrants Lane. Additional parking shall provide over flow parking for the school and also for users of sports pitches outside of school hours.

In total of 93 car parking space are provided in this area.

3. Additional Sports Pitches

A section of land to the west of Durrants Lane, designated Green Belt, which is within the ownership of the applicant, is to be made available for new sports pitches. No vehicular access

or buildings is proposed within this area.

Referral to Committee

The application is referred to committee due to objections raised by Berkhamsted Town Council contrary to the views of the planning officer. These objections are summarised below.

Planning History

4/1949/13/PRE

Strategic Planning welcome the proposal in relation to bringing forward Strategic Site SS1 in the Core Strategy and progressing the Master Planning Framework (June 2012).

The scheme is slightly unusual in that it only comprises of solely detached properties, however in this case it addresses an existing covenant on the land which restricts new housing to detached properties only, better reflects the character of the surrounding area, and still achieves a mix in terms of size and tenure of properties.

The proposed properties would not exceed 2 ½ storeys in height, which is currently supported however it is difficult to gauge at this stage the whole site in general. Careful consideration should be given to protect local amenities on the east side of the proposal, in respect of landscaping, boundary treatment orientation, and size of properties.

There is concern the site will not be able to accommodate 180 homes in relation to the CS housing target, as the agent states the site may only achieve up to 150-160 homes. This may be achievable as part of the second phase of the County Council Land, by reducing the density. This would depend on the outcome of The Village Green Application.

Affordable Housing - Affordable housing will be around 40% of the site which approximately equates to 36 homes. This is in accordance with the master plan for SS1.

Highways and Transport - The developer must contribute towards local road improvements; in particular the requirements refer to SHootersway/ Kingshill Way, Durrants lane and High Street Junctions. A traffic impact assessment is being carried out by the applicant as part of the planning application, and emphasise the need for the site to be accessible by foot and cycle.

Playing Pitches/ Open Space - The provision of additional leisure space is supported, however the maintenance and future management of the pitch needs to be clarified. The changing pavilion will be dual use, and presume it will be managed by Egerton Rothesay School?

School Contributions - Proposal SS1 requires contribution towards the expansion and remodelling of the school. The proposed car park, changing facilities and school playing fields would be viewed as satisfying this requirement.

Conclusion - In principle, we support the proposal, however we need to ensure the development is comprehensively planned taking into account all uncertainties including the TVGA, and management and maintenance of the leisure space.

Statement of Community Involvement

A statement of community involvement was carried out in accordance with the NPPF to give members of the local community to engage with Taylor Wimpey and contribute to the design of the proposed development.

On 26 March 2013 a public exhibition was held at Egerton Rothesay School to invite local

residents and key members of the council to attend and contribute to the design aspects of the proposed development on Durrants Lane. For those unable to attend, a website (www.taylorwimpeyberkhamsted.co.uk) was set up so others could still participate in the consultation process.

All those participating were invited to complete a feedback form on the day or submit via the website.

The questions ranged from designs, materials, affordable housing, and character of the area which could be implemented as part of the proposal.

Concerns were also submitted by consultees, via a comments section and feedback form. The concerns raised are stated below.

Further comments	Number of comments
Traffic, access and highways	75
Education provision	42
Car Parking in Berkhamsted	32
General infrastructure	32
Opposition to development	29
Impact on services and utilities	26
Healthcare provision	26
Housing Density	15
Pedestrians and cyclists	14
Playing fields	8
Support for and/or interest in the development	8
Affordable housing	8
Impact on amenity/outlook of existing housing	8
Public transport	8
Construction issues	4
Flood risk	3
Environmental sustainability	2
Other comments	6

Policies

National Policy Guidance

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

Adopted Core Strategy

Policies NP1, CS1, CS2, CS5, CS8, CS11, CS12, CS13, CS17, CS18, CS19, CS25, CS28, CS29, CS31 and CS35

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 18, 21, 58, 99, 100, 101 and 118
Appendices 1, 3 and 5

Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Development in Residential Areas
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)
Planning Obligations (April 2011)
Affordable Housing (Jan 2013)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Consultees

Berkhamsted Town Council (received 12 March 2014)

Objection – Full details are repeated in the comments below.

Minutes from meeting of 21st May in response to amended application

Berkhamsted Town Council has requested the minutes of their meeting are provided in full for the purpose of the committee report.

Councillor Mrs Warren had declared a prejudicial interest in this application.
It was RESOLVED to suspend Standing Orders to allow members of the public to speak against the application.

Mrs Warren of Shootersway Lane objected to the amended planning application.

The proposed amended layout changes do not appear to meet the required 23m distance between proposed dwellings 79 and 89 and houses in Coppins Close.

The density of the proposed development does not accord with the surrounding Coppins Close or Ridgeway and would adversely affect the character of the surrounding area.

The amended proposals do not address what are current sewage overflow and flooding problems in the area.

The new proposed playground is welcomed but is too small, including when compared to play areas in other local sites constructed by Taylor Wimpey.

Councillor Warren then left the room.

Mrs Johnson of Shrublands Road spoke on behalf of the Citizens Association.

The Citizens Association was concerned about car access to the development. There had been no change to access splays in the amended plan which would be needed to regulate access and exit to the development, particularly at busy times in the morning and evening. The meeting was reconvened.

Object.

The Committee noted the proposed changes to the site layout and dwelling design and support the following amendments as an improvement: 1, 4, 5, 6, 8, 9, 10 and 11.

However, we have concerns about and object to amendments 2, 3, 7, and 12 and request that the following be given further consideration.

Amendment 2: while we support the overall design, the proposed dwelling has weak roofscape, especially with regard to the chimney.

Amendment 3: the built form is repetitive and might benefit from a more enclosed/grouped layout as proposed elsewhere on the site.

Amendment 7: while we support the proposed realignment in relation to Coppins Close, we do not consider the revised layout meets the 23m criteria in respect of dwellings 79 and 89.

Amendment 12: the provision of amenity green space is an important consideration for a development of this size. While we welcome the addition of a play area, we consider the area as proposed, to be wholly inadequate: it is too small and too close to the proposed dwellings. We suggest the area be expanded to provide a significant feature for the development

While we appreciate that many of the proposed changes to the layout and design of the dwellings, our objections reflect, and again support, our overall contention that, as proposed, the scheme represents a gross over-development of the site, that dwellings should be removed to achieve a less cramped layout and give proper consideration to the amenity of new and existing residents alike.

Given that the Village Green application has been dismissed, we see no reason now why an application for the whole site, to include the school playing field, cannot be submitted in place of the current application which is for part of the site.

As such, none of the proposed amendments address our previous, fundamental objections to the proposals which we repeat below and which we would appreciate being recorded in full.

- Layout and Design

Given that we are only considering part of an overall scheme it is impossible to make an overall assessment of the scheme in terms of its design and layout.

We do not agree with the assertion that the scheme “has a strong sense of character and identity which links positively with the existing development in the area.”

Saved Local Plan Policy 21 refers to a density of 30 -50 per hectare but in paragraph 21 also says that “housing proposals will not be permitted if the density of the scheme would adversely affect the amenity and /or existing character of the surrounding area”. Further advice on this is given in the SPG Development in Residential Area.

The developers claim that as this parcel of land is a green field site it is not part of a character area. However, the Saved : Local Plan Policy 21 refers to the “surrounding area” which insofar as the proposed parcel of land is concerned is BCA 12 (Shootersway) where, the typical density is around 14dph or less.

A glance at the layout of neighbouring schemes would suggest that this proposal represents an overdevelopment of this parcel of land even when compared with Coppins Close which is the nearest and highest density reference point. At the density levels proposed, and with the street scene envisaged, this development gives the impression of a town centre design that has been relocated to an edge of town site. In this amended scheme, proposed dwellings 79 and 89 still appear to be close to neighbouring properties in Coppins Close (see comments on amendment 7 above).

We note that the car parking provision (zone 4) is meant to include provision for visitors and

that the scheme is designed so as not to accommodate on-road parking within the site. This being the case we expect this to lead to on-road parking in either Shooterway or Durrants Lane which would severely restrict traffic flow.

Should this development be approved we would request that permitted development rights be withdrawn to the effect that garages continue to be used for the purpose for which they are provided. The same condition should be applied to dormer windows as extra bedrooms would have implications for the parking requirement.

We feel at a severe disadvantage in not being presented with the scheme overall. Surely, if it is meant to reflect adjoining character areas we might expect to see a different scheme on land to the north of the site as opposed to that to the west of the site, were the Village Green application succeed.

There is no mention of the intentions in this regard in the current submission beyond a statement to the effect that (in regard to the layout of the 92 dwellings which we are being asked to consider) a “transitional approach ...has been undertaken in the layout and design, with an” urban edge” adjoining Coppins Close leading to a “suburban edge” adjoining The Plantation. Will that suburban edge be extended if the Village Green application succeeds and a more urban edge be extended if it succeeds and what would the implications of these alternatives be for housing numbers?

Contrary to Core Strategy Policies 10,11,12, 25 and 26; Saved Local Plan Policy 21 and Supplementary Planning Guidance Berkhamsted Conservation Area 12 and 13.

- Travel Assessment: Traffic levels, congestion and road safety

We do not accept the conclusions of the Transport Assessment.

The data collated in respect of traffic and congestion is outdated as it refers to May 2012. Nor does the travel data appear to take into account traffic associated with visitors and services to the site or from more general growth and development in the area to date.

The data on Traffic Distribution is taken from the 2001 Census and is out of date given the changes which have occurred in Berkhamsted and its environs since then. There are currently already serious problems with traffic flows in the High Street, congestion, air pollution and a severe shortage of public car parking provision. Traffic on many of the roads is reduced to one way due to on road parking. The assumptions on which the forecast are made are also inaccurate and require updating. Overall we feel the data and the conclusions derived from it are not credible,

The proposal makes parking provision for 200 cars for the 92 residences plus a further 89 to cater for users of the sports pitches and teachers at the School. An unknown provision will be made for the dwellings yet to be proposed but based on the present ratio of 2.17 per dwelling this could mean additional provision for between 100 and 190 vehicles depending on housing numbers.

Shooterway and Durrants Lane are already busy roads especially at peak hours as commuters use these roads to access the A41. Extensive traffic jams are a daily feature at the junction of Shootersway and Kingshill Road and the junction at Durrants Lane and the main road between Northchurch and Berkhamsted.

The congestion along these roads and the traffic jams at their junctions has worsened of late by the change in the Berkhamsted educational system from 3 to 2 tiers. As Ashlyns School now caters for a much larger number of school children from a wider catchment area than was the case prior to the original designation of this site for development this has meant a larger number of school pick up journeys between Durrants Lane and Shootersway.

The extension of the age range for admission to the School from 13 to 11 year olds has also posed an increased safety hazard to a greater number of younger children who now cross from Shootersway to Kingshill Way on their way to Ashlyns School.

The County Council has recently put in place interim measures to improve the safety for pedestrians at this junction. It is accepted however that the real need is to put in place a traffic light system here. This will have the effect of reducing the junction capacity overall and consequently this junction, with traffic lights, should be modelled as part of the traffic assessment for this application. Congestion and tail backs will increase pollution levels for the larger number of schoolchildren who now use Shootersway on their way to Ashlyns School.

It is noted that this junction was not one of the four junctions selected by the Consultants Stomor for specific trip analysis (page 22 Transport Assessment)

Even before the changes to School admission Policy, in a report of April 2010, Hertfordshire Highways identified the junction of Shootersway and Kingshill Way/Kings Road as a "congestion hotspot". Other issues raised were high speeds, junction geometry, crossing facilities, poor bus service and rat running. It is noted that Kingshill Way is estimated to be running beyond capacity one way by 2021 (Page 24 of Transport Assessment).

Despite being outdated, the statistics show that congestion at the Durrants Lane /High Street junction is already near full capacity and that congestion and tail backs will reach the unacceptable recommended level at these junctions by 2021.

- The Draft Travel Plan

Restricting congestion to these limits would appear to be wholly dependent on the proposed Travel Plan as presented in draft form. As there is no guarantee that any elements of this plan can be delivered, we consider this to be wishful thinking given the hillside location of this site some 2.8 kilometres from the station and Town Centre. For example, all attempts to secure a regular bus service from this site have been unsuccessful to date and no means of alternative public/community transport have been secured. The developer states nevertheless that "the application site is accessible to local services by means other than the private car, including on foot, cycle or by bus."

The site is situated in zone 4 for parking allocation purposes and we are pleased to note that the parking location for the 92 homes accords with the allocation recommended. However zone 4 has the highest parking requirement because it is the zone furthest from the town centre and people are expected to be more dependent on car usage than sites nearer the town centre. In other words this site is in one of the least sustainable locations. This makes it even more unlikely that future residents will not use the cars for which space is provided

We note that despite a slight percentage point fall in the proportion of people travelling to work by car usage remains high at 78 per cent and will have increased in numerical terms. There are no statistics to show by what means people travel for other activities such as shopping and visitations more generally. In the absence of enforceable travel measures a development of this magnitude, in this location where car usage is likely to be the norm, is unacceptable.

We consider the proposed highways improvements to be wholly inadequate to ameliorate the adverse consequences of the dramatic growth in traffic which this development will generate along Durrants Lane and Shootersway and in some respects they may actually exacerbate the problems of congestion.

If there is an expectation that more residents will walk from this site, then a footpath should be provided along Shootersway from the access to SS1 to join the existing footpath at Coppins

Close.

An additional Junction on to the A41. As a consequence of the considerations of the impact of this development on road and junction congestion, road safety, and air pollution we request that consideration is given to providing an additional junction on to the A41 at the western end of Shooterway, in the Rossway area. This will divert substantial elements of traffic away to the East and away from the roads, junctions and affected pedestrians.

Contrary to Core Strategy Policies 8, 9 and 32 and Saved Local Plan Policies 51, 55, 61, 62 and 64.

- Car parking provision for users of Community Playing Fields and teachers at Egerton Rothesay

We note that there is provision for 89 car parking spaces to be shared between Egerton Rothesay teachers and users of the sports facilities.

We would seek further information on the precise numbers envisaged for each usage and given, the location, question the sufficiency for users of the sports facilities and visiting teams etc.

- Light and Noise Pollution

Given the proximity of the proposed sports facilities and associated parking provision we object to the absence of an appraisal of potential light and noise pollution in respect of existing and future residents.

Contrary to Saved Local Plan Policy 113.

- Wider effects on Berkhamsted: congestion and car parking

Our objection concerning the impact of this proposed development on traffic levels and congestion can be extended to Berkhamsted itself where we have experienced an enormous increase in traffic in the recent past consequent upon housing development and the configuration of the town.

There is already a constant stream of virtually stationary traffic through our High Street Thus far there would appear to have been no consideration of the impact of this development on wider issues of infrastructure such as car parking provision in Berkhamsted as a whole.

The existing public car parking facilities in Berkhamsted are incapable of absorbing the additional; traffic which, given its distance from the main shopping centre, a development of this magnitude will generate.

Contrary to Core Strategy 8 and 9 and Saved Local Plan Policies 51, 55, 61, 62 and 64.

- Air Quality/Pollution Assessment

While we accept that there is no need for an EIA we object to the absence of an analysis of the impact of the anticipated increased levels of traffic on air quality in the immediate neighbourhood and Berkhamsted more generally and thus any consideration of mitigation measures should these prove necessary.

Air pollution (as measured by Nitrogen Oxide levels) in the High Street of Northchuch is now so high that it is already the subject of an Air Quality Action Plan. We have grave concerns therefore about the further impact on air quality consequent upon the increase in traffic via

Durrants Lane generated by this level of proposed development.

A similar study and consideration should also extend to the likely impact of these proposals on air quality in Berkhamsted more generally given that there is now evidence that pollution levels are already at unacceptable levels at certain times, and on some occasions above those levels experienced in Northchurch.

Contrary to Core Strategy 32.

- Trees and Landscaping

We would seek assurances that there will be no loss of trees beyond that necessary to preserve the health of existing species and meet safety requirements. We note that it has been recommended that deadwood be retained to support biodiversity.

Saved Local Plan Policies 100 and 101.

- Flood Risk

While it is recognised that the existing sewage system is inadequate to contend with the proposed development, the assessment makes no mention of the flooding and sewage overflow which, even without this development, exists already in Coppins Close as reported by numerous residents. We have a concern that this issue will be exacerbated by this development and would seek assurances of measures to alleviate the current flooding.

The recommended provision of 40 boreholes has yet to be agreed and we note and endorse the need for an Impact Assessment Study to determine further detail.

We also note the omission of any details as to how the proposed balancing ponds will be maintained as well as details of any security measures that will be required.

Contrary to Core Strategy 31.

- Affordable Housing

The scheme provides for 24 affordable homes and a financial contribution towards the provision of a further 8 shared ownership affordable dwellings offsite.

We ask that in respect of both the affordable dwellings on site and the share ownership dwellings off site will be reserved for local Berkhamsted residents. We also request information as to (a) where the offsite dwellings would be built and (b) whether more affordable dwellings will be provided for on either the Village Green or The Plantation sites.

- Procedure

This is a very important site in the evolution of Berkhamsted and as such deserving of everyone's time and effort especially that of local residents and their Town Council representatives.

While we have been appreciative of the pre-application consultation process, we object strongly to the way this application has been processed subsequently.

First, rather than delivering the plans to Berkhamsted Town Council, Dacorum discharged its responsibility for this to the developer.

Second, despite Dacorum having had the plans much earlier - by 14th February- the developer did not deposit the plans at Berkhamsted until 18.30 on Monday 24th February.

This left less than 2 weeks for the plans, and the enormous volume of supporting documentation, to be considered alongside 30 other applications on Berkhamsted's Town Planning agenda for its meeting on 10th March.

We consider it unreasonable also, given the importance and complexity of this application, for it to be resolved within the 13 week target for completion of major applications and ask that DBC seek agreement of the developers that it could exceed this period without penalty.

- Conclusion

The issues confronting Berkhamsted and thus the context in which this application must be assessed have changed considerably since this site was designated for development in the Core Strategy

The targeted housing numbers for this site has always been unrealistic given the constraints posed by this site. We do not consider that sufficient balance has been achieved as yet between infrastructure requirements/deficiencies and housing numbers proposed on this site overall.

Until it can be proven that such a balance has been achieved we object to this application and recommend that it be refused or otherwise withdrawn to allow proper consideration of what would then be a comprehensive plan for this site.

Contrary to Core Strategy Policies 8, 9, 10,11, 12, 25, 26, 31 and 32; Saved Local Plan Policies 21, 51, 55, 61, 62, 64, 99, 100, 101, and 113; and Supplementary Planning Guidance, Berkhamsted Conservation Area 12 and 13.

Councillor Warren returned to the meeting.

Northchurch Parish Council

We were offered and received Berkhamsted's comments with which we are in full agreement.

Further comments:

The small Green Belt field is shown to accommodate the sports pitches ? No Toilets or changing facilities and back and siding onto Green belt cottage at the Bell Lane end. These old Farm cottages, are faced with having two 11-14 year old football pitches? Is it right that just the other side of the end of their short and narrow private gardens should almost become unusable whenever football is to be played. Facilities for changing and toilets shall be need, and travelling back to the school building is not considered to be suitable, also the unmanned pedestrian crossing, not suitable at all.

Where are the spectators expected to stand with up to two matches possibly happening there is, 1) no room to stand, and view. 2) excessive noise for the six cottages, 3) no Changing or toilet facility.

Shootersway and Darr's Lane and on to Rossway and then down to New ground and onwards towards Aldbury. are all delegated Cycle Club routes.

Strategic Planning and Regeneration

As you are aware from previous comments, SPAR welcomes the proposal in principle as part of bringing forward Strategic Site SS1 in the Core Strategy. Our chief concern is to ensure the scheme satisfies the planning principles set out under SS1 (albeit as far as they can be

addressed given the current scheme on land owned by Taylor Wimpey excludes the northern playing fields the (then) subject of a TVGA).

We note that you have brought to our attention the objections made by Berkhamsted Town Council (TC) who raise a number of matters of concern to them.

We would advise you that the starting point for considering the proposal is the adopted Core Strategy, and specifically the proposal as set out under SS1 (and supported by the associated masterplan framework). SS1 has been subject to significant periods of consultation as part of the adoption process to the Core Strategy. All of this is well documented. The Council has responded throughout this process to concerns raised over density, highways and infrastructure, etc. by the TC and local residents (the emerging proposal was subject to a significant level of objection). For convenience we direct you to the following issue statement produced by the Council as a summary of its response to these issues (paras. 11.21-11.2.11 of the LDF document Examination in Public, Statement by Dacorum Borough Council, Issue11: Berkhamsted, September 2012). (Provided at Appendix 1)

The Council concluded that there were no impediments to bringing forward SS1 and this was reflected in the joint statement prepared with the landowners as part of supporting the proposal through the Core Strategy examination process:

No infrastructure “show stoppers” were identified for this proposal (or for the indicative level of development sought in the town) and the County Council were similarly satisfied that the local highway could accommodate this scheme (and the general level of growth anticipated in the Core Strategy). However, it was recognised that a range of infrastructure contributions and off-site junction improvements would be required, and this is something the proposal must contribute towards.

Moreover, SS1 was considered by an independent Planning Inspector as part of examining the Core Strategy. The Inspector considered objections to the scheme in the light of evidence put to him. The Inspector was satisfied (paras. 60-61) with the Council’s approach to development in the town (under the Place Strategies) and to the housing sites it had identified in the Core Strategy:

“Berkhamsted is a relatively small market town which enjoys an attractive setting, parts of which are in the AONB. Modest growth is proposed for the town and whilst concerns were raised regarding the implications of growth on highway safety and car parking in the town centre, the Council is committed to supporting the Highway Authority in the preparation of an Urban Transport Plan for the town which will seek to address these issues. The Highway Authority raised no objections to the level of development proposed.

It is appropriate and sustainable that Berkhamsted should shoulder some of the growth in the Borough but this has to be balanced against the need to protect the town’s historic character and setting. A number of potential housing sites were put forward by representors in both Berkhamsted and in neighbouring Northchurch but I am satisfied that, in the current circumstances, the Council’s approach is justified.”

The Inspector did not suggest any other competing housing site should be allocated.

Given the above, we consider that the broad approach taken by the current scheme is acceptable. We would add that the capacity has come down markedly from that suggested through the original approach to the scheme (240-250 homes). Indeed, the density has come down further still as a consequence of the covenant on the land which effectively restricts new homes to single dwellings. Furthermore, the Berkhamsted Vision Diagram in the Core Strategy identifies that this part of the town is designated as a “Semi-Urban Zone” rather than a lower density “Peripheral Zone” that affects the existing housing on Shootersway.

We would accept that the current proposal remains at a higher density than the immediate surrounding housing (e.g. Coppins Close), and that this position has always been the case. The Council would acknowledge that this has been an on-going local concern. However, density is not uniformly low as it is higher on adjoining land at the northern end of SS1 (e.g. Tresco Road and Ridgeway). Furthermore, if land is to be released from the Green Belt to accommodate housing (which is the case for SS1 (see Proposal H37 in the DBLP), then it is important that it is effectively used to:

16. provide for a mix of types and sizes of homes (especially family homes);
17. secure much needed affordable housing in the town; and
18. help relieve some of the pressure for releasing further land from the Green Belt for housing.

Developing the site at much lower densities would contribute poorly to achieving these aims. We would argue that the proposal strikes a reasonable balance between existing densities and satisfying such objectives.

We would acknowledge that there may be detailed points regarding highways and infrastructure that may need addressing through the application, but that neither should in principle prevent this proposal coming forward. We note that the TC make no reference to a range of transport programmes identified through the Tring, Northchurch and Berkhamsted Urban Transport Plan which aims to reduce the impact of traffic (and potentially its effects on air quality) in the town: (<http://www.hertsdirect.org/services/transtreets/tranpan/tcatp/tnbutp/>)

The proposal was always intended to come forward as a comprehensive development. This approach was frustrated by the submission of a TVGA on the northern school playing fields (owned by the County Council) resulting in a separate application by Taylor Wimpey on land in their control. We concluded that this approach was reasonable in the circumstances in order to prevent delays in bringing forward parts of the proposal unaffected by the TVGA, and providing that it proportionately contributed to its local infrastructure requirements, and that it could demonstrate a comprehensive approach to delivering the remaining elements.

The TVGA has subsequently been rejected and we see nothing preventing the adjoining school land being delivered in the near-term, albeit effectively as a second phase. We note that Taylor Wimpey's scheme already allows access into the land and this is welcomed. Therefore, we would anticipate the school land being delivered in the short-term.

The Statement of Common Ground did indicate that open land to the west of The Plantation could be identified for housing, but only on the basis of the TVGA being successful. At the time it was important to demonstrate to the Examination Inspector that proposal SS1 was still deliverable. However, now that the TVGA has been rejected the Council would expect development to be delivered on the application land and the school playing fields as per the SS1/masterplan framework:

http://www.dacorum.gov.uk/docs/default-source/planning-development/spatialplanning-10-11-10-shootersway_framework-masterplan.pdf?Status=Master&sfvrsn=0

Our understanding would be that this would be the preferred approach of all parties.

We welcome the commitment to providing additional leisure space and associated school facilities. We understand the leisure space is subject to on-going discussions over its future maintenance and management. These elements need to be secured in order to ensure the planning principles under SS1 are satisfied.

Hertfordshire Highways

The site is located to the southwest of Berkhamsted at the junction of Shootersway with Durrants Lane. Shootersway is a single carriageway Local Distributor road. It is subject to the national (60mph) speed limit past the site. This reduces to 30mph at the SE corner of the site just west of the junction with Coppins Close. It has footway along its eastern side. Durrants Lane is a single carriageway Local Access road. The southern section from its junction with Shootersway as far as the entrance to St Michael's Croft is subject to the national (60mph) speed limit. From there north it has a 30mph limit. It has footway along its northern side. A 3m wide foot/ cycleway is proposed from the site access to Coppins Close along Shootersway.

19. Accessibility

Accessibility is relatively low given that the site is on the edge of an urban area. According to Accessibility Zones map on page 11 of the Accessibility Zones SPD of 2002, the site is outside zone 3. The size and topography of Berkhamsted are factors in this.

There are no bus stops within the 400m nationally recognised maximum walk distance limit of the site. The closest bus services run along Tresco Road/ Ridgeway, Westfield Road/ Durrants Rd and the lower part of Durrants Lane. The site is currently remote from existing bus services and diverted services need to continue to be considered in order to encourage the use of sustainable modes of transport from the site. Planning obligations derived from this development and/ or a possible second phase should it be granted permission and implementation could be used to pump prime such a provision.

The site is approximately 1.7 miles from Berkhamsted station. Trains are run by London Midland and Southern. London Midland services into London Euston are 4 per hour, Southern trains run hourly into London. The journey time into London is approximately 36 minutes on a limited stop service.

This proposal is supported by a Draft Residential Travel Plan. Its key components are as follows:

20. Provision of a sustainable travel information pack to all residents on occupation and to be updated in years 2 and 5.
21. Provision of a sustainable travel incentive to the value of £100 per household.
22. Personalised travel planning advice.
23. An annual budget to fund school travel plan initiatives at local schools.

The TP would be supported by the appointment of a Travel Plan Coordinator over the first 5 years following full occupation of the site. As usual, the Travel Plan will be monitored annually with results of surveys reported to HCC. In addition, the developer would pay a financial contribution towards the development of improved cycle infrastructure within Berkhamsted in accordance with Dacorum Borough Council's Planning Obligations Planning Document. This requires a contribution on a "per new house" basis towards cycle networks and towards the "Travel Smart" initiative.

In order to promote walking and cycling a network of footways and cycle routes is proposed within the site. These would have appropriate links to surrounding networks as appropriate. These would include links not only to the main points of access, but to the residential network to the north and east of the site. Shared footway/ cycleways would also be provided to enable access to the school and the community uses. One such facility could be located on part of the north side of Shootersway, where room allows within the highway, to cater for potential pupils wishing to walk to Greenway or Thomas More Schools. A further foot/ cycleway link is proposed between the northwest corner of the Phase 1 site and Durrants Lane, via the turning/ parking facility just to the south of the Egerton Rothersey School. This would allow cyclists and pedestrians to follow a direct route from the development to access the Westfield First School

or High Street to the north. It would also enable pedestrians to directly access any future bus service, should one be implemented in the future.

In order to allow safe pedestrian access from the proposed new school parking and circulation facility to the proposed football pitches and kickabout area to the west of Durrants Lane an uncontrolled pedestrian crossing is proposed. A controlled crossing was considered but ruled out and the proposal is for a more location-sensitive uncontrolled crossing with appropriate visibility, road markings and signs.

The response to the first part of question 6 in the application form indicates that new vehicle and pedestrian access points would be created were this development to be implemented. Vehicular access into the residential part of the site would be taken from Shootersway. In connection with the creation of this new access it is proposed to move the speed limit change extending the 30mph stretch to the junction with Durrants Lane. This will need to be implemented in accordance with the County Council's Speed Management Strategy (<http://www.hertsdirect.org/services/transtreets/ltplive/supporting/speed/>).

A second entrance with access to the new Egerton Rothesay school car park and turning facility would be provided from Durrants Lane, approximately 100m south west of the existing staff and coach parking access. This would result in improved provision for staff and coach parking, and include safe pick-up and drop-off points for school pupils. In order to construct these new connections the developer would need to engage with HCC Highways to enter into a Section 278 agreement.

The response to the third part of question 6 in the application form indicates that new public highway would be created were this development to be implemented. The extent of these should be agreed in advance with the highway authority. This matter does not appear to be discussed in the Transport Assessment. The principal that will be applied is that roads to be maintained at public expense should have demonstrable 'public utility'. The short culs-de-sac within the main loop road would not, therefore, be considered. In order to construct these new roads the developer would need to engage with HCC Highways to enter into a Section 38 agreement.

24. Traffic generation and the local road network

Full classified traffic counts were carried out at the junctions along Durrants Lane in May 2012 when the traffic study was instigated. Full traffic growth has been calculated from the base year of 2012 to the horizon year of 2021 using the industry-standard software Tempro version 6.2 Eastern Region for Berkhamsted Area 26UC3. This allows for full growth since the traffic counts were undertaken in 2012, up to the horizon year in which the various links and junctions have been tested. It is therefore considered that this data is completely suitable as a basis for analysis in the TA.

The Tempro growth data takes account of the likely growth in traffic in the area due to general development and other factors relating to the area being considered. We would expect this to include an element of likely traffic generation from the Durrants Lane/ Shootersway development and the Hanbury development to the southeast of the site. In order to be robust the calculated traffic generation arising specifically from these development sites have been added in to the projections.

The data on traffic distribution is taken from the 2001 Census rather than the 2011 data. The applicant consulted the Office for National Statistics who advised them that the 2001 data should still be used as the recent survey data had not been issued. In any event, this data is only used in order to provide a reasonable estimate of the likely development traffic distribution/ routing to and from the site, not the volume of traffic. I therefore consider that the traffic distribution used in the TA is robust.

There are no plans to expand Egerton Rothesay School so no additional trips are envisaged. The car parking and drop off and turning facility proposals for the school will be designed to eliminate the current on-street parking in Durrants Lane in the vicinity of the existing site entrance thereby improving safety at the school.

The applicant envisages that construction will commence by late 2014, with 40 completions programmed for 2015 and 2016 and the remainder completed in 2017 resulting in a total of 92 residential units. However for completeness the assessment allowed for a potential 180 units which allows for subsequent development on the land to the west. For the purposes of this assessment a similar programme was assumed for the Hanbury's site.

The classified counts show that Shootersway and Durrants Lane currently operate within their capacity. The TA confirms that significant amounts of traffic use the Durrants Lane/ High Street and Kingshill Road/ Shootersway junctions. The report quantifies the traffic flows and existing/ future queuing at the Durrants Lane/ High Street junction, and identifies/ recommends means of improvement which may be necessary. Works at this junction are likely to include introduction of traffic signals. This is due to be carried out by HCC during 2014. Improvements to the junction of Kingshill Road with Shootersway and Kings Road is likely to be traffic signals with a controlled pedestrian crossing as recommended in the HCC report referred to in the TA. A section 106 contribution to such works will be required.

I note that Kingshill Way is estimated to be running beyond capacity one way in the morning peak hour by 2021 (on page 24 of Transport Assessment). This is relative to the estimated theoretical capacity which is based on a percentage of HGVs in traffic of 15%, which is extremely robust compared with the much lower proportions observed. I support the view that in practice Kingshill Way would cater for flows in excess of the assessed flows at Year 2021 and probably beyond.

It is proposed that Durrants Lane is modified and widened as appropriate to a maximum of 5.5m to eliminate the 4m wide pinch point which exists to allow the larger coach vehicles to safely negotiate the road up to the proposed access point. A 3m wide foot/ cycleway is proposed from the site access to Coppins Close along Shootersway.

25. Parking

Car parking provision for the 92 units would be in accordance with the Dacorum BC recommended parking level in Zone 4. An equivalent level of provision would be made for future phases of development at this site. Use of the playing fields is expected to occur outside the morning and afternoon peak hours in the week and at weekends when flows tend to be lower.

Planning obligations It is the policy of the County and Borough Councils to seek planning obligations to mitigate the effects of development. HCC's requirements in respect of highways and transport are set out in section 11 of the document 'Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements)'. This can be read and downloaded from <http://www.hertsdirect.org/your-council/hcc/resandperf/hertsprop/planningobs/>.

In accordance with the Toolkit I recommend a 'first strand' contribution of £75,000 towards improvements to traffic management and pedestrian facilities at the Shootersway/ Kings Road/ Kingshill Way junction.

I recommend a pooled 'second strand' contribution calculated in accordance with Table 1 of the Toolkit of £119,625 index-linked from July 2006. This is based on the accommodation mix given in the tables in question 17 of the application form. This element can be reduced by the

amount of any TravelSmart contribution sought by the local planning authority. Planning obligations so derived would be used as a contribution towards introducing traffic light control and pedestrian facilities at the junction of Shootersway with Kings Road and Kingshill Way, subsidies towards a possible bus route along Durrants Lane and/ or other measures identified in the Tring, Northchurch and Berkhamsted Urban Transport Plan. This Plan can be read/ downloaded at <http://www.hertsdirect.org/services/transtreets/tranpan/tcatp/17766145/>.

The Highway Authority does not wish to restrict the grant of permission subject to conditions relating to:

26. Completion of site access prior to occupation of development;
27. Storage of materials and equipment associated with construction;
28. Details of disposal of surface water to be submitted for approval;
29. On-site parking during construction of development to be submitted for approval;
30. Wheel washing of construction vehicles;
31. Details of materials of hard surfaces to be submitted for approval;
32. Areas for parking and storage and delivery of materials;
33. Implementation and submission of Travel Plan;
34. Monitoring of Travel Plan.

Two informatives have also been requested.

Thames Water

Waste Comments

Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

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.

Water Comments

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

Supplementary Comments (received 25 April 2014)

Following the impact study SMG1173-FS-IM-Land at Durrants Lane and Shootersway,

Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application.

Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

Further comments (received 23 May 2014)

Following impact study SMG1173-FS-IM-Land at Durrants Lane and Shootersway, Thames Water has identified an inability of the existing wastewater infrastructure to accommodate the wastewater flows from the development subject to this application.

An upgrade of necessary wastewater infrastructure will be required ahead of the occupation of the development to ensure the additional flows created by the development do not have a material adverse impact in the form of sewer flooding to property and the environment.

Should the Local Planning Authority be minded to approve the application, Thames Water requests that the following 'Grampian Style' condition is attached to the permission:

"No discharge of foul or surface water from the site shall be accepted into the public system until the agreed off-site drainage works and agreed appropriate on-site flow controls and pumping station referred to in the strategy have been completed in full". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

English Heritage

The application should be determined in accordance with the national and local policy guidance, and on the basis of your specialist conservation advise.

Crime Prevention Design Adviser – Herts Constabulary

I have had a meeting with Taylor Wimpey as nothing was mentioned in the DAS about designing out crime, we have agreed the development will be to Secured by Design Part 2 and I am awaiting detailed drawings so I can comment further. I'll let you have some comments once I get further details from them.

Housing Delivery, Strategic Housing

Good summary report by Pioneer, which we are in agreement to, so 24 rented homes to be provided on site, and a commuted sum to catch the 8 that will be provided off-site. This is on the basis that a detached dwelling in that part of Berkhamsted will not be affordable as a shared ownership home.

Our formula in the SPD works as set out below:

35. % of affordable housing to be provided off site (in this case 8 units out of 92) = 8.7%

36. Land Value (TBD) multiplied by 8.7%.

This will provide the Council with sufficient funds to acquire equivalent land in the neighbouring area on which to provide these 8 affordable homes.

Fire Protection Officer

We have checked the plans and Access statements contained on the application and there is no clear indication of the access and water supplies available for fire service. We would be pleased to receive information on how the following requirements will be met: to comply with BS9999:2008.

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

Conservation and Design

Additional Comments

37. View 1 – The focal building is weak and would benefit from the feature chimney as discussed; the classical buildings would benefit from the stone bays as discussed, also the chimney's should be on the ridges.
38. View 3 – Classical buildings – chimneys on gable ends, the proportion/size of the windows on the returns needs to be maintained at the taller height, stone bays, decorative barge boards?
39. View 5 – chimney on left unit is too dumpy
40. View 6 –as per view 2
41. View 7 – units all slightly repetitive
42. View 8 - as per view 2
43. View 9 - units all slightly repetitive
44. View 10 – chimney on focal building gable end

Overall the groups/streetscenes are working well. I'd like to put together the boundary treatments with the house types as this needs to work as a package. Also I'd encourage good street trees in the public realm to soften the character of the spaces.

Herts and Middlesex Wildlife Trust

The site boundary incorporates three arable fields and an area of woodland with hedgerow/tree boundaries. The Proposed Site Layout drawing DR-A-1000 indicates the development would cover the eastern field up to 'The Plantation' woodland.

There are no Local Wildlife Sites or other protected sites within the site boundary. Local Wildlife Site 64/009 'Meadow South West of Shootersway Road' is opposite the site, but unlikely to be directly impacted by the development.

I note that an Ecological Appraisal has been submitted. The report is based upon an Extended Phase 1 Habitat survey, tree assessment for bats, badger survey and great crested newt presence/absence survey conducted in 2013. The report concludes that the habitats present (arable land, field margins, scattered trees, scrub and tall ruderal) are of no more than 'site' value for wildlife. The woodland however is considered of 'local value'. The site would provide habitat opportunities for a range of species, including birds, badger and bats. Various trees within the site were shown to have bat roost potential.

Given that the woodland and boundary hedgerows/trees are to be retained, I agree with the findings and recommendations of the ecologist. The development of the site is not expected to have a significant adverse impact on wildlife, subject to avoidance measures and mitigation to minimise risks of harm to species which may be present, including nesting birds and roosting bats.

Retaining the woodland and the strengthening the boundaries should help to maintain

ecological connectivity. The woodland could be improved by some management to improve its structural diversity and promote development of a richer ground flora through increasing the amount of light reaching the woodland floor. Ecological enhancement within the built area of the development would also help to boost opportunities for wildlife. For instance, creation of ponds and wildflower grassland areas in amenity space; planting of or strengthening existing native, species rich hedgerows; installing bird nesting boxes and bat roosting boxes on trees and in new buildings.

The recommendations made by the consultant ecologist in section 5 of the report should be reflected in the site plans. Suitable conditions should be imposed in the event that permission is granted to ensure that suitable precautionary and mitigation measures are followed during construction to minimise risks to wildlife.

The developer should aim to enhance the biodiversity potential of the site, through appropriate layout, design and landscaping proposals.

Hertfordshire Ecology, Environmental Resource Planning, HCC

Ecological Appraisal by CSA Environmental Planning dated September 2013

An extended Phase 1 habitat survey was completed in March 2013 in addition to ground-based tree assessments and protected species surveys in 2008, 2011 and 2013.

Key points from the reports:

45. The site proposed for redevelopment “primarily supports habitats of no more than ‘Site’ level value, with hedgerows and mature trees considered to be of greatest ecological value.

46. A woodland area at the site known as ‘The Plantation’ has been assessed to be of Local value for its wildlife benefit. The habitats present are known to support bats, badger and breeding birds”.

47. No further surveys were requested.

48. Recommendations to avoid, or where this is not possible, minimise impacts were set out, along with broad options for mitigation compatible with the Masterplan for the site.

We take the view that an appropriate survey methodology, evaluation and analysis have been carried out by the ecological consultants and consider that the ecological reports contain sufficient information for the LPA to make a fully informed decision re impacts on biodiversity.

Trees and Woodlands

The central tongue of woodland has some signs of being a wood for longer than the present age of the trees suggests and has the potential to be a prominent central feature for the foreseeable future.

Additionally we noted some good specimen trees running across the school field in a continuation of the tree line running behind Coppins Close.

Waste Services- Dacorum Borough Council

From houses we would require the residents to put their receptacles on the boundary near the road for collection there will need to be enough room for storage of 3 wheeled bins and a food caddy.

Consideration should be given to the size and manoeuvrability of the collection vehicles which are typically 26 ton rigid freighters.

GP Premises Officer, NHS England

The Premises Team have now had an opportunity to review the impact of this proposed development on local General Medical Services (GMS) provision.

Due to the size of the proposed development and the capacity of the nearby surgeries, it is our opinion that the surgeries closest would be able to absorb any new registrations generated, should the application be successful.

Herts County – Minerals and Waste

Should the Borough Council be mindful of permitting this application, a number of detailed matters should be given careful consideration. The County Council seeks to promote the sustainable management of waste in the county and encourages Districts and Boroughs to have regard to the potential for minimising waste generated by development. The Department for Communities and Local Government highlights the need for Local Planning Authorities 'to help to contribute to delivering the waste hierarchy' in the *Guidance for Local Planning Authorities on implementing planning requirements of the European Union Waste Framework Directive (2008/98/EC)*.

Environment Agency

Thank you for consulting us on the above planning application.

Please ensure the following condition is included on any planning permission granted. Without this condition the proposed development presents an unacceptable risk to the environment.

The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (Stomor, Ref: ST-2271/FRA-1302 Rev 1, dated 4 February 2014) has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity in line with your policies CS29 and CS31, the National Planning Policy Framework and the Thames River Basin Management Plan.

Sport England

The site is not considered to form part of, or constitute an existing playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184), therefore Sport England has considered this a non-statutory consultation.

The current proposal represents the first phase of a larger development for the Durrants Lane/Shootersway 'Strategic Site' that is proposed for a mixed use development in the adopted Dacorum Core Strategy (Proposal SS1). A framework master plan for the whole site was prepared in 2012 and it was anticipated that a planning application would come forward for a co-ordinated development across the site. However, due to a 'Village Green' application being made on the nearby site of Egerton Rothesay School's playing fields (not part of this planning application), the current application is being progressed as a standalone application in advance for the part of the site which is within the control of the applicant. However, it is proposed that this scheme be designed to avoid prejudicing the remainder of the strategic site being brought forward at a later date. Since this planning application was submitted, the 'Village Green' application has been unsuccessful and therefore it is expected that the remaining phases of the development will come forward as originally intended in the framework masterplan.

In terms of the status of the playing fields that are proposed as part of the current planning application, it has now been clarified by the applicant that they would represent new playing fields for community use. This is because playing fields to replace Egerton Rothesay School's existing playing fields (that are proposed for residential in the 2012 Framework Masterplan) are proposed to the east of Durrants Lane. While the land to the east of Durrants Lane is within the control of the applicant it does not form part of the current planning application and can be progressed independently as part of a wider later phase scheme for the Durrants Lane/Shootersway 'Strategic Site'. It is therefore accepted that the playing fields proposed in the current application would not represent replacement playing fields and therefore they have been assessed as new playing fields.

- Principle of the Development

Sport England has assessed the application in the light of its Planning for Sport Aims and Objectives Guide (2013 which is consistent with the NPPF. Objective 3 of this guide relates to ensuring that the provision of facilities and opportunities for sport and recreation meets the needs of the local community which includes new facilities.

The proposal is to provide new playing fields for community use to meet the needs of the proposed residential development and the needs of the wider community because the provision of three football pitches on a site of around 1.7 hectares in size would significantly exceed the level of on-site playing field provision that would usually be expected for meeting just the needs of a residential development of 92 dwellings. An outdoor leisure facilities study is currently being prepared by Dacorum Borough Council which is assessing playing pitch needs across the Borough in detail. While this study has not yet been published, the draft assessment showed that additional football pitches were required for meeting future community needs and possibly existing needs. In principle, the provision of additional football pitches at Durrants Lane would offer potential to help meet these needs therefore.

The proposal is therefore considered to offer potential to meet Sport England's planning policy objective. I can therefore confirm that Sport England supports the principle of this application.

- Playing Pitch Quality

The applicant has commissioned the preparation of an agronomist's feasibility report (the TGMS report) which has been supplemented by information provided by Peter Brett Associates from a geo-environmental desk study and ground investigation. These studies have assessed the ground conditions of the site and made outline proposals for preparing the site for playing field use. In summary, it is recommended in the study that to create a well-drained uniform playing surface, consideration should be given to re-grading the site and the installation of a land drainage scheme followed by an intensive initial maintenance programme.

It is requested that a planning condition is imposed which requires the submission and approval of a specification for the playing pitch construction scheme, including an implementation programme, in accordance with the recommendations set out in the submitted agronomist's (TGMS) report. The specification would need to be supported by the actual proposed implementation programme

- Ancillary Pavilion Facilities

There are no pavilion facilities proposed in the current planning application to support the use of the playing field by the community. However, the applicant has advised that changing facilities would be provided as part of the proposed dual use playing fields to the east of Durrants Lane which would form part of a separate planning application.

The provision of changing, toilet and refreshment facilities, sports equipment storage and pitch maintenance storage to support both playing fields would be essential for the playing fields to be fit for purpose. The availability and quality of playing field ancillary facilities (especially changing facilities) in general terms is an important factor in determining whether people will participate in sport especially groups that are under-represented such as women and disabled groups.

The FA have advised that a pavilion will be essential so that the site can be sustainably managed in the future.

While Sport England is satisfied in principle with ancillary facilities being provided to the east of Durrants Lane to serve the proposed playing fields on both sides of the road, details of these facilities would need to be submitted and approved to ensure that they are acceptable in practice for supporting the use of the proposed playing fields. At this stage, there is no certainty that a separate planning application for the proposed playing fields to the east of Durrants Lane would be submitted, approved and implemented within a timescale that would ensure that the ancillary facilities would be available for use by the time the playing fields in the current planning application are ready for community use. To address a potential scenario where acceptable ancillary facilities are not completed and operational by the time the playing fields (that are proposed in this application) are ready for use it is requested that a planning condition be imposed requiring details of ancillary playing field facilities (including changing, refreshment and sports/maintenance equipment storage) and an implementation programme be submitted and approved prior to first occupation of the playing field. If a future planning application covering land to the east of Durrants Lane (including detailed proposals for ancillary playing field facilities) is subsequently approved this could be used as a basis for the submission of the details to discharge such a condition.

- Car Parking

In terms of car parking, a new public car park is proposed to the east of Durrants Lane that would serve the playing field which is welcomed. The adequacy of car parking is an issue for the local planning authority to consider. However, if the proposed car park is intended to serve a potential dual use playing field to the east of Durrants Lane (provided in a later phase) as well as the playing fields to the west of Durrants Lane proposed in the current planning application, the level of provision proposed may not be adequate to meet community needs during peak periods. This matter should be considered by the Council and the car park should be designed to allow potential expansion to serve additional playing fields if necessary.

Consideration should also be given to providing some disabled parking spaces and parking for maintenance vehicles adjoining the emergency access road to the proposed playing field (to the west of Durrants Lane) in order to provide convenient and practical parking arrangements for these users.

- Pedestrian Access

There would be a need to cross Durrants Lane to access the playing field from the proposed car park. It is proposed that an uncontrolled pedestrian crossing will be provided. The Borough Council are requested to account for the fact that the majority of users of the crossing will be children and young people and that during peak periods of use of the playing fields there will be a high volume of such users attempting to cross at this point.

- Facility Management

Unless consideration is given to the management of a new playing field as part of a planning application, situations can arise where the playing fields can become inaccessible, unusable

or unsustainable. It is noted that Core Strategy Proposal SS1 requires the scheme to ensure the long term management of the formal leisure space and this is also stated in the 2012 Framework Masterplan. The applicant has advised that the playing fields will be put into the ownership of a community group (with funding for ongoing maintenance for a defined period) or would be controlled by a management company. The FA have advised that offering Berkhamsted Raiders FC a long term lease would be an obvious solution in principle as they have a proven track record of successfully managing football facilities in the area although the proposals in the scheme would need to meet their facility needs and it would need to be viable to maintain if the club was to manage the facility.

It is requested that a planning condition be imposed requiring a maintenance and management scheme for the playing field to be submitted and approved prior to first occupation of the playing field.

Historic Environment Advisor, Herts County Council

The proposed development site has potential for the presence of heritage assets of archaeological interest, dating from the later prehistoric, Roman and medieval/post-medieval periods. This is suggested by the proximity of a Scheduled length of Grims Ditch (SM35349) and evidence from the wider vicinity of Iron-Age and Romano-British occupation (HER11479, HER11480), and 18th/19th century cartographic evidence showing structures within the development site.

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 heritage assets with archaeological interest that may require mitigation through the planning process. I recommend, therefore, that the following provisions be made, should you be minded to grant consent:

1. the archaeological evaluation by means of trial trench methodology.
2. a contingency for the archaeological investigation of any remains encountered
3. the analysis of the results of the archaeological work and the production of a report and archive
4. such other provisions as may be necessary to protect the archaeological interest of the site.

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,

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.

CPRE (Campaign to Protect Rural England)

CPRE Hertfordshire has considerable reservations regarding this application.

In 2008, in response to the Council's Site Allocations consultation we objected to the inclusion of this site because of its potential impact on the Green Belt and inappropriate expansion of the built up area of the town.

As is readily identifiable from the plans accompanying the application, the proposed

development is considerably higher in density than the existing development which it adjoins, or, indeed, that of Berkhamsted as a whole. The visual impact on the Green Belt to the south and west will be significant.

The 2012 Masterplan, for 180 houses, put forward two options, both involving further development to the north of the current application site. However, it is now implied in the current Planning Statement that should the application to have the northern parcel of land designated as Village Green, then a third option, to develop to the west (parcel 3) will come in to play. If that should happen the detrimental impact would be exacerbated by the further 88 houses along the Green Belt boundary.

As no details of the proposed layout of either development to the north or on to parcel 3 have been provided, we are being asked to comment, and the Council required to decide, on a partial layout which is not truly representative of the ultimate impact which development of the whole site will have. The reason for this, as the applicant openly admits, is because of the application (Ref VGR45 Egerton Rothesay School Playing Fields) to designate the northern portion of the site as village green. The Public Inquiry on that application is due to be heard in a few days time. This application seeks to pre-empt the result of the Inquiry. In our view this application should be deferred until the outcome of the village green inquiry is known and a comprehensive layout can be submitted.

We note that Berkhamsted Town Council has forwarded a full submission to the Council covering matters such as flood risk, infrastructure and transportation issues as well as the density and layout of the development. We have read their report and support their findings.

Scientific Officer, Environmental Health, (Land Contamination)

- Contaminated Land

Regulatory Services is in receipt of the following report submitted with the above application: Site Appraisal Report; Phase 1 Shootersway, Berkhamsted; Ref: GRM/P5988/F.1; GRM Development Solutions Limited; January 2013

The above report comprises a Phase I and II assessment of the site (covering Phase 1 of the proposed development only).

The Phase I Desk Study provides a detailed preliminary risk assessment of the site. Potential significant pollutant linkages have been identified associated with the agricultural use of the land and potential ground gas generation from the closed landfill and old chalk pits.

The Phase II Intrusive Investigation provides adequate site coverage. No exceedances of the adopted generic assessment criteria have been identified. Only 1 no. round of ground gas monitoring has been included within this report. The report states that a separate gas addendum letter report will be issued following completion of the full monitoring programme; this has not been submitted as part of the application. The report concludes that no remedial works are required and recommends a watching brief be kept during ground works on the site for any potentially contaminated material.

As further information is required, I recommend that a contamination condition be applied to this development should permission be granted, to ensure the outstanding information is provided.

The Environment Agency should be consulted in respect of risk to controlled waters.

- Air Quality

An air quality assessment is required as there is the potential that emissions generated by the proposed large-scale development will impact upon the local air quality in the area, and also the nearby Air Quality Management Area (AQMA) at High Street, Northchurch.

The resultant air quality report will be required prior to the planning application being decided, in order to assess the impacts of the proposed redevelopment. The report must have regard to the Environment Act 1995, Air Quality Regulations and subsequent guidance. The report should indicate areas where there are, or likely to be, breaches of an air quality objective. If there are predicted exceedances in exposure to levels above the Air Quality Objectives then a proposal for possible mitigation measures should be included.

Hertfordshire County Council

Hertfordshire County Council and the School have worked with Taylor Wimpy over many years to assist the Local Planning Authority in bringing forward the allocation for mixed use development of these three owners' lands. To assist with delivery of the strategic allocation of these lands and the planning policies for it contained in the adopted Local Plan, the County Council envisages carrying out a land exchange with Taylor Wimpey in which the County Council transfer to Taylor Wimpy ownership of the School playing field to the east of the school buildings so that land can be developed as Phase II of the Housing Scheme and that the total housing development conforms to the planning principles contained in the policy for the site.

In return, Taylor Wimpy would transfer to the County Council a sufficient part of the land they own to the south for the School site and to the west of the existing tree belt and the proposed Phase I housing development. Within the terms for the exchange would be contained responsibilities for the development of the new access, drop-off and car parking area and for the replacement school playing fields and for the subsequent management and use of that land. This would enable the County Council to provide by way of a replacement letting, new and better located playing fields for the School, as well as the new access and parking area.

The County Council would also be prepared to receive ownership of and to arrange to manage completed new community playing fields on the west of Durrants Lane and to make them available for use by a community group such as the Berkhamsted Raiders. The County Council has a policy for making property available by lettings to community and voluntary organisations and this was reviewed in 2007. Under this policy, lettings to these types of organisation are usually accompanied by a partnership agreement that sets out the shared community objectives. Providing the organisation meets the community or voluntary organisation status criteria and the objectives, it receives a 90% abatement of the market rent.

With that background, the County Council makes the following representations in respect of the planning application on behalf of itself as adjacent land owner and on behalf of the School

57. Comprehensive Development

The current application was made for only part of the land allocated for development in the Local Plan owing to the then presence of an application for registration as a Town or Village Green of the rear [east] playing field used by the School. That application was refused following a Local Inquiry. It will be important that the applicant's phased approach to seeking planning permission for the lands allocated for development does not preclude comprehensive development in accordance with the planning policies for the lands as contained in the Local Plan. Whilst it is understood that the applicant has needed to bring forward a 'self-contained' phase one scheme, it will be important for the Local Planning Authority to be able to control that phase of development so that the later Phase 2 scheme can properly be added and the whole scheme achieve the planning policies. This is especially relevant when considering the

detailed location of the housing at Phase 2, which owing to the outcome of the above Inquiry and the County Council's intentions for its land can be achieved on the playing fields to the rear [east] of the school with replacement school playing fields being provided on the urban open land to the south of the school buildings and west of the existing substantial tree belt. The design and implementation of the access, services and particularly the drainage scheme for Phase 1 need to be demonstrably compatible with Phase 2 housing being provided by way of a northward extension of that development and with planning conditions in place for Phase 1 to support that objective.

58. School drop-off/car park

Although Egerton Rothesay is a not for profit independent school, a significant number of pupil placements at the school are directly funded by the County Council. The County Council is therefore very supportive of any proposal that would improve the school's facilities such as the proposed drop-off/car park facility. The School and the County Council are concerned to ensure that responsibilities for management and ownership of the facility as well as the user rights and maintenance arrangements are clarified now. We suggest that planning obligations contained in the S106 agreement is the appropriate mechanism for achieving this. We also suggest it would be beneficial to the school and local residents to ensure that this facility is provided before the completion of the housing development. This could be secured by way of an appropriate planning condition.

59. Flood Risk Assessment (FRA)

The indicative foul drainage strategy identifies provision of a foul pumping station in the north west corner of the site along with a foul storage tank, which is to allow for "future development on surrounding parcels" – it is assumed that this refers to the Master plan proposal for Phase 2 development of the rear [east] school playing fields. The FRA also indicates that additional foul storage will be required at the location of the pumping station if additional units are added to the foul drainage system. It would therefore appear that the foul water drainage strategy has been designed to allow for development of the aforementioned Phase 2 land. We endorse this approach, as it facilitates the Phase 2 development of the school playing fields, which is in accordance with the Master plan Document. We suggest that provision for Phase 2 be covered by a condition.

The indicative surface water drainage strategy indicates that approximately 1.6ha of the site would drain southwards by gravity to the watercourse adjacent to Shootersway. The remaining 1.9ha on the northern portion of the site will drain by gravity to the public sewer in Durrants Lane. In addition, the southern and northern portions will include the use of SuDS drainage methods and certain off-site improvement works are also proposed. However, the drainage strategy does not appear to take into account the development of the rear [east] school playing fields, which is the preferred location for Phase 2 identified in the Master plan Document. We therefore conclude that the surface water drainage strategy is deficient in this respect and that the local planning authority would be advised to satisfy itself that, if implemented, the strategy does not preclude housing development of Phase 2 on the rear school playing fields.

It is acknowledged that when Taylor Wimpey's planning application was originally submitted, the Town or Village Green application had not yet been determined. However, the Planning Inspectorate has now dismissed the application to register the County Council's land as a Town or Village Green. As such, there is now no barrier to the development of Phase 2 on the school's playing fields land. This lends weight to the reason for ensuring that the surface water drainage strategy takes into account the Phase 2 development. If this were not arranged and the development of Phase 1 were carried out simply in accordance with the drainage scheme as submitted the developer may need to bring forward an application for Phase 2 with the housing on the urban open land west of the tree belt rather than in accordance with the master-plan and planning policies.

60. Estate Roads

To ensure comprehensive development, it is suggested that a planning condition be imposed that requires the estate roads, which will lead to and gives access to the rear [east] School playing field, to be built to a capacity and an adoptable standard so that they can be compatible with a Phase 2 development, with housing to the north accessed through the Phase 1 housing scheme.

Egerton Rothsay School

Although the school has always welcomed in principle the development of the land around the school and worked in co-operation with both HCC and TW over the years we do have some concerns re the current planning application. The pure planning aspects of this have been expressed in the representation made jointly with HCC. However, the school has an on-going concern for the delivery of promised benefits by TW.

The original planning change to enable the two TW fields to come inside the developable area – and all subsequent co-operative discussions over the last 9/10 years - have included the statement and proviso that the development would deliver real benefits for the school. This in addition to the wider benefits of housing and community facilities for Berkhamsted.

The school is now concerned that the only benefit to the school in Phase 1 is the building of the parking and drop-off zone. Whilst this will improve traffic flow into the school – benefitting both local traffic and pupil on-site safety – this was always seen as an integral solution with the new playing fields; not something separate. Timing aside, if that new, close-to-the-school, fields are not to be delivered the gain for the school is significantly less.

It should be noted that the fields being provided in Phase 1 will not benefit the school as they are too far away to make use by children with special needs a practical option on a regular lesson basis – both because of distance and the road crossing.

That being the case the parking being provided in Phase 1 is more for the community use of the Phase 1 fields than for the school. More importantly, if the playing fields originally planned for Phase 2 are not developed - e.g. because TW decide there are commercial benefits in seeking to develop the rest of their land rather than the existing playing fields as per the previous proposal and discussions - the school will actually be disadvantaged in security terms by having increased public access next to their land with little real benefit.

We would, therefore, be much happier if this application could come forward as an integrated plan for the whole site – with Phase 2 clearly delineated so that both the impact and benefits can be clearly understood and debated.

Neighbours

The table below shows the list of local residents consulted, and a list of local residents who submitted objections or support of the application.

Objections Received from Local Residents who were Consulted	Received From
1-29 Coppins close	1,3 4,6,8,11,12,14,15,17,18,23,26,
2 Chalet Close , 3 Chalet Close	2,3
Bell Lane - Bramleigh, Fairway, Fleetwood, High Rising, Hilltop, Oakbank	Bramleigh, Fairway, Oakbank, Fleetwood
Shootersway - Ballintrae, Galing, Hazel Ridge, Iona, Tanglewood,	Ballintrae, Hazel Ridge, Tanglewood

The Lodge, Willow House	
Blegberry Gardens 1-7	2, 6
4 Crewe Curve	Received
1a The Spinney	Received
Egerton Rothesay School	Received

Objections Received from Local Residents who were not Consulted
27 Montague Road
26 Highfield Road
Greenway School
South Lodge, Shootersway
Briars Orchid, Shootersway
52 Tresco Road
Wentworth
Mrs Warren - Shootersway
Mr Partridge Shootersway
Mrs Foster - Chalet Close
Dr Rennie - Coppins Close
13 Kingsdale Road
Crossfield Close

A support of the development was also received from a resident at 2 Lower Barn, Hemel Hempstead.

The table below shows a summary of the objections received from the local residents via the Dacorum Borough Council website, e-mail and letters.

Type of Objection	No. of Objections
The site is far too dense	24
not in keeping with the surrounding area	22
increase in housing detrimental to town and community	3
local roads and infrastructure are already maximised	24
misleading information (distance, storey height)	11
loss of privacy	11
trees will over shadow and block light into property	12
extra pollution	1
increase in number of cars will lead to more traffic and cars parked on street	35
dangerous to increase more cars (60 mph limit close by)	13
hazard to children (school close by)	11
junctions require improvement	2
inefficient information regarding traffic provided	2
bigger car park required	3
Why has the position of the pitches changed?	1
noise pollution	9
no more houses to be built to the land east or west of Durrants Lane	1
support development	1

need houses to reduce house prices	1
ideal location	1
no use of green technology	1
not enough houses	1
require traffic lights	2
anti-social behaviour	3
proximity of development to existing dwellings	8
proposals do not comply with covenant	6
Flooding	8
damage to trees	8
removal of p.d rights	2
inadequate public transport links	7
no s106 information	3
contrary to policy	7
contrary to affordable housing policy	1
construction on green belt land	2
football pitch issues	5
no changing room	1
Floodlighting	1
drainage issues	6
lack of local facilities	8
damage to property	1
Wildlife	1
increase in local costs	1

Considerations

Policy and Principle

The details of the designation of the site are referenced comprehensively in the Spatial Planning comments above. In summary, the principle of the development of this green field site has been confirmed through the local plan process; initially as Proposal H37 of the Local Plan (1991-2011, adopted 2004) together with Proposals C1/L1 and recently in the adoption of the Core Strategy in 2013 as SS1.

The designation has effectively secured the release of the land from Green Belt designation and the development in accordance with the principles set out in the development brief provides the vehicle for the provision of housing on the site.

Paragraph 12 of the NPPF provides the following direction; *“This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.”*

Paragraph 47 requires the Local Planning Authority to boost significantly the supply of housing and identify a five year supply of deliverable housing land with an additional 5% buffer to ensure choice and competition in the market for land. The land in this application forms part of the 5 year housing supply, hence the delivering of housing on this site is an important element

of achieving a maintaining the supply of housing for the borough.

The current application represents only Phase 1 of the overall mixed use scheme, to include the provision of 92 dwellings, formal and informal leisure space, and car parking facilities which will support the future works to the existing school.

The proposal therefore conforms to the general principles of development identified in the brief; 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.

Impact on Green Belt

The designation of the site has removed the green field land from Green Belt designation. However, considered shall need to be given to the newly formed urban edge boundary and the relationship with the wider Green Belt. Durrants Lane shall form the new boundary of the Green Belt designation; this is considered to be a more appropriate boundary; notwithstanding this, the built development at Phase 1 shall be located to the east near the wooded area known as 'The Plantation'; this provides a soft boundary edge to the development, and along with the open space buffer created by the land to the south of the Egerton Rothsay School site, the openness of the Green Belt shall be retained; and the impact of the built form shall be reasonably controlled and restricted.

The southern boundary shall also form a boundary to the Green Belt. There is limited development which addresses this boundary with prominent building forms, retaining the strong boundary along this boundary. Again the openness of the Green Belt is not considered to be compromised by this development, and the edges of the urban area remain buffered by strong vegetation boundaries.

Consideration is also given to phase 2 of the development, where, as detailed in the details of the brief, the housing development shall take on the current playing fields of the Egerton Rothsay School. This parcel of land would be enclosed on all sides by built development; therefore concern would not be raised with regards to impact on the Green Belt as a result of this.

With regards to the proposed community use playing pitches to the west of Durrants Lane; the land shall remain within a Green Belt designation; however, the outdoor creation use would be compliant as an appropriate Green Belt use.

The development is therefore considered, in this regard to be in accordance with the NPPF, CS1, CS4, CS5 of the Adopted Core Strategy.

Quantum of Development

The proposal puts forward a scheme which can deliver 92 dwellings. This contrasts to some extent the earlier expectations of housing delivery of the site. Early iterations of the development brief sought housing delivery within the region of 250-280 dwelling units. Through the consultation process the Strategic Planning department has reacted to concerns raised by local interest groups and the general public and lowered the designated figure to an overall expectation of 180 dwellings. It is noted that there remains some significant local opposition to these figures, however, this has been tested at Examination of the Core Strategy and has been confirmed as a sustainable, realistic and most importantly, 'sound' allocation of the land in question.

Despite representing Phase 1 of the wider site allocation only, the figure of 92 dwellings gives an early indication that 180 housing units may not be achievable on the site. The development land in this application represents a large proportion of the housing land allocation, wherein just over 50% of the allocation is being achieved.

Consideration is needed with regards to the details of the brief and the allocation within the Core Strategy, as well as Saved Policy 10 of the Local Plan which seeks optimisation of uses of urban; in general, is efficient use being made of the reallocation of Green Belt land for development.

The applicants have reacted to a number of constraints with regards to the forming of the development proposals; one particular issue is the existence of a covenant on the land which prevents development other than for substantial detached dwellings. Whilst covenants are not a planning issue, and there is not a restriction from granting planning permission that would contravene a covenant; consideration is needed with regards to the delivery of housing on the site. Would the permission be able to be delivered if the covenant would prevent implementation? Likely not. It is understood that removal of the covenant would pose considerable technical difficulties and while the County Council may be able to overcome such matters on their using procedural actions gifted to them, this is not an option for the current applicants.

Refusal of the application on the basis of under provision of housing against the development brief would be counteracted by arguments in favour of housing delivery, programme aspirations and requirements.

In addition, there remains opposition from the Town Council, and general public as well as other bodies to the quantum of development being proposed. A development comprising detached dwellings only is one that would assimilate best into the character of the surrounding area with regards to built form. Reference is drawn to Coppins Close, an estate of detached dwellings to the east of the site. The aerial layout drawings of the scheme offer a development that would follow the pattern of development. Further discussion on layout and character of the area is continued below.

With regards to justification of the quantum of development; there is not sufficient reason to object to the level of housing provided falling below the policy level due to the matters raised above. With regards to overdevelopment which has been referenced by many commentators of the development, this shall be considered with reference to other elements of the scheme; over development is a product of the following items, which shall be addressed in turn:

61. Spacing between dwellings and overall layout spaciousness;
62. Sufficient turning and manoeuvring space for vehicles;
63. Appropriate levels of amenity space, both public and private;
64. Impact on surrounding infrastructure such as roads, schools and other facilities; and
65. Impact on neighbouring sites, residents.

The proposed development is considered to suitably address Policies CS11, CS12, CS17 and CS18 of the Core Strategy and saved Policies 18 and 21 of the Local Plan.

Phasing of Development (Wider Policy Designation)

As noted above, the application represents Phase 1 of the wider designation; many comments received against the application have sought deferral or withdrawal until a comprehensive scheme can be submitted; presenting the entire housing development as one development. Reasons for these suggestions include the requirements to make an assessment of the impacts of the whole development; the ability to consider the design of the scheme with regards to a consistent complementing elements; and to ensure both elements can be

delivered as intended by the brief. These are all valid comments. The County Council makes a very pertinent point regarding the capacity and design of the surface water and foul water drainage solutions, which could compromise the development of the existing school playing fields and result in phase 2 of the site needing to take an alternative form.

The proposed layout does not compromise the development of the land to the north of the site; vehicular access is reserved and ensured. The drainage studies make consideration for the development of the land to the north.

A previous housing development in Hemel Hempstead (off of Green Lane) was subject to a development brief, however, a scheme was advanced which provided a phase 1 aspect only. The Planning Department refused the application on the basis of a lack of a comprehensive approach to the development. The appeal was allowed as the development had made similar provisions as in this application. For this reason, it would not be advisable to restrict this planning application on the premise that it does not provide a comprehensive form of development, when in fact the brief has provided consideration of the infrastructure implications of the development and the proposed layout affords access for the development of Phase 2.

Layout

The proposed development has been designed with the physical and circumstantial constraints applicable to the site in consideration; these being the existing boundaries to the site and the nature of them (such as woodland, highway, or urban edge) and the constraints applied by the development brief, covenants and neighbouring development. The original layout design sought to create a development based on 4 character zones within the development:

Character Zone 1: Gateway

This marks the entrance to the site, and forms a gateway into the development area. The access is proposed directly from Shootersway, with the mature vegetation of the southern boundary retained; the bell mouth opening shall be enclosed on either side with built form, with two dwellings. This character area is completed with a large dwelling addressing and terminating the view from the site entrance.

Character Zone 2: Suburban Edge

This area is along the western edge of the development site; 'The Plantation Area' forms the boundary at this point and the proposed dwellings have been orientated to face this vegetated boundary with the internal estate road running between. This element of the layout makes best use of the western boundary, with dwellings facing this aspect and integrating the public realm with the vegetated area, rather than having development backing onto this area (potentially with rear garden fences) and restricting the interaction with this asset.

Character Zone 3: Urban Clusters

The centre of the site is characterised with a more dense urban grain, with small groups, and mews of dwellings providing an efficient use of space of the site, while retaining the outer edges of the development with less dense urban form.

Character Zone 4: Urban Edge

The eastern boundary of the site marks the boundary with the existing urban edge of Berkhamsted, the dwellings of Coppins Close are large scale detached dwellings with a very low density. Back to back relationships are established along this boundary, with rear gardens of the proposed dwellings backing onto the rear gardens of the existing dwellings; this increasing the spacing between these units, following privacy standards of the policy, while efficiently developing the site. The boundary dwellings face an internal shared surface road which has detached dwellings facing onto it on either side.

Overall Character – The treatment of the east and west boundaries, as explained above sets the form of the development, with the internal access roads dictated by the development onto these boundaries. The access onto the Shootersway is well positioned and creates a suitable gateway into the development. At the north boundary of the site, the layout makes provision for an access route into the parcel of land to the north. The area retained is suitable.

Other features of the layout include a pumping station and balancing pond at the north west corner of the site and integrated swales at the southern (west) access road edge.

Following the original submission consultation took place with the Conservation and Design officer, and workshops were undertaken between the officers and the architects. This resulted in a number of changes to the layout and features of the scheme. The fundamental intentions of the amendments was to enhance the impact and distinctiveness of the character areas, and ultimately create smaller character areas as key groupings throughout the development, rather than have general design form across areas of the site. This exercise resulted in the following amendments:

66. Entrance to site narrowed and flanked by Victorian 'gateway' buildings.
67. Key focal point building introduced opposite site entrance.
68. Pedestrian link strengthened running west to east across site
69. Dwellings 40 and 51 at entrance to close along western edge made to taller Victorian homes forming gateway to shared surface square. Building frontages amended to address new square more positively.
70. Plots 56 and 92 revised to create important feature at northern boundary where future development site (Phase 2) shall be accessed.
71. A new square was formed by reorientation the dwellings at the north east corner of the site, creating a sense of enclosure.
72. Position of dwellings on plots 79 to 89 adjusted to avoid overlooking and to comply with 23m back to back distance with adjacent properties in Coppins Close.
73. Amendment to layout position and dwelling type to plot 79 to act as visual stop within the site, and address relationship with neighbouring dwelling in Coppins Close.
74. Dwellings at plots 74 and 75 (south east corner) reduced in mass and impact on street scape.
75. Plots 12 and 13, gable features added to prominent gables which contribute to the street scene.
76. Plot 14 and 36 amended to provide taller gateway houses located at entrance to central urban clusters.
77. Open play space introduced between plots 65 and 66.

The amendments have made some improvements to the layout of the proposal, most noticeably creating a sense of place to more aspects of the development, enhancing local distinctiveness and also responding to areas of concern raised during the early stages of consultation on the application.

All homes have a private garden space with provision for refuse and cycle storage. Manoeuvrability within the site shall be suitable and appropriate for the scale of the development and the spacing between units have been provided in such a way as not to result in a cramped layout and poor urban space. These aspects indicate a viable and appropriate layout has been proposed for this development.

In terms of back-to-back spacing it is noted that a number of pairs fall slightly short of the minimum 23m standard between first floor windows. This involves Plots 1, 4, 29, 30, 31, 32, 37, 38, 46, 60 and 63 making a total of 11 dwellings (from a total of 92). This is considered acceptable given the small proportion of dwellings within the scheme and their detached arrangement. The alterations required to achieve the minimum distances would have significant layout and design implications and this aspect of the proposal is considered

satisfactory in accordance with Policies CS11 and CS12 of the Core Strategy.

Design / Appearance

Following the discussion of layout matters with the Conservation officer, a further exercise was undertaken with the architect to address the individual design of the proposed house types.

The proposal is for predominately two storey dwellings in keeping with the adjacent housing on Coppice Avenue. Where appropriate 2½ storey house types are used with these being located at strategic points where the slightly increased height would be acceptable. The constraints of the covenant have restricted the ability to create variation in design and scale to create an interesting focal point or design statement of the area; usually within developments a mix of semi-detached, terrace and blocks of flats can provide rhythm, landmarks and enclosed spaces which define an area; however, the restriction to detached dwellings of a particular scale limits the pallet of design freedom. However, through the amendments to the layout and also with the work that has been directed to the individual unit types a well presented development has been achieved.

Generally the buildings are constructed in a palette of materials including Ibstock Parham Red Stock brick, Parkhouse new Cavendish Stock, Ibstock Parkhouse Weston Red multi-stock, smooth chalk render, black weather boarding and knapped flint. Flint is used as to enhance strategic views such as the entrance to the site and to create a focal point on a vista. Brick details will be created using Ibstock Parham Red Stock.

Flint is also used in the construction of garden walls in specific locations such as the entrance into the central urban clusters in Zone 3. The adjacent photographs illustrate the character of the walls intended for these areas.

Roofs are generally a steeper pitch, typically 40° to 42° with a variety of roofing materials including Cambrian slate, (slate grey), Rosemary plain tiles (light mixed brindle and medium mixed brindle) and Breckland brown plain tile.

Access, Movement and Parking

A new access will be formed from Shooters Way and will incorporate a section of widening of either side of the new access. Radiused corners and visibility splays are detailed in the Transport Assessment.

A vehicle tracking exercise has been undertaken to ensure adequate access and manoeuvring space is provided for vehicles entering and leaving the site.

All properties are designed to comply with Part M of the Building Regulations providing disabled access from the plot curtilage into the dwelling and within the ground floor. Properties will be designed where site topography allows for ramped access into dwellings and where there are steeper plot gradients Part M compliant steps will be designed.

78. Accessibility

The response by the Highways officer (HCC) has noted the application site scores relatively low with regards to accessibility, given that the site is on the edge of an urban area, and the site falls within accessibility zone 4. There are no bus stops within 400m of the site (the nationally recognised maximum walk distance), and is approximately 1.7 miles from Berkhamsted station.

79. Impact on Surrounding Road Network

The Highways officer has confirmed the studies conducted with regards to traffic counts and trip generation from the site as appropriate and robust for considering the impact of the development. The evidence notes that Shootersway and Durrants Lane currently operate within their capacity. However, relative pre-existing traffic issues have been noted at Durrants Lane / High Street and Kingshill Road / Shootersway junctions. The reports quantifies future traffic flows and potential traffic queues at the Durrants Lane / High Street junction and recommends improvements may be necessary are likely to include the introduction of traffic signals.

Hertfordshire County Council has noted they are to carry out these works within 2014.

Of most significant concern raised by residents and local members is the impact to the junction of Kingshill Road with Shootersway and Kings Road which already experiences relative periods of traffic congestion; the solution proposed by HCC in this instance is traffic signals, and again the works are already within the work programme of the County Council. This is because the development in question (and the later phases) have been known for some time due to their designation within the Local Plan programme. The junctions have been modelled to the upper limit of the potential development of this site (180 units) and also take account of other prospective development within the area (such as Land at Hanburys).

The proposed development shall make a financial contribution to these works within the Section 106 agreement attached to this application.

Further improvements proposed to the surrounding road network are the modification and widening (to a maximum of 5.5m to eliminate the 4m pinch point); contributions shall also be made to these in the Section 106. This shall allow larger coach vehicles to safely access the new drop off area as proposed as part of this application.

A 3m wide footway and cycle way is proposed to connect the site access to Coppins Close along Shootersway.

With consideration to the assessment made of the existing road network, and the strategic planning of the Highways Authority who have modelled the expected development and the traffic implications of these developments, the surrounding roads shall have capacity to support the development. Specific road junctions have been identified for improvements with signalling and Durrants Lane shall be widened to support the larger vehicles accesses the school drop off zone. The proposed development is therefore considered to be deliverable without compromise to the flow of traffic on the surrounding highway network and this view is support by the Highway Authority. The proposed development is therefore considered to accord with CS8 of the Adopted Core Strategy.

80. Parking

The Design and Access statement makes the following statement with regards to parking:

"Smaller units being provided with a single parking space, up to 2 bedrooms, with 3 bedroom homes being provided with 2 parking spaces, at least one of which is with an adjacent garage. Larger homes are provided with a double garage with parking space outside for a further two cars. Total number of parking spaces across the site is 200 this includes allocated and unallocated spaces and also visitor spaces."

The Policy requirement for parking provision is represented as follows:

- 2 bed dwelling - maximum of 1.5 spaces
- 3 bed dwelling - maximum of 2.25 spaces
- 4 bed dwelling - maximum of 3 spaces
- 5 bed dwelling - maximum of 3 spaces

The above maximum requirements would yield a maximum parking provision across the site of 234 spaces.

The statement from within the Design and Access Statement would provide a provision as follows:

2 bed dwelling = 1 space
3 bed dwelling = 2 spaces
4 bed dwelling = 4 spaces
5 bed dwelling = 4 spaces

Provision of parking on this basis would result in a total level of parking space at 279; this would be contrary to the policy maximum level.

Inspection of the site layout reveals a less broad approach to parking is the reality. There are instances within the layout where the dimensions afforded to parking spaces would not meet the policy standard of 2.4m x 4.8m; where this has occurred the officer has discounted this space. Other examples would be where accessing of proposed spaces would not be viable, or where the gaps between buildings would not allow the spaces to be used as intended, again these spaces have been discounted. A full assessment of the parking possible on the site has been returned to the applicants.

At present the proposed layout would provide a parking provision across the site of 210 parking spaces, a shortfall of 24 spaces. It is considered a parking provision close to the full standard is appropriate due to the accessibility zone 4 status of the application site.

However, the assessment also identified a number of small adjustments that could be made to the layout to enable provision of the missing parking spaces. This would be for example, where a parking area intended to allow two cars to be parked in tandem was short of the required length dimension by a minor but significant amount; in such cases setting the garage element of the building back by a distance in the region of 0.2m would suitably address the shortfall in parking. Similarly in one run of three semi-detached dwellings, the spaces between would not allow two cars to be parked side by side; but an adjustment increasing the separation by 0.2m would solve the issue.

These suggestions have been put to the applicant and a revised plan to address these matters is expected to be submitted. To summarise the existing layout situation the following statements are useful.

81. All 5 bed dwellings have 4 parking spaces; this is considered to be appropriate in the circumstances.

82. 5 other units have a parking provision less than one full space over the maximum level. (eg plot 32 is a 2-bed dwelling with 2 parking space which equates to being 0.5 spaces over the policy allowance). This is not considered to be a significant issue.

83. 15 of the 3-bed units are only 0.25 spaces short of the policy maximum, but all have 2 spaces, so this is considered to be appropriate.

84. 12 of the 2-bed units are 0.5 spaces short of the policy maximum, but all have 1 space, so this is considered to be appropriate.

85. 26 units are 1 space short of the policy maximum. These are all 4 beds (except one 5 bed) all could achieve an additional parking space with a modest change to the garage position. This is likely to be achieved. There is one unit (no.3) where the officer could not identify an additional space as easy to achieve.

86. 7 Units are 1.25 spaces short of the policy maximum; 2 have easily implementable means to achieve an additional space. Units 16,17, 18, 33 and 34 are 3-bed units with only one space available. However, these are in a close where there are a number of unallocated spaces. These are affordable units. Single car ownership for these properties could be managed

through the allocation of the dwellings as all are for social rent. This has been an accepted position on other affordable units.

87. Unit 7 is a 4-bed unit with only one parking space. This is because the area to the front of the garage is too narrow to provide a parking space. If this matter is addressed with an alteration to the garden boundary position, two additional spaces would be achieved and the unit would comply with policy and have a satisfactory level of parking.

Should the majority of these matters be addressed there would be a satisfactory level of parking provided across the site. Subject to this the application would be in accordance with CS12 of the Core Strategy.

If planning permission is granted it would be reasonable to attach a condition restricting garages and associated driveway or hard standing areas for vehicle parking for this purpose to avoid placing undue stress on the surrounding road network and in the interests of highway safety.

Refuse Storage / Collection

Refuse and recycling has been considered during the development of this proposal. As a result, each property will be provided with a hard standing area within the rear garden of the property, to site 3no bins in accordance with the Councils approved refuse strategy.

Additionally all plots will have a lockable self-gated access route from the rear garden areas to the highway at the front of the property to enable the bins to be left out on collection day.

Where houses are situated without frontage to the public highway, bin collection areas are provided within easy access of the rear garden areas. The house holder in this situation would be required to move their bins to this area on the appropriate day and return them to their property following collection.

Affordable Housing

Policy CS19 of the Core Strategy requires the provision of 35% affordable housing on the site. The proposal is in line with this, providing 26 affordable rented properties, and for a commuted sum towards off-site provision to make up the proportion of shared ownership (the contribution has not yet been determined however this will form part of the Section 106 agreement).

However, the Development Brief for the site states around 40% affordable housing.

The proposed provision has been accepted by Strategic Housing Officers and is considered to be acceptable.

Comments received from Berkhamsted Town Council have requested that affordable dwellings on site and the shared ownership dwellings off site would be reserved for local Berkhamsted residents. No justification has been submitted for making such an exception to this particular site. However, allocations for occupancy of these properties shall be carried out under the statutory provisions of the Housing Act 1996.

Impact on Surrounding Residential Dwellings

The application site directly abuts Nos. 1, 4, 5, 6, 7, 8, 9, 10, 11 and 12 Coppins Close which are located immediately south-east.

Due to the staggered nature of dwellings on Coppins Close and the proposed development, the relationship between neighbouring residential properties and the proposed development varies along the site's south-eastern boundary.

Information submitted in support of the application show a 23m distance from the rear walls of all dwellings that would directly face an adjoining property on Coppins Close. All proposed dwellings which would share a boundary with existing dwellings on Coppins Close would exceed the 23m back-to-back standard from first floor windows to avoid an unreasonable level of overlooking. Some specific instances are referenced below where proposed buildings would be sited proximate to the nearer residential properties on Coppins Close.

There is a satisfactory relationship between Plot 79 and No. 1 Coppins Close. No. 1 has its rear elevation and private amenity space oriented to the north whilst Plot 79 is located due west. The windows between No. 1 and Plot 79 would not be directly facing and it is not considered that there would be unreasonable effects in terms of overlooking or visual intrusion.

No. 1 Coppins Close appears to have first floor windows within the side gable. The first floor side-facing windows within the rear projection of Plot 79 would not have a direct view into these windows or the garden area beside the dwelling and would achieve a distance of 19m from the side of No. 1. It is not considered that this would result in an adverse level of overlooking into habitable rooms.

Whilst dwellings at Nos. 5 and 6 Coppins Close are situated closer to their rear boundaries however the proposed dwellings particularly on Plots 82 and 83 would not have an adverse impact on their residential amenity. No. 82 is angled slightly in a southerly direction so that there is no direct view towards No. 5 Coppins Close. Plot 83 is located opposite No. 6 as well as No. 7 Coppins Close and a distance of over 23m would be achieved between the rear projection of Plot 83 and the first floor rear window of No. 6.

It is noted that Plot 83 could be extended under permitted development at first floor (or two-storey) level that would result in back-to-back distances of less than 23m. To prevent an unreasonable level of overlooking it is considered necessary to remove permitted development rights for extensions under Class A to these plots by condition in the interests of residential amenity to adjoining dwellings to the east (rear).

The distance between Plot 88 and No. 11 Coppins Close exceeds the 23m back-to-back standard.

Plot 89 does not feature any main habitable room windows which face east towards the directly adjacent properties at Nos. 11 and 12 Coppins Close. The private garden and main habitable room windows to Plot 89 is orientated in a northerly direction. There would be no unreasonable levels of overlooking between Plot 89 and Nos. 11 and 12 Coppins Close.

It is noted that guidance in saved Appendix 3 of the Local Plan and Development in Residential Areas Supplementary Planning Guidance do not apply specific standards for overlooking into garden areas. However, given the distance of the proposed dwellings to the shared boundaries with properties on Coppins Close, it is not considered that there would be an adverse level of overlooking into private garden areas.

Given the minimum distances between the development and the main elevations of neighbouring properties on Coppins Close, it is considered that the proposal would not be visually intrusive from the perspective of adjoining dwellings.

In addition, the distances between the dwellings would ensure that no parts of the development would lead to an adverse loss of light to main habitable room windows to neighbouring properties.

Concern has been raised with respect to the proximity of proposed playing pitches to dwellings and specifically disturbance from noise. The siting of the sports pitches is considered

acceptable noting it is a compatible use in the Green Belt and adjacent to neighbouring properties. The use of the playing pitches would likely be restricted within hours of daylight and noisy activities are unlikely to regularly encroach into the sensitive night time hours.

It follows that the proposal is in accordance with Policy CS12 (c) of the Core Strategy. Permitted development rights for extensions under Class A of the General Permitted Development Order (as amended) shall be removed from Plot 83 by condition to safeguard the residential amenity of directly adjoining dwellings on Coppins Close.

Impact on Trees and Landscaping and Ecology

An arboricultural report was carried out by Ian Keen Limited on 3 July 2013 to assess the condition of the trees and the potential conflict with the proposed development. The trees within the site are predominantly found along the boundaries of the field, with islands also found within the field containing trees. A tree survey carried, showed the trees within the field range from high quality and value in regards to age, and also young and less valuable trees.

The proposals require the removal of trees but include the planting of replacement trees to maintain the character of the area in the long term.

The assessment carried out would show the impact on the trees by implementing the proposals, and the impact on the proposals from the trees. The proposals do not require the removal of veteran trees or ancient woodland as defined in the NPPF.

There are a number of young trees proposed to be removed in order to accommodate dwellings or garden areas, however they are not considered to have an adverse impact as new tree replanting is proposed.

The layout of the proposals in relationship to the trees has been considered so that the need to prune or remove trees within the future is kept to a minimum and no more than any other urban environment.

Two swales are proposed within the site to the west of W1 and W2. The first swale west of W1 would abut the root protection but this can be shaped to avoid harm to any trees and the second swale west of W2 would be designed to avoid the root protection area however would require the removal of a low grade tree.(43)

The playing fields are sited in an area of arable land, and distant from the root protection areas and hence would not have a significant impact upon the trees. No drainage is shown for the sports pitches.

Although the proposal requires removal of trees, new tree planting opportunities are also provided. The removal of the trees has been considered greatly in regards to public views and visual amenity and the new trees would be planted to maximise the ecosystem services and support of bio diversity.

There was no evidence of bats found in the trees, although several mature trees are suitable to support roosting bats. No badger setts are in current use however a badger hole was found and agree the site could provide potential for foraging opportunities for badgers. The site does have the potential to be used by birds and therefore any removal of scrubs and trees should be carried outside the bird nesting season September – February.

Any lighting should be designed to minimise light spillage after foraging and commuting habitat were found.

Sustainability

A sustainability checklist has been submitted to address the criteria of Policy CS29 of the Core Strategy. The submission also included an Energy Statement which addresses relevant provisions of Policy CS29.

The Energy Statement indicates the proposal could achieve a 13.5% reduction in regulated carbon emissions against Building Regulations Part L 2010 / Code for Sustainable Homes Level 3, by adopting guidance noted within the Energy Statement. This guidance outlines measures associated with the building fabric (ground floors, walls, roof, thermal bridging and glazing and roof lights).

Information submitted in support of the application also provides responses to all criteria under Policy CS29 of the Core Strategy. In addition to the above information on building fabric, the only other details that have been provided to meet the requirements of this policy include fittings to limit residential indoor water consumption to 105 litres per person per day. Planting shall also exceed the requirements of Policy CS29. Each property shall be provided with a dedicated internal recycling bin to be fitted within each kitchen, as well as provision of composting bins for each property.

Reference is made to mandatory requirements under the Code for Sustainable Homes, and that it is intended to provide a compliant site waste management plan. Calculations to be carried out by a suitably qualified engineer as to how an adequate means of water supply, surface water and foul drainage shall be provided.

The proposal is therefore considered acceptable in terms of meeting policy objectives for sustainable design and construction, energy efficiency and water conservation and sustainable drainage.

If planning permission is granted it would be reasonable to attach a condition requiring the development to be carried out in accordance with the Energy Statement and Policy CS29 checklist and for certification to be produced in accordance with Policies CS28, CS29 and CS31 of the Core Strategy.

Flood Risk

The site lies within Flood Zone 1 with a less than 1 in 1000 annual probability of flooding from a fluvial source and well outside any flood plain associated with a main river.

The existing drainage records show there is public sewer and foul water sewers in the majority of the roads to the east of the site, and in Durrants Lane and to the north. The majority of the site is green field, and there is no existing drainage infrastructure on the site, however a public foul sewer can be found in the southern corner of Shootersway.

No part of the proposed development site drains to the public sewer network to the north of the site. The results from the boreholes tests show the chalk strata is potentially suitable for the disposal of surface water. The EA confirmed the use of deep bore soak-aways may be acceptable subject to the bottom of the soakage pipe being at least 5m above the water table.

Sustainable Drainage Systems will be utilised, to include ponds, ditches, swales and porous paving, these are likely to be maintained by a management company created to oversee the ongoing operation of the systems. Surface water will be drained into an existing ditch system to the south and also into the public sewer system to the north.

A new pumping station will be installed, which will connect to the existing mains foul drainage system.

The applicants paid Thames Water to carry out a drainage study of the local foul and surface water sewer network in connection with the proposed development. The resultant Sewer Impact Study identified a lack of capacity in both foul water and surface water networks; however, this study identified an appropriate set of proposals to overcome this issue. These were as follows:

Foul Water

- Install a new on-site pumping station controlled by a suitable telemetry arrangement. Pumping rate 5 litres/second.
- Provide associated on-site storage to serve the development during storm conditions.
- The telemetry system would only allow flows to exit the site to the public sewer during dry weather flow conditions or when the downstream network could accept flows.
- Install a suitable rising main to connect from the pumping station to the nearest public sewer manhole Number 4502 in Shootersway.

Surface Water

- Restrict surface water runoff from the site to a maximum of 5 litres/ sec by a flow control device.
- Connect surface water pipework from the site to public surface water manhole 7353 located to the north of the site.
- Upsize existing 300mm dia. pipework to 375mm pipework downstream of the connection. (MH's 8451-8551)
- Lay new 300mm dia. pipe from MH 8551-8552 downstream.
- As required by TWU, as much of the surface water as possible will be drained to local watercourses to the south of the site. However, a portion of the site has to drain north. The above recommendations have been incorporated into the submitted foul drainage strategy, as shown on Drawing ST-2271-11-C, which is included in the Flood Risk Assessment. The detailed design will be carried out and will be subject to a condition to be imposed upon the grant of planning which matters will require subsequent approval by the planning authority with consultation with Thames Water in due course. The surface water recommendations have been incorporated into the submitted surface water drainage strategy, which information is shown on Drawings ST-2271-11-C and ST-2271-29. Again, these are included in the Flood Risk Assessment. Surface water will also be subject to a condition upon the grant of planning permission which matters will also require subsequent approval by the planning authority with consultation with Thames Water.

Archaeology

A Heritage Asset Impact Assessment was been submitted in support of the application which notes the site's proximity to Grim's Ditch (immediately north of the application site). It is noted that the application site is not located within the Area of Archaeological Significance.

The County Archaeologist acknowledges that the application site has the potential for the presence of heritage assets of archaeological interest (dating from the later prehistoric, Roman and medieval / post-medieval periods) due to the proximity of Grim's Ditch.

In the interests of protecting the archaeological interest of the site, two conditions have been requested by the County Archaeologist. It is considered reasonable to attach these conditions if planning permission is granted.

Geotechnical

On 4 January 2014, a total of 8 exploratory holes were undertaken (2 rotary boreholes and 6 trial pits) to a maximum depth of 15m below ground level.

The following ground conditions were encountered:

- 97. Topsoil
- 98. Clay-With-Flints Formation (Superficial Deposits)
- 99. Lewes Nodular Chalk and Seaford Chalk formations (undifferentiated) (Solid Strata)

The fieldwork did not reveal any potential hazards, receptors or sources that were not identified during the desk study.

Sport England

Sport England does not consider the application to form part of or constitute an existing playfield, and there consider it as a non-statutory consultation.

The playing fields proposed are considered to represent new playing fields for community use, as opposed to replacing the existing playing fields to the east of Durrants Lane.

The proposed size of 1.7 hectares is considered to exceed the level of on-site playing field provision usually required for the residential development of 92 dwellings. The assessment of the proposed football pitches showed the pitches were required to meet future and existing needs, and that the provision of additional pitches would be supported by Sport England as it would meet Sport England's planning policy objective.

Sport England commented on the quality of the playing pitches required and agree with the findings of the agronomists feasibility report carried out by Peter Brett Associates, and feel the findings show that the playing fields would be appropriate to ensure quality football pitches. After considering the ancillary facilities such as changing rooms, pedestrian access, and management of the of playing pitches, Sport England had suggested imposing conditions to control the management of the site if approved and raised no objection.

Planning Obligations

A Section 106 agreement is being prepared to ensure delivery of the planning requirements set out in the Development Brief and contributions required by Policy CS35 of the Core Strategy, saved Policy 13 of the Local Plan, saved Planning Obligations Supplementary Planning Guidance and Hertfordshire County Council's Toolkit.

The following Heads of Terms are to be agreed:

Herts CC Toolkit

Primary Education	£327,645
Secondary Education	£321,408
Nursery Education	£9,115
Childcare	£17,144
Youth Facilities	£5,995
Library	£18,840
Police	£6,808
Total	£736,955

Sustainable Transport £219,250

DBC Planning Obligations Tool kit

Outdoor pitches	£61,287
Cycles	£20,192
Child play space	£151,552
Natural green space	£2,368

Travel Smart	£2,300
Total	£237, 699

Total contributions of £1,193,904
 Additional Monitoring and Administration fee of £10,000

The Heads of Terms would also include the following:

- 100. Transfer of playing fields to Hertfordshire County Council
- 101. Management of car parking and turning area associated with Egerton Rothesay School
- 102. Management of public open spaces and SuDs infrastructure

As mentioned above, a contribution for affordable housing provision off site is to be determined and shall form part of any future Section 106 agreement.

Conclusions

The report detailed above provides a summary of the matters considered in the assessment and evaluation of the proposed development. The input from consultee response has been essential in clarifying the suitability of the proposals, especially with regard to the impact on the highways network and the drainage of the site from a foul water and surface water aspect. These matters shall be addressed through the use of legal agreements and conditions to the satisfaction of the external consultees.

The design of the proposed development has undergone the scrutiny of the Conservation and Design department and significant improvements have been made to the individual design detail of the units, as well as minor specific alterations to the layout to address the relationship with existing neighbouring development.

The proposal meets the detailed requirements of the development brief and the Strategic Site 1 of the Core Strategy. The recommendation is therefore to delegate the decision to the Group Manager of Development Management & Planning 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.

RECOMMENDATION - That determination of the application be **DELEGATED** to the Group Manager, Development Management , following the expiry of the consultation period and no additional material considerations being raised, with a view to grant for the following reasons.

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

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

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

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);
- retained historic landscape features and proposals for restoration, where relevant.

The landscaping scheme shall include:

- planting of supplementary native species-rich hedgerow species to strengthen the existing boundary vegetation;
- plants of known wildlife value and specifically include fruit trees, mahonia Mahonia spp., honeysuckle Lonicera sp., snowdrops and other nectar-rich plants; and
- areas of wildflower grassland ideally to be linked to retained habitats.

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 Policies CS12 and CS25 of the Dacorum Core Strategy (September 2013) and saved Policies 99, 100 and 101 of the Dacorum Borough Local Plan 1991-2011 and to provide ecological enhancement of the site in accordance with Policies CS26 and CS30 of the Dacorum Core Strategy (September 2013).

4 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of [1 year] from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 1989 Recommendations for Tree Work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12 and CS25 of the Dacorum Core Strategy (September 2013) and saved Policies 99, 100 and 101 of the Dacorum Borough Local Plan 1991-2011.

- 5 There shall be no occupation of the playing field hereby approved until details of any necessary ancillary playing field facilities (including possibly changing, refreshment and sports / maintenance equipment storage) and an implementation programme has been submitted to and approved in writing by the local planning authority.**

Reason: To ensure adequate provision of facilities in accordance with Policy CS23 of the Dacorum Core Strategy (September 2013).

- 6 No development of the playing field hereby approved shall commence until a detailed playing field specification (including a playing pitch implementation programme), prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The approved specification shall be complied with in full prior to the completion of the development unless otherwise agreed with the Local Planning Authority.**

Reason: To ensure provision of an adequate quality playing field in accordance with Policy CS23 of the Dacorum Core Strategy (September 2013).

- 7 No development shall commence until details of the disposal of surface water from the new access and parking areas have been submitted to and approved in writing by the local planning authority. The access shall not be brought into use until the works for the disposal of surface water have been constructed in accordance with the approved details.**

Reason: To minimise danger, obstruction and inconvenience to highway users.

- 8 Two months prior to the first occupation of the development hereby permitted, the revised and updated Travel Plan shall be implemented and a Travel Plan Coordinator shall be nominated with the object of reducing the number of residents travelling to the development by private car which shall be first submitted to and approved in writing by the local planning authority.**

Reason: To promote a sustainable development in accordance with Policy CS8 of the Dacorum Core Strategy (September 2013) and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

- 9 **Every year following first occupation until the fifth year, results of the annual Travel Plan monitoring survey and a report on any necessary corrective actions will be reported to the local planning authority.**

Reason: To promote a sustainable development in accordance with Policy CS8 of the Dacorum Core Strategy (September 2013) and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

- 10 **Occupation of the development hereby permitted shall not commence until the site access has been constructed and completed to the satisfaction of the local planning authority.**

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

- 11 **The development shall not begin until details of the disposal of surface water from the new access and parking areas have been submitted to and approved in writing by the local planning authority. The access shall not be brought into use until the works for the disposal of surface water have been constructed in accordance with the approved details.**

Reason: To minimise danger, obstruction and inconvenience to users.

- 12 **On-site parking shall be provided for the use of all contractors, sub-contractors, visitors and delivery vehicles engaged on or having business on site in accordance with details to be agreed in writing with the local planning authority, in consultation with the highway authority, before the commencement of works.**

Reason: In the interest of highway safety and efficiency.

- 13 **Prior to commencement of the development hereby permitted, details of all materials to be used for hard surfaced areas within the site, including roads, driveways and car parking area, shall be submitted to and approved in writing by the local planning authority.**

Reason: To ensure that the internal roads and other layouts are built to required / adoptable standards.

- 14 **No discharge of foul or surface water from the site shall be accepted into the public system until the agreed off-site drainage works and agreed appropriate on-site flow controls and pumping station referred to in the strategy have been completed in full.**

- 15 **The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (Stomor, Ref: ST-2271/FRA-1302 Rev 1, dated 4 February 2014) has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

Reason: To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity in line with Policies CS29 and CS31, the National Planning Policy Framework and the Thames River Basin Management

Plan.

- 16 **The development hereby permitted shall be carried out in accordance with measures recommended in the approved Ecological Appraisal by CSa Environmental Planning dated September 2013 reference CSa/1074/008, which include:**

- **planting in accordance with details provided under Condition 3;**
- **landscape details approved under Condition 3 shall be managed;**
- **provide twenty (20) new bat roosting opportunities at the site;**
- **erect twenty (20) bird boxes;**
- **ways to encourage certain small mammals (S41 priority species list) including the use of garden fencing which allows access into interconnecting gardens to be used on at least 50% of plots; and**
- **attach a range of insect nesting boxes to retained trees and hedgerows.**

Reason: To meet national targets for this S41 priority habitat, to maximise the value to wildlife and to provide ecological enhancements and safeguard long-term ecology on the site in accordance with the National Planning Policy Framework and Policies CS26 and CS30 of the Dacorum Core Strategy (September 2013).

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

- **the programme and methodology of site investigation and recording;**
- **the programme for post-investigation assessment;**
- **provision to be made for analysis of the site investigation and recording;**
- **provision to be made for publication and dissemination of the analysis and records of the site investigation;**
- **provision to be made for archive deposition of the analysis and records of the site investigation; and**
- **nomination of a competent person or persons / organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with the National Planning Policy Framework, Policy CS27 of the Dacorum Core Strategy (September 2013) and saved Policy 118 of the Dacorum Borough Local Plan 1991-2011.

- 18 **Demolition / development shall be carried out in accordance with the Written Scheme of Investigation approved under Condition 18.**

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 18 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with the National Planning Policy

Framework, Policy CS27 of the Dacorum Core Strategy (September 2013) and saved Policy 118 of the Dacorum Borough Local Plan 1991-2011

- 19 **Prior to the occupation of any dwelling unit hereby approved, the parking, turning and drop off area (including the access onto Durrants Lane) shall be constructed in accordance with the details hereby approved; and be provided in a state fit for use by the Egerton Rothesay School, and thereafter retained for their use, unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure delivery of development in accordance with the principles of Strategic Site 1 of the Dacorum Core Strategy (September 2013).

- 20 **Prior to the occupation of over 50% of the dwelling units hereby approved, the application site land to the west of Durrants Lane shall be made available for the use as playing pitches unless otherwise agreed in writing with the local planning authority.**

Reason: To ensure delivery of development in accordance with the principles of Strategic Site 1 of the Dacorum Core Strategy (September 2013).

- 21 **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,
 - archeological 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'.

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

receptors in accordance with the National Planning Policy Framework.

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

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

- 23 **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 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.

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

- 24 **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 21 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 22, 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 23.

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

- 25 **The development hereby permitted shall be carried out in accordance with the approved Energy Statement by Energist UK Version 1 dated February 2014 and the approved Policy CS29 sustainability checklist.**

Within three (3) months of occupation of any of the residential units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified assessor) to demonstrate full compliance with the approved Energy Statement.

Reason: To ensure the sustainable development of the site in accordance with Policies CS28, CS29 and CS31 of the Dacorum Core Strategy (September 2013).

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

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 of the Dacorum Core Strategy (September 2013).

- 27 **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 to Plots 1, 4, 29, 30, 31, 32, 37, 38, 46, 60, 63 and 83 falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

Schedule 2 Part 1 Class A.

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential amenity of neighbouring properties and the residential amenity of dwellings within the site in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 28 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the garage and driveway areas hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwelling and shall not be converted or adapted to form living accommodation without the prior written approval of the local planning authority.**

Reason: To secure sufficient on-site parking provision for future residents and in the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 58 of the Dacorum Core Strategy (September 2013).

- 29 **The development hereby permitted shall be carried out in accordance with the**

following approved plans:

DR-A-1001 Revision A (site location plan and topographical survey) received 14 February 2014;
DR-A-1000 Revision A (proposed site layout) received 13 May 2014;
CSa/1074/147 (overall site layout) received 14 February 2014;
DR-A-3000 / P1 (Type A Wide plans and elevations) issued 5 February 2014;
DR-A-3001 / P3 (Type A Narrow plans and elevations) issued 7 February 2014;
DR-A-3002 / P3 (Type B Narrow plans and elevations) issued 7 February 2014;
DR-A-3003 / P3 (Type C Wide plans and elevations) issued 7 February 2014;
DR-A-3004 / P3 (Type C Narrow plans and elevations) issued 7 February 2014;
DR-A-3005 / P3 (Type D Narrow plans and elevations) issued 7 February 2014;
DR-A-3006 / P2 (Type E Wide plans and elevations) issued 7 February 2014;
DR-A-3007 / P3 (Type F Wide plans and elevations) issued 7 February 2014;
DR-A-3008 / P1 (Type G Wide plans and elevations) issued 7 February 2014;
DR-A-3009 / P2 (Type H Wide plans and elevations) issued 7 February 2014;
DR-A-3010 / P2 (Type J Narrow Plans and elevations) issued 7 February 2014;
DR-A-3011 / P2 (Type J (2.5s) Narrow plans and elevations) issued 7 February 2014;
DR-A-3012 / P2 (Type K Wide plans and elevations) issued 7 February 2014;
DR-A-3013 / P2 (Type L Wide plans and elevations) issued 7 February 2014;
DR-A-3014 / P2 (Type M Wide plans and elevations) issued 7 February 2014;
DR-A-3015 / P1 (Type N Wide plans and elevations) issued 7 February 2014;
DR-A-3016 / P1 (Type P Wide plans and elevations) issued 7 February 2014;
DR-A-3017 / P3 (Type R Wide plans and elevations) issued 7 February 2014;
DR-A-3018 (Standard Shared Garage plans and elevations) issued 7 February 2014;
DR-A-3019 (Standard Single Garage plans and elevations) issued 7 February 2014;
DR-A-3020 (Standard Double Garage plans and elevations) issued 7 February 2014;
DR-A-3021 (Triple Shared Garage plans and elevations) issued 7 February 2014;
DR-A-3022 (Standard Shared Gable End Garage) issued 10 February 2014;
DR-A-3029 (23m Distance Study) issued 6 June 2014;
Energy Statement by Energist UK Version 1 dated February 2014;
Policy CS29 checklist received 14 February 2014; and
Ecological Appraisal by CSa Environmental Planning dated September 2013 reference CSa/1074/008.

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

Article 31 Statement

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

HERTFORDSHIRE HIGHWAYS INFORMATIVE:

Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/

requirements regarding access for vehicles involved in the construction of the new roads; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.

Works to be undertaken on the adjoining Highway will require an Agreement with the highway authority. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain their permission and requirements. This is to ensure that any works undertaken in the highway are constructed in accordance with the specification of the highway authority and by a contractor who is authorised to work in the public highway.

Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as to not emit dust or deposit mud, slurry or other debris on the highway, in particular (but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site.

All areas of parking and 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.

ENVIRONMENT AGENCY INFORMATIVE:

In order for the Environment Agency to recommend the discharge of the condition the following information will need to be provided:

- A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, swales, temporary basins or soakaways. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- Confirmation of the critical storm duration.
- Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations in accordance with BRE digest 365.
- Where on site attenuation is to be achieved through attenuation ponds, swales or temporary basins calculations showing the volume of these.
- Where an outfall discharge control device is used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of the discharge stated.
- Calculations to demonstrate how the system operates during a 1 in 100 year critical duration storm event. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths.

CONTAMINATED LAND 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>

HERTFORDSHIRE FIRE AND RESCUE INFORMATIVE:

Access and Facilities

1. Access for fire fighting vehicles should be in accordance with The Building Regulations 2000 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.
4. For your information, the dimensions of a Scania pumping appliance are as follows:

a. Width:	2.5m	Length:	8.1m
b. Height:	3.3m	Weight:	17.8 tonnes
c. Minimum clearance height:	3.7m		

Water Supplies

1. Water supplies should be provided in accordance with BS 9999.
2. 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 the 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 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.
3. 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.

THAMES WATER INFORMATIVE:

Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

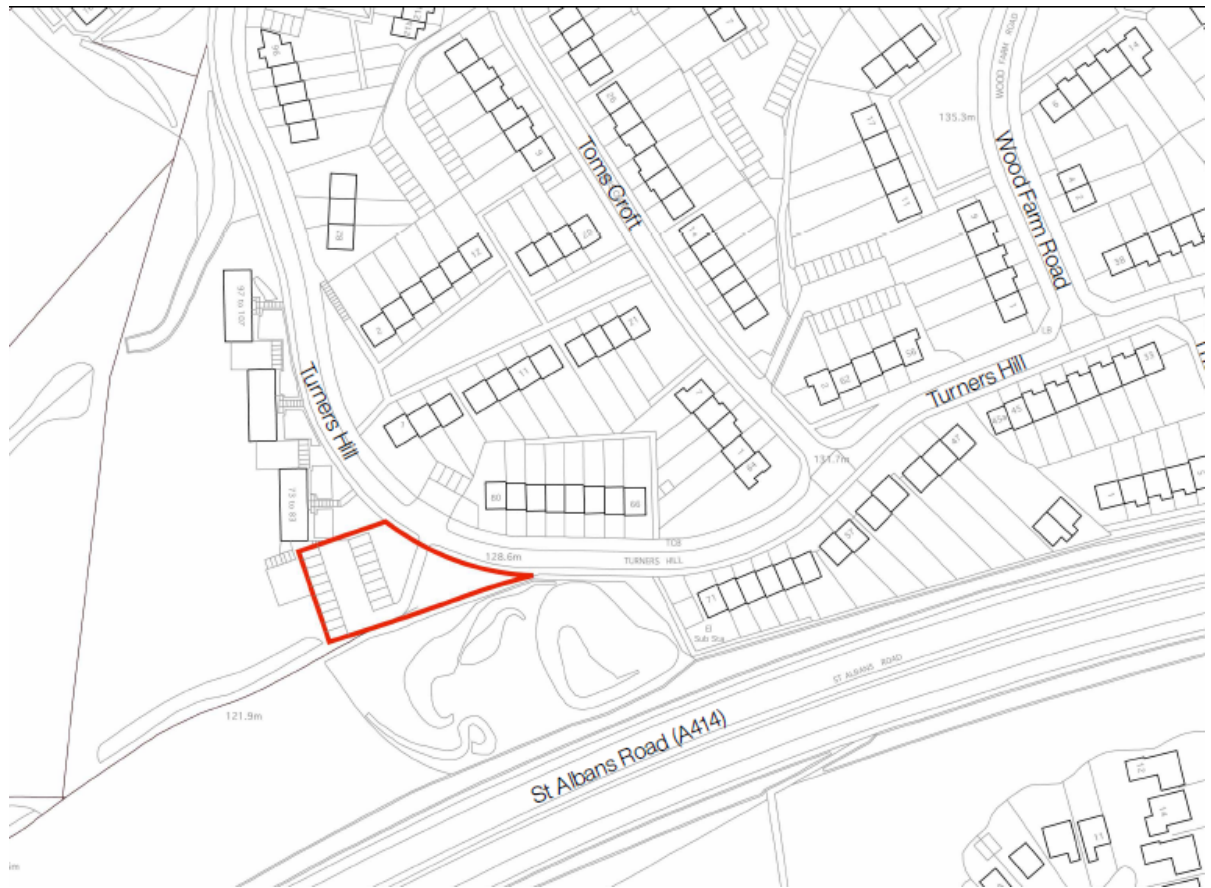
Surface Water Drainage

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 0845 850 2777. 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 - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

4/01738/13/OUT - DEMOLITION OF 18 GARAGES. CONSTRUCTION OF UP TO 9 RESIDENTIAL FLATS IN ONE THREE STOREY BLOCK WITH PRIVATE PARKING GARAGE SITE AT, TURNERS HILL, HEMEL HEMPSTEAD, HP2



ITEM 5.2
4/01738/13/OUT - DEMOLITION OF 18 GARAGES. CONSTRUCTION OF UP TO 9
RESIDENTIAL FLATS IN ONE THREE STOREY BLOCK WITH PRIVATE PARKING
GARAGE SITE AT, TURNERS HILL, HEMEL HEMPSTEAD, HP2



**4/01738/13/OUT - DEMOLITION OF 18 GARAGES. CONSTRUCTION OF UP TO 9 RESIDENTIAL FLATS IN ONE THREE STOREY BLOCK WITH PRIVATE PARKING GARAGE SITE AT, TURNERS HILL, HEMEL HEMPSTEAD, HP2
APPLICANT: DACORUM BOROUGH COUNCIL - MR M EVANS**

[Case Officer - Richard Butler]

[Grid Ref - TL 06123 06793]

Summary - Addendum Report

This application was reported to committee 7 November 2013, wherein the proposed layout of the built form was considered to give rise to concerns of detrimental impact to residential amenity, to the bulk of the development potentially causing a loss of light and overshadowing to residential units within the block of flats to the north of the site.

The decision at the committee meeting was recorded as follows:

Consideration of the application was **DEFERRED** to return to Committee as soon as possible to allow the applicant to address potential issues concerning the impact of the development on the neighbouring block of flats.

Amendments to the Scheme

The application has been amended to provide an indicative 'L' shaped form to the building, which increases the distance between the proposed built form and the neighbouring building. The plans indicate a 45 degree line from the proposed building form, towards the neighbouring property in question; this demonstrates sufficiently that the positioning of the built form shall ensure the neighbouring building shall not be affected.

Parking space provision remains unchanged from the original iteration of the development and all other matters remain unchanged.

Summary of Representations

Full re consultation of the scheme was conducted, with letters sent to neighbours and consultees on the 12th May 2014. No further responses were received from neighbouring residents and confirmation was received from the highways authority that the amended plans did not give rise to any concerns from a highways perspective. All other representations remained unchanged.

Changes in policy

The Affordable Housing SPD has been adopted. For a development providing 9 units within the Hemel Hempstead area, a commuted sum for affordable housing is required. This shall be calculated with regard to the commuted sum calculation. A response is awaited from the Strategic Housing department on this exact figure.

RECOMMENDATION

1. That the application be **DELEGATED** to the Group Manager, Development Management and Planning, with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and subject to the conditions set out below:
2. That this planning obligation secures the contributions on a formula basis to achieve the requirements set out in the Planning Obligations SPD, the Herts County Toolkit for residential development and the Council's Affordable Housing SPD.

Term	Amount
Affordable Housing	TBC
Allotments	£354
Primary education	£3,006
Secondary education	£1,614
Youth facilities	£57
Libraries	£849
Cycles	£384
Child Play Space	£9,024
Natural Green Space	£141
Travel Smart	£225
Outdoor Pitches	£2,589
Sustainable Transport	£6,750
Monitoring	£763
Total	£25,756

and provision for affordable housing made in the form of a commuted sum payment based in the calculations provided in the Affordable Housing SPD.

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

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

- 2 **Approval of the details of the Access, Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

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

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

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

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

Reason: To ensure the sustainable development of the site in accordance

with the aims of Policy 1 of the Dacorum Borough Local Plan 1991 - 2011 and adopted Supplementary Planning Guidance and CS29 of the Core Strategy (September 2013).

- 5 **The proposed dwellings shall not be occupied until parking bays for some 15 vehicles and the access and turning areas have been constructed, surfaced and permanently marked out. The car parking and turning areas so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time, these details shall be provided in accordance with the Parameter Plan hereby approved or the details approved under the reserved matters application.**

Reason: In the interests of highways safety in accordance with Policies CS8 and CS12 of Dacorum Core Strategy and saved Policies 51, 54 and 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011.

- 6 **The details of appearance to be submitted in accordance with Condition 2 shall include:**

- elevations of the proposed building,
- full details of all materials to be used in the construction of any external surfaces of the development hereby approved,
- full details of any external lighting to the dwellings and
- details of any safety and crime prevention measures incorporated in the design of the new properties.

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS12 and CS13 of Core Strategy (September 2013).

- 7 **The details of layout to be submitted in accordance with condition 2 shall include:**

- a block plan demonstrating the relationship between the proposed building(s) and the neighbouring properties at a scale of 1:500,
- floor plans at a scale of 1:50
- details of refuse and recycling facilities,
- measures for disabled access,
- means of enclosure and
- details of any crime prevention and security measures.

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

Reason: To ensure a satisfactory relationship between the proposed building(s) and neighbouring properties in accordance with saved Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and CS13 of Core Strategy (September 2013).

- 8 **The details of landscaping to be submitted in accordance with Condition 2 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; and
- trees to be retained and measures for their protection during construction works;

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 with regard to Policy CS12 of the Core Strategy (September 2013).

- 9 **The details of scale to be submitted in accordance with Condition 2 shall include:**

- an existing topographical survey of the site,
- details of slab levels, finished floor, eaves and ridge levels in respect to existing and proposed ground levels and
- details of slab level, finished floor, eaves and ridge levels to the existing dwellings adjacent to the boundaries of the site.

Reason: To ensure a satisfactory relationship to neighbouring properties in accordance with Policies CS12 and CS13 of Core Strategy (September 2013).

- 10 **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:

1. **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;

1. 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 CS11 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>

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

**5350 OPA 01
5350 OPA 02
5350 OPA 03 rev A**

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

Article 31 Statement

Planning permission has been granted for this proposal. There has been pre-application public consultation and involvement which has influenced the scale of the scheme submitted and discussion 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.

COMMITTEE ADDENDUM - 07.11.2013

4/01738/13/OUT - DEMOLITION OF 18 GARAGES. CONSTRUCTION OF UP TO 9 RESIDENTIAL FLATS IN ONE THREE STOREY BLOCK WITH PRIVATE PARKING GARAGE SITE AT, TURNERS HILL, HEMEL HEMPSTEAD, HP2

The published report contains a typing error on page 35, in the second paragraph where the printed number 33, should read 3. The paragraph should read as follows:

The proposed layout indicates a minimum of 15 spaces across the development. 12 of these shall be allocated to the proposed dwellings, with a further 3 provided as unallocated parking to re-provide parking lost by the demolition of the 18 garages.

The report also contains a query on page 34 within the section headed 'Impact on Neighbours' wherein the relationship of the proposed development with the adjacent block of flats is

questioned.

The agent has since been contacted and further details with regards to this impact have been requested.

An email was received from the agent on 6th November and detailed the following:

“In relation to the impact on sunlight and daylight for the existing Turners Hill blocks of flats the following points have been taken into account:

- Care has been taken to ensure that the maximum distance from the existing flatted block has been taken whilst also achieving a sensible scale and mass for the new block in relation to the existing street.
- Sunlight availability to windows – the existing windows of the Turners Hill block are east facing meaning that the new block should not impact significantly on sunlight and daylight from the south. The BRE guidelines state that sunlight tests are relevant for all main habitable rooms which faces within 90 degrees of south.
- The new block is designed to be the same bulk and mass as the existing flatted buildings on Turner's Hill. This is in line with the BRE guidelines which acknowledges that sunlight and daylight impacts are one of many factors that should be taken into consideration within site layouts. The new block will relate well to the existing townscape within the street, whilst also achieving a viable scheme. The new block has been positioned to ensure that new homes will be provided with adequate amenity, whilst also retaining existing mature trees. We could suggest that as part of reserved matters applications a full sunlight and daylight test be undertaken to give further reassurance.”

The case officer has considered this updated information. The information provided does not give suitable confidence to ensure that there shall not be a detrimental impact to the amenity of neighbouring residents. The orientation, positioning and relative height to the neighbouring property is likely to lead to a loss of natural light to habitable rooms to properties adjacent to the application site. For this reason the recommendation in the report is amended to recommend refusal. The full reason is set out below:

Amended Recommendation - REFUSE

Reasons for Refusal:

1. The proposed outline application has not been supported with sufficient information to demonstrate that the indicative position, height and bulk required to achieve the level of development sought, particularly at the northern section of the site, would not lead to overbearing impacts to neighbouring properties of Turners Hill, north of the application site, through overshadowing and loss of light to the habitable windows within the front elevation of the neighbouring building, resulting in a detriment to residential amenity contrary to Policy CS12 (c) and (g) of Adopted Core Strategy September 2013.
2. In view of the scale of the development proposed, financial contributions in accordance with the Dacorum Borough Council Planning Obligations SPD and the County Council's Planning Obligations Toolkit would be required. As no mechanism or agreement has been reached on the scale of contributions, the proposal is considered to have a significant impact on local infrastructure. The proposals are therefore contrary to the aims and intentions of Policy CS35 of the Adopted Core Strategy September 2013.

PREVIOUS REPORT TO COMMITTEE - 07.11.2013

Summary

The application is recommended for approval.

The application seeks outline planning permission to demolish 18 domestic garages and replace with a three storey block of 9 residential flats and provide 15 parking spaces. The level of cars likely to be displaced by this development (over and above the parking that shall be re-provided within the development) is considered to be small scale and not lead to detrimental impacts to highway safety within the surrounding area.

The quantum and likely scale of the proposed residential development is considered to be appropriate.

Site Description

The site is located in a residential area close to the centre of Hemel Hempstead, east of the town centre. It is bound to the south by an area of open space which acts as a buffer zone to the A414 St. Albans Road. The western edge of the site is also bound by open space. A mixture of dwelling types surround the site. To the north there are 3 blocks of flats, each 3 storeys high. To the east are two storey terraces.

Turners Hill lies within an area of predominantly 1960's development. The surrounding area consists of short terraces and semi-detached dwellings. Houses within this area are arranged on a series of residential streets and large cul de sacs.

Parking is generally in the curtilage of a dwelling, either in a front drive way or an adjacent garage. Parking is also provided on street in front of dwellings. The area is interspersed with green areas that break up the streets and allow space for trees and plants to grow. The site currently consists of 18 garages, of these 7 are currently leased meaning there are 11 void garages on the site. Due to the lack of overlooking the garage courts are often a focus for anti-social behaviour and rubbish dumping.

There are two existing footpaths which run through the site. One of these leads to a drying area for the existing blocks of flats, the other leads to the adjacent open space and on to town centre.

Proposal

The application seeks outline planning permission for the demolition of the 18 garages and clearance of the site; the proposal for built development for the site is for 9 residential units in a three storey block of flats. The size of the dwellings is not currently fixed but the submitted material suggests the site has the ability to accommodate one studio flat, five one bed flats and three two bed flats.

An area of land shall be retained for amenity space, and also for the provision of parking.

A minimum of 15 residential parking spaces are indicated on the parameter plan, 3 of these to be provided for existing residents and visitors. Parking for the new residential units must be provided to meet the current parking standards appropriate to the size of housing provided. The parking area shall be incorporated with elements of planting and soft landscaping.

Referral to Committee

The application is referred to the Development Control Committee as the application site is in the ownership of Dacorum Borough Council.

Planning History

A public exhibition was held in the summer of 2012 over two days where the initial plans for this proposal and others were presented to members of the public.

A number of comments were received which can be summarised as follows:

- Residential development welcome in place of garages, which are problem areas and waste of space. The proposals use the space well.*
- A recycling area for new development should be considered.*
- Smaller scale housing development more appropriate.*
- Loss of garage parking and an increased demand for parking. More parking needed for existing residents.*
- Increased traffic and congestion.*
- Proposed housing style out of character with surrounding 1950's development*
- Loss of green space and damage of trees*
- Overlooking + loss of sunlight.*

Policies

National Policy Guidance

*National Planning Policy Framework
Circular 11/95*

Core Strategy (September 2013)

Policies NP1, CS1, CS2, CS4, CS8, CS12, CS13, CS17, CS18, CS19, CS26 CS28, CS29, CS31, CS33 and CS35.

Dacorum Borough Local Plan 1991-2011 Saved Policies

*Policies 10,13,18, 51, 54, 58, 61, 63, 99 and 111
Appendices 1, 3 and 5*

Supplementary Planning Guidance

*Accessibility Zones for the Application of Parking Standards
Area Based Policies for Residential Character Area HCA22 - Adeyfield South*

Representations

Hertfordshire Highways

Highway Authority does not wish to restrict the grant of permission subject to conditions relating to provision of access, parking, turning and manoeuvring space and restricting the use of the spaces for non-commercial vehicles.

The Design and Access Statement suggest that the uptake in garage rental is low with 11 void garages. Additional information supplied suggests that there are 26 free garage spaces within 250m of this site. The existing vehicular access from Turners Hill is to be reused as the main access to the site for both vehicular and pedestrian access. The highway authority does not maintain the service road. The applicant has not offered this short section of road for adoption. It follows that it is unlikely that the highway authority would wish to adopt such a section of road.

The highway authority notes that the applicant is proposing to create a minimum of three un-allocated parking spaces for visitors and existing residents. The highway authority welcomes this.

The Highway Authority will seek a standard charge contribution of £750 per one and two bedroom flat. The highway contribution would be used to provide measures or services near the site to encourage walking, cycling or the use of public transport.

Hertfordshire County Council Property Services

Based on the information to date for the demolition of 18 garages and the construction of 9 residential flats we would seek the following financial contributions and provision, as set out within HCC's Planning Obligations Toolkit.

Financial Contributions

Secondary Education £1,614

Primary Education £3,006

Youth facilities £57

Libraries facilities £849

Fire hydrant provision

Environmental Health

Any permission given should take into account the following:

Noise on Construction Sites - The attention of the applicant is drawn to the Control of the Pollution Act 1974 relating to the control of noise on construction and demolition sites.

Construction Hours of Working - plant and machinery

In accordance with the Councils adopted criteria, all noisy works associated with site demolition, site preparation, and construction works shall be limited to the following hours: 0730hrs to 1830hrs on Monday to Friday, 0730hrs to 1300hrs on Saturdays, no permitted works are permitted at any time on Sundays and Bank Holidays

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.

Scientific Officer, Regulatory Services

The use of the site as garages represents a potentially contaminative use (potential for hydrocarbon contamination).

The site is also located within the vicinity of other potentially contaminative former land uses (adjacent former gravel pit etc.) Consequently there may be land contamination issues associated with this site. I recommend that a contamination condition be applied to this development should permission be granted.

Response to Neighbour Notification

73 Turners Hill, Hemel Hempstead

- *This road is already crowded with parking problems.*
- *Its too near our flats and will cause noise problems.*
- *When we were first told about this they said 6 flats, its now 9 that's potentially another 18 cars and there will not be enough parking provided to cope with that which will mean parking will get harder and harder.*
- *Trees that are very old will get taken down.*
- *This street cannot handle any more dwellings its already crowded.*
- *Our privacy will be affected by this building as well as the noise that will be created right next to one side of the flats bedrooms.*
- *Nothing has been said if these flats are to be private or social - if they are to be social housing then that can cause problems as (and not all) people who live in flats that they don't own they tend not to care about rubbish etc. we already have problems with people dumping rubbish etc.*

Considerations

Policy and Principle

The application site proposed for residential development would be consistent with Policy CS4 of the Core Strategy; noting that the application site is located within an established residential area of Hemel Hempstead. Further, there would be a strong presumption in Policy CS17 in favour of promoting residential use of the land to address a need for additional housing within the Borough.

The occupancy rate of the existing garages of 18 is 7, equating to 38% of the garages.

With respect to sustainability, it is noted that the proposed development should be designed to accord with the requirements of Building Regulations and the Code for Sustainable Homes. It would be reasonable to expect this development to meet Code Level 4 of the Code for Sustainable Homes given the context of the Core Strategy and likely improvements in relation to the Building Regulations. Such matters would be conditioned to ensure that the proposals would meet the requirements of Policies CS28, CS29 and CS31 of the Core Strategy and saved Policy 1 and Appendix 1 of the Local Plan.

For reasons outlined above, the principle of residential development on the application site would be acceptable.

The Council, and any successor in title, would be expected to comply with Policy 13 of the Local Plan, Policy CS35 of the Pre-submission Core Strategy, and the Planning Obligations Supplementary Planning Document and as such it is necessary for the Council to enter into a planning obligation for the development of this site. This agreement will secure contributions towards new allotment provision, outdoor pitches; child play space, natural green space and library provision to off-set the impact of development upon these services.

Impact on Street Scene

Although the design and layout of the proposed residential scheme is not set out for consideration at this stage, the proposed layout plan and supporting documentation contain sufficient detail to guide the formulation of a high quality residential scheme in accordance with Policies CS12 and CS13 of the Core Strategy and saved Appendix 3 of the Local Plan. A maximum height of three storeys as notated on the proposed site layout plan would be appropriate in this location, and reflective of existing residential built form, with particular reference to the flat blocks to the north.

Proposed dwelling density of 90 dwellings per hectare (nine dwellings on a site of 0.10ha);

would be greater than the figures for medium density as set out in HCA 22 - Adeyfield South. The policy guidance also notes that density may rise to a high density 35 to 50 dwellings/ha (net) on sites close to or at The Queens Square Local Centre and existing flat development adjacent to St Albans Road in cases where the character and appearance of the area is not unduly harmed. In this case, the development repeats the form on the adjacent development of three blocks of flats.

It is noted however that the site conditions including its shape together with the requirement for provision of additional car parking facilities to replace existing garages would support the proposed density in this instance.

The proposed site layout and the orientation of dwellings would generally be consistent with the existing development in this section of the street scene in the immediate area, following the established linear pattern whilst enabling sufficient surveillance of open access and parking areas in accordance with the NPPF and HCA 22 - Adeyfield South of the Local Plan, and Policy CS12 of the Core Strategy. There would be no loss of significant trees, noting the existing tree proximate to the site's eastern boundary would be retained and a proposed landscaping scheme has been indicated.

Impact on Neighbours

The indicative building location is situated at the end of the existing series of three storey blocks of flats. The proposed unit is set forward of the adjacent building and also has a lesser level of separation in comparison to the positioning and relationship between the other blocks. The potential for the bulk of the building to impact on the front elevation of the neighbouring block of flats appears to be high. Comments have been sought from the agent on how this matter has been considered.

The orientation of the building indicated ensures there is no direct overlooking between the proposed building and the existing.

There are no other concerns with regard to impact on neighbouring amenity and the development is considered to be in accordance with CS12, subject to resolving the potential issue of loss of light to habitable windows within the front elevation of the neighbouring block of flats.

Impact on access and car parking

The suitability of the application site for residential development is dependent on the provision of appropriate arrangements for the management of parking within the area. The proposed site layout ensures that the development would be self-contained and would not lead to the dispersal of vehicles onto the surrounding highway network to the detriment of highway safety in accordance with saved policies 51, 54 and 58 of the Local Plan, and Policies CS8 and CS12 of the Core Strategy.

Specific to the proposed development, whilst consideration of the layout and scale of the residential units are reserved for later determination, the illustrative layout of the site is based on a provision of one studio flat, five one bed flats and three two bed flats. With reference to the saved Appendix 5 of the Local Plan the parking requirement would be as follows:

Dwelling type	Policy Requirement /unit	No. of Units	Parking Requirement
Studio Flat	1.25 spaces	1	1.25
One Bed Flat	1.25 spaces	5	6.25
Two Bed Flat	1.5 spaces	3	4.5
	TOTAL	9	12

The proposed layout indicates a minimum of 15 spaces across the development. 12 of these shall be allocated to the proposed dwellings, with a further 3 provided as unallocated parking to re-provide parking lost by the demolition of the 18 garages.

The parking provided for the residential units is appropriate and in accordance with appendix 5 of the Local Plan as saved.

As noted in the design and access statement, 7 of the 18 garages are leased, leaving 11 void. With the development providing 3 unallocated spaces for surrounding residential units, there is a potential shortfall of 4 parking spaces. The supporting information submitted with the application demonstrates the possibility for parking to be provided within a number of surrounding garage courts which shall remain within the control of Dacorum Borough Council. There are seven parking courts within a radius of 250m, which have a combined total of 26 vacant garages. This gives reassurance that should residents wish to find alternative garage rental facilities, there is availability within a reasonable distance of the site.

Whilst the initial indication of the number of garages within this parking court that are leased it would suggest that the existing parking court is reasonably used for parking cars; it has been noted in details submitted with the application that of the garages which are leased a fair number are not used for the regular parking of a vehicle with reasons being that the garages are not built to the dimensions of a modern car, making the use for storage of cars very difficult and often alternative uses for garages prevail, such as storage of household items. Therefore the displacement of cars from leased garages is not likely to be 100%. On this basis, the provision of unallocated parking spaces for this development is considered appropriate.

The proposed access arrangements are considered to be safe in accordance with Saved Policies 51, 54 and 58 and Appendix 5 of the Local Plan and also CS12 of the Adopted Core Strategy.

Sustainability

It is noted that the proposed development should be designed to accord with the requirements of Building Regulations and the Code for Sustainable Homes. Such matters would be conditioned to ensure that the proposal would meet the requirements of Policies CS28, CS29 and CS31 of the Core Strategy and saved Appendix 1 of the DBLP 1991-2011.

Planning Obligations

The Council, and any successor in title, would be expected to comply with Policy 13 of the Local Plan, Policy CS35 of the Pre-submission Core Strategy, and the Planning Obligations Supplementary Planning Document and as such it is necessary for the Council to enter into a planning obligation for the development of this site. This agreement will secure contributions towards new allotment provision, outdoor pitches; child play space, natural green space and library provision to off-set the impact of development upon these services.

Planning obligations shall be sought in accordance with the adopted SPD of 2011. It is noted the highways authority have requested specific payments towards sustainable transport contributions above.

Applications for greater than 5 residential units generate the requirement of Planning Obligations in accordance with the Dacorum Borough Council Planning Obligations SPD and the Herts Tool Kit which shall include Sustainable Transport Contributions. The highways have sought a sustainable transport contribution of £750 per one and two bed flat. With regard to the DBC Planning Obligations SPD and the Herts County Toolkit and based on the size, number and mix of units indicated on the illustrative plans. The contributions sought

would be as follows:

Term	Amount
Affordable Housing	TBC
Allotments	£354
Primary education	£3,006
Secondary education	£1,614
Youth facilities	£57
Libraries	£849
Cycles	£384
Child Play Space	£9,024
Natural Green Space	£141
Travel Smart	£225
Outdoor Pitches	£2,589
Sustainable Transport	£6,750
Monitoring	£763
Total	£25,756

Bearing in mind that the full details of the size and mix will be determined at the reserved matters stage the legal agreement will need to include the toolkit formula rather than the above specific figures.

Affordable Housing

Policy CS19 sets out the affordable housing obligation which is applicable to residential development proposals and applies where there is a net gain of one or more dwellings, including conversions.

With reference to the Affordable Housing SPD, September 2013, paragraph 5.6 states that a financial contribution in lieu of affordable housing will be applicable to sites which fall below the site thresholds (0.3ha or greater or providing 10 or more dwellings in Hemel Hempstead).

The off-site provision is arrived at by multiplying the land value per unit by the number of affordable units that would have been required.

Paragraph 8.3 of the SPD notes that due to the prevailing market conditions, the Council has opted to waive the above calculation on sites where the site size is under 0.16ha AND where four or less units are to be developed. Sites falling within the above defined site size and unit threshold will be exempt from financial contribution in respect of the affordable housing until such time of review of the Affordable Housing SPD. As the proposal would provide up to 9 residential units, this is considered to be above the limit where the waiver would apply, and therefore an off-site provision is required.

Therefore an equivalent of 3.15 affordable dwellings would be required on site.

The advice of the Housing department has been sought with regard to the final calculation of the Land Value, and the relevant off-site provision required.

Conclusions

The principle of residential development on the site is acceptable. It can be demonstrated that the scale of residential development proposed is appropriate and that new dwellings could be constructed without detriment to the character and appearance of the area and the amenities of neighbouring properties. The redevelopment of the underused garage site would not lead to

the displacement of vehicles to the detriment of highway safety. The proposal will create additional on-street parking. The proposal would therefore be in accordance with the National Planning Policy Framework, Policies CS1, CS4, CS8, CS12, CS13 of Dacorum's Adopted Core Strategy and saved policies 51, 54, 58 and 61 of the Dacorum Borough Local Plan 1991-2011.

RECOMMENDATION

1. *That the application be DELEGATED to the Group Manager of Development Management and Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and subject to the conditions set out below:*
2. *That this planning obligation secures the contributions on a formula basis to achieve the requirements set out in the Planning Obligations SPD, the Herts County Toolkit for residential development and the Council's Affordable Housing SPD.*

Term	Amount
<i>Affordable Housing</i>	<i>TBC</i>
<i>Allotments</i>	<i>£354</i>
<i>Primary education</i>	<i>£3,006</i>
<i>Secondary education</i>	<i>£1,614</i>
<i>Youth facilities</i>	<i>£57</i>
<i>Libraries</i>	<i>£849</i>
<i>Cycles</i>	<i>£384</i>
<i>Child Play Space</i>	<i>£9,024</i>
<i>Natural Green Space</i>	<i>£141</i>
<i>Travel Smart</i>	<i>£225</i>
<i>Outdoor Pitches</i>	<i>£2,589</i>
<i>Sustainable Transport</i>	<i>£6,750</i>
<i>Monitoring</i>	<i>£763</i>
Total	£25,756

and provision for affordable housing made in the form of a commuted sum payment based in the calculations provided in the Affordable Housing SPD.

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

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

- 2 **Approval of the details of the Access, Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

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

- 3 **Application for approval of the reserved matters shall be made to the local**

planning authority before the expiration of three years from the date of this permission.

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

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

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy 1 of the Dacorum Borough Local Plan 1991 - 2011 and adopted Supplementary Planning Guidance and CS29 of the Core Strategy (September 2013).

- 5 **The proposed dwellings shall not be occupied until parking bays for some 15 vehicles and the access and turning areas have been constructed, surfaced and permanently marked out. The car parking and turning areas so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time, these details shall be provided in accordance with the Parameter Plan hereby approved or the details approved under the reserved matters application.**

Reason: In the interests of highways safety in accordance with Policies CS8 and CS12 of Dacorum Core Strategy and saved Policies 51, 54 and 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011.

- 6 **The details of appearance to be submitted in accordance with Condition 2 shall include:**

- elevations of the proposed building,
- full details of all materials to be used in the construction of any external surfaces of the development hereby approved,
- full details of any external lighting to the dwellings and
- details of any safety and crime prevention measures incorporated in the design of the new properties.

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS12 and CS13 of Core Strategy (September 2013).

- 7 **The details of layout to be submitted in accordance with condition 2 shall include:**

- a block plan demonstrating the relationship between the proposed building(s) and the neighbouring properties at a scale of 1:500,
- floor plans at a scale of 1:50
- details of refuse and recycling facilities,

- measures for disabled access,
- means of enclosure and
- details of any crime prevention and security measures.

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

Reason: To ensure a satisfactory relationship between the proposed building(s) and neighbouring properties in accordance with saved Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and CS13 of Core Strategy (September 2013).

8 The details of landscaping to be submitted in accordance with Condition 2 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; and
- trees to be retained and measures for their protection during construction works;

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 with regard to Policy CS12 of the Core Strategy (September 2013).

9 The details of scale to be submitted in accordance with Condition 2 shall include:

- an existing topographical survey of the site,
- details of slab levels, finished floor, eaves and ridge levels in respect to existing and proposed ground levels and
- details of slab level, finished floor, eaves and ridge levels to the existing dwellings adjacent to the boundaries of the site.

Reason: To ensure a satisfactory relationship to neighbouring properties in accordance with Policies CS12 and CS13 of Core Strategy (September 2013).

10 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:

1. 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;
1. 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 CS11 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>

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

**5350 OPA 01
5350 OPA 02
5350 OPA 03 rev A**

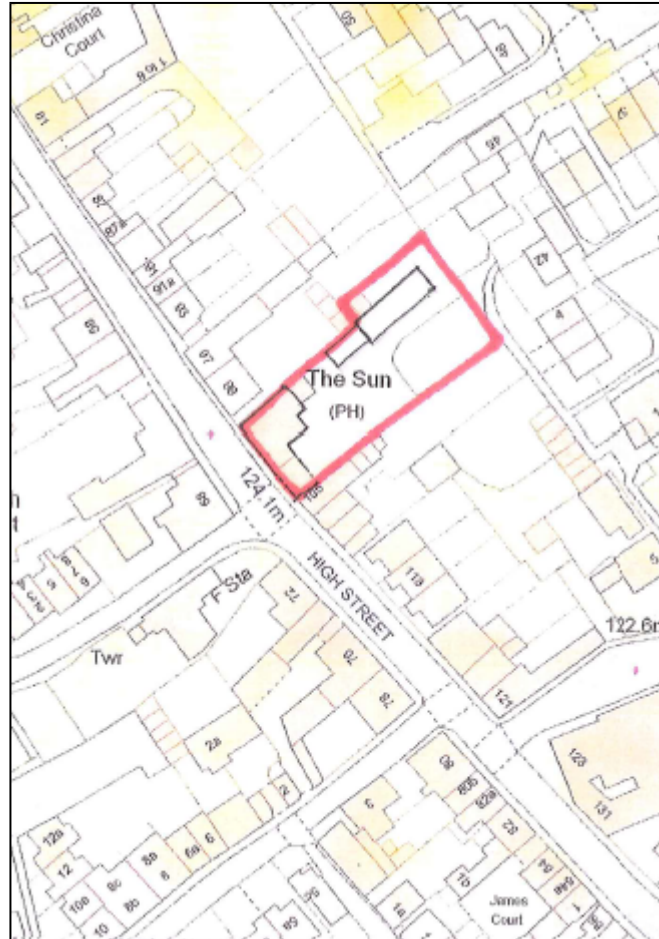
Reason: For the avoidance of doubt and in the interests of proper planning.

Article 31 Statement

Planning permission has been granted for this proposal. There has been pre-application public consultation and involvement which has influenced the scale of the scheme submitted and discussion 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.

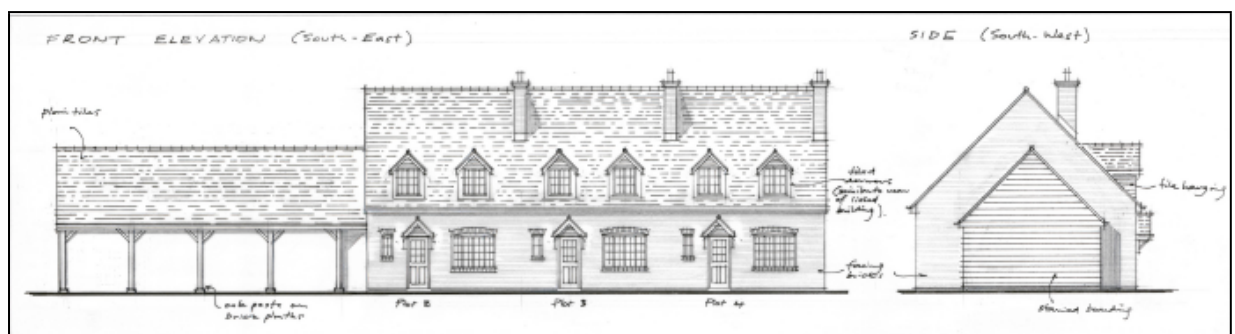
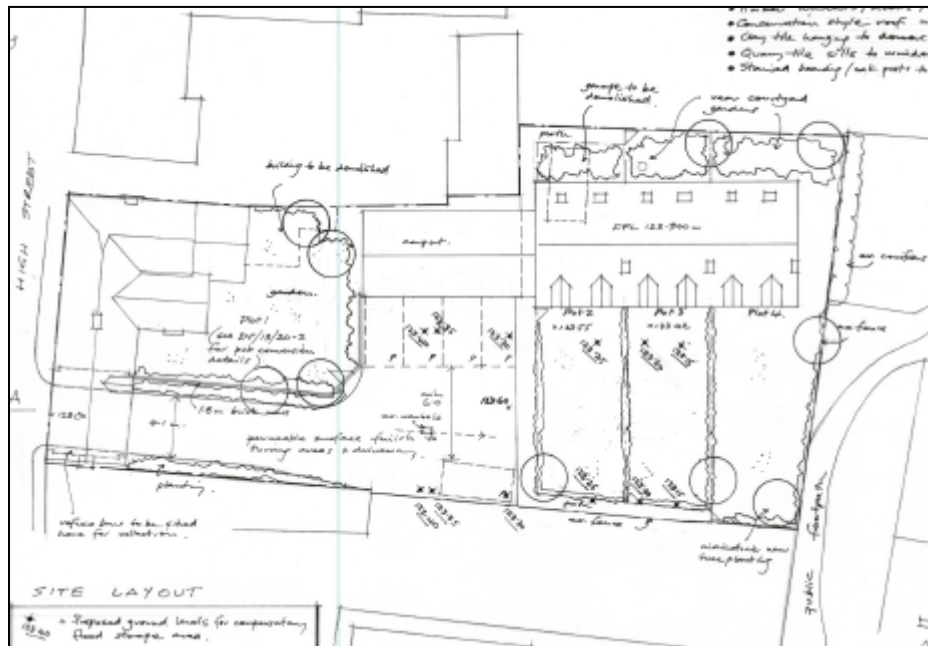
ITEM 5.3

**4/00109/14/FUL - CHANGE OF USE FROM CLASS A4 TO CLASS C3 RESIDENTIAL OF THE EXISTING PUBLIC HOUSE INCLUDING PARTIAL DEMOLITION AND MINOR INTERNAL ALTERATIONS AND THE CONSTRUCTION OF THREE DWELLINGS WITH ASSOCIATED CARPORT, PARKING AND DRIVEWAY
THE SUN INN, 101 HIGH STREET, MARKYATE, ST. ALBANS, AL3 8JG**



ITEM 5.3

**4/00109/14/FUL - CHANGE OF USE FROM CLASS A4 TO CLASS C3 RESIDENTIAL OF THE EXISTING PUBLIC HOUSE INCLUDING PARTIAL DEMOLITION AND MINOR INTERNAL ALTERATIONS AND THE CONSTRUCTION OF THREE DWELLINGS WITH ASSOCIATED CARPORT, PARKING AND DRIVEWAY
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4/00109/14/FUL - CHANGE OF USE FROM CLASS A4 TO CLASS C3 RESIDENTIAL OF THE EXISTING PUBLIC HOUSE INCLUDING PARTIAL DEMOLITION AND MINOR INTERNAL ALTERATIONS AND THE CONSTRUCTION OF THREE DWELLINGS WITH ASSOCIATED CARPORT, PARKING AND DRIVEWAY.

THE SUN INN, 101 HIGH STREET, MARKYATE, ST. ALBANS, AL3 8JG

APPLICANT: STANKER PUBS LTD

[Case Officer - Sally Styles]

[Grid Ref - TL 06187 16417]

Summary

The application is recommended for approval.

The site is located within the Local Centre of Markyate whereby a mix of uses including residential is considered acceptable in line with Policy CS4. The public house use is not protected by policy and given the provision within the village of other pubs, the proposal would not impact on social and community facilities of the village. The scale, layout and design of the proposal is considered appropriate to the conservation area setting and will improve the visual amenity of the site in accordance with Policies CS12 and CS27. The impact on the listed building is acceptable having regard to Core Strategy Policy CS27. Although the site is within flood zone 3, this has been adequately addressed in liaison with the Environment Agency and is therefore in accordance with CS31. Sufficient car parking is provided and the total number of traffic movements would be reduced. The impact on the surrounding highway is therefore considered acceptable. In general terms the removal of the pub will improve residential amenity and the impact on individual properties is not harmful having regard to Policy CS12.

Site Description

The application site comprises a Grade II listed public house (the use of which has now ceased) and a large car park and garden area to the rear. The building fronts directly onto the High Street in Markyate and the rear car park and garden area is accessed under an archway, with the upstairs accommodation of the pub over. The building is a significant building, with origins as an open hall house dating from the 16th century.

The site is located at the centre of the High Street in Markyate within the Conservation Area. The rear part of the site is within Flood Zone 3.

The site is surrounded mainly by residential properties comprising the historic buildings fronting onto and at the rear of the High Street, with the more modern residential to the rear of the site.

Proposal

It is proposed to convert the existing public house to a single residential unit of 4 bedrooms. There are a small number of interior alterations in order to facilitate this which are the subject of a parallel listed building application, plus the demolition and rebuilding of the existing rear gable.

A terrace of three dwellings is proposed on the rear part of the site, together with a single storey timber framed car port with parking for four cars, plus open parking for a further five cars. Each dwelling will have its own private amenity / garden space.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Markyate Parish Council who objects due to infilling.

Planning History

There are no recent or relevant planning or listed building applications in connection with this development, although officers have dealt with two pre-application submissions, one from the current applicant and one from an alternative developer who was considering purchasing the site. Both submissions were for the residential conversion of the pub and the development of the rear car park / garden area for residential.

There is an application for listed building consent for alterations to the listed building (4/00110/14/LBC) running in parallel with this application. The Parish Council also objected to this application on the grounds of infilling and as such it is also to be considered by this committee.

Policies

National Policy Guidance

NPPF

Dacorum Core Strategy (September 2013)

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS16 - Shops and Commerce
CS17 - New Housing
CS18 - Mix of 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 Local Plan Policies

Policies 13, 51, 58, 119, 120
Appendices 1, 3 & 5

Supplementary Planning Guidance / Documents

Planning Obligations SPD
Environmental Guidelines
Advice Note on Achieving Sustainable Development through Sustainability Statements
Affordable Housing SPD

Other

Markyate Parish Plan

Summary of Representations

Markyate Parish Council

Object on the basis of infilling.

DBC Spatial Planning

The site is within the boundary of the village within the local centre, and it is outside of the protected frontage of the high street. There are residential uses adjacent to the site. This small scale residential development would help meet the needs for new housing over the plan period in line with the Markyate Place Strategy on page 177 of the Core Strategy.

The development relates to the protection of the historic asset at the site, which is part of the important historic character of the village. Regard should be given to Core Strategy Policy CS27, relevant Local Plan policies, and advice sought from the Conservation and Design Team.

The proposals would also result in the loss of the pub. Although there are no explicit policies to protect this use here, but it is generally acknowledged that pubs play an important social role in communities, particularly in rural areas. It is noted that there are two other pubs in the High Street of Markyate, so it is not thought that there would be significant impact on the social function of the village. There has also been some anecdotal information submitted stating that the pub has been closed due to a lack of trade and pressure on financial viability.

The rear of the site is also located in flood zone 3, the front is in zone 1 and there is a middle section in zone 2. Two out of the three terraced units at the rear of the site would be within flood zone 3, and one would be in flood zone 2. The existing pub at the front of the site is in flood zone 1, with the lowest level of risk. The watercourse is recognised as a main river and is a culvert through Markyate for about 700m of which the site is in the middle of that. The NPPF 2012 paragraph 102 states that, referring to the Sequential Approach and the Exceptions text, 'both elements of the test will have to be passed for development to be allocated or permitted'.

The flood risk assessment (FRA) should be assessed by the Environment Agency on its level of detail and appropriateness. Housing is a vulnerable use and not suitable in areas of higher flood risk (Technical Guidance to the NPPF 2012). The Sequential Test and Exceptions Tests are required to ensure that development sites are appropriate to the type of development or land use proposed. The material submitted with the planning application also includes a Sequential Test for the new development. The assessment is very limited and fails to meet the requirements of the Environment Agency's guidance on undertaking this assessment. Initial thoughts (not an exhaustive list) on the reasons for this include the following:

- The confusion in the applicant's assessment process on what the sequential test is as opposed to the exceptions test. Both are essential but separate processes;
- The applicants observations relate only to Markyate, whereas the guidance states assessments should relate to the entire borough; and
- There has been no submitted evidence base behind site assessments, although it is noted that three sites in Markyate were cited.

In addition, an assessment was made on the Exceptions Test. The conclusions are again very limited, where two reasons are given as exceptional circumstances. The principle of such circumstances may be able to be accepted but there is no evidence to support the claims, in particular a viability assessment to support the requirements of the listed building, and the provision of market versus affordable housing. Should the housing at the rear of the site be

market housing, there would be no argument for the provision to meet the needs of younger people in the village to purchase their first home. Concerns are raised over the quality of the Sequential and Exceptions Test submitted with this application at this stage as it is contrary to the NPPF and the Environment Agency's Guidance.

There is a significant concern relating to the evidence submitted in relation to flood risk. It is advised that the Environment Agency is consulted on the application and the FRA. These comments will not go into any more detailed advice until principle concerns are addressed.

DBC Conservation and Design

The Sun Inn is a statutory grade II listed building. This 16th century inn, a former open hall house with a north crosswing, is situated in the centre of the Markyate High Street Conservation Area. It represents an important part of the historical development of Markyate. It is a two storey building comprising of a public house at ground floor and accommodation above.

Markyate is a fairly large village having its various services present including a supermarket, bakers, bank and two functioning public houses, as well as a Fire Station.

The NPPF aims to support a prosperous rural community. The Framework also deals with the need to promote healthy communities and guard against the unnecessary loss of valued facilities and services, however with two other functioning public houses within the High Street this is not a viable argument.

Although sustaining its use as an inn would have been ideal it was not profitable as the pub represented a failing business. I would have far greater concerns regarding the loss of this historic building within the locality through lack of a sustainable use or dereliction than a sustainable use going forward.

Earlier schemes were considered for both the vertical and horizontal division of this listed building but neither of these were considered viable options due to the harm to the listed building and the impact this would have on its historic fabric. There is no doubt that converting the building into a single dwelling presents a more viable option than either of these proposals, and the impact to historic fabric would be minimal and the scheme offers the building a viable future use.

I therefore do not raise any objection to the demolition of a later small lean-to, and support the application to convert the building into a single dwelling subject to condition of details.

Overall OK with the new development submitted as a terrace of mews buildings with 'pole barn' type garaging offering parking beneath with further parking bays to the front allowing two parking spaces for each of the three cottages and the public house. Garden areas to front of mews and to rear of public house acceptable.

Materials will be of the greatest importance and should include clay peg tiles, suitable brick, bonding (Flemish); mortar colour conditioned (as with all materials including stains and paint colours); windows side hung flush fitting casements to dormers, and the main window which should be reduced in height with the ground floor toilet window simplified having a single vertical glazing bar. All window glazing simplified – flush fitting side hung dormers where opening and follow through at rear with patio doors all having single central horizontal glazing bar. Arched headers should be just that with timber fillet in arch. Timber cills. Doors – solid timber ledged and braced doors (painted) - a simple small inset 'diamond' light might give a better appearance. Rooflight metal conservation type with non-reflective glass and central vertical glazing bar. Plain verges (no barge boards).

Parking area: barn should have dark stained timber weatherboarding and clay peg tiles with plain verges.

The boundary wall to the public house should be brick and flint with half round (bull nose) copings, and the boundary to the house nearest to the public house must be Flemish bond brick with bull nose copings and mortar that has been lightened (snowcrete?) to mimic lime mortar with a suitable well washed light sand with good grit content used on all building. Would prefer the boundaries between house to be estate fencing with indigenous hedging. Details of all planting should be supplied – all hard and soft landscaping.

HCC Highways

The Highway Authority does not wish to restrict the grant of permission.

The application is for the change of use of the former Sun PH, Markyate to residential C3 use. The application will also see the erection of three dwellings with associated carport and parking for nine off street parking spaces in the rear beer garden. This compares to the former PH having approximately 19 spaces for patrons, so a net decrease of 10 off street spaces will be achieved.

It is clear that the overall trip generation for the site will be lower than the permitted use but peak time movements from the site will be higher, especially in the peak am time. However, this is not likely to lead to conditions that would affect the adjacent highway in terms of capacity or safety.

Previous highway comments made after a site visit last year noted/recorded a car and a van leaving the car park slowly but safely and importantly in a forwards gear. At that time, the speed of passing traffic was recorded as being relatively slow, possibly due to cars parking on one side of the High Street. Volume of traffic was also low but the site visit was not conducted at a peak time.

It was also recorded that there is a very tight, gated, under croft access to the side of 83, next to the PH, which serves some garages and houses behind. The highway authority is not aware of any specific highway issues with this small development in terms of access. However, as a precaution to indiscriminate parking close to or across the access of the former PH, it may be prudent for the applicant/ developer to consider highlighting the access with 'H' bar marking.

Although it appears that the proposed works to construct the three dwellings and alter the PH will not directly affect the adjacent highway, there should be a construction management plan to make sure that deliveries associated with the works, contractors parking and measures to prevent mud etc being deposited onto the highway are approved and managed.

As the site joins the High Street, any works that will require traffic management and consent from the highway authority, needs careful planning. For example it should be noted that a long lead in period will be required if a temporary road closure is needed for statutory apparatus connections e.g. sewer etc

On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal. The Highway Authority has no objection to the grant of permission.

Environment Agency

Original response:

I am waiting for confirmation regarding the flood risk Sequential Test and part one of the Exception Test. However, as the applicant fails to meet the requirements of part two of the Exception Test, which requires a satisfactory Flood Risk Assessment (FRA) to be submitted, we object to the application. Planning permission should be refused on this basis.

The Flood Risk Assessment (FRA) submitted with this application does not comply with the requirements set out in paragraph 9 the Technical Guidance to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to demonstrate that the compensatory excavation, based on a volume-for-volume and level-for-level basis, will ensure that flood risk is no worse at any stage within the 100 year flood envelope.

The applicant can overcome our objection by submitting an FRA which covers the deficiency highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application.

Following submission of additional information:

We are now able to remove our objection. You should still ensure that both the Sequential Test and part one of the Exception Test have been passed. Provided you are satisfied with the Sequential Test and part one of the Exception Test, the following condition should be included on any planning permission granted.

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment prepared by RMA Environmental (Ref: RMA-C1274, dated January 2014) and the Flood Risk Assessment Addendum (Ref: RMA/LC1274, dated 24 February 2014). In particular, compensatory flood storage should be provided as outlined.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. To prevent flooding both on and off site by ensuring that compensatory storage of flood water is provided. This is in line with the National Planning Policy Framework, Planning Practice Guidance and your policy CS31.

DBC Tree Officer

The only tree worthy of retention on the site is a mature conifer referred to in the Tree Report as a Norway Spruce. This tree does not merit TPO and I therefore do not have any objections to its removal as proposed in the planning application. However, to compensate for the loss of this tree, the drawing number DP/13/20-3 shows several tree replacement symbols. But the drawing does not specify further details. I recommend that the applicant provides a detailed landscape scheme, specify the species of the trees and their size that should be at least 12-14 cm circumference and container grown.

HCC Archaeology Officer

I suggest that the archaeological mitigation could be undertaken by condition. I will stick to that in my advice relating to below ground heritage assets (unless substantial new information suggests that the archaeological potential of the site has increased). There will be a need for historic building recording, but the when and details will depend on the extent of the proposed works.

Thames Water

Standard comments regarding sewage and drainage, with recommended informatives.

Comments received from local residents:

- 7 Cheverells Close

This application is not in keeping with the Markyate Parish Plan which has been adopted by Dacorum Borough Council which states no building in back gardens and no infill. Also there could be difficulties with access on to the high street causing congestion opposite the fire station and Buckwood Road which in turn is congested due to the narrow access.

- 3 Hicks Road

I am writing to appeal for rejection of planning permission regarding the above applications, the redevelopment and construction of three new houses on the site. My objections are as follows: After months of noise and disturbance from the Hicks Road development area, the disturbance from a new building site immediately outside my door is unacceptable as the Council takes no precautions to minimise noise and disruption to the outlook from my house regarding light and view. I sincerely hope this application is rejected.

- 97 High Street

Generally we welcome the development of the site as planned.

We raise five requests in relation to the proposed development and are ready to discuss them with the Planning Department and developers at any time.

1. In order to minimise the restriction of sunlight in the garden of 97 High Street, owing to the elevation of the houses, at any time of the year, we ask that consideration is given to moving the house footprint forward in the plot.
2. We ask that, when the roof and fabric of 101 High Street is being upgraded or repaired that no building works restrict any form of access to and from the yard behind 97-99 High Street at any time.
3. We ask that the boundary between the property of 97 and 99 High Street be a brick wall, rather than a wooden fence along its whole length. 97 High Street has a large workshop/shed that shares a wall (rough flint and brick) with the 101 High Street boundary. This request is for aesthetic and security reasons.
4. We ask that building works are limited to weekdays during the summer months and we are kept informed of the commencement of work and the likely works programme. We ask this so that we can organise our lives to minimise the impact of the building works on us.
5. We ask that we are given the option to buy the wood from the felled Spruce tree.

- Mulberry Cottage

SUPPORT - Don't let the building works restrict any form of access across the yard to and from Mulberry Cottage in Markyate High Street at any time and please no building at the weekend

- 97A High Street

SUPPORT - Sad about the pub but it will make the whole area more secure and smarter

Considerations

Policy and Principle

The site is within the village boundary of Markyate which is defined as a Large Village. The provision of 4 residential units in principle accords with CS1 regarding the scale and location of development within the large villages. The site is located within the local centre (although not

within a protected frontage), wherein a mix of uses including residential would be appropriate (CS4). This small scale residential development would help meet the needs for new housing over the plan period in line with the Markyate Place Strategy on page 177 of the Core Strategy.

The Council has a strategic objective to provide a mix of new homes to meet the needs of the population. The development of the site for residential purposes is appropriate in this predominantly residential area. The principle of new housing is supported by Policy CS17.

Loss of Public House

The proposals would result in the loss of the pub. There are no explicit policies to protect this use here, although it is generally acknowledged that pubs play an important social role in communities, particularly in rural areas (ref NPPF paras 28, 70). However, there are two other pubs in the High Street of Markyate, so it is not considered that there would be significant impact on the social function of the village. On the basis that there is no policy to protect pubs, its loss is considered acceptable in planning terms.

Mix of Housing

The proposal is for a 1 x 4 bedroom dwelling and 3 x 2 bedroom dwellings which does provide a mix, even though the proposal is for only four houses. The provision of 4 dwellings is below the affordable housing threshold.

Scale and Layout

In terms of overall scale and layout, the site is of sufficient size to accommodate this level of development. Having specific regard to Core Strategy Policy CS11, the proposal respects the general density for the area and will enhance the spaces between the existing residential properties around the site by ensuring visual improvements to the site. The streetscape will be enhanced by improvements to the glimpses through the archway and car parking has been carefully accommodated within the design. In terms of Policy CS12, the proposal will meet all the criteria.

The Markyate Parish Plan does not support garden development. However, this is not considered to be garden development as it is the rear of a pub rather than a private residential garden. Furthermore, the parish plan is not adopted policy of Dacorum Borough Council and is therefore only of limited weight.

Design

The proposed terrace of houses to the rear has been designed as a row of mews cottages. This is appropriate to the locality and is not objected to by the Conservation officer, subject to the detailed design and materials. Conditions are therefore recommended in this regard.

Impact on Conservation Area

The area to the rear of the site is presently an unsightly car park area and pub garden. The proposals will improve appearance of the site and therefore the conservation area will be conserved and enhanced. The proposals are therefore in accordance with saved Local Plan Policy 120 and Core Strategy Policy CS27.

Impact on the Listed Building

The Conservation officer is not objecting to the works to the listed building which are quite minimal (see associated LBC application). In general terms, the continued use of the building, albeit in a different use, will ensure the continued occupation of the building. The proposed

buildings to the rear are sufficiently separated from the listed building such that the impact on setting is considered acceptable.

Views of the rear of the building from the public footpath linking Roman Way and Hicks Road will be partially obscured by the new building, although in overall terms this is not considered to be so harmful to the setting of the listed building that planning permission should be refused. The proposals are therefore considered acceptable in light of CS27 and saved Policy 119.

Flooding

The rear part of the site, upon which 2 of the three dwellings are to be located, are within Flood Zone 3, which is at the highest risk of flooding. The proposals, and the supporting information have been developed in conjunction with the Environment Agency (EA).

In line with guidance in the NPPG, the development has been supported by a technical Flood Risk Assessment (FRA), a sequential test and an exceptions test. The latter two documents have been necessary as the site has not been formally allocated through the Local Plan or Core Strategy process.

The FRA has been prepared in liaison with the EA who initially objected to the application. Based on further work done by the applicants in response to concerns expressed by Spatial Planning and the EA, the EA is now satisfied with the technical work of the FRA and recommends that the application can be approved, subject to conditions. In particular, the compensatory flood storage (which comprises part of the front garden areas to the new dwellings) is considered acceptable.

The sequential and exceptions tests are assessed by the Local Planning Authority, with guidance from the EA. With regard to the sequential test, it is normal procedure that the applicant must demonstrate that there are not other sites within the Borough which can be brought forward to deliver the housing. However, in this case, the development of the rear parts of the site is being used to fund the refurbishment works that are necessary for the pub. In this regard, it is considered acceptable for the sequential test to be confined to the application site red line. Developing outside this site would not fund the refurbishment of the pub. On this basis, there are no other positions within the site for the three new houses that are possible as they would be too close to adjacent residential properties and would therefore harm their amenity.

In terms of the exceptions test, the applicant has stated exceptional circumstances that warrant development within flood zone 3 stating that without the development of the three units on the rear part of the site, the refurbishment of the pub would not be viable. In order to confirm this claim, the applicants have provided viability information. This has been assessed by the Council's Housing team who has confirmed that, in general terms, the assumptions of the viability information are correct. It is therefore accepted that the development of the rear parts of the site for three houses is necessary in order to fund the refurbishment of the pub. Given the importance of the historic asset and the need for it to be refurbished in order to ensure that it can be occupied (albeit for a different use), there are exceptional circumstances in order to accept the development of the rear part of the site.

The proposal is therefore in accordance with Policy CS31 of the Core Strategy.

Impact on Trees and Landscaping

There are no important trees on the site at present and a large part of the site is given over to hard surfacing for the pub car park. The development of the site represents an opportunity to improve the landscaping and planting within the site. A condition is recommended requiring the submission of a landscaping scheme.

Highways / Parking

In terms of parking, the scheme proposes 9 spaces. 4 of these are within the proposed car port. The standards of the Local Plan at Appendix 5 which have been saved would require 7.5 spaces. The proposals therefore provide in excess of adopted parking requirements.

The existing pub car park has the potential to accommodate approximately 19 cars. As such, although peak hour trips will be slightly higher, in overall terms the site will generate less trips than the potential of the pub use.

HCC Highways is satisfied with the access and concludes that the proposal is unlikely to impact upon the safety and operation of the highway. Highways officers have suggested a condition regarding a construction management plan. This is considered reasonable given the potentially restrictive access of the archway which may have limitations for certain construction vehicles and that the site directly fronts the High Street, with no opportunities for construction vehicles to enter the site, other than to use the archway.

The proposals therefore accord with saved Local Plan Policies 58 and 51 and Core Strategy Policy CS12.

Impact on Neighbours

The site is surrounded mainly by residential properties. In general terms, it is considered that the proposals represent an improvement to residential amenity as the potential noise disturbance from the pub will no longer exist and visually appearance of the site will be improved. Turning to the specific adjacent properties:

- **Mulberry Cottage**

This is the property located to the north of the site to the rear of 97/99 High Street. It has some habitable windows which face onto the proposed development site, together with some garaging/outbuildings. The proposed new houses will be off set from Mulberry Cottage with some garages / outbuildings in between. The proposed timber car ports will be positioned such that they would be directly across the courtyard from Mulberry Cottage, but this is a single storey structure and is some 15m away. In addition, there are improvement to the rear of the public house. As such, the proposal will not harm the amenities enjoyed by Mulberry Cottage.

- **3A Hicks Road**

This building was converted to residential use approximately 10 years ago and has habitable room windows facing onto the development site. However, as with Mulberry Cottage, the proposed two storey building will not sit directly in line with this dwelling and it will face towards the single storey car port which will be 24m away. There is a fence which presently separates the site from this neighbour along the boundary. As such, the proposal will not harm the amenities enjoyed by 3A Hicks Road.

- **43 Roman Way**

This property is located at the rear of the site and has windows that face directly towards the side elevation of the new terrace of dwellings which will be approximately 12m away from the rear wall of the house. Although this is fairly close, this is a side to rear relationship. There is also a tall conifer hedge located along the boundary, within the boundary of 43 Roman Way. There would be no direct overlooking as the side elevation of the proposed dwellings will not have any windows. Conditions are recommended to ensure that no further windows are

inserted. It is therefore considered that the harm to this property is not significant and that a refusal would not be reasonable.

- Other properties

Other dwellings are of sufficient distance from the proposals. The residential units on the High Street whose windows face rearwards, will not be harmed by the development. An objection has been received from number 3 Hicks Road, but in terms of the comments regarding light and view, the relationship of the property with the proposed development is such that amenity will not be harmed. The other comments related to noise and disturbance from the construction of the new development, but this is not a matter for this application to consider.

Conditions are recommended to remove permitted development rights for extensions, roof additions and windows and doors other than those shown on the plans in order to protect the residential amenity.

Amenity Space

Each dwelling has been provided with a private amenity space. The 3 new dwellings will have front garden areas and rear courtyards. The converted pub will also have a small private rear garden area. All the gardens meet the minimum 11.5m length set out in saved Appendix 3 of the Local Plan. Although Considering this is a listed building in the centre of the village, it is not considered reasonable to request a larger garden area.

Sustainability

The applicants have submitted a CS29 Statement which indicates that regard has been had to the policy. A condition is recommended so that these details are complied with.

Archaeology

The site is located within an archaeological priority area. The application has been supported by an archaeological report which recommends that trial pits or a watching brief are likely to be required. In this regard, the archaeology officer has recommended a condition.

S106

A unilateral undertaking has been agreed which makes contributions in line with the Council's SPD. The contributions agreed to are as follows:

Child Play Space - £4,160
Library Contribution - £535
Natural Green Space - £65
Travel Smart - £75
Monitoring and Administration - £290.10

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

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

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

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

2 No development shall take place until the following 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.

- **details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, to include clay peg tiles, bricks, bonding, mortar colour, timber, stains and paint colours;**
- **details of the windows, dormer windows, rooflights and doors**

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Conservation Area in accordance with Core Strategy policies CS12 and CS27.

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

- **hard surfacing materials;**
- **means of enclosure, including a boundary wall to the rear of the public house building;**
- **areas for soft landscaping;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**

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

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

4 The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment prepared by RMA Environmental (Ref: RMA-C1274, dated January 2014) and the Flood Risk Assessment Addendum (Ref: RMA/LC1274, dated 24 February 2014). In particular, compensatory flood storage should be provided as outlined. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason To prevent flooding both on and off site by ensuring that compensatory storage of flood water is provided. This is in line with the National Planning Policy Framework, Planning Practice Guidance and Core Strategy policy CS31.

5 Prior to the commencement of development a construction management plan shall be submitted to and approved by the local planning authority. This shall include full details of parking, delivery and storage areas associated with the construction of development. These areas shall be retained for these purposes

throughout the construction of the development.

Reason: In order to reduce the highway impacts of the development during the construction of the development in accordance with saved Policy 51 of the Borough Local Plan.

- 6 **A) No demolition/development shall take place/commence until a Written Scheme of Archaeological 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:**
- **The programme and methodology of site investigation and recording**
 - **The programme for post investigation assessment**
 - **Provision to be made for analysis of the site investigation and recording**
 - **Provision to be made for publication and dissemination of the analysis and records of the site investigation**
 - **Provision to be made for archive deposition of the analysis and records of the site investigation**
 - **Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

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

- 7 **The development hereby permitted shall be carried out in accordance with the CS29 sustainability statement submitted with the application.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 of the Core Strategy.

- 8 **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, 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 Core Strategy Policy CS12.

- 9 **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, dormer windows, doors or other openings other than those expressly authorised by this permission shall be constructed without the prior written approval of the local planning authority.

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with CS12 of the Core Strategy.

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

Location Plan
DP/13/20-3A
DP/13/20/2
DP/13/20/2

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 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.

INFORMATIVES

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

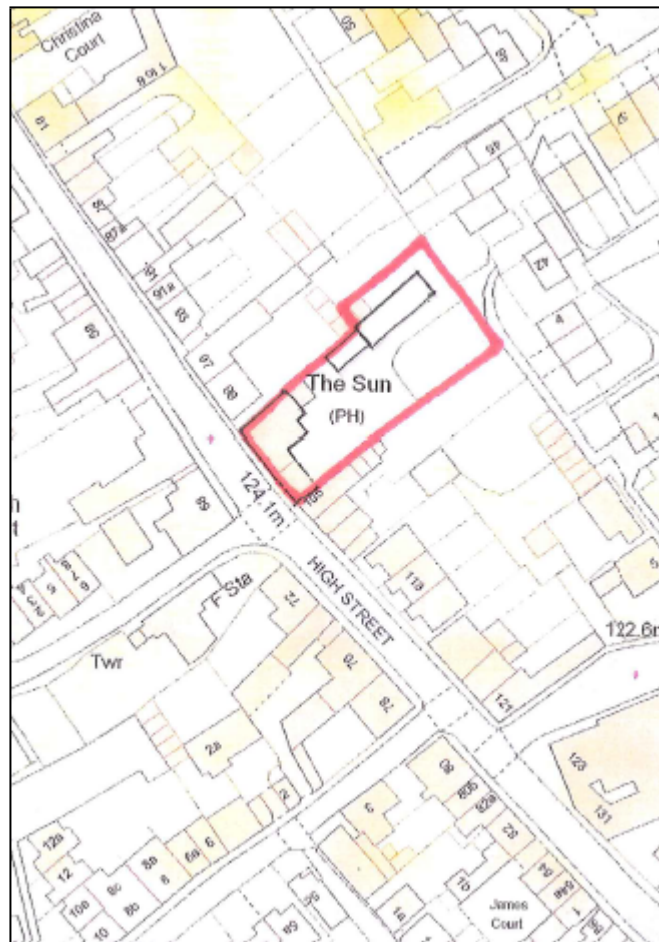
Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. 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.

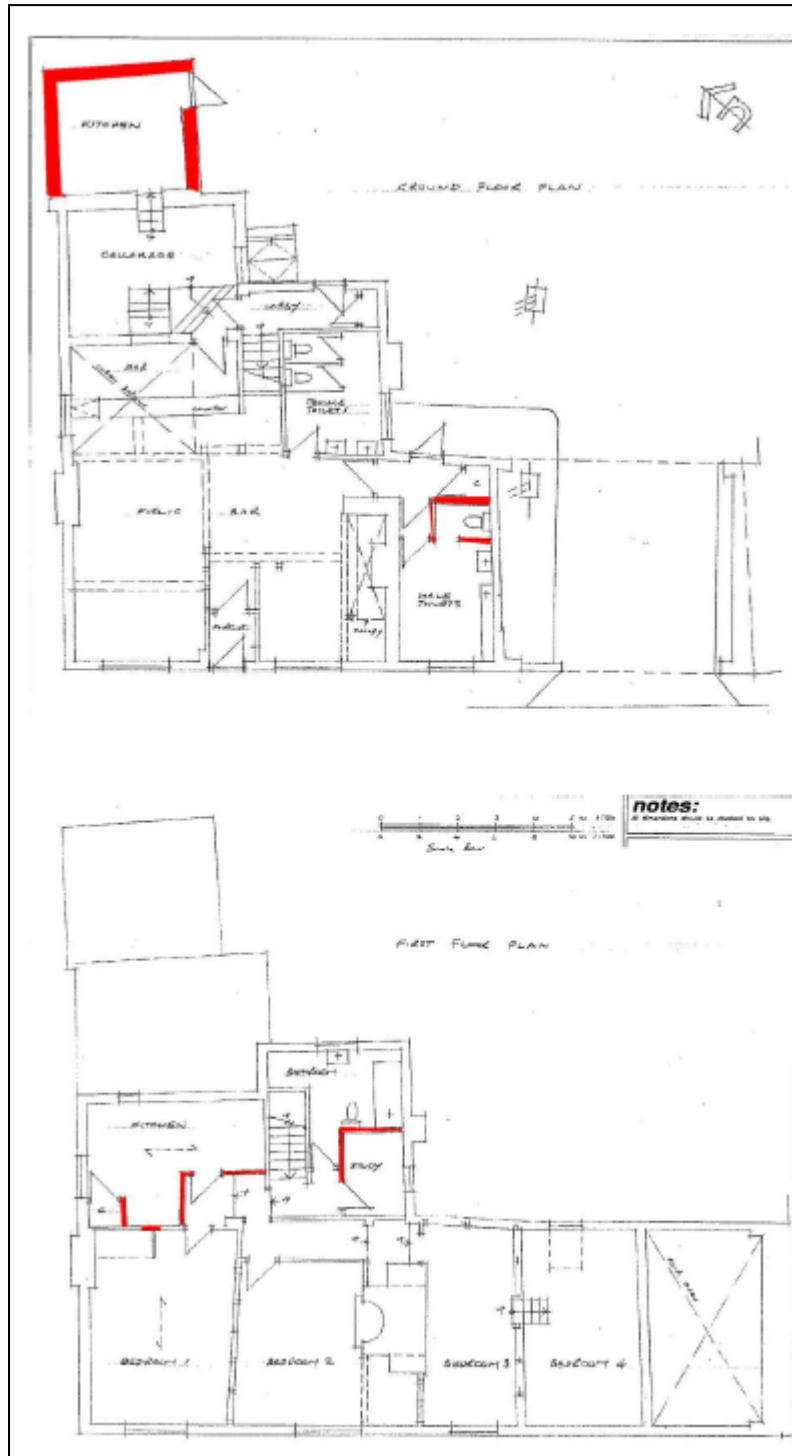
Water Comments

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 - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

**FACILITATE CHANGE OF USE TO RESIDENTIAL DWELLING
THE SUN INN, 101 HIGH STREET, MARKYATE, ST. ALBANS, AL3 8JG**



ITEM 5.4
4/00110/14/LBC - PARTIAL DEMOLITION AND MINOR INTERNAL ALTERATIONS TO
FACILITATE CHANGE OF USE TO RESIDENTIAL DWELLING
THE SUN INN, 101 HIGH STREET, MARKYATE, ST. ALBANS, AL3 8JG



**4/00110/14/LBC - PARTIAL DEMOLITION AND MINOR INTERNAL ALTERATIONS TO FACILITATE CHANGE OF USE TO RESIDENTIAL DWELLING
THE SUN INN, 101 HIGH STREET, MARKYATE, ST. ALBANS, AL3 8JG
APPLICANT: STANKER PUBS LTD**

[Case Officer - Sally Styles]

[Grid Ref - TL 06187 16417]

Summary

The application is recommended for approval.

The small extension that will be demolished is a more recent addition and not of significant historic interest. The internal alterations are limited to the removal of a small amount of internal fabric, namely a small number of partitions. The proposal does not result in the loss of any significant historic fabric and in general terms will ensure the future occupation of the building which is welcomed. The proposals are therefore acceptable in light of Core Strategy policy CS27 and saved Local Plan policy 119.

Site Description

Please refer to 4/00109/14/FUL.

Proposals

This application is for the demolition of a single storey extension to the rear of the building and minor interior alterations in order to facilitate the conversion of the building to a single residential dwelling. This application is being considered alongside an application for planning permission to change the use of the building to residential (from public house use) and for three new dwellings to the rear of the site. Please refer to 4/00109/14/FUL for a detailed description of the wider proposals and the background to the scheme.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Markyate Parish Council who objects due to infilling.

Planning History

Please refer to 4/00109/14/FUL

Policies

National Policy Guidance

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

Adopted Core Strategy

NP1 - Supporting Development
CS27 - Quality of the Historic Environment

Saved Policies of the Dacorum Borough Local Plan

Policy 119

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Summary of Representations

Markyate Parish Council

Please refer to 4/00109/14/FUL.

Conservation and Design

Please refer to 4/00109/14/FUL.

Considerations

Impact on Listed Building

The proposal involves the loss of a small single storey extension to the rear of the building which dates from the 20th century and is not of historic merit. The Conservation officer is satisfied with its loss.

The internal alterations amount to the removal of a small number of internal partitions. This is not a significant amount of historic fabric and the main internal features of historic interest will remain (eg the fireplace and main timber frame). The works are acceptable to the Conservation officer.

Furthermore, given that the pub use will be lost and there are no planning policies to protect its use (see associated report), these proposals will ensure the continued use of the building. The heritage reports and historic building appraisal submitted with the application have provided a detailed description of the building, its history and of the proposed works and are considered acceptable to the Conservation Officer.

Given that the proposals do not involve loss of significant historic fabric, the proposal is acceptable for approval in the context of policy CS27 and saved policy 119.

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

- 1 **The works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.**

Reason: To comply with section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2 **All existing original features of the building shall be retained in situ except where indicated otherwise on the drawings hereby approved. A detailed photographic record of all the fabric authorised to be removed shall be provided to the Local Planning Authority prior to the commencement of development.**

Reason: To safeguard the character and appearance of the Listed Building in accordance with Policy CS27 of the Core Strategy.

- 3 **No works shall be carried out on the site until details of the rear wall (to be exposed by the demolition of the rear extension) and blocking up of the rear opening have been submitted to and approved in writing by the Local Planning Authority, and the work shall then be carried out in accordance with the details so approved.**

Reason: To safeguard the character and appearance of the Listed Building in accordance with Core Strategy Policy CS27.

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

Location Plan

DP/13/20-3A

DP/13/20/2

DP/13/20/2

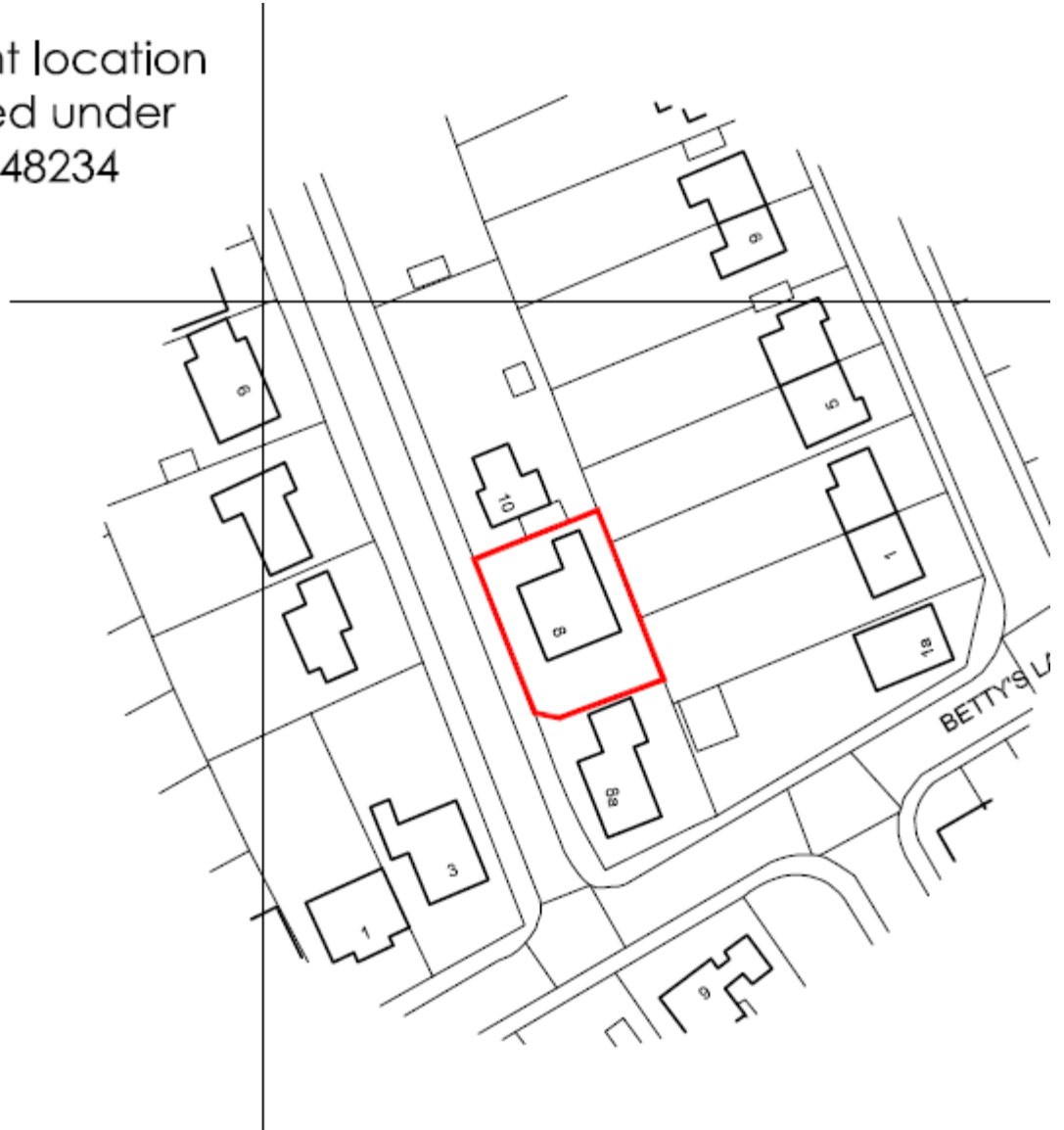
Archaeological Desk-Based Assessment Historic Building Appraisal and Impact Assessment

Heritage Statement

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

ITEM 5.5
4/00179/14/FHA - TWO STOREY SIDE EXTENSION, FIRST FLOOR EXTENSION
TO FORM ADDITIONAL STOREY. EXTENSION AND ALTERATIONS TO
DRIVEWAY
8 MANOR ROAD, TRING, HP235DA

ght location
ced under
0048234





PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION

shire. HP3 9XB
ls.co.uk

**4/00179/14/FHA - TWO STOREY SIDE EXTENSION, FIRST FLOOR EXTENSION TO FORM
ADDITIONAL STOREY. EXTENSION AND ALTERATIONS TO DRIVEWAY
8 MANOR ROAD, TRING, HP235DA
APPLICANT: Sure Trading Ltd - Mr R Snowling**

[Case Officer - Joan Reid]

[Grid Ref - **SP 92136 11963**]

Summary

The application is recommended for approval. The application site is located within the residential area of Tring wherein extensions to properties are acceptable in accordance with policy CS4 of the Core Strategy. There would be no adverse effects on the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected in terms of loss of sunlight, daylight or privacy. Car parking locally to serve the site is adequate. Important trees and landscaping is not affected by the proposal. The details of this scheme accord with the development principles for this area and planning guidelines. The proposal therefore accords with policies CS1, CS11, CS12 and CS29 of the Core Strategy and the NPPF.

Site Description

The application site is located within the residential area of Tring, to the north of Manor Road. Manor Road contains a mixture of dwellings types and designs including two storey dwellings which are all detached. The application property is a small bungalow dating back to the 1960/70s that remains relatively unaltered. The property is set back from the road by approximately 3.5metres and there is a small garden to the side of the house. The rear elevation is in close proximity to the rear boundary (approximately 2.8m). The property originally had a side garden however a chalet bungalow was erected in 1980s.

Proposal

The application seeks planning permission to extend the property by raising the roof and adding a first floor as well as extending above the existing single storey garage. The extension would alter the bungalow to a two storey dwelling. The overall height of the building would be raised by approximately 0.5m, however, the roof form is altered and the eaves line has been increased to a height of 4m on the rear elevation. The crown roof would have Dutch hips and four dormer windows are proposed to the rear roof slope. The dwelling is to be finished in painted render with plain roof tiles. Parking for two cars are proposed to the front of the dwelling.

Referral to Committee

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

Planning History

4/01538/89/4	REPLACEMENT GARAGE Granted 23/10/1989
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Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Appendices 3, 5 and 7

Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Residential Character Area TCA 5: Christchurch Road and Dundale Road

Summary of Representations

Tring Town

The council recommended refusal on the basis that the proposed development was an over development of the plot and of a design that was out of keeping with the surrounding neighbourhood.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

3 Drummond Ride

Loss of privacy;
visual intrusion
overshadowing
alterations are excessive
unsightly rear elevation
too large for plot
inadequate garden size
should be in keeping with 8a

1 Drummond Ride

dwelling is overbearing and out of scale for size of the plot
overlooking/loss of privacy
adverse visual impact

3 Manor Road

height of building
loss of privacy
parking
exterior rendering
damage to grass verges

5 Manor Road

should allow for drainage
inability to park two cars

Considerations

Policy and Principle

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

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

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

The character area appraisal (CAA) for Manor Road (TCA 5) states that there is no special requirements in terms of design given that there is a wide variety of designs within the area. The CAA states that a variety of dwelling types are acceptable but proposals should relate well in terms of the type, design, scale, bulk and layout of nearby and adjacent development and the height of new development should not exceed two storeys. Medium sized dwellings are appropriate and large scale, bulky buildings will not normally be permitted. In terms of layout, the existing layout should be maintained. Dwellings should normally front onto the road. Buildings lines where present should be followed. The density should be compatible with the existing character. The CAA states that extensions should normally be subordinate in terms of scale to the parent building.

Effects on appearance of building

The proposed development will alter the appearance of the original bungalow quite significantly, with the main variation being the increase in the roof height and its pitch and introduction of the dormer windows and front gable. However, although the works result in the roof being altered, the dwelling still remains as a chalet bungalow and many of the original characteristics of the property still are retained including the bay windows to the frontage and low eaves level to the frontage. The introduction of the four pitched roof dormer windows are considered to appear sympathetic to the roof form as they are set in the front flank wall and are of scale sympathetic to the form however it is not ideal that they are not symmetrical and are not set up from the eaves. The dwelling is proposed to be constructed in materials to match the existing dwelling and the roof to be in plain concrete tiles.

Impact on Street Scene

The building is located within Manor Road whereby there are a number of different sized and designed dwellings evident. Majority of the neighbouring properties are two storey and they typically have larger gardens than the application site.

The proposed development at no.8 will not result in significant harm to the character of the streetscene. Manor Road is characterised by both two storey dwellings (no.10) and bungalows, some of which have already been extended to incorporate additional bedrooms at first floor level. The proposed extension will result in a roof form and height consistent with the adjoining neighbours and no objection is raised to this. It is therefore considered, that due to the variation of heights within the streetscene, the proposal will not be a departure from the immediate neighbours and it would not detract from the overall appearance of the street.

It is considered the proposals would not represent overdevelopment of the site. It is noted that the site has previously been sub-divided with the introduction of a new dwelling at 8a however the resultant garden and space around the dwelling is similar to a number of properties along Manor Road. The works to the property increase the height of the property and introduces a first floor however the footprint remains the same. The garden size is small for a four bedroom dwelling however it is considered that refusal on these ground should not be sustained.

Impact on Trees and Landscaping

No important trees or landscaping would be harmed by the proposals.

Impact on Neighbours

A number of letters have been received in objection to the proposed plans for no.8 Manor Road. The concerns raised comprise: loss of privacy, visual intrusion and overshadowing.

No.8 is located in close proximity to the rear boundary and therefore is approximately 3m from the bottom of the gardens of 1 and 3 Drummond Ride. Appendix 7 of the local plan states that there should be sufficient space around residential buildings to avoid a cramped layout and maintain residential character, to ensure privacy and to enable movement around the building for maintenance and other purposes. The minimum distance of 23m between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy. Whilst the property is close to the boundary, a distance of approximately 28m separates the application dwelling from the rear elevation of the dwellings along Drummond Ride. It is considered that sufficient space is retained from windows to windows to avoid serious overlooking. It is noted that a similar distance between two storey properties exists along the street. In term of visual intrusion, there is decent distance from the rear windows or Drummond Ride (28m) and it considered that the proposed dwelling would not result in significant visual intrusion however the residents of Drummond Ride would be able to see the application property.

The application site is located to the west of properties on Drummond Ride and there may be some loss of evening sunlight however it is considered that the property would not result in a significant loss of sunlight to the properties along Drummond Ride in terms of loss of sunlight to justify refusal.

Parking

Appendix 5 of the local plan sets out a maximum standard of 3 spaces for a four bedroom dwelling. The proposed plans show provision for two spaces which is below the maximum standard, however, it is considered that two spaces would be sufficient parking provision within this location as the site is in a convenient location close to the town centre, two spaces is generally consistent with the other family sized homes on the street and at present a number of cars are parked on the road which does not result in congestion/highway safety issues due to the quiet nature of the road. The tandem layout is not ideal , however, this is not uncommon for a private residence and a reason for refusal could not be sustained on these grounds.

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 and to accord with policy CS12 of the Adopted Core Strategy.

- 3 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking shown on Drawing No. 0536/01C shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities and to accord with CS12 of the Adopted Core Strategy and Appendix 5 of the saved DBLP 1991-2011.

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

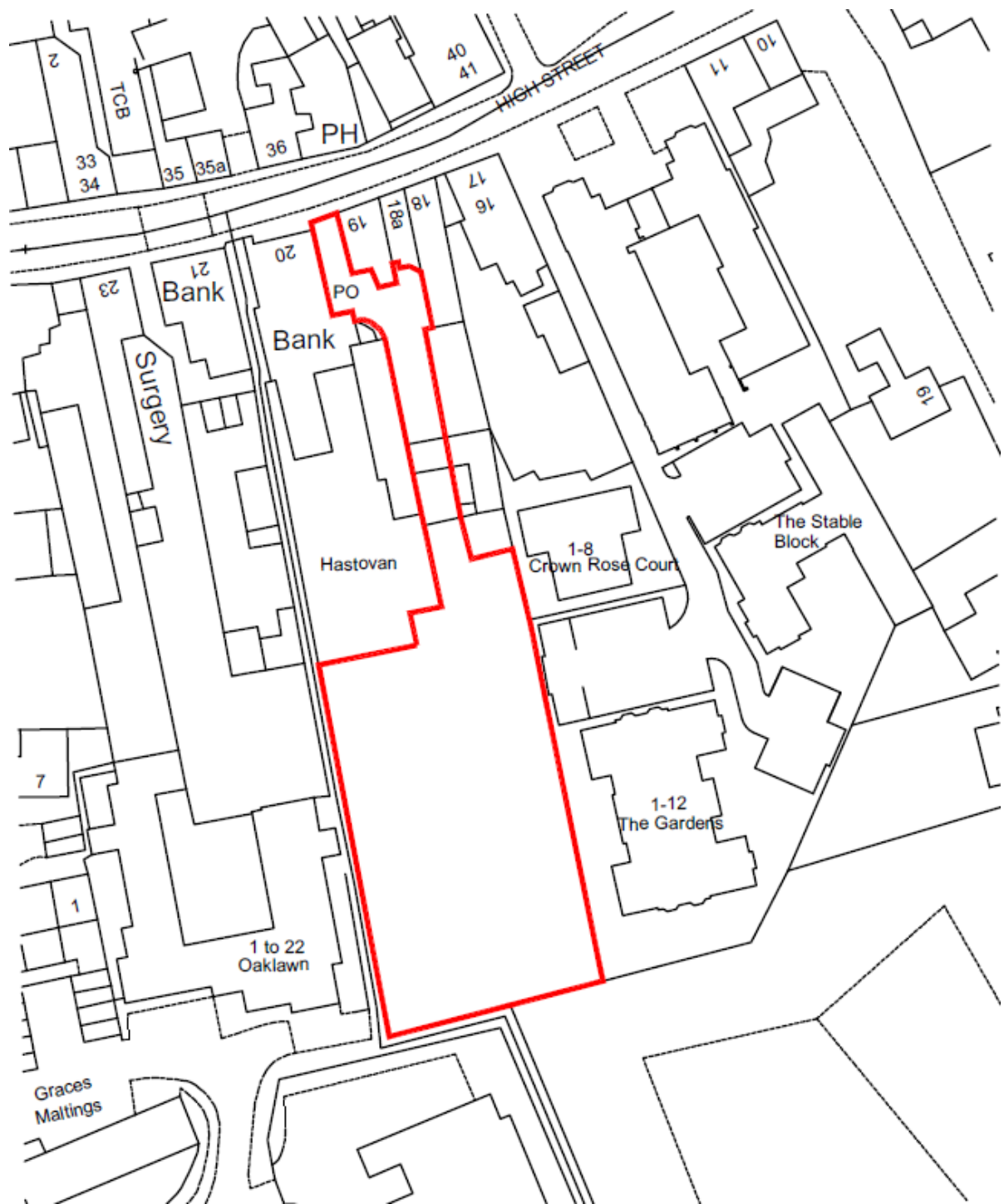
0536/01 C

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.

**4/00237/14/FUL - CONSTRUCTION OF TWO 2-BED AND TWO 3-BED DWELLINGS AND ASSOCIATED WORKS
LAND ADJ. TO AND R/O, 20 HIGH STREET, TRING, HP23 5AP**



ITEM 5.6
4/00237/14/FUL - CONSTRUCTION OF TWO 2-BED AND TWO 3-BED DWELLINGS AND
ASSOCIATED WORKS
LAND ADJ. TO AND R/O, 20 HIGH STREET, TRING, HP23 5AP



**4/00237/14/FUL - CONSTRUCTION OF TWO 2-BED AND TWO 3-BED DWELLINGS AND ASSOCIATED WORKS
LAND ADJ. TO AND R/O, 20 HIGH STREET, TRING, HP23 5AP
APPLICANT: BEECHCROFT DEVELOPMENTS LTD**

[Case Officer - Richard Butler]

[Grid Ref - **SP 92444 11319**]

Summary

The application is recommended for approval. The site is located within an area where residential development is acceptable in principle and the proposed form of development provides a suitable density, scale and design for the area in which it is sited. The Conservation Officer has noted the form, layout and scale of the proposal and regards these as acceptable. Some minor concern remains with regards to the design finish of the buildings; however, amended designs have been provided and clarification of acceptance from the Conservation Department shall be provided prior to the committee meeting.

Objection is noted from Tring Town Council with regards to the access arrangements. Access is provided from the existing High Street access through a drive way which opens to serve the offices and residential uses within the yard area. The proposal does not increase the parking provision over the previously approved scheme for development of the site, the Highways Authority have raised no objection to the proposed access arrangements and are satisfied with the measures put in place to improve the use of the access driveway and access and egress on the High Street.

The proposed development is therefore considered to adhere to policies CS8, CS11, CS12, CS13 and CS27 of the Adopted Core Strategy and saved Policies 10, and 58 of the Local Plan.

Site and Surroundings

The application site comprises the area behind Natwest Bank (20 High Street Tring), including a range of outbuildings, access / service yard and walled garden.

The rear range of buildings comprises a variety of elements; the rear of the bank building is an 18C red brick, slate roof with lowered eaves line than the bank building. Connected to this building (east) is a later range of 19c outbuildings that create courtyard, previously used as a coach house. Beyond the courtyard is a large walled garden, including some significant trees (subject to TPO protection) and has largely overgrown vegetation throughout.

Planning permission was granted in 2013 for the conversion (and part extension) of the existing rear section of the bank building and also for two four bed dwellings within the open area to the rear. Parking was to be provided within a courtyard to the rear which gave 12 parking spaces. The conversion and extension has been completed, however, the rear extent of the site has been sold to a third party, Beechcroft Developments.

Beechcroft Developments have recently completed the redevelopment of the Rose and Crown, High Street, Tring, providing 35 retirement accommodation flats. The current application site and the Rose and Crown site share a boundary. Beechcroft Developments are seeking to amend the approved development for two four bed detached dwellings (open market) for an alternative development.

Proposal

The proposal provides 4 dwellings in the form of a terrace, two x 2-bed and two x 3-bed. These

are to be arranged perpendicular to the shared boundary (roughly parallel to the front and rear boundaries) with private gardens to the rear of the dwellings and a communal garden to the front. They are two storey in height and have a simple gable form. A balcony is provided over a single storey half width rear extension.

The dwellings to be provided as retirement accommodation in a similar manner to the Rose and Crown redevelopment. The communal garden shall be available to occupants of the Rose and Crown site.

In order to allow access for residents of the Rose and Crown development, a pedestrian access opening with gate is to be inserted into the listed wall which forms the shared boundary.

The submitted information provides extensive information of proposed works to trees and replanting to the garden areas.

Parking is to be provided in the same manner as the previously approved application; within the shared courtyard within the centre of the site, within access through the driveway onto the High Street.

Referral to Committee

The application is referred to the Development Control Committee due to

History

4/00844/13/DRC	DETAILS OF MATERIALS, HARD AND SOFT LANDSCAPING AS REQUIRED BY CONDITIONS 2 AND 3 FOR PART IMPLEMENTATION OF PLANNING PERMISSION 4/01142/12/FUL (EXTENSION AND CONVERSION OF OUTBUILDING INTO 3 ONE-BED AND 3-TWO BED FLATS (CONDITIONS NOT TO BE DISCHARGED FOR CONSTRUCTION OF 2-FOUR BED HOUSES) Granted 28/11/2013
4/01336/13/TPO	REMOVAL OF AND WORKS TO TREES. Withdrawn 24/09/2013
4/01143/12/LBC	EXTENSION AND CONVERSION OF OUTBUILDING INTO 3 ONE-BED AND 3-TWO BED FLATS AND CONSTRUCTION OF 2-FOUR BED HOUSES Granted 22/10/2012
4/01142/12/FUL	EXTENSION AND CONVERSION OF OUTBUILDING INTO 3 ONE-BED AND 3-TWO BED FLATS AND CONSTRUCTION OF 2-FOUR BED HOUSES Granted 22/10/2012

Policies

National Policy Guidance

NPPF

Dacorum Core Strategy (September 2013)

NP1
CS1
CS2
CS4
CS8
CS11
CS12
CS13
CS17
CS23
CS27
CS28
CS29

Saved Local Plan Policies

Policies 10, 12, 13, 18, 21, 58
Appendices 3 and 5

Constraints

Conservation Area
Area of Archaeological Significance
Town Centre

Summary of Representations

Tring Town Council (received 25/02/2014)

Tring Town Council recommends refusal of the proposed development because the proposed vehicular access is inadequate and dangerous. The proposed access is via an exceedingly narrow exit onto the busy High Street between a bank and the Post Office. Cars entering or leaving the site will not be able to see traffic using the access from the opposite direction until fully committed because of the narrowness and S bend in the alleyway. Vehicles would be forced to reverse doing this onto the High Street the driver would be blind to the traffic and pedestrians. The line of sight going forwards is inadequate and poses a danger to pedestrians and other traffic. The situation is aggravated by the fact that the alleyway is used by the adjacent businesses for parking and loading/unloading. One of the business is a funeral director. This situation has been recognised by the installation of a traffic barrier a situation that does not mitigate all the risks and is impractical should the development take place. There needs to be a sensible solution for access to the site for the development to be viable. The Council did not have concerns with the rest of the application.

Tring Town Council - Amended scheme (03/06/2014)

The Council recommended refusal of the proposed development because the proposed vehicular access is inadequate and dangerous.

The proposed access is via an exceedingly narrow exit onto the busy High Street between a bank and the Post Office. Cars entering or leaving the site will not be able to see traffic using the access from the opposite direction until fully committed because of the narrowness and S bend in the alleyway. Vehicles would be forced to reverse doing this onto the High Street the driver would be blind to the traffic and pedestrians. The line of sight going forwards is

inadequate and poses a danger to pedestrians and other traffic.

The situation is aggravated by the fact that the alleyway is used by the adjacent businesses for parking and loading/unloading. One of the business is a funeral director.

This situation has been recognised by the installation of a traffic barrier a situation that does not mitigate all the risks and is impractical should the development take place.

There needs to be a sensible solution for access to the site for the development to be viable. The Council did not have concerns with the rest of the application.

Conservation and Design (received 09/06/2014)

I confirm from a Design & Conservation view that there is no objection to the construction of these proposed dwellings and their siting.

I do however have concerns regarding the proposed bland appearance of the dwellings and consider that these need to relate better to the designs of those currently being built at the rear of the Rose & Crown in architectural detailing.

In particular the gable ends could be jettied and expressed in timbering and plaster work, the windows could be better smaller pane and the units could include bays (to make the scheme less flat fronted).

Hertfordshire Highways received (19/03/2014)

The Highway Authority does not wish to restrict the grant of permission.

This application is for development of four residential dwellings in the rear garden are of 20 High Street, Tring. The mix will be two 3 bedroom and 2 two bedroom dwellings. All vehicular access will be off the High Street and under the archway to a rear parking area, where there will be four car parking spaces dedicated for residential use. I.e. one parking space per dwelling

The level of off street parking to be provided is a matter for the local authority to determine in conjunction with Dacorum Borough Councils, Local Plan, Appendix 5 Parking, including the accessibility zonal approach to town centres.

However, the train station is on the edge of town nearer to the village of Aldbury than the town centre. There are good cycle/ footway connections and frequent bus services to this main line train station and the applicant should look to enhance and encourage the above when promoting the sites overall sustainability.

The access off the high street is narrow, privately owned and maintained. There is little space for two cars to pass each other, which could lead to cars reversing back out onto the High Street. This concern has been considered and measures have now been installed to prevent this as part of the previous application.

However, further consideration should also be given to emergency vehicle access to the site and that will be dependent on the fire and rescue commenting on the sites accessibility.

The applicant will also need to submit a Construction Method Statement. This will set out how deliveries and contractors parking etc will be managed during the construction phase.

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.

Water Comments - On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Comments received from local residents

No comments received.

Policy and Principle

The site falls into two main designations within the area designations within the Core Strategy; the developed area of the site adjacent the High Street is within the Town Centre designation, wherein the rear element of open land is within the urban area/residential area designation.

The principle for residential development at the rear section of the site is acceptable in principle, in accordance with CS 4 of the Core Strategy.

Design and Layout and Impact on Appearance of Site

The layout of the scheme has regard to the preservation of important trees and landscaped areas within the site; whilst some appear to be self seeded, they are long established and provide a positive visual amenity contribution to the area.

The original scheme to provide two detached dwellings proposed a layout parallel to the side boundary, however, following some clearing of the overgrown low lying vegetation, further assessment of the vegetation was possible and with collaboration between the applicants arboriculturalist and the Trees and Woodlands officer a revision to the layout was proposed. By turning the development through 90 degrees, the proposed layout has been agreed as the most appropriate for the site; making good use of retained trees as features within the site, and orientating the development to follow the pattern of development within the surrounding area, the proposal provide a layout which has a more logical relationship to surrounding building form, and makes use of rear private gardens and communal front gardens.

The access and parking areas have been completed in accordance with the previous development, wherein the parking court makes available four spaces for the development, at the rear of the converted rear section of the bank building.

The terrace of dwellings is small scale and provides little additional bulk in comparison to the two four-bed detached dwellings which have permission on the site. The orientation reduced

the visual presence of the buildings outside of the site, by moving the bulk of the development to the centre of the site. The design is modest, with a simple gable end design to the terrace with roof heights much lower than the new development with the Rose and Crown Site and also with comparison to the development to the opposing side boundary.

The communal garden with the proposed additional planting shall provide a positive improvement to the appearance of the site and also in the practical use of the site.

Overall the design is considered to be an improvement of the previous application and provides a positive development solution. The revised design achieves the design principles of the relevant policies within the Cores Strategy;

CS10 – Quality of Settlement Design. The development achieves higher densities in and around town centres and local centres;

CS11- Quality of Neighbourhood Design. The development respects the typical density intended in an area and enhance spaces between buildings and general character; preserves attractive streetscapes; incorporates natural surveillance to deter crime and the fear of crime; and avoids large areas dominated by car parking.

CS12 - Quality of Site Design. Provides a safe and satisfactory means of access for all users and provides sufficient parking and sufficient space for servicing, this shall be discussed later in the report, and improvements have been made to access arrangements in the implementation of the first phase of the development.

Comments were received recently from the Conservation and design department. The scheme was accepted in principle however, concerns were raised with regards to the appearance of the units and a desire to follow the design of the recently approved Rose and Crown development was expressed. As the Rose and Crown developer is the same applicant in this case some continuity is possible. Amended plans have been provided which demonstrate the exposed beam and detail features to the elevations as requested by the Conservation officer.

Impact on Surrounding Area and Neighbouring Amenity

The site is reasonably well screened due to the high walled garden area.

The dwellings to the rear of the site shall be visible from the areas outside of the site, especially the site of Crown Court and the Rose and Crown to the east. The roof forms of these units shall be visible however, this is not considered to be of detriment to the appearance or character of the area; any impact on amenity shall be considered below.

There is sufficient spacing both within the application site to the shared boundaries and with neighbouring development from the respective boundaries to ensure the bulk of the development shall not lead to loss of light or overshadowing to neighbouring properties.

Access and Parking

Access to the development is provided through the existing access from the High Street, Tring; this is a single width access in parts and enters the High Street between the Bank building and the Post Office. The access drive leads between the units of office unit with parking and servicing areas on either side.

This courtyard has been extended to provide a total of 12 parking spaces. Two of these spaces are reserved for use by the bank, 6 are provided for the six converted flats, retaining four spaces for the proposed development of four terrace dwellings. The previous application provided these four spaces as two for each of the detached four-bed dwellings. The current proposal would provide one space for each unit (2 x 2-bed and 2 x 3-bed).

The site is within accessibility zone 3 (highest for Tring area) and whilst this does not dictate

that significant reductions in maximum parking provision should be sought, it provides the ability to consider reduced parking levels dependant on the circumstances of the area and the details of the proposed development.

The site is located centrally within the town centre of Tring and as such is close to many services and public transport links. The units proposed are smaller scale and shall be restricted to sale as over 55 and likely to yield a lower parking requirement. There is also additional public parking nearby.

With regard to the above there is sufficient justification, as noted in the Area Based policy documentation to accept the lower parking provision as proposed.

With regard to access, concern was raised with the previous application on these matters; specifically with regards to the access track width and visibility when exiting the site onto the High Street and the nearby access of the Post Office building. The Highways Officer has assessed the capacity of the existing access to facilitate the access of the proposed development. Whilst the traffic is likely to materially increase through frequency and type of vehicle, this is not considered to provide substantial alterations that would be detrimental to the highway or pedestrian safety of the surrounding area.

There is not considered to be a conflict between the commercial traffic and access and the residential access.

Through implementation of phase 1 of the previous application improvements were made to the access arrangements, these included a barrier restriction to the access which ensures vehicles entering the site are given priority over those leaving, to ensure the traffic on the High Street is not obstructed. Within the site, passing places are indicated to ensure disruption does not take place within the site.

The Highways Authority commented on the emergency access arrangements for the site. Provision is proposed for pedestrian access to the boundary shared with the Rose and Crown site, which would provide fire services access in case of emergency. The Building Control department have liaised with the Fire Services and confirmed that the while the pedestrian access would benefit the access to the site in case of emergency, this is not considered to be a necessary addition, as other measures can be implemented through the Building Control process to maintain the required level of fire protection.

Planning Obligations

The previous application yielded the following contributions within a legal agreement:

Head of Term	Amount
Child Play Space	£9,792
Cycle Networks	£122
Library	£1,100
Natural Green Space	£153
Playing Pitches	£5,355
Secondary Education	£10,319
Sustainable Transport	£4,625
Monitoring and Admin	£1965.96
Travel Smart	£200
Youth Contribution	£1,100
Total	£34,731.96

This included provision for the two four bed detached dwellings now being replaced by the

development proposed in this application. These contributions were due to be paid on the commencement of the first phase of the development; this has taken place.

Consideration should be given to the balance that may be required, due to the increase in residential units from two 4-bed dwellings to four smaller dwellings; however there is also the need to take account of the restriction of sale to over 55s.

The difference between the sums required for the phase 2 elements of development (2 x 4-bed dwellings compared to 2 x 3-bed & 2 x 2-bed) is relatively minimal - £13,418 to £16,670.

Due to the over 55s restriction the Rose and Crown development at the neighbouring site was not required to pay contributions for child play space, outdoor pitches and primary education. If a similar approach was made on this scheme the removal of the items in question would equate to a greater reduction in planning obligations than the shortfall identified above. For this reasons, it is considered justified to not seek a legal agreement to secure Planning Obligations in this instance.

Conclusion

With regards to the above discussion, there are no outstanding matters that would justify the refusal of this application.

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

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

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

- 2 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 details shall include the following information:**

- **Bricks**
- **Tiles**
- **Windows**
- **Side hung, flush fitting casements**

Development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and setting of the Listed Building and the visual amenities of the Conservation Area in accordance with 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;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);
- retained historic landscape features and proposals for restoration, where relevant.

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

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

- 4 **The residential units hereby permitted shall only be occupied by persons aged 55 and over, living as part of a single household.**

Reason: To ensure that impact on local infrastructure and services is acceptable in accordance with Policy 13 of the Borough Plan.

- 5 **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:**

- The programme and methodology of site investigation and recording
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) 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: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with saved Policy 118 of the Local Plan.

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

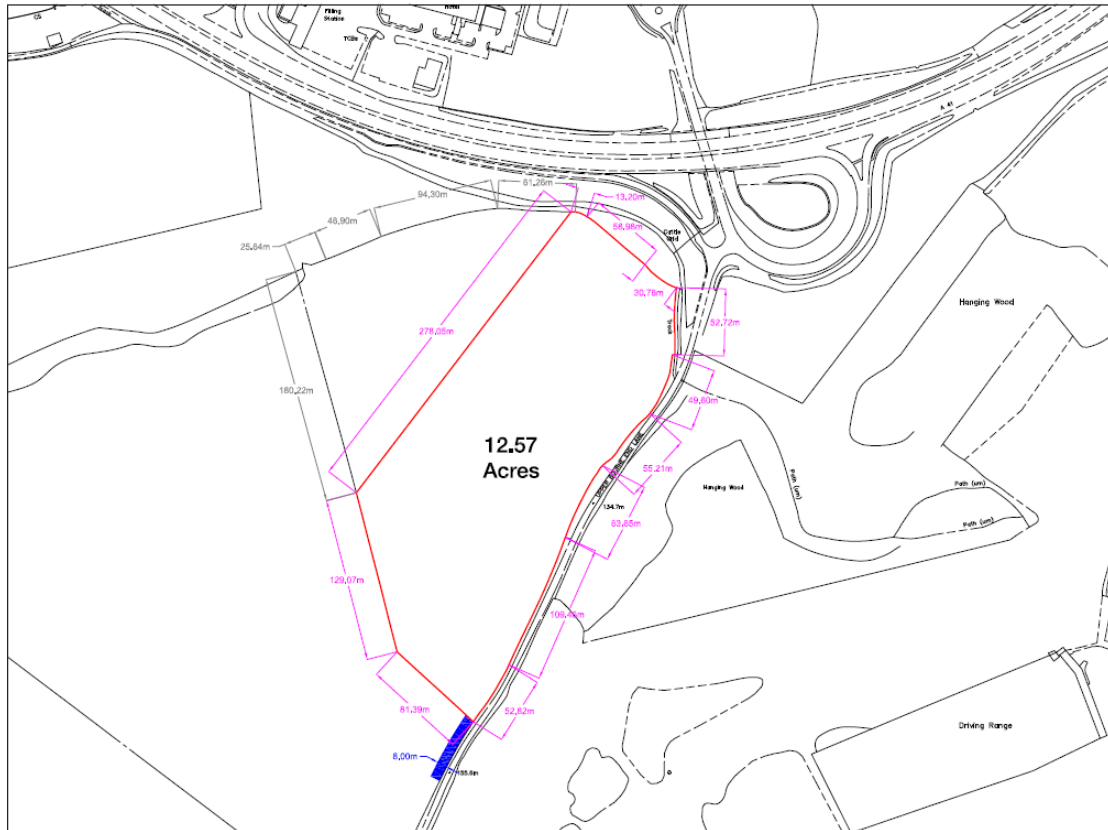
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HST/PD/002A
HST/PD/003A
HST/PD/004C
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HST/PD/004B
1129 - GP - 001
1129 - PP - 300
A200 rev D
1006 A 301 rev B**

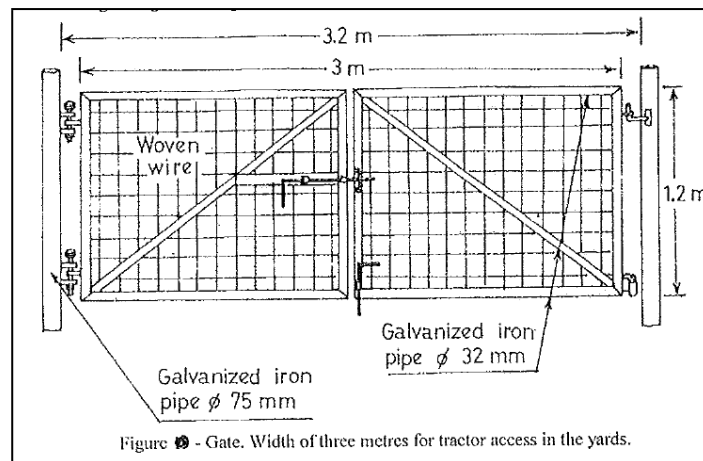
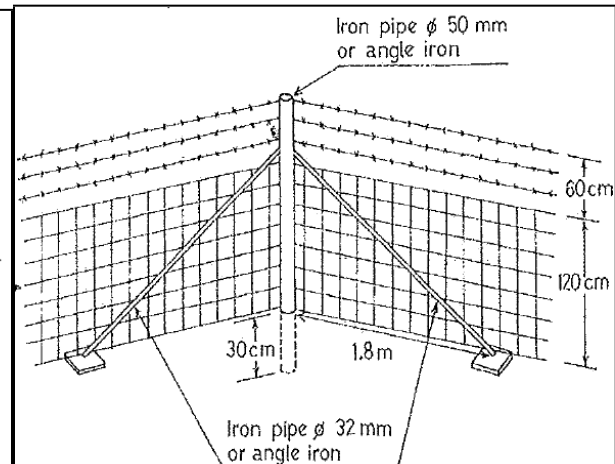
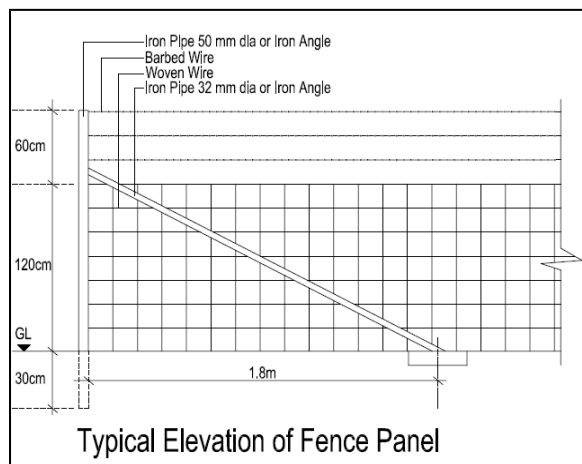
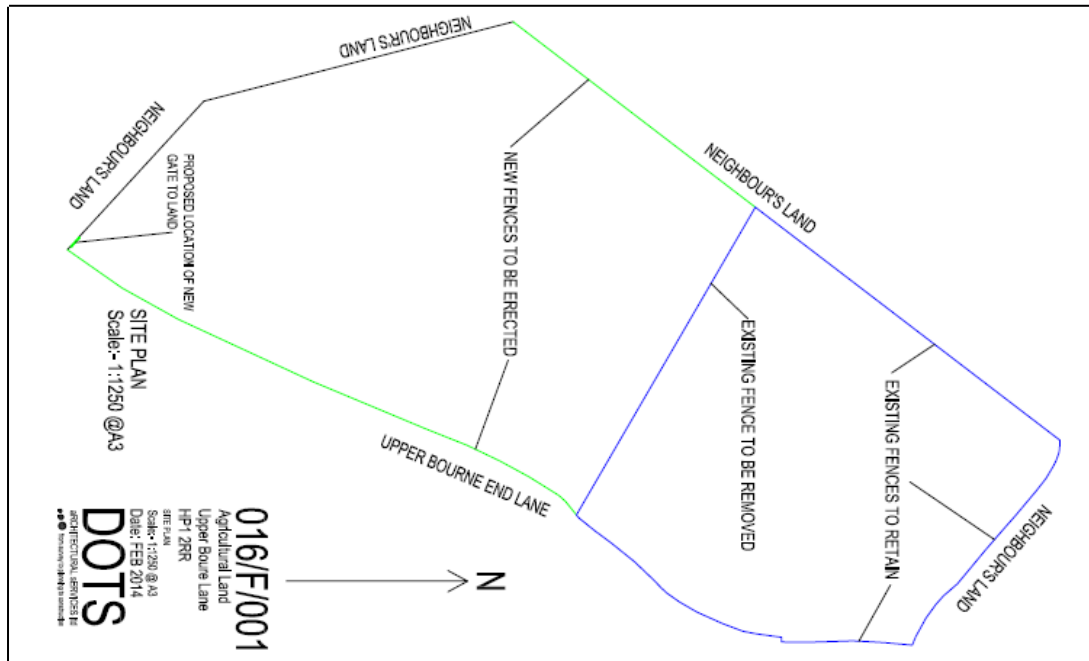
Reason: For the avoidance of doubt and in the interests of proper planning.

Article 31 Statement

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

ITEM 5.7
4/00385/14/FUL - INSTALLATION OF FENCING
TEN ACRES FIELD ADJ, UPPER BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2RR





**4/00385/14/FUL - INSTALLATION OF FENCING
TEN ACRES FIELD ADJ, UPPER BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2RR
APPLICANT: DOTS ARCHITECTURAL SERVICES LTD**

[Case Officer - Intan Keen]

[Grid Ref - TL 01657 05412]

Summary

The application is recommended for approval.

The proposed fencing would be for agricultural purposes in the Green Belt which is supported in policy terms. The proposed fencing would not have an adverse impact on the openness of the Green Belt or the visual amenity of the surrounding countryside. The development would not have a detrimental impact on the amenity of neighbouring properties. The proposal would not have any parking implications.

The proposed fencing is therefore in accordance with the provisions of the National Planning Policy Framework, and Policies CS5, CS12 and CS25 of the Dacorum Core Strategy (September 2013).

Site Description

The application site comprises an open field which lies on the north-western side of Upper Bourne End Lane which is accessed via the neighbouring property immediately south-west. The site has limited fencing to its boundaries although has a thick hedge and tree line along its road frontage with Upper Bourne End Lane.

The application site is irregularly shaped and is the north-easternmost plot forming part of a wider and triangular shaped field. Immediately surrounding uses are predominantly agricultural, however a golf course exists on the opposite side of Upper Bourne End Lane straddling various public footpaths.

Proposal

Planning permission is sought for the installation of 1.8m high fencing in addition to fencing approved in 2012 (referenced below).

The fencing would be identical to that previously approved, with wire mesh to a height of 1.2m, and three strands of barbed wire above evenly spaced to a maximum height of 1.8m. A diagonal pipe would cross the wire mesh for a length of 1.8m. The posts at 0.05m (50mm) in width would be located at the corners of the site as shown on the submitted plan (with a minimum spacing of 52.82m, not including fencing previously approved).

The installation of a new gate is also proposed opposite the right of way within the adjacent property into the site. The gate would also consist of a wire mesh comprising double gates a length of 3.2m and to a height of 1.2m.

The fencing would support the site's existing agricultural use. The applicant has confirmed by e-mail that the fencing design is for security purposes.

Referral to Committee

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

Their concerns relate to the appropriateness of the fence as it does not appear to be agricultural fencing, as well as the use of barbed wire.

Planning History

Application 4/01277/12/FUL for perimeter fencing (associated with an agricultural use) at Lot B8b, Upper Bourne End Lane was granted on 31 August 2012. The approval relates to the north-eastern half of the site under the current application, and is of identical design to that presently proposed.

Constraints

Green Belt

The wider area has been previously subject to enforcement action regarding the unauthorised subdivision of the land and the erection of fencing. An Article 4.1 Direction has since been placed on the land. As a result the proposed fencing requires planning permission.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

Policies NP1, CS1, CS5, CS12 and CS25

Saved Policies of the Dacorum Borough Local Plan

Policy 58
Appendix 5

Supplementary Planning Guidance / Documents

Landscape Character Assessment - Area 108, Bourne Gutter

Summary of Representations

Neighbours

High Firs, Wayside, Annexe at Wayside and Vale Farm were notified on 10 March 2014.

No representations received.

Bovingdon Parish Council

The initial response was an objection to the proposal on the following grounds:

Not agricultural fencing. Concern as to why needs this type of fencing as it appears to be inappropriate. Need to know reason why this particular fencing plus barbed wire is required.

Following further discussions regarding the previous approval on the north-eastern half of the site and a response from the applicant that the type of fencing proposed is for security purposes, Bovingdon Parish Council provided the following comments:

The members reconsidered this application, but still wish to object. The other application 4/01277/12/FUL - the site was less prominent and the fencing could not be seen. The current

application is on a more prominent site in the lane, which can be seen from various vantage points and, therefore, members felt minded to maintain their objections to this.

Trees and Woodlands

No comments received at the time of writing this report.

Considerations

The main issues of relevance to the consideration of this application relate to the policy and principle justification for the proposed fencing; the impact of the proposed fencing on the character and appearance of the Green Belt, the street scene and surrounding area; the impact on neighbouring properties; and the impact on car parking.

Policy and Principle

Paragraph 89 of the NPPF regards the construction of new buildings as inappropriate in the Green Belt. One exception to this is includes building for agriculture and forestry. The fencing proposal is not considered to be a 'building', although no specific definition for this has been provided in the NPPF. Nevertheless, the NPPF would suggest that development for the purposes of agriculture are supported in principle and as such would not preclude fencing. This approach is supported by Policy CS5 of the Core Strategy.

Impact on Green Belt and appearance of street scene and surrounding area

The site occupies a part of the hillside that slopes up from the southern side of the A41 bypass such that the site and the wider field is exposed from public vantage points. There are medium to long-distance views from the adjacent golf course as well as the A41 bypass. However, the closest views into the site can be obtained from Upper Bourne End Lane above the bank and through small gaps in the belt of vegetation. The existing hedge and tree line to the road frontage restricts continuous views into the site from this perspective. As the bank begins to lower relative to the road when traveling in a southerly direction along Upper Bourne End Lane; this allows further views into the site.

The locational characteristics described above, together with the historical open character of the wider field, give the application site, in particular the development area, an open and prominent position within the landscape.

It is noted that fencing was previously approved under the above-referenced planning permission of an identical appearance to that currently proposed. The current fencing proposal would enclose a greater area than the previous approval and without any divisional fencing is considered to be an improvement.

The additional fencing proposed would be sited on higher ground in comparison to the previously approved fencing and therefore more prominent in the landscape. However, it is noted that development, although not strictly a building as such, would be associated with an agricultural use which is acceptable in the Green Belt and is therefore compliant with the NPPF (paragraph 89) echoed by Policy CS5 of the Core Strategy.

The main part of the fencing to a height of 1.2m consists of wire mesh (approximately 0.17m squares) which is broadly consistent with fencing that exists on the wider field, including the most elevated parts of the site and those which are also readily visible from the street. In fact, the mesh would result in greater squares in comparison to the existing (measuring approximately 0.15m).

The three strands of barbed wire above the 1.2m high mesh fence, would give the fence an

overall height of 1.8m. The barbed wire would be undesirable, however this aspect of the fence would not be readily visible from long-distance vantage points noting the nature of the material and the spacing of strands 0.2m apart.

The diagonal bars provided within the bends of the fencing are unusual, however as indicated on the proposed block plan would be relatively thin (3.2cm in diameter) and generously spaced so not to detract from the appearance of the surrounding countryside. Similarly, the corner posts at 50mm (or 5cm) in diameter would be acceptable.

Specifically, the posts would achieve a minimum separation of 30m, and at the highest points of the site particularly the south-western boundary and immediately adjoining Upper Bourne End Lane the posts with diagonal bars would be spaced a minimum of 50m between posts. It is the posts and not the mesh or barbed wire that would be the most distinguishable feature in the landscape and in the context of longer views. The existing (albeit unlawful) fence along the site's south-western side boundary contains posts spaced 3.3m apart. Although the proposed fencing would be 0.6m higher than the existing (albeit unlawful) fence to the site's south-western side boundary, due to the substantial distances between the posts the proposal is not considered to be visually intrusive when compared to the existing fencing.

The proposed gates would be of an acceptable design and not dissimilar to other gates which exist in the wider field and would generally assimilate with the fencing proposal.

It follows that the proposal is in accordance with Policy CS12 of the Core Strategy.

Contact with the applicant has been made to request hedge planting to soften the appearance of the fencing, however no return confirmation has been received. For reasons mentioned above it is not considered that the application could be refused on the appearance of the fencing.

Impact on neighbouring properties

Immediately surrounding neighbouring properties are used for agricultural purposes, with the exception of the adjacent site immediately south-west which has recent approval for use as an outdoor dog day care centre. The proposed fencing would not have an adverse impact on the amenity or operation of surrounding properties.

As such, the proposal is in accordance with Policy CS12 (c) of the Core Strategy.

Impact on car parking

The proposal would not have any parking implications and therefore would not conflict with the objectives of saved Policy 58 of the Core 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 of the Dacorum Core Strategy (September 2013).

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

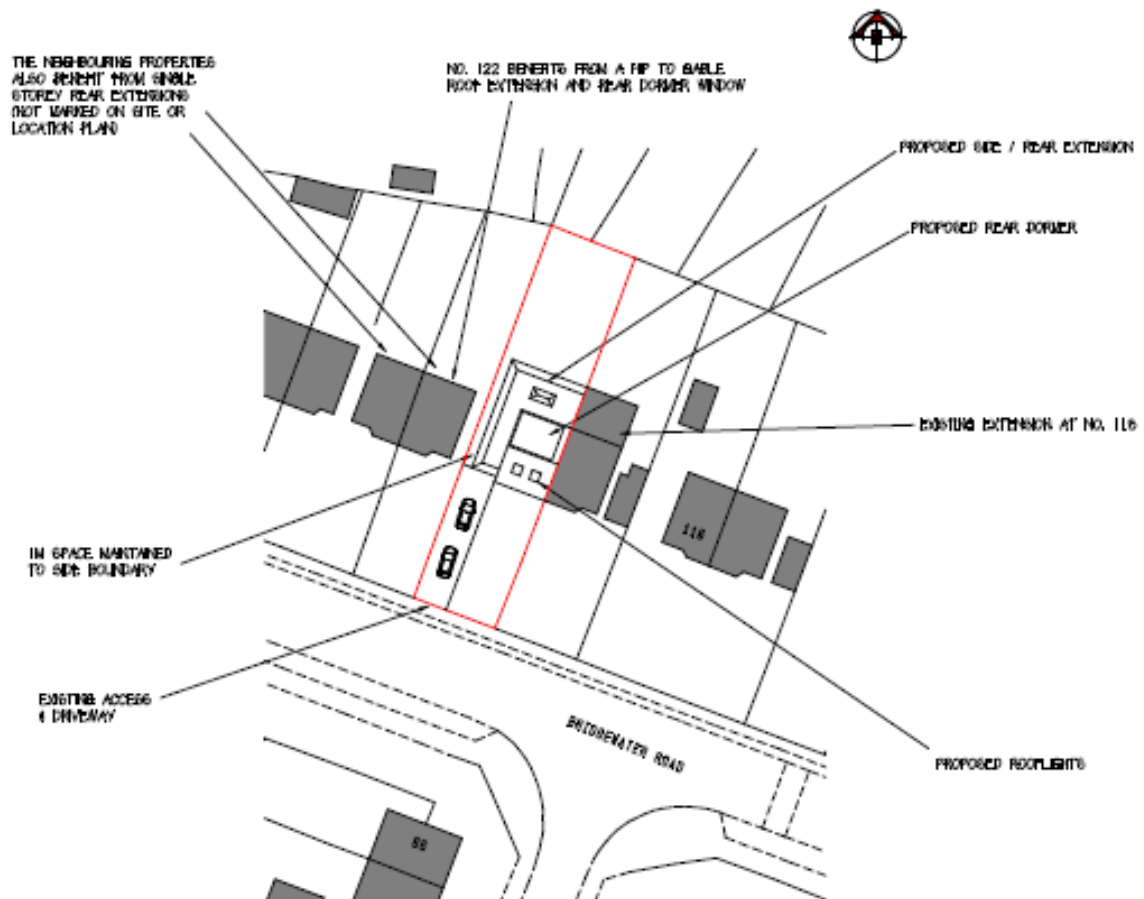
**20130513 (site location plan) received 7 March 2014;
016/F/001 (proposed block plan) received 7 March 2014;
016/F/002 (proposed elevations) received 7 March 2014; and
Plan 001 (proposed fence and gate details) received 7 March 2014.**

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

Article 31 Statement

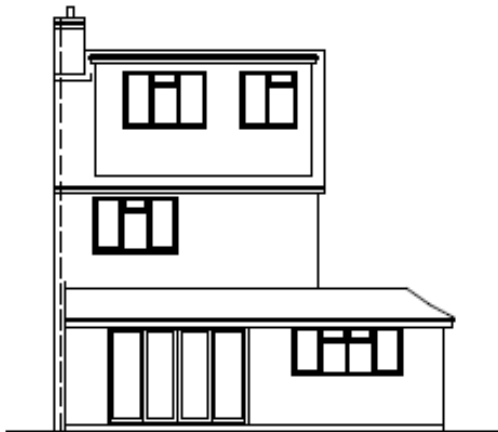
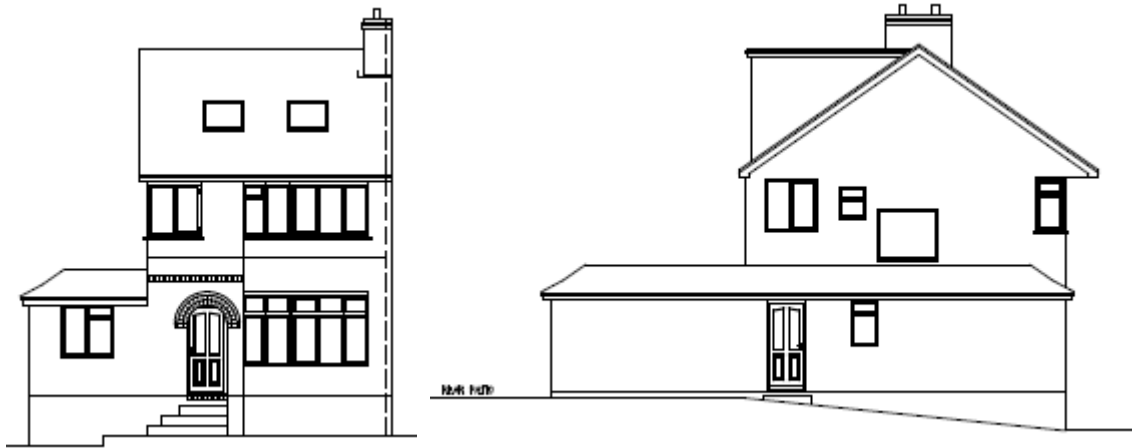
Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town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

**4/00616/14/FHA - DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF SINGLE STOREY SIDE AND REAR EXTENSION, HIP TO GABLE ROOF EXTENSION, REAR DORMER AND FRONT ROOFLIGHTS TO FACILITATE LOFT CONVERSION
120 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1ED**



ITEM 5.8

**4/00616/14/FHA - DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF SINGLE STOREY SIDE AND REAR EXTENSION, HIP TO GABLE ROOF EXTENSION, REAR DORMER AND FRONT ROOFLIGHTS TO FACILITATE LOFT CONVERSION
120 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1ED**



4/00616/14/FHA - DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF

**SINGLE STOREY SIDE AND REAR EXTENSION, HIP TO GABLE ROOF EXTENSION,
REAR DORMER AND FRONT ROOFLIGHTS TO FACILITATE LOFT CONVERSION
120 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1ED
APPLICANT: Mr & Mrs George**

[Case Officer - Jackie Ambrose]

[Grid Ref - **SP 98577 08641**]

Summary

The application is recommended for approval.

The proposed extensions although substantial are not out of place within the street scene where similar extensions are evident and would not significantly detract from the appearance of the original building. The impact on the amenity of neighbouring properties would not be significant. The car parking arrangements are sufficient. The proposal is therefore in accordance with the National Planning Policy Framework, Core Strategy Policy CS12 and Appendix 7 of the saved local plan.

In this instance it would have been helpful to the consideration of this application had photographs and street scenes been submitted as part of the formal application.

Site Description

This application relates to a semi-detached house along Bridgewater Road, almost opposite Normandy Drive, in the residential area of Berkhamsted. It is set within a long line of similar semi-detached houses occupying elevated positions, set high up and well back from the road frontage.

Proposal

This application is for the demolition of the side garage and the construction of a single storey side extension; a replacement larger, single storey rear extension; the change in roof from a hip to a side gable; and the insertion of a rear dormer and two front rooflights.

The detached single garage to the side of the house would be demolished to allow for the construction of a single storey side extension that would be flush with that part of the front elevation and leaving a gap of 1m to the side boundary of the site as access to the rear garden. Currently the garage extends up to this side boundary. This extension would have a small pitched roof that acts as a wraparound with the proposed single storey (replacement) rear extension and with a flat roof area on top. The single storey rear extension would extend out by 4.5m and replace an existing 2.5m deep, single storey rear extension.

The side hipped roof would be extended outwards to create a side gable and a large dormer inserted in the rear roofscape across most of its width. It would be just lower than the ridgeline and just above the rear eaves level and in which would be two windows, but no window in the side gable. There would be two centrally positioned rooflights within the front roofscape. The loft conversion would provide a fourth bedroom and ensuite. The extensions would be built in materials to match the existing house in brickwork, traditional render and plain roof tiles.

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)
Circular 11/95

Adopted Core Strategy

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

Saved Policies of the Dacorum Borough Local Plan

Appendix 7

Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Residential Character Area BCA 14: Chilterns Park

Summary of Representations

Berkhamsted Town Council

Object. The height, scale and bulk of the rear dormer is excessive. Contrary to Saved Local Plan Policy Appendix 7 and Core Strategy Policy CS12.

Archaeology Unit

In this instance, there is unlikely to be an impact on significant heritage assets of archaeological or historic interest; therefore, I will be making no comment at this time.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

No comments received.

Considerations

Policy and Principle

The NPPF places great importance to the design of the built environment, and the integration of development into the natural, built and historic environment. The above policies contained in the Core Strategy are consistent with the objectives of the NPPF.

Policy CS11 of the adopted Core Strategy (Quality of Neighbourhood Design) states that within settlements and neighbourhoods, development should:

- a) respect the typical density intended in an area and enhance spaces between buildings and general character;
- b) preserve attractive streetscapes and enhance any positive linkages between character areas;
- c) co-ordinate streetscape design between character areas;
- d) protect or enhance any positive linkages between character areas;

- e) incorporate natural surveillance to deter crime and the fear of crime; and
- f) avoid large areas dominated by car parking.

Policy CS12 (Quality of Site Design) states that on each site 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

Saved local plan Appendix 7 requires that extensions should harmonise with the original design and character of the house in terms of scale (it should not dominate or project above the roof line); the roof form should match the design, angle of pitch and materials of existing house; windows should match existing windows. In terms of the surrounding area, a roof line should not disrupt a clear consistent roofline and form nor detract from a group effect where a row of houses display a uniform design as an attractive group effect within the street scene.

Residential Character Area BCA 14 states that within the plot the extension should normally be subordinate in terms of scale and height to the parent building.

The proposed extensions to this dwelling within the residential area are considered acceptable in principle subject to compliance with the criteria above.

Effects on appearance of building

The replacement of the flat-roofed side garage with a single storey side extension with a small hipped roof and provision of a 1m gap to the shared side boundary, in materials to match, will be subservient to the parent building as well as improving its appearance as viewed from the front.

The raising of the side roof from hip to gable, in materials to match, will help to balance the house in terms of its appearance between the houses either side whilst still leaving a substantial gap between the houses.

The single storey rear extension with its small hipped roof and flat area on top, as a replacement to the existing rear extension, will lessen its overall bulk in relation to the parent house.

Berkhamsted Town Council have objected to this application due the height, scale and bulk of this rear dormer as excessive.

The rear dormer, whilst taking up most of the rear roofscape, will be broken up by two windows, of a moderate and small size, and which will match the fenestration and materials of the existing house. Furthermore, it will harmonise with the existing raised side gable and large rear dormer and similar sized windows on the adjacent house at No. 122. (Built under a Lawful Development Certificate in 1994 – ref: 4/00805/94/LDC). Therefore, taken in the context of the front and rear street scenes the proposed dormer would not appear excessive.

It is worth noting, as demonstrated in photos taken on site, that the adjoining house with its

large rear dormer within its raised roofscape does not appear to be excessive or out of place. In this instance it would have been helpful in the consideration of this application had photographs and street scenes been submitted as part of the formal application.

However, it should also be noted that, without the additions of the single storey rear extension, the raising of the roof and insertion of the dormer would fall within Permitted Development rights.

As a consequence it is considered that each part of the scheme complies with the above policy criteria and is therefore acceptable.

Impact on Street Scene

The adjacent house at No. 122 already has a side gabled roof and front rooflight and the adjoining house at No. 118 has also extended its roofline to incorporate a two storey side extension. As a result the extensions to this application site will actually bring it into line with the houses in the immediate vicinity as well as others that have been extended in this way along Bridgewater Road. As the fenestration and materials will match that of the existing dwelling the overall impact of this scheme within the street scene is not considered to be a harmful one.

As a consequence it is considered that this scheme complies with the above policy criteria and is therefore acceptable.

Impact on Neighbours

The proposed single storey extension will extend out by 4.5m which is 2m longer than the existing extension; however, this will not have an impact on the amenities of the adjoining property at No. 118, which has its own single storey rear extension of the same depth up to this boundary. The rear dormer will have no significant impact in terms of loss of privacy to their rear garden.

The single storey side extension and raised side gable roof and rear dormer will not have any significant impact on the amenities of the adjacent property at No. 122, principally due to their own side gabled roof, rear dormer and single storey rear extension. There will only be a utility door and obscure glazed cloakroom window in the ground floor of the proposed side extension and no windows in the proposed side gabled roof and thus no loss of privacy to No. 122.

Other Material Planning Considerations

The current garage is too small to be used for parking. There exists space for three tandem car parking spaces along the existing driveway and which meets our parking policy for a four bedroomed house.

No tree would be removed as a result of this proposal.

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:**

BR PA 01 A

BR PA 02 B

BR PA 02 C

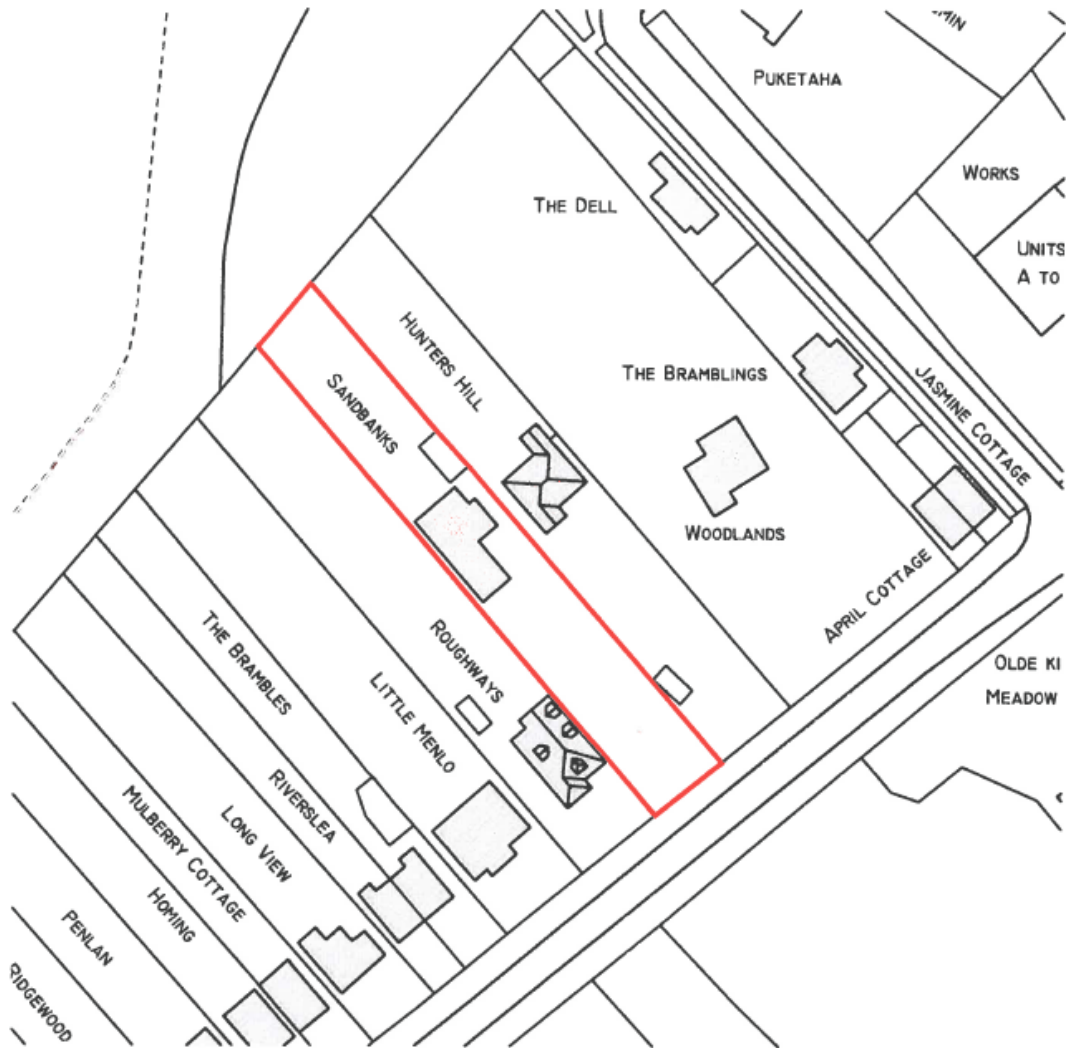
Reason: For the avoidance of doubt and in the interests of proper planning.

Article 31 Statement

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

4/00746/14/FHA - EXTENSION AND MODIFICATION OF EXISTING DWELLING
SAND BANKS, WATER END ROAD, POTTEN END, BERKHAMSTED, HP4 2SG

SITE LOCATION PLAN 1:1250



ITEM 5.9

**4/00746/14/FHA - EXTENSION AND MODIFICATION OF EXISTING DWELLING
SAND BANKS, WATER END ROAD, POTTEN END, BERKHAMSTED, HP4 2SG**

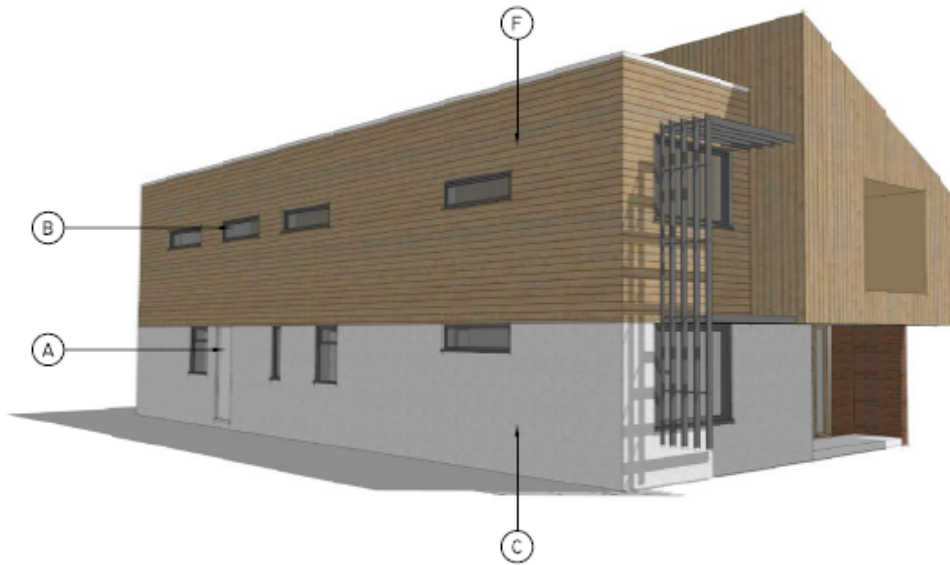


FIG 3: WEST/SOUTH FACING PERSPECTIVE



**4/00746/14/FHA - EXTENSION AND MODIFICATION OF EXISTING DWELLING
SAND BANKS, WATER END ROAD, POTTEN END, BERKHAMSTED, HP4 2SG
APPLICANT: MR DUNCAN**

[Case Officer - Joan Reid]

[Grid Ref - TL 02083 09160]

Summary

The application is recommended for approval. The site is located within the village boundary of Potten End wherein the principle of extensions and alterations to dwellings is acceptable under policy CS6 of the Core Strategy. As a result of the proposal, there would not be a detrimental impact on the amenities of neighbouring properties and the scheme accords with policy CS12. The proposal would alter the appearance of the dwelling quite significantly however it is considered that the proposal would not result in an adverse impact to the character of the area or the Area of Outstanding Natural Beauty and accords with policies CS12 and CS24 of the Core Strategy and saved policy 97 of the local plan. Car parking on the site is sufficient and there would not be any harm to existing landscaping and trees.

Site Description

The application site is located to the northern side of Water End Road, within the village boundary of Potten End. The application property is a small chalet bungalow which is set approximately 35m into the site from the road. The application site is a long linear plot measuring approximately 85m which slopes downwards from the road. The site itself is outside the area of outstanding Natural Beauty but there is open countryside to the north of the site which is AONB. The existing dwelling is in need of modernising and repair. The site is outlined with mature trees and hedging and is well screened from the road. There are properties either side of the application property, Hunters Hill is a similar dwelling and is sited alongside the application house. Roughways is located to the south west of the application property and is sited nearer the road and on higher ground than the application property.

Proposal

The application seeks planning permission for complete modification and extension to Sand Banks. The footprint of the dwelling remains similar to the existing, however, the house would be extended to allow accommodation on the first floor to provide four bedrooms. The roof of the dwelling would be removed and a dual pitch roof would be erected. The design of the dwelling would comprise a mixture of natural wood cladding, white render and traditional brick. The roof would be a seamless zinc covering.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Potten End Parish.

Planning History

None

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Planning Practice Guidance
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
CS9 - Management of Roads
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS24 - Chilterns Area of Outstanding Natural Beauty
CS25 - Landscape Character
CS26 - Green Infrastructure
CS29 - Sustainable Design and Construction
CS30 - Sustainability Offset Fund
CS31 - Water Management
CS32 - Air, Water and Soil Quality

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 58,97, 99

Appendices 3, 5, 7

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Summary of Representations

Potten End Parish Council

Objection: It is acknowledged that this is a difficult property to extend, due to varying levels and the constrained width of the site. However, the approach taken appears totally out of character and appearance with the surrounding properties. The use of non-traditional materials together with its box-like appearance is unacceptable given that it abuts the Chilterns AONB

Conservation and Design

I have previously commented on this application and consider that the design will work well in the environment – though the increased height of the building from the existing footprint is a concern the overall design balances this out. The fact that the facing material consists mainly of wood will help it to blend well in the environment.

Condition all materials and would strongly advise that the white window frames/rooflights would be resisted, and the timber should be the type that needs no treatment but can be left to age naturally.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Hunters Hill

It is a fact, despite listed comments, that Sandbanks, over the years, has provided adequate accommodation to raise a family. This new application addresses the objections we made so

what we are left with fall outside the planning criteria. While we appreciate the desire for additional space we feel it could be achieved in a more modest and environmentally friendly manner.

Considerations

Policy and Principle

The application site is located within the village boundary of Potten End wherein the principle of extending and adapting an existing property is considered acceptable subject to compliance with all other relevant policies of the plan.

Policy CS12 of the Core strategy requires all development to c) avoid visual intrusion, loss of sunlight and daylight, loss or 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) layout, security; site coverage; scale; height; bulk; materials; and landscaping and amenity space.

Policy CS24 deals with development within the Chilterns Area of Outstanding Natural Beauty and states that the special qualities of the Chilterns Area of Outstanding Natural Beauty will be conserved. It is noted that the site itself falls outside the Area of Outstanding Natural Beauty but the AONB is located to the north of the site.

Paragraph 60 of the NPPF deals with good design practice and states that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantial requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness.

Appendix 7 of the local plan (saved) states that any extension should maintain the common design characteristics of the row or street within which a house is located, with particular regard to a) roof line - no extension should disrupt a clear consistent roof line and form; b) building pattern - if a row of houses of uniform design and building line forms an attractive group in the streetscene, then extensions should not detract from this group effect; c) design details - where features such as windows, doors and roof and wall materials, bays etc are of a consistent design, it is important for any extension or alteration to reflect the original character of a house; this should not alter the character of the area by reducing the space surrounding and between dwellings.

Design

The existing dwelling would be extensively remodelled and its design would be completely changed. It is considered that whilst the extension and modification alters the character of the property, it results in a more contemporary modern design and there is no objection. The architectural design of the building is such that it utilises the constrained linear site and retains the existing dwelling instead of a complete replacement, and respects the topography and levels. The use of cladding breaks up the bulk of the building and the roof has been designed to minimise impact to the neighbouring properties whilst maximising space within the existing footprint. The applicants previously tried to extend the house in a more traditional way however the resultant form and impact to the neighbouring property was unacceptable. It is considered that the new design approach is welcomed and has been well designed both in terms of scale, bulk and materials but also detailing with has regard to the setting and neighbouring impact. Details of materials are to be conditioned.

Impact on street scene and Area of Outstanding Natural Beauty

The proposal would not be particularly visible from Water End Road, due to the sloping land and the set back of the dwelling into the site. To the rear of the plot, there is open land however there are limited views to the site from across the Area of Outstanding Natural Beauty. Whilst the proposal alters the appearance of the parent dwelling significantly and the modern style would differ from the surrounding properties, it is not considered that the proposal would harm or encroach on views from the Area of outstanding Natural Beauty. The materials proposed are natural wood which would soften into the landscape and would be less intrusive than the white painted render which is currently on the existing building. Secondly, the height of the proposal is approximately 1.5m about the existing ridge and therefore, it is considered that the proposal would not appear significantly more dominant or intrusive than the existing property.

In terms of the surrounding properties, the area is made up of predominantly detached dwellings and the building line is generally consistent along Water End Road with the exception of the application site and its neighbouring property Hunters Hill. These two properties depart from the building line and are set deep into the site. Therefore the application property due to its siting is not easily read against the adjacent properties which are sited closer to the road. It is considered that whilst the proposal introduces a more modern appearance than those properties nearby, due to its siting, it would not introduce an alien or prominent building to the area. The use of materials comprises a mixture of white render which is evident within the area, natural wood and red brick which are materials evident nearby.

Impact on Trees and Landscaping

It is considered that there would not be any significant harm to mature trees on the site. The applicant intends to supplement planting to further screen the property from longer views. A landscaping plan will be required by condition and details required of siting of materials during construction in order to avoid harm to the existing trees in accordance with policy CS12 of the core strategy and saved policy 99 of the local plan.

Impact on Neighbours

Following pre-application discussions, the proposed extension have been designed with the constraints of the site and relationship to adjoining neighbouring properties in mind. Hunters Hill is located adjacent to the application site to the north east. Hunters Hill is a bungalow and is set slightly higher than the application property. There are a number of windows on the side elevation of Hunters Hill including a window which serves as the only source of light to the kitchen. The application proposal has been designed in order to reduce the impact of the proposals in terms of visual aspect and loss of light to Hunters Hill. The pitch of the new roof has been designed at a pitch of 25 degrees to allow sufficient light to enter the windows of Hunters Hill. It is also pitched away to allow a skyline aspect for the occupiers of Hunters Hill from the side windows. The overall height of the proposal is less than the ridge height of Hunters Hill. In terms of privacy, on the first floor, a large window is proposed which extends from the first floor down to the ground floor. This window serves an entrance hall which extends full height. Therefore, although there is a large window, it would not be possible to see out from the window on the first floor. The fourth bedroom is served by small windows to allow light and there would not be any view from this room to the neighbouring property.

In terms of Roughways, this property is set further south than the application property and a number of windows look down and across the application site from Roughways. In order to avoid any loss of privacy or perceived overlooking, the windows of the application property nearest Roughways have been recessed into the casement and use vertical and horizontal louvres to avoid the opportunity for overlooking into Roughways. Also there is mature screening between the application site and Roughways. Overall, as a result of the siting,

screening and design of the proposal, that there would not be significant loss of privacy to Roughways. The application site is set down below the level of Roughways and it is considered that it would not appear visually intrusive, nor would there be an unacceptable loss of light to Roughways as a result of the proposal.

Sustainability

The application has provided sustainability details including methods to reduce waste, water consumption and energy consumption. The applicants have also stated that will be happy to provide additional tree planting. Overall, it is considered that the scheme accords with the principles and aims of policy CS29 of the Core Strategy.

Bats

Survey for bat roosts is required where bats are known to be present, either roosting or habitually foraging or where their presence is suspected due to habitat suitability and/or existing records in the locality and where the site supports features such as buildings that may provide suitable conditions for bat occupation. Sufficient information must be submitted to ensure that an accurate and reasonable opinion can be reached about the importance of the site to bats and likely impacts should the development or project go ahead. As works result in complete alteration of the existing roof and the property is located nearby a site where a survey indicated the presence of bats, the applicant has produced a bat survey. The bat survey undertaken by Arbtech revealed that the proposed development of the site presented a low probability of harm to bats. No evidence was found either internally or externally on the site.

Parking

Although the site is heavily sloped, sufficient provision is accommodated on site for approximately 3-4 car parking spaces which is in accordance with appendix 5 of the 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 No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

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

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

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 of the Core Strategy.

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

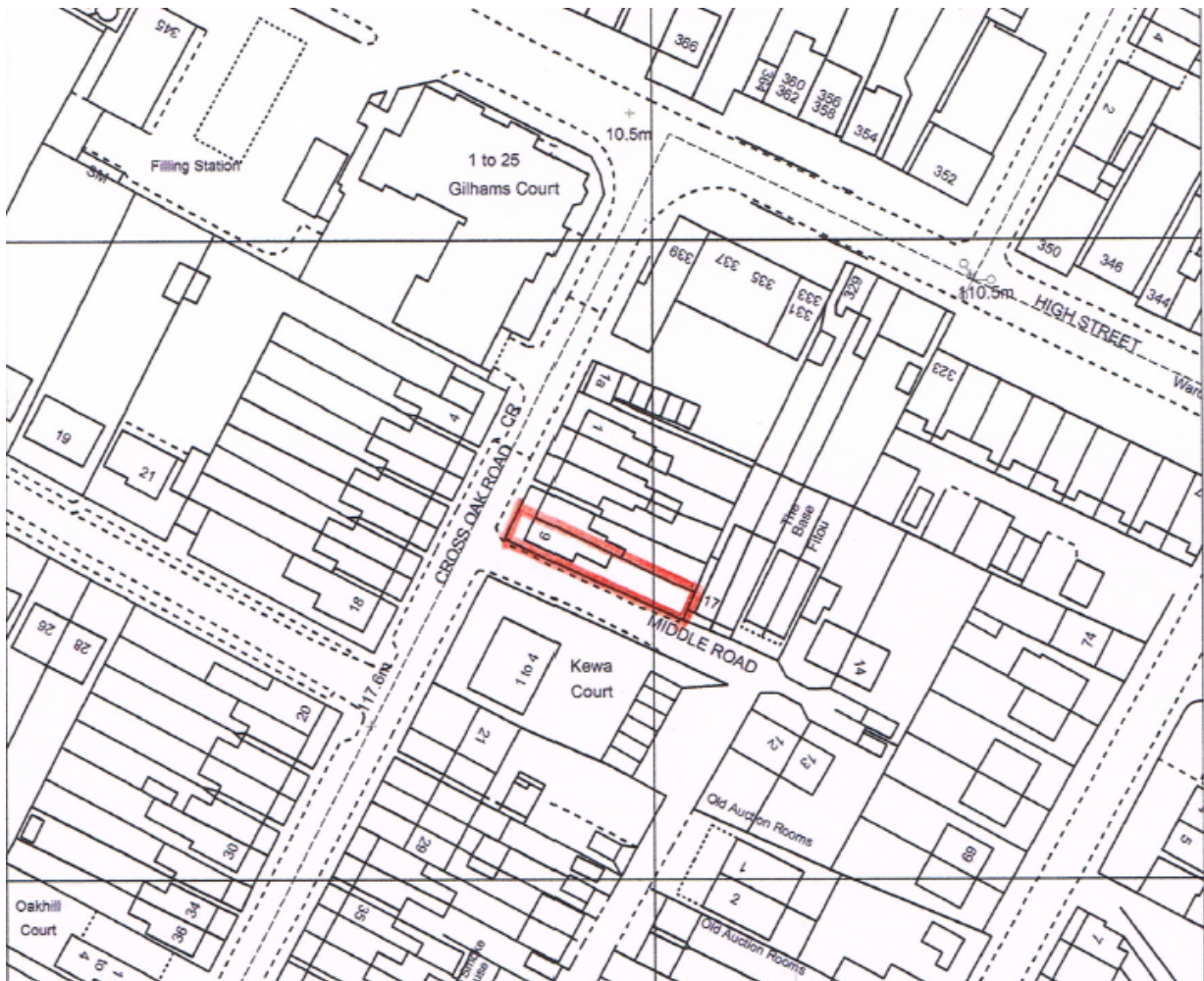
001 Rev A
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 005 Rev D
 006 Rev A
 007 Rev C
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 009 Rev C
 010 Rev C

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

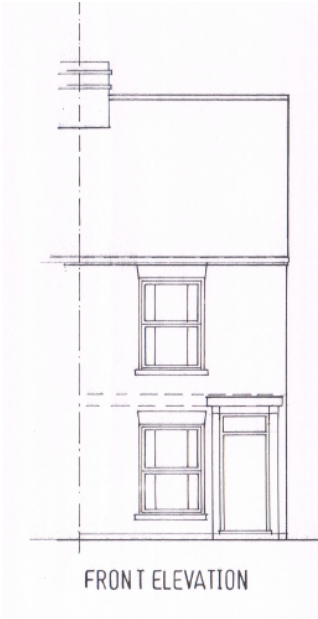
Article 31 Statement

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

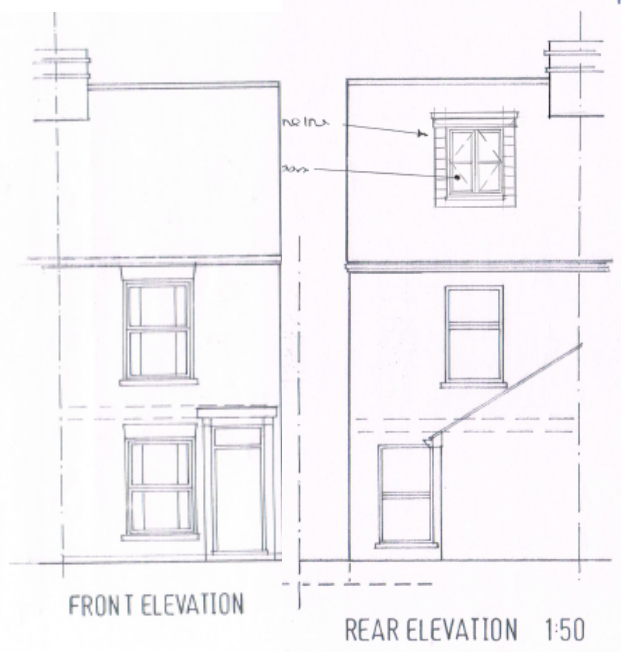
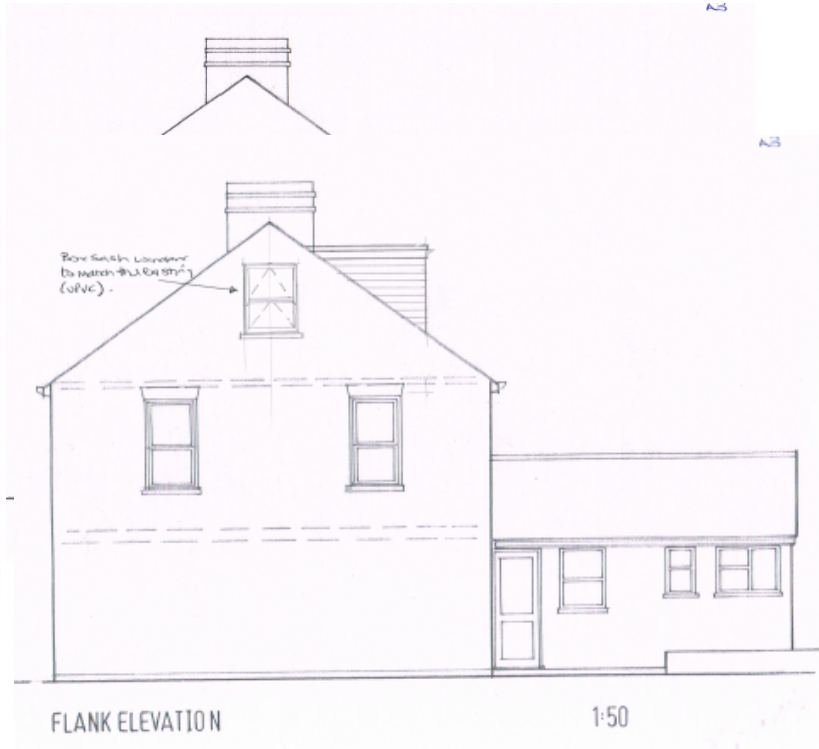
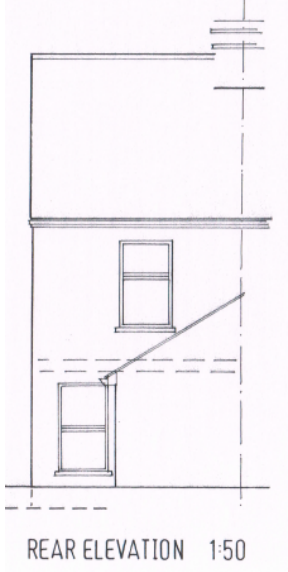
ITEM 5.10
4/00879/14/FHA - LOFT CONVERSION REAR DORMER, GABLE END WINDOW, SINGLE
STOREY REAR EXTENSION.
9 CROSS OAK ROAD, BERKHAMSTED, HP4 3EH



Existing



Proposed



REAR ELEVATION 1:50

4/00879/14/FHA - LOFT CONVERSION REAR DORMER, GABLE END WINDOW, SINGLE STOREY REAR EXTENSION.

9 CROSS OAK ROAD, BERKHAMSTED, HP4 3EH

APPLICANT: MR. ADAM HUGHES

[Case Officer - Naim Poptani]

[Grid Ref - **SP 98592 08049**]

Summary

The application is recommended for approval.

The original application featured a loft conversion rear dormer, gable end window and single storey rear extension. The application has since been amended to incorporate only a loft conversion rear dormer with a gable end sash window. The application site is within the Berkhamsted Conservation Area and an existing residential area in the town.

The amended scheme is considered to be in accordance with CS12 and CS27 of the Adopted Core Strategy and Policy 120 and Appendix 7 of the Dacorum Borough Local Plan.

Site Description

No. 9 Cross Oak Road is a 19th Century two storey end of terrace dwelling characterised by an original pitched roof and a small front garden area with a walkway leading to the front door. The property is sited within the Berkhamsted Conservation Area and Queens Road Character Area (BCA5). The property has no off road parking, however it does benefit from a side road with no parking restrictions. The surrounding area is characterised by terraced properties of a similar size and appearance.

Proposal

Full planning permission is sought for the construction of a loft conversion rear dormer and insertion of a gable end window. The proposed dormer would measure 2m in depth 1.25m in width and would have a maximum height of 1.5m. The proposed rear dormer would be characterised by a flat roof and would be positioned centrally within the rear roof slope. The gable end sash window would be positioned centrally above the existing first floor windows.

Referral to Committee

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

Planning History

None Relevant

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

NP1, CS1, CS12 CS4, CS27, CS29,

Saved Policies of the Dacorum Borough Local Plan

Policy 120
Appendix 5 and Appendix 7

Representations

Berkhamsted Town Council

Object.

The proposals would detract from the Berkhamsted Conservation Area by virtue of:
The rear dormer is positioned too high in relation to the ridge line of the dwelling.
The proposed flat roof extension is out of character with the existing pitched extension.
We have a concern over the proposal for a uPVC window. A wooden sash window would be more appropriate in the Conservation Area; and we question the need for a dormer in view of the proposed dormer in the side elevation.

Contrary to Saved Local Plan 120 and Appendix 7 and Core Strategy Policies 12 and 27.

Conservation Officer

Original Comments

9 Cross Oak Road is a late 19th century end of terrace property on the corner of Cross Oak Road and Middle Road. Its' rear and side elevations are therefore fairly prominent from public viewpoint in the Berkhamsted Conservation Area. To the rear is a gabled single storey rear extension (shared with the adjacent property).

9 Cross Oak Road is within a terrace and whilst some of the properties have roof lights to the rear roof slope, none have a dormer. The addition of a dormer will be a noticeable change and will be a visible element within the existing roofscape, detracting from the character / appearance of the conservation area. As such I suggest the dormer is omitted and replaced by a roof light. No objection to a window within the gable end.

A single storey side extension is also proposed within the side yard – this is flat roofed, rather bulky and attaches awkwardly to the existing rear extension. Would it be possible to extend on to the end of the existing rear extension instead or provide a side extension that sits below the eaves height of the existing rear extension?

Also there is a 19th century brick wall that runs along the side boundary of the house (it stops and is continued in fence to the rear of the house). This wall should be retained as part of any alteration works.

Amended Scheme Comments

9 Cross Oak Road is a late 19th century end of terrace property on the corner of Cross Oak Road and Middle Road. Its' rear and side elevations are therefore fairly prominent from public viewpoint in the Berkhamsted Conservation Area. To the rear is a gabled single storey rear extension (shared with the adjacent property).

Following previous comments the rear dormer has been reduced in size and the side extension omitted. 9 Cross Oak Road is within a terrace and whilst some of the properties have roof

lights to the rear roof slope, none have a dormer. The addition of a dormer will therefore be a noticeable change / addition to the rear roof-scape of this terrace, however the dormer proposed is to the rear, small scale and it lines up with the first floor window below.

The dormer is flat roofed which does not match the roof form of the main dwelling, this is not ideal in design terms (and will likely incur maintenance issues). However the use of a flat roof will reduce the bulk of the dormer on this corner plot, making it less obtrusive in terms of its appearance.

On balance I think it reasonable to recommend approval of this amended scheme.

If consent is granted this should be subject to a condition requiring materials to match existing, the flat roof should be clad in lead.

Considerations

Policy and Principle

Policy 120 Development in Conservation Areas, New development or alteration or extensions to existing buildings in the conservation areas will be permitted provided they are carried out in a manner which preserves or enhances the established character or appearance of the area.

- (a) respect established building lines, layouts and patterns. In particular, infilling proposals will be carefully controlled.
- (b) use materials and adopt design details which are traditional to the area and complement its character;
- (c) be of a scale and proportion which is sympathetic to the scale, form, height and overall character of the surrounding area;
- (d) in the case of alterations and extensions, be complementary and sympathetic to the established character of the building to be altered or extended; and
- (e) conform with any design guides for conservation areas prepared by the council.

Appendix 7 Small Scale House Extensions – Dormer Windows

Dormers should preferably be located on rear roof slopes therefore the following guidelines should be followed.

- (a) the dormer should not extend above the ridge line of the existing roof, but should be brought as far as possible below the ridge;
- (b) the dormer margin should be set in a minimum of 1m from the flank walls and set in from the main rear wall; and
- (c) the dormer should be clad in materials similar in appearance to the roof.

Effect on Appearance of Building

The application dwelling is sited on the corner junction of Cross Oak Road and Middle Road. The row of terrace houses from 1-9 Cross Oak Road are set slightly forward of the terraced building on the opposite side of Middle Road, however the rear section of the application dwelling is partially screened. The proposed rear dormer would be set in from the flank elevation by approximately 1.4m and would be set down from the roof ridge by 500mm. The proposed dormer would measure 1.25m wide and 1.5m in height. The size of the dormer would also ensure the majority of the original roof slope is retained. The proposed dormer would be constructed from materials to match the existing roof slope and furthermore is considered to appear sympathetic to the host dwelling due to its size, location and position.

The Conservation officer has commented regarding the amended scheme and has stated that although none of the dwellings from 1-9 Cross Oak Road have a dormer, the proposed dormer would be sited to the rear and would line up with the first floor window below. The flat roof isn't ideal in terms of design, however it reduces the bulk of the dormer and makes it less obtrusive

in terms of its appearance. The Conservation Officer has recommended approval of the amended scheme.

The proposed gable end window would be positioned centrally above the existing first floor windows. A sash window is proposed to remain in keeping with the existing windows and to provide further light into the loft conversion. The window would be uPVC to remain in keeping with the rest of the dwelling, however the applicant is also open to the idea of a timber frame. The proposed dormer and gable window are considered to be in accordance with Policy CS27 of the adopted Core Strategy, Policy 120 and Appendix 7 of the Dacorum Borough Local Plan.

Impact on Street Scene

The application dwelling is sited on a shallow slope and on the corner junction of Cross Oak Road and Middle Road. Although the property is set slightly forward of the neighbouring row of terraces, the rear half of the dwelling is screened by the neighbouring dwelling when viewing the house from the upper half of Cross Oak Road.

The proposed dormer would be sited to the rear and would only be partially visible from Cross Oak Road due to its set in and set down position within the rear roof slope. The proposed dormer would be visible from Middle Road which is a narrow road leading to garages and along the rear gardens of Cross Oak road. Furthermore there are a number of rear dormers within the surrounding area that are of a much larger scale and appear more prominent. The proposed rear dormer however, is of a small scale, is positioned centrally within the roof slope, would be constructed from matching materials and would retain the majority of the original roof slope. It is therefore considered the proposed rear dormer is in accordance with Policy 120 and Appendix 7 of the DBLP.

The gable end sash window would be positioned centrally above the existing first floor windows and is considered not to have an adverse effect on the surrounding environment. The sash window would be uPVC and would be in keeping with the remainder of the windows.

Sustainability

The proposal would be built to modern building regulations standards and would be in accordance with Policy CS29 of the Core 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 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 CS12 of the Adopted Core Strategy 2006 - 2031 and Policy 120 of the Dacorum Borough Local Plan 1991 - 2011

- 3 The development hereby permitted shall be carried out in accordance with the**

following approved plans:

HUGHES 05A

HUGHES 06A

HUGHES 07A

HUGHES 08A

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.

6. APPEALS

APPEALS

A: LODGED

- (i) 4/02317/13/FUL Mr & Mrs Marsden
New Dwelling
Land Adj Holly House, Doctors Common Rd
Berkhamsted

Committee
- (ii) 4/00896/13/LBC Mr Tim Crossley-Smith
Conservation roof light
1&2 The Red House, Little Gaddesden

Delegated
- (iii) 4/1596/13/FHA Mr S Browne
Condition relating to rooflight
Stuart House, Ferrers Hill Farm
Markyate

Delegated
- (iv) 4/01903/13/FHA Mr & Mrs Burchell
Raised roof with dormer windows
And single storey side and rear extensions
118 Western Rd, Tring

Delegated
- (v) 4/00971/13/FHA Mr Peter Murray
4/01553/13/LB Roof lights
Site at The Old Barn, Castle Hill, Berkhamsted

Delegated
- (vi) 4/00435/14/ENA Ms C Leahy
Material change of use – motor vehicle activities
Runways Farm (Bovingdon Airfield)

Delegated
- (vii) 4/00140/13/LDE Ms C Leahy
Mixed use (including motor vehicle activities)
Runways Farm (Bovingdon Airfield)

Delegated
- (ix) 4/00490/13/FUL Miss S Fraser-Newstead
Detached Dwelling and Annex

Meadow at Gearys Hill, Wigginton Bottom

Delegated

- (x) 4/0341/14/FHA Mr & Mrs C Bentley
Single Storey Rear/Side extension
35 Charles Street, Berkhamsted

B WITHDRAWN

- (i) 4/00432/14/ENA Mr S Liska
Material change of use – car repairs
Rosemary, Dunny Lane, Chipperfield

C FORTHCOMING INQUIRIES

4/00140/13/LDE and 4/00435/14/ENA-Land at Runways Farm, Bovington Airfield, Upper Bourne End Lane, Hemel Hempstead – To be heard 9-11 September 2014

D FORTHCOMING HEARINGS

E DISMISSED

- (i) 4/00896/13/LBC Mr Tim Crossley-Smith
Conservation roof light
1&2 The Red House, Little Gaddesden

Delegated

The Main issue was the effect on the special architectural and historic interest of the listed building. The appeal property was an agent's house and estate office constructed around 1870. The utility room is part of a long, linear former outbuilding which leads off the main house. Whilst it is part of a dwelling, it retains a plain, functional appearance, contrasting with the decorative main house. The Inspector considered this to be of importance as it reflects its former use and as part of the historic composition of the building as a whole.

The Inspector concluded that although a small intrusion, the roof light would introduce a domestic feature into an uninterrupted roof slope. Regardless of whether it would be seen publicly, it would be an incongruous feature eroding the plain character of the building which is of intrinsic value to the special interest of the listed building.

The proposed roof light would fail to preserve the special architectural and historic interest of the listed building, contrary to Core Strategy policy CS27 and the Dacorum Borough Local Plan policy 119 which, consistent with the NPPF seek protection of the historic environment.

F ALLOWED

None

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 proposed action by the council in connection with the investigation and prosecution of a crime: