



# DEVELOPMENT CONTROL COMMITTEE AGENDA

THURSDAY 27 JUNE 2013 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.

G Chapman  
Clark  
Conway  
Guest  
R Hollinghurst  
Killen  
Macdonald

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

## Substitute Members

Councillors Adshead, Mrs Bassadone, Collins, Harris, Peter and R Sutton.

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

## PART I

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**1. MINUTES**

The minutes of the meeting held on 6 June 2013 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](mailto: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.

## INDEX TO PLANNING APPLICATIONS

### INDEX TO PLANNING APPLICATIONS

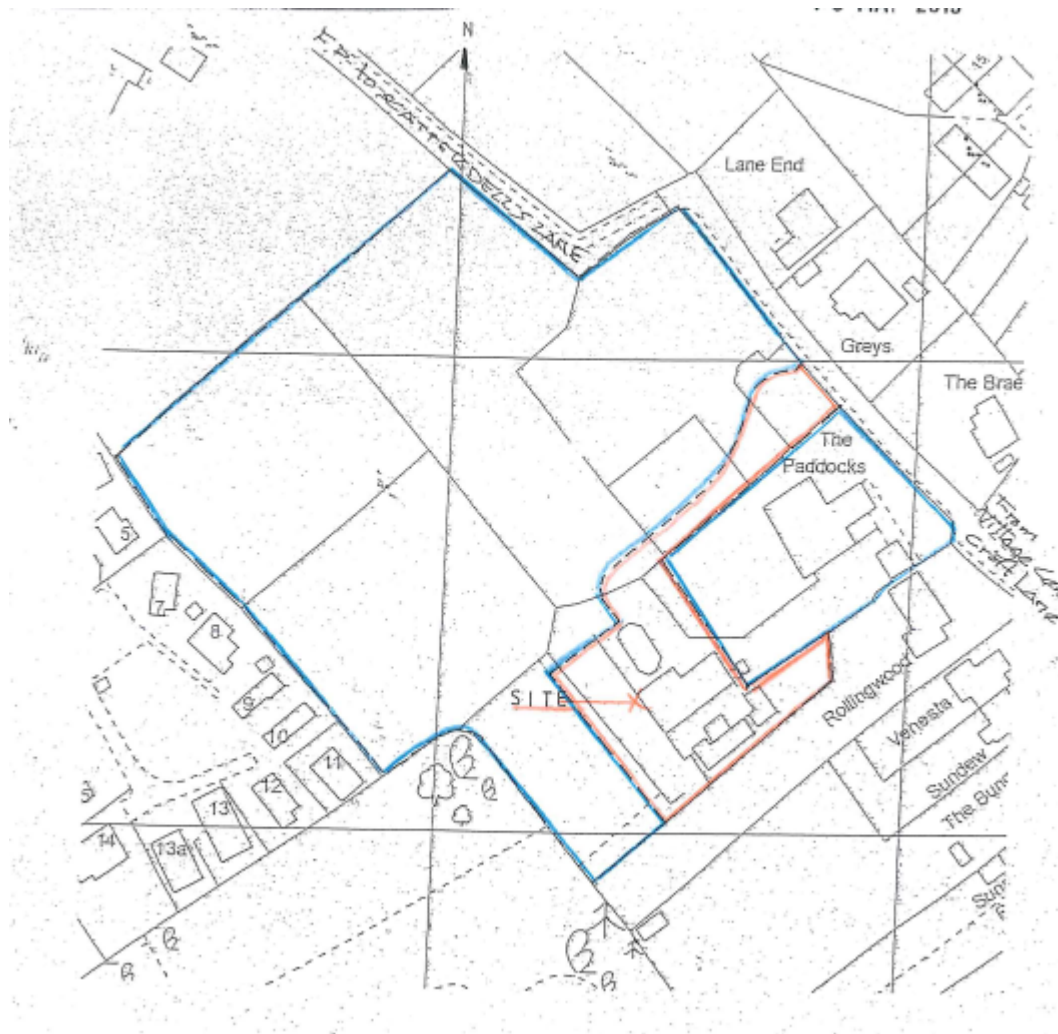
Item	Application No.	Description and Address	Pg No.
5.1	4/00677/13/FUL	REPLACE EXISTING STABLES, MANEGE AND OUTBUILDINGS WITH A NEW SINGLE STOREY DWELLING WITH VEHICULAR ACCESS VIA EXISTING GATED ENTRANCE TO CROFT LANE YARD AT REAR OF THE PADDOCKS, CROFT LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 <b>Grid Reference: TL 04254 02242</b>	6
5.2	4/00865/13/RET	RETENTION OF SINGLE STOREY CAR PORT. 49 CHIPPERFIELD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JW <b>Grid Reference: TL 01991 03406</b>	19
5.3	4/00216/13/MOA	RESIDENTIAL DEVELOPMENT OF UPTO 26 DWELLINGS , NEW ACCESS TO WESTWICK ROW, OPEN SPACE AND LANDSCAPING (OUTLINE APPLICATION - ALL MATTERS RESERVED SAVE ACCESS) LAND BETWEEN WESTWICK ROW AND, PANCAKE LANE, HEMEL HEMPSTEAD, HP2 <b>Grid Reference: TL 08858 06910</b>	27
5.4	4/02312/12/FHA	ALTERATIONS TO GARAGE AND REPLACEMENT OF THE FRONT SECTION OF THE BUNGALOW WITH A TWO AND A HALF STOREY EXTENSION. SEYMOUR HOUSE, 25 MONTAGUE ROAD, BERKHAMSTED, HP4 3DS <b>Grid Reference: SP 98777 07691</b>	93
5.5	4/00787/13/FHA	SIDE ROOF EXTENSION WITH ONE FRONT AND ONE REAR DORMER WINDOW TO CREATE FURTHER FIRST FLOOR ACCOMMODATION, SINGLE STOREY FRONT EXTENSION AND SINGLE STOREY SIDE AND REAR EXTENSION 60 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1JB <b>Grid Reference: SP 98837 08539</b>	105
5.6	4/00975/13/FHA	REMOVAL OF EXISTING SHED AND CONSTRUCTION OF GRANNY ANNEXE TO REAR 18 ASH GROVE, HEMEL HEMPSTEAD, HP3 9TL <b>Grid Reference: TL 06548 05298</b>	114
5.7	4/00918/13/FUL	THE CONSTRUCTION OF A NEW DETACHED DWELLING ON THE GROUNDS OF A LISTED BUILDING (AMENDED SCHEME) 20 PARK STREET, TRING, HP236AW <b>Grid Reference: SP 92520 11046</b>	120

5.8 4/00381/13/FUL EXTERNAL LIFT ON NORTH ELEVATION AND RE-SITING 133  
OF WINDOW TO FLAT 10  
EVELYN SHARP HOUSE, FIELD ROAD, HEMEL  
HEMPSTEAD, HP2  
**Grid Reference: TL 07503 07009**

## 5. PLANNING APPLICATIONS

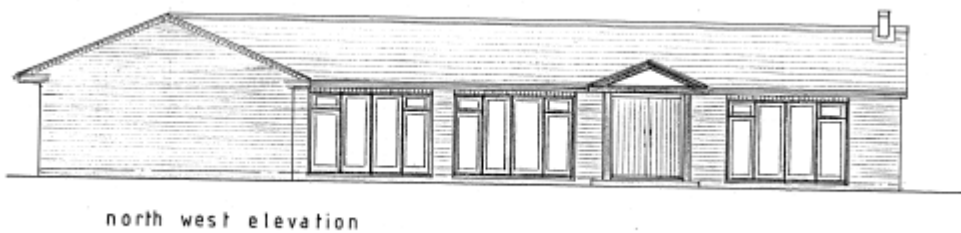
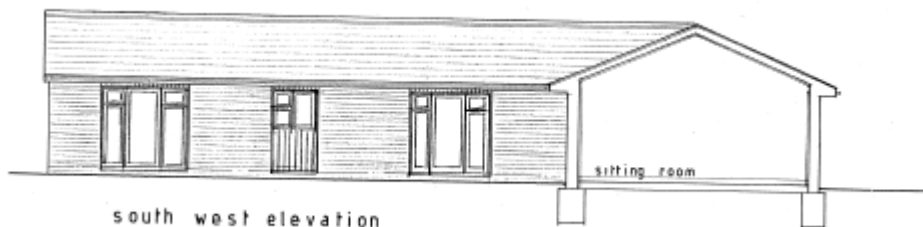
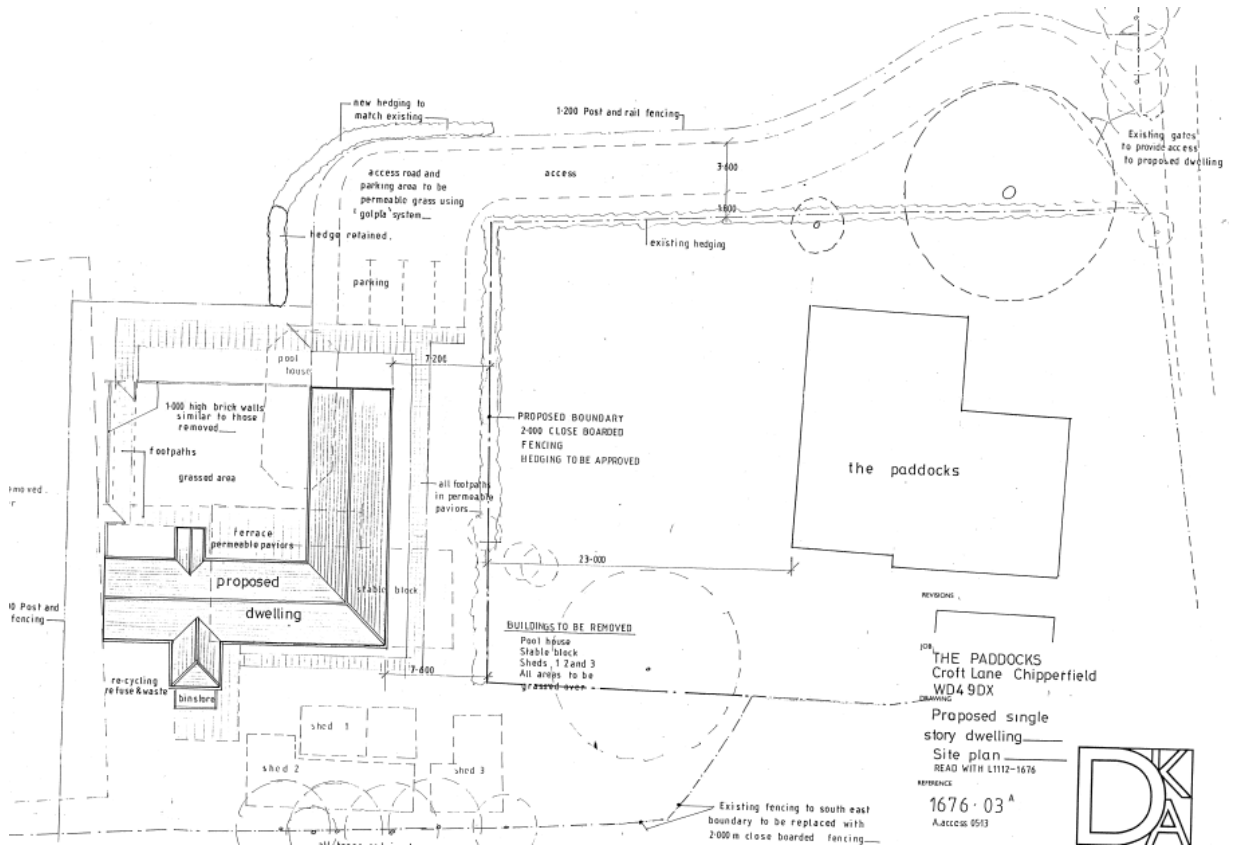
### ITEM 5.1

**4/00677/13/FUL REPLACE EXISTING STABLES, MANEGE AND OUTBUILDINGS WITH A NEW SINGLE STOREY DWELLING WITH VEHICULAR ACCESS VIA EXISTING GATED ENTRANCE TO CROFT LANE**  
**YARD AT REAR OF THE PADDOCKS, CROFT LANE, CHIPPERFIELD, KINGS LANGLEY, WD4**



**ITEM 5.1**

**4/00677/13/FUL REPLACE EXISTING STABLES, MANEGE AND OUTBUILDINGS WITH A NEW SINGLE STOREY DWELLING WITH VEHICULAR ACCESS VIA EXISTING GATED ENTRANCE TO CROFT LANE  
YARD AT REAR OF THE PADDOCKS, CROFT LANE, CHIPPERFIELD, KINGS LANGLEY, WD4**



**5.1 4/00677/13/FUL - REPLACE EXISTING STABLES, MANEGE AND OUTBUILDINGS WITH A NEW SINGLE STOREY DWELLING WITH VEHICULAR ACCESS VIA EXISTING GATED ENTRANCE TO CROFT LANE YARD AT REAR OF THE PADDOCKS, CROFT LANE, CHIPPERFIELD, KINGS LANGLEY, WD4**  
**APPLICANT: MR & MRS HOLDSWORTH**

[Case Officer - Sally Peeters]

[Grid Ref - TL 04254 02242]

### **Summary**

The application is recommended for approval.

The site is located in the Green Belt outside the Chipperfield Village Boundary, wherein Policy 4 of the adopted Local Plan applies. Under Policy 4, new residential development in the Green Belt would be considered inappropriate. However, the National Planning Policy Framework has come into force since this time and at paragraph 89 it sets out exceptions where new buildings are acceptable in the Green Belt. The Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013) at Policy 5 reflects the approach taken by the NPPF. As this proposal is on previously developed land and would not have greater impact on the openness of the Green Belt than the existing situation, the principle of the development is considered acceptable in line with one of the exceptions listed at paragraph 89. The scale and design of the new building is appropriate in this rural setting and the access is considered acceptable. There would be no harm to the amenity of adjacent residential properties. The proposal would therefore comply with Policy 11 of the Dacorum Borough Local Plan and Policy CS12 of the Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

### **Site Description**

The site comprises land to the rear of a residential property known as the Paddocks which is located towards the northern end of Croft Lane in Chipperfield. The site contains stable buildings and associated hard standings, a swimming pool building and several outbuildings. The floor space of the buildings amounts to 313 square metres. The buildings belong to the Paddocks, but are beyond its residential garden area which lies to the east of the site. To the north of the site are several paddocks and immediately to the west is a ménage. Both the paddocks and the ménage belong to the Paddocks. To the south of the site is the end of the residential garden area of the adjacent property.

Access to the site is presently taken from a gateway to the north of the Paddocks and across the fields to the stable buildings.

### **Proposal**

It is proposed to demolish the outbuildings, stables and swimming pool and develop a single storey, L-shaped building for residential use. The new building would be 226sqm and would be of simple design with a low pitch roof. It would have a small residential garden within the L shape, surrounded by a low brick wall. Access to the site would be taken from the existing access to the fields and would comprise a 'Golpla' system - matting allowing grass to grow through. Parking is proposed for 4 cars.



## **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Chipperfield Parish Council. It has raised concerns regarding backland development and the development of a new property within the Green Belt where no special circumstances have been demonstrated.

## **Relevant Planning History**

4/01781/98/4 Hay Barn, granted December 1998

4/01156/12/PRE      Replace existing stable block and pool house with single storey  
3-bed dwelling.  
Raise Objection

## **Policies**

### National Policy Guidance

NPPF  
Circular 11/95

### Dacorum Borough Local Plan

Policies 1, 4, 11, 13, 58, 99

### Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013)

CS5, CS12

### Supplementary Planning Guidance / Documents

Planning Obligations SPD

## **Representations**

### Chipperfield Parish Council

The Parish Council strongly object on the grounds that it is a backland development of a new property within the Green Belt. No special circumstances have been demonstrated that this development is needed.

### Strategic Planning

A decision needs to be reached as to:

- whether the site actually is previously developed land; and
- whether the proposals would really have less impact on the Green Belt than the existing development.

With regard to the first of these points, it seems that the site is partly previously developed land, but there seems to be some uncertainty, including uncertainty regarding the boundary of the existing residential curtilage. The stables appear to be previously developed land; the

sheds were previously used as piggeries (a greenfield use), but we are unsure of their use in recent times; the swimming pool is presumably within the residential curtilage, which means it is not previously developed land in terms of the definition on page 55 of the NPPF.

Turning to the second point, the proposed access is still in the position shown in the pre-application scheme, which the Council concluded would be harmful to the Green Belt. It is also important to consider whether the proposed dwelling would have a greater impact on the Green Belt than the existing development.

Another issue is whether there any other planning benefits in removing the ancillary buildings/stable block. For example, are they unsightly, falling into disrepair, or harming local amenity/character of countryside?

From a planning policy perspective, the decision on this application should hinge on the extent that you consider the site to be previously developed land and whether you conclude that the proposals would have a greater impact on the Green Belt than the existing development.

#### Conservation and Design

In principle this is acceptable however would recommend that both the porch and the utility extension should be reduced in length and the form of the openings reflect those of stable door openings. This could include an opening the width of double doors (i.e., reflecting a cart storage area or hay/saddler feed area). The round window is not acceptable.

The proposed openings look out of context and inappropriate on a timber building of this design. The amended drive and the materials proposed to establish this are acceptable – the gate should be a traditional five bar timber unpainted field gate

#### Hertfordshire Highways

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

The application will continue to use the existing access off the footpath 2F-1050 as recorded in HCC highway network gazetteer. It is worth noting that the three dwellings opposite all use this footpath to access their properties by motor vehicle. As this application is for the replacement of the stables, it is assumed that the existing gated access is used to service the stables at present and the highway authority is not aware of any particular concerns with either this or the above mentioned home owners using this metalled footpath to access their properties.

#### Trees and Woodlands

The entrance road curves nicely round the tree root zone. Revision A has reduced that amount of road, moved the parking spaces and shown some hedge, perhaps the hedge can continue all the way up and screen the incoming cars from across the field. The current ménage removal proposal has the potential to damage trees in the adjacent woodland. Raising or dropping of soil levels and compaction all have a detrimental effect on trees when undertaken with the root zone.

#### Hertfordshire Biological Records Centre

Any comments received will be reported at the meeting.

### Contaminated Land Officer

Due to the sensitive nature of the proposed land use, consideration should be made to the potential for contamination to affect the development. Therefore I recommend that the contamination condition be applied to this development should permission be granted.

### Dacorum Waste Services

The waste will be stored in 2 wheeled bins and 3 other recycling receptacles consisting 2 x 55ltr boxes and a glass basket. These should be placed on the boundary of the property by the road for collection by 26 ton rigid freighters. Consideration should be given to the manoeuvrability and access for these vehicles.

### Thames Water

There are public sewers crossing or close to the 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.

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.

### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

One letter stating no objections has been received from number 8 Scatterdells Park.

## **Considerations**

### Policy and Principle - Impact on the Green Belt

Adopted Borough Plan policy would not support the principle of this development as new buildings which are not for the purposes listed by Policy 4 are deemed to be inappropriate. The National Planning Policy Framework has altered this approach and this has been reflected in the draft Core Strategy policy CS5.

The acceptability in principle of this proposal is based on paragraph 89 of the NPPF which lists exceptions to the construction of new buildings that are otherwise deemed to be inappropriate.

One of these exceptions is the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it. The new building is significantly smaller than those which are being replaced and as such the impact on openness would be improved and the amended access details showing a grass access track would not have a harmful impact on the Green Belt. The proposal would not conflict with the purposes of including land within a Green Belt (to prevent sprawl, the merging of settlements and safeguarding the countryside).

In general terms, therefore, the proposal appears to meet the requirements of one of the exceptions listed in the NPPF. However, this case hinges on whether the existing situation falls within the definition of previously developed land in order for this exception to apply. The relevant definition is set out in Annex 2 of the NPPF and defines previously developed land as that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The definition continues that

this excludes (in addition to other matters not relevant to this case):

- agricultural or forestry buildings,
- land in built up areas such as private residential gardens.

The structures that are being demolished are all permanent structures. Their use has been in connection with equestrian use (stables and associated storage of feed, tack, rugs etc) and private swimming pool associated with the dwelling. Neither of these uses is for agricultural purposes. Although there is not a complete planning history in respect of the site, it is considered that the structures are lawful by virtue of the length of time that they have been there and that the equestrian use is the most recent and lawful use of the stables and storage buildings. Evidence to inform this view includes details of the 1998 planning permission referenced above (the officer report refers to hay storage in connection with the stables).

The second key factor is the extent to which the application site forms part of a residential garden area within a built up area which would be excluded from being previously developed land by virtue of Annex 2. This was the primary reason that, initially in the pre-application process, officers considered that the proposal would not conform to the NPPF as it was concluded that the land falls within the residential curtilage.

However, there are a number of factors which lead officers to reach a different conclusion. Firstly, the NPPF refers to private garden area (not curtilage) as being excluded from previously developed land. The existing dwelling at the Paddocks has a very clear private garden area which is laid mainly to lawn and is bounded by mature vegetation and fencing. By virtue of this significant physical separation from the application site, it is clear that the application site does not fall within the residential garden. Secondly, a search of the planning history in of the property has revealed a decision in 1998 for a haybarn. In its consideration of this application, the Council considered that the haybarn was outside the residential curtilage. Thirdly, the use of the land is for predominantly equestrian purposes, which is not the same as residential use. Although the swimming pool is a little less clear and is part of the residential use, it remains physically separated from and not located within the garden area. In case law, the Courts have typically taken the view that such structures are not within the residential curtilage where they are separate and distinct from the cultivated garden. Lastly, the NPPF also refers to private garden areas within built up areas. It could be argued that, as this site is not within the village boundary, it is not considered to be part of a built up area for the purposes of the Annex 2 definition.

In summary, and following a detailed examination of the case and the evidence, it is considered that the existing site is previously developed land for the purposes of the NPPF. Furthermore, the proposals would not have a greater impact on the openness of the Green Belt, or the purpose of including land within it. The application is therefore considered to be an exception to inappropriate development as set out in paragraph 89 of the NPPF and reflected in Policy CS5 of the emerging Core Strategy.

A condition is recommended removing some permitted development rights. This is to maintain control of the size of the dwelling and any associated outbuildings where new built form may be inappropriate in this Green Belt location.

### Scale and Design

Although this is a new building, it will have the footprint and overall scale and proportions of a large L-shaped stable block. This is considered appropriate in this rural setting and given the equestrian buildings presently on the site. The roof has a shallow pitch typical of stables and which could not be converted in due course due to its limited height. This removes any pressure for future additions to the roofscape that would not be appropriate to the style of the building.

The conservation and design officer has made comments regarding the detailed design of the building. The drawings have been amended to remove the horizontal glazing bars, remove the circular window, introduce timber windows and doors and also add some stable like openings. Although the conservation officer has also raised concerns about the size of the porch and utility area, the applicant would like to keep these spaces. The porch in particular is designed to give a small area of shade to the garden area. Given the other changes that have been made to the design, and that the building will be significantly smaller compared with the existing structures on the site, on balance it is considered that the design of the proposal is satisfactory.

In terms of site layout, it is not considered that this proposal constitutes tandem development. The proposed dwelling is a reasonable distance and has sufficient space around it that the layout is considered acceptable in relation to neighbouring properties.

#### Highways and Access

Hertfordshire Highways raises no objection to the proposal and the existing access has been used by horse related vehicles in the past (and still could be given the lawful use of the site). Although the access is from a small section of unmade road, this is considered acceptable.

Amendments have been secured during the consideration of the application such that the driveway has been reduced in length by half and is now a 'golpla' system. This is a type of matting which is laid within the surface of the ground and allows grass to grow through. The appearance of the driveway area is therefore considered acceptable in this rural setting and designated Green Belt. A condition is recommended that ensures this surface is retained in perpetuity.

#### Impact on Neighbours

The position of the new dwelling in relation to other surrounding dwellings is such that there will be no harm in terms of loss of light, loss of privacy or visual intrusion. In terms of whether this scheme constitutes tandem development (and which may therefore cause disturbance to the existing property), this is not considered to be the case given the position of the new dwelling relative to the existing house and the distance and separation of the proposed driveway area from it.

#### Impact on Trees and Landscaping

In light of the comments of the Trees and Woodlands Officer, a condition is recommended regarding protection of the roots of the tree at the entrance to the site. The works outside the red line on the edge of the ménage are outside the remit of this application. The applicant's agent has confirmed that no engineering operations would be carried out (except on the part of the site within the red line which forms part of the immediate curtilage of the proposed dwelling).

#### Sustainability

A sustainability report has been submitted with the application which sets out, in particular, the energy efficiency of the building and that solar panels will be used. A standard condition is recommended requiring further details.

Although the site is designated open Green Belt and therefore technically not a built up area, it is located within walking distance from the facilities of the village.

## Ecology

At the time of writing a bat survey is being undertaken. The findings of this and the comments of the Hertfordshire Biological Records Centre will be reported verbally at the meeting.

## Planning Obligations

A Unilateral Undertaking has been submitted in line with the Planning Obligations SPD toolkit and secures contributions towards child play space, natural green space, travel smart and libraries.

## Other Material Considerations

In response to comments from the Council's contaminated land officer, a condition is recommended.

A condition is also recommended regarding details of the storage and collection of refuse from the site as refuse vehicles would not be able to access the site itself.

## **Conclusions**

For the reasons set out in this report, it is considered that planning permission should be granted. This is subject to the findings of a bat survey and comments from the Hertfordshire Biological Records Centre.

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 or 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. This shall include the bricks, tiles and window materials.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy 11 of the Borough Plan.

- 3 The trees adjacent to the access to the site and shown for retention on the approved Drawing No. 1676.03A shall be protected during the whole period of site excavation and construction by the erection and retention of a 1.5 metre high chestnut paling fence on a scaffold framework positioned beneath the outermost part of the branch canopy of the trees.**

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

- 4 **No materials, plant, soil or spoil shall be stored underneath the canopy of any tree on the site which is shown for retention on the approved Drawing No. 1676.03A.**

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

- 5 **All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority. In particular this shall include the 'Golpla' system for the approved driveway and parking areas which shall be provided prior to occupation of the dwelling and shall thereafter be permanently retained unless otherwise agreed in writing with the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and Green Belt in accordance with Policies 4 and 11 of the Borough Plan.

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

Reason: To accord with Policy 129 of the Dacorum Borough Local Plan 1991-2011.

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

**(a) Site Characterisation**

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

- (i) a survey of the extent, scale and nature of contamination;**

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

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

**(b) Submission of Remediation Scheme**

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

**(c) Implementation of Approved Remediation Scheme**

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

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

**(d) Reporting of Unexpected Contamination**

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



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

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

INFORMATIVE:

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

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

- 8 **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.

- 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 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, E and F  
Part 2 Class A**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the visual amenity of the locality and the Green Belt in accordance with Policies 4 and 11 of the Borough.

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

**1676/LPA  
1676.10  
1676.11  
1676.01  
1676.02B**

**1676.03A**  
**L1112.1676**

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

NOTE 1:

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

The site is located in the Green Belt, but involves the redevelopment of previously developed land and is therefore in accordance with the NPPF paragraph 89 and with the Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013) Policy CS5. The design of the new building is satisfactory, impact on neighbours is acceptable and car parking within the site is adequate. The proposal therefore accords with Policy 11 of the Borough Plan. Important trees will be retained in accordance with Borough Plan Policy 99.

NOTE 2:

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

**National Policy Guidance:**  
NPPF

**Dacorum Borough Local Plan 1991 - 2011**  
Policies 1, 4, 11, 13, 58 and 99

**Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013)**  
CS5, CS12

**Supplementary Planning Guidance / Documents**  
Planning Obligations SPD

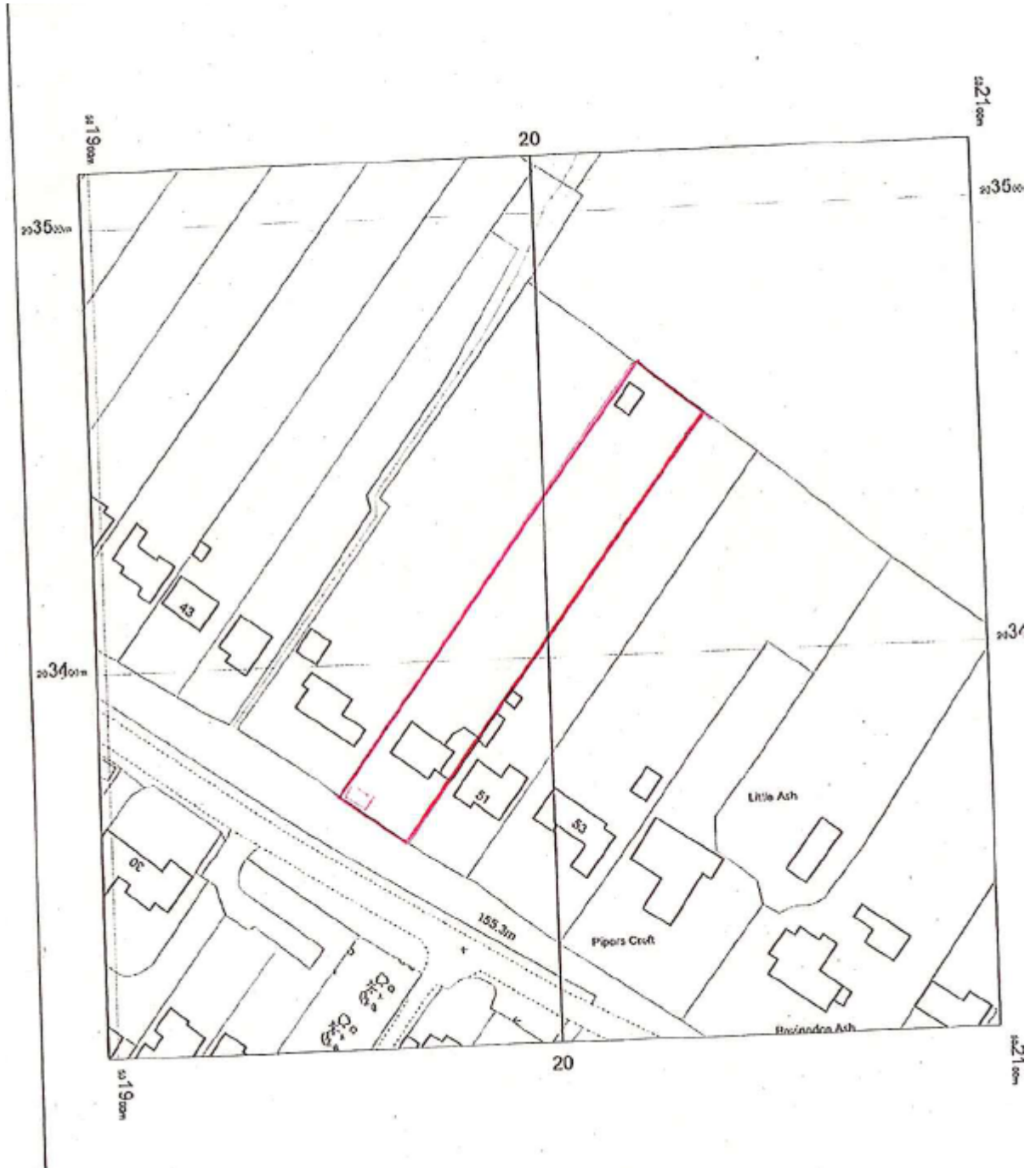
NOTE 3: Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the pre-application stage and 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 5.2**

**4/00865/13/RET RETENTION OF SINGLE STOREY CAR PORT.**

**49 CHIPPERFIELD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JW**



ITEM 5.2  
4/00865/13/RET RETENTION OF SINGLE STOREY CAR PORT.  
49 CHIPPERFIELD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JW



**5.2 4/00865/13/RET - RETENTION OF SINGLE STOREY CAR PORT.  
49 CHIPPERFIELD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JW  
APPLICANT: MR A FRANKLIN**

[Case Officer - Richard Butler]

[Grid Ref - TL 01991 03406]

**Summary**

The application is recommended for approval. The site is located within the Green Belt, in such locations Policy 22 of the Dacorum Borough Local Plan applies which specifies, amongst other things, that extensions should be limited in size and the resulting floor area of the building (including any earlier extensions and alterations or replacement) should be less than 130%. However, the policy states that control over size will be tightly controlled at more isolated locations, but may be more relaxed in less isolated locations. Having considered the approach taken with other properties in this locality it is the officers opinion that the dwelling is not in an isolated location, therefore greater flexibility to the 130% can be applied in this case. As the development is considered to be of a high quality design, accords generally with Green Belt policy and results in no significant loss of sunlight or daylight for adjoining properties the application is recommended for approval.

**Site Description**

49 Chipperfield Road is a large detached chalet bungalow on the north-eastern side of Chipperfield Road, to the southeast of the village of Bovingdon. The site is located just outside the village boundary and is within the Green Belt. The property has been significantly altered and extended.

The property is set well back from the road with a large parking area to front enclosed by high hedging, varying in height from 2m to 3.5m approx. There is a wide verge to the front of the property. The dwelling has a gable end roof with red roof tiles and stained timber boarding to gables. The house is faced in red brick with rendering to front projection detail and dormers.

**Proposal**

The application seeks the retention of a structure which has been constructed in the front garden.

The structure forms a car port of 3.4m in height, and 3.9m width and a depth of 5.3m and has concrete base with timber frame construction with tile effect pitch roof.

The building is located within the front amenity area, adjacent to the highway.

**Referral to Committee**

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

**Planning History**

4/00040/09/FUL      SINGLE STORY SIDE EXTENSION  
Granted  
13/03/2009

4/01906/07/FHA      SINGLE STOREY REAR EXTENSION

Granted  
27/09/2007

4/01339/03/FHA FRONT BAY WINDOW, TWO STOREY SIDE EXTENSION, NEW  
ROOF AND ALTERATIONS TO DORMERS  
Granted  
06/08/2003

## **Policies**

National Policy Guidance

NPPF

Dacorum Borough Local Plan

Policies 4, 11, 13, and 58

## **Representations**

Bovingdon Parish Council

Object - Car port too far forward of building line and appears to be a retrospective application

Resident of 51 Chipperfield Road

We were most surprised to see this structure appear without planning consent as we had been lead to believe that land in front of the main house was designated Green Belt Land and as such no planning approval would be granted. The designated green belt land, we were informed, ran from no 47 Chipperfield Road south east towards Chipperfield. We approached Dacorum as to the possibility of erecting such a structure 4/5 years ago when it became necessary to renew our present garage and were told emphatically "No approval would be granted" as Green Belt Land could and would not be violated. Can you please advise me if this has changed and point me to the relevant change in legislation.

We feel that should this structure gain planning consent then Dacorum would be inundated with very similar applications from along Chipperfield Road and the nature of the area would be changed completely.

## **Considerations**

Policy and Principle

The application site is located within the Green Belt (policy 4 of the Local Plan and CS5 of the Core Strategy) wherein there is a presumption against inappropriate development. New buildings will therefore only be acceptable where they are for the following purposes:

- (a) agriculture;
- (b) forestry;
- (c) essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses which preserve the openness of the Green Belt and which do not conflict with its purposes;
- (d) the limited extension of existing houses in accordance with Policy 22;

- (e) the replacement of existing houses in accordance with Policy 23;
- (f) limited infilling in selected small villages in accordance with Policy 6; and
- (g) limited infilling or redevelopment of major existing developed sites in accordance with Policy 5.

While the development does not form a conventional extension of the residential accommodation it is considered as an addition within the curtilage of the dwelling. The proposal is domestic in nature and can therefore be considered under criteria (d) above. The development is therefore acceptable in principle subject to be in accordance with Policy 22 and other policies within the Local Plan and Core Strategy document.

This stance has reference to appeal record APP/A1910/A/08/2090785; wherein the Inspector noted the following:

*"LP [Local Plan] paragraph 22.4 makes clear that the term 'extension includes all additions to a dwelling house ... I am in no doubt that the proposed development is a normal domestic adjunct; the mere fact that buildings are physically separated from a dwelling does not prevent them being part of the dwelling. Accordingly, I take the LP reference 'all additions to mean such buildings and find Policy 22 to be applicable."*

#### Impact on Green Belt

With regard to Policy 22 of the Local Plan the development **will not be permitted unless:**

- (a) the extension is compact and well-related to the existing building in terms of design, bulk, scale and materials used;
- (b) the extension is well-designed having regard to the size and shape of the site and retains sufficient space around the building to protect its setting and the character of the countryside;
- (c) the extension is not visually intrusive on the skyline or in the open character of the surrounding countryside;
- (d) the extension does not prejudice the retention of any significant trees and hedgerows; and
- (e) the extension is limited in size.

With regard to Criterion (e) this will be judged according to

- (i) the appropriate degree of restraint in the Green Belt taking into account the size of the original dwelling, wherein the resulting building (including any earlier extensions and alterations or replacement) should be less than 130% of the floor area of the original dwelling; and
- (ii) the location of the building - control over size will be tightly applied at more isolated locations in the countryside and at the edges of existing settlements, but may be more relaxed at the centre of these settlements.

The structure is reasonably small scale and constructed of lightweight materials (appearance) with a design which allows views through due to the car-port type structure as opposed to a garage. The location, tight to the front boundary, in fact increases the level of screening of the building; the front boundary consists of dense, mature, evergreen to a height up to 3.5m and provides a good level of screening of the structure. The structure has a footprint of 20.7sqm and due to the limited visual impact of the building, placed on an area of hardstanding; the development does not remove areas of soft landscaped area. These points clarify the accordance with criteria (a) - (d) above.

With regard to part (e) previous extension to the dwelling are noted as follows:

#### *The Original Dwelling*

Ground floor	91.91 sqm
Garage	22.91 sqm
First Floor	69.7 sqm
TOTAL	184.52 sqm

*Extension 4/1339/03 - two storey side and bay windows and dormers*

Ground Floor	20.58 sqm
First Floor	33.1 sqm
TOTAL	53.68 sqm

Garage removed -22.91sqm

Current Building 215.29sqm  
% of original 116.7%

*Extension 4/01906/07/FHA - single storey rear extension*

Garden Room 36.975sqm  
Current Building 252.265sqm  
% of original 136.7%

*Extension 4/00040/09/FHA – Single storey side extension*

Garage 23.36sqm  
Inglenook removed -3.6sqm

TOTAL 19.76sqm

Existing Dwelling = 272.025sqm  
% of original = 147%

*Current Proposal*

*Proposed Car port 20.7 sqm*

Total Proposed Development 292.725sqm  
**% of original = 158%**

The site is located at the very edge of the Green Belt designation; a short distance to the west is the village envelope of Bovingdon.

The proposal brings the cumulative additions to the dwelling some way over the specified level of extensions to dwellings within the Green Belt. Other considerations to factor into the assessment are as follows:

- The light weight structure and appearance of the building.
- The allowances under permitted development rights which would allow for detached buildings to be constructed within the area to the rear and side of the building (up to half the footprint of the open areas of the site) without the need for formal planning permission.
- The siting of the building within a well screened location where the impact on the wider area is greatly reduced.
- The existence of large garage structures to the front of properties in close proximity ie. 39



and 45 Chipperfield Rd.

- The property is not in an isolated position and therefore greater flexibility in the size of extensions/additions allowed is accepted in policy terms
- The car port is not considered a disproportionate addition over and the size of the original dwelling as required by the NPPF.
- The level of development over the original building size - 158% is commensurate with the level of development permitted on neighbouring sites, for example 47 Chipperfield Road is currently 163.7% over the original building.

These factors demonstrate how the impact on the openness of the Green Belt is very limited; the structure is not of significant bulk or presence; is small scale in footprint and height; due to the location on the edge of the village envelope is not considered to amount to an unacceptable impact on the openness of the Green Belt.

#### Impact on Street Scene

The building shall not be visible within the street scene due to the significant level of screening to the front boundary. The close proximity to the front boundary line means the structure shall only be visible from within the application site. The application is therefore considered appropriate with regard to Policy 11 of the Local Plan and CS12 and CS13 of the Core Strategy.

#### Impact on Trees and Landscaping

The structure, while close to the vegetated front boundary, is within a pre-existing hard surfaced area, and the building shall not require deep foundations that would interfere with the root area of the vegetation. The application is appropriate with Policy 99 of the Local Plan.

#### Impact on Neighbours

There is no detriment to neighbours as a result of the single storey structure; the building is not within close proximity to habitable windows of neighbouring properties and shall not lead to an impact on privacy and light levels. The application is therefore considered appropriate with regard to Policy 11 of the Local Plan and CS12 and CS13 of the Core Strategy.

#### Other Matters

The Parish Council makes comment with regard to the status of the application as retrospective. The application seeks permission retrospectively for the construction of the car port; however the considerations of the application do not change and the proposal is considered against the relevant policy notwithstanding the built form on site.

The Parish Council objects on the basis that the development is far forward of the front elevation of the building; however, the considerations above note that the impact of the siting of the car port are limited and do not detract from the appearance of the street scene and the wider character of the area. There are a number of similar front sited garages in close proximity to the application site.

#### **Conclusions**

Having taken into consideration the specific detail of the scheme such as design, siting, location and floor area increase it is concluded that the proposed development would have no significant adverse impact on the openness of the Green Belt. As the proposal conforms with both local and national Green Belt policy and the design is high quality the application is recommended for approval.

Reason why application committee item	Contrary to Parish Council
Reason(s) why application overtime in terms of 8/13 week deadline	NA
Plans checked on Anite	Yes
All gateway, Anite, email, letter, consultee and neighbour rep screen comments checked and summarised above	Yes

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

1 **No conditions.**

NOTE 1:

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

The site is located within the Green Belt as designated under with Policy 4 of the Borough Plan. The impact on the openness of the Green Belt is not considered to be such as to warrant refusal of the application. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policy 11 of the Borough Plan.

NOTE 2:

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

**Dacorum Borough Local Plan 1991 - 2011**

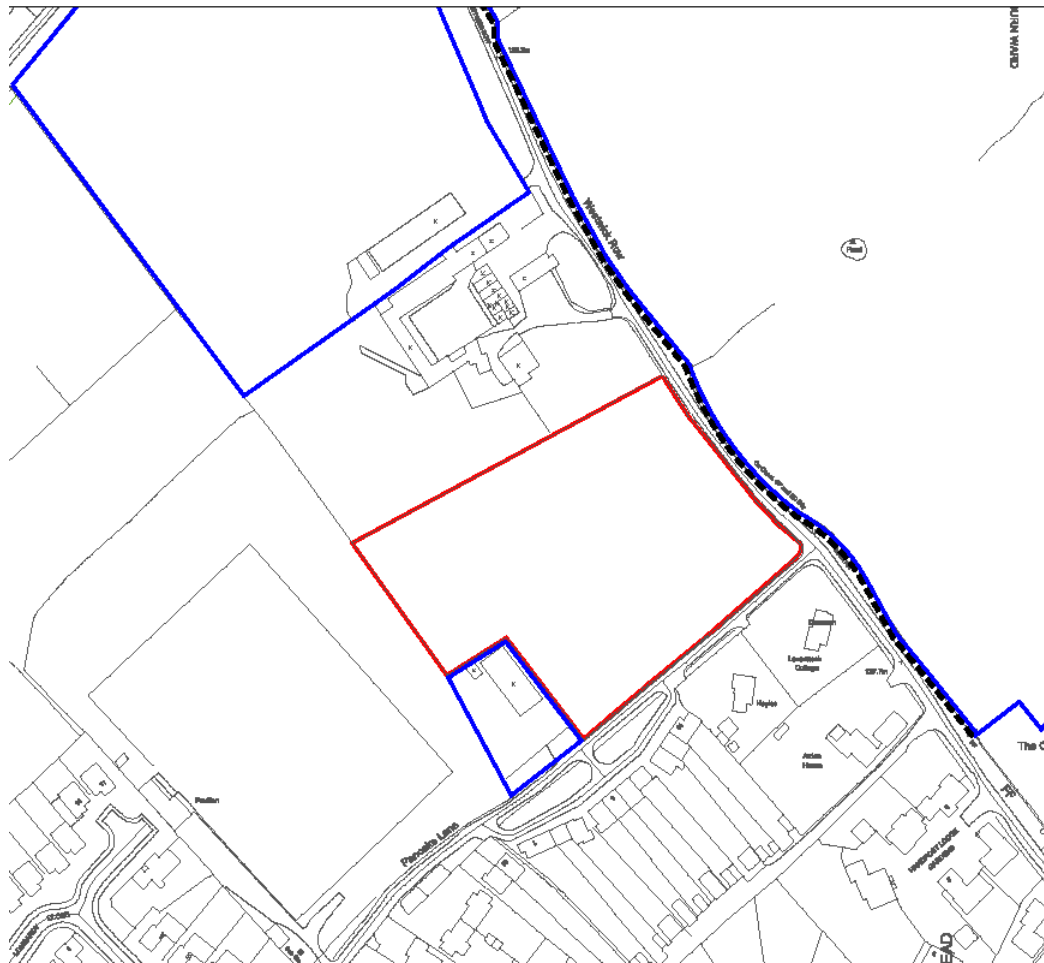
Policies 4, 11, 13, 22 and 58

NOTE 3: Article 31

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

**ITEM 5.3**

**4/00216/13/MOA RESIDENTIAL DEVELOPMENT OF UPTO 26 DWELLINGS , NEW ACCESS TO WESTWICK ROW, OPEN SPACE AND LANDSCAPING (OUTLINE APPLICATION - ALL MATTERS RESERVED SAVE ACCESS)  
LAND BETWEEN WESTWICK ROW AND, PANCAKE LANE, HEMEL HEMPSTEAD, HP2**



**ITEM 5.3**

**4/00216/13/MOA RESIDENTIAL DEVELOPMENT OF UPTO 26 DWELLINGS , NEW ACCESS TO WESTWICK ROW, OPEN SPACE AND LANDSCAPING (OUTLINE APPLICATION - ALL MATTERS RESERVED SAVE ACCESS)**

**LAND BETWEEN WESTWICK ROW AND, PANCAKE LANE, HEMEL HEMPSTEAD, HP2**



**5.3 4/00216/13/MOA - RESIDENTIAL DEVELOPMENT OF UPTO 26 DWELLINGS , NEW ACCESS TO WESTWICK ROW, OPEN SPACE AND LANDSCAPING (OUTLINE APPLICATION - ALL MATTERS RESERVED SAVE ACCESS) LAND BETWEEN WESTWICK ROW AND, PANCAKE LANE, HEMEL HEMPSTEAD, HP2 APPLICANT: MR S MELLIGAN**

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[Case Officer - Fiona Bogle]

[Grid Ref - TL 08858 06910]

### **Background**

This application was first reported to the Committee on 18 April 2013. At that meeting a number of Members expressed support for the concerns raised by local residents in respect of the proposed access from Pancake Lane and the Committee resolved to defer the application in order to request that the applicant engage in consultation with local residents and consider the use of an alternative access point from Westwick Row. The officer's report from 18 April 2013 and the corresponding addendum sheet are included as Annex 1 and 2.

A meeting was held with the developers on 30 April 2013, whereby a plan showing an alternative access from Westwick Row was tabled. This shows a new access arrangement for the site utilising an existing farm gate access onto the land with only some vegetation clearance required around the access point itself. Visibility sight lines of 2.4m x 66m can be achieved without impacting on existing hedgerows on Westwick Row. Whilst the Highway Engineer required clarification on the kerb radii and a Safety Audit he confirmed that there were no objections in principle to the proposed access from Westwick Row.

The meeting was followed up with a meeting with residents from the Pancake Lane Residents group on the evening of 8 May 2013 where the Crown Estate presented the proposal for an alternative vehicular access to the site from Westwick Row rather than Pancake Lane. The residents present were encouraged by this approach and confirmed their support for the proposed revised access.

Residents however, continued to express concerns over the proposed footpath along Pancake Lane and in particular in respect of the conflict between a planning condition on the football club floodlighting proposal which sought to retain the hedgerow on Pancake Lane.

Amended plans were received on 20 May 2013 and neighbours were notified of the amended plans on 22 May 2013. However it came to light that a number of local residents, including Mr Archer, landowner of the adjoining land, who had previously commented on the application had not been notified of these amended plans. The application which was scheduled for 6 June 2013 meeting was further deferred to allow interested parties a full opportunity to comment on the amendments to the proposal.

The revised plans show access from Westwick Row with an accompanying amended illustrative layout and plans showing revisions to the proposed footway along Pancake Lane from the south west corner of the site to Lombardy Close. The existing access to the Scout hut is to remain unchanged. A new passing bay is shown adjacent to the scout hut frontage. The illustrative layout retains a vehicular access point to the adjoining land on the northern boundary of the site.

The internal layout has been revised to reflect the new access location indicating 26 dwellings including a mix of detached, semi-detached and terraced housing as the original proposal. There is no change to the parking or private amenity space provision and open space at the north east corner to link to future open space provision on the adjoining land to the north. The layout includes provision of a landscape buffer around the southern and eastern parts of the

site as per the original proposal. The application remains an outline proposal with all matters reserved save for access. The key difference being the siting of the access way on Westwick Row as opposed to Pancake Lane. The proposal also includes provision of a foot way from the site along Pancake Lane, linking to the existing foot way near Lombardy Close.

The description of the application has been changed to reflect the change in vehicular access off Westwick Row as opposed to Pancake Lane.

Only the consultees affected by the changes have been re-consulted as well as all local residents who were notified and/or commented on the original scheme. All other responses to the consultation on the original proposal remain valid and are included either within the original report or the addendum sheet attached at Annex 1 and 2 respectively.

## **Representations on amended plans**

### Hertfordshire Highways

Does not wish to restrict the grant of permission subject to conditions requiring:

- construction and completion of the site access and passing bays on Westwick Row prior to occupation of the development
- construction and completion of the footway on Pancake Lane shown prior to occupation of the development
- storage of construction materials and equipment to be within the curtilage of the site
- details of disposal of surface water from the new access and parking areas to be submitted to and approved prior to the commencement of the development
- provision of on- site parking for the use of all contractors, sub-contractors, visitors and delivery vehicles engaged on or having business on site
- Provision for wheel washing during site construction to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway.
- details of all materials to be used for hard surfaced areas within the site, including roads, driveways and car parking area, to be submitted to and approved in writing by the planning authority prior to commencement of the development

### Accessibility

The site is reasonably well located in terms of access to local facilities including community uses, schools, shops and employment opportunities, many of which within walking distance. The need for a link from the site to footways and footpaths is demonstrated by figure 2.1 in the Transport Statement. Whilst there are no dedicated on-street cycle facilities in the area, Green Lane, Westwick Row and Pancake Lane could be considered relatively safe for cycling due to relatively low vehicle numbers and traffic speeds.

The nearest bus stops are a pair on Leverstock Green Road approximately 425m from the proposed site entrance. This means that dwellings further into the site would be significantly over the recognised accessibility criterion of 400m. Both stops have easy access kerbing, neither have shelters. Services are as follows: 300/ 301 Stevenage-Hemel Hempstead - Monday-Friday 4 per hour, Saturday 3 per hour, Sunday hourly. Hemel Hempstead station is approx 3.8 miles away. Trains are run by London Midland and Southern and journey time into London Euston is between 30 and 33 minutes.

Adjacent road network Westwick Row is a single carriageway unclassified Local Access road in the HCC hierarchy. In its 1568m length it has a 60mph speed limit. However its narrow width, twisting alignment and overgrown nature to the south mean that in practice speeds rarely reach that level. Pancake Lane is a single carriageway unclassified Local Access road in

the HCC hierarchy. In its 509m length it has a 30mph speed limit on the south-western two-thirds and is derestricted (national 60mph limit) from the football club entrance to Westwick Row. However with a width of less than 3m in places and houses fronting on to the south/east side and tunnel-like vegetation this limit is entirely notional. The traffic speed survey summarised at table 2.4 in the Transport Statement shows that a maximum of 85 vehicles used Pancake Lane in a 20 hour period and that average speeds were between 16 and 17 mph over the 4 days surveyed. Thanks in large part to these low volumes and speeds there is no significant history of collisions in the area.

Traffic generated by the proposal The Transport Statement demonstrates (in chapter 4) that the majority of the traffic associated with the scheme would head for the M1 up Pancake Lane and Westwick Row in the morning and return that way in the evening rush hour. These would amount to 13 in the morning and 12 in the evening peak hours and would not, therefore, have a significant impact on network capacity.

#### Site access

The new site access will need to be able to cope with traffic generated by possible future extension of the development. This was investigated as part of the site master planning exercise as described in chapter 4 of the Design & Access Statement.

The arrangement shown on drawing 19886-L192 Site Access.dwg trevm has been subject to a safety review by the highway authority and found to acceptable in principle. It would be accompanied by 4 passing places also shown in the same drawing to reduce potential conflict in that stretch of the road. Further checks including a safety audit would be required as part of the Section 278 agreement process needed to allow the applicant to construct this new arrangement. It should be in place before any of the new houses are occupied.

The site access/ spine road (described in the Design & Access Statement as the 'main street') will serve the up to 26 houses of this development alone. This gives it low 'public utility' in the eyes of the highway authority and therefore it is not a stretch of road that HCC would consider for adoption. It is no longer proposed to incorporate access to the scout hut at the southern corner of the development site into the new access road. The access road is to be 5.5m wide with 1.8m footways.

#### Offsite highway improvements

Extensive pre-application discussions have taken place between the applicant, the planning authority and HCC as highway authority and is summarised at 1.3 in the Transport Statement. This has been based on proposals framed by the Borough Council's 2007 development brief. A master planning exercise is described in chapter 4 of the Design & Access Statement.

The development brief required an investigation into the feasibility of providing a footway southwest along Pancake Lane to 'stitch' the new development into the existing settlement. The work done by the applicant in this regard is described in chapter 3 of the Design & Access Statement and Transport Assessment submitted with the application. It has also been the subject of further discussion with officers of the planning and highway authorities. In accessibility terms this provision is seen as key. It would provide improved pedestrian links towards the Leverstock Green village centre, local employment and bus stops and, importantly, schools in the area. However the interaction between the provision of the new path, the potential loss of soft landscaping (existing grass verge and/ or hedge and trees) and the utility of any such a path in terms of personal security has also been recognised. The footway shown on the 5 drawings in the series '19886-L181b.dwg trevm show a route and width that we would find acceptable. It would join the existing footway on the north-eastern side of Lombardy Close.

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/>. Planning obligations so derived would be used on schemes and measures identified in the Hemel Hempstead Urban Transport Plan which can be read/ downloaded at <http://www.hertsdirect.org/services/transtreets/tranpan/tcatp/17645276/>. In accordance with paragraph 11.7 of the Toolkit I recommend that a 'first strand' contribution of £16,000 toward provision of shelters at the two nearest bus stops is sought. I will require a pooled 'second strand' contribution based on the standard charges set out in table 1 (page 14) of the Toolkit applied to the final accommodation mix of the proposed development which, since this is an application for outline permission, has yet to be finalised. The rates will be those in the second row of the table since the site lies in accessibility zone 4 as set out in the DBC document 'Accessibility Zones For The Application Of Car Parking Standards'. This element can be reduced by the amount of any TravelSmart contribution sought by the local planning authority.

### Strategic Planning

For the reasons set out below we find the amended access arrangement difficult to support in policy terms.

It will run counter to clear decisions the Council has taken on Proposal H42 in the Local Plan and the associated development brief, and is contrary to advice provided throughout by the Highway Authority. There will be a lost opportunity in securing a new access for the Scout Hut. Furthermore, if for example, the football club land did become available for development at a future date (subject to finding alternative facilities) then it would have been logical to secure its access from Pancake Lane.

Section 4.1 of the development brief offers a reasonable starting point for assessing this alternative arrangement:

"These highway arrangements should be designed to strike the most appropriate balance between local concerns on safety and traffic speeds and the appearance and rural character of lanes in the area..."

The proposed new access from Westwick Row will need to be thoroughly tested against this approach over what Pancake Lane would offer. It must demonstrate clear environmental, planning and highway advantages over the current preferred access arrangement. This is difficult to foresee materialising given the merits of access from Westwick Row had been previously explored and rejected through the development brief.

Its effects on Westwick Row is going to be important. The road has a strong rural character and in creating a new access it will have an urbanising effect on its appearance and result in the loss of some of the hedgerow as a result. Would there be any conflicts with the nearby existing access from Westwick Farm? The road also appears particularly narrow (c. 3m) in the vicinity of the proposed access that may have implications for highway safety and its suitability to accommodate this and the later phase of the development.

We must ensure that the new access arrangement still allows for a comprehensive development and that it does not undermine the layout and the delivery of other design objectives in the brief. Given no amended layout has been provided at this stage this is difficult to assess. Will the removal of Pancake Lane as the main access effect the proposed footpath links to serve the scheme? Would the new access impact on the proposed position of the open space in this general area? Would it be appropriate to encourage construction traffic along Westwick Row from this new access point?



The detailed highway and safety views of the Highway Authority are going to be critical in guiding decisions on the desirability of taking access from Westwick Row.

#### Further comments

The attached illustrative layout was helpful in understanding the form of the development and how it links to the adjoining land that would comprise the 2<sup>nd</sup> phase.

While clearly contrary to policy guidance, it would be reasonable to take a positive view over the revised access providing it:

- is safe and convenient (including for pedestrians);
- does not adversely affect the rural/environmental character of Westwick Row or local road movements;
- will not undermine the achievement of other requirements of Proposal H42/development brief; and
- is supported by advice from HCC.

#### Herts Biological Records Centre

I have had a look at the latest plans and think this is about as much as we can expect given the development demands and the current hedgerow situation and options. The fact is the lanes are narrow, not designed for major traffic, and the adjacent land is not within the application area which rules out alternative footpath options. The existing proposals will reduce the hedgerow resource in places and replacement will destroy the historic integrity but there are no alternatives if a footpath along the road is required.

Therefore the proposals seem acceptable. Currently the hedgerow is a continuous feature and this character will be largely retained, even where reduced in width. New planting can replicate the existing species composition where appropriate, i.e. it should follow existing locally native spp.

As for mature hedging, yes depending of course on size. 1m depth will limit the existing and future potential. If properly managed and looked after, normal whip planting should create a perfectly good hedge feature within 5 years or less. If this is regularly trimmed this will thicken but remain a smallish feature; if allowed to develop and then trimmed it will be bigger - but then again that too could be applied to the existing hedgerow. Both methods would be acceptable forms of hedgerow management but with different appearances and ecological opportunities - some variation may be a good thing, although long-term management may require hard pruning on mature sections from time to time so that the hedge doesn't become too gappy.

#### Trees and Woodlands

##### Reference 2.1 Illustrative Layout, May 2013 19886-L173b.RattD

There seems more opportunity for tree planting within the Landscape Edge, to serve amenity interest and as screening function to properties located in a sweep from the east to the south of the development area.

Similarly, there would appear to be space to incorporate tree planting of suitable species between proposed dwelling rear gardens. Of the following list of plot numbers, any could accommodate planting although the total number should be limited to give each planted tree space in which to grow without competition; plots 1, 2, 3, 5, 6, 7, 8, 12, 13, 14, 15, 21, 22, 23

and 26.

Planting details should be submitted for assessment.

#### Local Residents

Email received on behalf of Mr Archer of Westwick Farm expressing the following points:

- Mr Archer had been missed off re-consultation list.
- Mr Archer had not been included in discussions between the developer and the local residents
- Had Mr and Mrs Archer been included in such discussions they would have advised that they would make available visibility splays across their frontage, if this had benefits in planning, landscaping (i.e. reduction of hedgerow loss), and highways. This level of co-operation would be to achieve the best possible scheme for all. Mr and Mrs Archer are disappointed that the Applicants have not chosen to discuss what could have been beneficial improvements.
- Question whether the Highways Safety Audit covered potential future development on Mr Archer's land.

With regard to the principle of piecemeal development, previous objections are re-stated:

The Council should be aware that by a piecemeal development it will not achieve anything like the level of Affordable Housing it had originally sought. The Applicants are already suggesting a reduction from around 50% Affordable Housing to 30% Affordable Housing based on a Viability Assessment relating to this greenfield site. This means that when Westwick Farm gets developed, the level of Affordable Housing will be insignificant due to the current use value of the existing house and buildings. If the viability of the greenfield site produces only 30% Affordable Housing, as contended, then the development viability of Westwick Farm with its higher base value the Affordable Housing will be nothing. This is a consequence of a piecemeal development. The net effect would be that across H42 the level of Affordable Housing would equate to 14%.

The statement accompanying the Planning Application refers in Sections 2.2 and 2.3.2 that the internal access road will be Adopted up to the northern boundary enabling land to the north to be developed. The purpose of this is so that the Applicant's scheme does not prevent the remainder of H42 from being developed. It is noted that this part of the application is not repeated in the Schedule of Legal Obligations (Table 4.1), neither is it referred to in the Transport Statement nor the Design and Access Statement. The Transport Statement indicates that the highway design and proposed alterations would be sufficient to accommodate up to 55 houses in total on H42, and this is welcomed. The Council must protect this position by a legal agreement entered into with the Applicant and applying to successors to provide an Adopted highway and service connections up to the boundary of Westwick Farm within a specified period and to enforce it if it is not delivered by the use of step-in rights. The highway connection and footpaths would need to be of a highway standard, which would enable 29 further houses to be erected on the Westwick Farm site. In addition, the position of the access needs to be in a reasonably suitable location for the enlarged development. There is no objection to the position currently shown on the plans.

Many principle issues and benefits referred to in the Development Brief are simply not delivered by this piecemeal approach, namely:

1. A comprehensive scheme;
2. The level of Affordable Housing required by policy;
3. The protection of the character of the area and hedgerows;

4. New footpath links to the school, Leverstock Green, and countryside (para 4.2). The pedestrian link shown to the north of the site in figure 2 cannot be provided as part of this application. The plans do not show a footpath along Westwick Row to link up with the Green Lane Footpath works; a pedestrian route which will be most frequently used to access the school and shops, etc;
5. New cycle route to the north towards Buncefield Lane (para 4.2).

#### Letter from MP (Mike Penning)

A letter has been received from the MP Mike Penning requesting comments on a letter he received from the residents of 3 Trinity Mews stating that whilst they welcome the change in access arrangements they consider that access from Green Lane would be more beneficial to residents of Pancake Lane, would negate any need for hedgerow removal on both Westwick Row and Pancake Lane and would be safer for school children. They also suggest a roundabout be provided on Green Lane.

A letter has been received direct from residents of 3 Trinity Mews making the same points expressed to the MP.

2 further letters have been received from 32 and 34 Pancake Lane making following comments:

- Support access from Westwick Row
- Strongly object to complete removal of 35m of hedgerow and removal of many mature trees for a distance of almost 55m
- Removes screening from noise/pollution and floodlighting from football ground - completely against Condition 14 of planning approval 4/00946/97. All that is proposed is a replanted hedge of 1m depth, no mention is made of height or if any mature trees will be planted. This will not afford any screening for many years and will not be 16/20 feet high as the existing.
- The existing coniferous hedge already gives considerable screening, the proposal to remove it makes no sense at all.
- If a passing bay is still required it could be located on western side of football ground entrance.
- Object to proposed passing bay of 20m which is no longer required.

1 email received stating:

Together with many other neighbours, I would like you to please consider the footpath along Pancake Lane to be behind the bushes. This will not only be contravening an existing Planning Agreement with the football club and the residents, but it would also reduce the nature and wildlife in the area by removing all the hedgerow.

The passing bays also put forward would give drivers more reason to drive faster down the lane.

#### Considerations

The principle of the development for 26 dwellings is not now in question. The issue solely relates to the suitability of the new access. However, it is necessary to ensure that in consideration of the now proposed access the principles and requirements set out in the development brief will be able to be delivered.

Following the Committee meeting on 18 April 2013, it would appear that the committee's

request for consideration to be given to an alternative access from Westwick Row and to engage with the local people has been satisfied. Whilst access from Westwick Row does not comply with the DBLP policy for Housing Proposal Site H42 nor with the access requirements set out in the Development Brief the approach is considered to conform with the NPPF requirement for developers to proactively drive forward proposal schemes to ensure delivery of new housing through active engagement with the local community: "Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably" (para.66). The NPPF further requires Local planning authorities to approach decision-taking in a positive way to foster the delivery of sustainable development (para.186) and Local Planning Authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local Planning Authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area (para.187).

It would seem that an alternative access from Westwick Row would present a satisfactory solution to the concerns of the local community and the proposal is considered satisfactory by the highway authority. The residents of Trinity Mews have expressed a preference for access to come off Green Lane as reported above. There is no direct access to the site nor to the wider H42 land from Green Lane, such a proposal would not therefore be feasible as it would involve third party land designated as Open Land within the Local Plan. It is therefore considered that an alternative access arrangement from Westwick Row can in this case be justified. Furthermore, The Trees and Woodlands officer HBRC consider the proposal acceptable.

In principle therefore the proposal is considered acceptable. Concerns remain in respect of the distribution of housing and relationship to the open space land, particularly in respect of the smaller terraced housing, however given that the layout is for illustrative purposes only these are matters that can be addressed at reserved matters stage. Access to the land to the north is indicated on the plan and provision of this is to be controlled by condition. The proposal would appear to meet all key principles and requirements for development of this land as set out in the Development Brief.

Issues remain over the proposed footway along Pancake Lane which would necessitate the removal of some parts of the existing hedgerow. There will be a need to thin/remove hedgerow in order to accommodate the footway adjacent to the south east end. Concern has been expressed that such would result in the breach of a condition relating to the Football club in respect of planning permission 4/1389/00ROC. The condition in question is condition 14 which states:

The existing hedge between points 'x' and 'y' on Drawing NO. LGFC/X2 shall be permanently retained at all times.

Reason: In the interests of safeguarding the residential amenity of the area.

The area between points "x" and "y" runs along the football club boundary along Pancake Lane.

The proposal put forward by the applicant seeks to address these concerns by retaining as much hedgerow as possible and replanting behind the footway. Where the footway does not allow for replacement planting due to insufficient depth on land within their control, they propose providing a "living" fence. No height has been specified and whilst there is no minimum height for the existing hedge to be maintained at, the applicants have been asked to

consider suitable species to an appropriate height to be managed according to the advice of the HBRC. The Addendum Sheet to the original report contained at Annex 2 explains that the proposal would retain all trees and that there would be a net loss of 22% of hedgerow. The alignment of the footpath and the proposed planting/fencing falls entirely within highway land and therefore no impediment to delivery, whereas, the applicants have no control over land behind the existing hedge which falls within the Football Club land and under the ownership of another party.

Concern has also been expressed over the provision of a passing bay adjacent to the scout hut frontage. The highway authority consider it appropriate to require a passing bay on Pancake Lane due to the narrowness of the lane. It would appear that the existing arrangement at the scout hut access is used as a passing bay. The proposal formalises this and by increasing the length it ensures that there is adequate space for a car to be accommodated without affecting the scout hut access. Lengthening the bay will provide passing space that is not in front of the access point.

The proposed footway is considered important to improve pedestrian access to the surrounding area particularly to the local centre at Leverstock Green and as stated by the highway authority this provision is seen as key in accessibility terms. The proposal put forward with associated replacement planting/fencing would appear to be a satisfactory solution in keeping with the spirit of condition 14. The provision of details pertaining to the footway, including details of species, height and management of the hedgerow would be secured through the Section 106 agreement.

## Conclusions

The proposed development of this land with access from Westwick Row is considered acceptable.

## RECOMMENDATIONS:

That the application be **DELEGATED** to the Group Manager, Development Management with a view to approval subject to:

1. The completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 to secure the following Heads of Terms:

- Affordable housing - 30% (75% affordable rent and 25% intermediate) plus contribution of £5,000 payable on completion of the penultimate unit
- Primary school contribution - as per HCC toolkit
- Secondary school contribution – as per HCC toolkit
- Provision of LAP
- Upgrade of Westwick Fields from LEAP to NEAP – £15,000 (50%)
- Sustainable transport contributions – as per HCC toolkit
- Library contribution – agreed as per HCC toolkit
- Youth services contribution – agreed as per HCC toolkit
- Allotment contribution – agreed as per DBC Planning Obligations SPD
- Provision of fire hydrants
- Provision of public footway – in accordance with details shown on drawings: 19886-L181b.dwgtrvm Figures 1-5

2. The following conditions and informatives:

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

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

- 2 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.

- 3 This planning permission is for no more than 26 dwellings and ten percent (10%) of the affordable dwellings shall be designed as Lifetime homes.

Reason: For the avoidance of doubt and to accord with the principles of sustainable construction.

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

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

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

- hard surfacing materials, which shall include footpaths and access roads;
- access road from Westwick Row to land immediately to the north as indicated on drawing no. 19886 - L173b.RattD Figure 2.1 (illustrative layout) or such other route as may be approved by the local planning authority;
- 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 and hedges to be retained and measures for their protection during construction works;
- programme management for the soft planting;
- measures for biodiversity enhancement;
- proposed finished levels or contours;
- secure cycle storage facilities;
- 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).

The approved landscape works and provision of internal access road, including point of access onto the adjoining land to the north 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. To comply with Policies 11, 99 and 100 of the Dacorum Borough Local Plan 1991-2011.

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

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

- 7 **Where any loss of hedgerow to Westwick Row or Pancake Lane is required for access, provision of passing bays or for provision of public footway or for any other reason a full survey of the part of the hedgerow affected shall be submitted for assessment and full details of the extent of removal and details of species, size, numbers/densities of any replacement including ground protection measures for that to be retained shall be submitted to and approved by the local planning authority prior to commencement of the development and shall be carried out prior to the first occupation of the development hereby permitted and any part of the replacement hedgerow which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

Reason: To safeguard as much of the ancient hedgerow as possible in the interest of public amenity.

- 8 **The removal of any trees or scrub from the site must be timed to avoid the bird breeding season (typically late February to August). In the event that works need to be undertaken within this period, clearance should be preceded by an inspection of the vegetation by an experienced ecologist to identify evidence of bird breeding activity (as the commencement of nest building to fledging) which if found should not be disturbed until nesting has finished.**

Reason: In order to safeguard the long-term ecology of the site in accordance with the National Planning Policy Framework.

- 9 **The development shall be designed to meet level 3 of the Code for Sustainable Homes, unless alternative arrangements acceptable to the local planning authority are agreed at reserved matters stage, and notwithstanding any details submitted, no development shall take place until plans and details of**

**the measures for energy efficiency and conservation, sustainable drainage and water conservation, and of sustainable materials sourcing shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details approved and no dwelling shall be occupied until a final Code Certificate has been issued and provided to the local planning authority certifying that Level 3 has been achieved under the Code for Sustainable Homes.**

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

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

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

- 11 **No development shall take place until a site waste management plan has been submitted to and approved in writing by the local planning authority. This shall include information on the types of waste removed from the site and the location of its disposal. The development shall be carried out in accordance with the approved details.**

Reason: To reduce the amount of waste produced on the site in accordance with Implementation of Hertfordshire Waste Local Plan Policies - A Guide to Districts (Draft) June 1999 and Policy 11 of the Dacorum Borough Local Plan 1991-2011.

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

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

- 13 **Occupation of the development hereby permitted shall not be commenced until the footway and passing bay on Pancake Lane shown on drawing 19886-L192Site Access.dwg trevm figures 1 to 5 have been constructed and completed to the satisfaction of the local planning authority.**

Reason: In the interest of accessibility, highway safety and free and safe flow of traffic in accordance with Policies 11, 51 and 54 of the Dacorum Borough Local Plan



1991-2011.

- 14 **Occupation of the development hereby permitted shall not be commenced until the site access and passing bays on Westwick Row shown on drawing 19886-L192Site Access.dwg trevm has been constructed and completed to the satisfaction of the local planning authority.**

Reason: In the interests of accessibility, highway safety and free and safe flow of traffic in accordance with Policies 11, 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 15 **Before the proposed access is brought into use, visibility splays of 2.4m x 66m in both directions from the exit position, within which there shall be no obstruction to visibility between a height of 600mm and 2m above the carriageway shall be provided. To the left (north) this shall be measured to the nearer (western) edge of the southbound land.**

Reason: To provide adequate inter-visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access and in the interests of highway safety and the free and safe flow of traffic in accordance with Policies 11, 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 16 **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 highway users in accordance with Policies 11, 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 17 **Prior to the commencement of on-site works, 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.**

Reason: In the interest of highway safety and efficiency.

- 18 **Prior to the 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 areas, 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 in accordance with Policies 11, 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

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

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

**(a) Site Characterisation**

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

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

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

**(b) Submission of Remediation Scheme**

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

**(c) Implementation of Approved Remediation Scheme**

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

**written notification of commencement of the remediation scheme works.**

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

**(d) Reporting of Unexpected Contamination**

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

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

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

- 20 **No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years shall have been submitted to and approved in writing by the local planning authority.**

**Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority for its approval in writing.**

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

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

- 21 **During the course of construction works the wheels of all vehicles leaving the development site shall be cleaned so that they do not emit dust or deposit**

**mud, slurry or other debris on the highway.**

Reason: In the interests of highway safety.

- 22 **Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed, Flood Risk Assessment (FRA) dated January 2013 prepared by AMEC, 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.**

**The scheme shall include:**

- **a restriction to Greenfield run-off rates for the site surface water drainage as outlined in Table 4.3 of the FRA;**
- **a sustainable surface water drainage design based on the options identified in Table 3 of the FRA;**
- **a surface water drainage scheme based on the critical design storm and the surface water storage indicated in Table 3 of the FRA.**

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policy 124 of the Dacorum Borough Local Plan 1991-2011.

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

Reason: To prevent pollution of controlled waters at the site in accordance with the National Planning Policy Framework.

- 24 **The development hereby permitted shall be carried out in accordance with the following approved plans:  
19886 - L134a (site location plan)  
19886-L192 (Site Access Overview)  
19886-L189A (Existing Access Location -with tracking of a medium sized car)  
19886-L173b.RattD (Illustrative layout with respect to access from Westwick Row, and access to potential future link to land to the north only)**

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

INFORMATIVES:

Environment Agency

Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human

health.

Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information and, in particular, the EA Planning and Land Contamination resource pages: and the Environmental Quality Standards featured in the Chemical Standards Database.

Refer to Groundwater Protection Principles and Practice (GP3). Follow the risk management framework provided in the 'Piling into Contaminated Sites' guidance. The following guidance document is also recommended.

### Thames Water

#### Waste Comments

There are public sewers crossing or close to the 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 Ground Water. 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. The reason for this is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

### Hertfordshire Highways

It is noted that the design guidance referred to at paragraph 18 in the Design & Access Statement only describes national guidance. Guidance on the highway design standards required and procedures followed by the highway authority are set out in Roads in Hertfordshire - Highway Design Guide which can be read/downloaded at <http://www.hertsdirect.org/services/transtreets/hertscountravsurv/infdev/roadsinherts/>.

It is recommended that all roads are designed to these standards as a minimum should they ultimately be offered for adoption by the highway authority or retained in private stewardship. Should the latter be the case it is recommended that robust and sustainable arrangements are set up to ensure the ongoing maintenance of roads, footways and verges, particularly those adjacent to the public highway, so as to preserve the amenity of the proposed development as well as the free and safe flow of traffic and pedestrians on and off the site.

**NOTE 1:**

This decision to grant planning permission has been taken for the following reason, having regard to the policies and proposals in the development plan set out below, national planning policy/guidance, regional policy, to all other material planning considerations, including relevant supplementary planning guidance, the imposition of conditions and the expert advice of the responding technical consultees and the response to neighbour notification/publicity.

The land is identified as Housing Site H42 in the Dacorum Borough Local Plan. There is an associated Site Development Brief which is adopted Supplementary Planning Guidance.

This development is an outline application with all matters apart from access being reserved for future determination. The access proposals were previously acceptable to both the highway authority and the LPA when this application was previously considered by the Council. Based upon the recent advice of the Highway Authority and Hertfordshire Fire & Rescue Service there are no fundamental /detailed access/ highway safety objections.

There are no apparent adverse fundamental housing, contamination, drainage, ecological/biodiversity, archaeological, crime prevention/security implications. This is subject to the imposition of conditions where relevant. An Environmental Impact Assessment is not necessary. There has been full regard to the advice of the responding expert technical consultees and third party representations/objections to date.

**NOTE 2:**

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

**Dacorum Borough Local Plan 1991 - 2011**

Policies 1, 11, 12, 13, 17, 18, 20, 21, 49, 51, 76, 99, 102, 107, 118, 122, 124 and H18  
Appendices 1, 3 5, 6 and 8

**Supplementary Planning Guidance**

Environmental Guidelines  
Water Conservation & Sustainable Drainage  
Energy Efficiency & Conservation  
Accessibility Zones for the Application of Parking Standards

**Pre-Submission Core Strategy (October 2011)**

Policies CS1, CS4, CS8 ,CS9, CS10, CS11, CS12, CS13, CS17, CS18, CS19, CS22, CS28, CS29, CS31 and CS35

**NOTE 3:**

**Article 31 Statement**

Outline planning permission has been granted for this proposal. The Council acted

proactively through positive engagement with the applicant during the determination process 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.

## **Annex 1: Committee Report 18/04/2013**

### **Summary**

The application is recommended for approval.

The land is identified as part of Housing Site H42 in the Dacorum Borough Local Plan. There is an associated Site Development Brief which is adopted Supplementary Planning Guidance. The proposal is an outline application with all matters apart from access reserved for future determination. The access proposals follow the requirements of the housing proposal site H42 and the Development Brief and are considered acceptable by the Highway Authority, having undergone a Safety Review. The proposal will deliver much needed housing in the Borough and secures an acceptable level of affordable housing as well as ensuring delivery of many of the key Planning Requirements and Development Principles as set out in proposal H42 and the Development Brief. The proposal safeguards the potential future development of the remainder of the H42 land. Accordingly outline planning permission should be granted for this development.

### **Site Description**

The application site forms part of the H42 housing proposal site as allocated in the Dacorum Borough Local Plan. The site is located on the eastern edge of Hemel Hempstead near to the Leverstock Green local centre and the boundary with St. Albans.

The site, which comprises open agricultural land is bounded by Westwick Row to the east and Pancake Lane to the south. Immediately to the south west is the 1st Leverstock Green Scout Hut and associated hardstanding. Leverstock Green Football Club lies to the west and Westwick Farm, which comprises the remainder of the H42 site adjoins the northern boundary. To the east beyond Westwick Row is open countryside within the Green Belt and to the south off Pancake Lane, which gives direct access to the local centre, is a residential area.

### **Proposal**

The application proposal is an outline application for up to 26 dwellings and associated car parking on the land which forms just over half of the identified H42 site. Other than the means of access to the site, all matters are reserved for consideration at a later date. The proposal does, however, include the provision of an access road from the proposed access point off Pancake Lane through to the adjoining land forming the remainder of housing proposal site H42. Alterations are also shown to the existing access arrangements for the scout hut and the proposal indicates open space and landscaping provision.

A Design and Access Statement accompanies the application showing layout, scale and design principles and parameters. The application has also been supported by a Transport Statement, which includes additional access works including the potential provision of footpath links and passing places on Pancake Lane and Westwick Row. Other documents include a Flood Risk Assessment, Tree Survey and Ecology Report along with a number of other technical documents.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the extent of local and member interest in the application, although it has not been formally called- in by a member.

## **Planning Background and Planning History**

There is no direct planning history, other than a pre-application for 21 dwelling units submitted in 2012 (4/0151/12/PRE) . Since the adoption of the Dacorum Borough Local Plan 1991-2011 (DBLP) in 2004 it has always been envisaged that this land would be developed for housing. The DBLP was adopted by the Council following a Public Local Inquiry by an independent Planning Inspector. Housing Allocation site H42 and its access requirements were subject to that Local Plan Inquiry following public consultation, advice from the Highway Authority and taking into account other environmental/planning considerations. In November 2007 the Development Brief for the site was adopted by the council.

## **Policies**

### National Policy Guidance

National Planning Policy Framework

### Dacorum Borough Local Plan 1991-2011

Policies 1, 2, 9, 10, 11, 12, 13, 14, 16, 18, 20, 21, 49, 51, 52, 54, 58, 61, 62, 63, 70, 76, 79, 96, 99, 100, 101, 103, 107, 111, 116, 118, 122, 123 and 124  
Housing Proposal Site H42  
Appendices 1, 3, 5 and 6.

### Supplementary Planning Documents or Guidance

Development Brief for Westwick Farm/Pancake Lane  
Environmental Guidelines  
Hertfordshire County Council Planning Obligations Toolkit  
Water Conservation & Sustainable Drainage  
Energy Efficiency & Conservation  
Accessibility Zones for the Application of Parking Standards  
Landscape Character Assessment

### Pre-Submission Core Strategy

CS1, CS2, CS3, CS7, CS8, CS9, CS10, CS12, CS17, CS18, CS19, CS23, CS25, CS29, CS31, CS32

## **Representations**

### Strategic Planning

#### 1. General

In principle, we welcome the development as part of bringing forward Local Plan allocation



H42. We also welcome the fact that the overall numbers of units has now increased since the pre-application scheme, albeit modestly from 21 to 26 dwellings.

## 2. Consultation on the proposal

We understand that there is local concern over the lack of awareness about the proposal. However, in policy terms the proposal has been firmly established as an allocation for a number of years.

We would stress that the site as a whole has been subject to considerable consultation as part of progressing the allocation (Local Plan housing proposal H42) through a lengthy Local Plans preparation process. The process involved testing the proposal through a public local inquiry (2000/01) held by an independent Planning Inspector. While there were objections to the allocation, the Inspector endorsed the proposal in his report based on the evidence and issues presented to him. Consequently, it has been identified as a formal allocation in the Local Plan since its adoption in April 2004.

Furthermore, the proposal was subject to additional consultation in 2007 in bringing forward the associated Development Brief. A separate Consultation Statement sets out the details of that process.

Therefore, the proposal has been extensively consulted on over time. This has provided opportunities for residents to comment on the principles of the development and for issues to be considered by the Council. We note the applicant has also undertaken separately pre-application consultation during July 2012.

## 3. Comprehensive development

As stressed earlier, it is important that the scheme is brought forward comprehensively. We accepted at the time that circumstances have meant that there would be a phasing of the site based on the respective land ownerships. The key aim is to ensure The Crown Estate delivers proportionately on requirements affecting its part of the site as well as ensuring it does not undermine the delivery of objectives on the adjoining site.

We note that the illustrative layout shows a road link into the adjoining land and that the proposal will deliver on many of the planning requirements set out under proposal H42 and in the Development Brief e.g. delivering a mix of houses and tenure, access from Pancake Lane, retention of hedgerows, new access to scout hut, exploring footpath connections, and provision of open space etc.

## 4. Design and Layout

The DAS provides an illustrative layout of the site. We acknowledge the fact that the landownership may have constrained the layout of the site over the indicative layout in the Development Brief, particularly in relation to the intended open space buffer with Westwick Farm.

In principle, we support the provision of a range of sizes (2-4-bed houses), types (detached, semi-detached, and terraced) and tenures of homes and overall increase in numbers. We welcome the commitment towards providing at least 10% of the affordable homes as Lifetime Homes, that the development would be brought forward under the "Building for Life" standard, that all gardens will be designed to meet at least minimum Local Plan standards, and to incorporating a SuDS system to deal with surface water runoff.

## 5. Access

We understand that there is local concern over the requirement for the access to be taken from Pancake Lane (although this would not rule out the potential for an emergency access through Westwick Farm). A transport assessment has also been provided by the applicant that considers highway, footpath, cycling and public transport matters.

This arrangement has been established for a long time through proposal H42 and carried forward through the Development Brief. The access requirement has been tested through the local plan inquiry (see paras. 7.43.9 – 7.43.14 of the Inspector's report), in preparing the development brief (section 4), and following advice from the Highway Authority. The Highway Authority has supported this arrangement at both stages.

The guiding principle throughout has been to strike a balance between safety and traffic speeds and the appearance and rural character of lanes in the area (section 4.1 of the Development Brief). It has been important to maintain Westwick Row as a rural lane and to discourage rat running along unsuitable roads. Only localised road widening has been sought in order to limit the impact of new road building and its effect on existing hedgerows.

The Inquiry Inspector was not persuaded that the problems of access, the impact of the additional traffic on Pancake Lane, and the loss of hedgerows (para. 7.43.29 of the Inspector's report) were sufficient to recommend deleting the proposal. (However, the planning requirements to proposal H42 and the brief do seek to retain, protect and supplement them wherever possible.) He considered that there were possible options to secure a safe access while protecting the character of the area.

The Development Brief process provided a further opportunity to test access arrangements. An alternative access off Westwick Row was considered, but the Highway Authority reconfirmed their support for Pancake Lane. Appendices 10 and 11 of the Development Brief Consultation Statement provide a good summary of such discussions. Key points were:

- If access was taken from Westwick Row it would not prevent an increase in traffic levels along Pancake Lane;
- Pancake Lane would need to be upgraded irrespective of where the main access was located;
- The level of highway improvements would be cumulatively greater if access were taken from Westwick Row (siting of the access on Pancake Lane reduces the extent and impact of works);
- Given the existing character of Pancake Lane it would be easier to integrate the site within the existing residential area (Westwick Row is more rural in character);
- Pancake Lane would require upgrading, but only along localised sections. The design should seek to maintain the current character of the narrow rural lane and thus help reduce its attractiveness as a route for rat running;
- A single access point was sufficient to serve the development;
- There was no requirement for a separate access from Pancake Lane to serve the scout hut; and
- The Highway Authority did not support any road closures or one way systems within the vicinity of the site or consider that the development warranted junction improvements at Leverstock Green / Pancake Lane. However, improvements would be required to the Pancake Lane / Westwick Row junction.

Both the planning requirements to proposal H42 and the Development Brief seek improved

footpath connections, although its provision needs to be balanced against protecting the rural character of the lane and safeguarding mature hedgerows. This is explored in the DAS and three options have been put forward by the applicant. These options are welcomed in principle in meeting the requirements for the development.

## 6. Affordable Homes

Affordable housing is to be provided at a level of 30% (8 homes). This does not accord with either the planning requirements for the proposal (at around 50%) or the Council's general approach to contributions from qualifying sites (at 35%) set out in the S106 and Planning Contributions SPD. The latest policy is set out under Core Strategy Policy CS19 and the Affordable Housing SPD (January 2013) (to be adopted). It is reasonable to consider affordable housing in the context of other contributions the site has to make, especially how costs are shared between the landowners and up-front costs in order to bring forward the initial phase of the development (e.g. highway and footpath improvements). The applicant will need to make a case if there are genuine viability issues on an "open book" basis.

## 7. Conclusions

We support the principles of the scheme in that it seeks to deliver an established Local Plan housing allocation. The access arrangements have been tested and supported by the Highway Authority. However, the proposal is complicated in that it is to be brought forward in two phases. Therefore, as far as is achievable, we need to ensure that it still allows for a comprehensive development and meets the requirements for the site set out in the Local Plan and associated brief.

### Trees and Woodlands

Existing mature trees are located towards the site boundaries where they combine with native and ornamental hedging plants.

It is intended to retain mature tree and hedge boundaries "where possible" (Design and Access Statement February 2013), although it is recognised that some removal is necessary to provide "safe access to the site".

Tree removal does not seem to have been proposed within the application site. Sections of hedge removal are planned to the southern tip of the site.

Using 'Figure 3 – Illustrative Masterplan' (Design & Access Statement) proposed new tree planting appears low given available space. New tree planting is indicated close to the southern site access and to the front of plot 7. Other trees shown on the plan are existing specimens.

I would consider there to be a need to partially screen the development when viewed from outside using new native trees, given the site's rural setting.

Potential planting could be added adjacent to plots 2, 3, 4, 6, 7 - 12, 13 – 18, 19 – 26 and along the site boundary with Westwick Row and Pancake Lane.

A range of native species should be selected for planting.

The provision of public open space is welcomed. It would be appropriate to reinforce boundary hedges in the open space with new planting along the highway edges, aiding screening and site security.

Soft landscaping plans should be submitted stating native species to be used, plant size and maintenance regime to be followed.

#### *Further Comments*

I've looked at fig 3.3 of the Transport Statement and have the following comment.

Whilst the loss of the hedgerow along Pancake Lane is regrettable, due to proposed footway positioning, it is understood that there is no other route option available. Proposed highway and footway improvements will create a safer vehicular and pedestrian environment and so the loss of a section of hedgerow is acceptable.

However, it is important to retain as much hedgerow as possible. Detail should be submitted for assessment, proposing the extent of removal and ground protection measures around those plants to be retained.

New planting should be incorporated into proposals, so again detail should be submitted of plant species, location, planting density and maintenance regime.

#### Parks and Open Spaces

In regards to comments for the above planning application. The plan needs to include clear soft landscaping plans so that a maintenance budget and regime can be devised if the land is to be adopted.

Clear plans for an on-site LAP should also be included, to provide play space for space for local residents.

#### *Further Comments*

I would be reluctant to adopt this land as Open Space due to the size of the area under development. I see no real benefit in maintaining this area, due to it being quite an enclosed area, which although the drawings/plans are for illustrative purposes the LAP would be tucked away and not easily accessible by the wider public. Due to the small area there aren't many other places the LAP could go, without impacting on the development scheme.

The upgrade of Westwick fields from LEAP to NEAP is essential if this development goes ahead. A 106 payment of £30,000 is an indicative sum of how much it would cost for the upgrade. A 50% contribution from this development and the remainder to be paid on completion of the second development, seems a reasonable way forward.

It would be good to know from the grounds maintenance side if the roads within the development are to be adopted, as this would mean we would have to consider weed spraying costs.

#### Herts CC Planning Obligations Officer

Based on the information to date for a development of up to 26 dwellings, financial contributions would be sought towards Primary Education, Secondary Education, Youth and Library services as set out in Table 2 of the "Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) January 2008 ", copied below for reference. Fire Hydrant provision is also sought as set out within HCC's Toolkit to ensure adequate water supplies will be available for fire fighting in the event of an incident at this site.

In addition, financial contributions may also be sought towards Nursery Education and Childcare however, I am currently awaiting confirmation regarding these services. (All financial contributions are currently based on PUBSEC index 175 and will be subject to indexation.)

When applications are made in outline, HCC's standard approach is to request Table 2 of the Toolkit is referred to and included within any Section 106 deed. This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to determine the dwelling mix at the reserved matters stage and the financial contribution to be calculated accordingly. This ensures the contributions remain appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010: "fairly and reasonably related in scale and kind to the development".

The above planning obligations are sought based on the amounts and approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008.

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition." (paragraph 203, page 47) Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83) In addition, paragraph 72 of Section 8 of the NPPF states "The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education."

The development plan background supports provision of planning contributions. Policy 13 Dacorum Borough Local Plan 1991-2011 (adopted April 2004 covers the requirement for financial contributions to be made by developers towards the provision or improvement of related facilities, services or infrastructure. In addition, the Dacorum Planning Obligations SPD April 2011 covers the planning obligations sought from new development within this area and the application of the HCC Planning Obligation Toolkit (paragraphs 1.26-1.28, 3.5-3.9, 6.10-6.12 )

The cumulative impact of development on local service provision is an important consideration. As set out in paragraph 10.2 of the Toolkit, the use of formulae and standard charges is a means of addressing the likely cumulative impact of development in a fair and equitable way. Accordingly, financial contributions may be pooled to address cumulative impact, as set out in paragraphs 7.5 and 16.4 of the Toolkit.

(ii) Directly related to the development;

The occupiers of new residential developments will have an additional impact on local services. The planning obligations sought towards education, youth, childcare and library services from this development relate to the specific residential dwelling mix following

identification of local service requirements and will only be spent on those services and facilities serving the locality of the proposed development (as set out within the Toolkit) and therefore, for the benefit of its occupants. Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the buildings comprising this proposed at this site are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal

(iii) Fairly and reasonable related in scale and kind to the development.

The financial contributions are linked to the size, type and tenure of each individual dwelling comprising the proposed development. Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the buildings comprising this proposed at this site are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

Please note, financial contributions and provisions are requested based on current service information for the local area however these may change over time, for example, as a result of school forecast information being updated. Accordingly, future applications on this site will be reassessed at the time of submission and the requirements may differ from those identified above

#### *Further Comments*

Have now received confirmation that the contributions towards nursery education and childcare services are not required in this instance.

#### Scientific Officer

Although the site is not located within the vicinity of any known potentially contaminative former land uses, the existing use of the site is agricultural land and for grazing, therefore the potential for fertiliser and/or pesticides etc. to be present is likely. Furthermore, the application form states that contamination is suspected and the proposed use would be vulnerable to the presence of contamination. As no contamination assessment was submitted within the planning application document package, I recommend that a contamination condition be applied to this development should permission be granted.

#### Strategic Housing

We note the proposal includes the provision of 30% affordable housing, equivalent to 8 houses. This provision falls short of our standard policy requirement; which seeks 35% affordable housing, of which the tenure split is 75% affordable rent and 25% shared ownership/equity. Therefore we require an additional unit, to provide 9 affordable houses in total.

#### *Further Comments*

The applicant has submitted a full viability assessment to the Council to accompany the planning application. This report justifies the lower provision of affordable housing across the scheme, and is technically sound. The applicant has offered 30% affordable housing (75% rented and 25% intermediate) plus a small off-site contribution to the Council, whilst this would not normally be acceptable, this is acceptable on the grounds of viability.

It is the opinion of the Strategic Housing team that this application should not be refused on the grounds of viability/lack of affordable housing, as the applicant has clearly demonstrated that

the policy compliant level of affordable housing cannot be delivered within this application. It is the view of the Strategic Housing team that refusal on the grounds of lack of affordable housing would likely be overturned on appeal, with a strong risk of costs against the Council.

### Hertfordshire Highways

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions relating to construction and completion of the footway and passing bays, realignment of Westwick Row, provision of visibility splays, reduction of the speed limit on Pancake Lane as far north as the junction with Westwick Row, storage of materials on site during construction, disposal of surface water from access and parking areas, and details of materials for hard surfaces.

The application is for outline permission (all matters reserved save access) to build a residential development of up to 26 dwellings with a new access to Pancake Lane (including new access to scout hut), associated open space and landscaping. The site's access/ spine road is designed to allow connection to further development to the north.

### Accessibility

The site is reasonably well located in terms of access to local facilities including community uses, schools, shops and employment opportunities, many of which within walking distance. The need for a link from the site to footways and footpaths is demonstrated by figure 2.1 in the Transport Statement. Whilst there are no dedicated on-street cycle facilities in the area, Green Lane, Westwick Row and Pancake Lane could be considered relatively safe for cycling due to relatively low vehicle numbers and traffic speeds.

The nearest bus stops are a pair on Leverstock Green Road approximately 425m from the proposed site entrance. This means that dwellings further into the site would be significantly over the recognised accessibility criterion of 400m. Both stops have easy access kerbing, neither have shelters. Services are as follows:  
300/ 301 Stevenage-Hemel Hempstead - Monday-Friday 4 per hour, Saturday 3 per hour, Sunday hourly. Hemel Hempstead station is approx 3.8 miles away. Trains are run by London Midland and Southern and journey time into London Euston is between 30 and 33 minutes.

### Adjacent road network

Pancake Lane is a single carriageway unclassified Local Access road in the HCC hierarchy. In its 509m length it has a 30mph speed limit on the south-western two-thirds and is derestricted (national 60mph limit) from the football club entrance to Westwick Row. However with a width of less than 3m in places and houses fronting on to the south/east side and tunnel-like vegetation this limit is entirely notional. The traffic speed survey summarised at table 2.4 in the Transport Statement shows that a maximum of 85 vehicles used Pancake Lane in a 20 hour period and that average speeds were between 16 and 17 mph over the 4 days surveyed. Thanks in large part to these low volumes and speeds there is no significant history of collisions in the area.

### Traffic generated by the proposal

The Transport Statement demonstrates (in chapter 4) that the majority of the traffic associated with the scheme would head for the M1 up Pancake Lane and Westwick Row in the morning and return that way in the evening rush hour. These would amount to 13 in the morning and 12 in the evening peak hours and would not, therefore, have a significant impact on network

capacity.

#### Site access

The response to question 6 in the application form indicates that the proposal would result in new or altered vehicular and pedestrian access to the site. The new site access will need to be able to cope with traffic generated by possible future extension of the development. This was investigated as part of the site master planning exercise as described in chapter 4 of the Design & Access Statement. It is proposed to incorporate access to the scout hut to the southwest into the new development's access road. Visibility splays of 45m measured from a distance of 2.4m within the proposed access road are to be provided in accordance with table 7.1 of Manual for Streets. The access road is to be 5.5m wide with 1.8m footways. Visibility around the bend adjacent to the site entrance from Pancake Lane should be ensured by careful design of the landscaping/ planting of the verges.

The site access/ spine road (described in the Design & Access Statement as the main street) will serve the up to 26 houses of this development alone. This gives it low public utility in the eyes of the highway authority and therefore it is not a stretch of road that HCC would consider for adoption.

The response to question 6 in the application form indicates that the proposal would result in new public right(s) of way within or adjacent to the site. I presume that the LPA has consulted the HCC Rights of Way team on this aspect.

#### Offsite highway improvements

Extensive pre-application discussions have taken place between the applicant, the planning authority and HCC as highway authority and is summarised at 1.3 in the Transport Statement. This has been based on proposals framed by the Borough Council's 2007 development brief. A master planning exercise is described in chapter 4 of the Design & Access Statement.

The development brief required an investigation into the feasibility of providing a footway southwest along Pancake Lane to stitch the new development into the existing settlement. The work done by the applicant in this regard is described in chapter 3 of the Design & Access Statement and Transport Assessment submitted with the application. It has also been the subject of further discussion with officers of the planning and highway authorities. In accessibility terms this provision is seen as key. It would provide improved pedestrian links towards the Leverstock Green village centre, local employment and bus stops and, importantly, schools in the area. However the interaction between the provision of the new path, the potential loss of soft landscaping (existing grass verge and/ or hedge and trees) and the utility of any such a path in terms of personal security has also been recognised.

The most recent discussion (on Wednesday 27 March) sought to identify a pedestrian route which minimises loss of vegetation but is likely to require some suitable lighting in order to meet personal safety needs. The absolute minimum width of any such path would be 1.25m (Roads in Hertfordshire Section 4, chapter 11, para 11.2.4). The footway shown on the 4 drawings attached to it (19886-L180\_MT\_2.dwg figures 1 to 4) generally show a route that we would find acceptable except in that the width should be 1.25m, there is no indication of lighting and they do not show the route south of the football club entrance.

By realigning Westwick Row to the northeast at its junction with Pancake Lane it would be possible to achieve the desired vehicle to vehicle intervisibility and reduce the need to cut back the adjacent hedges. A kerb radius of 6m should be used at the northern end of Pancake Lane where it joins Westwick Row. A layout that is acceptable in principle is shown on drawing



19886-L177.dwg geffv submitted by the applicant s transport consultant on 4 April 13. Further checks including a safety audit would be required as part of the Section 278 agreement process needed to allow the applicant to construct this new arrangement. It should be in place before any of the new houses are occupied.

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). Planning obligations so derived would be used on schemes and measures identified in the Hemel Hempstead Urban Transport Plan. In accordance with paragraph 11.7 of the Toolkit I recommend that a first strand contribution of £16,000 toward provision of shelters at the two nearest bus stops is sought. I will require a pooled second strand contribution based on the standard charges set out in table 1 (page 14) of the Toolkit applied to the final accommodation mix of the proposed development which, since this is an application for outline permission, has yet to be finalised. The rates will be those in the second row of the table since the site lies in accessibility zone 4 as set out in the DBC document Accessibility Zones For The Application Of Car Parking Standards . This element can be reduced by the amount of any TravelSmart contraption sought by the local planning authority.

#### Fire Protection Inspection Officer

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

#### Access and Facilities:

- Access for fire fighting vehicles should be in accordance with The Building Regulations 2000 Approved Document B (ADB), section B5, sub-section 16.
- Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.
- Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.

#### Water Supplies:

Water supplies should be provided in accordance with BS 9999.

This authority would consider the following hydrant provision adequate:

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

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

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

#### HCC Minerals and Waste Team

Should the Borough Council be minded to permit 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.

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

Policy 1: Strategy for the Provision for Waste Management Facilities;

Policy 1a: Presumption in Favour of Sustainable Development;

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

The adopted Waste Core Strategy and Development Management Policies Development Plan Document forms part of the Development Plan for the purposes of section 54A of the Town and Country Planning Act 1990 (as amended). Therefore, in determining the planning application the Borough Council is urged to pay due regard to these policies and ensure their objectives are met.

As from 6 April 2008, a site waste management plan (SWMP) is required by law for all construction projects that are worth more than £300,000. This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Projects over £500,000 may require further information. Many of the policy requirements can be met through the imposition of planning conditions. In this regard, the document 'Implementation of Hertfordshire Waste Local Plan Policies – A Guide to Districts, (Draft) June 1999' should be referred to.

#### Environment Agency

We are pleased to see greenfield runoff rates have been proposed and that the applicant has shown sustainable drainage systems (SuDS) have been maximised.

The Environment Agency would not object to the granting of planning permission subject to conditions requiring measures to be implemented with respect to surface water drainage, protection of controlled waters from contamination, remediation, and infiltration of surface water drainage into the ground.

Appropriate pollution prevention methods should be used to prevent hydrocarbons draining to surface water sewers or ground from roads, hard standings and car parks. There should be no discharge to land impacted by contamination or land previously identified as being contaminated or made ground.

## Thames Water

Thames Water has not objected to the proposal, however has provided an informative with respect to waste and surface water drainage.

## Hertfordshire Biological Records Centre

1. The main body of the site *does not support any significant ecological interest*, consisting largely of improved grassland.
  2. The site is bordered by species-poor hedgerows (SE, SW and NE boundaries) a fence (NW bdry) and a line of standard trees (half SW bdry). A species-rich hedgerow, typical of those found in the area reflecting the acidic clay-with-flints soils which overly the chalk, is present outside the application site further to the SW along Pancake Lane. Some of the native trees are locally notable. However given this effectively forms part of the main SE hedge, this otherwise sp. poor hedge is also considered species rich and therefore Important under the Hedgerow Regulations. The Tree survey gives the SE and NE hedgerows as Retention Value A, the highest rating regarding value.
  3. Other than common breeding birds, I consider that it is unlikely that the site supports other protected species, based upon the surveys and my understanding of the local ecology. There is potential for bat roosts associated with Westwick farm and larger trees off site and obviously bats use the site and its hedgerows for foraging. These features should be retained where possible, as recommended.
  4. The Important hedgerow is given the least value in respect of relative importance as an ecological feature in the ecological report. *I do not consider this to be a fair reflection of this feature*; it is one of a pattern of hedgerows that characterise the local area and provide a valuable network of wildlife corridors and link the top of the dip slope to the Gade Valley to the west. These hedges outline long, ancient rectilinear fields that drop down the valley sides and are therefore of considerable historic and ecological importance. This wider context has not been recognised and *I consider these features to be of at least Parish if not District importance*.
- However, in this case, beyond the Football Club this feature has been lost within the developments along Pancake Lane to the west, where a hedgerow is largely absent. Whilst not devaluing the hedgerow in the context of the site, its role in providing a continuous wildlife corridor locally is severely degraded and this reduces its relative ecological contribution beyond the site.
5. I concur with the advice provided with respect to any required vegetation clearance and breeding birds, namely that any removal of trees or scrub from the site should be timed to avoid the bird breeding season (the latter being typically late February to August in south-east England). In the event that works need to be undertaken within this period, clearance should be preceded by an inspection of the vegetation by an experienced ecologist to identify evidence of bird breeding activity (taken as the commencement of nest building through to fledging) which if found should not be disturbed until nesting has finished. *This approach should be secured under a Condition of any approval*.
  6. I do not consider that Dormouse conservation measures will be required or are necessary given the absence of any information to suggest they are present here or anywhere else in this part of Hertfordshire, but I would not object to the measures proposed being taken.
  7. I consider that if there is sufficient space available within the site, consideration should be

given for a small community Orchard as part of the landscaping proposals – which are otherwise absent from the application. If the open space area is inappropriate there may be space as part of the buffer which is proposed against the hedgerow in pancake Lane. Trees on smaller rootstocks can provide important visual amenity, ecological and social aspects to any such landscaping.

8. The main ecological issue seems to relate to the potential loss of hedgerow associated with the footpath requirement which itself will not be on the application site. I am also aware of the role this hedgerow plays in the context of reducing light pollution from the football club – almost certainly on advice previously provided by HBRC. It is rather ironic that in order to be sustainable, a development has to destroy a feature that would otherwise be protected for three reasons related to sustainability – floodlighting, Hedgerow Regulations Importance and local ecological value to the site itself.

9. *No solution to the footpath has been proposed – simply a number of options. As such I consider this to be unacceptable* in respect of retaining the hedgerow ecology and the desire to retain the rural character of the Lane. I am not aware of any ecological advice sought from HBRC regarding this matter prior to this application being submitted, despite the significant work and consultations in July 2012. Furthermore, there is no replacement planting proposed for the loss of hedgerow associated with access visibility. However the D&A Statement highlights hedgerow retention to encourage biodiversity within the site and surrounding area.

10. My own views would initially be to retain the hedge, create a footpath behind it and then lay the roadside hedge and keep it trimmed thereafter. This would reduce the vulnerability to users of the footpath and retain the hedge, although there would be some restrictions to users. This is no different to many footpaths in numerous places across the borough. If this is not considered acceptable, the hedgerow should be replaced behind the footpath adjacent to the football club, which may not require a fence. There would appear to be sufficient room for this, and the hedge should mimic or enhance the existing feature. It will grow in due course to replace the existing feature where it would provide a similar ecological, landscape and screening role.

11. However, as yet there are no firm proposals for the hedgerow and footpath which can be considered. *Unless a recognised and acceptable solution is provided, I do not see why this application should be approved.* No details of the implications of the Options – or compensation measures – have been provided. There has clearly been plenty of time to sort this issue out, whatever the outcome, to enable the development to proceed in an acceptable manner. Approving the existing proposals does not achieve a solution as this issue has *not* been adequately addressed. This approach would have to be weighed against the desire to progress the development, for which there are no other ecological constraints. The failure to have achieved a satisfactory solution at this stage is disappointing.

#### Herts Middx and Wildlife Trust

The proposals pertain to a residential development of up to 26 homes, on a previously undeveloped site adjacent to residential areas and farmland. An ecological appraisal has been submitted (AMEC, February 2012), based on previous extended phase one survey in 2004, update surveys in 2011 and 2012, and bat surveys in 2007 and 2011.

The site is not subject to any form of nature conservation designation. The nearest Local Wildlife Site is 400 metres to the south west. Various records for notable species exist within a 1 km radius. The site itself is mostly short grazed, improved grassland. Species poor, well mown amenity grassland is found to the west. Hedgerows bound the site, mostly species poor, although there a length of hedgerow to the south of the football club adjacent is

considered species rich and important under the Hedgerow Regulations. Within the species rich hedgerow are several mature, native standard trees. Three mature oaks stand to the south west of the application site and a line of conifers forms a windbreak to one edge of the site. There is some potential in the peripheral hedgerows and trees for nesting birds, and some suitable habitat for foraging and roosting bats.

Overall the site is of limited ecological value at present. The features of more value are the hedgerows and mature native trees, which can be retained as part of the development and enhanced to improve their value for wildlife. There is potential for the development to achieve a net gain for biodiversity through creating new habitats, enhancing existing features and creating spaces for wildlife in the development.

The ecologist sets out recommendations in the report, which are supported by HMWT.

Specifically:

- Retain and enhance hedgerows, in particular the one to the south
- Surveys of trees with potential for roosting, in the event that they are affected by the proposed work, and ensure appropriate mitigation and licences are obtained if necessary
- Improve habitats for foraging bats within the site (hedgerows, new ponds, suitable planting) and include bat boxes etc in some of the new buildings adjacent to linking habitat
- Sensitive lighting scheme to avoid impacts on bat activity
- Removal of trees and scrub etc outside of bird nesting season, or else after inspection by ecologist for signs of nesting
- Ecological enhancement of the site.

The above points should be addressed as plans evolve further and in reserved matters stages. The developer should aim to enhance the biodiversity potential of the site, through appropriate layout, design and landscaping proposals. The LPA should employ suitable conditions to ensure that construction works do not result in harm to protected and priority species, and also to secure a landscaping scheme which makes a positive contribution to the local ecological network.

Ways to achieve biodiversity gain:

- Any existing features of value for wildlife, such as mature tree lines, hedgerows or ponds, should be retained, protected and enhanced where possible;
- Opportunities for wildlife should be integrated into new buildings, through the installation of bird and bat boxes or bat lofts, or the creation of high quality green roofs and green walls;
- Landscaping can be designed to benefit wildlife, through creating structural and habitat diversity and use of native, wildlife-friendly plant species. Including fruit-, seed- and nut-bearing species and nectar source plants will help attract insects and birds. Creation of ponds, dead wood habitats and loggeries provides further habitat diversity, enhancing the potential to support amphibians, invertebrates and small mammals.
- New wildlife habitats can be created, such as wildflower meadows, ponds and wetland areas. These can increase the amenity value of the site as well as provide opportunities for wildlife.
- Retained, enhanced and newly created habitats and habitat features should be appropriately managed in the long term so as to maintain and improve their ecological value. Habitat management plans should be used where required.

Sustainable Drainage Systems (SuDS) should be considered as part of the new development. The sustainable drainage scheme should be designed, wherever practicable, to encourage wildlife and contribute to biodiversity enhancement. The SuDs Manual (CIRIA C697 - Woods Ballard *et al.*, 2007) provides advice on how ecological diversity can be maximised through SUDS design (see page and Chapter 20 and section 3.5). The planning authority should consider the impacts of large residential developments on biodiversity habitats, ecological

connectivity and green infrastructure. Semi-natural green space is an important resource for local communities as well as local wildlife. The council should ensure that there is sufficient high quality semi-natural greenspace to meet current and future needs, and that habitats are well managed in the long-term to retain and increase their value for wildlife and people.

Where on-site provision of new green space and semi-natural habitat cannot be achieved within new development, the Council should consider whether it is appropriate to secure a contribution to off-site habitat creation and enhancement.

#### Leverstock Green Village Association

LGVA has contended from the outset that access would be a major problem, and that it has always believed access from Westwick Row/Green Lane was by far the least disruptive and safer solution. This was firmly reiterated in 2007 when LGVA representatives were involved in the consultation exercise, and we understood that the Highways Authority was sympathetic to that view. LGVA therefore wishes to register its objection to the Pancake Lane option whilst supporting further examination of alternative access from Westwick Row/Green Lane.

#### Local Residents

A petition has been received containing 80 signatures opposed to access to the development from Pancake Lane suggesting that the access should be from Westwick Row.

An on-line petition containing 53 names has been submitted. It should be noted that a number of the names are also signatories to the paper petition and there are also names of people residing in Scotland and Italy.

A number of individual representations have been received including the following:

#### Westwick Farm

*We are instructed by Mr and Mrs Archer who are the owners of Westwick Farm, which is approximately 43% of the area allocated for housing development within H42. Our Clients object to this application as it is not a comprehensive development as originally envisaged. This piecemeal proposal will not deliver the benefits indicated in the policy for H42 or the Development Brief for the site.*

*Both Mr and Mrs Archer and the Crown Estate jointly promoted the allocation of H42 using independent consultants. Following the allocation, discussions were held concerning taking forward the scheme, both in terms of its planning and eventual sale as a whole. Heads of Terms were agreed.*

*The intervening property crash and changes in property values resulted in the financial terms being no longer acceptable to the Crown Estate.*

*The issue is that whereas the Crown Estate's land without development is of a relatively low value, being bare agricultural land, Mr and Mrs Archer's has a significant value due to a substantial Victorian Farmhouse, buildings, and paddocks. In addition, our Clients would have to relocate their home and their business, and would require a financial inducement to do so to meet the removal costs and have some advantage for doing so. For this reason, it had been accepted by the Crown Estate that my Clients required a minimum return from the sale proceeds to make it worth their while. Following the property crash, our Clients reduced their minimum figure by £280,000 to reflect the reduction in the value of their own property. Agents*

*for the Crown Estate indicated that even at this level it was higher than the expected development value of my Clients' acreage. The developers would pay on a price per acre basis and ignore the current value of the house and buildings. For a deal to proceed at the market price envisaged by Agents for the Crown, it would have meant that the Crown would have to agree a proportionately lower price per acre in respect of its land to make up for the current use value of my Clients' property. The Crown Agents have always accepted as being reasonable our Clients' position that they would require a minimum price over and above the current use value of their farm.*

*The Council should be aware that by a piecemeal development it will not achieve anything like the level of Affordable Housing it had originally sought. The Applicants are already suggesting a reduction from around 50% Affordable Housing to 30% Affordable Housing based on a Viability Assessment relating to this greenfield site. This means that when Westwick Farm gets developed, the level of Affordable Housing will be insignificant due to the current use value of the existing house and buildings. If the viability of the greenfield site produces only 30% Affordable Housing, as contended, then the development viability of Westwick Farm with its higher base value the Affordable Housing will be nothing. This is a consequence of a piecemeal development. The net effect would be that across H42 the level of Affordable Housing would equate to 14%.*

*The statement accompanying the Planning Application refers in Sections 2.2 and 2.3.2 that the internal access road will be Adopted up to the northern boundary enabling land to the north to be developed. The purpose of this is so that the Applicant's scheme does not prevent the remainder of H42 from being developed. It is noted that this part of the application is not repeated in the Schedule of Legal Obligations (Table 4.1), neither is it referred to in the Transport Statement nor the Design and Access Statement. The Transport Statement indicates that the highway design and proposed alterations would be sufficient to accommodate up to 55 houses in total on H42, and this is welcomed.*

*If the Council remain insistent that there is not to be an access from Westwick Row and require the whole of H42 to be residentially developed, then it must protect this position by a legal agreement entered into with the Applicant and applying to successors to provide an Adopted highway and service connections up to the boundary of Westwick Farm within a specified period and to enforce it if it is not delivered by the use of step-in rights. The highway connection and footpaths would need to be of a highway standard, which would enable 29 further houses to be erected on the Westwick Farm site. In addition, the position of the access needs to be in a reasonably suitable location for the enlarged development. Our Clients have no objection to the position currently shown on the plans.*

*Our Clients consider it is regrettable that the Crown Estate decided unilaterally in 2011 that it would pursue an application only on its land, and were disappointed that they learnt this from Dacorum Borough Council rather than from the Crown Estate direct, bearing in mind the negotiations and discussions of this scheme over a number of years. Following the Crown's unilateral decision, my Clients received an unsolicited approach from an Architect and developer who, we understand, have made various enquiries and have obtained confirmation from the Highway Authority that there are no highway reasons why the development of H42 cannot be from Westwick Row if a footpath were provided within the wide verge, and which could potentially link to the highway improvements being undertaken at Green Lane. For other reasons not connected with the planning of this site, the developers decided not to pursue the matter further, but the views of the Highway Authority are clearly of relevance.*

*The background to the Local Plan Policy and the Development Brief originally referred to access from Pancake Lane. It is believed that this was to protect the rural character of Westwick Row, Pancake Lane, and the hedgerows around the site. This purpose has not*

*been achieved within the current design proposals due to highway constraints. It is, therefore, time to reconsider the main point of access now the implications and the impact on Pancake Lane and Westwick Row have been further investigated. The highways solutions are far more severe in relation to the impact on the rural character and hedgerows than was first envisaged or contemplated when an access from Pancake Lane was being considered by the Inspector. The point is, that further information and impact is now known, which was not available at the time the Local Plan Inspector approved the policy wording. This change in circumstances needs to be taken into account with a fundamental review of access provision.*

*This scheme does not protect the rural character of Pancake Lane or Westwick Row, and requires the removal of hedges which were intended to be protected.*

*Pancake Lane is a very narrow single-track highway bounded by mature hedgerows. The proposals require the removal of hedgerows to provide passing places, and visibility splays for the junction improvements at Pancake Lane/Westwick Row (see Transport Statement). The junction improvements will urbanise the character of the area.*

*In addition, if a safe pedestrian refuge along Pancake Lane is to be provided to the site, then the developers' option requires the removal of further hedgerows.*

*It is accepted that for the development of the whole site an access from Westwick Row is required, albeit for emergency purposes (see Transport Statement, para 3.2.5).*

*Westwick Row has a wider single carriageway lane and has wide grass verges, which can easily accommodate a footpath/cycle route with a sympathetic surface and the visibility splays and passing bays without the need for hedgerow removal. The Highway Authority has confirmed that an access from Westwick Row would be safe in highway terms, meet high standards, and improvements could link in with the existing highway improvements to Green Lane with a footpath connection from the site to the centre of Leverstock Green and the school. This would comply with the Development Brief by creating and strengthening pedestrian and cycle links, which the current proposals fail to achieve. It is better that children from this development can access the school using a safe visible pedestrian route, rather than the dark, unlit, and narrow hidden route proposed by the developers, viz. footpath opposite Badgers Croft.*

*An access from Westwick Row is required in any event (see Transport Assessment). A main access from Westwick Row will not require the removal of hedges for visibility, but does provide a safe pedestrian, cycle, and vehicle route without damaging the rural character of either Pancake Lane or Westwick Row. The main point of access should come from Westwick Row as there are no sound planning or highway reasons for not doing so.*

*A main access from Westwick Row serving the site would not be contrary to the Plan Policy for H42 (this simply states "Access from Pancake Lane". The Development Brief is wrong that this means a single point of access), as Pancake Lane could and should become an emergency access only. The policy simply refers to an access from Pancake Lane; it does not prevent an access from Westwick Row. Similarly, the Development Brief clearly envisages an access from Westwick Row, which is referred to in figures 3.1 and 4.1, as a potential main site access.*

*Many principle issues and benefits referred to in the Development Brief are simply not delivered by this piecemeal approach, namely:*

- 1. A comprehensive scheme;*
- 2. The level of Affordable Housing required by policy;*
- 3. The protection of the character of the area and hedgerows;*



4. New footpath links to the school, Leverstock Green, and countryside (para 4.2);
5. New cycle route to the north towards Buncefield Lane (para 4.2).

*Our Clients consider this application should be refused, as they believe that the main point of access should now come from Westwick Row, as this will provide greater benefits by dealing with the scheme in a comprehensive manner. If the Council decide to grant planning permission, then my Clients would seek an undertaking from the Council that they will ensure that the proposed internal access is taken up to our Clients boundary and Adopted within a specified period, and subject to the other points we have raised above. Our Clients would also point out that in respect of any development of their land, the Council acknowledges and accepts that for reasons of viability and the high existing value of Westwick Farm, this will not produce any Affordable Housing based on the Crown Estate's assessment of development value. This is a consequence of the piecemeal development approach.*

*It should be noted that the buildings at Westwick Farm are used for housing livestock being cattle and horses. The Planning Regulations require new livestock buildings within 400 metres of a house to require planning permission due to environmental/health concerns arising from the proximity of these uses.*

*Clearly, the new houses will be very close to livestock buildings and muck heaps (smell and flies); this proximity needs to be a planning consideration. Our Clients should not be placed in a position where their farming operations are prejudiced or curtailed by this proposed development.*

*Lastly, we would wish to correct references within the supporting planning documents:*

1. *The barn at Westwick Farm was Listed after its partial collapse; a collapse as a result of the Buncefield explosion. The extent of the "Listed Barn" is incorrect in the Design and Access Statement, figure 2. As stated, the building was de-Listed following a second assessment;*
2. *The pedestrian link shown to the north of the site in figure 2 cannot be provided as part of this application.*

#### 1st Leverstock Green Scout Group

##### 1. Proximity of Scout HQ entrance to access route from new development

The proposed layout indicates the new access to the Scout HQ entering in line with the front of the building, passing straight past our front door. All vehicles entering and exiting the car park will have to drive across the building entrance, which will cause safety issues to the Young People and their parents.

##### 2. Width of access to Scout HQ

The width of the access route to the Scout HQ is unknown from illustrative plans. This needs to be wide enough to allow to-way traffic. The proposal to allow pedestrian and cycle access though the existing access point to the Scout Hut needs to be considered alongside the provision of a footpath on Pancake Lane. Pedestrian access may well lead to dropping off in Pancake Lane, temporarily blocking the lane. The risk will be increased if this area is also to be used as a passing place.

##### 3. Width of development entrance to Pancake Lane

The width of the access road to the new development off Pancake Lane needs to be wide enough for two way traffic as recommended in the Transport Statement. It is also noted that there is a provision for two passing places. At peak times this may not be sufficient.

#### 4. Footpath options

Our preferred option for the footpath is Option 1 new footpath along the north western edge of Pancake Lane. However, we have concerns over the effects that a footpath, on either side of the road, will have. Due to the narrow road width vehicles will use the footpath to drive up to pass other vehicle. The illustrative plans indicate this is only a narrow footpath which will raise safety concerns for pedestrians using it.

A footpath will change the character of the road and will create a straight line effect, with a better defined edge and line of sight, which will encourage cars to travel faster. Once the footpath has been put in and the road surface improved this will encourage cars to travel faster along Pancake Lane. The footpath needs to be lit.

#### 5. Scout HQ perimeter parking

The proximity of housing is very close to the Scout HQ boundary. Concerned about the security of our existing fencing and hedgerow and consider it will not be adequate. Replacement fencing, stopping up of existing entrance and provision of pedestrian access/entrance need to be incorporated in the scheme.

#### 6. Parking

Need to ensure that access to Scout Ha is maintained at all times and therefore parking restrictions would need to be put in place outside the entrance to the development to prevent residents blocking the entrance. Although we manage/advise users about parking it will be very difficult to stop people parking in surrounding roads.

#### 7. Traffic

There are a large number of young people being dropped off and collected on a regular basis throughout the week creating regular large numbers of vehicle and pedestrian movements in Pancake Lane. The Transport Plan indicates that traffic generation will not be significant, but the proposed development is bound to increase traffic flow in this already busy section of Pancake Lane with associated safety issues. The traffic survey taken in January does not reflect the pattern of traffic to and from the Scout HQ on evening meetings. Much of this is around 6.00pm each day with between 20-50 vehicles dropping off young people in a short space of time. This is already a concern to local residents and will only be made worse if there is the need to share the access road with the new development.

The following letter has been received from the following households:

22 Pancake Lane, 27 Pancake Lane, 8 Westwick Close, 2 Trinity Mews, 1 Badgers Croft, The Oaks Badgers Croft, 3 Badgers Croft, 27 Lombardy Close, 3 Handpost Lodge Gardens, 12 Edenhall Close, 18 Edenhall Close

We object strongly to this application for the following reasons:

- The Local Plan Policy Site H42 and the Council's Development Brief envisages the development of the whole of this site, including Westwick Farm buildings and its paddock as part of a comprehensive scheme. A piecemeal development will not ensure the planning benefits of a comprehensive scheme. The planning benefits include the provision of up to 50% Affordable Housing across the whole site, the creation of new footpath links to the school and open countryside and cycle routes northwards towards Buncefield Lane.
- The background to the Local Plan Policy and the Development Brief originally referred to access from Pancake Lane. It is believed that this was to protect the rural character of Westwick Row, Pancake Lane and the hedgerows around the site. This purpose has not been

achieved within the current design proposals due to highway constraints. It is, therefore, crucial to reconsider the main point of access now the implications and the impact on Pancake Lane and Westwick Row have been further investigated. The highways solutions are far more severe in relation to the impact on the rural character and hedgerows than was first envisaged or contemplated when an access from Pancake Lane was being considered by the Inspector. The point is, that further information and the impact is now known, which was not available at the time the Local Plan Inspector approved the policy wording. This change in circumstances needs to be taken into account with a fundamental review of access provision.

- This scheme does not protect the rural character of Pancake Lane or Westwick Row and requires the removal of hedges which were intended to be protected.
- Pancake Lane is a very narrow single-track highway bounded by mature hedgerows. The proposals require the removal of hedgerows to provide passing places and visibility splays for the junction improvements at Pancake Lane/Westwick Row (see Transport Statement). The junction improvements will urbanise the character of the area
- In addition, if a safe pedestrian refuge along Pancake Lane is to be provided to the site, then the developers option requires the removal of further hedgerows
- It is accepted that for the development of the whole site an access from Westwick Row is required albeit for emergency purposes (see Transport Statement).
- Westwick Row has a wider single carriageway lane and has wide grass verges which can easily accommodate a footpath/cycle route with a sympathetic surface and the visibility splays without the need for hedgerow removal. The Highways Authority has confirmed that an access from Westwick Row would be safer in highway terms, meet high standards and improvements could link in with the existing highway improvements to Green Lane with a footpath connection from the site to the centre of Leverstock Green and the school. This would comply with the Development Brief by creating and strengthening pedestrian and cycle links which the current proposals fail to achieve. It is better that children from this development can access the school using a safe visible pedestrian route rather than the dark, unlit and narrow hidden route proposed by the developers, viz footpath opposite Badgers Croft.
- An access from Westwick Row is required in any event (see Transport Assessment). A main access from Westwick Row will not require the removal of hedges for visibility but does provide a safe pedestrian, cycle and vehicle route without damaging the rural character of either Pancake Lane or Westwick Row. The main point of access should come from Westwick Row as there are no sound planning highway reasons for not doing so. It is worth reiterating that Westwick Row is significantly wider as it approaches Green Lane than Pancake Lane, providing a safer exit from the proposed development.
- A main access from Westwick Row serving the site would not be contrary to the Plan Policy for H4 (this simply states 'access from Pancake Lane'. The Development Brief is wrong that this means a single point of access) as Pancake Lane could and should become an emergency access only. The policy simply refers to an access from Pancake Lane; it does not prevent an access from Westwick Row. Similarly the Development Brief clearly envisages an access from Westwick Row which is referred to in figures 3.1 and 4.1 as a potential main site access.
- Many principal issues and benefits referred to in the Development Brief are not delivered by this piecemeal approach, namely:
  1. A comprehensive scheme

2. The level of Affordable Housing required by policy
3. The protection of the character of the area and hedgerows
4. New footpath links to the school, Leverstock Green and countryside (para 4.2)
5. New cycle route to the north towards Buncefield Lane (para 4.2)

- This application should be refused. The developer has not had any regard to the vociferous objections to the scheme demonstrated during the public consultation. The Government encourages localism; if localism is to have any meaning or purpose, then the application should be refused.

Individual letters/representations have been received from the following addresses:

5, 7, 10, 11, 18, 19, 20, 23, 24, 29, 32, 34, 38 Pancake Lane, Levensgrove Pancake Lane, Arden House Westwick Row, 1, 2, 3, 4, 5, 6, 7, 9, 10 Westwick Close, 4, 5 Badgers Croft, The Oaks Badgers Croft, 1 Handpost Lodge Gardens, 1, 5, 9, 11, 19, 21, 29, 31 Lombardy Close, 2, 20, 22 Eden Hall Close, 1, 2 Trinity Walk, 1, 3 Trinity Mews, 43 Datchworth Turn and 16 Ravensdell

Their objections and concerns are summarised as follows:

- Access from Pancake Lane - The proposed access is at the narrowest part in Pancake Lane being a single track. There is often a problem if a car coming in the opposite direction is met and one of the cars has to reverse back down the lane. This will be worsened by the new development with most houses having two cars per family. The point where access to the site is proposed is both hazardous and potentially dangerous to vehicular and pedestrian traffic.
- Insufficient visibility from new access.
- Pancake Lane could not cope with the increased amount of traffic this development would cause. It is already used as a short cut to the M1 and industrial estate for local traffic and this would cause traffic problems particularly during rush hour. The volume of traffic would increase substantially and the prospect of heavy plant and equipment would further increase in the risk of serious traffic accidents and injury.
- This is a semi-rural area and the lane is very narrow single track road with mature hedgerows which if removed would completely change the rural character of Pancake Lane, Westwick Row and Westwick Farm.
- To remove hedgerow that has been there for the past 200 years is sheer folly. To replace the hedgerow with 6' fence would mean the residents of Westwick Close having to contend with the floodlights from Leverstock Green Football Club illuminating their properties and privacy.
- The urbanisation of Pancake Lane - pathways will require street lighting and the lane to be made wider to cope with additional traffic, junction improvements will urbanise the character and we stand to lose most of the 1000 year old hedgerow if this urbanisation measure is allowed to proceed.
- Access should be either from Green Lane which is wider and safer than Pancake Lane and would be able to cope with the extra volumes of traffic, especially as there is a new development under construction on Green Lane or alternatively from Westwick Row, which already has gated access to this site. Westwick Row is much wider with direct access to the motorway, garage/hotel and Leverstock Green. Westwick Row would also allow for a pedestrian walkway. Could also provide a footpath to Leverstock Green School and the village

maintaining the rural character of Pancake Lane.

- The local school would potentially not be able to accommodate the extra amount of children living on this development.
- In Green Lane there is an on-going problem with flooding, which will be made worse.
- The sewerage system in Pancake Lane is already overloaded and blocks on a regular basis.
- The loss of a rare breeds farm.
- Proposed Footpath – On the proposed plan there are three options for creating a footpath to the new site with access at Pancake Lane - concerned for the following reasons:
  - The effect on the rural setting – all the proposals for the footpath linking the proposed site to the village, will see some, or all, of the hedgerows removed down the end of Pancake Lane towards the site. This will impact greatly on the overall rural feel of the surrounding area.
  - They present poor options in terms of security/safety - the proposals for the footpaths would still be created down the side of a single carriage way road with one of the options creating a secluded location that has no natural surveillance. These footpath proposals are not safe enough.
  - The footpath proposals are in contradiction to conditions in place to meet the planning authorization for the football club flood-lighting. Principally the condition to retain the hedgerow down the side of Pancake Lane (between points X & Y on plan LGFC/x2).
  - There is no proposal in place for a footpath to connect to the other site in Green Lane which was a requirement of the Development Plan 4.2.
  - The current planning proposal has reference to a number of houses being on the site at 2.5 storeys high. This is in contrary to the Development Brief 4.7 which stimulated that properties should be only 2 stories high for the site.
  - The Local Plan Policy Site H42 and the Council's Development Brief envisages the development of the whole of this site, including Westwick Farm buildings and its paddock as part of a comprehensive scheme. The planning benefits include the provision of up to 50% Affordable Housing across the whole site, the creation of new footpath links to the school and open countryside and cycle routes northwards towards Buncefield Lane.
- The background to the Local Plan Policy and Development Brief referred to access from Pancake Lane to protect the rural character of Westwick Row. This has not been achieved with the current design proposals due to highway constraints. The highway solutions are far more severe in relation to the rural character and hedgerows than was first envisaged. Further information on the impact is now known which must be taken into account with a fundamental review of access provision.
- Many principle issues and benefits referred to in the Development Brief are not delivered by this piecemeal approach, namely:
  1. A comprehensive scheme
  2. The level of affordable housing
  3. The protection of the character of the area and hedgerows
  4. New footpath links to the school, Leverstock Green and the countryside
  5. New cycle route to the north towards Buncefield Lane.
- Parking is already a problem in the area.
- Light and noise pollution - previous planning permission for the flood lights at Leverstock

Green Football ground was that the hedgerow remain and be increased to reduce the light pollution (planning permission for floodlighting application no 4/00946/97FUL dated 10th June 1997) Also, the Development Brief for Westwick Farm/Pancake Lane, Hemel Hempstead Adopted on the 27th November 2007 notes that consideration needs to be given to appropriate planting (as a noise and light barrier) on the western boundary to limit the impact of floodlights and noise from the football club. The existing neighbours of the football club must be considered first when deciding whether the hedgerow can be removed. The applicants note that this is an important factor, and should be key in the decision process relating to changing Pancake Lane.

- Speed Limits - whilst Pancake Lane is currently a 30mph speed limit, whereas Westwick Row is a 60mph limit there is recognition in the Development Brief for Westwick Farm/Pancake Lane, Hemel Hempstead Adopted on the 27th November 2007 that the speed limit adjacent to the site should be reduced 30mph. This will require approval through the Traffic Regulation Order process, which should be progressed in parallel with a planning application. This should therefore not preclude Westwick Row being considered as a viable option for the site entrance, as it is recognised that the speed limit should be reduced once the development commences.
- Whilst it is understood that planning applications cannot be denied on the basis of nuisance from site traffic, practically speaking there is physically no room for large and/or articulated vehicles to access the site from Pancake Lane, the lane is simply not big enough.
- Proposed footpath along Pancake Lane would create another unkempt dangerous alleyway that people will be reluctant to use resulting in people walking back along the road.
- If the government's policy of localism is to have any meaning or purpose then this application should be refused.

## **Considerations**

### Policy and Principle

The development of the site for residential purposes has already been established through the designation of Housing Proposal Site H42 in the Dacorum Borough Local Plan (DBLP). The DBLP is the starting point for consideration of the proposal. The DBLP was adopted by the Council in 2004 following a Public Local Inquiry by an independent Planning Inspector. Housing Proposal Site H42 was subject to that Local plan Inquiry having undergone public consultation, and taken on board advice from the Highway Authority and other environmental/planning considerations.

The Housing Proposal H42 which sets out the Planning Requirements for the site include a mixed two storey residential development of about 50 units including around 50% affordable housing. Vehicular access to be from Pancake Lane and hedgerows are to be retained as far as possible. Subsequently a Development Brief for the site was prepared. This sets out key development principles for the site and includes the following:

### Access and Linkages

- Singular vehicular access from Pancake Lane, to serve both the residential development and existing scout hut
- Localised road widening and provision of a footway from the site entrance to the junction of Pancake Lane and Lombardy Close (subject to the advice of the highways authority following detailed design work)

- Provide for new pedestrian and cycle linkages with the primary school, local shops and facilities and the wider pedestrian/cycle network

#### Landscape and Environment

- Reinforce and retain existing native hedgerows and provide sufficient distance between these and any new development
- Provide a substantial landscape buffer along the boundary with Westwick Row.

#### Design

- Retain the scout hut in its existing location and ensure the site area of the facility is not reduced
- Provide an appropriately sized area of open space at the northern end of the site to provide local amenity space and ensure an attractive setting for the historic farm buildings.

The Development Brief envisages a comprehensive planning submission that accords with the DBLP and details set out in the brief unless there is clear justification for departure. Furthermore, Policy 10 of the Dacorum Borough Local Plan 1991-2011 requires that all development is planned and implemented in a coordinated way and having taken a comprehensive view of potential development opportunities.

It is against this Policy background that the proposal must be assessed. The proposal is in outline form pertaining to part of the H42 Housing proposal Site. Given the fact that the site is subject to different landowners, and the different land values, as described in the letter from the other party (see Representations Section), a phased development, that ensures proportionate delivery of the Planning Requirements and does not undermine the delivery of objectives for the remainder of the land is considered reasonable in the circumstances. The illustrative layout shows a road link into the adjoining land and the proposal ensures delivery of many of the planning requirements set out under proposal H42 and the Development Brief e.g. delivering a mix of houses and tenure, access from Pancake Lane, retention of hedgerows, new access to scout hut, exploring footpath connections, and provision of open space. The development of this land independent of the adjoining land to the north would not therefore prejudice the development of that land and the proposal ensures access to that land. It is considered therefore that the proposal accords with the requirements of Policy 10.

Given the proposal is in outline form with only access to be determined at this stage and this element follows directly the requirements of the Proposal Site and the Development Brief there can be no objection in principle to the proposed development.

#### Proposed Access from Pancake Lane

It is the very issue of the access that has generated so much public concern. The proposals illustrate that the primary access to the site is to be taken from Pancake Lane and includes some localised widening of Pancake Lane within the vicinity of the application site in order to provide appropriate visibility splays, the closure of an existing access to the Scout Hut and the creation of a new access thereto within the site. These works, as noted above accord with the requirements of the Development Brief. The proposals for access also include the creation of passing places to Westwick Row. The proposed access off Pancake Lane, follows both the Planning Requirements for proposal Site H42 as set out in the DBLP and the Development Brief which states at paragraphs 3.4 and 4.1 that only a single point of access will be required for this site and this, in accordance with the Local Plan should be off Pancake Lane, with potential for emergency access using existing access point(s) at Westwick Farm. It goes on to say at 4.1 "This access point should be located near the existing scout hut on Pancake Lane."

The merits of the proposed access arrangements were considered at the aforementioned local

plan inquiry and further assessed and consulted on through the preparation of the development brief for the site. An alternative access from Westwick Row was explored at the time and ruled out as the intention was to maintain Westwick Row as a 'green lane' to protect its rural nature and hedgerows. Pancake Lane, whilst it is recognised is narrow in part and aligned with hedgerows at its eastern end (closest to Westwick Row) it is a lane already serving a residential area and gives direct access to the local centre. Westwick Row on the other hand is a country lane adjacent to open land within the Green Belt. Nevertheless, given the extent of public concern over the proposed access from Pancake Lane, the Highway Authority commissioned a Safety Review of both the proposed access and the junction of Pancake Lane with Westwick Row. The formal written comments of the Highway Authority are still awaited at the time of writing, however, the Highway authority have confirmed that there is no fundamental objection to the proposed access and recommend that as a result of the Safety Review that the Give Way line at the junction of Pancake Lane and Westwick Row be moved further into Westwick Row so as to improve visibility and to avoid the need for loss of any hedgerow on Westwick Row. The applicant's will make changes to the plans to reflect this recommendation. It is therefore concluded that an objection on highway grounds cannot be sustained. The applicant has submitted a detailed letter outlining the background to Pancake Lane as being the preferred location for access to the site. This letter is annexed to the report.

### Potential Footway Provision

DBLP Proposal H42 requires that the Development Brief should consider cycle and footpath connections. The Brief requires that the applicants must thoroughly explore the provision of a footway on Pancake Lane between the site entrance and Lombardy Close. The applicants have provided three potential options for a footway, however this would inevitably result in the loss of part of the historic hedgerow. The Brief recognises that this provision must be balanced against the requirement to protect the rural character of the lane and retain mature hedgerows. Hertfordshire Biological Records Centre (HBRC) notes that the hedgerow on the application site forms part of a wider pattern of hedgerows that is considered to be of great historic and ecological importance, although the hedgerow specific to the application site has reduced ecological contribution as a hedgerow is largely absent further west along Pancake Lane. If it is considered that need for provision of a footway outweighs the harm to the historic hedgerow, the provision of this footway should be secured through a Section 106 Agreement.

### Layout and Design

The Design and Access Statement shows an illustrative layout within the submitted application. A range of house type and sizes are indicated (2-4-bed houses), including detached, semi-detached, and terraced and tenures of homes of which at least 10% of the affordable homes will be Lifetime Homes, under the "Building for Life" standard, that all gardens will be designed to meet at least minimum Local Plan standards, and to incorporating a SuDS system to deal with surface water runoff. The detailed layout and design is reserved for determination at a future date. It is worth noting however, that access to the public open space appears more accessible to the larger detached houses with the larger gardens and the area designated for public open space is of a shape and location that does not appear well integrated within the site nor the wider H42 site. Whilst access provision into the adjoining site is indicated the layout of dwellings bears no relationship with the adjoining land. These are matters that would need greater consideration at Reserved Matters stage.

### Affordable Housing

The DBLP and the Development Brief for the site requires the provision of 50% affordable housing on the site. A viability statement has been submitted to show that only 30% is viable at a tenure split of 75% rented and 25% intermediate. This also includes a small off-site



contribution of £5,000. This has been accepted by Strategic Housing Officers.

### Open Space

The Key Layout and Development Principles within the Development Brief together with Figure 4.1 therein illustrates the Council's expectation for a high level of open space to be provided adjacent to and transcending the boundary of the site and that of adjacent landowners and forming a "green wedge" to the open countryside beyond the designated housing site. This is required to provide both an attractive setting to the farm buildings (subject to conversion) upon Westwick Farm and to provide a shared open space area at the heart of the development. The provision of open space upon the site is required in its own right in accordance with Policy 76 of the Local Plan as well as the Development Brief. As mentioned above greater consideration is required at Reserved Matters stage as to the precise location and shape for the open space land.

The upgrade of Westwick fields from LEAP to NEAP is essential and a payment of £30,000 is an indicative sum of how much it would cost for the upgrade. The applicants have agreed a 50% contribution. The remainder would fall to the landowner/developer on completion of the second phase of the H42 land.

### Other Planning Considerations

A sustainability checklist and energy statement have been submitted through the on-line C-plan system adopted by the Council and are considered satisfactory. All other matters such as detailed landscaping, contamination issues, archaeology, ecology enhancement etc. are all matters to be controlled either by condition or through the reserved matters.

### Planning Obligation

A section 106 legal agreement is being prepared to ensure delivery of the Planning Requirements set out in the Development Brief and contributions required by the Council's adopted planning Obligations SPD and the County Council's Toolkit. As the precise, numbers and tenure of dwellings is for determination at the Reserved Matters stage it is not possible at this stage to give actual figures for all the contributions sought at this stage. The applicant has agreed that these will be in accordance with the toolkit.

The following Heads of Terms have been agreed:

- Affordable housing - 30% (75% affordable rent and 25% intermediate) plus contribution of £5,000 payable on completion of the penultimate unit
- Primary school contribution - as per HCC toolkit
- Provision of LAP
- Upgrade of Westwick Fields from LEAP to NEAP – £15,000 (50%)
- Sustainable transport contributions – as per HCC toolkit
- Library contribution – agreed as per HCC toolkit
- Youth services contribution – agreed as per HCC toolkit
- Allotment contribution – agreed as per DBC Planning Obligations SPD.
- Scout Hut Access and Changes – To form part of site access
- works.
- Provision of fire hydrants.

To be agreed:

- Provision of public footway
- secondary school contribution

There is some disagreement between the applicant and the County Council over whether or not contributions to secondary education is required. The applicant contends that the secondary school forecasts for Hemel Hempstead for 2015/2016 (when the scheme is likely to be built out) is 17.26% and therefore in accordance with the Council's SPD such contribution is only required if there is a shortage of provision. The county is yet to confirm whether this contribution is still sought.

## **Conclusion**

The proposal for outline planning permission accords with the Policies and requirements of the Local Plan and the adopted SPG. The proposed access is satisfactory in highway safety terms. The proposal is therefore considered acceptable subject to conditions and to completion of Section 106 Agreement to secure the above mentioned provisions and contributions.

## **RECOMMENDATIONS**

1. That the application be **DELEGATED** to the Group Manager, Development Management with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.
2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:
  - Affordable housing - 30% (75% affordable rent and 25% intermediate) plus contribution of £5,000 payable on completion of the penultimate unit
  - Primary school contribution - as per HCC toolkit
  - secondary school contribution - to be agreed
  - Provision of LAP
  - Upgrade of Westwick Fields from LEAP to NEAP – £15,000 (50%)
  - Sustainable transport contributions – as per HCC toolkit
  - Library contribution – agreed as per HCC toolkit
  - Youth services contribution – agreed as per HCC toolkit
  - Allotment contribution – agreed as per DBC Planning Obligations SPD
  - Scout Hut Access and Changes – To form part of site access works.
  - Provision of fire hydrants
  - Provision of public footway - to be agreed

## Annex 2

### ADDENDUM SHEET - 18th April 2013

#### 5.1

#### **4/00216/13MOA - RESIDENTIAL DEVELOPMENT OF UPTO 26 DWELLINGS , NEW ACCESS TO PANCAKE LANE (INCLUDING NEW ACCESS TO SCOUT HUT), OPEN SPACE AND LANDSCAPING (OUTLINE APPLICATION - ALL MATTERS RESERVED SAVE ACCESS) LAND BETWEEN WESTWICK ROW AND, PANCAKE LANE, HEMEL HEMPSTEAD**

##### Amended Plan to show Improvements to Pancake Lane/Westwick Row Junction

As referred to in main report a drawing has been submitted (19886-L177) which shows the build out of the junction to enable improved visibility splays without impacting on the hedgerow on either side of Westwick Row. This shows 6m radii for the existing junction layout and give way line set further into Westwick Row.

##### Additional information on Provision of Proposed New Footway to Pancake Lane

Whilst the applicants are not themselves promoting a new footpath they recognise the requirement to explore options they have therefore further explored the option of providing a footway and submitted additional drawings to show provision of a footway on land running on Crown land and highway land.

Details – The proposed footway is designed with a minimum width of road carriageway of 2.75m and shows a 1.2m wide footway along the northern edge of the lane, between the entrance to the football club and the site entrance. To the west of the football club entrance there is sufficient width in the highways verge to provide a footway to Lombardy Close.

It is suggested that the surface treatment of the could be of a hoggin or similar bound gravel material.

The proposal would retain all trees but require the removal of approximately 56% of the existing hedgerow. The drawing also shows the potential to retain approximately 44% of the existing hedgerow. Of that section to be removed, there is the ability to re-plant approximately 33%, leaving a net loss of 23% due to the need to provide for passing places and a pinch point where there is insufficient width for a hedgerow.

These drawings have been amended further to take account of the HBRC's comments (see below). Drawings 19886-L182, 19886-L181-1, 19886-L181-2, 19886-L181-3, 19886-L181-4, 19886-L181-5 indicate the full length of the new footpath from the northern edge of Lombardy Close to the proposed site access and show the agreed width of the footpath at 1.25m. The drawings also show the existing entrance to the Scout Hut site planted up and it is confirmed a reduction in the overall net loss of hedgerow from 23% to 22%. The replanting of the existing hedgerow on the southern boundary of the Scout Hut site and planting up the existing gateway into the Scout Hut site with new hedgerow will be reviewed as and when the landscape framework and planting specification is prepared for the footpath.

The applicants also confirm that they have had discussions with the football club over the potential alternative options for the footpath but have sought to confine all works to land within the highway boundary as this is a deliverable solution that would create a footpath adjacent to the carriageway in an open and surveilled position.

It is concluded that these latest proposals for provision of a footway are satisfactory and such should now be included within the HOTs for the S106.

Applicants's Comments on the letter received from owners of Westwick Farm

Applicants's Comments on the letter received from 1<sup>st</sup> Leverstock Green Scout Group

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- Secondary School Contribution

The applicants have now agreed to pay towards secondary school provision. The Heads of Terms for the S106 agreement should be amended to reflect this.

Further Representations from Hertfordshire Highways

Accessibility

The site is reasonably well located in terms of access to local facilities including community uses, schools, shops and employment opportunities, many of which within walking distance. The need for a link from the site to footways and footpaths is demonstrated by figure 2.1 in the Transport Statement. Whilst there are no dedicated on-street cycle facilities in the area, Green Lane, Westwick Row and Pancake Lane could be considered relatively safe for cycling due to relatively low vehicle numbers and traffic speeds.

The nearest bus stops are a pair on Leverstock Green Road approximately 425m from the proposed site entrance. This means that dwellings further into the site would be significantly over the recognised accessibility criterion of 400m. Both stops have easy access kerbing, neither have shelters. Services are as follows:

- 300/ 301 Stevenage-Hemel Hempstead - Monday-Friday 4 per hour, Saturday 3 per hour, Sunday hourly. Hemel Hempstead station is approx 3.8 miles away.
3. Trains are run by London Midland and Southern and journey time into London Euston is between 30 and 33 minutes.

Adjacent road network

Pancake Lane is a single carriageway unclassified Local Access road in the HCC hierarchy. In its 509m length it has a 30mph speed limit on the south-western two-thirds and is derestricted (national 60mph limit) from the football club entrance to Westwick Row. However with a width of less than 3m in places and houses fronting on to the south/east side and tunnel-like vegetation this limit is entirely notional. The traffic speed survey summarised at table 2.4 in the Transport Statement shows that a maximum of 85 vehicles used Pancake Lane in a 20 hour period and that average speeds were between 16 and 17 mph over the 4 days surveyed. Thanks in large part to these low volumes and speeds there is no significant history of collisions in the area.

Traffic generated by the proposal

The Transport Statement demonstrates (in chapter 4) that the majority of the traffic associated with the scheme would head for the M1 up Pancake Lane and Westwick Row in the morning

and return that way in the evening rush hour. These would amount to 13 in the morning and 12 in the evening peak hours and would not, therefore, have a significant impact on network capacity.

#### Site access

The response to question 6 in the application form indicates that the proposal would result in new or altered vehicular and pedestrian access to the site. The new site access will need to be able to cope with traffic generated by possible future extension of the development. This was investigated as part of the site master planning exercise as described in chapter 4 of the Design & Access Statement. It is proposed to incorporate access to the scout hut to the southwest into the new development's access road. Visibility splays of 45m measured from a distance of 2.4m within the proposed access road are to be provided in accordance with table 7.1 of Manual for Streets. The access road is to be 5.5m wide with 1.8m footways. Visibility around the bend adjacent to the site entrance from Pancake Lane should be ensured by careful design of the landscaping/ planting of the verges.

The site access/ spine road (described in the Design & Access Statement as the main street) will serve the up to 26 houses of this development alone. This gives it low public utility in the eyes of the highway authority and therefore it is not a stretch of road that HCC would consider for adoption.

The response to question 6 in the application form indicates that the proposal would result in new public right(s) of way within or adjacent to the site. I presume that the LPA has consulted the HCC Rights of Way team on this aspect.

#### Off-site highway improvements

Extensive pre-application discussions have taken place between the applicant, the planning authority and HCC as highway authority and is summarised at 1.3 in the Transport Statement. This has been based on proposals framed by the Borough Council's 2007 development brief. A master planning exercise is described in chapter 4 of the Design & Access Statement.

The development brief required an investigation into the feasibility of providing a footway southwest along Pancake Lane to stitch the new development into the existing settlement. The work done by the applicant in this regard is described in chapter 3 of the Design & Access Statement and Transport Assessment submitted with the application. It has also been the subject of further discussion with officers of the planning and highway authorities. In accessibility terms this provision is seen as key. It would provide improved pedestrian links towards the Leverstock Green village centre, local employment and bus stops and, importantly, schools in the area. However the interaction between the provision of the new path, the potential loss of soft landscaping (existing grass verge and/ or hedge and trees) and the utility of any such a path in terms of personal security has also been recognised.

The most recent discussion (on Wednesday 27 March) sought to identify a pedestrian route which minimises loss of vegetation but is likely to require some suitable lighting in order to meet personal safety needs. The absolute minimum width of any such path would be 1.25m (Roads in Hertfordshire Section 4, chapter 11, para 11.2.4). The footway shown on the 4 drawings attached to it (19886-L180\_MT\_2.dwg figures 1 to 4) generally show a route that we would find acceptable except in that the width should be 1.25m, there is no indication of lighting and they do not show the route south of the football club entrance.

By realigning Westwick Row to the northeast at its junction with Pancake Lane it would be possible to achieve the desired vehicle to vehicle intervisibility and reduce the need to cut back

the adjacent hedges. A kerb radius of 6m should be used at the northern end of Pancake Lane where it joins Westwick Row. A layout that is acceptable in principle is shown on drawing 19886-L177.dwg geffv submitted by the applicants transport consultant on 4 April 13. Further checks including a safety audit would be required as part of the Section 278 agreement process needed to allow the applicant to construct this new arrangement. It should be in place before any of the new houses are occupied.

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). Planning obligations so derived would be used on schemes and measures identified in the Hemel Hempstead Urban Transport Plan. In accordance with paragraph 11.7 of the Toolkit I recommend that a first strand contribution of £16,000 toward provision of shelters at the two nearest bus stops is sought. I will require a pooled second strand contribution based on the standard charges set out in table 1 (page 14) of the Toolkit applied to the final accommodation mix of the proposed development which, since this is an application for outline permission, has yet to be finalised. The rates will be those in the second row of the table since the site lies in accessibility zone 4 as set out in the DBC document Accessibility Zones For The Application Of Car Parking Standards. This element can be reduced by the amount of any TravelSmart contraption sought by the local planning authority.

#### *Further Comments*

Access from Westwick Row is not unacceptable in highway terms. In my opinion it could be made to work.

Pancake Lane is preferred since the development would 'face' the existing settlement and the road already has accesses along it whereas Westwick Row is a rural road dedicated for movement.

#### Further Representations from Herts Biological Records Centre

Thank you for the further details regarding the hedgerow feature along Pancake Lane, which are helpful. My comments are as follows:

- I remain of the opinion that if the hedgerow and footpath issue is to be considered as part of this planning application, any approval must be given in the knowledge of what is proposed, its impact, mitigation and compensation.
- In this respect I understand the NET removal of hedgerow would be 23%, where there is a pinch point and passing bay. I accept that where required for visibility or passing places, the existing hedgerow feature may need to be removed, and that where possible, a hedge of similar character is proposed to be replanted to maintain the feature as far as is reasonable. Where this cannot be achieved, there will be a net loss, but this is inevitable.
- I note that the proposals will compensate for 33% of required removal. Whilst this destroys the existing integrity of the hedgerow, suitable replacement will at least maintain a similar ecological function and I do not object to this approach.
- One section of net loss is at the pinch point. However, I recall that the football club were prepared to allow a footpath behind the existing hedge – but that this would have required a fence and hence the restriction of the footpath. I am not clear as to whether this footpath was to be on the football club land. However, if it was and if the football club were prepared to allow

this, why cannot a short section of hedge be planted on their land adjacent to the north-west side of the proposed path? This would leave the path along the road and may not require a fence of any sort. This would provide an acceptable continuation of the feature. Also, if permission for floodlighting was to retain the hedge, it would not be considered unreasonable to retain the hedge in this manner – although I would not expect the football club to pay for such works. Has this possibility been explored?

- The other section of loss is at the passing place by the scout hut. However, there is already a hedge bordering the scout hut land, although I have no idea of its condition or composition. If it is significantly different to the hedge to be lost, I suggest that it is removed and replanted with a mix characteristic of the hedgerow to be removed. Has this possibility been considered?
- Furthermore I note that there is to be a new access point to the scout hut off of the main access to the development. I assume an entrance onto a passing bay is not desirable. Therefore I see no reason why the existing Pancake Lane entrance should not be gapped up and planted with a new hedgerow to provide further compensation and ecological continuity of the feature. Has this option been considered?
- We are informed that 44% of the existing hedgerow can be retained, whilst 33% can be replanted. Whilst I do not consider that a net loss of 23% is sufficient reason to refuse this application I would hope that the options outlined above could at least be explored before approval is given. They are based upon the latest proposals and potentially provide for an almost no net loss scenario.
- I am satisfied that suitable details of proposed planting mixes can be agreed at a later date, although it would be useful to see any survey results of the existing hedgerow to be affected (rather than a report summary) to ensure the character is maintained.
- It should be recognised that the small country lanes which are now affected by development were never designed to adequately provide the infrastructure that is now required or desired. Where their ecological or landscape contributions are inevitably degraded by such proposals, every effort should be made to ensure that, where possible, an acceptable solution can be found which does not ultimately degrade the local features – and therefore the quality and sustainability of the development itself.

#### *Further Comments on latest drawings*

Other than for necessary gaps, the majority of the road will continue to have some form of continuous hedge, whether it is trimmed or replanted. This will contribute to its ecological and visual functionality. I understand the desire to keep within the highway verge - although if there is space for alternative approaches this in itself should not limit the potential for maintaining a feature that has been present for many hundreds of years and has already been recognised by DBC as providing a valuable landscaping element of another approval (floodlights).

However I think we have - for the purposes of planning permission - probably gone as far as we reasonably can. I would expect to see details proposals of species in due course if necessary - the existing hedge should broadly be replicated to retain species composition and local character unless there is a good reason not to - ie invasive / ornamental species present.

#### Further Representations from Herts CC Planning Obligations Officer

The forecasts show, based on current information, that we will run out of secondary school places by 2018/19. The "unsatisfied demand" shows the number of pupils anticipated to be without a place. When planning for secondary school places, the Education services focus on

the admissions (Year 7) as it is unlikely secondary school children will change school part way through their secondary education. It should also be noted that an allowance of 5-10% capacity should be allowed for to encompass year on year fluctuations and parental preference (As recommended by the Audit Commission. The NFFP also states "The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.") Another point which needs to be considered in that a planning permission is valid for 3 years and the time taken to complete construction and for a site to be marketed and occupied can be in addition to this.

HCC's document "Meeting the Rising Demand for School Places 2011 update: Secondary Education" (December 2011) describes the actions taken and the proposed next steps as copied below. (Please note the forecast information below is based on the previous forecast data) A programme of secondary school expansions is currently underway. Hemel Hempstead is currently included in phase 2 of this programme.

### ***"Hemel Hempstead***

April 2011 Foreca April 2011 Forecast	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
<b>Number of Yr 7 places available</b>	1304	1304	1304	1304	1304	1304	1304	1304
<b>Demand</b>	1,133	1,089	1,113	1,162	1,203	1,254	1,324	1,373
<b>Supply/ Deficit</b>	171	215	191	142	101	50	-20	-69
<b>% Surplus/ Deficit</b>	13.1%	16.5%	14.6%	10.9%	7.7%	3.8%	-1.5%	-5.3%
<b>No of FE</b>	5.7	7.2	6.4	4.7	3.4	1.7	-0.7	-2.2

*A deficit of places is forecast for 2018/19, rising to between 2 -3 f.e. from 2019/20.*

### ***Next steps***

*Feasibility work is required to consider where additional places could be made available in the future to meet the forecast deficit of places.*

The request for a contribution towards secondary education from new development in Hemel Hempstead has recently been tested at appeal (89 Sunnyhill Road, Hemel Hempstead, Appeal Ref: APP/A1910/A/12/2188419, March 2013) The inspector commented "... I am satisfied that it (the S106) complies with the Community Infrastructure Levy Regulations."

I have received the following information regarding the school forecast information:

### **CS Pupil Forecasting Pupil yield from new housing methodology**

#### **Background and context**

Hertfordshire County Council produces pupil forecasts to assist in the effective planning & management of school places across the County. Since 2002, Hertfordshire's Children Services (CS) Department has used a bespoke software system to forecast pupil numbers, based upon the Audit Commission's published recommendations.



The CS forecasts are produced seven years ahead at primary and fourteen years ahead at secondary level, forecasting to both year of admission and total pupil population.

For the purposes of school place planning, Hertfordshire County Council is divided into geographical education planning areas (epas). There are a total of 22 secondary epas within the County and each of these contains one or more primary epas. The forecasts are produced to planning area level, not to individual school.

### **Pupil Yield from new housing**

One of the key datasets used to inform the CS pupil forecasts is information on new housing developments and an assumed new pupil yield from those dwellings

### **Data sets**

There are two distinct methodologies for identifying new housing developments as part of forecasting:

For forecasting to forecast Year 7

Actual data sourced from SmartHerts monitoring system of all known planning applications, permissions, site allocations in local plan which are likely to be built out within 7 years. Data is provided on individual sites by primary planning area.

From forecast Year 8

A trajectory of the likely number of dwellings to be built per annum as advised through DS colleagues on latest information supplied by the Districts. This data is District level and is required for forecasting purposes at secondary planning area level for forecasting years 7 through to the end of the forecast period. (Note primary forecasts only project 7 years ahead and therefore use methodology (1) above. The primary forecasts do not rely on district level trajectories).

Methodology for attributing district level housing trajectories to secondary planning area is as follows:

Where districts have provided a breakdown of new housing by area/settlement, this is used directly to allocate new housing to the relevant secondary planning area. However, districts are sometimes only able to provide a district-level trajectory for new housing. In this instance we use the latest available trajectory data which does show a breakdown of new dwellings between areas/settlements and use the same percentage split to apportion the new housing to the secondary planning areas.

### Representations from County Archaeologist

An archaeological field evaluation was undertaken on this site in 2007. The results of this investigation identified little of archaeological significance, other than an earlier line for Pancake Lane, a medieval or later trackway. Finds associated with this feature were 19th century in date.

Given the lack of features or finds produced at evaluation, 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.

#### Letter from MP (Mike Penning)

One item of correspondence was received from MP Mike Penning in support of his constituents' objections to the proposed development with respect to notification of the plans to local residents, public notices and timing of a traffic survey which was conducted when there was inclement weather and traffic was not representative of normal use. (Specific reference was made to objections submitted by 11 Lombardy Close, 27 Pancake Lane, Foxdale at 34 Pancake Lane, 5 Westwick Close, 3 Handpost Lodge Gardens, and Hawthorns at 12 Edenhall Close.)

#### Letter from Leverstock Green Village Association

The Leverstock Green Village Association has objected to the proposal on the following grounds:

- Safety of pedestrian and vehicular traffic both during the construction phase and in the longer term;
- The localised road widening and provision of a footpath as proposed are not considered to be satisfactory measures as Pancake Lane would continue to be used for traffic heading to the M1;
- Loss of some of all of the hedgerows adjacent to Leverstock Green Football Club with respect to the character of the lane and the removal of a screen against the football club floodlights;
- Access should be from Westwick Row / Green Lane which would be a safer and more practical solution against retaining the rural nature of the lane.

#### Letter from the Crown Estate (the applicants) to Councillor Reay

The Crown Estate has written to Councillor Reay supporting the proposals.

#### Letter on behalf of adjoining landowner

Mr Archer, the owner of the adjoining land at Westwick Farm holds an agricultural tenancy on the land. In accordance with Article 12 of the Town and Country Planning (Development Management Procedure) Order 2010 - Agricultural Land Declaration, formal notice must be served on Mr Archer.

Mr Archer was of course notified through the neighbour notification process and representations on his behalf have been made on the application as contained in the main report. Formal notice under Article 12 was served on 17th April 2013. The application cannot be determined within 21 days of serving of the notice.

Recommendation 1 is therefore amended to reflect this as set out below.

#### Officer Conclusions

Considerable discussion has taken place between the applicants, the highway authority and the Herts Biological Records Centre in respect of the proposed access and provision of a footpath. It is concluded that subject to suitable replanting and detailed landscaping that a footway in accordance with the latest submission should be supported in order to provide improved pedestrian links with Leverstock Green village centre, local employment and bus stops. The plans show how impact on existing hedgerows will be kept to a minimum and additional planting in accordance with the HBRC's recommendations will compensate for that lost.

The Reserved Matters stage of the application will include full survey and landscaping proposals both for the roadside hedges and for within the site itself.

#### RECOMMENDATION –

That the application be **DELEGATED** to the Group Manager, Development Management with a view to approval subject to:

- The expiration of the notice under Article 12 of the Town and Country Planning (Development Management Procedure) Order 2010 - Agricultural Land Declaration
- The completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 to secure the following Heads of Terms:
  - Affordable housing - 30% (75% affordable rent and 25% intermediate) plus contribution of £5,000 payable on completion of the penultimate unit
  - 1. Primary school contribution - as per HCC toolkit
  - 2. **Secondary school contribution – as per HCC toolkit**
  - Provision of LAP
  - Upgrade of Westwick Fields from LEAP to NEAP – £15,000 (50%)
  - Sustainable transport contributions – as per HCC toolkit
  - Library contribution – agreed as per HCC toolkit
  - Youth services contribution – agreed as per HCC toolkit
  - Allotment contribution – agreed as per DBC Planning Obligations SPD
  - Scout Hut Access and Changes – To form part of site access works.
  - Provision of fire hydrants
  - **Provision of public footway – in accordance with details shown on drawings: 19886-L181-2, 19886-L181-1, 19886-L181-2, 19886-L181-3, 19886-L181-4, 19886-L181-5**
- The following conditions and informatives:
  - 1 **Approval of the details of the siting, design and external appearance of the dwellings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.
  - 2 **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.
  - 3 **This planning permission is for no more than 26 dwellings and ten percent (10%) of the affordable dwellings shall be designed as Lifetime homes.**

Reason: For the avoidance of doubt and to accord with the principles of sustainable construction.

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

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

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

- **hard surfacing materials, which shall include footpaths and access roads; access road from Pancake Lane to land immediately to the north as indicated on drawing no. 19886 - L173a (illustrative layout) or such other route as may be approved by the local planning authority;**
- **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 and hedges to be retained and measures for their protection during construction works;**
- **programme management for the soft planting;**
- **measures for biodiversity enhancement;**
- **proposed finished levels or contours;**
- **secure cycle storage facilities;**
- **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).**

**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. To comply with Policies 11, 99 and 100 of the Dacorum Borough Local Plan 1991-2011.

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

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

- 7 **Where any loss of hedgerow to Pancake Lane is required for access, provision of passing bays or for provision of public footway or for any other reason a full survey of the part of the hedgerow affected shall be submitted for assessment and full details of the extent of removal and details of species, size, numbers/densities of any replacement including ground protection measures for that to be retained shall be submitted to and approved by the local planning authority prior to commencement of the development and shall be carried out prior to the first occupation of the development hereby permitted and any part of the replacement hedgerow which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

Reason: To safeguard as much of the ancient hedgerow as possible in the interest of public amenity.

- 8 **The removal of any trees or scrub from the site must be timed to avoid the bird breeding season (typically late February to August). In the event that works need to be undertaken within this period, clearance should be preceded by an inspection of the vegetation by an experienced ecologist to identify evidence of bird breeding activity (as the commencement of nest building to fledging) which if found should not be disturbed until nesting has finished.**

Reason: In order to safeguard the long-term ecology of the site in accordance with the National Planning Policy Framework.

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

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

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

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

- 11 **No development shall take place until a site waste management plan has been submitted to and approved in writing by the local planning authority. This shall include information on the types of waste removed from the site and the location of its disposal. The development shall be carried out in accordance with the approved details.**

Reason: To reduce the amount of waste produced on the site in accordance with Implementation of Hertfordshire Waste Local Plan Policies - A Guide to Districts (Draft) June 1999 and Policy 11 of the Dacorum Borough Local Plan 1991-2011.

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

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

- 13 **Occupation of the development hereby permitted shall not be commenced until the footway and passing bays shown in principle in drawing 19886-L182 and detailed drawings 19886-L181-1, 19886-L181-2, 19886-L181-3, 19886-L181-4, 19886-L181-5 have been constructed and completed to the satisfaction of the local planning authority.**

Reason: In the interest of accessibility, highway safety and free and safe flow of traffic in accordance with Policies 11, 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 14 **Occupation of the development hereby permitted shall not be commenced until the realignment of Westwick Row to the north-east at its junction with Pancake Lane shown in principle on drawing 1 19886-L177.dwg geffv submitted by AMEC on 4 April 2013 has been constructed and completed to the satisfaction of the local planning authority.**

Reason: In the interests of accessibility, highway safety and free and safe flow of traffic in accordance with Policies 11, 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 15 **Before the proposed access is brought into use, visibility splays of 2.4m x 45m in both directions from the exit position, within which there shall be no obstruction to visibility between a height of 600mm and 2m above the carriageway shall be provided. To the left (north) this shall be measured to the nearer (western) edge of the southbound land.**

Reason: To provide adequate inter-visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the

access and in the interests of highway safety and the free and safe flow of traffic in accordance with Policies 11, 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 16 **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 highway users in accordance with Policies 11, 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

- 17 **Prior to the commencement of on-site works, 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.**

Reason: In the interest of highway safety and efficiency.

- 18 **Prior to the 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 areas, 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 in accordance with Policies 11, 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

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

**(a) Site Characterisation**

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

- (i) a survey of the extent, scale and nature of contamination;**
- (ii) an assessment of the potential risks to:**

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

**(b) Submission of Remediation Scheme**

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

**(c) Implementation of Approved Remediation Scheme**

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

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

**(d) Reporting of Unexpected Contamination**

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the



**approval in writing of the Local Planning Authority in accordance with Condition (c).**

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

- 20 **No development shall take place until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years shall have been submitted to and approved in writing by the local planning authority.**

**Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority for its approval in writing.**

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

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

- 21 **During the course of construction works the wheels of all vehicles leaving the development site shall be cleaned so that they do not emit dust or deposit mud, slurry or other debris on the highway.**

Reason: In the interests of highway safety.

- 22 **Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed, Flood Risk Assessment (FRA) dated January 2013 prepared by AMEC, 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.**

**The scheme shall include:**

- **a restriction to Greenfield run-off rates for the site surface water drainage as outlined in Table 4.3 of the FRA;**
- **a sustainable surface water drainage design based on the options identified in Table 3 of the FRA;**
- **a surface water drainage scheme based on the critical design storm and the surface water storage indicated in Table 3 of the FRA.**

Reason: To prevent the increased risk of flooding, to improve and protect water

quality, and improve habitat and amenity in accordance with Policy 124 of the Dacorum Borough Local Plan 1991-2011.

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

Reason: To prevent pollution of controlled waters at the site in accordance with the National Planning Policy Framework.

- 24 **The development hereby permitted shall be carried out in accordance with the following approved plans:  
19886 - L134a (site location plan)  
19886-L192 (Site Access Overview)  
19886-L189A (Existing Access Location -with tracking of a medium sized car)  
19886-L173b.RattD (Illustrative layout with respect to access from Westwick Row, and potential future link to land to the north only)**

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

#### INFORMATIVES:

##### Environment Agency

Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information and, in particular, the EA Planning and Land Contamination resource pages: and the Environmental Quality Standards featured in the Chemical Standards Database.

Refer to Groundwater Protection Principles and Practice (GP3).  
Follow the risk management framework provided in the 'Piling into Contaminated Sites' guidance. The following guidance document is also recommended.

##### Thames Water

##### Waste Comments

There are public sewers crossing or close to the 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 Ground Water. 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. The reason for this is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

### Hertfordshire Highways

It is noted that the design guidance referred to at paragraph 18 in the Design & Access Statement only describes national guidance. Guidance on the highway design standards required and procedures followed by the highway authority are set out in Roads in Hertfordshire - Highway Design Guide which can be read/downloaded at <http://www.hertsdirect.org/services/transtreets/hertscountravsurv/infdev/roadsinherts/>.

It is recommended that all roads are designed to these standards as a minimum should they ultimately be offered for adoption by the highway authority or retained in private stewardship. Should the latter be the case it is recommended that robust and sustainable arrangements are set up to ensure the on-going maintenance of roads, footways and verges, particularly those adjacent to the public highway, so as to preserve the amenity of the proposed development as well as the free and safe flow of traffic and pedestrians on and off the site.

### NOTE 1:

This decision to grant planning permission has been taken for the following reason, having regard to the policies and proposals in the development plan set out below, national planning policy/guidance, regional policy, to all other material planning considerations, including relevant supplementary planning guidance, the imposition of conditions and the expert advice of the responding technical consultees and the response to neighbour notification/publicity.

The land is identified as Housing Site H42 in the Dacorum Borough Local Plan. There is an associated Site Development Brief which is adopted Supplementary Planning Guidance.

This development is an outline application with all matters apart from **access** being reserved for future determination. The access proposals were previously acceptable to both the highway authority and the LPA when this application was previously considered by the Council. Based upon the recent advice of the Highway Authority and Hertfordshire Fire & Rescue Service there are no fundamental /detailed access/highway safety objections.

There are no apparent adverse fundamental housing, contamination, drainage, ecological/biodiversity, archaeological, crime prevention/security implications. This is subject to the imposition of conditions where relevant. An Environmental Impact Assessment is not necessary. There has been full regard to the advice of the responding expert technical consultees and third party representations/objections to date.

NOTE 2:

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

**Dacorum Borough Local Plan 1991 - 2011**

Policies 1, 11, 12, 13, 17, 18, 20, 21, 49, 51, 76, 99, 102, 107, 118, 122, 124 and H18  
Appendices 1, 3 5, 6 and 8

**Supplementary Planning Guidance**

Environmental Guidelines  
Water Conservation & Sustainable Drainage  
Energy Efficiency & Conservation  
Accessibility Zones for the Application of Parking Standards

**Pre-Submission Core Strategy (October 2011)**

Policies CS1, CS4, CS8 ,CS9, CS10, CS11, CS12, CS13, CS17, CS18, CS19, CS22, CS28, CS29, CS31 and CS35

NOTE 3:

**Article 31 Statement**

Outline planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process 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.

**ITEM 5.4**

**4/02312/12/FHA ALTERATIONS TO GARAGE AND REPLACEMENT OF THE FRONT SECTION OF THE BUNGALOW WITH A TWO AND A HALF STOREY EXTENSION. SEYMOUR HOUSE, 25 MONTAGUE ROAD, BERKHAMSTED, HP4 3DS**



**ITEM 5.4**

**4/02312/12/FHA ALTERATIONS TO GARAGE AND REPLACEMENT OF THE FRONT SECTION OF THE BUNGALOW WITH A TWO AND A HALF STOREY EXTENSION. SEYMOUR HOUSE, 25 MONTAGUE ROAD, BERKHAMSTED, HP4 3DS**



**5.4 4/02312/12/FHA - ALTERATIONS TO GARAGE AND REPLACEMENT OF THE FRONT SECTION OF THE BUNGALOW WITH A TWO AND A HALF STOREY EXTENSION. SEYMOUR HOUSE, 25 MONTAGUE ROAD, BERKHAMSTED, HP4 3DS APPLICANT: MR & MRS A FRANCIS**

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[Case Officer - Jackie Ambrose]

[Grid Ref - **SP 98777 07691**]

### **Summary**

The application is recommended for approval.

This amended application is for alterations to an infill low-key 1970's bungalow to provide a two and a half storey extension over its front half, located in a residential area within the Conservation Area of Berkhamsted.

Whilst this development would add significantly to the existing height and bulk of the bungalow, it would nevertheless give a visual presence to this dwelling within the street scene, harmonising in terms of its pitched roof, height and materials in the Conservation Area. The impact on neighbouring windows and gardens have been reduced through amended plans to provide what is considered to be an acceptable level and to which Berkhamsted Town Council no longer object. This scheme is therefore now considered to satisfy all the relevant policy criteria and can be supported.

### **Site Description**

The application site lies midway along Montague Road, a residential street within Berkhamsted Conservation Area, which rises up from Charles Street towards the top end of North Road and Angle Place footpath. The site relates to a long but relatively narrow plot on which this bungalow was built in 1979. This long but low-key bungalow utilises over half the depth of the site with access along each side boundary. The houses further down the road comprise a typical row of Edwardian terraced houses; whilst on the other, higher, side of this site is a substantial detached Edwardian house and a modest modern infill house beyond. The opposite side of the road provides a mix of detached and terraced houses. This 1970's bungalow, with its front elevation presented only as a double garage to the front, is under a relatively shallow pitched gable roof with a large, dominating white upvc garage door and appears out of keeping with the area. Its front door is hidden halfway along its long side boundary with a small projecting side gabled roof beyond that. The frontage is served by a wide vehicular access, providing forecourt parking and access to the garage.

### **Planning History**

This bungalow was built in 1979 (ref: 4/0704/79). In 2011 the existing side-facing gable was utilised to provide a mezzanine living area through Permitted Development rights.

Early in 2012 an application was submitted to extend this bungalow across its front in a very contemporary manner: as a three storey, flat-roof extension finished in horizontal cladding and white render. (ref: 4/00284/12/FHA). This application attracted a great deal of criticism from local residents and the Town Council and was subsequently withdrawn. The owners and agent then sought pre-app advice from on a more suitable extension for this property.

### **Proposal**

This application represents an amended scheme for extending the front section of the bungalow by replacing the double garage with a two and a half storey form of development;

providing a single garage that is over-sailed by a first floor and a pitched roof with accommodation within its roofspace.

This current application has undergone a series of modifications, with the applicants being mindful of comments received from immediate neighbours and the Town Council. They have lived here for 8 years and have reorganised the space and refurbished it throughout (including the garden) to a high specification. They have stated that they wish to remain living here but want to extend the accommodation, having concluded that it is not sustainable or practical to demolish the bungalow and start again with a larger property on the site.

This application, through its final amendments, is somewhat complicated in design, but is described as follows:

The main part of this replacement extension to the front part of the bungalow measures 11m deep, leaving the remaining rearmost part of the bungalow (16.4m) untouched. It is shown as a two storey element with a steeply-pitched roof, which has a side hip on one side (with a chimney) and a gable roof on the other side, with a small, gable-roof, front dormer (stairs). The height of this roof is higher than No. 23 but lower than No. 27. There is a small rooflight high up in the side hip (attic, fourth bedroom) and a narrow elongated window in the other, side gable (landing).

In front of this there is a 2.2m front projecting element, presented as a steeply-pitched front gable at first floor level which over-sails an open parking area underneath, supported by three strong brick columns piers. This provides some covered area for parking with access to the inset single garage. Within this projecting front gable is a large, vertical window, as the main feature to this design and serving the main bedroom. Atrium-style rooflights are inserted along the ridge of this gable on each side (same bedroom).

Turning now to the view from the rear, in the main roof element there are two small rooflights (attic, fourth bedroom) whilst projecting out from this main roofscape is a rear hipped roof, with a centrally-positioned rooflight (ensuite), under which is the new first floor rear elevation with two windows serving bedrooms two and three.

Within the new side elevations are shown two small windows facing No. 23 serving ensuite and dressing area and facing No. 27 are three small windows serving bathroom, landing and stairs. All these windows would be obscure glazed.

To summarise, the additional accommodation would comprise an open porch area, single garage, hallway and staircase to ground floor; three bedrooms, ensuite, bathroom, landing and staircase to first floor; leading to a fourth, attic bedroom and ensuite within the roofspace. The remaining ground floor area provides a lounge (mezzanine level) open plan kitchen and dining area, TV room, office, utility, cloakroom, and bathroom.

The development would be built in stock bricks to the front elevation, painted render to the new and existing side and rear elevations under a natural slate roof (replacing existing concrete tiles with slates). The garage door and front door would be in vertical timber with all windows painted timber. The concreted forecourt would be replaced by permeable brick pavours and one of the trees in the front would be replaced by one in the rear garden, whilst retaining the other frontage tree (silver birch).

### **Referral to Committee**

The application is referred to the Development Control Committee as it has been called in by Cllr Ian Reay in order to take proper account of neighbouring amenities.



## **Policies**

National Planning Policy Framework

Dacorum Borough Local Plan 199-2011

Policies 1, 2, 11, 13, 58, and 120  
Appendices 5 and 7

Dacorum's Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013)

Policies CS1, CS4, CS12 and CS27

Supplementary Planning Guidance and Documents

Environmental Guidelines  
Conservation Area Character Appraisal for Berkhamsted  
Accessibility Zones for the Application of Parking Standards

## **Representations**

Berkhamsted Town Council

No objection.

We appreciate the amendments which have been made. However, we have continuing concerns about the very long prominent front gable window and the depth of the proposed extension.

Conservation and Design

The conservation officer has been involved throughout the pre-app and application stage. Their verbal comments stated that the most recent amendments whilst recognising the dominance of the front gable, overall the amended scheme is acceptable in terms of its design and impact within the Conservation Area.

Response to Neighbour Notification

Objections to this amended scheme were received from Nos. 23, 27, 14 and 16 Montague Road and 17 North Road:

*23 Montague Road:*

- Will have a substantial impact on this house and garden – extending further back than this house
- Will cause overshadowing and loss of light to windows on all floors and afternoon sun to garden
- This house and garden will be overlooked by the extension and cause loss of privacy
- Will cause substantial visual intrusion into our light and space
- The extension is excessive in terms of its height, and will be too big for the plot

*27 Montague Road:*

- Significant loss of amenity caused to inside the house and in the garden
- Very substantial intrusion into the light and space to side the side windows
- Loss of privacy though it extending beyond the rear line of this property and overshadowing presence
- Size of main front window and style of front projecting sloping roof which is not in keeping with the area

*14 and 16 Montague Road:*

- Projecting gable is not harmonious with the surrounding houses
- Front gable window is too large, still giving impression of Alpine chalet and out of keeping with area
- extension will cut out light to habitable rooms
- the large window will cause overlooking to main bedroom

Other comments:

- Represents overdevelopment of plot
- Over-bearing to the rear and beyond rear building line
- Insufficient garden area for family-sized accommodation
- Inadequate parking provision
- Does not use design and detailing elements traditional to area
- Does not adhere to Policy 120
- Atrium rooflights are inappropriate and very visible up and down street
- A dramatic change to the shape of the original building
- Not proportionate or subservient to existing bungalow

**Considerations**

Policy and Principle

The site is located within the residential area of Berkhamsted where household extensions are acceptable in principle.

This represents a very visible front extension in the Conservation Area and therefore the two key considerations in this case are the impact on the Conservation Area and the impact on the amenities of neighbouring properties, under Policies 11 and 120.

The National Planning Policy Framework (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-mentioned Policies contained in the Local Plan are consistent with the objectives of the NPPF.

Policy 11 - Quality of Development, which states that development will not be permitted unless it is appropriate in terms of layout, site coverage, design, scale, bulk, height, materials and landscaping on the site itself, in relation to adjoining property and in the context of longer views. Development should also respect the townscape, density and general character of the area and avoid harm to the surrounding neighbourhood and adjoining properties through for example, visual intrusion, loss of privacy, loss of sunlight, loss of daylight, noise disturbance or pollution. Its overall design should be in harmony with the surrounding properties.

Policy 120 allows for new development within the Conservation Area providing it is carried out in a manner which preserves or enhances the established character or appearance of the area. In so doing any development must respect established building lines and layouts; use materials and design details that are traditional to the area and complement its character; and be of a scale that is sympathetic to the scale, form, height and overall character of the surrounding area.

Policies CS12 and CS27 of the Pre-Submission Core Strategy (as above) have similar requirements, with Policy CS27 also requiring new development to positively conserve and enhance the character and appearance of Conservation Areas.

#### Impact on Street Scene and Conservation Area

The bungalow is faced in brickwork under a relatively shallow concrete tiled roof with a dominant double garage door in white upvc. As such its appearance does little to enhance the overall appearance of the street scene. Thus, by increasing the height of the building and introducing a strong projecting front gable will raise its profile within the street scene. Currently it is at odds with the rest of the housing in Montague Road and therefore a scheme, which has been modified to take account of neighbour and town council comments, has resulted in a design that is considered to be acceptable within the street scene.

The strong lines of the projecting front gable are similar in its angle of pitch to other, smaller front gables to some of the houses in the road, but is not trying to emulate the traditional design of these houses. Indeed it would be inappropriate to try to copy these features on an extension attached to a 1970's bungalow. However, what it does achieve is a built form with a strong frontage that fits in with the street scene in terms of height and scale and helps to harmonise with the overall building in Montague Road. The provision of accommodation in the roof is also a feature that is evident throughout this road, through rooflights and differently-shaped dormers. Furthermore, the use of brickwork to its frontage, timber to the garage and natural slates for the whole roof will also improve on its appearance within the road. As a result it is considered that it would help to preserve the character and appearance of this part of the Conservation Area.

There are already variations in development along this road, evidenced by the more modern detached house on the far side of No. 27 and the more recent pair of semis opposite that have taken their design and details from the Edwardian era. Whilst this latter development has been praised by the Town Council, the application site could not replicate this, due to the retention of the existing bungalow and the limited site width. It should be noted here that through this final set of amendments that the Town Council no longer formally object to this scheme. Neighbour comments regarding its similarity to an "Alpine chalet" are unfounded, particularly as the fully glazed gabled feature has now been replaced by a large window. The numerous, separate discussions that have been had by the applicants, agents, officers, neighbours and local councillors have demonstrated the point that the suitability of a scheme will include a measure of subjectivity.

Within the Supplementary Planning Guidance for this core area within the Berkhamsted Conservation Area, para 6.2.6 states that "two storey development is encouraged, although in terms of height, a third floor in the form of dormer windows in the roof space will be acceptable." As stated above, this is evidenced within Montague Road. Although this seemingly conflicts with reference to development within existing plots, where the guidance requires then to be subordinate in scale and bulk to the original building, this would obviously not be possible in this case, which is the exception to the form of development that is normally found within the Conservation Area.

Therefore for the above reasons it is considered that this amended scheme preserves the character and appearance of the Conservation Area and thus satisfies the requirements of Policy 120 and Policy CS27.

#### Impact on 23 Montague Road

The end of terrace house at No.23 is on similar ground level to the application site and has a foreshortened rear garden. The house itself is positioned slightly further forward than the proposal and is built hard up against the shared side boundary. It has had two extensions in the past, a single storey rear extension and a room in the roofspace.

The modest single storey rear extension projects out from the original rear projection and is linked to the kitchen to form a dining area and route through to the garden. It has glazing along the inner side elevation and not along the boundary side elevation but has a fully-glazed pitched roof to maximise the light entering the room. There are blinds attached to the individual panes of the glazed roof. The side wall to the existing bungalow is only 1m away from this shared boundary and thus the bungalow roof is clearly visible from the glazed roof with sky above it. Given the proximity of the bungalow it is evident that any form of extension will cause visual intrusion and loss of light through the glazed roof. However, there will be no loss of light or visual intrusion to the rear facing glazed doors or the glazed roof on the other roof slope and therefore in overall terms the proposal is not considered to cause a significant loss of light or visual impact.

The room in the roof is actively used as a home office and benefits from a sash window in the side gable and a similar size dormer window in the rear roofscape. There will be no loss of light to this rear window and only an angled view of the rear roof and first floor element to the extension. However, the window in the side gable has a direct view across the front of the current bungalow, and across to the whole side elevation of No. 27, including their side windows at ground, first and roof level. The proposed extension will clearly cut across this view and it would look directly out onto the sloping side of the front projection and high-up atrium rooflights and sky above. This will certainly cause visual intrusion and loss of light particularly on entering the room, directly opposite the window. However, when at the desk, there will still be views at an angle directly across the road to the properties opposite and sky above. It is acknowledged that looking in the other direction, towards the rear, that the main roof form would have caused significant visual intrusion from this window. However, this roof has now been hipped away from this boundary, thus reducing its visual impact. Therefore, in terms of overall aspect and light reaching this room it is considered that the impact from the proposal, as amended, would not be so significant. The view of the proposed roof from the first floor rear window carries little weight as this serves a bathroom and not a habitable room.

It should be noted that the bedroom windows in the proposed first floor rear elevation extends beyond the main part of No.23 and which does not overlook the immediate garden area of No. 23 and is shielded from direct view of the rearmost patio area through intervening shrubbery.

Lastly, the small garden has a patio close to its rear boundary and which gets late afternoon and evening sunlight in the summer. The previous scheme for the main roof would appear to have blocked out this afternoon/evening sun, but by hipping this side of the roof it is considered that this will allow sunlight through to the garden in the evening.

It is therefore concluded that the overall impact of the development upon the amenities of No. 23 would not be significantly harmful.

## Impact 27 Montague Road

No. 27 is a substantial detached house and due to rising ground levels is at a level nearly 2m above the bungalow and is set farther apart from the shared side boundary. It is understood from the owners that the application site was formerly part of the garden for No. 27 and was then sold off (by previous owners) for its residential development. As a result the bungalow built ensured that views and aspect from No. 27 were maintained.

This house therefore has a range of windows along its side elevation taking account of its elevated position and views across the valley. It is on these north-facing windows and its rear garden that the proposal will have its greatest impact.

Taking each of these side windows in turn, on the ground floor there is a playroom/family room accessed off the kitchen which although effectively has windows on three sides, its principal larger window is on the side elevation. Currently this looks immediately onto the shared boundary fence and two conifers with the bungalow roof beyond and part sky and part side elevation of No. 23 beyond. It is evident that the proposed two storey extension will block this aspect beyond the conifers and also significantly reduce the amount of light entering this window. However, this is not the only window serving this room and this impact has to be balanced against the fact that some light enters from the smaller front window, although this is stained glass, and from the bifold glazed doors facing the rear garden via an extension, set further away from the room. Therefore although this side window suffers the greatest impact from the development, the overall impact on this playroom is not considered to be so harmful as to sustain a refusal of the scheme.

At first floor level the main window serving the spare bedroom is also in this side elevation and its clear views over the valley, above the bungalow roof will be curtailed as well as causing visual intrusion and some loss of light. It is for this reason that the amended plans have slightly reduced the depth of the first floor extension and hipped the rear roof. This will allow more light and a less severe visual intrusion. There is also another, smaller window facing eastwards directly down the garden and it is therefore considered on balance that the overall impact on this room is not so significant.

Also at first floor level is a clear-glazed window in this side elevation and which faces across to the side of No.23. However this serves a bathroom, and although clear-glazed, therefore carries little weight in terms of impact on habitable rooms.

The final window on this side is a substantial dormer window within the side roofscape and serves a well-used home office. Due to the height of this room within the roof, although there will be clear views of the proposed extension, nevertheless there will also be retained views above and across to the far valley side and with plenty of light still reaching this room. There is also a smaller window in the front roofspace. Thus, the impact on this room is not considered to be significant.

In terms of the garden, there is a large, well-used patio to the rear of the main part of the house. It currently has views of the long bungalow roof above the boundary fencing.

Concerns have been raised as to the depth of the proposed extension, in that it extends back beyond the building line of No.23 and No. 27. However, there is no specific guidance on extensions being required to follow a rear building line. The amended plans have reduced this line a little but not to a line following the rearmost part of No. 23 and the original rear elevation of No. 27. This aspect is therefore judged upon its overall impact on the adjacent dwellings only.

Although the proposed extension comes just less than halfway along the existing bungalow, its rear first floor and hipped roof over will partly be visible from this patio. Although some visual intrusion will be incurred this is not considered to be to a significant extent. It is accepted that the first floor rear elevation and hipped roof will be more visible from further down the garden, however, the rearmost part of any garden cannot be protected from overlooking through planning policies.

It should be noted that the proposed bedroom windows in the proposed first floor rear elevation, will only have an oblique view across to the patio area to No. 27. This is due to the fact that this rear elevation protrudes just beyond the main rear elevation of No. 27. Although there will be a view from these windows to the rearmost part of the garden, this would appear to be as currently occurs from the first floor windows in the house on the far side of No. 27, demonstrating a typical relationship experienced between adjacent properties. It should also be noted that due to the proposed extension it would block out the current view of this garden from the two windows serving the home office in the attic at No. 23. Therefore the proposed bedroom windows will not be introducing overlooking that is not hitherto experienced by No. 27.

Due to concerns raised as to the impact on light reaching these side-facing windows to both neighbouring properties the owners took it upon themselves to commission a Daylight and Sunlight Report. This has recently been received, wherein the Report concluded that all the windows passed the Vertical Sky Component test and the proposed development satisfies the BRE daylight requirements and would have a low impact on the light receivable by both neighbouring properties.

As a final point, the submitted plans show that the side elevations of the proposed extension as well as the existing brick side elevations would all be rendered and then painted a light colour, as has been done on the side elevation of No. 23. This would significantly help to reflect light back into the side windows of both Nos. 23 and 27.

#### Impact on 14 and 16 Montague Road

These two properties are opposite the site and have raised concerns over the scale of the development and the potential for overlooking into front habitable room windows. It is appreciated that whilst the rest of this road comprises two storey terraced and detached houses that this site unusually provides a gap between dwellings. Therefore this proposal will be infilling this gap to continue the height and scale of existing development in this road and therefore a unreasonable impact on vial amenities of properties opposite could not be sustained. Similarly the introduction of a bedroom window at first floor level will produce the same relationship for Nos. 14 and 16 as already occurs for most other dwellings within this road where it is normal practice to have first floor bedroom windows facing each other across a street. Whilst it is noted that this is a larger window than normal, it only serves the one bedroom and therefore offers the same outlook as from a normal-sized window. As a result it is not considered that the visual intrusion and loss of privacy to properties across the road would be significant or unduly harmful.

Therefore for the above reasons it is considered that this amended scheme does not unduly impact on the amenities of neighbouring properties and thus satisfies the requirements of Policy 11 and Policy CS12.

#### Other Material Planning Considerations

This scheme allows for on-site parking for three cars: one in the garage and two side by side on the forecourt. This meets the council's maximum standards for a four (or five) bedroom

house. However, in order to maintain this level of parking on site it is considered necessary to ensure the garage is retained for parking by imposing a condition to that effect.

The Silver Birch tree on the forecourt will remain whilst the loss of the Walnut tree also on this forecourt will be replaced by a tree in the corner of the rear garden.

In terms of sustainability, a 3000 litre rain water harvester will be positioned in the rear garden to collect water from roofs for garden and toilets.

**RECOMMENDATION** – That planning permission be **GRANTED** for the reasons given 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 and in the interests of the visual amenities of the Conservation Area in compliance with Policies 11 and 120 of the DBLP.

- 3 All the windows in both side elevations of the extension hereby permitted shall be permanently fitted with obscured glass.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in compliance with Policy 11 of the DBLP.

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

Reason: In the interests of highway safety and in compliance with Policy 11 of the DBLP.

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

**0547/03  
0547/01  
0547/04 Rev B  
0547/05 Rev A**

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

NOTE 1:

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

The site is located in an area where domestic extensions are acceptable in principle in accordance with Policy 2 of the Borough Plan. Whilst this development would add significantly to the existing height and bulk of the bungalow, it would nevertheless give a visual presence to this dwelling within the street scene, harmonising in terms of its pitched roof, height and materials in the Conservation Area. The impact on neighbouring windows and gardens have been reduced through amended plans to provide what is considered to be an acceptable level and therefore the impact on neighbouring amenities would not be significantly harmful. Car parking within the site is adequate. The proposals therefore accord with Policy 11 of the Borough Plan. The development would preserve the character and appearance of the Conservation Area.

NOTE 2:

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

**Dacorum Borough Local Plan 1991 - 2011**

Policies 2, 9, 10, 11, 13, 58 and 120  
Appendices 5 and 7

**Dacorum's Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013)**

Policies CS1, CS4, CS12 and CS27

**Supplementary Planning Guidance**

Environmental Guidelines – Development in Conservation Areas or Affecting Listed Buildings

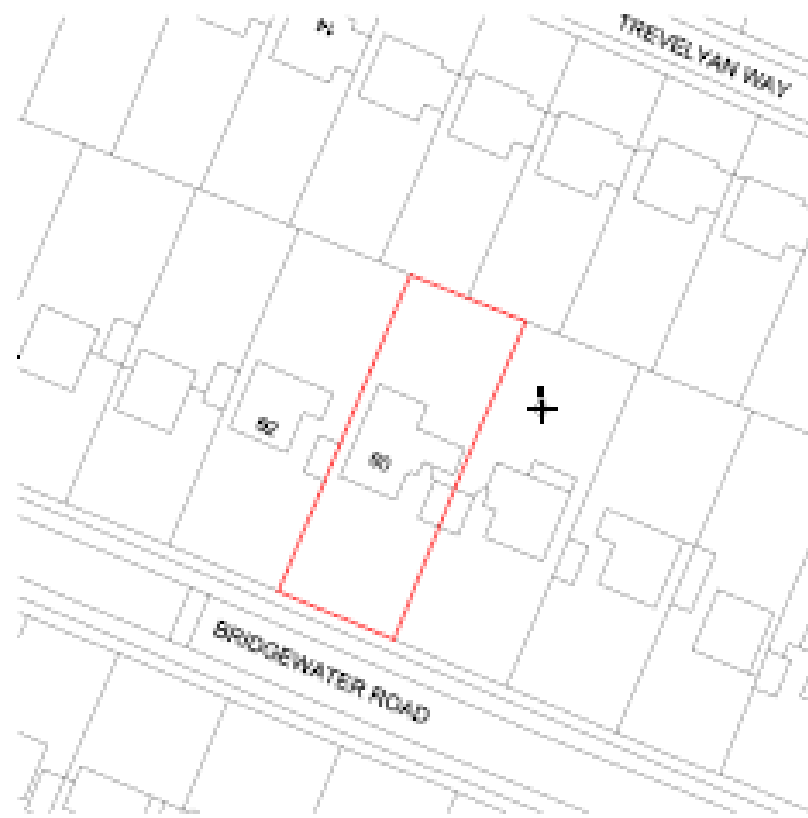
NOTE 3:

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



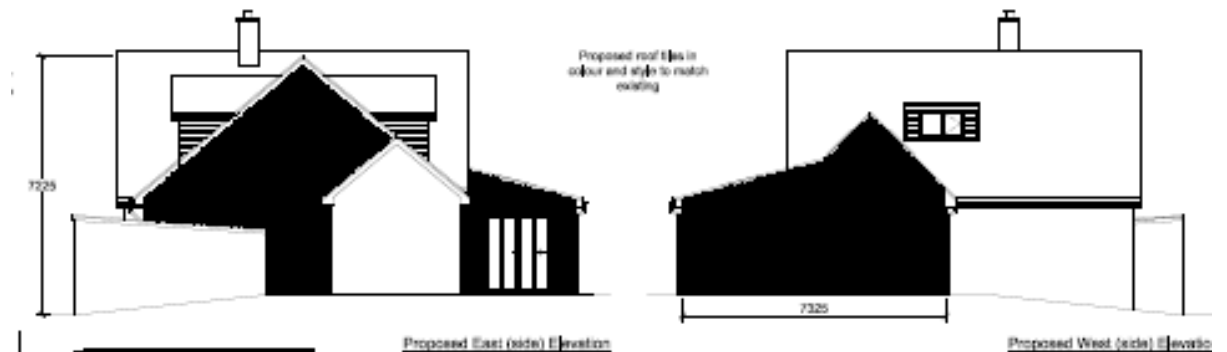
**ITEM 5.5**

**4/00787/13/FHA SIDE ROOF EXTENSION WITH ONE FRONT AND ONE REAR DORMER WINDOW TO CREATE FURTHER FIRST FLOOR ACCOMMODATION, SINGLE STOREY FRONT EXTENSION AND SINGLE STOREY SIDE AND REAR EXTENSION  
60 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1JB**



**ITEM 5.5**

**4/00787/13/FHA SIDE ROOF EXTENSION WITH ONE FRONT AND ONE REAR DORMER WINDOW TO CREATE FURTHER FIRST FLOOR ACCOMMODATION, SINGLE STOREY FRONT EXTENSION AND SINGLE STOREY SIDE AND REAR EXTENSION  
60 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1JB**



**5.5 4/00787/13/FHA - SIDE ROOF EXTENSION WITH ONE FRONT AND ONE REAR DORMER WINDOW TO CREATE FURTHER FIRST FLOOR ACCOMMODATION, SINGLE STOREY FRONT EXTENSION AND SINGLE STOREY SIDE AND REAR EXTENSION  
60 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1JB  
APPLICANT: MR D HARDY**

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[Case Officer - Intan Keen]

[Grid Ref - **SP 98837 08539**]

### **Summary**

The application is recommended for approval.

The proposed extensions would be of an appropriate design that would not detract from the appearance of the original building or the street scene. The impact on the amenity of neighbouring properties would not be significant to be contrary to policy. The car parking arrangements are sufficient. The proposal is therefore in accordance with the National Planning Policy Framework, Policy 11 (Quality of Development) of the Dacorum Borough Local Plan 1991-2011, and Policy CS12 (Quality of Site Design) of Dacorum's Pre-submission Core Strategy with Modifications January 2013.

### **Site Description**

The application site is currently occupied by a detached dwelling located on the northern side of Bridgewater Road. The subject dwelling shares visual similarities with a short linear group of other adjacent and nearby dwellings unified by strong gable roof forms presenting to the street. Although these type of dwellings are on an elevated position to Bridgewater Road, they are generously set back from the street, often with mature vegetation screening within front gardens. There are some examples of two storey side and side roof extensions to similar style dwellings in the street, including at Nos. 54 and 56 further east of the application site. The immediate area is undulating, in particular levels fall in a south-westerly direction from the rear boundary of the application site to the Bridgewater Road frontage.

### **Proposal**

Planning permission is sought for a side roof extension and single storey front extension that would measure 5.125m in width and 9.4m in depth, with a ridge to 6.6m in height featuring a side-facing gable end. This roof extension would contain one front and one rear dormer window, of dimensions 2.2m in width and 3.0m in depth. The front dormer window would have a height of 2.7m and the rear dormer window with a height of 3.5m incorporating a Juliette balcony. This extension would create a front hall and integral garage at ground floor level and one bedroom with en suite and storage at first floor level. The existing attached garage would be demolished.

A single storey side and rear extension is proposed that would have maximum projections of 1.438m to the side of the dwelling and 3.15m to the rear of the dwelling. It would feature a two part lean-to and gable roof form with a maximum height of 5.1m. This extension would create an open plan breakfast room and utility room. In order to construct this extension the demolition of the existing rear conservatory would be required.

Amended plans were received on 28 May 2013 showing a reduction in the width of the side roof extension and single storey front extension to 4.675m. As a result the spacing to the south-eastern side boundary would be increased to 1.4m. Additionally, the pitch of the gable roof above the two dormer windows would be reduced therefore reducing their height to 2.4m and 3.1m to the front and rear dormer windows, respectively.

## **Referral to Committee**

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

## **Planning History**

Application for dormer roof extension, single storey side extension and alterations was granted on 2 February 2002. The single storey side extension has been constructed, however the enlarged dormer window does not appear to be altered as identified on the approved plans.

Application 4/00452/02/FHA for first floor side extension at No. 56 Bridgewater Road was granted on 27 April 2002.

Application 4/01063/00/FHA for two storey side extension (amended scheme) at No. 54 Bridgewater Road was granted on 3 August 2000.

## **Constraints**

Town

## **Policies**

National Policy Guidance

National Planning Policy Framework

Dacorum Borough Local Plan

Policies 2, 9, 11 and 58

Appendices 5 and 7

Supplementary Planning Guidance

Residential Character Area BCA13 - Castle Hill

Dacorum's Pre-submission Core Strategy with Modifications

Policies CS4 and CS12

## **Representations**

Neighbours

Nos. 58, 61, 62, 63 and 65 Bridgewater Road and Nos. 18 and 20 Trevelyan Way were notified on 30 April 2013.

Two items of correspondence were received from No. 58 Bridgewater Road on 12 May 2013 and No. 62 Bridgewater Road, objecting to the proposal on the following grounds:

- Excessive height and mass together with proximity of extensions to boundary would have

an overbearing impact;

- Loss of light including to rear garden and side area beside dwellings of both Nos. 58 and 62;
- Proposed extension would be visible from rear windows of No. 62 and impact upon outlook;
- Overlooking; and
- No confirmation has been provided as to the works proposed to the resulting west-facing wall of the neighbouring garage at No. 58 following demolition of the garage on the application site.

Following submission of amended plans the above neighbours were re notified on 30 May 2013.

No further representations received at the time of writing this report.

#### Berkhamsted Town Council

Berkhamsted Town Council was notified on 30 April 2013. The following response was received on 15 May 2013:

*Object.*

*The bulk, mass and scale of the proposed extensions are excessive.*

*The proposals represent an overdevelopment of the site, which is manifested by proximity of the development to the boundary of the property.*

*The roof of the extension is not subservient to the main building.*

*Contrary to Local Plan Policy 11.*

Following submission of amended plans, Berkhamsted Town Council was notified on 30 May 2013. No further correspondence was received at the time of writing this report.

#### Consultations

Archaeology (Hertfordshire County Council) was notified on 30 April 2013. The following response was received on 2 May 2013:

*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.*

#### **Considerations**

The main issues of relevance to the consideration of this application relate to the impact of the proposed extensions and alterations on the character and appearance of the original building and the street scene, the impact on neighbouring properties, and the impact on car parking.

#### Impact on appearance of original building and street scene

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-mentioned policies contained in the Local Plan and the Pre-submission Core Strategy with Modifications are consistent with the objectives of the NPPF.

The proposed side roof extension would extend 4.675m to the side of the main building, which would be greater than half the width of the original dwelling. Whilst the side addition would be substantial in width, the proposed development would repeat the general design of the original building featuring a gable end projection of similar pitch, which would be in accordance with the NPPF, Policy 11 of the Local Plan and Policy CS12 of the Pre-submission Core Strategy with Modifications. Specifically, the side extension incorporates a gable roof form with a perpendicular orientation relative to the main roof and would not exceed the height of the main ridge. As such, the proposal would be a complementary addition and subordinate in scale consistent with BCA13 - Castle Hill.

The forward facing gable feature which is the dominant element of the original building and others in the street, would remain prominent due to the front roof slope of the extension. The front wall of the extension including the integral garage would be recessed 0.5m behind the front building line of the dwelling. The front roof slope would slope up to the ridge of the extension further rearwards and the dormer window would also be set behind the front building line and the front wall of the garage. Therefore, the front gable would remain as the front-most element of the dwelling and therefore the dominant feature.

It is also important to note that the footprint of the dwelling would not be further elongated by the proposed extensions.

The front dormer window with its reduced roof profile would not be a jarring element on the front elevation and with minimal areas of cheek around the opening. The opening itself would be smaller in size than the existing first floor front window which is indicative of a subservient addition, and this is not considered to conflict with the original gable feature. The character and appearance of the dwelling would not be compromised as a result of the proposed side extension.

On the other hand, the rear dormer window would appear to be a top-heavy feature sited above relatively smaller openings at ground floor level. Although not an ideal design response, this dormer window is not considered to adversely impact upon the balance of the dwelling when viewed from the rear. The lowering of the gable roof pitch above this dormer window has improved its appearance.

The single storey side and rear extension that would essentially wrap around the northern corner of the dwelling would be a low profile addition with the exception of the side gable. The roof design of this extension is unfortunate, firstly due to its interference with the original rear-facing gable end which forms the main roof of the dwelling, and secondly the proximity of the front roof slope to the existing flat roof dormer window. Consequently the north-western side and rear elevations of the dwelling in these particular locations appear cramped. As this feature is minor in nature and restricted to single storey level this is not considered to raise a significant design concern to warrant a refusal.

Whilst the footprint of the proposed extensions would appear to be significant, the proposed site coverage is considered to be appropriate for the width and size of the site, and in accordance with Policy 11 of the Local Plan. It is important to note that sufficient open space to the front and rear of the resultant building would be maintained. The depth of the rear garden would remain unchanged and would also meet the relevant standard under Appendix 3 (ii) of the Local Plan. For reasons mentioned above, in particular that the original features of the building would remain dominant; the cumulative impact of extensions is not considered harmful to the character and appearance of the dwelling.

Proposed building materials of facing brickwork and roof tiles would match that of the existing

dwelling to ensure that the extension ties in with the host property. The openings to be used in the development would be of a simple design and generally match the proportions and style of existing fenestration. Wall to window ratios would be appropriately repeated throughout the extensions.

The openings to be used in the rear elevation of the single storey side and rear extension would not accord with existing fenestration however this element would be limited to the rear elevation and would be appropriately balanced together with the roof lights and of a simple design so not to detract from the appearance of the dwelling.

With respect to the impact of extensions on the street scene, it is noted that the dwelling on the application site is generally in line with other chalet bungalows on the north-eastern side of Bridgewater Road. The proposed extensions including the side roof extension and the single storey front extension would be respectful of this consistent building line, in particular the extensions would not project forward of the original front wall of the dwelling, to be recessed a minimum distance of 0.5m.

Whilst the proposed side roof extension would narrow the existing gap between the gable roof forms of the application site and No. 58, its spacing of 1.4m from the common boundary would ensure the development would not create an adverse terracing effect. Spacing between dwellings as noted in BCA13 - Castle Hill is identified as being in the range of 2m to 5m. Therefore, if the neighbouring dwelling at No. 58 chose to construct a similar extension repeating the setback to the common boundary the resultant space between side walls would comply with this standard. As such, the proposed extensions would not have a harmful impact on the character and appearance of the street scene, or the pattern of development in the immediate area.

The siting of this extension proximate to the boundary and the neighbouring shed at No. 62 is not considered to result in an adverse terracing effect due to its single storey nature, and that the dwelling at No. 62 is located on relatively higher ground in comparison to the application site.

In summary, the proposed development would be of a satisfactory design. The width of the side extension would not be excessive relative to the size of the original dwelling and the volume of additional roof to the side of the building would not result in an unacceptable level of visual bulk. The proposal would not detract from the character and appearance of the original building or the street scene, in accordance with the provisions of the NPPF, Policy 11 of the Local Plan and Policy CS12 of the Pre-submission Core Strategy with Modifications.

#### Impact on neighbouring properties

The application site has four directly adjoining properties, including the two dwellings either side at Nos. 58 and 62 Bridgewater Road, and two dwellings to the rear at Nos. 11 and 13 Trevelyan Way.

The neighbouring dwelling at No. 58 is located immediately south-east of the application site, and contains a paved area proximate to the common boundary with the application site. It appears to be one of the main outdoor seating areas serving this dwelling and this courtyard is bordered by buildings on three sides, including side walls of the application site and the neighbouring dwelling at No. 58, as well as the rear wall of the garage at No. 58. As such, the outlook of this seating area would be towards the rear garden. The siting of the side roof extension immediately west of this paved area due to the increased separation of 1.4m from the common boundary would ensure it would not be visually intrusive from the perspective of this courtyard.

Similarly, the siting of the proposed extensions to the west of this courtyard would ensure that any additional loss of light would not have a harmful impact as it would be restricted to later afternoon hours.

The proposed side roof extension would not project beyond the original building line and as such the proposed rear dormer window incorporating a Juliette balcony would not result in an unacceptable level of overlooking and would not be dissimilar to existing conditions. Whilst there would be some limited opportunity for views from the dormer window into the rear gardens of neighbouring properties, specifically No. 58, the orientation of the rear dormer window would be directly towards the rear garden of the application site. The dormer window would be sited approximately 2.15m from the common boundary with No. 58 and a first floor balcony does not form part of the proposal.

Additionally, a back-to-back distance of over 23m would be achieved between the proposed extensions and the dwellings to the rear on Trevelyan Way.

Lastly, the proposed single storey side and rear extension would be sited proximate to the common boundary shared with No. 62. Although this extension would be greater in height in comparison to the existing conservatory a difference of 0.9m (at the point where the roof meets the rear wall of the original dwelling), the rear building line would be maintained noting that the depth of the existing conservatory and proposed rear extension would be identical. The higher gable roof form with a ridge level at 5.1m would be located immediately to the side of the neighbouring dwelling at No. 62 and its siting on lower ground from No. 62 would ensure that it would not result in unacceptable visual intrusion from the perspective of habitable room windows. Any views of the proposed extension would be obscured by existing boundary fencing and a row of existing sheds at No. 62 along the common boundary. It is important to note that there are no side facing windows at No. 62 that would directly face the proposed single storey side and rear extension.

As such, the proposal would be in accordance with Policy 11 (d) of the Local Plan and Policy CS12 (c) of the Pre-submission Core Strategy with Modifications.

#### Impact on car parking

The resultant building would contain four bedrooms plus an enclosed study which benefits from a standard sized front-facing window and outlook and could be used as a fifth bedroom. Under Appendix 5 of the Local Plan, a dwelling of four or more bedrooms would be required to provide maximum of three on site car parking spaces. The proposed integral garage would be of sufficient dimensions to accommodate one space, and an additional two/three spaces would be available in a tandem arrangement on the driveway over 15m in length leading up from Bridgewater Road. All spaces would be to dimensions required by Appendix 5 and therefore the car parking arrangements are sufficient.

RECOMMENDATION – That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions / 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 **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. To comply with Policy 11 of the Dacorum Borough Local Plan 1991-2011.

- 3 **The development hereby permitted shall be carried out in accordance with the following approved plans: RM 13 / 038.1 Revision A (site location plan, existing and proposed floor plans and elevations) received 28 May 2013.**

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

NOTE 1:

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

The site is located in an area where domestic extensions are acceptable in principle in accordance with Policy 2 of the Borough Plan. There would be no adverse effects on the appearance of the building or the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policy 11 of the Borough Plan and Policy CS12 of the Pre-submission Core Strategy with Modifications.

NOTE 2:

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

**Dacorum Borough Local Plan 1991-2011**

Policies 2, 9, 11 and 58

Appendices 5 and 7

**Dacorum's Pre-submission Core Strategy with Modifications January 2013**

Policies CS4 and CS12

NOTE 3:

**Article 31 Statement**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process 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.

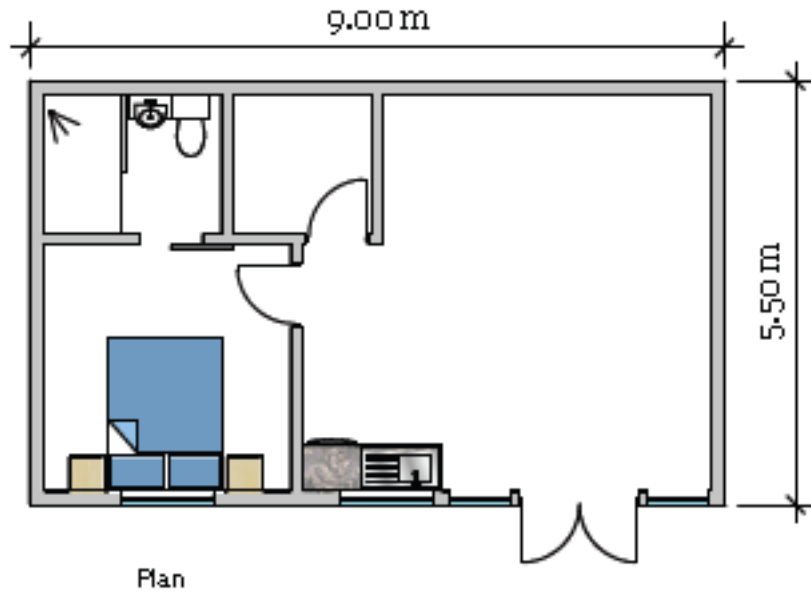
**ITEM 5.6**

**4/00975/13/FHA REMOVAL OF EXISTING SHED AND CONSTRUCTION OF GRANNY ANNEXE TO REAR 18 ASH GROVE, HEMEL HEMPSTEAD, HP3 9TL**



**ITEM 5.6**

**4/00975/13/FHA REMOVAL OF EXISTING SHED AND CONSTRUCTION OF GRANNY ANNEXE TO REAR 18 ASH GROVE, HEMEL HEMPSTEAD, HP3 9TL**



South South West Elevation

**5.6 4/00975/13/FHA - REMOVAL OF EXISTING SHED AND CONSTRUCTION OF GRANNY ANNEXE TO REAR  
18 ASH GROVE, HEMEL HEMPSTEAD, HP3 9TL  
APPLICANT: MR AND MRS S AND J STILL**

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[Case Officer - Joan Reid]

[Grid Ref - TL 06548 05298]

### **Summary**

The application is recommended for approval. The site is located in an area where residential development is acceptable in principle in accordance with Policy 2 of the Borough Plan. There would be no adverse effects on the appearance of the street scene or to the character of the parent dwelling. The amenity of adjoining neighbours would not be adversely affected in terms of loss of sunlight, daylight or privacy. The details of this scheme accord with the development principles for this area and planning guidelines. Car parking in and around the site is adequate. The proposal therefore accords with Policies 2 and 11 and Appendices 5 and 7 of the Borough Plan and CS4, CS11, CS12 and CS29 of the Pre-submission Core Strategy.

### **Site Description**

The application site is located within the residential area of Hemel Hempstead and comprises a two storey semi-detached property on a large plot. The site is located towards the end of the cul de sac of Ash Grove and contains a large garden to the rear. There is parking to the front of the property for 2 or 3 cars. The surrounding area contains a mixture of semi-detached and detached properties many of which have outbuildings within the rear garden.

### **Proposal**

The application seeks planning permission for removal of an existing garden shed and erection of a granny annexe within the rear garden of no.18 Ash Grove. The granny annexe measures 9m by 5.5m in size and is set away 1m from the boundary. The annexe measures 4m in height with a pitched roof. The annexe contains a bedroom, bathroom and living room/kitchenette which will be utilised by the mother of the applicant.

### **Referral to Committee**

The application is referred to the Development Control Committee as the applicant is an employee of the Council.

### **Planning History**

4/00102/98/4	FIRST FLOOR SIDE EXTENSION Granted 20/03/1998
4/01348/92/4	FIRST FLOOR REAR EXTENSION Granted 14/12/1992

## **Policies**

### National Planning Policy Framework

### Dacorum Borough Local Plan

Policies 1, 9, 11, 13 and 58  
Appendices 1, 3, 5 and 7  
Supplementary Planning Guidance

Residential Character Area HCA 18 (Belswains).

## **Representations**

No objections received to date. Consultation period ends 18th June 2013

## **Considerations**

### Policy and Principle

The application site is located within the residential area of Hemel Hempstead, wherein extensions to properties are considered appropriate development subject to the proposals being in accordance with the relevant policy of the Adopted Local Plan. The primary policy of interest is Policy 11 - Quality of Development, and Appendix 7 - Small Scale House Extension. Policy 11 states that development will not be permitted unless it is appropriate in terms of layout, site coverage, design, scale, bulk, height, materials and landscaping on the site itself, in relation to adjoining property and in the context of longer views. Development should also respect the townscape, density and general character of the area and avoid harm to the surrounding neighbourhood and adjoining properties through for example, visual intrusion, loss of privacy, loss of sunlight, loss of daylight, noise disturbance or pollution. Its overall design should be in harmony with the surrounding properties.

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

### Effects on appearance of building

The granny annexe is to be finished using a combination of Cedar cladding and stone coloured cladding which are considered acceptable materials which will assimilate well with the parent property. The design of the granny annexe is of simple pitched form lending itself to an ancillary building and the size and scale of the outbuilding would not dominate the rear garden. Overall, from a design perspective, no objection is raised.

### Impact on Street Scene

There would not be any significant harm to the character of the streetscene as a result of the proposals. The granny annexe is located to the rear garden and there would not be any views to the building from Ash Grove or indeed adjacent roads or streets.

### Impact on Trees and Landscaping

No significant trees or landscaping would be harmed as a result of the proposal.

### Impact on Neighbours

The most impact resulting from the proposal would be to no.18A Ash Grove. The granny annexe measures 4m in height and has an eaves height of 2.5m. The annexe contains two windows serving a bedroom and kitchenette together with bi-folding doors leading into the living area. Due to the orientation of the building the fenestration would be directed into the rear garden of no. 18a, however, due to the height of the separating boundary fence and the height of no.18a (slightly lower than no.18) it is considered that there would not be significant views from the annexe into the rear garden/property of 18a Ash Grove. There is glazing within the apex of the granny annexe on the eastern elevation of the annexe however as this is high level, there would not be opportunity for occupants to view from this window into the rear garden of the neighbouring property.

Due to the orientation of the site and overall height of the proposal, it is not considered that there would be a significant loss of sunlight or daylight to no. 18a Ash Grove or 16 Ash Grove.

Overall, the proposal is not considered to cause significant harm to the residential amenities of the adjoining properties.

### Parking

There is space to park 2 or 3 cars on the hardstanding to the front of no.18. It is considered that sufficient parking is contained on site and no objection is raised on this basis.

### Other Material Planning Considerations

The provision of the annexe is acceptable only as long as the annexe is treated as an extension to no. 18. In order to ensure that the annexe remains ancillary to no.18, it should only be occupied by a family member of the occupants of no.18. Therefore, this condition would ensure that the annexe would not be privately rented or sold off, creating a new planning unit. A condition will therefore be imposed which restricts the occupation of the annexe to a family member only.

**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 building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 18 Ash Grove, Hemel Hempstead.**

Reason: To ensure that the dwelling remains ancillary to the dwelling as proposed and to prevent independent use of the building for residential use which would potentially create a poor relationship with No.18 Ash Grove lacking in appropriate

parking and amenity space and contrary to Policy 11 of the Adopted DBLP and Policy CS 12 of the Pre-Submission Core Strategy with Modifications.

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

**0101-04-13/01A**

**0101-04-13/02A**

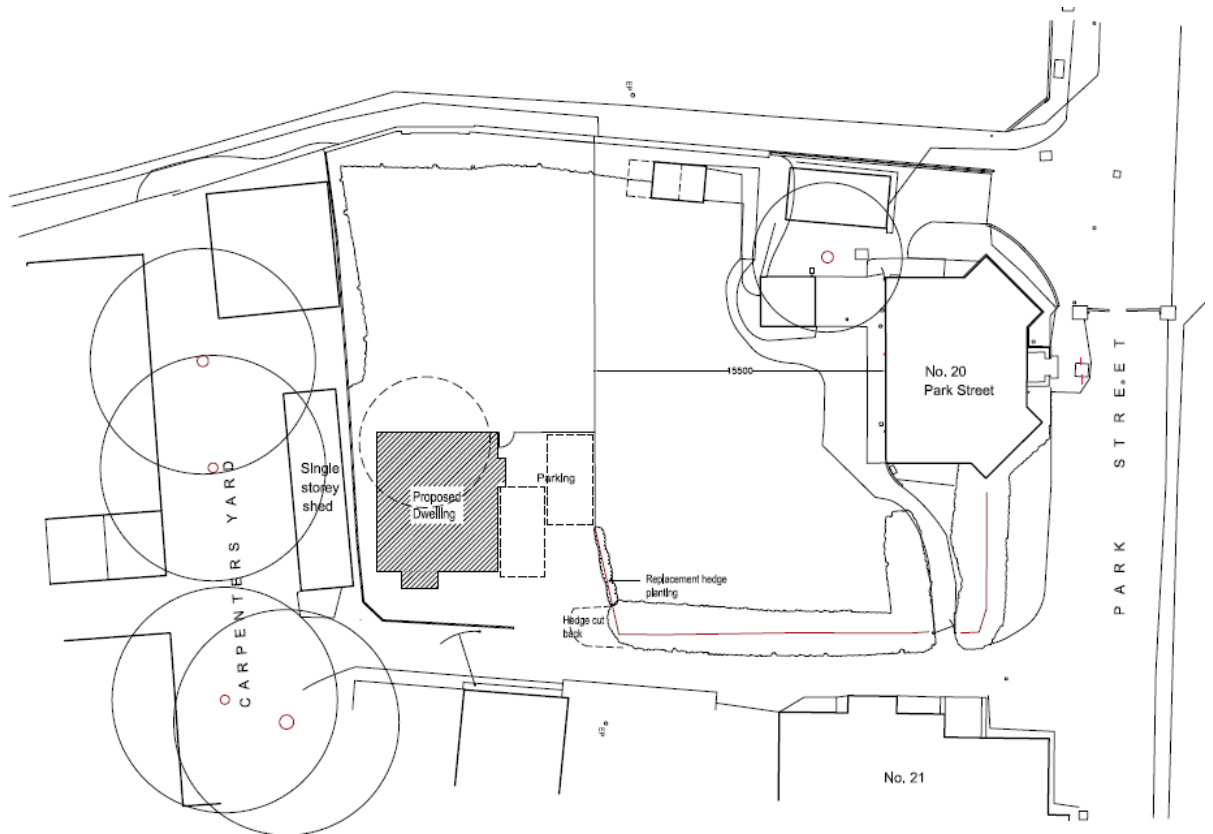
**0101-04-13/03A**

**0101-04-13/04A**

**0101-04-13/05A**

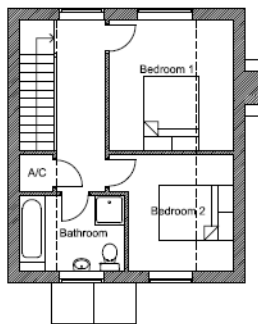
Reason: For the avoidance of doubt and in the interests of proper planning.

**ITEM 5.7**  
**4/00918/13/FUL THE CONSTRUCTION OF A NEW DETACHED DWELLING ON THE**  
**GROUNDS OF A LISTED BUILDING (AMENDED SCHEME)**  
**20 PARK STREET, TRING, HP236AW**





**ITEM 5.7**  
**4/00918/13/FUL THE CONSTRUCTION OF A NEW DETACHED DWELLING ON THE**  
**GROUNDS OF A LISTED BUILDING (AMENDED SCHEME)**  
**20 PARK STREET, TRING, HP236AW**



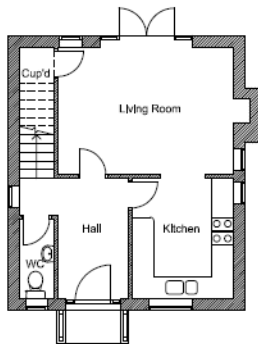
FIRST FLOOR



EAST



NORTH



GROUND FLOOR



WEST



SOUTH

**5.7 4/00918/13/FUL - THE CONSTRUCTION OF A NEW DETACHED DWELLING ON THE GROUNDS OF A LISTED BUILDING (AMENDED SCHEME)  
20 PARK STREET, TRING, HP236AW  
APPLICANT: THE ESTATE OFFICE**

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[Case Officer - Philip Stanley]

[Grid Ref - **SP 92520 11046**]

### **Summary**

The application is recommended for approval.

The proposed dwelling has been subject to extensive amendments and negotiations with regards to its position, size and design. The resulting building is considered to be a high quality dwelling that has drawn significant inspiration from the surrounding Rothschild listed buildings. It would not adversely affect the setting of the listed No.20 Park Street or the residential amenities of surrounding neighbouring properties. It would also preserve the established character and appearance of this part of the Conservation Area.

### **Site Description**

Number 20 Park Street Tring is an imposing and attractive gate house constructed for Rothschild staff quarters. A grade II statutory listed building probably by William Huckvale the house is not only within the Tring Conservation Area but also land designated as an Area of Outstanding Natural Beauty.

The site has a large rear garden bordered by a stone wall along its western boundary and a mixture of close-boarded fencing and hedges along the rear and eastern boundaries. A public footpath runs adjacent to the western boundary, while along the eastern boundary there is an unmade track leading to Carpenters Yard, two red brick bungalows. No.2 Carpenters Yard is situated in line with the rear of the site and contains a large shed adjoining the site's rear boundary. There are some mature pine trees between No.2 Carpenters Yard and the site.

All of the buildings surrounding the site from No's 21, 22, 23, 24, 25 & 26 including neighbouring buildings No's 4-7 Park Street and the Tring Zoological Museum are listed buildings. Directly opposite the house is Tring Park, a Park or Garden of Special Historic Interest.

### **Proposal**

It is proposed to construct a two bedroom detached dwelling within the rear garden of No.20 Park Street. The proposed dwelling would have a square footprint located within the south-eastern corner of the existing garden. Access to the site would be off the driveway that leads to the bungalows along Carpenters Yard and a section of the yew hedging would need to be removed to allow an entrance into the site with sufficient visibility.

The proposed house would have a half hip roof and is significantly detailed and articulated through the use of tile hanging, eaves edging, a prominent chimney, a recessed front door, etc. The design of the house has also been altered in numerous ways further to discussions with the Case Officer and the Conservation Officer, which have resulted in fenestration changes, the removal of plinth, and the introduction of an open front porch, a wider chimney, and a profiled three brick string course under the tile hanging.

The garden areas of the existing and new properties have also been amended in light of negotiations between the applicant's architect and the Case Officer. The existing property

would see its rear garden increase in depth from 12.5 metres to 15.5 metres and this would result in a staggered parking arrangement alongside the northern side of the property and would also allow the yew hedge to return 90 degrees to form the start of the proposed boundary between the proposed and existing properties (the remainder of this boundary would be formed by a brick wall).

### **Referral to Committee**

The application is referred to the Development Control Committee due to significant local interest in the application.

### **Planning History**

4/01476/112/PRE: Construction of new dwelling in rear garden - An objection was raised at this pre-application stage as the scheme at that stage was considered to be too large and too high in relation to No.20 Park Street. It was recommended that a revised smaller scheme be submitted to the Council to allow further consideration.

4/00143/13/FUL: Construction of a new detached dwelling - Withdrawn to allow for further consideration of the siting of the proposed dwelling in light of local resident objections.

### **Policies**

#### National Policy Guidance

NPPF  
Circular 11/95

#### Dacorum Borough Local Plan

Policies 1, 9, 11, 13, 18, 58, 97 and 120  
Appendices 1, 3, and 5

#### Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013)

Policies CS4, CS11, CS12, CS24 and CS27

#### Supplementary Planning Guidance

Water Conservation & Sustainable Drainage  
Energy Efficiency & Conservation  
Accessibility Zones for the Application of Parking Standards  
Chilterns Buildings Design Guide

### **Representations**

#### Tring Town Council

The Council had no objection to the proposed development. There are, however, several features of the development to which the Council would like to draw attention when determining the application:

1. The location of the development is in a Conservation Area amongst examples of historic Rothschild cottages opposite Tring Museum. Therefore the design and materials used must be

in keeping with the setting.

2. Access to the site is down a narrow lane. The Town Council defer to the expertise of the Highways Dept, but local residents with experience have lobbied strongly that this is inadequate. They have suggested alternative provision on the other side of the site.

3. There is concern that existing utilities are already failing to cope adequately with demand in the area, especially the drains/sewage.

Finally, should permission be granted, during construction contractors vehicles need to be strictly controlled because of the tight access and limited parking in the area.

### English Heritage

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

### Conservation and Design

The Planning (Listed Building & Conservation Areas) Act 1990 requires special regard to the desirability of preserving the setting of a listed building and also special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

The scale of this most recent application for development on this site appears more in keeping regarding its overall scale and height. However there are certain aspects of the design which I consider fail to meet the high decorative standards of the surrounding listed Rothschild Estate Buildings (the buildings in Carpenters Yard are not listed but form an interesting grouping).

The building would benefit from an open entrance porch which would also bring the building in line with the surrounding styles (please note these for design reference). The hips should introduce scalloped tiles and the pattern formation extended to north & south elevations. The chimney introduces an atypical design element and would benefit from taking its lead from examples of the form of those within the locality. There are some locally that are broader in width but not depth and showing a wider narrow base – at present it appears a rather inconsequential feature on the north elevation.

The windows are required to be side hung timber casements, flush fitting, and painted either black or white; the rafter feet and soffits, black. The front entrance again should take its lead from the existing historic buildings – both the style of the front door and the full length lights either side are not in keeping.

I have concerns regarding both the boundary treatment and the size of the rear garden. Staggering the parking would enable the garden to be reduced and as I stated in one of the meetings relating to this site; the boundary is not required to be straight. The listed building should have majority garden.

The side lights to the west elevation living room doors should be reduced to side windows. I am also not aware of any of the group of buildings having plinths – can this be clarified? No rain water goods are shown and need to be presented. All elements of this building should take their lead from the surrounding architecture focussing on the group of listed buildings.

Also this could present an opportunity to reintroduce yew hedging in the vicinity of the new building to compensate for that which is being removed which may help settle the building into its surroundings.

I am concerned about the state of the porch and roof to No 20; the tiles are failing and there is considerable plant life – including a fern – growing on it. A Section 106 could form part of the application regarding renovations to No 20? All materials are to be conditioned or presented as additional/amended information.

#### Hertfordshire Highways

Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

HCC road hierarchy states that the section of Park Street, which serves the site, does not form part of the adopted public highway. As a private road, Hertfordshire County Council as highway authority has no jurisdiction over this section of road and considers that the proposal will not have an unreasonable impact on the safety and operation of the adjoining highways. However, the tight and restrictive nature of the access track may prove challenging concerning deliveries and construction related activities and its impacts should be considered by the LPA.

#### Trees & Woodlands

The only tree that will require removal is a garden apple, the larger pines are a sufficient distance and will be out of harms way, so nothing tree wise to constraint development.

#### The Chiltern Society

I visited this site today, and I object to this application. This listed building group is very special, rural and quiet. My first impression of the area was of trees and birdsong.

It would be inappropriate to squeeze in another building between No.20 and the two small dwellings at Carpenters Yard. I realise that these one storey buildings are not as old as the Rothschild listed buildings, but they are very small and low, and have been there a long time, so they should not create any precedent for new building.

A new house on the proposed site would totally dominate Carpenters Yard and change the atmosphere of this area detrimentally.

#### Thames Water

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

On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.

#### Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Objections have been received from No.2 Carpenters Yard; Nos. 5, 21, 22, 24 and No.26 Park Street; and No.2 Grace Villas, Park Road.

In addition a 'template' letter of objection has been received from 16 Hunters Close; 20 Broomfield Close; 23, 25 and 47 Albert Street; Fennycroft, Duckmore Lane; 2 West Passage; 31 Gamnel; 6 Sutton Close; 116 Miswell Lane; 1 Miswell Cottages, Icknield Way; 27 Mill View Road; 4 Park Street; 23 Grove Road; 1 Carpenters Yard; 29 and 99 Icknield Green; 29 Windmill Way; 3 and 12 Langdon Street; 70 Brook Street; 1 Osmington Place; 10 Elizabeth

Drive; and Gwendoline, The Terrace, Akeman Street (as well as from 7 addresses outside of Tring).

In total 43 objections (from 38 addresses) have been received.

The concerns raised by these responses can be summarised as follows:

- The proposed dwelling has been poorly designed. In some aspects there are no details (e.g. framing, mullions, external / internal shading)
- The proposed dwelling is too high (higher than the previous application).
- The proposed dwelling would be overpowering in relation to Carpenters Yard.
- The development would result in a significant loss of privacy to Carpenters Yard as it would overlook the two properties there from its upper floor windows.
- The proposed development would be detrimental to the character and appearance of this part of the Tring Conservation Area and would be harmful to the setting of the adjoining group of listed buildings.
- The proposed dwelling is not in keeping with the existing buildings. It does not echo any of the unique features of the listed buildings along Park Street.
- The proposed dwelling would be visible for everyone going up to the park and would be a considerable intrusion on the visual coherence of the area.
- Scant information has been provided with regards to the sustainability of the proposed dwelling.
- The existing infrastructure of Park Street and Carpenters Yard has limited or no spare capacity and there are concerns over electricity and water provision, as well as foul drainage.
- The vehicle access is unacceptable as it would be via an unadopted untarred 8-10 foot wide road from No.20 Park Street up to Carpenters Yard.
- There is no room for vehicles to pass or turn with no provision for visitors to park.
- No thought has been given as to how construction traffic would access the site.
- The construction of this dwelling would have a detrimental impact on local residents.
- There are concerns over any increase in traffic.
- The proposals involve the removal of a tree to the rear of a property and the cutting back of an outstanding ancient yew hedge along the track to Carpenters Yard, which would take many years to recover.
- An application to build an additional property at No.26 Park Street (4/02105/08/FUL) was refused on the grounds of harm to the conservation area and the setting of adjacent listed buildings. Similarly a new dance studio was refused under 4/01407/08/LBC. The same considerations should be made for this application.
- The application does not provide more affordable housing or a greater range of housing.
- An alternative position for the proposed dwelling (on the other side of the site), however this was vetoed by the Council.

## **Considerations**

### Policy and Principle

The site is located within the urban area of Tring within which there is no objection in principle to residential development in accordance with Policy 2 of the Dacorum Borough Local Plan (DBLP). Policy 11 of the DBLP expects all development to be of high quality and to respect the appearance of the original house, the character of the street scene, and to avoid harm to the residential amenities of neighbouring properties.

Policy 21 of the DBLP states that careful consideration will be given to the density of all new

housing proposals to ensure that they make the most efficient use of the land available. Furthermore for sites at the edge of an urban area, special attention will be paid to the effect of development density on open countryside and views.

The site is also constrained by its location within the Conservation Area (where Policy 120 expects sympathetic development that either preserves or enhances the established character and appearance of the area), its position in the setting of a listed building and close to numerous other listed buildings (Policy 119), and its location within the Chilterns AONB (Policy 97), where the prime objective is to preserve the beauty of the area and it is often appropriate to use materials and design details of the local vernacular. Additional guidance is provided within the Chilterns Design Guide and supplementary Technical Notes.

### Backland Development

As the site is located within the urban area of Tring there is no objection in principle to backland development. It is not considered that the proposals represents '*tandem development*' because the scheme would make use of the existing access road to Carpenters Yard, while the existing house would have its own separate access arrangements.

It is nevertheless important to recognise that this scheme constitutes the creation of a new building line between Park Street and Carpenters Yard. It is appreciated that this reduces the sense of spaciousness that characterises the area and would be harmful if replicated across the remainder of Park Street.

With regards to this application there is a strong argument to state the present site is a special case for two reasons. Firstly, the site already has development to its rear (Carpenters Yard), and secondly, the access road to Carpenters Yard provides access to the rear of the site. Consequently, while the proposed development could also be delivered on the other side of the access road, it would not be possible to replicate this further along Park Street without introducing harmful access roads between the semi-detached pairs.

Local residents have expressed a view that because the new dwelling to the side of No.26 Park Street (4/02105/08/FUL) was refused then a similar conclusion should be reached here. However, it must be noted that the principle of a new house to the side of No.26 was accepted by the Planning Officer and the Conservation Officer (and no objection was received from the Town Council). Rather the application was refused due to the scale and design of the proposed house. It is considered that these concerns do not apply in this development as detailed in the sections below.

### Effects on appearance and setting of listed building

#### Impact on Street Scene / Conservation Area / AONB

Bearing in mind the site's position in the Tring Conservation Area and also the amount of surrounding listed buildings it is important that the new house is sympathetic to the wider area and the backs of the houses along Park Street. In this respect the design amendments received and described in the previous section are critical.

It is also considered that the beauty of the Chilterns AONB would not be harmed by the proposed development. The site is located at the very edge of the AONB and would clearly not injure any views of scarp slopes or of hillside skylines. Indeed it would be difficult to view the proposed house from within the Chilterns because from this perspective it would be screened by the Carpenters Yard properties and the tall pine trees within the frontages of these neighbouring properties. Even if views were possible, then the traditional proportions and detailing would result in a dwelling not out of keeping with the area.

### Impact on Trees and Landscaping

The Council's Trees & Woodlands Officer has confirmed that only one tree would be affected by the proposed development. This is the apple tree which is to be removed as part of this development. This tree is not an individual specimen of any merit and therefore its loss could not be resisted.

Local residents have also raised concerns that the proposals would involve the loss of a section of the yew hedging along the eastern boundary of the site. They argue that the loss of this ancient hedgerow should not be supported. However it must be noted that only a very short section of this hedgerow is to be removed - it would consist of removing 2 metres from this 19 metre long hedgerow. Furthermore, a replacement yew hedgerow is to be planted to form the beginning of the new boundary between the existing and proposed houses. Overall, the appearance and character of the area would not be altered by these very minor changes to the existing hedgerow.

Finally, conditions should be added that would seek a replacement for the apple tree to be lost in the proposed rear garden of the new house, and measures for the protection of the yew hedge shown to be retained on the submitted drawings.

### Impact on Neighbours

#### Sustainability

The applicant has only provided a very brief sustainability statement in respect of the proposed development. The site is in a very constrained area where visible sources of renewable energy (such as solar panels) would not be supported. Therefore, it is imperative for the proposed dwelling to 'get the basics right' in terms of insulation, boiler specification, and water conservation. However, as no exact details have been provided at this stage a condition will need to be added to allow for further negotiation on these points.

#### Parking and Highways

The proposed dwelling would provide two parking spaces, which complies with the maximum parking standards in Appendix 5 of the DBLP. Local residents have expressed concerns that no visitor parking spaces would be provided within the development, however there is no Local Plan requirement for schemes of one dwelling to provide visitor parking spaces.

Concerns have also been raised with regards to the width of the proposed access into the site and the lack of manoeuvrability within the site. It is appreciated that the access road is narrow, however it has served the two properties at Carpenters Yard without any problems for a considerable time. The introduction of one further property using this road would not give rise to any concerns over highway safety as the visibility splays upon entering Park Street would be the same for the new house as for the existing Carpenters Yard property. When within the site it is noted that the proposed parking spaces are set back from the road, that there would be a turning circle in front of the property and that the entrance into the site would be approximately 3 metres wide. For these reasons it is not considered that the proposed development would prejudice the safety of other road users.

It is noted that while Herts Highways had no concerns regarding the day-to-day living consequences of the proposals, they did refer to the tight nature of the plot and the difficulties that may arise for delivery and construction vehicles. Local residents have also questioned how construction vehicles would enter the site. In terms of large delivery vehicles it is



considered that these, by their very nature, would not be a common occurrence, and that it would be feasible for such vehicles to reverse the small distance required to return to Park Street, which is a very quiet road at this point. There may be greater difficulties with regard to construction traffic, however larger vehicles would only need to access the site for a temporary period, and smaller vehicles could be used for the majority of the work. Furthermore, it would be possible to remove the unsightly garage to the west of No.20 Park Street to gain temporary access to the site from that site. Overall, it is considered that a refusal on these grounds (bearing in mind their temporary / infrequent effect) could not be sustained.

### Local Infrastructure

Local residents have raised concerns that the local area cannot support an additional dwelling due to ageing or overburdened utilities infrastructure. However, it is noted that Thames Water have raised no objections on sewerage or water provision grounds, while an electricity connection would also appear to be achievable bearing in mind the site's position between two connected properties.

### Unilateral Undertaking

The Supplementary Planning Document (SPD) 'Planning Obligations' was adopted in April 2011. This document explains the planning objectives that DBC will pursue in seeking planning obligations, sets out the evidence of need to substantiate the levels of contributions that will be sought for certain types of infrastructure, gives details of the Council's requirements and describes the procedures that the Council will follow in securing planning obligations. In particular paragraph 1.34 states that, "*For all developments requiring a planning obligation applicants will be expected to submit an agreed draft or signed unilateral undertaking or an agreed draft S.106 agreement with the application*".

This document follows on from Policies 12 and 13 of the DBLP, which provide a general basis for securing contributions from developments towards the various types of infrastructure and facilities set out in the SPD.

A Unilateral Undertaking has been received by the Council, which would make the following contributions:

- A contribution of £1,036 towards Primary Education
- A contribution of £147 towards Library Services
- A contribution of £665 towards Sports Pitches
- A contribution of £1,216 towards Child Play space
- A contribution of £19 towards the provision of additional Natural Green Space.
- A contribution of £25 towards Travel Smart.
- A contribution of £15 towards Cycling Infrastructure.
- A contribution of £187.38 towards the monitoring of the S.106 agreement.

TOTAL: £3,310.38

### **Conclusions**

The proposed dwelling would be a high quality, subservient addition to the local area. It would preserve the character and appearance of the Conservation Area and through its height, spacing and positioning would not harm the setting of adjacent listed buildings. In addition parking within the site is adequate and there would be no harm to neighbouring residential properties. No objections have been received from statutory consultees.

## RECOMMENDATION

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

2. That the following Heads of Terms for the planning obligation be agreed:

A contribution of £1,036 towards Primary Education

A contribution of £147 towards Library Services

A contribution of £665 towards Sports Pitches

A contribution of £1,216 towards Child Play space

A contribution of £19 towards the provision of additional Natural Green Space.

A contribution of £25 towards Travel Smart.

A contribution of £15 towards Cycling Infrastructure.

A contribution of £187.38 towards the monitoring of the S.106 agreement.

3. Should the agreement or unilateral undertaking under Section 106 not be completed by 9 July 2013, Group Manager - Development Management & Planning be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:

*Suitable provision for libraries, child play space, primary education, natural green space, Travel Smart, sports pitches, cycling infrastructure, and monitoring fees has not been secured. The proposals are therefore contrary to Policy 13 of the Dacorum Borough Local Plan, as well as Supplementary Planning Document (SPD) 'Planning Obligations' (April 2011).*

**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 and in the interests of the visual amenities of the Conservation Area in accordance with Policies 11 and 120 of the Dacorum Borough Local Plan.

**3 The windows to the dwelling hereby permitted shall be side hung flush fitting casements.**

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Conservation Area in accordance with Policies 11 and 120 of the Dacorum Borough Local Plan.

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

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- measures for their protection of the yew hedge shown to be retained during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas.

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

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

- 5 **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.

- 6 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, B, C, D, E, F, G and H  
Part 2 Classes A, B and C.**

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 particular the setting of the adjacent listed buildings.

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

**PSC12/110  
PSC12/200/F  
PSC12/201/C  
PSC12/202/F**

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

## THAMES WATER INFORMATIVE

### NOTE 1:

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

The site is located in an area where domestic extensions are acceptable in principle in accordance with Policy 2 of the Borough Plan. The setting of adjacent listed buildings would not be detrimentally affected by the proposals. There would be no adverse effects on the appearance of the building or the appearance of the conservation area. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policies 11 and 119 of the Borough Plan.

### NOTE 2:

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

#### **Dacorum Borough Local Plan**

Policies 1, 9, 11, 13, 18, 58, 97 and 120

Appendices 1, 3, and 5

#### **Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013)**

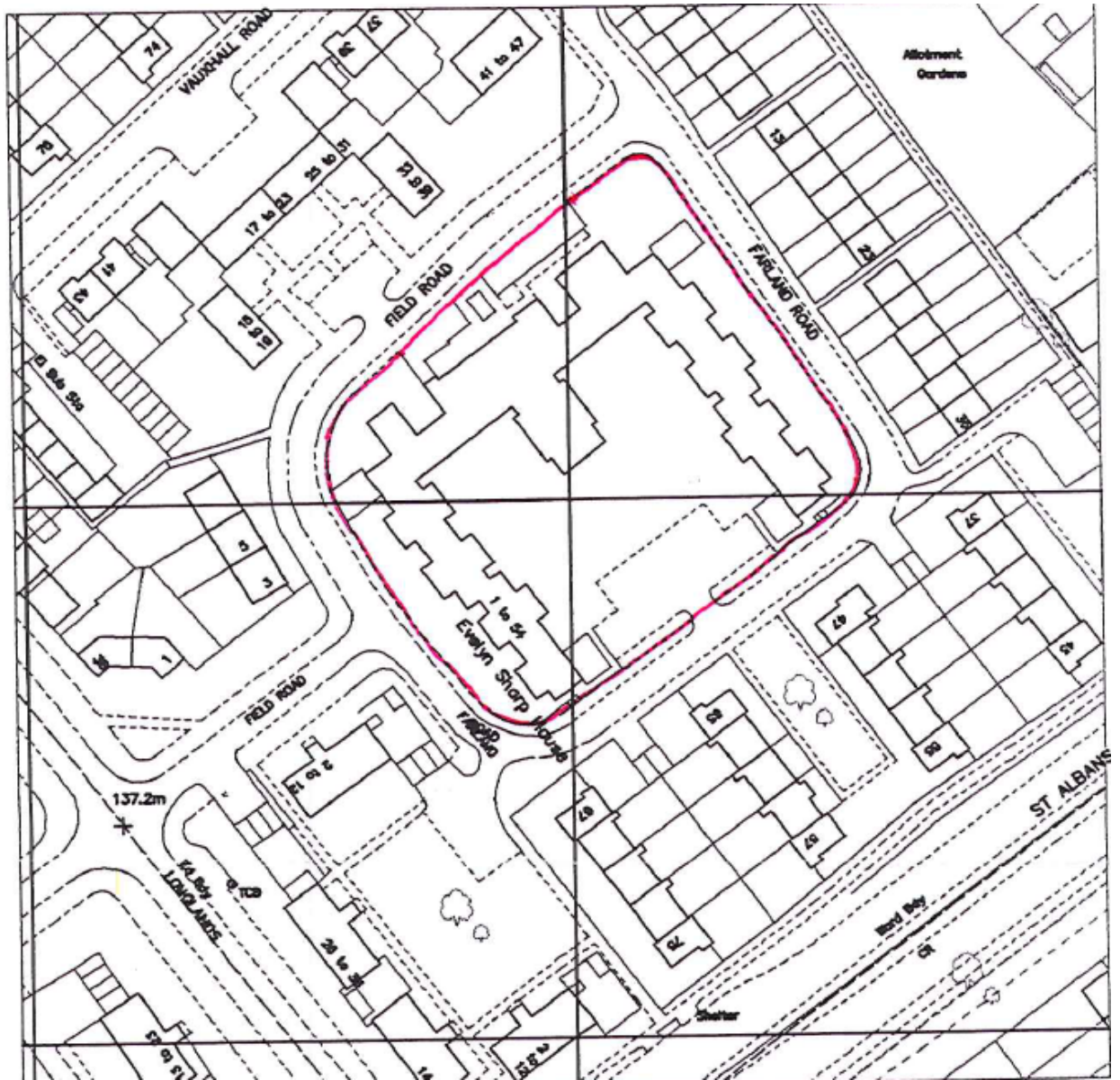
Policies CS4, CS11, CS12, CS24 and CS27

### NOTE 3:

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.

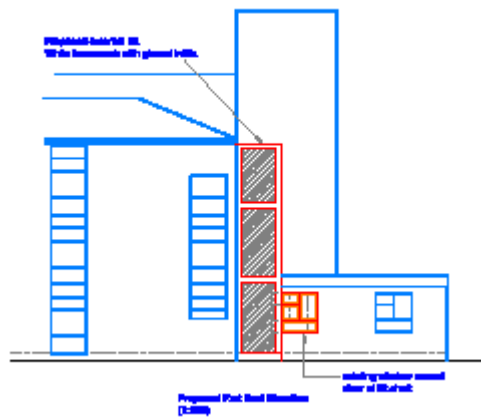
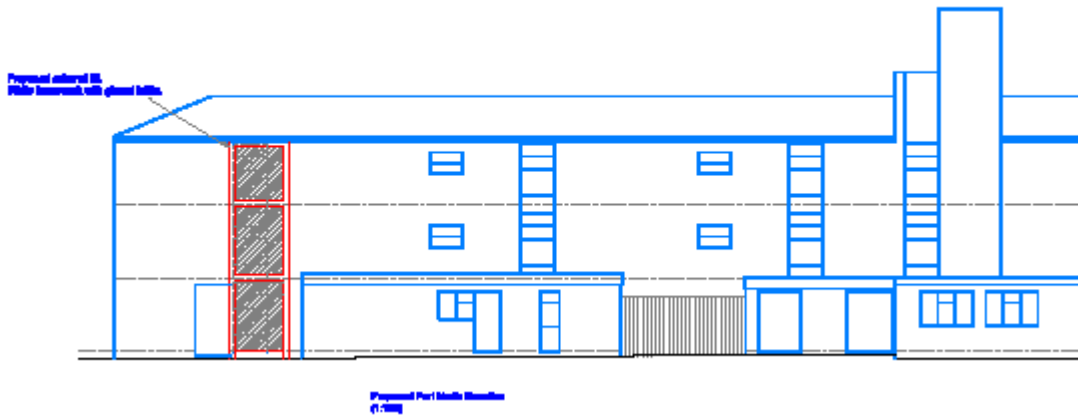
ITEM 5.8

4/00381/13/FUL EXTERNAL LIFT ON NORTH ELEVATION AND RE-SITING OF WINDOW TO FLAT 10 EVELYN SHARP HOUSE, FIELD ROAD, HEMEL HEMPSTEAD, HP2



ITEM 5.8

4/00381/13/FUL EXTERNAL LIFT ON NORTH ELEVATION AND RE-SITING OF WINDOW TO FLAT 10 EVELYN SHARP HOUSE, FIELD ROAD, HEMEL HEMPSTEAD, HP2



**5.8 4/00381/13/FUL - EXTERNAL LIFT ON NORTH ELEVATION AND RE-SITING OF WINDOW TO FLAT 10  
EVELYN SHARP HOUSE, FIELD ROAD, HEMEL HEMPSTEAD, HP2  
APPLICANT: DACORUM BOROUGH COUNCIL - PROPERTY AND PLACE DEPT.**

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[Case Officer - Andrew Parrish]

[Grid Ref - TL 07503 07009]

### **Summary**

The application is recommended for approval. The proposed lift shaft would be modest in size and have an acceptable design and appearance. There would be no significant impact on adjoining residential amenities in terms of noise, privacy, loss of light, visual impact, or any adverse effect on means of escape from the adjoining flat. There would be no harm to nearby existing mature trees. The proposals are considered acceptable for approval.

### **Site Description**

Evelyn Sharp House is a Council owned housing development comprising some 54 apartment units on 3 stories. The C shaped block sits within an island block fronting Field and Farland Roads with open plan frontages and a car park with access off Farland Road.

The site is within a primarily residential area and the surrounding area comprises a mix of two storey flats and terraced dwellings.

### **Proposal**

Permission is sought for an external lift on the part north elevation fronting Field Road and a small amenity green. The lift shaft would be three stories high and measure 2.0 m wide by 1.4 m deep with white framework to glazed infill panels. The shaft would be sited approximately 400 mm from the flank wall of a ground floor apartment which projects from the main building.

The lift is located close to the existing lift and will act as the main lift whilst the existing lift is modernised after which it will become a second lift providing a backup facility in the event of one lift breaking down. The lift will be accessible for wheelchair users.

### **Referral to Committee**

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

### **Planning History**

None

### **Policies**

#### National Policy Guidance

NPPF  
Circular 11/95

#### Dacorum Borough Local Plan

Policies 1, 9, 11, 13, 58 and 99

Appendices 1 and 5

Emerging Core Strategy

Policies CS1, 4, 8, 10, 11, 12, 13, 26, 29, 31 and 32

Supplementary Planning Guidance

Environmental Guidelines

Residential Character Area [ BCA 3:Bank Mill ]

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Advice Note on Achieving Sustainable Development through Sustainability Statements

Accessibility Zones for the Application of Parking Standards

**Representations**

Building Control

Orally raised no objections.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

10 Evelyn Sharp House - Objects:

- Lift will overlap bedroom window by 50% and obstruct opening of the window which forms a fire escape. Asks whether this breaches a health and safety or fire regulation.
- Noise and disturbance from the operation of the lift.

Amended Plans

Objects:

- The increase in width means the lift will now be even closer to bedroom window whilst overlapping by 50%.
- Has not been contacted about any inconvenience that will be caused.
- Will restrict views.
- Noise and disturbance from the operation of the lift.
- Might pose a fire risk and prevent escape.

**Considerations**

The application was deferred at the meeting of 9th May 2013 in order to consider and re-consult on revised plans.

Policy and Principle

In residential areas appropriate residential development is acceptable in accordance with Policies 2 and 9 of the Borough Plan.

The main issues in this case relate to the impact of the lift on the visual and residential amenities of the area.



### Effects on appearance of building

The proposed lift shaft would be modest in scale and its design and appearance would harmonise with the existing building.

The proposal would comply with Policy 11.

### Impact on Street Scene

There would be no adverse effects on the street scene. Existing tree planting will help soften and screen the development.

The proposal would comply with Policy 11.

### Impact on Trees and Landscaping

There are a number of existing mature trees to the frontage of the development. These would not be directly affected by the development but the associated amenity area was proposed as a contractors' compound for the period of the development which would have interfered with the canopy of trees. However, amended plans now adjust the compound to avoid this issue.

The proposals would comply with Policy 99.

### Impact on Neighbours

The lift shaft would be sited 0.4 metres from a resident's bedroom window (Flat 10, Evelyn Sharp House). However, given its cladding in glass, and the proposal to resite the tenant's bedroom window so that the lift shaft would not overlap the window, it is considered that there would be no material loss of light, overshadowing or visual harm.

With regards to privacy, the lift shaft will be clad in glass. Further clarification has been sought as to whether the lift compartment itself will be obscure glazed and, subject to confirmation officers are satisfied that there will be no loss of privacy to Flat 10.

The letter of objection from Flat 10 raises concerns about the proximity of the lift to his bedroom window which could obstruct emergency escape during a fire.

The applicant has advised that the window of No.10 next to the lift is not intended to be an escape window by virtue of its design whilst Building Control have confirmed that there is no requirement for escape from the window in this case. The lift would in any event not obstruct the opening of this window due to its re-siting.

The resident has also stated that he will be inconvenienced a great deal by the use and proximity of the lift due to noise and vibration. The applicant has advised that the lift is hydraulic and therefore there will be no significant noise or any vibration. The hydraulic pump is to be housed inside the building in a ground floor store away from the windows of No. 10. On this basis it is considered that there would be no material harm.

With regards to the objector's concern that they have not received or been contacted by anyone about the proposals, it is understood that the applicant's agent met with the objector on 29th May 2013 regarding the re-siting of the bedroom window and reported that the tenants' appeared quite happy for that to happen. He even reported that the tenant's said they were going to suggest that had it become necessary to do so.

Subject to confirmation on materials, the proposal would accord with Policy 11.

### Sustainability

A sustainability statement has been submitted in accordance with Policy 1 and is considered acceptable from a sustainability viewpoint.

### Other Material Planning Considerations

Car parking would not be affected by the development.

It is understood that following concerns raised separately by the neighbour with the applicants about security and the possibility of people congregating in the alcove between the lift and the window of No. 10, a security light is to be provided in the alcove which it is understood the tenant found acceptable.

**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.

- 3 **The trees shown for retention on the approved Drawing No. 13022/01B shall be protected during the whole period of site excavation and construction by the erection and retention of fencing in accordance with BS5837:2012 positioned as shown on the approved plan.**

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

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

**Site Location Plan  
13022/01B  
13022.02**

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

NOTE 1:

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

The site is located in an area where residential development is acceptable in principle in accordance with Policies 2 and 9 of the Borough Plan. There would be no adverse effects on the appearance of the building or the appearance of the street scene. The amenity of adjoining neighbours would not be harmed and there would be no adverse effect on means of escape from the adjoining flat. There would be no harm to nearby existing mature trees. Car parking would not be affected. The proposal would accord with the sustainability principles of the Plan. The proposals therefore accord with Policy 11 of the Borough Plan.

NOTE 2:

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

**Dacorum Borough Local Plan 1991 - 2011**

Policies 1, 9, 11, 13, 58 and 99

Appendices 1 and 5

**Supplementary Planning Guidance**

Development in Residential Areas

Environmental Guidelines

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Advice Note on Achieving Sustainable Development through Sustainability Statements

NOTE 3:

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

### A. LODGED

- (i) 4/01571/12/ENA Mr McLaughlin  
Appeal against Enforcement Notice – construction of 2 dwellings  
11 Bank Mill, Berkhamsted  
  
Delegated
- (ii) 4/01829/12/FUL Mr Cowman and Mr McLaughlin  
Construction of 2 No. 3-bed dwellings  
11 Bank Mill, Berkhamsted  
  
Committee
- (iii) 4/02338/11/MFA Berkhamsted School  
Astroturf  
Kitchener's Field, Castle Hill, Berkhamsted  
  
Committee
- (iv) 4/01555/12/FUL Mr and Mrs Ingman  
Dwellinghouse  
328 High Street, Berkhamsted  
  
Committee
- (v) 4/00538/12/FUL Mr Mark Tully  
Change of Use from garage/workshop to dwelling  
Land at 59 Cowper Road, Hemel Hempstead  
  
Delegated
- (vi) 4/00211/13/ENA Mrs Louise Atkins  
Appeal against Enforcement Notice - Material change of use of land from grazing land to residential  
Lodge Farm Cottage, Rossway, Berkhamsted  
  
Delegated
- (vii) 4/00371/13/LDP Mr Anastasiou  
Certificate of Lawful development for single storey rear extension  
High Clere, Tower Hill, Chipperfield

Delegated

(viii) 4/02160/12/FUL

Mr Mark Smith  
3 Bedroom detached dwelling  
R/O 32 Ashylms Road, Berkhamsted

Delegated

(ix) 4/00696/10/ENA

Mr and Mrs Clarke, Mr Parry and Mr McGregor  
Appeal against Enforcement Notice – Construction of  
extensions without permission  
Properties at Threefields, Sheethanger Lane, Felden

Delegated

(x) 4/00857/13/ENA

Mr P Webb  
Appeal against Enforcement Notice – Use of airfield by light  
aircraft and micro-lights  
Bovingdon Airfield, Chesham Road, Bovingdon

Delegated

(xi) 4/00014/13/FHA

Mr William Jenkins  
Replacement front door  
10 Shrublands Avenue, Berkhamsted

Delegated

(xii) 4/00146/13/FUL

Mr S Wright-Browne  
Replacement dwelling  
Site at Ivycote, St Albans Hill, Hemel Hempstead

Committee

(xiii) 4/000171/13/FUL

Mr & Mrs Gill  
Detached dwelling and garage  
R/o 21 Pancake Lane, Hemel Hempstead

Delegated

**B WITHDRAWN**

None

**C FORTHCOMING INQUIRIES**

- (i) 4/00857/13/ENA Mr P Webb  
Appeal against Enforcement Notice – Use of airfield by light aircraft and micro-lights  
Bovingdon Airfield, Chesham Road, Bovingdon  
  
Delegated

**D FORTHCOMING HEARINGS**

- (i) 4/00696/10/ENA Mr and Mrs Clarke, Mr Parry and Mr McGregor  
Appeal against Enforcement Notice – Construction of extensions without permission  
Properties at Threefields, Sheethanger Lane, Felden  
  
Delegated  
  
Hearing -13<sup>th</sup> August 2013 in the Bulbourne Room

**E DISMISSED**

- (i) 4/00762/12/FHA Mr & Mrs Peplow  
Single storey rear extension and rooflight  
& 4/00763/12/LBC 6 Little Heath Lane, Potten End  
  
Delegated

The main issue is the effect of this single storey rear extension on the special architectural and historic interest of the Grade II listed building (which was originally a five bay barn but subsequently converted to form two dwellings). The special character is derived from the simple vernacular form designed for its original agricultural function and which has already been partly denuded by a previous, contemporary rear extension (allowed under special circumstances for a previous owner). To effectively infill this gap, despite its modest size, matching designs and materials, would nevertheless detract still further from and cause substantial harm to the significance of the heritage asset. The proposed third roof light would also add to this harm. Collectively the scheme would be contrary to objectives of Policy 119 and Policy CS27.

**F ALLOWED**

None

## 7. ENFORCEMENT POLICY

### **Adoption of the Council's Local Enforcement Plan & revisions to the Council's standard response times for investigating potential breaches of control**

#### **1. Recommendation**

- 1.1 That the Local Enforcement Plan and the change to targets for carrying out first site visits be agreed by the Development Control Committee (DCC)

#### **2. Purpose of Report**

- 2.1 To seek authorisation to adopt a Local Enforcement Plan. The Local Enforcement Plan is an update to the Council's existing Planning Enforcement Policy which sets out how the Council will investigate alleged cases of unauthorised development, targets for carrying out first site visits, the taking of formal action, where it is appropriate to do so, and monitoring the implementation of planning permissions.
- 2.2 Furthermore, the report seeks alterations to the standard response times for investigating alleged breaches of planning control. These changes will ensure that Dacorum's standard response times for investigating potential breaches of planning control are consistent with the response times of other neighbouring Local Authorities.

#### **3. Background**

- 3.1 Part vii of the Town and Country Planning Act 1990 sets out the enforcement provisions available to Local Planning Authorities.
- 3.2 DETR Circular 10/97 brings together and updates earlier guidance on how to use these amended enforcement provisions. These provisions state that enforcement action should always be commensurate with the breach of planning control to which it relates. It goes on to say that the taking of formal enforcement action is at the discretion of the Local Planning Authority and all action must be proportionate to the breach that has taken place.
- 3.3 In March 2012 the Government published the National Planning Policy Framework (NPPF). This document replaced over a thousand pages of national policy with around fifty, written simply and clearly, allowing people and communities back into planning. The NPPF follows the principles of the above document and sets out the Government's planning policies for England and how these are expected to be applied.
- 3.4 The NPPF states that effective enforcement is important as a means of maintaining public confidence in the planning system and Councils should use their discretionary powers proportionately in responding to suspected breaches of planning control.
- 3.5 The NPPF is somewhat lacking in any detail relating to how Councils should deal with breaches in planning control. Rather than setting out any clear guidelines it recommends that Local Planning Authorities should publish local enforcement plans to manage enforcement proactively, in a way that is appropriate to their area.
- 3.6 The attached document is the Council's response to the NPPF and sets out how the Council will, investigate alleged cases of unauthorised development, take action where it is appropriate to do so and monitor the implementation of planning permissions.

#### **4. Comparison to existing Planning Enforcement Policy**

- 4.1 On 26 January 2010 Cabinet approved the Council's Enforcement Statement. This statement sets out the way in which Dacorum Borough Council will exercise its enforcement powers. It was also hoped that the Enforcement Statement would help achieve consistency in dealing with enforcement powers across all service areas. Indeed, by the end of 2010 all departments, including Planning and Regeneration, had adopted a policy.
- 4.2 The Council's Enforcement Statement requires each service to review their policy every three years to ensure that it is up to date and consistent with new guidance. Any major amendments to a specific policy must be adopted by Cabinet but minor amendments do not require Cabinet approval.
- 4.3 The proposed alterations to the Planning Enforcement Policy are considered to be minor and do not require approval from Cabinet. The Council's legal department confirmed the following:

*'No need to take the revised policy to Cabinet and/or Council as long as it still conforms with the corporate enforcement statement. It went up to Cabinet and Council last time just so that Members could consider the corporate statement in the context of all the various enforcement activities undertaken by the Council.'*

- 4.4 The proposed Local Enforcement Plan is an update to the current Planning Enforcement policy. The new document includes the Council's response to the NPPF and sets out how the Council will, investigate alleged cases of unauthorised development.
- 4.5 The principal change to the proposed document are the amendments to the standard response times for investigating potential breaches of planning control (these revised target response times can be found in Table 1 of the document).
- 4.6 The Local Enforcement Plan is not an adopted Local Plan Policy. It is an attempt to provide a clear, succinct document setting out the general principles to be implemented by all officers in carrying out the Council's planning enforcement functions.
- 4.7 For the reasons set out above it is not necessary to carry out any formal public consultation. However, the document must be reviewed every three years and comments, relating to the Plan and suggested changes, received by the Council will be considered in future updates.
- 4.8 It is important to note that the Local Enforcement Plan is not a planning policy used in the determination of planning applications or appeals. The document is used to guide and educate members of public on the Council's Planning Enforcement Procedures.

#### **5. Benchmarking**

- 5.1 During the preparation of the Local Enforcement Plan a benchmarking exercise was initiated to determine how quickly adjoining local authorities respond to alleged



breaches. The findings are set out below:

	<b>Priority 1</b>	<b>Priority 2</b>	<b>Priority 3</b>
<b>Watford</b>	3 Working Days	10 Working Days	10 Working Days
<b>Three Rivers</b>	1 Working Day	20 Working Days	20 Working Days
<b>Hertsmere</b>	2 Working Days	10 Working Days	20 Working Days
<b>Welwyn</b>	2 Working Days	5 Working Days	15 Working Days
<b>Stevenage</b>	10 Working Days	10 Working Days	10 Working Days
<b>Chiltern</b>	1 Working Day	5 Working Days	10 Working Days
<b>St Albans</b>	3 Working Days	10 Working Days	10 Working Days
<b>East Herts</b>	2 Working Days	15 Working Days	15 Working Days
<b>Aylesbury Vale</b>	1 Working Day	5 Working Days	10 Working Days
<b>DACORUM</b>	1 Working Day	5 Working Days	10 Working Days

- 5.2 Dacorum Borough Council's response times are currently within the top quartile of the Local Authorities benchmarked against. A further benchmarking exercise, conducted by the Planning Advisory Service, ranked this Council's Enforcement service as below average for cost per allegation received.

## **6. New targets**

- 6.1 It is recommended that the review of the Council's Enforcement Policy provides an opportunity to review the target response times for the different priority levels for alleged breaches of planning control. The team is working very well and there is no intention to significantly alter their current working practices.
- 6.2 Set within the wider context of financial constraints the teams is operated with very little spare capacity. The team is by its nature re-active, responding to calls as and when they are received. It is considered that a small extension to the target times for priority 2 and 3 cases will allow for the team to better manage their workload at times when a large number of complaints are received at the same time. Without this flexibility the team would either need to rely on additional support from the wider planning team or in extreme examples buy in further resource.
- 6.3 The timescale for priority 1 cases remains unchanged. The Team will always endeavour to visit the site as soon as possible to investigate alleged breaches with the most serious potential impacts.
- 6.4 The benchmarking data set out in section 5 demonstrates that these proposed changes to the target times would retain a level of service to the residents of the Borough that is at least similar and in some cases better than that of surrounding Councils.

6.5 The revised 'target response times' for priority 1, 2 and 3 cases are set out below:

FACTORS DETERMINING POTENTIAL SERIOUSNESS	TARGET RESPONSE TIME	PRIORITY
<ul style="list-style-type: none"> <li>• Activities that have the potential to cause irreparable harm to the environment, especially sensitive sites such as Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty and Wildlife Sites.</li> <li>• Activities resulting in serious on going disturbance to third parties.</li> <li>• Ongoing unauthorised works to a listed building.</li> <li>• Ongoing unauthorised works to protected trees.</li> </ul>	<p>As soon as possible (and at least within 1 working days)</p> <p><i>(No change proposed)</i></p>	1
<ul style="list-style-type: none"> <li>• Activities resulting in some disturbance and loss of amenity to third parties.</li> <li>• Activities that are likely to be adversely affecting the environment, but not irreparably.</li> <li>• Unauthorised works to listed buildings or protected trees where those works have ceased.</li> </ul>	<p>Within 10 working days</p> <p><i>(Currently 5 days)</i></p>	2
<ul style="list-style-type: none"> <li>• Minor breaches of condition.</li> <li>• Activities causing minimal disturbance to third parties, if any.</li> <li>• Unauthorised advertisements.</li> <li>• Untidy land issues.</li> </ul>	<p>Within 15 working days</p> <p><i>(Currently 10 days)</i></p>	3

## 7. Conclusion

- 7.1 The adoption of the Local Enforcement Plan will demonstrate transparency in the Council's planning enforcement function. This will provide re-assurance to complainants concerned that criminal activity is taking place and deter people from undertaking such activity, by informing them that the Council will take action where appropriate. It should also assure those investigated for offences that the Council will deal with such matters fairly and consistently. If followed, the policies should reduce the risk of successful challenges to decisions made by the Council regarding enforcement.
- 7.2 It is recommended that the Local Enforcement Plan and the change to targets for carrying out first site visits be agreed by the Development Control Committee.



## LOCAL ENFORCEMENT PLAN

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**June 2013**

## **Local Enforcement Plan**

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## **1. Introduction**

- 1.1 DETR Circular 10/97 (July 1997) brings together and updates earlier guidance on how to use the amended enforcement provisions in Part VII of the Town and Country Planning Act 1990.
- 1.2 The National Planning Policy Framework (NPPF) follows the principles of the above document and sets out the Government's planning policies for England and how these are expected to be applied.
- 1.3 The NPPF states that effective enforcement is important as a means of maintaining public confidence in the planning system and Councils should use their discretionary powers proportionately in responding to suspected breaches of planning control.
- 1.4 The NPPF recommends that local planning authorities should publish a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area.
- 1.5 This document is the Council's response to the NPPF and sets out how the Council will, investigate alleged cases of unauthorised development, take action where it is appropriate to do so and monitor the implementation of planning permissions.
- 1.6 Where an enforcement role is shared with another agency, joint working may be undertaken with them, including the Police, where appropriate. This work will be subject to that agency complying with the underlying principles of this statement.

## **2. What is Planning Enforcement?**

- 1.7 Most types of building works, changes of use, works to protected trees and advertisements require planning approval from the Council. If work takes place without the right approvals being obtained, this is called a breach of planning control and enforcement action can be taken.
- 1.8 The enforcement system is complicated. Before it is decided what action the Council can take, the Council must take into account legislation, government advice, the Council's planning policies and previous planning decisions.
- 1.9 One of the underlying principles of planning enforcement is for the Council to respond to alleged breaches in planning control in a proportionate way.

## **3. Contacting the Planning Enforcement Team**

- 1.10 It is Council policy normally not to respond to anonymous calls or letters and to ask that all enforcement service requests are made in writing. This helps in monitoring the number and type of cases received and may be useful later on if formal action is pursued. During an enforcement investigation, the identity of a complainant is kept confidential, so you may write to the Council with confidence.
- 1.11 However, where a telephone message is initially received relating to a potentially urgent and serious transgression that is likely to result in irredeemable harm (for example, works to a listed building or works to protected trees), it is at the officer's discretion whether or not to waive the need for a complaint to be made in writing.

1.12 Breaches of planning control can be made by e-mail, post, or via the Council's website:

E-Mail: [planning.enforcement@dacorum.gov.uk](mailto:planning.enforcement@dacorum.gov.uk)

Councils Website: [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

By Post: **Planning Enforcement  
Dacorum Borough Council  
Marlowes  
Hemel Hempstead  
HP1 1HH**

#### **4. What constitutes a breach of planning control?**

1.13 Section 55 of the Town and Country Planning Act 1990 defines development as 'the carrying out of building, mining, engineering or other operation in, on, under or over land, or the making of any material change in the use of any buildings or other land'.

1.14 Section 171A of the Act establishes that the carrying out of development without the required planning permission and the failure to comply with any condition or limitation, subject to which planning permission has been granted, constitutes a breach of planning control.

1.15 **It is not an offence to carry out development without first obtaining planning permission for it.** Section 73A of the Act specifically provides that a grant of planning permission may relate to development carried out before the date of application. This is known as a retrospective planning application and these are dealt with in the same way as any other planning application.

1.16 Exceptions include the felling of trees covered by a Tree Preservation Order, the demolition or partial demolition of Listed Buildings and contraventions of the Advertisement Regulations. These offences can lead to prosecution from the outset.

1.17 The Act also establishes time limits on the ability of the Council to take enforcement action over a particular breach:

- built development - the Council can take no action after 4 years from the date on which operations were substantially completed
- change of use to a single dwelling house – the Council can take no action 4 years from date of change
- all other changes of use – the Council can take no action 10 years after the date of change
- failure to comply with planning conditions – the Council can take no action 10 years from the date that the condition is breached or not complied with.

1.18 In all of the above cases the time limits mean that a development would be immune from enforcement action provided that the Council has not taken any action within the prescribed period. However, whether or not the time limits stated above have expired.

1.19 In considering any enforcement action, the decisive issue for the Council is whether the breach of control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.

- 1.20 Enforcement action should always be commensurate with the breach of planning control to which it relates (for example, it is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to amenity in the locality of the site). Enforcement action should usually only be taken where the development is contrary to both local and national planning policies.
- 1.21 Where the Council's initial attempt to persuade the owner or occupier of the site voluntarily to remedy the harmful effects of unauthorised development fails, negotiations should not be allowed to hamper or delay whatever formal enforcement action may be required.

## **5. Types of enforcement complaint to the Council**

- 1.22 It is important to define what is viewed as an enforcement complaint. In this context, a complaint is considered to be a notification to the Council of a possible breach of planning control. Reflecting the diverse nature of planning enforcement within the authority, breaches are likely to consist of the following:
- the carrying out of development where no planning permission exists;
  - the carrying out of development which deviates from that which has been granted planning permission;
  - the breach of a condition imposed under an extant planning permission;
  - the unauthorised display of advertisements;
  - unauthorised works to a listed building;
  - unauthorised works to a protected tree; and,
  - untidy land issues.
- 1.23 It is also important to stress that, at the outset, all complaints relate to alleged breaches of control and it is for the investigating officer to determine whether the breach exists in reality.

## **6. Keeping Customers Informed**

- 1.24 Procedurally, every complaint received by the Council is logged so that a permanent record is kept. The logging of complaints enables officers to ensure that all complaints are followed up and action is taken as appropriate. It also enables officers to ensure that all complainants are kept informed of the outcome of their complaint, where this is deemed appropriate.
- 1.25 All complaints received from members of the public and other third parties (although not including Parish/Town Councils) shall be treated on a confidential basis, unless the complainant gives express authorisation for his/her identity to be revealed. This is subject to compliance with the requirements of The Freedom of Information Act and The Data Protection Act.

1.26 When complaints are received the following targets apply:

- a) Within 3 working days - acknowledgement to be sent out to complainant.
- b) Within 10 working days of the first site inspection - The complainant will be notified of initial findings.
- c) When an enforcement notice or other formal action has been authorised, we will let the complainant know within 10 working days.
- d) When the case is closed - we will inform the complainant of the outcome within 10 working days.

**2 Priorities and Actions**

2.1 Standard response times for investigating alleged breaches of control are set out below as part of this code of practice, which are dependant on the potential seriousness of the alleged breach. This is illustrated within Table 1.

2.2 For the Council's Planning Enforcement service to be effective, its resources and action will be directed to stated the priorities as identified within Table 1..

**TABLE 1: PRIORITISATION AND STANDARD RESPONSE TIMES FOR INVESTIGATION OF POTENTIAL BREACHES OF CONTROL**

<b>FACTORS DETERMINING POTENTIAL SERIOUSNESS</b>	<b>TARGET RESPONSE TIME</b>	<b>PRIORITY</b>
<ul style="list-style-type: none"> <li>• Activities that have the potential to cause irreparable harm to the environment, especially sensitive sites such as Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty and Wildlife Sites.</li> <li>• Activities resulting in serious ongoing disturbance to third parties.</li> <li>• Ongoing unauthorised works to a listed building.</li> <li>• Ongoing unauthorised works to protected trees.</li> </ul>	As soon as possible (and at least within 1 working day)	1
<ul style="list-style-type: none"> <li>• Activities resulting in some disturbance and loss of amenity to third parties.</li> <li>• Activities that are likely to be adversely affecting the environment, but not irreparably.</li> <li>• Unauthorised works to listed buildings or protected trees where those works have ceased.</li> </ul>	Within 10 working days	2
<ul style="list-style-type: none"> <li>• Minor breaches of condition.</li> <li>• Activities causing minimal disturbance to third parties, if any.</li> <li>• Unauthorised advertisements.</li> <li>• Untidy land issues.</li> </ul>	Within 15 working days	3



- 2.3 Should a complainant disagree with the priority allocated to their complaint, there is a right to request a review. All requests for a review into the priority allocated to an investigation must be put in writing to the Investigating Officer or Assistant Team Leader Development Management (Enforcement).
- 2.4 Once a request for a review is received by the Council the complainant will be informed, in writing, of the Council's decision and reasons within 10 working days. All reviews will be conducted by the Group Manager (Development Management and Planning) in consultation with the Assistant Team Leader Development Management (Enforcement).

## **8. The investigation of alleged breaches**

- 2.5 The first stage of any investigation is to determine whether or not there has, in fact, been a breach of control. If there is no breach of planning control, the investigation can be concluded with no further action being necessary. However, if there is a breach of control, further considerations need to be made.
- 2.6 Under the Town and Country Planning Act 1990, it is **not** an offence to carry out development without first obtaining planning permission. Negotiation should always be the first step in addressing the situation where a breach of control has been identified. However, there are going to be certain cases where negotiation does not work or where it is unrealistic from the outset to pursue this line.
- 2.7 The Initial assessment for investigating alleged breaches is as follows:
- a) On the day that either a complaint or information is received about a possible breach of planning control it will be passed to a member of the planning enforcement team. An officer will review the information and decide whether or not it is a planning matter. If it is not an issue covered by planning legislation then it may be possible to pass it to another department of the Council or external agency for attention.
  - b) If it is established that the matter is planning related then an enforcement file will be created and research carried out concerning the planning history of the land/building in question. This may often be enough to satisfy the Council that a breach has not occurred. For example, if planning permission had already been granted for the alleged works.
  - c) Once a new enforcement file is opened a site visit will be undertaken by an enforcement officer within the specified time period as set out in table 1 above. If it is decided that no breach of planning control has taken place the file will be closed.
- 2.8 If a breach is found to have taken place then a number of options are available depending on the nature of the breach.
- a) Negotiate/mediate with the individual or business. This may result in the submission of a planning application if it is considered that the breach can be resolved in this way. If it is clear that unauthorised development is unacceptable when judged against the policies of the development plan and other material factors, and therefore unlikely to be supported by officers, submission of a planning application will not be appropriate and the Council may then take formal action. This should be made plain to the transgressor.

- b) Send warning letters **within 10 days of site visit** – usually to confirm verbal advice.
- c) If a planning application is received in response to a visit from an enforcement officer it will be passed to a planning officer to deal with it. The complainant and other interested parties will be consulted on the planning application in the normal manner. Approval of the application may result in no further action being taken, however any conditions attached to a permission will be closely monitored to ensure compliance.
- d) If no planning application is received **within 30 days of requesting it** the Council will then consider whether the option of taking formal action is expedient and proportionate. If it is not then no further action will be taken. If a submitted planning application is refused then a negotiated settlement will be attempted prior to commencing formal enforcement proceedings.
- e) If negotiation to try and remedy a breach fails following receipt of information requested (through a Planning Contravention Notice) or a planning application has been refused and enforcement action is considered to be expedient then an appropriate statutory notice will be prepared **usually within 28 days of receiving authority to proceed**.
- f) Statutory notices relating to enforcement action will vary in timescale depending on the complexity and importance of the matter. The enforcement team will then serve Notice on the offender either by recorded delivery post, by the erection of the notice on site, or in person, whichever is deemed to be appropriate to the case.
- g) An appeal can be made by the offender to the Secretary of State (via the Planning Inspectorate). The Inspectorate appoint an independent Inspector to deal with the matter in much the same way as a planning appeal against the refusal of planning permission is dealt with. If an appeal is lodged then the Notice is suspended while the appeal is being determined
- h) If an appeal has been lodged and is dismissed by the Inspector or if the offender has not chosen to appeal, then the Council will monitor the breach during the compliance period. If full compliance is achieved then no further action will be taken. However, if the offender does not comply with the Notice by the expiry of the compliance period then work will commence on preparing evidence to support prosecution, direct action or an injunction.

## **9. The reporting of breaches of planning control**

- 2.9 To reiterate, the taking of formal enforcement action is at the discretion of the Local Planning Authority and all action must be proportionate to the breach that has taken place. Therefore, where there is a clear identified breach of planning control, which a developer does not wish to regularise through carrying out remedial works or seek to regularise by way of an application, the investigating officer must assess the expediency of taking formal enforcement action. The same considerations must be made in respect of retrospective applications that have been refused, although it follows that the planning merits of such cases would have already been considered.
- 9.2 It is ultimately the decision of the Group Manager- Development Management and Planning (with referral, where appropriate, to the Assistant Director (Legal, Democratic and Regulatory)) to take or not to take enforcement action, under the Council's Constitution at Part 3, para 2.3.3 of the Scheme of Delegation to Officers.
- 9.3 In cases where planning permission has been granted at the Development Control Committee, it will be for DCC to determine whether it is expedient or not to enforce against any unauthorised deviation in the development. It is also open to the Group Manager- Development Management and Planning to refer matters to DCC for determination where the post holder considers this to be in the public interest.

## **10. Expediency of Enforcement Action**

- 10.1 In considering the expediency of taking formal enforcement action, the investigating officer must consider whether such action would be in the public interest. The investigating officer must judge the overall impact of the unauthorised development, doing so with reference to national and local planning policies as set out in the Development Plan and to any other material considerations. If a breach does not result in 'demonstrable harm', (because planning permission would be likely to have been granted for the development in any event) then a report must be prepared for the consideration of the Group Manager - Development Management and Planning, fully justifying this approach with reference to the relevant planning policy and clearly setting out why it is proportionate to take the action proposed.
- 10.2 Where development is considered to be inappropriate and cause 'demonstrable harm' in planning policy terms, a report seeking authority to take formal enforcement action is prepared for the consideration of the Group Manager - Development Management and Planning. It is important to note that Enforcement investigations vary in complexity and as a result time scales given to transgressors for completing remedial works varies significantly.
- 10.3 If the Investigating Officer concludes that there has been a breach of planning control the Officer will contact the owner of the site immediately and inform him/her of the situation. An enforcement notice should be the last resort. Before issuing an enforcement notice the Investigating Officer will consider alternative options such as the submission of a planning application, demolition or stopping the use on site etc.
- 10.4 In some cases it may not be expedient to issue an enforcement notice. If development has taken place without the benefit of planning permission the Group Manager - Development Management and Planning will make the decision not to issue a notice and determine that it is not expedient to take action and no further action is necessary. All interested parties are informed if this decision is taken.

10.5 Where the Council's initial attempt to persuade the owner or occupier of the site voluntarily to remedy the harmful effects of unauthorised development fails, negotiations should not be allowed to hamper or delay whatever formal enforcement action may be required to make the development acceptable on planning grounds, or to compel it to stop (the statutory time limits for taking enforcement action must be considered).

## **11. Taking action**

11.1 If it is decided to issue an enforcement notice there is strict time limit for service of copies of the enforcement notice. The legislation states that the service of a notice shall take place:

- (a) not more than 28 days after its date of issue; and
- (b) not less than 28 days before the date specified in it as the date on which it is to take effect

11.2 The enforcement notice must specify the date on which it is to come into effect; after which date no appeal can be submitted. Once the notice takes effect the owner of the site will have a specified time limit (usually between 28 days and 12 months) to carry out the required works.

11.3 It should be noted that an enforcement notice can be appealed; it is the responsibility of a Planning Inspector (appointed by the Secretary of State for Communities and Local Government) to hear/determine appeals. If an Enforcement Notice appeal is submitted to the Planning Inspectorate, a member of the Planning Enforcement Team will represent the Council. If a member of the public has expressed an interest in an Enforcement Case they would be informed of the appeal and how to participate in it.

11.4 If the owner of the site fails to comply with the requirements of the notice they are liable to prosecution. The Council has two available options: prosecution or injunction to aid in enforcing planning control. Any member of the public failing to comply with the requirements of an Enforcement Notice within the prescribed time would be informed prior to the Council commencing legal proceedings. It should be noted that it is very rare for the Council to apply to the Courts for an injunction; a prosecution usually succeeds in ensuring that the requirements of the notice are met.

## **12. Enforcement Options**

There are a number of different notices and/or actions that are able to be taken by the Local Planning Authority. These can be summarised as follows:

- Enforcement Notice
- Breach of Condition Notice
- Stop Notice
- Temporary Stop Notice
- Section 215 Notice
- Injunctive Action
- Formal Cautions
- Planning Enforcement Order

### **13. Enforcement Notice**

- 13.1 An Enforcement Notice is issued in the majority of cases where formal enforcement action is taken. It specifies the breach and sets out prescriptive steps, with specific timescales, for remedying the breach. A notice can be served in respect of:
- operational development
  - material change in use of land,
  - breach of a condition attached to an extant planning permission.
- 13.2 Such a notice must be served on the owners, occupiers and all other parties with an interest in the land that is materially affected by the service of the notice. This notice is also entered onto the local land charges, and is disclosed in the event that the land is sold or changes ownership, as the notice remains in place.
- 13.3 An Enforcement Notice must come into effect not less than 28 days after its date of issue. There is a right of appeal to the Planning Inspectorate, as set out under Section 174 of the Town and Country Planning Act 1990 (as amended) and such an appeal must be lodged before the notice comes into effect. Where an appeal is submitted, the requirements of the notice are held in abeyance until the appeal has been decided. It is normal procedure for the Assistant Team Leader (Development Management) to act as the lead officer when an appeal has been lodged under Section 174 of the Act.
- 13.4 Failure to comply with the requirements of an Enforcement Notice is a criminal offence which is liable, on summary conviction, to a fine not exceeding £20,000 per offence, or on conviction on indictment to an unlimited fine.
- 13.5 Section 173A of the Town and Country Planning Act 1990 gives Local Planning Authorities the power to withdraw an Enforcement Notice issued by them. Equally, the Planning Authority may relax or waive any of the requirements of the notice or extend the time for compliance. This can be done both before and after the notice has taken effect and all parties to the Notice will be informed.
- 13.6 The withdrawal of an Enforcement Notice does not limit the Council from re-issuing or serving a further notice.

### **14. Listed Building Enforcement Notice**

- 14.1 This is very similar to the Planning Enforcement Notice in that it specifies the unauthorised works to the relevant listed building, specifying requirements to take to remedy the harm within a set timescale. It can be served on its own – for example, where unauthorised works to a listed building only required listed building consent and did not require planning permission – or it can be served in conjunction with a Planning Enforcement Notice. As with the planning notice, there is a right of appeal against the Listed Building Enforcement Notice, with the appeal having to be made before the notice takes effect.
- 14.2 Works to a listed building without the appropriate consents is a criminal offence. A local planning authority has also been given an express power to apply to the court for an injunction where it considers it necessary or expedient to restrain any actual or apprehended breach of planning control. The power is available whether or not the authority has exercised or is proposing to exercise any of its powers to serve an Enforcement Notice.

**15. Stop Notice**

- 15.1 A Stop Notice can only be served with an Enforcement Notice, although the latter can be served on its own. The service of a Stop Notice is essential where the local planning authority considers it expedient to stop an activity before the associated Enforcement Notice comes into effect. It is used as a means of stopping development that is likely to result in irreparable harm to the environment or where ongoing activities are causing a major adverse impact on the amenity of adjoining landowners.
- 15.2 There is no right of appeal against a Stop Notice. An appeal against an Enforcement Notice will hold the requirements of that notice in abeyance, but the requirements of the Stop Notice to cease a particular activity remain effective. However, because a Stop Notice is preventing an activity from continuing, there is a risk that a claim for compensation could be made against the local planning authority. The Planning Enforcement Team will carry out a cost/benefit assessment to identify such a risk prior to the service of the notice. This will be based on the Council's Risk Management methodology.
- 15.3 Non-compliance with the requirements of a Stop Notice is an offence, punishable by a maximum fine on summary conviction of £20,000 and, on conviction on indictment, to an unlimited fine.

**16. Temporary Stop Notice**

- 16.1 This notice can be served before the issue of an enforcement notice and only lasts for 28 days after which it must be followed up by an Enforcement Notice and if required a full Stop Notice, the notice has a minimum period of 3 days to take effect and is usually used as an emergency measure to cease development that poses immediate harm to its local amenities. Non compliance with this notice is an offence and can result in prosecution.

**17. Breach of Condition Notice**

- 17.1 A Breach of Condition Notice (BCN) may be served where there has been a breach of a condition that is attached to an extant planning permission. There is no right of appeal against the service of such a notice, although it can be challenged by way of applying to the High Court for judicial review. The BCN will set out the necessary remedial action to ensure compliance with the condition being breached, with a minimum period of 28 days for compliance.
- 17.2 There are advantages and disadvantages to serving a BCN over an Enforcement Notice, and these are set out in detail within 'Enforcing Planning Control: Good Practice Guide for Local Planning Authorities'. However, where there is concern about the validity of a condition, the local planning authority is best advised to issue an enforcement notice that cites a breach of condition, therefore allowing the transgressor a right of appeal. This would prevent the need for a judicial review.
- 17.3 The penalty for breaching the requirements of a BCN is a maximum fine on conviction of £2,500.

**18. Section 215 Notice**

18.1 Where the Local Planning Authority is concerned about the condition of land or buildings, and where that condition is considered to be adversely affecting amenity, the Council is able to issue a notice under Section 215 of the Town and Country Planning Act 1990. This is sometimes known as an 'untidy land' notice. Not only can it require land or buildings to be tidied, it can also require the demolition of derelict buildings. It should be noted that the land in question should be visible from public vantage points and have an adverse impact on the amenity of the area for a Section 215 Notice to be served. There is a right of appeal against such a notice, but this is made to the Magistrates' Court.

**19. Prosecution**

19.1 The Council recognises the use of the criminal process to institute a prosecution as an important part of enforcement. It uses discretion in making such a decision because other approaches to enforcement may equally or more effectively resolve the matter. Where circumstances warrant, the Council will, however, pursue prosecution.

19.2 The Local Planning Authority will consider prosecution when one or more of the following applies:

- it is appropriate in the circumstances as a way to draw general attention to the need for compliance with the law;
- there is a risk to public health and safety as a consequence of the breach;
- the offence was as a result of a deliberate act or following recklessness or neglect;
- the approach of the offender warrants it, eg, repeated breaches, persistent poor standards;
- the breach is considered to seriously affect public amenity.

19.3 The decision to prosecute will also take account of the evidential and public interests and tests set down in the Code for Crown Prosecutors. These include:

- the age and evidence of the state of health of the alleged offender
- the likelihood of re-offending; any remedial action taken by the alleged offender.

19.4 Before an enforcement notice and/or prosecution is taken, the alleged breach or offence will be fully investigated and a report compiled by the investigating officer who will make a recommendation as to the appropriate course of action to be taken. This will be presented to the Development Control Committee for authority to proceed. Enforcement matters are dealt with in private. All Defendants will be notified of the decision.

**20. Injunctive Action**

20.1 Where the local planning authority deems it expedient to restrain any actual or apprehended breach of planning control it may apply to the High Court or the County Court for an injunction. Such an application can be made whether or not the local planning authority has exercised, or proposes to exercise, any of its powers to enforce

planning control. The taking of such action is not to be taken lightly, but is critical where ordinary enforcement powers are unlikely to stop unauthorised activities.

20.2 Failure to comply with the terms of an injunction is in contempt of court. The court has discretion to imprison anyone found to be in contempt, or to administer an unlimited fine.

## **21. Formal Caution**

21.1 The Local Planning Authority will consider Formal Cautions as an alternative to prosecution. Examples of where they may be appropriate are:

- to deal quickly and simply with less serious offences;
- to divert less serious cases away from the court process;
- to deter repeat offences.

22.2 Before a caution is administered the officer will ensure:

- there is evidence of the offender's guilt sufficient to sustain a prosecution;
- the offender admits the offence;
- the offender understands the nature of the formal caution and agrees to be cautioned for the offence.

22.3 Formal cautions are administered in accordance with Home Office guidelines.

## **23. Planning Enforcement Order**

23.1 Section 171BA of the Town and Country Planning Act 1990 allows a local planning authority that discovers an apparent breach of planning control to apply to a magistrate's court for a planning enforcement order, within six months of discovery. That order allows the authority an 'enforcement year' in which to take enforcement action, even after the time limits in section.171B of the *Town and Country Planning Act 1990* have expired.

23.2 Planning enforcement orders can only be made by a magistrate. In assessing the local authorities application for a planning enforcement order the magistrate's court may make a planning enforcement order only if it is satisfied, on the balance of probabilities, that the "actions of a person or persons have resulted in, or contributed to, full or partial concealment of the apparent breach or any of the matters constituting the apparent breach. The court must also consider the application just to make the order.

## **24. Procedure for issuing notices**

24.1 Once authority has been granted to take formal enforcement action, it is for the Investigating Officer to draft the appropriate notice and to prepare all of the necessary paperwork.

24.2 The issue and service of all Enforcement Notices is the responsibility of the Planning Enforcement Team. Where the matters being enforced against are complex in their nature, this will involve liaison with the Council's legal department.

24.3 All other notices are drafted by the Investigating Officer, but are actually issued by the legal department.

24.4 A copy of the relevant notice is retained and is logged on the Council's Enforcement Register, which is held and maintained by the Planning Enforcement Team.



**25. Monitor the Implementation of Planning Permissions**

- 25.1 Once planning permission is granted, you may need to get formal approval of any details required by conditions. It is therefore imperative that land owners carefully read their permission once it is received ensuring that works do not commence on site in breach of planning conditions.
- 25.2 The onus is on the land owner or developer to make sure that all the necessary consents are in place before work starts, and to make sure that all the conditions are complied with. The Development Management department will not write to you reminding you of your responsibility to discharge conditions.
- 25.3 There is currently no requirement to inform the Development Management Team when work will start on site, however, you will have to notify our Building Control Service that you are going to start building works.
- 25.4 Commencement Lists are produced weekly by the Council's Building Control Department setting out what developments are scheduled to commence that week. A copy of these lists are checked by the Planning Enforcement Team against planning application decisions ensuring that;
- All pre commencement conditions have been discharged and;
  - All financial contributions that formed part of a section 106 agreement required prior to commencement of development have been received by the Council.
- 25.5 If conditions have not been discharged or contributions paid, a new investigation is opened and conducted in accordance with the process set out above.

**26. Review of the Local Enforcement Plan**

- 26.1 The Council will review this plan from time to time and at least every three years, in response to changes in legislation, relevant enforcement guidance and the Council's procedures.
- 26.2 This document is not subject to formal public consultation. However, comments on this document will be welcomed and will be considered as part of the review process, (please email comments to [planning@dacorum.gov.uk](mailto:planning@dacorum.gov.uk)).

## **8. FORMALISATION OF CALL-IN PROCESS AND INTRODUCTION OF COUNCILLOR CALL-IN FORM**

### **1. Recommendation**

- 1.1 That a formalised and consistent approach to the Councillor call-in process be adopted together with the introduction of a call-in form.
- 1.2 That the proposed amendments to Part 3 of the Council's Constitution be agreed by the Development Control Committee.

### **2. Background**

- 2.1 The Councillor Call-in process (set out in the Constitution) is a mechanism which allows Ward Councillors to remove the delegated powers of officers and ensure applications are referred to the Development Control Committee (DCC) for consideration. This is an important tool to allow those applications which might represent important issues for the local area can be determined in the open and public area of the DCC.
- 2.2 At present there is no formalised approach to the Councillor Call-in process. The current system is ad-hoc and relies on emails or phone calls to the case officer. This fails to ensure that there is a clear audit trail for each application as to when it was called in, by whom and why. Failure to be able to demonstrate this information could leave the Council open to possible challenge.
- 2.3 There has also been an incident in the last month which has highlighted that the wording of the Constitution is not precise on the period within which any Call-in request should be submitted. It is therefore recommended that this area be reviewed at the same time as consideration is given to the Call-in process.

### **3. Introduction of a form**

- 3.1 It is recommended that a standardised form be introduced for the Councillor Call-in process. This form is set out at Appendix 1.
- 3.2 The benefits of the form are consistency and a process for the acknowledgement and logging of Call-ins. Tick box options recognising the most prevalent reasons for Councillors exercising their call-in have been listed. A text box is also provided for other planning reasons not specified in this list. This information will be included in any subsequent Committee Report to demonstrate the reasoning for the call-in.
- 3.3 The form also allows for a Councillor to withdraw their call-in if the case officer is minded to recommend in a particular way. This allows Councillors to log a call-in at the beginning of the process but would still allow the flexibility for the application to be determined without the need for it to be presented to the committee.
- 3.4 The officer will always have to undertake their own professional assessment and any view that has been expressed by the Councillor on the form would not prejudice this process. Similarly the call-in of the application by a Councillor does not mean that they are excluded from the process. Notwithstanding having submitted a call-in form, they can continue to engage with the process if they come to any future decision making body with an open mind willing to take into account all the information presented to them before reaching their conclusion.

#### 4. Variation to the Constitution

- 4.1 It came to light recently that the wording of Part 3, 2.3.1 (2) can be interpreted in two ways. The wording in its present form is set out below:

*2.3.2 The following matters are excluded from delegation under paragraph 2.3.1:*

- (2) *Decisions on proposals which any Borough Councillor representing the ward within which the application site is situated, or the Chairman, Vice-Chairman of the Development Control Committee or Portfolio Holder for Planning and Regeneration has, within a time period of no more than 28 days from public consultation commencement or date of the advertisement of the application, requested should be reported to the Development Control Committee and where that request is supported with material planning reasons.*

- 4.2 The issue arises with amended plans. Officers at Dacorum, in line with the Council's Open for Business programme, will often negotiate for changes to an application to address problems or concerns that may have been raised by others. This is considered to be an efficient and positive approach as it helps to ensure a positive outcome and avoids repeat applications for which the Council collects no applications fees and the costly appeals process.
- 4.3 When amended plans are received there is often a process of re-consulting local residents to make them aware of the changes. The difficulty is that these re-consultations could be considered to be a public consultation which would restart the 28 days period specified in the constitution for the Councillor Call-in.
- 4.4 The period for the Council to determine planning applications is limited normally to 8 weeks or 13-16 weeks for more major schemes. There isn't sufficient time therefore to allow for two 28 day periods.
- 4.5 The proposed revised wording of Part 3, 2.3.1 (2) is set out below:

*Proposed*

*2.3.2 The following matters are excluded from delegation under paragraph 2.3.1:*

- (2) *Decisions on proposals which any Borough Councillor representing the ward within which the application site is situated, or the Chairman, Vice-Chairman of the Development Control Committee or Portfolio Holder for Planning and Regeneration has, within a time period of no more than 28 days from the commencement of the **first** public consultation, requested should be reported to the Development Control Committee. Requests should be made on the prescribed form and are required to be supported with material planning reasons*

- 4.6 The insertion of the word 'first' makes it clear that the Call-in process runs from the time the Council writes to local residents to inform them of the application. Any further re-consultation, for example on receipt of amended plans, would not therefore re-open the Call-in process.
- 4.7 If there are new matters that come to light late in the application process, and after the

Councillor Call-in period, the Councillor should contact the Group Manager – Development Management and Planning. Under Part 3, 2.3.2 (7) the Assistant Director - Planning, Development & Regeneration, or the Group Manager - Development Management & Planning, can refer an application to the Committee if they are of the view that it represents significant public interest, would have a significant impact on the environment, or should otherwise be reported to the DCC. This power allows for a safeguard that can ensure that matters which represent a significant public interest are dealt with appropriately.

## **5. Call-ins in practice**

### 5.1 Scenario 1:

5.2 The Local Councillor is approached by the neighbour to an application who is concerned about the impact on their rear outlook of a proposed rear extension. The Ward Councillor is predisposed to consider the impact of the extension to be an issue and therefore submits the call-in form ticking the reason '*Impact on neighbouring properties*'. The Councillor also ticks the box to highlight that if the case officer is to refuse the application they are minded to withdraw their call-in.

5.3 The Case officer assesses the application and finds the likely level of impact on the neighbouring property to be unacceptable and recommends that the application be refused. They contact the Councillor to advise them. The Councillor then confirms in writing (email) that they are happy to withdraw their call-in and the application is determined (refused) under delegated powers.

### 5.4 Scenario 2:

5.5 The Local Councillor is approached by the neighbour to an application who is concerned about the impact on their rear outlook of a proposed rear extension. The Ward Councillor is predisposed to consider the impact of the extension to be an issue and therefore submits the call-in form ticking the reason '*Impact on neighbouring properties*'. The Case officer assesses the application and finds the likely level of impact on the neighbouring property to be unacceptable and seeks amended plans from the applicant to reduce the size of the extension. These amended plans are received and the neighbouring property is notified.

5.6 The Case officer is now seeking to approve the application on the basis of the amended plans and they contact the Councillor to advise them. If the Councillor considers that the amended plans are sufficient to address the concerns of the neighbour then they can confirm in writing (email) that they are happy to withdraw their call-in. If they are not satisfied with the outcome they can retain their call-in and the matter will be referred to the DCC.

## Appendix 1 – Call-in Form

### Councillor Call-in Form

All call-ins must be made within **28 days** from the commencement of the first public consultation on the application.

For applications subject to the Neighbour Consultation Scheme the call-in must be made within **21 days** from commencement of the neighbour consultation.

**I wish to call-in the following application for determination by the Planning Committee.**

Application number

*Eg: 4/00011/13/FHA*

Application address

*Eg: 1 High Street, Hemel Hempstead*

My reasons for calling-in the application are as follows. Please tick appropriate box(es):

- Impact on neighbouring properties
- Impact on character of the street scene
- Residential amenity
- Car parking
- Highway issues
- Impact on trees and landscaping
- Impact on listed building/conservation area
- Other reasons  please specify below:

*Eg: The development would involve excessive extensions to a house within the Green Belt*

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I would be minded to withdraw the call-in if I am notified that the case officer is to:

(Tick as appropriate)

Refuse the application

Approve the application

Name: Cllr

Date:

This form should be emailed to the Group Manager – Development Management and Planning: [alex.chrusciak@dacorum.gov.uk](mailto:alex.chrusciak@dacorum.gov.uk) **AND** to [planning@dacorum.gov.uk](mailto:planning@dacorum.gov.uk)

If you have not received acknowledgement within 1 working day please contact the Case officer direct.

## **Appendix 2 – Proposed wording**

### **PART 3 RESPONSIBILITY FOR FUNCTIONS**

#### **2.3 Delegation to Officers from Development Control Committee**

2.3.2 The following matters are excluded from delegation under paragraph 2.3.1:

- (2) Decisions on proposals which any Borough Councillor representing the ward within which the application site is situated, or the Chairman, Vice-Chairman of the Development Control Committee or Portfolio Holder for Planning and Regeneration has, within a time period of no more than 28 days from the commencement of the first public consultation, requested should be reported to the Development Control Committee. Requests should be made on the prescribed form and are required to be supported with material planning reasons.

#### **9. 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 (item 10):

