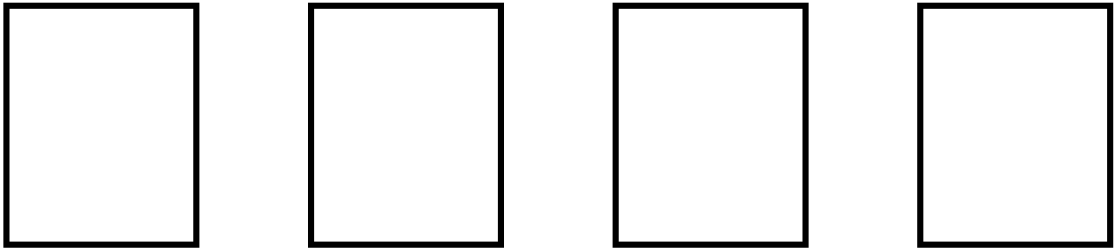


**DEVELOPMENT CONTROL COMMITTEE AGENDA**  
**THURSDAY 12 JANUARY 2012 AT 7 00 PM**  
**COUNCIL CHAMBER, CIVIC CENTRE, HEMEL HEMPSTEAD**



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.

Adshead	Macdonald
Clark	McKay
Guest	Reay(Vice-Chairman)
R Hollinghurst	Sutton
Lawson	Whitman
Lloyd (Chairman)	C Wyatt-Lowe

**Substitute Members**

Councillors Mrs Bassadone, Conway, Mrs Green, Hearn, Harris, N Hollinghurst, Peter and Mrs Rance.

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 15 December 2011 will be circulated separately.

**2. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**3. DECLARATIONS OF INTEREST**

To receive members declarations of interest; to be announced at the beginning of the relevant planning application. It is requested that Members complete the pink interest sheet which can be found at the end of this agenda 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. 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:

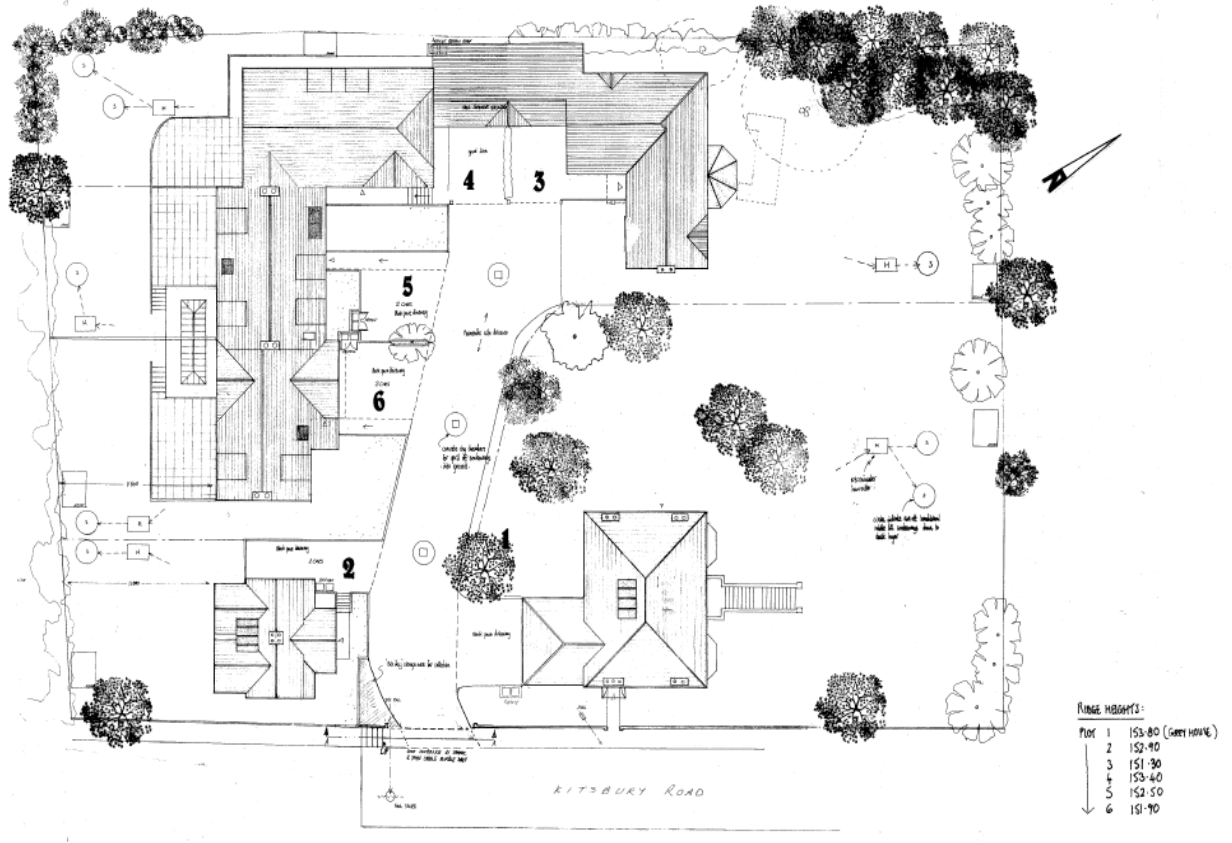
- (a) deferred planning applications which have foregone a significant or material change since originally being considered
- (b) resubmitted planning applications which have foregone a significant or material change
- (c) any issues which are resubmitted to Committee in view of further facts or information 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

<b>Application No.</b>	<b>Description and Address</b>	<b>Pg No.</b>
<b>5.1</b>	4/02008/11/FUL ALTERATIONS AND EXTENSION TO EXISTING HOUSE AND CONSTRUCTION OF FIVE NEW DWELLINGS (AMENDED SCHEME) THE GREY HOUSE, KITSBURY ROAD, BERKHAMSTED, HP4 3EA <b>Grid Reference: SP 98498 07762</b>	<b>4</b>
<b>5.2</b>	4/01352/11/MFA DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF TWENTY SIX DWELLINGS WITH ASSOCIATED GARAGE/PARKING/CYCLE SPACES, FOUR BUSINESS UNITS, LANDSCAPING AND RESIDENTS ALLOTMENTS FORMER EGG PACKING FACILITY, LUKES LANE, GUBBLECOTE, TRING, HP23 4QH <b>Grid Reference: SP 90676 15207</b>	<b>23</b>
<b>5.3</b>	4/02017/11/MFA CONSTRUCTION OF HGV OPERATIONS FACILITY INCLUDING OFFICE UNIT, PROVISION OF PARKING FOR HEAVY GOODS VEHICLES, SKIP STORAGE AREA, UPGRADED VEHICULAR ACCESS, CLOSE BOARDED FENCING, GATED ENTRANCE AND LANDSCAPING. EX AXIS POINT SITE, EASTMAN WAY, HEMEL HEMPSTEAD, HP2 7FN <b>Grid Reference: TL 07353 09120</b>	<b>54</b>

**ITEM NO: 5.1**  
**4/02008/11/FUL**  
**THE GREY HOUSE, KITSBURY ROAD, BERKHAMSTED, HP4 3EA**  
 Case Officer – Yvonne Edwards



Site Layout Plan

## **5. PLANNING APPLICATIONS**

### **5.1 4/02008/11/FUL - ALTERATIONS AND EXTENSION TO EXISTING HOUSE AND CONSTRUCTION OF FIVE NEW DWELLINGS (AMENDED SCHEME) THE GREY HOUSE, KITSBURY ROAD, BERKHAMSTED, HP4 3EA APPLICANT: BLACK LAB DEVELOPMENTS LTD**

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[Case Officer - Yvonne Edwards]

[Grid Ref - **SP 98498 07762**]

#### **Summary**

The application is recommended for approval.

The amended scheme has addressed the reasons for the dismissal at appeal of the 2010 application. This has been achieved by reducing the proposed openings in the Grey House itself, in both size and number, and by reducing the number of proposed dwellings to five. The pair of semi-detached dwellings has been removed, being replaced by one, 2-storey dwelling which has been designed to complete the courtyard element of the scheme. This has reduced the loss of the garden thus retaining further trees and leaving a wide gap between the Grey House and the new dwelling to its side. It is considered that the reasons given by the Inspector for dismissing the appeal on the previous submission have been addressed successfully and this scheme may be granted permission.

#### **Site Description**

The Grey House is a large Victorian villa in a prominent hillside site at the top of Kitsbury Road, within the Berkhamsted Conservation Area. It is set in large grounds for the immediate area, which is characterised as a transition between the high density terrace dwellings to the north and the low density detached dwellings to the south. The dwelling is in a poor state of repair and the grounds are overgrown. There are a number of trees on the site, including a collection of fruit trees, which are currently protected by an area tree preservation order.

The vehicular access to the site is directly adjacent to steps at the entrance of the alleyway leading to Anglefield Road. The gate piers and associated walls are in a poor state and the downhill section of the wall has collapsed.

#### **Proposal**

It is proposed to restore the Grey House, with a new rear wing to replace the existing, subsiding wing. This would be shorter, but wider, to contain a double garage with parking in front on the ground floor and bedroom above. The made ground which forms the front slopes to the dwelling is to be partly excavated to allow the cellar to become a lower ground floor, with a single leaf door proposed in each bay. The Kitsbury Road elevation front door has been redesigned to complement the architecture of the dwelling better, with a reduced opening and small canopy.

The existing garage is to be demolished and the entrance widened slightly to allow access to the site. A site access drive is proposed to go east-west across the site and would give access to two tiers of development: the rear tier would be on the upper part of the site and a two-storey dwelling is now proposed to the west of the Grey House. The rear tier would contain one and a half storey dwellings, set partially lower than the existing ground level to maintain subservience to the Grey House. A lodge (2-bed dwelling) is proposed to the eastern boundary, with a short terrace of three dwellings, one 3-bed and two 4-bed, proposed to the west of this; the terrace would have sunken

patios to the rear. The single dwelling (Gardener's House) would be a 4-bed, two storey dwelling, with an attached garage which would be one of a pair of single garages completing the enclosure of the courtyard; the second garage would serve the coach house. There would be two dedicated parking spaces per dwelling, with room for informal parking on the access road.

The submitted plans have been amended to remove the Grey House dormer window to the front roof slope and redesign the doors. Other minor alterations have been made to the design of the proposed dwellings. Minor amendments have also been made throughout to rectify errors made due to the use of superseded base plans.

### **Referral to Committee**

This application is before the committee due to the differing views of Berkhamsted Town Council and as the previous application was refused by the committee.

### **Policies**

#### National policy guidance

PPS1, PPS3, PPS5, PPS9

Circular 11/95

#### Dacorum Borough Local Plan 1991 - 2011

Policies 1, 2, 10, 11, 13, 16, 21, 58, 99, 120

Appendices 1, 3, 5, 7

Conservation Area Character Appraisal for Berkhamsted

#### Supplementary Planning Guidance

Environmental Guidelines: Section 7

#### Pre-Submission Draft of the DBC Core Strategy

Policies CS1, CS12, CS17, CS27, CS29, CS31, CS32

### **Representations**

#### Berkhamsted Town Council

The Town Council have objected for the following reasons:

- Scale and massing which represents an overdevelopment of the site
- Lack of balance between the built development on site and green (garden) space
- Lack of amenity space for buildings 2-5 and garden space which is incompatible with the surrounding area
- Insertion of tall narrow windows to expose the basement which would elongate the shape of The Grey House (Contrary to the Planning Inspector's recommendations)
- The insertion of the front dormers which are alien to the property and surrounding area (Contrary to the Planning Inspector's recommendations)

Contrary to Policies 11,120 and Appendices 3 and 7 Dacorum Borough Local Plan, Planning Policy Statements 3 and 5, and previous Planning Inspector's recommendations

### Conservation and Design Officer

Following detailed negotiations resulting from the appeal decision, I confirm that I now find this scheme acceptable and consider that the Planning Inspector's concerns have been adequately addressed.

I am satisfied that the scheme will not have a harmful effect on the character or appearance of the conservation area or on the Grey House which is a local heritage asset. The courtyard development will create an attractive enclosed area and the gardener's house will adequately maintain open views across the valley.

I am happy this is recommended for approval subject to conditions and the removal of permitted development rights.

### Tree Officer

I make the following comments in relation to this application, in addition or revision to previous comments included below to plans for this site (4/01151/10/FUL);

- Tree removal has previously been discussed, the quantity and location of trees agreed by the applicant and this department.
- It is apparent that the removal of an additional Apple tree is proposed close to the boundary of The Grey House and dwelling 3, as shown on the site plan. The removal of this Apple tree is regrettable but understood given its position near to the main vehicular access to dwellings 3, 4 and 5.
- There is scope within the grounds of the proposed Grey House plot to replace this Apple tree with another of similar variety and appearance.
- The existing grounds of The Grey House are covered by Area Tree Preservation Order. As such the duty to replace each tree removed due to the development of the site could be imposed. Tree replacement should reflect in number and variety that lost to development. Tree replacement proposals should be agreed with this department stating tree species, tree size, location, planting specification and maintenance regime.
- Tree planting had been proposed in the original scheme between new dwellings and the north-western boundary. However, in these revised plans there is insufficient space in which to plant at this location. Additional areas of planting should be identified.
- Although built structures are proposed close to the north-western boundary it is unlikely that the installation of necessary foundations will affect vegetation in adjoining property. Here vegetation is of small size and so root systems will reflect this and be unaffected by the excavation of foundations.
- Details of ground protection measures should be forwarded to this department for approval, showing how the root protection areas (RPAs, BS5837:2005) of retained trees are to be safeguarded.

### Environmental Health Officer

No comments to date.

### 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 a contamination condition be applied to this development should permission be granted. I note from the submitted sustainability statement it appears that a Phase 1 site investigation has



been undertaken. Ideally this should be submitted to the Council for approval prior to determination of the application.

#### Herts Highways

No comments to date.

#### Herts Property Services

No comments to date.

#### Herts Biological Records

I have considered the accessible details of the above and have the following comments:

1. There are two principle ecological issues associated with the impact of the development proposals on this site: orchard habitat within the grounds of the Grey House and bats.

2. In respect of the orchards (as part of the grounds of the Grey House), the current D&A Statement refers to Policy 11. It is clear that the loss of 90% of the fruit trees -which together technically meet 'Priority Habitat' status as an orchard - will mean that the impact will not satisfy the requirements of Policy 11. However, we have no further information on this site other than that available previously and it is unlikely that the site would meet Wildlife Site status (which locally is more rigorous than the Priority Habitat status to take account of the potential for garden sites with half a dozen small trees to meet the criteria). However recent survey work (2011) across the county has demonstrated the significance of even relatively small sites of some historic standing in supporting a rich and characteristic lichen flora. Therefore what would effectively be the complete loss of this orchard site locally will be harmful.

3. The inspector's views at the Appeal further endorse the current nature of the site in respect of the role it plays as part of the conservation area. Unless the proposals are significantly modified in respect of the extent of new development, this character will be degraded as they will reduce the substantial gardens and largely undeveloped nature of the plot. Despite accepting other aspects, this is recognised as a fundamental issue by the Inspector.

4. The previous application's concerns regarding desirable retention of trees in respect of landscaping contrasts somewhat with the almost wholesale loss of trees the proposals will cause.

5. Consequently, whilst the new proposals may have overcome some of the issues sufficiently to justify an approval of the current application, I consider the proposals, if approved, remain sufficiently damaging locally to require compensation for their impact on the orchard and wildlife habitat it generally provides. The provision of a commuted sum for orchard conservation as proposed previously would appear entirely consistent with the desire of the applicant to minimise the impact of the proposals. Whilst this will not serve to achieve this on this site, the opportunity to provide a future replacement resource elsewhere in the locality is not an unreasonable requirement if the current proposals are approved. A commuted sum should be paid to enable a replacement orchard to be created locally to compensate for the loss of the feature within the site. This should enable a sufficient number of fruit trees to be planted to create a discrete new feature on suitable land elsewhere, of a similar size and variety of trees.

Any monies could be paid to Hertfordshire Orchards Initiative, which is the County Biodiversity Action Plan Group established to further orchard conservation within the county. £1000 would contribute to a new orchard of 25 trees and support the enabling work of HOI.

6. In respect of bats, no evidence was found previously despite the circumstances which appeared highly likely to support bats. Consequently a supervised roof stripping was advised. However, given that the original report is now over one year old and

circumstances may have changed, I advise that another Inspection Survey is undertaken prior to any works commencing and a report made available to the LPA. Given the lack of previous evidence, I would be content if this was to be undertaken as a Condition of approval rather than a requirement before current determination, although as this can be undertaken at any time of year, strictly speaking this could be undertaken now. However in the circumstances I do not see why this should hold up a determination at this stage given that a previous survey found no evidence. Another inspection survey is primarily precautionary, but if this was to prove positive, further surveys and a mitigation strategy would be a necessary requirement before the Condition could be discharged to enable the development to proceed.

7. In any event, I advise that if approved, it would be sufficient to attach an informative to any permission relating to bats

#### English Heritage

We do not wish to offer any comments on this occasion.

#### Fire Officer

No comments to date.

#### Thames Water

Sewerage infrastructure - we would not have any objection to the above planning application.

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

#### Crime prevention officer

No comments to date.

#### Local residents

There have been numerous letters of objection from local residents. These have centred on a number of issues most notably: the loss of a garden; the scale and design of development; access; road safety; loss of wildlife habitat; loss of trees; overlooking and parking.

These are summarised by address where this has been provided:

89 Cross Oak Road  
overdevelopment in conservation area  
overlooking  
loss of privacy  
noise from cars close to garden boundary  
tree loss especially on boundaries  
affects wildlife habitat  
impact on road congestion and safety at the intersection with Charles Street

potential danger to pedestrians, especially young children  
threat to quality of area

#### 93 Cross Oak Road

no consultation with residents by developer  
the proposals jeopardise the integrity of the conservation area  
the proposals are out of context with the surrounding building lines, layouts and patterns  
felling of a number of trees  
increase in the number of cars  
inadequate access  
over development of the site

#### 95 Cross Oak Road

overdevelopment of backland, still an imbalance of built form and garden  
adverse effect on grey house and conservation area  
gardens are too small  
tree loss especially on boundaries  
loss of privacy due to garden overlooked by bedroom window  
visual intrusion  
noise  
lack of proper visibility splays and limited access for dust cart

#### 105 Cross Oak Road

only one fewer house than previous  
overdevelopment  
fails to maintain the balance between built development on the site and its gardens  
development neither enhances nor preserves the conservation area  
access road remains a potential danger to pedestrians, especially young children  
brick wall at garden bottom  
overlooking  
no shortfall of housing supply  
the edge of Victorian Berkhamsted  
plot provides a green backdrop  
the site adds to the variety of the townscape

#### 87 Charles Street

a gross overdevelopment of this house and gardens  
development does not preserve or enhance the established character or appearance of the area  
unacceptable removal of trees  
provides a green backdrop  
potential danger to pedestrians, particularly young children going to and from school  
unacceptable pressures on street parking  
fails to maintain the balance between built development on the site and its gardens

#### 5 Kitsbury Road

out of keeping with the conservation area  
overspill parking from visitors will place further unacceptable pressures on highway  
the site currently provides valuable wildlife habitat which would be lost to the proposed development

#### 21 Kitsbury Road

affects an attractive hilltop perspective  
affects green space/wildlife habitat  
pressure of cars to end of the road  
affect the safety of young children walking up to Greenway school

25 Kitsbury Road  
overdevelopment  
tree loss  
potential danger to pedestrians, particularly young children going to and from school  
out of keeping with the conservation area  
insufficient parking at the site for visitors

32 Kitsbury Road  
overdevelopment  
subsistence of grey house  
lack of balance

35 Kitsbury Road  
reduction in spaciousness  
local community should decide on development  
access issues  
danger to pedestrians, particularly young children  
loss of wildlife habitat  
damaging to conservation area  
doubling of traffic in adjacent highway  
no visitor parking  
loss of green backdrop  
loss of varied townscape  
no need for dwellings

38 Kitsbury Road  
out of keeping with the conservation area  
increased traffic  
out of scale

39 Kitsbury Road  
over development of the site and would not be in keeping  
safety impact on the public footpath  
impact on road congestion and safety at the intersection with Charles Street  
not sympathetic to the character of existing homes

39a Kitsbury Road  
out of keeping with the conservation area  
overdevelopment  
danger to pedestrians, particularly young children  
insufficient parking at the site for visitors

Tamarisk Kitsbury Road  
danger to pedestrians, particularly young children  
out of keeping with the conservation area  
overdevelopment

2 Kitsbury Terrace  
overdevelopment out of keeping with density of existing  
too much additional traffic leading to parking issues  
traffic crossing pavement used by school children  
insufficient school places and parking in town

5 Kitsbury Terrace  
overdevelopment

danger to pedestrians, particularly young children

Longmead Kitsbury Terrace  
access is too close to the alleyway  
overdevelopment

2 Anglefield Road  
loss of rare fruit trees  
overdevelopment  
access unsafe for pedestrians  
creation of parking congestion  
garden is important for tranquillity

4 Anglefield Road  
out of keeping with the conservation area  
houses are too close together  
overlooking neighbouring gardens  
dangerous entrance point would discourage those with small families from walking into town  
insufficient parking at the site for visitors  
development still overwhelms the Grey House  
integral garages out of keeping with a beautiful Victorian property

6 Anglefield Road  
new houses will detract from open character  
the Grey House will be crowded and confined and not enhanced  
the site should be for low density housing  
the proposals would not respect the established building lines  
the houses would not be subservient and would be out of proportion  
the wall should be retained  
5 houses will increase the burden on facilities  
the scheme is oppressive and cramped  
the lodge will be extended under pd or permissions  
loft conversions will exacerbate overlooking  
garden lengths will be less than the required minimum and out of character for the area;  
they will be overshadowed by trees and on a north slope, leading to neighbour disputes due to loss of light  
removing trees would be wrong  
overlooking to rear garden and swimming pool  
the "visibility margin" on sight lines will lead to a high likelihood of a child being injured  
dust cart and fire appliance access to houses is doubted  
no visitor parking on site will lead to congestion and reversing vehicles  
lack of disabled access to the lodge should be a reason for refusal  
tree loss and habitat destruction  
bat survey is out of date

15 Shrublands Avenue  
overdevelopment  
loss of rear wing of Grey House  
objection to NE roof slope dormer window  
lodge is incongruously small  
other dwellings now denser group and garages are too close to boundary  
plans do not show how raised position of orchard is addressed

17 North Road Berkhamsted  
danger to pedestrians

lack of proper sight lines  
garden, tree and habitat loss  
overdevelopment

In addition, The Grey House Association, a group of local residents, are represented by a planning agent who has submitted objections:  
the Inspector's concerns were not confined to the proximity and form of the semi-detached houses;  
the replacement dwelling for the pair of semis remains a substantial building, especially as it is now attached to the terraced houses;  
there is no material change in the "substantial gap" other than an increase in space between the Grey House and the closest building to the west, but any notional benefit is outweighed by enclosure due to the two storey scale link;  
the proposal fails to restore balance between the house and gardens;  
the linkage of the Gardener's House to the terrace has led to a more enclosed and dominant development, urbanising the site with loss of openness which not preserve or enhance this part of the Conservation Area;  
lost opportunity to landscape on boundary behind the garages;  
in the context of changes to PPG13, the site will not provide adequate parking;  
plans are invalid;  
neighbouring trees should be considered on the north-west boundary.

## **Considerations**

### The Previous Scheme

The previous scheme for this site - alterations and extension to existing house and construction of six new dwellings - was refused permission and dismissed at appeal. The Inspector concluded that the alterations to the north elevation of the Grey House would unbalance the appearance of the House (paragraph 11) and that the proposal would fail to maintain the balance between built development on the site and its gardens (paragraph 14). He was content that the design of the Coach House and Outbuildings, and of the Lodge, were acceptable and sympathetic to the character and appearance of the area (paragraph 13). However, he considered that the pair of semi-detached dwellings to the side of the Grey House together with the terrace with associated hard standing would unduly urbanise the site, eroding the spacious garden landscaped setting of the house to an unacceptable degree (paragraph 10).

He agreed with the Highway Authority that the access would be acceptable in terms of highway safety (paragraph 17) and he accepted the level of parking (paragraph 18). He stated that the proposals would not result in material overlooking of properties or gardens nor would the scheme have had an overbearing impact on the outlook of neighbours (paragraph 19).

### Policy and Principle

The development of dwellings in a residential area is acceptable in principle. The development of dwellings in rear gardens has been the subject of the recent alterations to PPS3. Garden land is now not considered as a brownfield site, but this does not place an embargo on the construction of dwelling in gardens. Site specific aspects are important consideration in assessing such schemes, as is the character of the conservation area with respect to density and design; these considerations are not affected by changes to PPS3. Thus the principle of permitting residential development within a residential area is not affected, although the removal of the minimum density figure of 30 dwelling per hectare does allow more sympathetic schemes to come forward on sites such as this. The Inspector concurred with this (paragraph 9 and 10). The dwellings would need to be acceptable under Policy 120 of the Local Plan, where

development should preserve or enhance the character and appearance of the Berkhamsted Conservation Area. The National Planning Policy Framework: Consultation Draft has now been published and, as such, has little weight. However, there are no material considerations within that document which would change the assessment of this proposal. Similarly, the Pre-Submission Draft of the DBC Core Strategy has some weight but the saved policies are still pertinent.

### The Grey House

The Grey House is an important heritage asset in Berkhamsted, although not worthy of listing. It is an imposing Victorian villa set in its own, extensive, walled grounds encompassed by the Berkhamsted Conservation Area. Directly adjacent and opposite are other detached houses in their own grounds. The importance of the Grey House is reflected in the character of this imposing building with its long views over the Bulbourne Valley and the extent of its generous curtilage. The house, its spacious grounds and its boundary wall are considered to make a positive contribution to the Conservation Area lending a strong rationale and distinctive character to the conclusion of Kitsbury Road. The building and its setting visually dominate the subsidiary buildings further north east of Kitsbury Road, reflecting the historical development of the area and the importance of this building. This scheme would restore the dwelling, albeit with some changes to elevations, and retain the imposing dwelling within the historic walls of the site.

The proposed alterations have been amended in accordance with the opinion of the Inspector: the north elevation dormer window has been removed and the access to the sub-basement is now proposed via a single-leaf door, thus requiring the removal of smaller proportion of the backfill which is in front of the basement. The proposed main entrance in the Kitsbury Road elevation has been reduced in width and given a canopy to signal its role as the front door.

### The new dwellings

The layout and design of this scheme has been amended to address the Inspector's reason for dismissal of the previous submission. The primacy of the Grey House on the site has been enhanced by the removal of the pair of semi-detached dwellings. These have been replaced by the Gardener's House, a 4-bed, two storey dwelling; the replaced semi-detached dwellings were two and a half storey. This dwelling has been attached to a pair of single garages which, in turn, are attached to the terrace of three dwellings thus creating a semi-enclosed courtyard. This has allowed a gap of 16 m to be maintained to the north-west of the Grey House, allowing the retention of a group of trees which will be supplemented by further planting by condition to ensure that the setting of the Grey House is maintained in longer views.

The Gardener's House would be L-shaped, with a pitched roof, prominent chimney, brick eaves detail and tile banding on the roof. It would have an open porch and a single storey rear extension to the proposed dining room, in octagonal form. The house is acceptable in both design and materials.

All of the dwellings would be subservient to the Grey House in height. The Gardener's House would have a ridge height 2500mm lower, with the Lodge being 900mm lower and the terrace would vary between 400mm and 1900mm lower than the Grey House. The ridge heights given by dwelling number on the site plan are considered to remove the need for a condition on levels.

The layout continues established building lines for both tiers of development, with the design still endeavouring to create a sympathetic grouping of buildings which could have existed in Victorian times to give a settled appearance to the development. The

completion of the courtyard, with the attachment of the Gardener's House, is considered a better solution in design terms. These dwellings have been kept as low as possible given the sloping nature of the site. The design is acceptable to the Conservation and Design officer with conditions on materials.

Owing to the location of the site on the hillside within the conservation area, it is considered necessary to removed permitted development rights for extensions and alterations to the dwellings, to protect the historic wall and to control the provision of renewable including wind turbines and solar pv arrays.

#### Access and parking

The introduction of a rumble strip and the reinstatement of the 4.1m wide entrance all serve to signal to drivers that they should approach this gateway with caution. Sight lines are acceptable to the Highway Authority. This access was acceptable to the Inspector in terms of highway safety. Changes to PPG13 are alterations to guidance and the parking standards in the statutory local plan still pertain: the scheme is acceptable with respect to parking provision. A condition will be imposed to ensure that the garages are retained for that use in the interests of highway safety.

#### Impact on neighbours

The site is very well-wooded and much of the cover at the boundaries would be retained, with supplementary planting to be conditioned. Trees are also common at the rear/sides of neighbouring dwellings. The spacious layout of the neighbouring dwellings means that there would be no overlooking nor overbearing aspects to the proposals: the nearest dwelling would be over 40 m from the proposals. There would, however, be some views into the site, especially in winter months. The Inspector found the layout of the dismissed scheme to be acceptable with respect to residential amenity. He stated that those proposals would not result in material overlooking of properties or gardens, nor would that scheme have had an overbearing impact on the outlook of neighbours; the current scheme would be the same as - or no worse than - that assessed by the Inspector.

#### Trees

The trees on the site are currently protected. The Tree Officer has worked with the applicant's agent to maintain the maximum number of trees, but many are at the ends of their safe, useful life and cannot be retained. The Hornbeam is growing around the void of the old air raid shelter and is considered likely to have insufficient root structure to be retained. Supplementary planting is to be conditioned as are details on tree protection measures.

#### Bats

There is no evidence of bat activity on the site from the first survey undertaken; a second survey has now been completed which again shows no evidence. It is therefore considered that the local planning authority's duties in this respect have been discharged but an informative will be added for the avoidance of doubt.

#### Sustainability

The Energy Statement suggests that these dwellings would be sustainable and would achieve Code 3 of the Code for Sustainable Homes which is welcomed. The Energy Statement mentioned a number of options including solar tiles and rainwater harvesting for which details have not been given so this will be conditioned.



## Construction

Owing to the location of the site at the top of a cul-de-sac it is considered that conditions are required to ensure that construction activity has the minimal adverse effect on the area. Thus all construction activity shall be undertaken on the site, but without detriment to protected trees, and wheel washing shall occur on the site.

## S106 Unilateral Undertaking

A unilateral undertaking has been submitted in accordance with the requirements of the Planning Obligations SPD of May 2011. The Inspector could not support financial contributions for youth services, childcare or sustainable transport and these are no longer required by the Unilateral Undertaking. The County's Senior Ecology Officer has requested a commuted sum to enable an orchard to be established locally.

The Heads of Terms are:

- Child Play Space Contribution
- Cycle Networks Contribution
- Library Contribution
- Natural Green Space Contribution
- Orchard Contribution
- Playing Pitches Contribution
- First and Middle School Contribution
- Travel Smart Contribution
- Monitoring and Administration Contribution

## Objections

A number of objections were received from neighbours; these are examined in the context of the Inspector's Decision Letter.

The Inspector was satisfied that there would be no material overlooking, no overbearing development, no reason to conclude that the level of parking would be unacceptable; and that the scheme would be acceptable in Highway safety terms. He did not dismiss the appeal on the grounds that the gardens would be too small, and considered that density is a question of balance, not a particular level. He did not mention overshadowing by trees as a concern, and he strove to keep the site as well-wooded as practical, encouraging boundary planting.

Other matters: future site development is to be controlled by the removal of permitted development rights to avoid overdevelopment by extension, although this is already better controlled in conservation areas, by no permitted development rights for side extensions for example; the walls of the site are to be retained; fire and refuse vehicle access is acceptable; a new bat survey has been undertaken; some tree loss is acceptable; and the Unilateral Undertaking would help alleviate the increased burden on facilities.

Objections on the grounds of overdevelopment, detracting from character, adverse effect on the Grey House, lack of subservience and loss of habitat are all noted but it is considered that the reduction of mass and bulk by the replacement of the semi-detached dwellings by the smaller Gardener's House has allowed the Grey House a much improved setting, allows more tree planting and retention of more of the existing habitat.

The Grey House Association objections are addressed below:

The amended scheme is considered to allow sufficient space between the Grey House

and the Gardener's House. The linking of the terrace with the Gardener's House will create an attractive enclosed area in the view of the Conservation and Design Officer, who considers that the Planning Inspector's concerns have been adequately addressed. She also states that the gardener's house will adequately maintain open views across the valley.

The amended plans contain all details necessary for validation with the exception of a Heritage Statement which, as a local validation item, may be required; one was not required for this site, which has been the subject of extensive pre-application considerations, a previous submission and subsequent appeal and is well-understood in heritage terms.

The parking provision is acceptable under the standards of the Local Plan which is a statutory document.

A condition will address potential harm to trees in the gardens of neighbours. The scheme will allow for additional planting to maintain the setting of the Grey House to balance any reduction of planting potential on the north-west boundary.

## **Conclusions**

It is considered that both the quantum and the location of development to the side of the Grey House have been sufficiently reduced in size and distance from the Grey House that the concerns of the Inspector have been addressed with respect to the balance between built development and the gardens on the site. The design of the Gardener's House is acceptable, as is the attachment to the twin garages to complete the courtyard. The amendments to the alterations to the Grey House itself now accord with the views of the Inspector and are acceptable for approval.

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 carried out in accordance with the following approved plans:**

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

- 3 No development shall take place until details including sample panels of the materials, brick bond, mortar mix and render detailing 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 the interests of the visual amenities of the Conservation Area in accordance with the aims Policies 11 and 120 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS12 and CS27 of the pre-submission draft of the DBC Core Strategy.

- 4 No development shall take place until full details of both hard and soft**

landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:

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

The approved landscape works shall be carried out in accordance with the approved details. The 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 the interests of the visual amenities of the Conservation Area in accordance with the aims Policies 11 and 120 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS12 and CS27 of the pre-submission draft of the DBC Core Strategy.

- 5 **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 the interests of the visual amenities of the Conservation Area in accordance with the aims Policies 11 and 120 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS12 and CS27 of the pre-submission draft of the DBC Core Strategy.

- 6 **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 in accordance with the aims Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy.

- 7 **All storage areas and facilities for on-site parking for the use of all contractors, sub-contractors and delivery vehicles engaged on or having business on the site associated with the construction of the development hereby permitted, including the access works, shall be provided for the duration of the development on land which is not a public highway and which is not in an area required for tree protection and the use of such areas must not interfere with the use of the public highway or any trees.**

Reason: To ensure the adequate and satisfactory provision of off-street construction-related vehicle parking facilities in accordance with the aims Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy.

- 8 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, B, C, D  
Part 2 Class B  
Part 40 Classes A, B, C, G, H and I.**

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 Conservation Area and historic wall in accordance in accordance with the aims Policies 11 and 120 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS12 and CS27 of the pre-submission draft of the DBC Core Strategy.

- 9 **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 in accordance with the aims Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy.

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

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

- 11 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. 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 and Policy CS12 of the pre-submission draft of the DBC Core Strategy.

- 12 **No trees shall be removed within the bird nesting season (March – Sept) until a report prepared by a suitably qualified ecologist providing an assessment of their use by nesting birds has been submitted to and approved in writing by the local planning authority. Any works shall be undertaken in accordance with the approved plan.**

Reason: In the interest of nature conservation in accordance with the aims Policy 11 of the Dacorum Borough Local Plan 1991 - 2011.

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 Policy 2 of the Borough Plan. There would be no adverse effects on the appearance of the Grey House 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 Policies 11, 99 and 120 of the Borough Plan. The development would preserve or enhance the character of the Conservation Area.

NOTE 2:

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

**Dacorum Borough Local Plan 1991 - 2011**

**Part 3 General Proposals**

Policies 1, 2, 10, 11, 13, 16, 21, 58, 99, 120

**Appendices**

Appendices 1, 3, 5 and 7

**Supplementary Planning Guidance**

Environmental Guidelines – Development in Conservation Areas or Affecting Listed Buildings

**Pre-Submission Draft of the DBC Core Strategy**

Policies CS1, CS12, CS17, CS27, CS29, CS31, CS32

INFORMATIVE

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

**ITEM NO: 5.2**

**4/01352/11/MFA**

**FORMER EGG PACKING FACILITY, LUKES LANE, GUBBLECOTE, TRING, HP23 4QH**

Case Officer – Joan Reid



Site Layout Plan



**5.2 4/01352/11/MFA - DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF TWENTY SIX DWELLINGS WITH ASSOCIATED GARAGE/PARKING/CYCLE SPACES, FOUR BUSINESS UNITS, LANDSCAPING AND RESIDENTS ALLOTMENTS. FORMER EGG PACKING FACILITY, LUKES LANE, GUBBLECOTE, TRING, HP23 4QH. APPLICANT: TRUSTEES OF THE DEAN FAMILY.**

[Case Officer - Joan Reid]

[Grid Ref - SP 90676 15207]

### **Recommendation**

That determination of the application be **DELEGATED** to the Group Manager, Development Management and Planning, with a view to approval, subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.

### **Summary of reasons to grant**

The site is situated to the north of Lukes Lane and encompasses the former Lukes Farm Egg Packing plant, a large brownfield site within the rural area of Gubblecote, Tring. The redevelopment of this site which has been previously used for industrial purposes constitutes inappropriate development, however, it is considered that special circumstances exist to justify a departure from Dacorum Local Plan rural area restraint policies.

The existing site currently accommodates an array of unattractive, utilitarian, metal clad industrial buildings set within a large area of concrete hardstanding although partly screened the sites detracts from the quality and character of the area. The proposal will remove these unattractive structures and replace them with a more domestic scaled high quality residential development with improved landscaping and the provision of attractive open land areas. The development will be more in keeping with the surrounding residential development and will significantly enhance the overall appearance of the area.

In addition to the visual enhancements the scheme will offer other benefits namely significant reductions/improvements to the overall quantum of building on the site and openness of the area, provision of small employment uses on site, provision of 9 units of affordable housing, removing an industrial use which could cause significant highway difficulties on the surrounding road network and the provision of financial contributions towards local school improvements and sustainable transport measures.

It is considered the above matters provide the special circumstances to justify development in this area of development restraint.

### **Site Description**

The application site is approximately 1.3 hectares contained within the Rural Area of Gubblecote. The site is located approximately 1km east of the village of Long Marston and 1.5km west of Marsworth. The site lies to the north of Lukes Lane, and there is a cluster of approximately 10 dwellings located immediately to the south of the site fronting onto Lukes Lane. Overall within the hamlet of Gubblecote there is less than 30 dwellings. The site is currently occupied by a number of large industrial units and an agricultural building to the east of the site. The site comprises an egg packing plant, which at its peak, approximately 12 years ago, the business employed approximately 150 staff. The egg packing plant has almost ceased in operation except for a small amount of employees (14/15 persons) still employed on the site. The site formerly was occupied as a large egg planting plant however due to the current economic times and poor transport linkages the egg planting plant has ceased business from these units. The footprint of the existing buildings on site amount to approximately 4,056sq.m and approximately 27,483cubic metres in volume providing a poor quality visual harshness to this rural setting. The site is accessed from Lukes Lane which is a narrow road subject to a 30mph speed limit which is not served by any footpaths.

The majority of the site is currently hard surfaced with some vegetation primarily to the rear and east of the site. A line of mature trees form a boundary around the site providing good ecological habits and screening.

### **Planning History**

Informal pre-application discussions have taken place over the last number of years and the applicants have carried out extensive pre-consultation with both the immediate community and the parish council on a number of proposals for this site. This culminated in a full application being submitted in July 2011 under ref: 4/0135211/MFA for the site comprising 26 dwellings and 4 business units.

### **Proposal**

This full application is for the demolition of the former industrial buildings including the barn to the west of the site and redevelopment of the site to comprise:

- A total of 26 residential units comprising a mix of 12 house types (The affordable housing provision of 35% on the proposed scheme of 26 homes will result in 9 new affordable homes comprising the following mix: 5 x 2 bed 4 person houses and 2 x 3 bed 5 person houses for rent and 2 x 2 bed 4 person houses for shared ownership).
- Four units comprising B1 use extending to a floorspace of 430sq.m
- Allotments to be provided for the residents of the development
- Extensive landscaping and open space
- 18 garages and 50 car parking spaces

The scheme has been designed to enable the dwellings to reach between level 3 to level 5 of the code for sustainable homes with a range of building types and materials. The buildings are designed in a way incorporating traditional forms and roofs together with a more modern architectural which allows the buildings to achieve CODE 5 sustainability rating. The buildings have also been designed to significantly reduce the footprint and built volume on the site, removing the harsh industrial existing industrial design of the site to a more open and green space area.

This application has been accompanied by the following documents:

- Development site Tree Report
- Preliminary Investigation and Risk Assessment
- Ecology Report (and updated version)
- Flood Modelling Report (and updated version)
- Transport Statement
- Landscape Assessment
- Design and Access Statement
- Marketing Report

### **Referral to Committee**

The application is referred to the Development Control Committee as it is a departure from the Local Plan.

### National Policy Guidance

Draft National Planning Policy Framework  
Existing PPGs and PPSs remain in force until formally superseded by the National Planning

Policy Framework (NPPF). The draft is a material planning consideration.

PPS1, PPS3, PPS5 *PPG13*  
Circular 11/95,

#### East of England Plan

Policies SS1, ENV6, ENV7, ENG1

#### Dacorum Borough Local Plan

Policies 1, 3, 7, 9, 10, 11, 12, 13, 16, 18, 20, 21, 20, 31, 43, 51, 54, 55, 57, 58,  
59, 70, 73, 99, 107, 118, 120, 122 and 124  
Appendices 1, 3, 4, 5, 6, 8

#### Core Strategy Sept 2011

CS1, CS2, CS3, CS4, CS9, CS10, CS11, CS13, CS17, CS19, CS27, CS29,  
CS31 and CS35

#### Supplementary Planning Guidance

Environmental Guidelines

Advice Note on Achieving Sustainable Development through Sustainability Statements

Accessibility Zones for the Application of Parking Standards

Advice note on affordable Housing

### **Representations**

Comments received from local residents and consultees are provided at the end of this report.

### **Considerations**

#### Land Use and Policies

In assessing this application the starting point for consideration is the sites policy context. Within the Dacorum Borough Local Plan 1991-2011 the application site is located within a Rural area wherein the following forms of development are acceptable:

- Small scale building for agricultural, forestry, mineral extraction, countryside recreation uses and social, community and leisure uses;
- Replacement of existing houses
- Extensions to houses
- Development at selected villages under policy 8; and
- Small scale development or redevelopment on land with established employment generating uses under policy 34.

This Policy is effectively replicated in the Pre-Submission Core Strategy (Policy CS6)

The proposal clearly does not fall within any of the above categories and therefore if supported would depart from the adopted DBLP 1991-2011.

The site does not form part of the protected minimum employment supply in the adopted local plan. Policy 34 of the Adopted Plan accepts that employment sites, which do not cause

environmental problems, can be redeveloped for commercial purposes provided there is no undesirable impact on adjoining properties/surrounding area and the site is not extended.

Policies 16, 18, 20 and CS17 and CS19 have regard to the supply and type of new housing and the provisions of affordable housing. The Draft Core Strategy indicates that on Rural sites 35% of new dwellings should be affordable homes

Highway design and improvements together with traffic management are covered by Policies 54, 55 and 57 whilst issues of private and public parking are dealt with under Policies 58 and 59.

The issues of building within a flood risk area, an area of archaeology and the adjacent conservation area are dealt with under Policies 107, 118 and 120 respectively and CS27 and CS31 of the Draft Core Strategy.

Policy 34 of the Dacorum Borough Plan indicates that established employment generating sites in the Rural Area which do not cause environmental problems and provide local employment opportunities will be protected from change to non-employment generating uses unless satisfactory replacement opportunities are provided. Otherwise alternative non-employment development of a site will be accepted if the proposal accords with the development strategy (policies 2-8) and Urban Structure (policy 9) where appropriate.

Policy 7 of the local plan indicates that new building will be permitted in the rural area where it is small scale development or redevelopment on land with established employment generating uses.

#### Loss of existing and proposed employment Use

The scheme proposes the loss of 4,056sq.m of employment floorspace (Use Class B2) and development of 430sq.m of office/light industrial (B1) units. The loss of employment floorspace within the rural area is generally unsupported by the policies of the local plan unless the existing use causes environmental problems. As policy 34 of the Dacorum Borough Local Plan seeks to safeguard established rural employment and therefore there is an onus on the developer to make a case that the loss of this employment use is justified.

The applicant has provided details outlining the efforts made to market the existing employment space over the last 4 years. The buildings have been extensively advertised since 2007 including on a billboard located at the current site entrance and it is evident from the submitted documents that the applicant has made a genuine effort to market the site in order to retain its employment use. The applicant has indicated that no serious prospective alternative employment occupier of the site has come forward and has indicated that there were only some enquiries from a skip handling company and a pallet storage, distribution and haulage operation. The applicant has indicated that it is their opinion that the poor market response is not limited to the specific construction of the buildings and their limited suitability to alternative uses, but also as a result of the isolated location of the site and the limitations for businesses gaining access to the site due to the unsuitability of the road network for large vehicles and carriers.

It is accepted that genuine efforts have been made to market the employment space and no serious interest has been put forward that wouldn't cause the potential for further environmental problems for the rural setting (skip handling/distribution centre). It is also recognised that other employment uses other than office and residential could occupy the site without requiring planning permission which may result in a return to heavy traffic movements to and from the site and environmental impact such as noise, nuisance, and smells. It is therefore considered that the use of this land for a large industrial is not the most suitable or practicable use due to its isolated setting and that the partial change of use to residential is in principle supported by the Council for the following reasons:

- Retention of 430sq.m of office/light industrial floorspace allowing potential for local residents to gain employment close to their homes;
- Reduce the opportunity for more environmentally harmful employment uses to occupy the site
- Reduction overall in traffic movements to and from the site associated with the established employment use;
- Marketing of existing employment space has been unsuccessful resulting in a mostly redundant building.

Finally, the retention of small office/industrial units are welcomed. These business units are to be entirely self-contained with access gained from the East Elevation to a central lobby allowing the units to be let on a floor by floor basis and subdivided into small workable units. Each unit is to have an up and over door of 2.6m in height and 3m width on the east elevation allowing the ground floor to be used for light industrial purposes. A total of 10 car parking spaces have been allocated to the 2 proposed two units.

The applicant has submitted details on the strategy and initiatives proposed to market the employment units. The information details the intention to market the units within a small geographical radius however do indicate that details of the units will be circulated to commercial property agents in the locality and within the London area. The units are intended to be marketed in both the Hemel Hempstead Gazette and Herts Advertiser and Watford Observer local papers as well as erecting an advertising board at the property. Other measures include adverting the units on the EG property link and ensuring that the units are Energy Performance Certified.

There has been concern from local residents that the employment units could be used for further residential at a later stage. Any change of use of these units will require planning permission and will need to be considered on its planning merits planning. However, considering the current policy (policy 34) which seeks to retain employment uses within the rural area, a change of use of the proposed business units is unlikely to gain planning consent especially as these are integral to the acceptability of the proposed residential units on the site.

#### Density of residential development

One of the prime concerns relating to this development is the density of development at 26 new dwellings and its overall impact on the surrounding rural community. The density of the development to include 26 new dwellings has been guided by both national and local policies of the local plan, PPS3 and also local and site circumstances and characteristics.

Policy 18 of the DBLP indicates that a range of dwellings in size and type will be encouraged with a need to provide accommodation for new, small households, floor area of individual buildings, the density and character of development that is suitable for that area and the client group for whom the dwellings are intended.

Policy 21 of the local plan indicates that there should be careful consideration of the density of all new housing proposals to ensure that they make the most efficient use of the land available. Densities will generally be expected to be in the range of 30 to 50 dwellings per hectare net and proposals which have a density of below 30 dwellings per hectare net should be avoided. For sites outside an urban area, special attention will be paid to the effect of development density would have on open countryside and views. In such locations proposals will be expected to retain existing trees and hedges and incorporate landscaping.

The density of the scheme has been guided by both a requirement to make the best use of land and providing new homes whilst ensuring that the special characteristics of the area will

not be adversely impacted by the proposals. The provision of 26 new homes would be below the recommendations set out above in Policy 21 however this number allows the site to retain a very open and rural setting and allows the provision of 9 new affordable homes which is a key benefit of the scheme. Whilst it is accepted that the parish plan indicates that developments of more than 10 dwellings should be avoided, it is considered that the clear reduction in built floorspace together with the significant reduction in traffic and heavy traffic movements associated with the established employment use, it is considered that the proposed number of dwellings achieve a balanced approach to both achieving a high level of quality new homes whilst respecting the rural nature of the area.

### Design, layout and Open Space

#### Volume of and footprint of buildings

The volume and footprint of the existing buildings (27,483cubic metres) has been significantly reduced on the site to just over 16,000 cubic metres resulting and an overall reduction of 43% across the site. The total reduction of footprint across the site has been reduced by 47% and overall it is considered that the proposals are a significant visual improvement to this rural setting.

#### Site Layout

The proposal includes a broad range of unit types, sizes and materials across the site which has been positioned to create a central green core dividing the site and linking Lukes Lane to the open field to the north which allows views though to the open countryside. The dwellings are sited around a central open space which contained a large balancing pond which provides for recreational amenity and SUDS water management. The dwellings are sited as to allow for southern orientation of living spaces and it was the aim of the applicant to allow as many units as possible to have a mix of private/secure external spaces and private garden facing onto the open shared space. The positioning of the dwellings around the central open space, it is considered allows a particular open feel to the development.

It was requested that the open space be used as public amenity space however the applicant has considered this suggestion not suitable for the following reasons:

- The security of the development generally, and that of the properties immediately bordering that open space area in particular, would be compromised to a greater degree than if the area remains within the jurisdiction of a Residents Management Company.
- Any such public use could not fail to generate a demand and need for vehicle parking – being a need which cannot readily be met whilst maintaining the rural idiom and character which are at the heart of the design solution which has been adopted here.
- For the same reason, and upon the same basis, any such public use would generate additional extraneous traffic movements.
- Any such public use will create inescapable maintenance, management and other costs, which need to be assessed very carefully and critically in the current economic climate, and the straitened circumstances which apply to all local authority budgets.

It is the intension of the applicant to vest this ownership, management and maintenance of the open space with a Residents management company. A management plan setting out the particulars of the management of the open space will be requested by condition should the application be granted.

## Height and design of dwellings

The design and access statement indicates that the mix of dwellings has informed the massing of buildings and that majority of the units are based on simple 'cottage' type designs and groups which have been clustered or terraced together in order to provide clear forms of development whilst ensuring the spread of built form is kept to a minimum. The layout includes one longer curved crescent form building, which has been inspired from a number of other buildings evident throughout the Chilterns. This curved building still can take advantage of south facing solar gain and utilises solar spaces on the first floor living accommodation. The terraced forms also assist with the thermal performance of each dwelling. Concern has been raised from local residents about the height of the buildings and that they are not in keeping with the character of the area.

The conservation officer has indicated that they are concerned about the height of Unit P as it is over tall for a barn like building and in addition suggests that the gable on the southern elevation is dominant and would benefit from being lowered.

It is proposed that roof forms will be predominately of natural slate however as a result of comments from the conservation officer, a condition will be imposed requesting that all materials are to be submitted and agreed should the application be granted. The roof profiles are predominately pitched whilst a number of buildings incorporate flat roofs behind brick parapet walls to allow for Green Roofs and these will incorporate provision for solar panel installations.

Majority of the walls are constructed from local brick with lime mortar and the use of black painted shipped timber is used to break up the solid walls. Detailing of buildings have been kept to a simple design including brickwork and cladding being the main emphasis. As mentioned earlier should the application be granted a condition requiring all materials to be submitted and approved will be imposed.

The proposed development will result in significant visual improvement to the site. The site cannot be seen from any public footpaths or rights of ways and the overall reduction in the scale and footprint, together with removal of the hardstanding altogether ensures that the site will be significantly visually enhanced.

It is considered that the outlook of the properties on Lukes Lane will be improved as a result of the removal of the large buildings on site and replacement with quality landscaping and designed buildings.

Subtle lighting is proposed which will reach secure by design standards and also be in keeping with the rural setting of the site. A condition restricting details of lighting will be imposed should planning permission be granted.

The conservation officer has expressed concern at the pepper potting of bin/bike and storage shed in the front garden area as it clutters the streetscene. It is also noted that the conservation officer has suggested that the live work units be brought flusher with the site entrance to give a stronger townscape definition.

## Tree Planting

Tree Planting has been largely located within the green core and around the site boundary and much of the existing native hedgerow has been retained in order to conserve the ecological and landscape character. The black poplar located to the north of the site will also be retained.

New tree and shrub planting throughout the site will soften the built form, and significantly enhance the green character of the site from its present state. This additional tree and shrub planting will also encourage new habits throughout the site.

The balancing pond will attenuate run-off from the new access road and driveways, and run off from the surrounding green space. The edges of the pond will be planted with native vegetation. The pond is intended to provide a local visual amenity resource and a valuable wildlife habitat.

The Dacorum landscape Character Assessment Guidelines the following measures which have carefully integrated into the design and layout of the proposal.

- To support the conservation and development of the local black poplar population
- To ensure the built development is integrated through use of native tree and shrub species and creation of hedging and planting to the perimeter
- To create new ponds
- To promote the creation of new orchards

#### Access, Parking and Highways

The application site is accessed from Lukes Lane a relatively narrow country Lane in the rural area. Similarly the surrounding road network is characterised by narrow roads with generally poor visibility and junction alignment.

The application is supported by a Transport statement which has provided indications of likely vehicular movements for the current lawful industrial use of the site.

The site previously operated as an egg packing plant and at its peak the business employed approximately 150 staff with a total of 18 rigid and 4 articulated lorries based at the site collecting and delivering eggs. Whilst it is recognised that operations have scaled down over the years, it is still clear that the established use on the site is capable of significant heavy transport movements to and from the site which has been the case for many years.

The Transport Statement suggests that the existing commercial use of the site would generate traffic flows of 65 and 46 trips during the morning and evening peaks respectively. It is estimated that the existing use of the site might generate around 260 daily vehicle movements. The statement also indicates that the use is likely to generate some 35 peak hour vehicle movements of which 12% would be by commercial vehicles/HGV'S.

Hertfordshire Highways have accepted that the proposals will generate fewer trips than the existing use and the number of heavy vehicles using the surrounding road network will be significantly reduced.

In terms of access arrangement, the proposal will include permanent stopping of the two existing vehicular accesses onto Lukes Lane and introduce two new accesses in slightly different positions. Hertfordshire Highways have indicated that the applicant has demonstrated that the scheme can achieve sufficient visibility splays and any area of land within the splays that form part of the application site will be dedicated as public highway. The internal road layout will remain private which is accepted by the Highway Authority.

In terms of parking provision, appendix 5 of the local plan sets out the following maximum car parking standards



2 bedroom dwelling – 1.5 spaces  
3 bedroom dwelling – 2.25 spaces  
4 or more bedroom dwelling – 3 spaces  
B1 (offices) – 1 space per 30sq.m gfa  
B1 (b)(research) – 1 space per 35sq.m gfa  
B2 (General industrial) – 1 space per 50sq.m gfa

The scheme proposes the following parking provision:

- 50 car parking spaces and 18 garages to be used for residential dwellings and business units
- 5 light goods vehicles spaces
- 2 cycle spaces per dwelling.

The number of car parking spaces is considered appropriate for this development considering its relatively car dependent nature and isolated location. The layout of the car parking contained both within garages and designated car parking space has been carefully considered to ensure that the open nature of the site is safeguarded whilst allowing practicable and secure provision of spaces which can be viewed from residential properties.

There are several options available that could help link the site to the surrounding area to help reduce residents and employees dependence on using the private car. Firstly, there are several bus routes that operate along the Tring Road through Gubblecote. The 164 Aylesbury-Leighton Buzzard and 167 Ivinghoe-Leighton Buzzard of which the 167 is only x1 each direction Tues only, the 164 runs Mon-Sat but the timetable is rather irregular. Normally the highway authority would suggest that upgrading the bus stops or increasing the frequency of the services could help improve the sites sustainability. The second option suggested by a resident is the introduction of a footway to link the site to Long Marston which appears to be the nearest settlement and also offers some local facilities including a primary school. Unfortunately, although Long Marston is the nearest settlement it is still approximately ½ a mile from Gubblecote and the cost of a footway between the two will be prove very expensive. There is also the need to consider the visual impact of the footway, particularly in Gubblecote where the attractive verge opposite the cottages will need to be reconstructed to incorporate the 1.8m wide footway. From a technical point of view there will also be some difficulties negotiating the streams that run very close to the edge of the carriageway throughout Lukes Lane and along the Tring Road.

The highway authority has requested a contribution towards sustainable transport in line with the HCC Planning Obligation Toolkit tariff rate (£34,250). This contribution could be used towards either a new footway or improvements to the bus service or infrastructure. However, the likelihood is additional money will be required to fund either the footway or a long term increase in bus frequency.

In access/highway terms it is considered that the proposal will offer significant highway benefits against an alternative commercial re-use/redevelopment of the site. Although it is recognised that the site is not particularly well served by public transport it should be recognised that it is located only 1km from Long Marston and 1.5km from Marsworth.

It should be noted that any commercial redevelopment of the site would similarly be highly dependant on car access

### Management of Flood Risk

The site is located within Zone 1 flood area which is deemed to have a low probability of flooding however a watercourse is located near to the site. An initial flood Risk assessment was submitted by the applicant however following an objection from the Environment Agency, an updated Flood Risk assessment was submitted. As a result of the more detailed submission, the Environment Agency raise no objection to the scheme however the EA have set out a number of conditions to be imposed should permission be granted.

### Affordable Housing

The current adopted plan does not require the provision of affordable housing in locations outside the key towns and villages of the Borough. However, the Pre-Consultation Core Strategy (PSCS) states that affordable homes will be provided:

- on sites of a minimum size of 0.3ha or 10 dwellings (and larger) in Hemel Hempstead; and
- elsewhere on sites of a minimum size of 0.16ha or 5 dwellings (and larger)

A total of 35% of the new dwellings should be affordable homes.

The application proposes the provision of a total of 9 affordable housing units which equates to 35% of the total housing provision and accords with the PSCS.

The current SPD plan seeks a tenure split of 75% affordable rent and 25% Shared Ownership, however, the Council can consider alterations to the tenure mix if it supports the viability of the scheme. In addition due to the introduction of new affordable housing products and central government financing arrangements it is likely that future housing developments are likely to have lower proportions of social rented property. In this particular case a viability assessment has been produced examining different tenure splits. It has been concluded that a mix of 7 affordable rented units, and 2 shared ownership dwellings is an appropriate mix for this site.

The Lead Officer (Housing Development) has confirmed satisfaction with both the amount and tenure of the affordable housing being offered as part of this proposal and has indicated that there is significant demand and a growing need for affordable housing, predominately rented accommodated within the Tring Rural Area. This has been further advanced by the Tring Parish Council housing needs survey which identified a need for 8 affordable housing units within the area in a report dated April 2006 which is now likely to be growing.

The applicant has submitted a letter from Hastoe Housing Association which indicates that they would be mindful to manage the provision of affordable housing units should planning permission be granted.

### Sustainability

The sustainability of proposed developments is considered to be a primary element within the DBLP. In particular this development should pay due regard to Policy 1 (Sustainable Development Framework), Policy 122 (Energy Efficiency and Conservation), and Policy 124 (Water Conservation and Sustainable Drainage Systems).

Firstly, the design approach is also to allow more flexibility for future occupants to install on-site renewable technologies, such as solar panels, rather than to install them during the original construction of the houses. As virtually all the houses have south facing roof slopes it is considered that the introduction of solar thermal panels is not only feasible, but it is desirable. The applicants have provided no explanation as to why solar thermal panels have not been incorporated into their design, especially as the Energy Statement outlines no disadvantages to their use. It is considered that the approach 'we are providing the roofs, the future occupants can provide the panels' does not meet the Council's sustainability aims as outlined in Policies 1

and 123 of the DBLP. It is therefore recommended that a sustainability condition be added to allow for further negotiations on this matter.

### Crime Prevention

The scheme puts forward a number of measures to prevent crime and increase safety within the site. The design and materials proposed for roads and footpaths within the site will follow Secured by Design (SBD) guidelines. New street lighting will be subtle in keeping with the rural setting however will be illuminated to comply with SBB standards.

Hertfordshire Constabulary have raised no objection to the proposals however seek further clarification on the boundary treatment with the existing properties on Lukes Lane. A condition will be imposed requesting details of this boundary treatment.

### Contamination

Due to the existing land use, a preliminary Investigation and Risk Assessment has been submitted and this has been reviewed by Dacorum Contaminated Land officer. The Contaminated land officer has identified that the site is located within the vicinity of potentially contaminative former land uses and consequently as suggested that the standard contaminated planning condition be imposed.

### Section 106

The developer has submitted a Draft Heads of Terms, in which they have agreed to make financial contributions, inter alia, towards highways improvements, affordable housing, education, sustainable transport. It is also anticipated that landscaping and tree management; measures will be agreed through a S106 agreement.

9 affordable housing units and following financial contributions have been negotiated.

**Primary Education** £81,078

**Secondary Education** £68,589

**Youth** £1,284

**Libraries** £4,600

**Sustainable Transport contribution** £34,250.

### Habitat and Ecological Implications

In terms of the existing ecological situation both the submitted Ecology report and the County Ecologist have concluded that overall the proposal results in improvements to the ecological value of the site. The submitted ecology statement indicates that the loss of the existing mainly artificial habitats within the Farm will not have an adverse impact on the integrity of the ecosystems and overall the proposal to include open space, pond and allotments will be of a positive biodiversity benefit. The report includes mitigation recommendations to mitigate the important ecological features on sites, which will be required by means of planning condition should the application be granted.

The enhancement of the hedgerow network is welcomed and it is recommended that owl boxes be up to compensate for any disturbance to the nesting. This requirement will be dealt with by condition. Installation of bat boxes will also be required by condition to compensate for any potential to bat roosts. The retention of the trees which have high roosting potential is

welcomed and reasonable.

Finally it should be noted that the redevelopment of the site, will result in a more ecological diverse and sustainable place than the existing site.

### Special Circumstances

The Planning and Compulsory Purchase Act 2004 requires that planning determinations must be made in accordance with the plan unless material considerations indicate otherwise. The development proposed clearly conflicts with the Rural Area policies of both the Adopted Plan and the Pre-Consultation Core Strategy. In order to support the proposal the local planning authority needs to be satisfied that special circumstances exist to override the policy presumption against development. The circumstances put forward relate to visual improvements, improvements to openness, sustainability, alternative uses, highway benefits, provision of affordable housing, ecological improvements and Section 106 contributions.

#### 1. Visual improvements

The existing site currently accommodates an array of unattractive, utilitarian, metal clad industrial buildings set within a large area of concrete hardstanding although partly screened the sites detracts from the quality and character of the area. The proposal will remove these unattractive structures and replace them with a more domestic scaled high quality residential development with improved landscaping and the provision of feature open land areas. The development will be more in keeping with the surrounding residential development and will significantly enhance the overall appearance of the area.

#### 2. Improvements to openness

The proposal will significantly reduce the quantum of development and on the site in terms of both floorspace and volume (reduction of 47% footprint and 43% in volume . The current floorspace is 4,514sq.m and volume is 27,483cubic metres compared to the proposed floorspace of 4,514 and 16,000cubic metres in volume of the proposed buildings. In addition the scale, height and form of the buildings are far less bulky and will therefore appear less prominent in the landscape.

#### 3. Sustainability

The application will make positive use of a previously developed site. Although locationally the site is not ideal-in that any use either commercial or residential will be largely car dependant, it will offer the opportunities for residents to rent/own on-site commercial premises thereby potentially reducing the need to travel to work. In addition the houses have been designed in terms of their layout, orientation and construction to provide high standards of sustainability with units being designed to achieve ratings of 3-5 in the Code for Sustainable Homes.

#### 4. Alternative uses

Although the redevelopment/re-use of the existing industrial development may well be acceptable in policy terms it is not an appropriate location for an industrial development of this scale. The principal reason for this view is the inadequacy for the surrounding road network to facilitate the movement of HGV. Surrounding roads are generally narrow with poor visibility and manoeuvring space. The proposed largely residential scheme would clearly reduce Heavy vehicles movements and would be more appropriate in highway terms offering highway safety

advantages.

#### 5. Affordable Housing

The proposal will help to deliver a total of 9 high quality affordable dwellings. The Lead Officer for Housing has confirmed that there is a pressing need for additional affordable dwellings in this rural area of the Borough.

#### 6. Ecological improvements

The scheme proposes the introduction of both communal and private open space together with a central pond and vegetation which is considered to significant biodiversity and ecological benefits. The allotments towards the rear of the site will also increase natural habitats on the site and the scheme retains as much of the existing hedging and trees as possible including the black poplar trees.

### **Responses received from local residents and Consultee comments**

#### Tring Rural Parish Council

No objection to the planning application although concerns have been raised regarding traffic particularly turning right into Lukes Lane, the capacity at Long Marston JMI School; the dangers associated with increased numbers of pedestrians walking along Tring Roads to Long Marston where there is no footpath. The Council trust that these concerns are being taken into account during the decision making process.

#### Objections raised by local residents and other interested parties

A petition has been signed by 13 local residents expressing their concern about the scale of the development. The petition indicates that these local residents support the principal of the residential development on the site however ask that community needs are considered in determining the application and that the rural nature of the area is retained. The local residents who signed the petition ask for a reduction in the size of the development and that changes to the layout and design in order to reflect the rural location and minimise the impact on adjoining homes. The residents have also asked that issues of highways, schooling and community facilities in the parish are considered in the determination of this application.

- Character of area will be changed by size of development
- Inaccurate consultation
- Proposal does not take into account the local environment or the infrastructure needed for a development of this size.
- Development would double the size of the hamlet
- Narrow roads and bridges leading to the site
- Adjoining network has been the scene of a number of road accidents over the previous number of years.
- Similar relationship to proposals at Marsworth Airfield
- Previous applications in the vicinity have rejected large housing developments due to inadequate road network, access and poor amenities.

- Inadequate School Places
- No account taken of local plans including the parish plan which indicates that development should be restricted to 10 units on any site.
- Parish Council failed to note opposition to the scheme at parish council meetings
- Type and design of dwellings
- Concern that employment units will be changed into residential units
- Number of affordable homes
- Location of proposed affordable homes in isolated location
- Height of residential dwellings
- Size of development would devalue locals properties

#### Letters of Support

- Support of affordable housing units
- General support of changing the use of land to residential
- Support to the reduction of heavy vehicle movements to and from the site

#### Statutory Consultee responses

##### Hertfordshire Highways

Notice is given under article 10 of the Town and Country Planning (General Development Procedure) Order 1995 that the Hertfordshire County Council as Highway Authority does not wish to object to the grant of planning permission.

Background: The site currently operates as an egg packing plant. At its peak the business employed approximately 150 staff. A total of 18 rigid and 4 articulated lorries were based at the site which were used to collect eggs from surrounding farms and distribute the packed eggs across the region. Operations on the site have scaled down over recent years

Existing situation: In the vicinity of the site Lukes Lane is subject to a 30mph speed limit. The road is approximately 5.5m wide and rural in character. Near to the western access there are several terraced residential properties immediately adjacent to the carriageway and grass verges are located along the southern side of the road. To the east of the site Lukes Lane becomes increasingly rural and the speed limit reverts back to the national speed limit.

Proposed Development: The proposal is for 26 dwellings and 4 work units. The residential proportion of the proposal will generate in the region of 20 vehicles in the peak hours and approximately 160 across the whole day. The work units will generate in the region of 34 vehicles in the peak hours and a total of 240 across the day. Generally, it can be accepted that the proposal will generate fewer trips than the existing use.

Access Arrangement: The proposal will include permanent stopping up of the two existing vehicular accesses onto Lukes Lane and introduce two new accesses in slightly different positions. The applicant has demonstrated that they can achieve sufficient visibility splays and any areas of land within the splays that forms part of the application site will be dedicated as public highway (Drawing No11026/101). The applicant has made no reference to the internal layout being adopted as public highway. The assumption is it will remain private.

Regarding parking, it is assumed the planning authority will apply the Dacorum Borough Council parking standards to the proposal.

Sustainable Transport Contribution: The applicant has applied the standard tariff rate to the proposal which equates to a financial contribution of £34,250.

### CONDITIONS

If the Planning Authority are minded to grant planning permission the highway authority would recommend the following conditions.

**Condition 1:** Within 1 month of the new accesses being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by removing the existing bell mouth and reinstating the verge and highway boundary to the same line, level and detail as the highway verge and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user.

**Condition 2:** Before first occupation of the approved development, all access and junction arrangement serving the development shall be completed in accordance with the approved plans shown in principle (no11026/101) and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

Reason : To ensure that the access is constructed to the current Highway Authority's specification as required by the Local Planning Authority and to comply with those policies of the development plan.

**Condition 3:** Concurrent with the construction of the access, visibility splays shown in drawing No. 11026/101 shall be provided and permanently maintained in each direction within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway level or the areas will be dedicated as Public Highway.

Reason: To provide adequate visibility for drivers entering or leaving the site.

**Condition 4:** On site parking shall be provided for the use of all contractors, sub contractors, visitors and delivery vehicles engaged on or having business on site in accordance with details to be agreed in writing with the local planning authority, in consultation with the Highway authority, before the commencement of on site works.

Reason: In the interest of highway safety and efficiency.

**Condition 5:** Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular( but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the

development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site

Reason: To minimise the impact of construction vehicles and to improve the amenity of the local area.

#### Hertfordshire Highways additional comments relating to sustainability

The above site is located in Lukes Lane in Gubblecote. It is located on the outskirts of the village where Lukes Lane is predominately rural in character. Between the site and the junction with Tring Road there are approximately 10 dwellings. A majority of the houses are located on the edge of the carriageway, opposite the houses there is an attractive grass verge and stream.

It is understood the planning authority has received enquires relating to the sustainability of the above proposal.

There are several options available that could help link the site to the surrounding area to help reduce residents and employees dependence on using the private car. Firstly, there are several bus routes that operate along the Tring Road through Gubblecote. The 164 Aylesbury-Leighton Buzzard and 167 Ivinghoe-Leighton Buzzard of which the 167 is only x1 each direction Tues only, the 164 runs Mon-Sat but the timetable is rather irregular. Normally the highway authority would suggest that upgrading the bus stops or increasing the frequency of the services could help improve the sites sustainability. The second option suggested by a resident is the introduction of a footway to link the site to Long Marston which appears to be the nearest settlement and also offers some local facilities including a primary school. Unfortunately, although Long Marston is the nearest settlement it is still approximately ½ a mile from Gubblecote and the cost of a footway between the two will be prove very expensive. There is also the need to consider the visual impact of the footway, particularly in Gubblecote where the attractive verge opposite the cottages will need to be reconstructed to incorporate the 1.8m wide footway. From a technically point of view there will also be some difficulties negotiating the streams that run very close to the edge of the carriageway throughout Lukes Lane and along the Tring Road.

The highway authority has requested a contribution towards sustainable transport in line with the HCC Planning Obligation Toolkit tariff rate (£34,250). This contribution could be used towards either a new footway or improvements to the bus service or infrastructure. However, the likelihood is additional money will be required to fund either the footway or a long term increase in bus frequency. At this stage the additional money may not be available.

#### Hertfordshire Constabulary

I have been able to look at the plans and documentation for the new development and am happy to see the development will be to Secured by Design and Code of Sustainable Homes standard. I am a little concerned with the boundary definition but do understand the rationale; however I would like a few more details of the boundary treatment with the existing properties on Lukes Lane.

In order for the development to achieve Secured by Design I will be looking for a completed application form which can be found on the SBD website [www.securedbydesign.com](http://www.securedbydesign.com) and if the link to Professionals then to Guides & Publications, then to Design Guides there is a link to the Application Form which should be completed and sent to me at the address below.



## Spatial Planning

The site has been subject to on-going discussions with officers over a number of years and the policy background is set out in these policy comments.

The starting point is that a residential scheme of this scale is not normally appropriate within the Rural Area (Policy 7) and the general need to safeguard established rural employment (Policy 34). Therefore, the onus is on the applicant to make a case that an exception to adopted policy is justified.

We need to be satisfied that there was clear evidence to support the loss of the employment use in this location. Brasier Freeth have produced a report setting out the history of marketing and its outcome. They have concluded that there is a lack of demand for the commercial reuse of the former egg packing facilities. This is due to a variety of reasons related to its location, accessibility and quality of the buildings.

It is clear that the site has been on the market unsuccessfully for over 4 years. While there has been some interest this has not resulted in any firm offers being made. Furthermore, they have pointed to the attractiveness of commercial space in other locations (e.g. Tring and Aylesbury). Overall, it does appear the applicant has undertaken a genuine and thorough marketing exercise and that there is limited interest in the reuse of the current building.

There may be some environmental gains with the loss of the existing commercial use which can be taken into account e.g. removal of heavy goods vehicles from rural roads, disturbance to neighbouring residential properties, and removal of utilitarian buildings etc. There is also a danger that the site could attract low grade uses that could prove problematic for its countryside setting.

The scheme does provide for 4 smaller business units (430 sqm). While it does not offset the wider loss of employment, it does help retain a modest level of commercial use and helps provide for a greater mix of uses on the site. This is welcomed. However, it is unclear how the proposed commercial units will be managed and the type of uses it aims to accommodate.

If the employment is to be replaced then the new use must offer clear planning advantages for the site in terms of the rural character and setting of the site. You must be satisfied that the design and layout of the site improves on the current appearance and spread of commercial buildings. The proposal does appear to provide for a housing development that is relatively open in character with a range of building form and mix of accommodation. There is also a strong emphasis on green space, landscaping and amenity areas (particularly around the balancing pond). This general approach is welcomed, but the views of the Conservation and Design team should be sought on the density, design, layout and materials, particularly the height of some of the properties.

While the site would not normally justify an affordable housing contribution under Policy 20, we have sought this as a way of offsetting the loss of the employment. The applicant is proposing a 35% contribution which would accord with our normal expectation. This is supported. The views of the Housing Enabling Officer should be sought on the suitability of the mix of housing.

The proposal will provide for a mix of house sizes (particularly "starter" and family homes) and tenure, and these will be to CSH Level 3-5. These points are welcomed.

If you wish to make an exception then there must be clear site specific reasons for a departure from policy. You must also be satisfied that all other elements of the proposal are satisfactory, particularly that it delivers a high quality scheme in terms of design and layout in this sensitive, rural location.

## Conservation and Design

I have no major objections to this proposal and in general support the vision for the development. I do however consider that the scheme would benefit from some changes to the layout and house types:

### Layout:

I do consider that both site entrances and the area around the central green are unduly dominated by the parked car. This would destroy much of the proposed rural character which the development is seeking to create. Under the Building for Life score, I therefore disagree that car parking is well integrated so it supports the street scene. The parking in my view needs to be far more concealed and less dominant.

I am concerned at the pepper potting of bin/bike storage/sheds in the front garden areas and consider this will add clutter to the streetscape; the scheme would benefit from having these items less prominent

The rear garden of house type A appears to collide with the access road, this corner would benefit from being rounded off, thereby adding visual interest at the entrance to the courtyard

The use of a random garage in front of type D could be enhanced by a range of open fronted carports enclosing the parking

The garage units associated with house types S, P and R are fragmented and don't create a positive role in the streetscene.

The Work Units are somewhat set back from the streetscene and don't reinforce the gateway. Could these be more flush with the site entrance in order to give stronger definition?

### House Types:

Type A – Lack of roofscape interest – cowl/chimney detail. Solider arches would be better served by gauged brick heads. Brick boundary walls appear somewhat urban and would be better replaced by hedgerow

Unit C is wrongly annotated as Unit A. On Units C the solider arches would be better served by gauged brick heads. Units B lack roofscape interest. Natural surveillance in gable end required.

Units D and E – no comments

Units F, G, H, J – good composition; my only question relates to the detailing for the carriage opening through to the car parking area; could some clearer details be supplied.

Units K, L, M – the undue horizontal first floor window in the west elevation looks uncomfortable in the composition. It is unclear of the relationship of the screen garden walls with the access road and streetscene.

Unit P – bulky plan form which feels unduly stretched and tall for a barn type building. Slightly railway carriage undue horizontal emphasis to windows in south elevation. White render panel would appear incongruous in brickwork and weather boarding.

Unit R – too tall and dominant. The solider arches would be better served by gauged brick heads.

Unit S – Unduly large for a barn type building.

Units R, S, and P read very differently to units A to H which have a more domestic scale. This doesn't sit very well in my view.

Unit T – ok

Materials – it is unfortunate that all the roofs are slate, clay tile is a locally distinctive material and it would be good to have a mix of roof coverings

Boundary treatment and hard surfacing – it would be helpful to have a plot by plot schedule. Regarding hard surfaces, I would suggest a simple low key palette avoiding fussy concrete blocks pavements

Response from Architect in response to design comments from the conservation and design department

**I do consider that both site entrances and the area around the central green are unduly dominated by the parked car. This would destroy much of the proposed rural character which the development is seeking to create. Under the Building for Life score, I therefore disagree that car parking is well integrated so it supports the street scene. The parking in my view needs to be far more concealed and less dominant.**

*The number of car parking spaces has been set by Planning guidelines. This calls for a total of approx 58 spaces for the dwellings. Car Parking: What Works Where? (English Partnerships) has been used as a guideline to follow. Building for Life guidelines have also been followed and this calls for a balance of a number of issues including,*

- provide parking spaces close to a residents' homes;
- encourage residents to access their vehicles from the front door rather than rear door as far as possible;
- provide overlooked parking for residents
- support the character of the place by providing parking areas that are of high quality and reasonably attractive.
- Parking squares or courtyards should not be visually dominating, and so should have a limited number of bays – up to about ten spaces but probably not more
- The groups should be separated by soft or hard landscaping or street furniture.
- Cycle parking, visitor and disabled parking should also be provided as part of an integrated parking strategy.

The optimal solution balances these needs with the desire to create a human specific environment of high quality character where streets are considered as public spaces. It should be noted that,

- Drawing DF\_PL\_MP\_004 is intended as a masterplan **diagram** and as such clear distinction is made between road, parking and soft landscaping. However as has been clarified within the D&A Statement and Landscaping proposals the streets and parking are integral aspects of public space where edges, surfaces and changes in level are softened by the use of natural materials and careful integration with planting. Road ways and parking spaces will remain unmarked and when not in use provide sympathetic but robust landscaping surfaces.
- For security parking should be visible from within dwellings.
- Secondary visitor parking is located around the edge of the park. Private parking is located either within each plot or in courtyards (overlooked) away from public view.

- Parking layout has been designed to provide a maximum area for the landscaped park that runs through the middle of the site. If all parking was arranged to be out of public sight this park area would be greatly reduced, dwellings would be more dense towards the centre and the carefully planned 'openness' would be lost.
- Visitor parking located around the park edges are screened with planting providing a natural visual impact from within the park and from Luke's Lane.

A natural solution would be to agree a reduction in the car parking numbers. This would however provide an attractive design on paper but in reality would create a more unattractive and uncontrolled environment when in use.

**I am concerned at the pepper potting of bin/bike storage/sheds in the front garden areas and consider this will add clutter to the streetscape; the scheme would benefit from having these items less prominent.**

*Bike sheds and bin stores are a requirement for Code for Sustainable Homes. These should be in accessible locations. Their locations are determined by,*

- *The low building form provides a buffer for privacy to the front garden spaces.*
- *The facilities are not built into the main dwelling fabric as this would provide more expensive construction cost.*
- *The simple shed form provides a change in scale to built environment.*

**The rear garden of house type A appears to collide with the access road, this corner would benefit from being rounded off, thereby adding visual interest at the entrance to the courtyard.**

*There is no clash as the road way shown on master plan includes for pedestrian walkway. At the tightest position on this corner there is still approx. 1m strip of vegetation.*

**The use of a random garage in front of type D could be enhanced by a range of open fronted carports enclosing the parking.**

*Garages are provided for higher market housing. Our aim has been to reduce as far as possible the built volume (relative to the existing buildings) of the new development.*

- *Garages increase the volume and visual impact.*
- *When not in use the space remains open.*

**The garage units associated with house types S, P and R are fragmented and don't create a positive role in the street scene.**

*We have deliberately used the stand alone garage blocks around the site to vary the building volumes and scale to provide a more 'rural' informality. It is our view that traditional 'rural' informality emerges from,*

- *Traditional 'uncontrolled' small scale development - no architects, planners or controls. Visual harmony is emergent and can be related to simple building form, scale, local natural materials and limited construction technologies.*
- *Loose fit and functional*
- *The garage blocks also provide a visual boundary to screen the higher areas of SE glazing from public view for units S, P and R.*

**The Work Units are somewhat set back from the street scene and don't reinforce the gateway. Could these be more flush with the site entrance in order to give stronger definition?**

*The Work Units are set back enough to provide vehicle and pedestrian access. The unit frontages are as far forward as possible.*

**Type A – Lack of roofscape interest – cowl/chimney detail. Solid arches would be better served by gauged brick heads. Brick boundary walls appear somewhat urban and would be better replaced by hedgerow**

*Type A units are designed to extend the street vernacular. The existing terraced houses likely originated as basic agricultural worker houses. Type A units are very simple in form. Chimneys are not required as there are no flues. The quality of the building (and the knock on extra building cost) is given over to the use of high quality traditional materials such as slate tiles, handmade brick and high performance windows. The cost for extra superfluous details will likely mean that these materials cannot be used. The simple building forms would not be appreciated or viewed in isolation but as part of a wider homogenous composition.*

*The brick walls extend the built form into landscaping rather than just having objects (buildings) placed within a landscape. The walls are low and it would be possible to provide hedging or planting above this.*

**Unit C is wrongly annotated as Unit A. On Units C the solid arches would be better served by gauged brick heads. Units B lack roofscape interest. Natural surveillance in gable end required.**

*Labelling noted.*

*Block B does not require any detail to the roofscape. There are no flues. Plain, simple roof forms in natural high quality materials are preferable in rural settings as this expresses the utilitarian informal and low budget nature of rural vernacular architecture. The gable ends and jettied first floor provide a simple yet interesting form.*

*Gable end of unit C has window surveillance from first floor. Surveillance at this end is also provided by unit A which overlooks the courtyard access.*

**Units D and E – no comments**

**Units F, G, H, J – good composition; my only question relates to the detailing for the carriage opening through to the car parking area; could some clearer details be supplied.**

*The carriage opening is 4700mm (w) with a minimum vehicle access of 2300(h) x 2700(w).*

**Units K, L, M – the undue horizontal first floor window in the west elevation looks uncomfortable in the composition. It is unclear of the relationship of the screen garden walls with the access road and streetscene.**

*All first floor windows on all the units are tilt/turn type to provide a cost efficient high performance window that can be cleaned from the inside.*

*Garden walls are generally chest height and provide clear courtyard type boundaries to private amenity without creating an overly 'closed' community and streetscape. The brick walls will be constructed from the same bricks as those used within the dwellings.*

**Unit P – bulky plan form which feels unduly stretched and tall for a barn type building. Slightly railway carriage undue horizontal emphasis to windows in south elevation. White render panel would appear incongruous in brickwork and weather boarding.**

*Our character approach is based on the principles of the prevailing rural agricultural architecture. It does not seek to replicate the forms of this style since these would generally not be relevant to 21st C dwellings. Unit P dwellings are CfSH Level 5 and as such require a home office with its own separate entrance. A large area of ground floor accommodation is required and our design aims to keep this from creating a large bulky 3 story block.*

- *The single storey front block allows for the placement of solar panels (PV and SHW) at a low level whilst still gaining good uninterrupted south solar access. This means that the southern face of the main roofs (highly visible from Luke's Lane) will not be visually blighted by these reflective glass panels. Easy access is also provide for maintenance.*
- *The Unit P designs are loosely based on a detached dwelling type we have undertaken for the St Austell, Cornwall EcoBos EcoTown we are involved with and we know that these satisfy CfSH Level 6.*

**Unit R – too tall and dominant. The solid arches would be better served by gauged brick heads.**

*Because the location is not within a Conservation area we do not think that a 3 storey dwelling would have a negative impact if framed by the appropriate context. We have sought to include a variety of building heights within the development so as to,*

- *Provide a mix of dwelling types*
- *To provide a varied roofscape that creates a better 'rural' setting for long views rather than a monotonous profile of standardization. Within the development there are only three possible variables for creating this variation - 2 storey dwelling, 3 storey dwellings and garage blocks. Bungalow dwellings were not considered appropriate.*

**Unit S – Unduly large for a barn type building.**

*Unit S is a 3 storey 6 bedroom dwelling. We would suggest that the form of this unit is more akin to rural mill architecture rather than agricultural barn.*

**Units R, S, and P read very differently to units A to H which have a more domestic scale. This doesn't sit very well in my view.**

*The design strategy has been to gradually move incrementally from very tradition dwelling forms along Luke's Lane Terrace at SW through to contemporary design on the NE corner where the higher value detached units require higher levels of environmental performance. We have achieved this so as to still maintain a cohesive and unified character for the whole development.*

*Units R, S and P are large detached family house. These units have large areas of external glazing which do not fit comfortably with traditional vernacular styles - a more contemporary form integrates this better. A-H are small 3 bedroom terraced dwelling.*

**Unit T – ok**

**Materials – it is unfortunate that all the roofs are slate, clay tile is a locally distinctive material and it would be good to have a mix of roof coverings**

*Slate provides us with the option to have lower roof pitches than traditional clay tiles. We would be happy to use clay tiles so long as these are 'real' handmade tiles that provide the softness required once naturally weathered in. We do not think that mass produced clay tiles contribute very well to the rural vernacular architecture of the region. Slate tiles provide a more cost effective solution to using a natural high quality material that is also part of the Chiltern vernacular.*

**Boundary treatment and hard surfacing – it would helpful to have a plot by plot schedule. Regarding hard surfaces, I would suggest a simple low key palette avoiding fussy concrete blocks pavements.**

*As is normally the case we would expect to provide greater detail of material selection and location via condition*

#### Comments from Conservation and Design on revised Plans

No major objections to this proposal and in general support the vision for the development. I do however consider that the scheme would benefit from some changes to the layout and house types:

##### Layout:

- I am concerned at the pepper potting of bin/bike storage/sheds in the front garden areas and consider this will add clutter to the streetscape; the scheme would benefit from having these items less prominent
- The Work Units are somewhat set back from the streetscene and don't reinforce the gateway. Could these be flusher with the site entrance in order to give stronger townscape definition at the entrance?

##### Revised House Types:

- Type K/L/M – This works better. There could be a benefit in providing blind windows in elevations in order to symmetry to the elevations. As a key building, solid arches would be better served by gauged brick heads.
- Unit P – I remain concerned at the height of the unit since this is over tall for a barn like building. In addition, the gable on the southern elevation is dominant and would benefit from being lowered in height to make this more subservient.
- Materials – a mix in roof coverings is required – please provide an amended plan showing plots with slate and clay tile.

#### Environment Agency

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis. The FRA submitted with this application (Flood risk assessment ref 22617/FRA/Masterplan dated June 2011) does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The site is over 1 ha therefore a detailed surface water drainage strategy should be undertaken to demonstrate that surface water and volumes will not be increased and can be attenuated in a sustainable manner for all rainfall events up to the 1 in 100 year event including an allowance for climate change.

In particular, the submitted FRA fails to

- Provide necessary data - the site is over 1 ha therefore a detailed surface water drainage strategy is needed demonstrating a hierarchy approach to demonstrate that surface water and volumes will not be increased and can be attenuated in a sustainable manner for all rainfall events up to the 1 in 100 year event including an allowance for climate change. We are pleased with intention to infiltrate surface water runoff stated in section 8.1 of the FRA. Soakage tests should be carried out to

determine the suitability of infiltration methods across the site. Infiltration rates should be worked out in accordance with BRE 365. If infiltration methods are likely to be ineffective then discharge may be appropriate.

- Demonstrate the development will not increase surface water flood risk in the surrounding area - runoff rates should be calculated using Institute of Hydrology 124 (IOH124) in line with the requirement of the interim code of practice for sustainable drainage systems. When calculating the runoff rate for catchments less than 50ha, the method should be applied with 50ha in the formula. The results can then be linearly interpolated using the ratio of the development size to 50ha. Equations 7.2 to 7.4 in the IOH 124 report allow the runoff rate for a greenfield site to be modified for a Brownfield site such as this. Please provide details of the existing and proposed runoff rates from the site for the 1, 30 and 100 year events.
- Demonstrate the development will not increase surface water flood risk on the site - the reduction in runoff as a result of the reduced impermeable area will result in a reduction in flood risk downstream. However, we would not accept that attenuation is not required as a result as stated in section 8.4 of the FRA. Attenuation will be required on site to ensure the site does not experience flooding from surface water on site. The applicant should provide to the planning authority detailed calculations of the surfacewater network together with a drawing of network with pipe numbers; to show the surfacewater system has been designed to ensure:
  - No flooding for the 100 year climate event in the entire surfacewater system or
  - No flooding for the 30 year event in the entire surfacewater system and that all surfacewater flooding can be safely contained on site for the 100 year plus climate change event.
- Provide justification for design and assessment of sustainable drainage (SUDS) options - we need to see sustainable drainage alternatives to traditional piped and tanked systems; these techniques not only cater for flood peak attenuation, but may also improve water quality and enhance the environment. Such systems include permeable pavements, grassed swales, infiltration trenches, ponds and soakaways. The feasibility of SUDS should be considered in accordance with management train principles to attenuate water on site including justification for the design layout. As outlined in the Interim Code of Practice for Sustainable Drainage. The applicant should provide a drawing clearly indicating the drainage system and location of SUDS features.
- In addition to the above, the site is sensitive from a groundwater perspective as it is situated over a principal aquifer. The groundwater in the principal aquifer needs to be protected, therefore we need to ensure that no pathways have been created that link any surface contamination with the aquifer. We also need to ensure that no new pathways are created by the proposed development. The potentially contaminative activities of the Egg Packing Station (mechanised equipment; vehicle movements, refuelling and repairs) are addressed in the Investigation and Risk Assessment. We have reviewed the Applied Geotechnical Engineering Preliminary Investigation and Risk Assessment for Dean's Farm, Lukes Lane, Gubblecote dated October 2008. However what has not been addressed in the report is the potential for underground fuel tanks to have been sited on top of the Chalk. If site investigations reveal significant contamination in soils and made ground and pathways for contamination to have migrated vertically, then we may ask for groundwater monitoring to be carried out.
- Should our objection to the FRA be satisfactorily addressed and infiltration be possible in clean areas of the site, then we would request a number of conditions be placed on any planning permission granted to protect the Principal Aquifer on this site. Please



note that we may have additional conditions relating to surface water, following any amended FRA. In respect of the planting plan for the site, would we request that non-native species such as the Locust tree (*Robinia pseudacacia*) be removed from the plan. Such invasive non-native species are becoming particularly problematic and invasive along river corridors and in the wider environment and is relevant here considering the proximity of the site to the Long Martson Brook

#### Comments from Environment Agency on updated Flood Risk Assessment

We are satisfied with the details provided and can remove our objection to the application provided that the following conditions are placed on any planning permission granted.

Condition 1: Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in line with the principles in the Flood Risk Assessment (FRA) produced by Abington consultants dated 7 November 2011. The scheme shall subsequently be implemented in accordance with the approved details.

The scheme shall include the following:

Soakage tests to determine the suitability of infiltration devices as stated in section 8.4 of the FRA produced by Abington consultants dated 7 Nov 2011.

Runoff rates to be limited to no greater than 40.4 litres per second.

The scheme should show how it will utilise above ground attenuation such as ponds and swales as shown on drawing 11026/102 included in appendix 1 of the FRA produced by Abington consultants dated 7 November 2011.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

Condition 2: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority. The scheme shall be implemented as approved:

- A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site
- A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action

Reason: To protect ground and surface waters.

**Note:**

- We reviewed the Applied Geotechnical Engineering Preliminary Investigation and Risk Assessment for Dean's Farm, Lukes Lane, Gubblecote dated October 2008 and are **satisfied that part 1 of this condition has been fulfilled.**
- The site is situated over Head Deposits (unproductive stratum) and the solid geology under this is the West Melbury Marly Chalk (Principal Aquifer) over the Upper Greensand (Principal Aquifer). The groundwater in these Principal aquifers needs to be protected, therefore we need to ensure that no pathways have been created that link any surface contamination with the Chalk. We also need to ensure that no new pathways are created by the proposed development. The potentially contaminative activities of the Egg Packing Station (mechanised equipment; vehicle movements, refuelling and repairs) are addressed in the Investigation and Risk Assessment. The Chalk and Upper Greensand have possibly been protected by the presence of the Head deposits, however what has not been addressed in the report is the potential for underground fuel tanks to have been sited on top of the Chalk.

Trees and Woodlands

Of the trees scheduled for removal, none are of significance and should not be considered as a constraint to development. The landscape treatment thus far appears as only outline and needs a more detailed submission. Please condition full landscape details, as an ongoing management plan for the landscaped areas that are situated in common parts of the development (as opposed to those in individual ownership) and the tree protection plan for those trees being retained.

Rights of Way

No comments

Thames Water

Waste Comments

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

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of 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. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

## Water Comments

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.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

## Hertfordshire County Council

I refer to the consultation for the above mentioned proposal and my previous, pre-application correspondence. I am writing in respect of planning obligations sought towards education, library and fire and rescue services.

I note that the dwelling mix has changed from the mix previous commented on in respect of the affordable housing and have therefore revised the financial contributions accordingly. The following contributions are based on a development comprising 2 two bedroom, 5 three bedroom, 4 four and 5 five+ bedroom houses open market/intermediate dwellings with 7 two bedroom and 3 three bedroom social rented dwellings.

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

## Financial Contributions

Primary Education £81,078  
Secondary Education £68,589  
Youth £1,284  
Libraries £4,600

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

## Provision

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

## Justification

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 and is available via the following link: [www.hertsdirect.org/planningobligationstoolkit](http://www.hertsdirect.org/planningobligationstoolkit)

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 and Circular 05/05. PPS1: Delivering Sustainable

Development, sets out the planning system. It seeks to ensure that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community. It also advises that the provision of a transparent flexible, predictable, efficient and effective planning system through the provision of a plan led approach is needed to deliver sustainable development. PPS3: Housing, covers the Government's objectives on planning for housing. It indicates that developments should be located in areas with good access to key services and infrastructure.

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 production of the Toolkit document reflects the advice at paragraphs B25-30 of Circular 5/05, which among other things requires all tiers of government with legitimate land-use planning interests to be involved at an appropriate level and in a focused way in providing an evidence base and setting planning obligation policies. The cumulative impact of development on local service provision is also 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 B21-B24 of Circular 05/05 and paragraphs 7.5 and 16.4 of the Toolkit.

The provision of public fire hydrants is not covered by Building Regulations 2010 (Part B5 as supported by Secretary of State Guidance 'Approved Document B')

(ii) Directly related to the development;

The occupiers of new residential developments will have an additional impact upon 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 needed to serve the proposed development are sought to be provided by the developer (as set within the Toolkit)

(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 needed to serve the proposed development are sought to be provided by the developer (as set out within HCC's Toolkit)

#### Ecology Officer

Nothing of any significance other than local use by local wildlife. Use of the Atcost barn by bats is not significant as its construction is of very low value for bats -still, it has been used as a temporary feeding perch on occasion. The semi-natural boundary hedge with Black poplars is locally significant but will be retained. The fields beyond have potential but are currently species poor grassland - they are unlikely to change unless management changes as they are probably part of the local farmed environment which requires relatively intense systems. There are no habitats of sufficient quality 'inside' the site to merit compensation in terms of wildflower meadow grassland in the fields, although of course this would be desirable! However there is

no reasonable planning requirement to suggest this, although new hedgerow planting in places (eg north field boundary) would also be beneficial. An active badger sett was found on the edge of the site but two years later was recorded as disused.

As for the recommendations:

1. Enhancement of the hedgerow network is recommended - I agree with this.
2. Nesting birds - usual provisions apply re works outside breeding season (march - Sept unless demonstrated no nests). Owls have used some of the buildings but owl boxes could be put up on the mature trees to compensate.
3. The possible night roost requires further work to determine its use as a roost. Presumably this should have been done as the Consultants would know that if it was shown to be a roost, an EPS licence would be needed and the 3 tests applied in accordance with Habitats Regs in order to proceed with the planning determination. Has this work been done? Without it you are, technically, unable to determine this application as you don't know if a known roost will be affected. Given the roost status etc this should not be a problem, but the applicant would need to find this out and get a survey done ASAP - otherwise its next spring unless you do it by condition. In my view every time a Consultant finds evidence they SHOULD advise their client the LPA would not be able to determine an application without further details to demonstrate how - if necessary - the issue can be resolved without detriment to the species. Not doing this stalls the process re the three tests if they have found some evidence - which they did. Compensation by bat boxes is acceptable.
4. Retention of trees with high roosting potential - this is reasonable.
5. Check for badgers again if delay - This is reasonable.

In summary, this application could happily be determined with some of the recommendations incorporated if it were not for the bat evidence - which is hardly worth worrying about but they found some and this should now be dealt with properly. Especially if wildlife has been pointed out. In the end they may not need a licence or the LPA need to apply the 3 tests, but the emergence surveys were not done to inform this so we don't know. Let me know if this doesn't make sense!

#### Environmental Health

Environmental Health Noise Pollution Team has no objections to this application but would like to draw the applicant's and agents attention to informatives.

#### Affordable Housing

The affordable housing provision of 35% on the proposed scheme of 26 homes will result in 9 new affordable homes. The following mix has been agreed, 5 x 2 bed 4 person houses and 2 x 3 bed 5 person houses for rent and 2 x 2 bed 4 person houses for shared ownership.

#### RECOMMENDATIONS

1. That the application be **DELEGATED** to the Group Manager, Development Management and Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.
2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

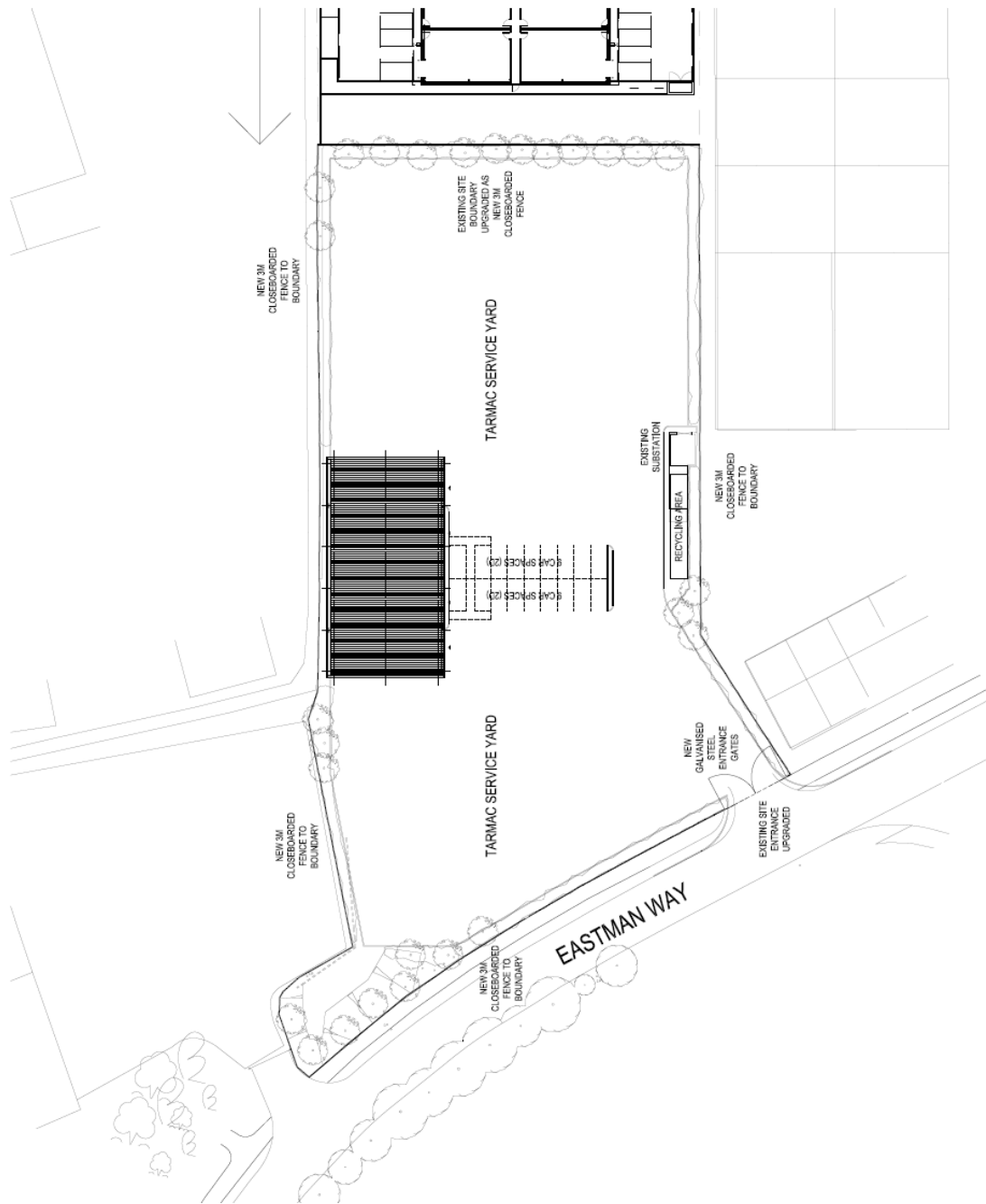
Total contributions are 9 affordable housing units and a Health Centre, which can be broken down as follows:

- Primary Education £81,078
- Secondary Education £68,589
- Youth £1,284
- Libraries £4,600

A list of conditions will be supplied as an addendum in advance of the committee meeting.

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

**ITEM NO: 5.3**  
**4/02017/11/MFA**  
**EX AXIS POINT SITE, EASTMAN WAY, HEMEL HEMPSTEAD, HP2 7FN**  
Case Officer – Richard Butler



Site Layout Plan

**5.3 4/02017/11/MFA - CONSTRUCTION OF HGV OPERATIONS FACILITY INCLUDING OFFICE UNIT, PROVISION OF PARKING FOR HEAVY GOODS VEHICLES, SKIP STORAGE AREA, UPGRADED VEHICULAR ACCESS, CLOSE BOARDED FENCING, GATED ENTRANCE AND LANDSCAPING.**

**EX AXIS POINT SITE, EASTMAN WAY, HEMEL HEMPSTEAD, HP2 7FN**

**APPLICANT: AXIS POINT (HEMEL HEMPSTEAD) LLP & FARREN HYDRAULICS LTD**

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[Case Officer - Richard Butler]

[Grid Ref - TL 07353 09120]

### **Summary**

The application site is located within the General Employment Area (GEA) with extant permission for a warehouse / storage and distribution use. The proposal seeks a different scheme with large hardsurfaced area for the external storage of HGVs and Empty Skips. The use of sites as outside storage within the GEA is supported by Policy 31 of the Adopted Local Plan. The impact of this development has been assessed and the most important issue shall be the consideration of noise pollution causing disturbance to nearby residential property and also the operations of other nearby businesses. A Noise assessment has considered the expected level of noise emission from the development; the view following consultation with relevant consultees is that mitigation measures shall be able to ensure there is no significant impact to surrounding uses as a result of noise emission, and environment health legislation shall support this approach. A condition has been attached to ensure that only empty skips are stored on the site.

### **Site Description**

The application site comprises a rectangular piece of land of 0.65 hectares, which is currently open hard surfacing.

The site is located to the rear of the recently developed Maylands Business Centre, on the former Axis Point site. The application site forms phase II of this site and is accessed from Eastman Way.

The original Axis Point redevelopment saw this section of the site receive planning permission for a warehouse (B8) use.

### **Proposal**

The application seeks permission for the following development:

Construction of HGV operations facility including office unit, provision of parking for heavy goods vehicles, skip storage area, ungraded vehicular access, close boarded fencing, gated entrance and landscaping.

In practice the application has been put forward by Ingenium Archial Ltd and Axis Point Hemel Hempstead on behalf of Hollywell Haulage for the use as outside storage for HGV's and empty skips associated with the operation of the company.

A service building of 464.5 sq m is proposed to provide ancillary office space. A figure of 15 employees is suggested to work on the site. The design and material finish of this building is to follow the design of the Phase 1 development.

The site is to be bounded by a 3m closed board fence; the design and access statement suggests this is to screen the yard for security purposes. This is to be supplemented with the planting scheme provided in the landscaping information, including the planting of mature trees along boundaries.



The site is to be gated and secured outside of the operational times of 7am -7 pm.

### **Referral to Committee**

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

### **Planning History**

4/00752/11/DRC     DETAILS OF MATERIALS, CRIME PREVENTION MEASURES, WINDOWS, HARD AND SOFT LANDSCAPING WORKS, RETAINED TREES, GLAZING DETAIL, SUSTAINABILITY, THE PRE-DESIGN SITE WASTE MANAGEMENT PLAN, LIGHTING STRATEGY, ACCESS AND JUNCTION ARRANGEMENTS, AND SITE ACCESS AND EXIT MEASURES AS REQUIRED BY CONIDITIONS 2, 3, 4, 5, 6, 8, 9,11, 12, 13, 14, 15 AND 16 OF PLANNING PERMISSION 4/01804/09/MFA (DEMOLITION OF EXISTING WAREHOUSE AND OFFICE UNIT, CONSTRUCTION OF INNOVATION CENTRE, SINGLE STOREY INCUBATOR UNITS, INDUSTRIAL WAREHOUSE UNIT WITH ANCILLARY FIRST FLOOR OFFICES WITH ASSOCIATED YARDS, CAR AND CYCLE PARKING. PROVISION OF NEW VEHICULAR ACCESS, FOOTWAY IMPROVEMENTS AND LANDSCAPING)

Granted

04/08/2011

4/01188/10/NMA     NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 4/01804/09/MFA (DEMOLITION OF EXISTING WAREHOUSE AND OFFICE UNIT, CONSTRUCTION OF INNOVATION CENTRE, SINGLE STOREY INCUBATOR UNITS, INDUSTRIAL WAREHOUSE UNIT WITH ANCILLARY FIRST FLOOR OFFICES WITH ASSOCIATED YARDS, CAR AND CYCLE PARKING. PROVISION OF NEW VEHICULAR ACCESS, FOOTWAY IMPROVEMENTS AND LANDSCAPING)

Granted

23/07/2010

4/00781/10/DRC     DETAILS OF MATERIALS AS REQUIRED BY CONDITION 2 OF PLANNING PERMISSION 4/01804/09 (DEMOLITION OF EXISTING WAREHOUSE AND OFFICE UNIT, CONSTRUCTION OF INNOVATION CENTRE, SINGLE STOREY INCUBATOR UNITS, INDUSTRIAL WAREHOUSE UNIT WITH ANCILLARY FIRST FLOOR OFFICES WITH ASSOCIATED YARDS, CAR AND CYCLE PARKING. PROVISION OF NEW VEHICULAR ACCESS, FOOTWAY IMPROVEMENTS AND LANDSCAPING)

Granted

	22/07/2010
4/00082/10/ADV	SIGNAGE AND HOARDINGS
	Granted
	09/03/2010
4/01804/09/MFA	DEMOLITION OF EXISTING WAREHOUSE AND OFFICE UNIT, CONSTRUCTION OF INNOVATION CENTRE, SINGLE STOREY INCUBATOR UNITS, INDUSTRIAL WAREHOUSE UNIT WITH ANCILLARY FIRST FLOOR OFFICES WITH ASSOCIATED YARDS, CAR AND CYCLE PARKING. PROVISION OF NEW VEHICULAR ACCESS, FOOTWAY IMPROVEMENTS AND LANDSCAPING
	Granted
	25/01/2010
4/01033/05/FUL	USE OF AREA OF LAND AS COMPOUND FOR STORAGE OF CONTAINERS AND PLANT FOR ONE YEAR TEMPORARY PERIOD
	Temporary permission
	21/07/2005

## **Policies**

### National Policy Guidance

PPS1  
Circular 11/95

NPPF - The advice follows the statements of the relevant PPG/PPS.

### Dacorum Borough Local Plan

Policies 1, 9, 11, 13, 31, 58, 60, 113  
Appendices 1, 8.

### Supplementary Planning Guidance

Water Conservation & Sustainable Drainage

## **Representations**

### Spatial Planning

No comments received.

### Hertfordshire Highways

No comments received.

### Environmental Health Officer (Noise and Pollution)

Further to the above application and subsequent submitted Noise Impact Assessment.

Environmental Health request that details of all items of plant and fixed installations be submitted and approved by the local planning authority prior to installation of the equipment. Also that full details of the proposed acoustic barrier, including attenuation properties shall be submitted and approved to the local planning authority prior to commencement of works.

#### Rights of Way Landscape and Recreation

No rights of way affected.

#### Scientific Officer, Environmental Health (Contaminated Land)

I refer to the above planning application received on 17 November 2011.

Contaminated land investigations and remedial works have been undertaken on the former Axis Point site in respect of planning permission 4/01804/09/MFA (Phase I of the development). Records indicate that further investigation was required associated with the presence of a former radioactive materials storage building. It was agreed that this would be addressed as part of the Phase II development as it did not fall within the Phase I development area. As such, I recommend that a contamination condition be applied to this development should permission be granted.

#### Crime Prevention Design Officer

- Development to be built to BREEAM standards if at all possible so as to provide a safe environment for the business and its staff.
- 3 metre close boarded fence being fitted around the site and note there will be metal gates on the entrance, will these gates be on an automatic access control system or just opened as and when required. Ensure gates are closed, unless required for entry/egress, during the day to prevent any unauthorised entry.
- There is no indication as to whether there will be someone in the yard either seeing vehicles in or out, or ensuring safety and security within the yard area.
- Consider some form of traffic calming on the entrance to slow vehicles down when entering the site, for safety reasons, and to slow them down when entering Eastman Way.
- The lighting system may not be up to the standards needed for Secured by Design, particularly in the tarmac service and storage yard areas; seek an average uniformity value of at least 40% in the yard areas [currently 30%].
- It is not clear whether CCTV will be fitted and the lighting level may have to accommodate day/night camera operation. Can assist if CCTV is to be installed with the specification for both cameras, recording, lighting etc. It would be ideal if the both the office entry doors and loading bay doors were covered by CCTV which can be viewed internally prior to opening either of these doors.
- There is no detail of the offices either occupation or security; pedestrian door sets to be to LPS 1175: Issue 7 with a security rating of 2+. The intention being to provide safety and security to the office staff and the equipment kept/used in the offices.
- Consider some form of electronic access control system, particularly if there will be

lone workers in the offices, or there may be access from the loading bays to the office area.

- Window apertures to be protected to a minimum of BS7950 or to LPS 1175: Issue 6 SR2.
- Internal door sets to be to PAS23/24 or LPS 1175 SR2 standards.
- Consideration must be given to the installation of an intruder alarm system covering the whole building, including the loading bays. The alarm system to be to the current BS and European Standards for confirmable technology with the system monitored by an external alarm receiving centre.
- The loading bays to have steel rolling shutters to at least LPS 1175: Issue 7 SR3 standards to prevent access. It would be ideal if there were no visibility panels in the shutters as experience has told us they are a vulnerable part of the shutters.

### Thames Water

#### Waste Comments

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.

#### Water Comments

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

### **Comments from Local Businesses**

#### Couzens Storage Solutions, Unit 5 Heron Business Park, Eastman Way

We object to the proposal on the following grounds.

#### Visual intrusion

We are right next to the site.

#### Highway safety

It is already dangerous with vehicles parking on the road with double yellow lines, numerous near misses have been experienced trying to avoid oncoming traffic and nowhere to go, it's especially bad with vehicles parked on corners of the access roads, driver visibility can be non-existent.

#### Noise and Disturbance

HGV's within metres of our building will make life difficult when talking on the telephone to clients and potential clients; this is our normal day to day activity.

The noise we get now from HGV's parking outside on the road is very much a nuisance particularly when they leave engines running for long periods of time. (Photographs provided of issue taking place).

## **Comment from Local Residents**

### OBO The Residents of Redbourn Road - C/O Rosemead, Redbourn Road

The original planning application approved 4 HGV loading bays. This has now been increased to the storage of 20 and potential movement of 30 HGVs per day.

The proposed hours of 7[am] - 7[pm] Mon to Sat are not the actual hours proposed as the Transport Summary paragraph 4 states that "on occasions the site will be used 24 hrs 7 days a week".

The Noise Impact Assessment gives no information regarding the unloading/ unloading of skips, which are to be stored on site, or of audible reversing warning fitted to vehicles.

We believe the above issues will have a considerable impact on our lives. This will particularly affect those residents living directly opposite or next to the site. For these reasons we believe that planning should be refused.

Letter signed by 12 residents of Redbourn Road.

### Resident of The Pigeon House

Letter contained the same objections as those in the letter above.

### Resident of Chiltern, Redbourn Road

We are very concerned at the potential noise affecting household properties on Redbourn Road. When the site was previously in use we used to get quite a lot of noise from people on the site with bonfires and loud music late in the evenings. I can only imagine the higher noise level of lorries dropping off and picking up skips 24 hrs a day and feel that type of use would be detrimental to all households on the Redbourn Road, and as such something we should not be expected to endure.

### Resident of The Milstone, Redbourn Road

Notes increase in number of HGV bays from 4 to 20 and the number of HGV trips.

The use of the site 24/7 is unacceptable due to the audible reversing signal and clanging of empty skips being loaded and unloaded.

The Noise Impact Assessment does not take these factors into account and operation at night would have a detrimental effect on local residents.

Nighttime noise from waste site beyond application site has been a problem in the past.

## **Considerations**

### Policy and Principle

The site is located within a General Employment Area where Policy 31 supports the development and redevelopment of sites for the range of employment generating uses. In particular Swallowdale seeks to promote industry, storage and distribution uses. The scale and nature of the development proposals in General Employment Areas will need to be assessed having regard to the following development criteria:

- (i) the character of the particular General Employment Area;
- (ii) other planned development;
- (iii) the character of adjoining areas;
- (iv) the accessibility of the location for motorised vehicles, passenger transport, cyclists and pedestrians; and
- (v) traffic generation and highway impact.

The proposal forms part of the Hemel2020 / Maylands Masterplan corporate initiative that seeks to bring forward regeneration projects and developments to enhance the profile of Hemel Hempstead. Hemel2020 is about enhancing the quality of life, providing more homes, creating new businesses and employment opportunities and enhancing our environment. In particular Hemel2020 seeks to rejuvenate the Maylands business area to achieve a vibrant, dynamic and premier business-led community and first choice investment location.

The site formed part of the Axis Point redevelopment which delivered the Maylands Business Centre. Whilst phase 1 has proved successful with an excellent uptake of office space and a good level of occupancy of the light industrial units, interest in the warehouse development of Phase 2 was not reflective of the success of Phase 1.

An interest for the use of the land as open storage has spurred the submission of this application.

As noted above, the Swallowdale area is noted within the local plans as an area to promote industry, storage and distribution uses. This is clarified in the plan as:

*Retain open storage and depot uses with supplementary landscaping. Environment of Nicky Line cycleway and footpath to be enhanced (Local Nature Reserve – Proposal EN2 in the Schedule of Environment Proposal Sites). Safeguard road widening schemes T6 (Redbourn Road) and T5 (Swallowdale Lane): see Schedule of Transport Proposal Sites and Schemes.*

*Development may be restricted because of the storage of notifiable hazardous substances at Three Cherry Trees Lane where a specified consultation zone applied (see Policy 125).*

*The Hertfordshire Waste Local Plan identifies land at Eastman Way/Redbourn Road for:*

- *Inert waste recycling;*
- *waste transfer and recycling;*
- *green and mixed waste composting uses and*
- *the current household waste site use (intended to be safeguarded);*

*Land at the Cupid Green Depot is intended to be safeguarded in the Waste Local Plan for waste recycling and transfer purposes (see Hertfordshire Waste Local Plan for further details).*

From the above, the intention to retain open storage and depot uses is noted. The references to waste transfer uses relate to the Cupid Green Depot and are not considered to extend to the site in question.

In principle the use of the site for open storage is acceptable with regard to the adopted Local Plan, Policy 31.

The emerging Core Strategy does not conflict with this view.

#### Impact on Street Scene and Surrounding Area

The site is accessed via Eastman Way, with the southern boundary boarded by Eastman Way. On the opposite side of Eastman Way, are storage and distribution units with a focus on HGV

movements.

To the north, the site abuts the rear of the Maylands Business Centre site (Phase 1) and a 2m fence denotes the boundary.

The western boundary abuts the Household Waste yard and the Cupid Green Depot (both DBC operated which focus on the storage and transfer of household waste and recycling.

East of the site is the Heron Business Park, access via Eastman Way, this is a small estate of B2 units with ancillary offices.

Other than the southern boundary the site is reasonably enclosed by other uses, and as such the impact to the public realm is limited. The scheme shall include a large area of open hard standing and an office building.

The office building has been designed with reference to the Maylands Business Centre (same Architects) and follows the same material finishes, and general roof form design. The proposed building shall not detract from the character of the area.

The storage of HGVs and empty skips is likely to not be of positive visual impact to the appearance of the area; however, the proposed 3m close boarded fence shall screen a considerable amount of this activity.

In addition, the area is noted as being of industrial character and not of the most visual sensitivity, indeed no element of the site shall be visible from the wider public view.

#### Impact on Trees and Landscaping

A planting scheme has been provided which provides a significant level of screening to the boundary of the site. Particular attention is paid to the Eastman Way frontage. The scheme is considered to be acceptable.

#### Impact on Neighbouring Residents

1. Residential properties are located on Redbourn Road, and many have made comments in objection to this application.

The concerns focus on the following issues:

- Noise from activity within the site;
  - Hours of operation; and
  - Highway Safety
2. A Noise Assessment has been carried out by MLM and submitted with the application. Three elements of noise have been assessed.
    - a. Noise associated with operational activities at the site;
    - b. Noise from proposed items of plant and fixed installations; and
    - c. Noise from operational deliveries.

The nearest residential property is in the region of 115m away, the 120m model used in the report is acceptable.

With regard to point a. noise was modelled from an equivalent operation of a large loading shovel, forklift and a lifting platform. This is not specifically representative of the activity of manoeuvring empty skips, which has the potential to be loud and disruptive,

due to the reverberation of the metal skips.

This issue has been raised with the agent and a more detailed study specifically examining the potential of noise from empty skips and the noise attenuation of the boundary barrier; this work shall take 3 to 4 weeks and so this issue shall be addressed by condition.

Similarly, noise from items of plant and fixed installation shall be controlled by planning condition.

With regard to noise from operational deliveries the report suggests that either with windows open or closed the residential properties shall not experience a noticeable affect the operational deliveries of the site.

3. The hours of operation noted on the application form is 7am to 7pm. Residents have noted this time frame as likely to cause disturbance to the area.

The design and access statement also makes reference to operation outside of this time on a 24hr basis. Residents have raised strong objection to this matter.

The site is surrounded on all aspects by industrial uses and the nearest residential properties are located some 115m, notwithstanding the result of the noise survey it is understandable that operation outside of normal working hours may cause disturbance to residential properties.

A noise assessment is to be required by condition. This shall include a detailed account of the operational hours of the use of the site and a management plan demonstrating how noise emissions from the site shall be addressed. The details of this report shall be considered and agreed with the Noise and Pollution officer of the Environmental Health department.

4. Highway safety is considered under separate section below. It is worthwhile briefly noting that all access shall take place via Eastman Way, and no access is possible from Redbourn Road. Residential properties are only located on Redbourn Road and limited impact to this road is expected as a result of the development.

#### Impact on Neighbouring Businesses

Objection has been received from a business within the Heron Business Park, the comments relate to the following:

1. Visual intrusion – As the first floor windows shall be able to view into the site;
2. Highway safety – Eastman Way experiences issues with HGVs queuing to access nearby distribution centres; and
3. Noise and Disturbance - HGV's within metres of the building will make telephone calls to clients and potential clients difficult.
4. It is acknowledged that the view into the yard or parked HGVs and empty skips is not aesthetically pleasing, however, given the industrial location and proposed screening the appearance of the site is not a sustainable reason for refusal in these circumstances.
5. Highway safety is to be addressed in the specific paragraph below.
6. With regard to noise disturbance much of the same commentary applies with regard to the Noise Assessment that has been carried out and further information is required.



However, there is merit in identifying the differences in sensitivity in comparison to the residential properties. The business user has greater concern over the operational noise during normal business hours, as conflicting noise between users may occur. In this instance the business units are far closer than the residential units and shall be more sensitive to noise during working hours.

The conclusion of the noise assessment is as follows:

*“Noise associated with future operational activities has been predicted based on data considered to be typical for a development of its type and has been determined not to be significant at residential properties at Redbourn Road; and of marginal significance at surrounding commercial/light industrial units.*

*To minimise risk of noise nuisance to the surrounding community after the completion of the proposed development, plant noise target design levels have been recommended. These will aid the selection of appropriately quiet plant and where necessary enable design of mitigation measures, such that the existing background noise levels in the area should not be adversely affected.*

*Noise impact associated with HGV movements would be similar to existing levels and classified as ‘NONE’ in accordance with the draft Guidance of the Institute of Acoustics / Institute of Environmental Management and Assessment.”*

As noted, further investigation into the impact of noise is to be undertaken and be required by condition. Of particular importance is the impact of the boundary treatment in attenuating noise from the site; therefore this is not to be confirmed until satisfactory details have been provided within a Noise Impact Assessment. Once operational the issue of noise disturbance would be addressed under the Environmental Health legislation and issues may be resolved under the powers of that department.

#### Impact on Highway

Comments are awaited from the Highways Officer.

The site shall be accessed via Eastman Way only, as per the arrangement of the previous permission for a warehouse under application 4/01804/09/MFA.

The Transport Statement provided with the application has made a comparison between the consented use and the proposed use and has concluded that the proposed development shall have a lower trip generation than the consented scheme; the table below is taken from the Transport Statement:

**Table 2.1 – Predicted Net Change in Daily Trip Generation**

Time	Consented Scheme		Proposed Scheme*		Difference	
	Arrive	Depart	Arrive	Depart	Arrive	Depart
0700-1900 Vehicles	67	70	48	48	-19	-22
0700-1900 PCU	88	91	87	87	-1	-4

\*worst case assumes 36 two-way staff movements and 60 two-way HGV movements on a typical day.

PCU refers to passenger car units and considered both HGV and non-HGV trips together. The modelling suggests there shall be a reduction in vehicle trips compared to the approved scheme, and no objection is expected on this basis.

As access is via Eastman Way only there is not considered to be any detrimental impact in highway safety or disruption to residential properties, as these are accessed by Redbourn Road.

With regard to access to Eastman Way, the Transport Statement notes the width of the road as approximately 7.3m wide, with double yellow lines to each side. The statement recognises how the closure of the household waste yard during servicing causes some disruption to Eastman Way, but does not make reference to issues associated with queuing onto the road from other HGV distribution yards within Eastman Way. This issue has been raised with the highways officer and comments are awaited.

The statement demonstrates how visibility splays can be achieved within the road, and sufficient access arrangements are considered to be provided.

### *Parking*

The site layout is formed to provide parking for 18 staff vehicles and 20 HGVs. Sufficient turning space for the HGVs has been demonstrated also. Whilst the Transport Statement provides information regarding the accessibility of the site by public transport the focus of access to the site shall be via car. The level of parking within the site is considered to be appropriate.

### Sustainability

The hard surfacing area is designed with a drainage system with Crates attenuation system, comprising a 180 cubic meter (95% void). This figure is based on a 1 in a 100 year storm event including a 30% allowance for climate change.

### External Lighting

The application has been submitted with an external lighting LUX plot diagram illustrating the levels of lighting achieved through the proposed external lighting scheme. The lighting scheme is not supporting with a Lighting Strategy, and shows purely the level of lighting across the service yard and within the site provided by the lighting units on the relevant columns.

The LUX diagram shows areas where the lighting level meet 100 LUX, and other areas where

the lighting levels are much lower than this. With reference to industry literature on such matters, the required level of lighting for a service yard is 50 LUX, therefore there are some areas where lighting levels are considered to be excessive. In addition, the area adjacent to the building is noted as a loading bay therefore high levels of lighting are proposed; however, the proposed building is an office to the service yard and not a loading bay from a warehouse, therefore the high levels of lighting may not be necessary.

In addition it is noted that some lighting units are to be angled 5 degrees to allow for a further light cover area. Despite the angled lighting units the LUX diagram shows areas of lower lighting. The required tilting highlights the issue that there may be too fewer lighting columns proposed and also leads to the issue of light pollution as the light is allowed to spill upwards.

A scheme with a greater level of lighting columns but lower lighting level may prove to be more effective; the spread / cover of light across the site shall be more consistent; the level of light spill is dramatically reduced and the intensity of lighting unit is reduced bringing about a more sustainable scheme in the long term.

It is appreciated that lighting columns within the open yard / HGV circulation area may be problematic; however some additional columns within the central parking bay may provide the sufficient amendment to the scheme to achieve the above aims.

However these issues are not considered to amount to an issue which would amount to a valid reason for refusal. An informative attached to the decision shall inform the applicant of the potential benefits and refer the advice in appendix 8 of the Adopted Local Plan.

## **Conclusions**

The principle of the proposed development is considered to be acceptable and in accordance with the relevant Policies of the Local Plan and pre-submission Core Strategy. Further information is to be submitted to clarify and satisfy outstanding matters referred to in this report.

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 development hereby approved refers to the storage of HGVs and empty skips only. The storage of waste is not permitted by the granting of this planning permission.**

Reason: In the interest of the surrounding environment.

- 4 Notwithstanding the details submitted as part of this application, prior to the**

development taking place a Noise Impact Assessment is to be submitted and approved in writing by the Local Planning Authority. The Noise Impact Assessment shall detail the expected level of noise emission from the manoeuvring, stacking, loading and unloading of skips; shall recommend mitigation measures to control the impact of the development; and provide a management plan (including hours of use) for the operation of the site to ensure the proposed mitigation measures are effective and the impact of the development is controlled.

Reason: In the interests of the amenities of the occupants of neighbouring dwellings.

- 5 **Any tree or shrub which forms part of the approved landscaping scheme (drawing reference 228-05A) 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.

- 6 **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>

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

**3611097 -101  
3611097-106  
3611097-107  
3611097-111  
675020/SK100 (P2)  
228-05A**

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 storage and distribution uses are acceptable in principle in accordance with Policy 9 and 31 of the Borough Plan. There would be no adverse effects on the appearance of the surrounding area. The amenity of adjoining neighbours would not be adversely as mitigation measures including boundary screening and planting shall minimise the impact of the development. 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 2, 9, 10, 11, 13, 31 and 58

INFORMATIVE:

The lighting scheme submitted demonstrates areas of very high lighting and areas less well lit. A scheme with a greater level of lighting columns but lower lighting level may prove to be a more effective method of external lighting; the spread / cover of light across the site shall be more consistent; the level of light spill is dramatically reduced and the intensity of lighting unit is reduced bringing about a more sustainable scheme in the long term.

Guidance is provided within Appendix 8 of the Adopted Local Plan regarding the design of a lighting scheme.

## 6. APPEALS

### A. LODGED

- (i) 4/00467/11/FUL Chipperfield Land Co.  
Conversion of Pines to 2 units and 5 new dwellings  
The Pines, North Road, Berkhamsted  
  
Committee
- (ii) 4/01003/11/RET Mr A Hutchinson  
Conservatory, shed and carport  
The Thatch, Dunny Lane, Chipperfield  
  
Delegated
- (iii) 4/01507/11/ENA S Gilbert  
Detached garage  
Hog House, Hogpits Bottom, Flaunden HP3 0QB  
  
Delegated
- (iv) 4/00097/11/FUL K Klinger  
Retention of wood store  
Land at Plantation Wood, Hogpits Bottom, Flaunden  
  
Delegated
- (v) 4/01068/11/LBC Winreb Finance  
4/01067/11/FUL Retention of opening to front boundary wall  
Grange Cottage, Featherbed Lane, Felden  
  
Delegated
- (vi) 4/00938/11/LPD Mr J Radford  
Change of use of verge, erection of fence and  
summerhouse Finchley House, Bovingdon Green,  
Bovingdon  
  
Delegated
- (vii) 4/01512/11/LDE Mr A Hutchinson  
Use of land as a builder's yard  
Land at The Thatch, Dunny Lane, Chipperfield  
  
Delegated

- (viii) 4/01973/11/ENA Mr T Pritchard  
Appeal against enforcement notice – listed building  
1, Church Cottages, Station Road, Aldbury  
  
Delegated
- (ix) 4/01770/10/OUT Mr C Quinn  
Three dwellings  
Cley Hill, Chesham Road, Berkhamsted  
  
Delegated
- (x) 4/01499/11/FUL Mr K Kelly  
Two detached dwellings  
82 Langley Hill, Kings Langley WD4 9HE  
  
Delegated

**B WITHDRAWN**

None

**C FORTHCOMING INQUIRIES**

- (i) 4/01512/11/LDE Mr A Hutchinson  
Use of land as a builder's yard  
Land at The Thatch, Dunny Lane, Chipperfield  
  
Delegated

**D FORTHCOMING HEARINGS**

- (i) 4/01003/11/RET Mr A Hutchinson  
Conservatory, shed and carport  
The Thatch, Dunny Lane, Chipperfield  
  
Delegated
- (ii) 4/01507/11/ENA S Gilbert  
Detached garage  
Hog House, Hogpits Bottom, HP3 0QB  
  
Delegated



**E DISMISSED**

None

**F ALLOWED**

- (i) 4/00499/11/FHA P Pattni  
2 storey front and side extension to form granny annexe  
Vitalia, The Common, Potten End
- Delegated

Condition 7 which precluded a separate entrance to serve the granny annexe was deleted by the Inspector on the grounds that the standard condition on granny annexe which was imposed as condition 9 is usually sufficient alone.

Condition 6 was deleted but substituted by a similar condition on restrictions on the construction of openings; this is to apply to the first floor and above only, not the entire development. This was required to ensure that there was no overlooking from the upper rooms to neighbours' gardens, as growing "another storey" of hedge was unacceptable to preserve privacy, but that condition 5 on hedge retention would prevent overlooking from the ground floor.

**7. EXCLUSION OF THE PUBLIC**

To consider passing a resolution in the following terms:

That, under s.100A of the Local Government Act 1972 Schedule 12A Part 1, Paragraph 12 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the Agenda for the meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during this item there would be disclosure to them of exempt information relating to.

**DACORUM BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE  
MEMBER'S DECLARATIONS OF INTEREST**

**COUNCILLOR:** \_\_\_\_\_

**WARD:** \_\_\_\_\_

**MEETING DATE:** \_\_\_\_\_

**YOUR DECLARATION FOR THIS MEETING**

<b>Application Number and Page No.</b>	<b>Specify Exact Nature of Interest</b>	<b>Is it Personal or Prejudicial?</b>	<b>Was it a Site Visit? (Please treat as a separate category from personal/prejudicial interest)</b>	<b>Site Visit Was a View Expressed?</b>	<b>Intentions on Speaking and Voting</b>

**Signature**