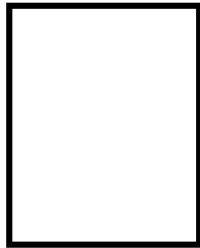
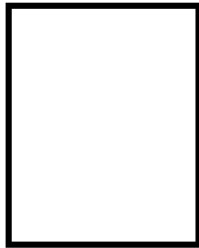
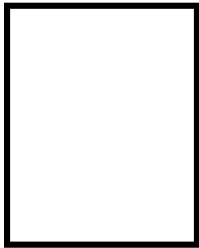
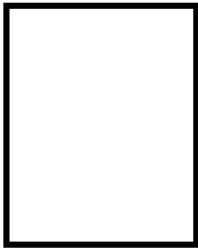


DEVELOPMENT CONTROL COMMITTEE AGENDA
THURSDAY 26 APRIL 2012 AT 7.00 PM
COUNCIL CHAMBER, CIVIC CENTRE, HEMEL HEMPSTEAD



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
 Clark
 Guest
 R Hollinghurst
 Lawson
 Lloyd (Chairman)

Macdonald
 McKay
 Reay(Vice-Chairman)
 Sutton
 Whitman
 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 or visit our web-site www.dacorum.gov.uk

PART I

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* * *

1. MINUTES

The minutes of the meeting held on 29 March 2012 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:

- deferred planning applications which have foregone a significant or material change since originally being considered
- resubmitted planning applications which have foregone a significant or material change
- 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

Application No.	Description and Address	Pg No.
5.1 4/01477/09/MOA	RESIDENTIAL DEVELOPMENT OF 357 DWELLINGS (OUTLINE) WITH ASSOCIATED AMENITY SPACE, VEHICULAR ACCESS, PEDESTRIAN ACCESS FROM NICKY LINE AND EMERGENCY ACCESS. COMMUNITY FACILITIES INCLUDING LOCAL PARK, SOCIAL/COMMUNITY BUILDING AND SMALL RETAIL BUILDING (AMENDED SCHEME) LAND AT NE HEMEL HEMPSTEAD (ADJ. NICKY LINE), THREE CHERRY TREES LANE, HEMEL HEMPSTEAD Grid Reference: TL 08013 09482	5
5.2 4/00139/12/MFA	USE OF LAND FOR RECREATIONAL PAINTBALL GAMES, INCLUDING CONSTRUCTION OF ANCILLARY BUILDINGS AND STRUCTURES BADGERDELL WOOD, BARNES LANE, KINGS LANGLEY, WD4 Grid Reference: TL 04747 03463	62
5.3 4/02312/11/DRC	DETAILS OF LANDSCAPING AS REQUIRED BY CONDITION 3 OF PLANNING PERMISSION 4/02672/05 (CONSTRUCTION OF 150 DWELLINGS WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING (INCLUDING DECULVERTING OF THE RIVER BULBOURNE) AND AMENITY SPACE) LAND OFF, STAG LANE, BERKHAMSTED Grid Reference: SP 98432 08325	73
5.4 4/00272/12/FUL	INSTALLATION OF SINGLE PERSON LIFT TO FRONT ELEVATION OF BLOCK OF FLATS. BETTY PATERSON HOUSE, ASTLEY ROAD, HEMEL HEMPSTEAD, HP1 Grid Reference: TL 05278 07200	84
5.5 4/00403/12/FHA	TWO STOREY SIDE AND REAR EXTENSIONS AND SINGLE STOREY FRONT AND REAR EXTENSIONS (AMENDED SCHEME) 7 POLLYWICK ROAD, WIGGINTON, TRING, HP236ES Grid Reference: SP 93583 10137	90
5.6 4/00459/12/FHA	LOFT CONVERSION WITH REAR DORMER, FRONT VELUX AND SIDE SASH 32 LOCKERS PARK LANE, HEMEL HEMPSTEAD, HP1 1TH Grid Reference: TL 04825 07345	97
5.7 4/00413/12/FUL	DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF TWO 3-BEDROOM SEMI-DETACHED DWELLINGS WITH ASSOCIATED ACCESS 8 CHESTNUT DRIVE, BERKHAMSTED, HP4 2JL Grid Reference: SP 99703 07080	103
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BERKHAMSTED, HP4 2RG
Grid Reference: TL 01122 09401245

- | | | | |
|------|----------------|---|-----|
| 5.9 | 4/00361/12/FHA | TWO STOREY REAR EXTENSION
OLD BEECHWOOD, CHEVERELLS GREEN, MARKYATE,
ST. ALBANS, AL3 8AB
Grid Reference: TL 05417 15737 | 121 |
| 5.10 | 4/02061/11/FHA | SINGLE STOREY SIDE AND REAR EXTENSION
11 JUBILEE WALK, KINGS LANGLEY, WD4 8FH
Grid Reference: TL 07478 02223 | 130 |
| 5.11 | 4/00093/12/FUL | A POULTRY FARM CONSISTING OF A SHED FOR
HOUSING POULTRY, SURROUNDED BY 30M X 30M X 2M
OF WIRE FENCING
LOT B3A REAR OF LAND ADJ TO, UPPER BOURNE END
LANE, HEMEL HEMPSTEAD, HP1 2RR
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5. PLANNING APPLICATIONS

5.1 4/01477/09/MOA - RESIDENTIAL DEVELOPMENT OF 357 DWELLINGS (OUTLINE) WITH ASSOCIATED AMENITY SPACE, VEHICULAR ACCESS, PEDESTRIAN ACCESS FROM NICKY LINE AND EMERGENCY ACCESS. COMMUNITY FACILITIES INCLUDING LOCAL PARK, SOCIAL/COMMUNITY BUILDING AND SMALL RETAIL BUILDING (AMENDED SCHEME)

LAND AT NE HEMEL HEMPSTEAD (ADJ. NICKY LINE), THREE CHERRY TREES LANE, HEMEL HEMPSTEAD

APPLICANT: THE HOMES AND COMMUNITIES AGENCY - MR P PEARSON

[Case Officer - Nigel Gibbs]

[Grid Ref - TL 08013 09482]

Summary

The land is identified as Housing Site H18 in the Dacorum Borough Local Plan. There is an associated Site Development Brief which is adopted Supplementary Planning Guidance.

This proposal is an outline application with all matters apart from access being reserved for future determination. The access proposals were previously acceptable to both the highway authority and the LPA when this application was previously considered by the Council in November 2009 a resolution to grant permission was passed subject to the completion of a Section 106 agreement.

Based upon the recent oral advice of the Highway Authority and Hertfordshire Fire & Rescue Service there are no fundamental /detailed access/ highway safety objections. This is in the knowledge that the maximum number of dwellings has been reduced from 372 to 357.

The overview takes into account the content of the submitted Revised Illustrative/ Indicative Site Masterplan. This is materially different to that previously supported by the Council. It involves a different approach to the site's development. There is a greater proportion of the land to be developed. However there remains an acceptable balance between the developed area, the structural open space and landscaping at the site's key strategic parts/edges. Subject to a s106 Agreement and a range of conditions there are no objections to the application.

Background

The November 2009 Committee report for a maximum of 372 dwellings is at Annex A.

The DCC agreed the recommendation to approve the application. This was with due regard to strong highway objections from nearby company GIST. The approval was subject to the completion of a s106 Agreement addressing a wide range of Heads of Terms, in accordance with the recommendation. The Council subsequently prepared the detailed s106 Agreement which the HCA was unable to complete. The HCA has advised that this was due the downturn in the residential market and the economic climate in 2009 and it was inappropriate to bring the site to the market at the time.

Now the HCA considers that residential market confidence has been sufficiently restored for HCA to market the site. HCA wishes to finalise the S106 agreement in order to obtain outline planning permission prior to the site's marketing. This is on the basis of a revised approach to the site's development as explained below. It is also in the context that nationally the HCA has identified H18 as an important strategic 'early site' for release for residential development as part of the HCA's Accelerated Land Disposal Programme/ Strategy (ALDP). The other 'early sites' include Basingstoke, Tower Hamlets, Northampton Cotgrave, Rushcliffe, Nottinghamshire, Telford and Knowsley.

The ALDP is intended to bring forward surplus public sector land for the creation of new

homes, employment opportunities and community facilities. It is recognised that land is key to promoting economic growth, housing delivery and community activity. The Strategy explains the HCA's key aims will be:

- transparency about its sites and disposal principles,
- not to hold onto land longer than necessary,
- make sure land is disposed to support local plans and ambitions, and
- is transferred to end users as quickly as possible.

The HCA will also aim to carry out disposals on specific terms such as a deferred payment model ('Build Now, Pay Later') that promote development, economic activity and growth.

The HCA has stressed the absolute importance of the DCC's consideration of the application to avoid the delay in marketing the site. For this reason there has only been limited time for the LPA to carry out additional consultations. Accordingly the DCC will be provided with an Addendum Report for the meeting in accordance with normal practice.

Proposal

Outline planning permission is sought for residential development on Housing Site H18. Only the means of access is to be determined at this stage. All other matters (i.e siting, design, external appearance of the buildings and landscaping) are reserved for future consideration.

The application has been revised since it was last considered by the DCC. The HCA believe that the residential market has changed considerably since the original application was submitted and therefore it has undertaken some soft market testing and sought property market advice on what types of units there is demand for in the market. As part of this process a new indicative masterplan was produced.

This Revised Indicative Masterplan shows how the site could be developed with a differentiation between various land uses with due regard to the following:

- Access onto Three Cherry Trees Lane,
- A central access road and separate emergency access road,
- 357 residential units with associated car parking at 40 dwellings per hectare,
- 40% affordable housing,
- Provision of a small building for social/community uses,
- Provision of a small building for a retail unit/local shop,
- Pedestrian and cycle link onto the Nicky Line,
- A neighbourhood/ woodland park and second park, and
- 'A green buffer' to the Nicky Line and other associated soft landscaping.

Comparison of the Quantum of Development (Hectares) : Original and Revised Masterplans

In demonstrating how the site could be developed the table below compares the changes in expected land uses:

	Original	Revised
Gross Site Area (Hectares)	12.52	12.4
Developable Area	6.41	8.87
Community Facilities	0.18	0.17
Woodland	1.57	1.65
Park	2.32	0.73

Buffer	1.87	0.95
Emergency Access	0.17	0.15

Phasing

The Masterplan divides the site into 5 Phases of Dwellings:

(Western Part)	A - 137 (42 Apartments, 95 Houses)
	B - 76 (30 Apartments, 46 Houses)
(Eastern Part)	C - 51 (All Houses)
	D - 81 (9 Apartments, 72 Houses)
	E -12 (All Self Build)

After the completion of Phases A and B the emergency access from Three Cherry Trees Lane will be formed.

Referral to Committee

The application is referred to the Development Control Committee due to the time lapse between the consideration of the application in 2009 and the changes to the scheme.

Policies

There are the following changes to those policies listed in the previous committee report provided as Annex A:

National Policy Guidance

The range of PPG's and PPS 's have been superseded by the recently published National Policy Framework.

Emerging Core Strategy

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

Supplementary Planning Documents

Planning Obligations (S106)

Representations

Important Note

Due to the timing of the consultation undertaken for the revised indicative masterplan comments are still awaited from a number of consultees. It is expected that many will be received between the Report's completion and the committee meeting and these will be included within the Committee Addendum Report.

At this time the following comments have been received:

Contaminated Land Officer

As no further reports relating to contamination have been submitted as part of this notification,

the original comments made by Chris (Ward) in 2008 and 2009 remain valid. No objection subject to imposition of contamination condition.

Hertfordshire County Council: Archaeology

The submitted strategy for the archaeological assessment was designed to examine the site's potential. This was in particular to determine the risk of remains being present that could affect the principle of site's development. The trial trenching confirmed the presence of archaeological features that were initially identified by the geophysical survey. It also discovered additional features that had not been detected by the geophysical survey.

The artefacts and features identified are consistent with early/mid Roman domestic occupation. They strongly suggest the existence of high status building (possibly a villa) in close proximity to the evaluated area. The distribution of Roman archaeological features indicates that the focus of the Roman site lies within the wooded area at the NW corner of the site. However, due to the extensive tree and scrub cover it was not possible to extend the archaeological evaluation into the woodland area. Substantial elements of a Roman building, such as foundations, internal floor levels or parts of a hypocaust survive within the woodland. On this basis it would be considered of regional/national importance and possibly worthy of Scheduled status.

An additional archaeological survey will be needed to substantiate this theory, but applying the precautionary principle, it is recommended that this area of the site should be excluded from development or other activities requiring significant ground disturbance. Also the long term management of any archaeology within the woodland would probably need to be secured by consideration of S106, should the application be approved. An appropriately worded condition addressing archaeology should be imposed.

Hertfordshire County Council: Educational Services

When this application was submitted in 2009 financial contributions were required towards Primary Education, Child care, Youth and Library Services together with fire hydrant provision. These planning obligations are still necessary.

However, as then advised "financial contributions and provisions are requested based on current service information for the local area however these may change over time, for example, as a result of school forecast information being updated."

Owing to the subsequent time lapse the Services Departments has been consulted. This is because the forecast information has been updated since 2009 and the situation, particularly education, has changed. This has resulted in a need for both primary education (full contribution) and secondary education contributions to be required from new proposals. A further update will be provided as soon as possible.

Hertfordshire Constabulary: Architectural Liaison Officer/ Crime Prevention Officer

These comments are in the context of the Crime Prevention Officer's previous advice.

- *Parking Courts and Security*

As compared with the previous layout the Indicative Masterplan shows a number of rear parking courts across the site. This approach is now professionally and academically regarded as not best practice (CABE, English Partnerships, architects). Research by the University of Huddersfield has concluded:

1. Where possible, vehicles should be parked within garages or within the curtilage of the property. Rear parking courts should be avoided. However, where they are essential, they should be overlooked by nearby housing and be small in size.

1. Developments must have allocated car parking spaces for visitors and the design and allocation of on-street and communal parking must take care to avoid neighbour disputes.
2. Innovative approaches to parking should be well-considered. Residents will often adapt and adjust their parking in ways not intended if parking provision does not provide the necessary convenience.
3. Designs for garages should ensure that surveillance from and of the main property should not be restricted. Sightlines must be maintained and the physical security of these garages should be maximised.

In the context of the above the CPO confirms that consideration could be given to gating the rear parking courts to provide security for resident leaving their cars in these areas.

4. *Secure by Design*

A development of this size should be built to 'SBD' standards. This can be achieved by a condition.

- *Single link between the site and the Nicky Line*

This is acceptable.

- *The Relationship of the Play Area and the Neighbourhood Park*

Some fundamental concerns are identified given the relationship of the proposed play areas to the footpaths and the associated vulnerabilities for children and other social behaviour.

The proposed childrens play area is surrounded by trees . This reduces natural surveillance into the area. Any planting should not impede surveillance and supervision. Surveillance is therefore of the greatest importance , with access points and amenities for the most vulnerable users receiving maximum surveillance.

Play area should be designed with secure boundaries and secure locking gates. Crime and disorder caused by young people can be minimised by providing activities and spaces that stimulate their interest which they can call their own. Consideration should be given to a youth shelter in the park area.

- *CCTV and Community Facilities of the Centre and Shop*

Previously CCTV was recommended linked to DBC control room. This was with priority to provide security for shoppers, shop keepers and residents with an s106 associated financial contribution for the installation and maintenance of two CCTV cameras. This remains an expectation in conjunction with a condition.

- *Boundary Treatment/ Landscaping*

Advice will be provided at the reserved matters stage.

- *Building Construction Security*

There is associated specific advice.

Hertfordshire Fire & Rescue Service

Based upon the a meeting involving HFRS, the HCA, Hertfordshire Highways and the LPA it is understood that there will be an expectation that the emergency access is provide following the completion of Phases A and B / following the start of Phase C. Thereafter it will be expected that the access is maintained in perpetuity unless an alternative emergency access is provided.

Sport England

Sport England has no comment to make on the amended plans and documents that have

been submitted in relation to the above planning application.

Response to Site Notices/ Newspaper Advertisement/ Local Residents/ Local Businesses

2 letters of objection and no letters of support have been received. These letters are summarised below:

- Still only one ingress/egress to the proposed site. This has great potential to be an accident black spot, especially given its proximity to the distribution centre with significant daily HGV traffic.
- Although there has been a reduction to the number of proposed passageways through to the Hunters Oak estate, concerns about increased human traffic through a largely unpopulated area during working hours requires more security measures (CCTV) are put in place.
- Noise and light pollution generated by the development and the entire site as a whole.
- To site so many dwellings in a town where there is no A&E seems ill-considered as surrounding affordable housing developments are still not fully occupied. Calm and quietness of the area, which is already being disrupted by bulldozers and roadworks, large vehicles trundling along the Nicky Line at the end of my garden in Hunters Oak.
- Hedges and trees should remain as they are at present, to not only provide a buffer/privacy but to protect habitat and wildlife within them.

Considerations

The context for considering the application is provided by the previous report at Annex A. Set against this and given the time lapse, there is a need to refer to the changes in material considerations since the DCC's previous decision to approve the development in November 2009.

Policy Context

National Planning Policies

The very recent National Planning Policy Framework supersedes many of the previously relevant national policies referred to by Annex A.

Through the NPPF there is an overriding expectation to achieve sustainable development. This is with regard to its 'three dimensions'- its economic, social and environmental roles. In this respect there is a high priority to delivering a wide choice of high quality homes. This includes the following in terms of the LPA's approach to the delivery of new housing:

- The important role of LPA's in identifying key developable sites critical to the delivery of the housing strategy,
- Housing applications should be considered in the context of the presumption on favour of development,
- A widening of the opportunities for home ownership and the creation of sustainable, inclusive and mixed communities,
- A mix of housing with full regard to the needs of different groups in the community,
- Identification of the size, type, tenure and range of housing that is required in a particular location,
- Affordable Housing. Where this needed this should be met on site, unless off site provision or a financial contribution of broadly equivalent value can be robustly justified.

Other key NPPF identified issues relevant to this application include:

- Good Design. There is great importance to the design of the built environment. High quality and inclusive design is not just aesthetics but layout/ connectivity.
- Promoting Health Communities. Delivering social, recreational and cultural facilities. –

- provision of shared space, community facilities and local services, with an integrated approach to considering the location of housing, economic uses and community facilities
- Conserving and enhancing the natural environment.

The Council's emerging Core Strategy

This expects the delivery of an average of 430 homes in the Borough each year. The approach is to optimise the use of land within the existing settlements with the addition of some 'Local Allocations'.

Hemel Hempstead is identified as the 'Main Centre for Development and Change'. Around 8,800 homes will be provided. New development will be phased to ensure that there is either the existing infrastructure capacity or that additional infrastructure is provided.

In terms of the wide range of Strategic Objectives this refers to the promotion of Hemel as the focus of the borough for homes and a mix to meet the needs of the population, complemented by a very wide range of economic, community and infrastructure requirements weighted with safeguarding the environment. This is reinforced by the section 'Providing Homes and Community Services' comprehensively addresses housing delivery.

Under Housing Supply the retention of existing housing sites (such as H18) and accommodation is regarded as 'a cornerstone of the housing supply and a basis for the net increase in homes' (para 14.11). This is reflected by Policy C17. In association with C17, Policy CS18 expects the provision of a mix of housing with a choice of homes. This is complemented by Policy CS19 which addresses the provision of affordable housing. On sites such as H18 it is expected that 35% of new dwellings should be affordable, with a minimum 75% for rent.

Land (known as Spencers Park) to the immediate south of Site H18 is specifically identified in the East Hemel Hempstead Character Zones and Development Zones (Figure 18) as 'prime land for residential development' . This will regarded as a 'neighbourhood Estate' and is currently allocated as Employment Site E4 in the Dacorum Borough Local Plan. There is an associated range of relevant Core Strategy transportation, environmental/design, community/ social infrastructure policies relevant to the site's redevelopment.

Supplementary planning guidance

In the intervening period since the application was last considered the Council has introduced supplementary planning guidance for planning obligations (Section 106) and sustainable construction. These now constitute a material consideration.

Principle of development

Given the approach to the site's development in the previous DCC Report and the change in policies, there is strong support for the principle of residential development at the site. Moreover new housing at the site will make an extremely important contribution to the Council's new housing delivery in terms of the expectations of national, historic (Dacorum Borough Local Plan) and Core Strategy policies. Fundamentally, the HCA's specific identification of H18 as an 'early site' for housing within its accelerated land release programme at national level highlights the site's strategic importance.

Changes to the Masterplan

As confirmed above the Revised Masterplan involves a significant increase (2.5 hectares) in the amount of land to be developed. This has been subject to extensive dialogue between the HCA and LPA when initially the proposed developable area was 9.2 hectares. It is not

considered that the development will compromise the overall environmental quality of the site with important soft edges retained where now necessary:

Southern Boundary with the Land identified in the Core Strategy as Spencers Park

For many years this land was expected to deliver new employment under DBLP Policy E4. A fundamental requirement was to create a very extensive 'green buffer' between Sites H18 and E4 for robust environmental/landscaping reasons.

As the Core Strategy now identifies E4 as a housing site there is no requirement for this buffer. Accordingly the deletion of much of this buffer can be supported without harming the overall built environment. As demonstrated by the diagrammatic Masterplan there can still remain some functional soft landscaping in this edge. This will enable the fusion of the two areas of housing in conjunction with a small proportion of undeveloped land to accommodate the needs of sustainable drainage.

South East Park

This area is about half that shown by the Original Masterplan. This will still create a soft edge. Also, it has been taken into account that the adjoining land within the jurisdiction of St Albans City and District Council is proposed for new housing in its Draft Core Strategy as an alternative to employment land. This park would effectively serve both housing areas.

Removal of the buffer to the flood only reservoir to the East

This is no longer necessary to screen the development from the land to the east.

Nicky Line and Associated Woodland Park

The Nicky Line is a fundamentally important environmental corridor and largely remains intact. However there has been an associated reduction in the parkland adjoining Nicky Line which is compensated by the slight enlargement of the Woodland Park. The woodland area is to be complemented by a play area.

DBC's Open Space Requirements

These are met on the site, although distributed differently than in the Original illustrative layout.

Access

Based upon Hertfordshire County Council's previous comprehensive technical input and its current verbal advice there are no apparent outstanding access/ highway safety issues. This is with full regard to Hertfordshire Fire & Rescue's clarification upon the provision of the emergency access and that St Albans City & District Council granted planning permission for this vehicular link. Following the completion of Phases A and B and the start of Phase C the access will be necessary in perpetuity unless an alternative access is approved.

Planning Obligations

The issues of contributions are currently under review. This includes education youth/ childcare, library, crime prevention/ security measures and highways. An update will be provided for Members before the DCC meeting.

Other Matters

Although not fixed the mix of housing in the context of the 40% provision of affordable housing is supported. With regard to the 'Secure by Design' layout issues identified by the Crime Prevention Officer these can be fully reviewed at the detailed stage in order to eliminate any of the identified issues.

Conclusion

H18 is a national HCA priority site in delivering new housing which will make a valuable contribution to the supply of residential development in the Borough. As before there are no apparent highway objections and despite the increase in the developable area this will not be to the detriment of the site's expected quality as originally expected by the Development Brief.

RECOMMENDATION

- 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.
- That the conditions as set out below be attached to any permission issued.

S106 HEADS OF TERMS

Planning Obligation	Contribution/Works
Affordable Housing	The provision of 40% affordable housing made up of 75% social rented and 25% intermediate or shared ownership.
Education	Awaiting further advice from Hertfordshire County Council
Provision of small building for use as local shop	Provision of the shell of a small building for use as a local shop. This is likely to be up to the size set out in the supporting text to Local Plan Policy 45, i.e. up to 235m ² (to be determined at reserved matters stage). If for some reason at the time of development there is no demand to take up ownership of the shop within an agreed length of time then DBC will consider alternative uses for the building (including housing) so that the building does not remain empty. If it can be demonstrated that financial support is required to underwrite the economic viability of the shop, then payment of £25,000 will be made in equal sums over five years. The Homes and Communities Agency will take on and manage the shop building.
Provision of small building for community use	Provision of the shell of a small building (minimum of 150m ²) for social/community use. DBC do not wish to adopt this building and do not have any particular use in mind for the building, i.e. there is no demand for particular community uses at present. Therefore it is necessary to provide as much flexibility as possible to avoid the building remaining vacant. DBC's first priority uses would be for facilities for childcare, residential care, education, health, general welfare, worship, social contact and environmental services. If after an agreed period of time and appropriate marketing there is no interest in the building, DBC would consider a broader definition of social and community uses.
Children's Play	Provision and management and suitably and landscaped

Area and Open Space	equipped public open space areas to include Local Park. The LAPs and LEAPs to be approved at the Reserved Matters stage. The ongoing management and maintenance to be carried out directly by the HC A or the chosen developer.
Sport Contribution	A financial contribution of £146,000 to pay for drainage and three year maintenance of all pitches at Cupid Green, the nearest playing fields to the site. A financial contribution of £29,500 to pay for re-surfacing of the tennis courts at Cupid Green.
Nicky Line Improvements	A financial contribution of £118,299 towards improvements to the Nicky Line adjacent to the site. This includes a contribution towards tree management, upgrading the footway surface, installing seats and signage. A contribution towards the wider Nicky Line beyond the site is included within the Sustainable Transport contribution.
Sustainable Transport	Further clarification will be provided
Off-Site Transport Works	Awaiting further advice from Hertfordshire County Council
Library Services	Awaiting further advice from Hertfordshire County Council
Youth and Childcare Services	Awaiting further advice from Hertfordshire County Council
Crime prevention measures/CCTV	An update will be provided at the meeting
Street Furniture and Public Art	Contribution of £15,000 agreed towards street furniture and public art on the site.
HEMEL2020	Contribution of £10,000 agreed towards Dacorum Borough Council's HEMEL2020 Vision key projects.
Fire Hydrants	Provision of fire hydrants.

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

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

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

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

- 3 **No works or site clearance shall commencement until the detailed habitat management and landscape management plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out fully in accordance with the approved scheme.**

Reason: In the interests of maintaining and increasing the site's wildlife value.

- 4 **This planning permission is for no more than 357 dwellings and ten percent 10% of the dwellings shall be designed as Lifetime homes.**

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

- 5 **Details submitted in accordance with Condition 1 shall include:**

- (a) **The method of sustainable construction for all dwellings and other buildings and an energy management strategy/programme of works for the whole site ;**
- (b) **materials;**
- (c) **the internal access road, parking and turning arrangements including emergency access, footpath links/ access to the Nicky Line and cycle links;**
- (d) **boundary treatment;**
- (e) **surface and foul drainage(including the measures for sustainable drainage), water supply/ treatment, management and conservation, sustainable /renewable energy and conservation measures;**
- (f) **access for persons with disabilities;**
- (g) **landscape, woodland and ecological management plans/ schemes, including biodiversity measures;**
- (h) **exterior lighting;**
- (i) **reuse of materials , waste recycling, a waste management strategy/plan/works and refuse facilities and cycle storage;**
- (j). **acoustic/noise attenuation measures;**
- (k). **tree, hedgerow and habitat protection measures (including all pre commencement protection)**
- (l). **security and crime prevention measures, to include details of provision and long term maintenance of two CCTV cameras;**
- (m) **proposed slab, finished floor and ridge levels and existing levels;**

- (n). full construction details of the pedestrian /cycle link/ crossing point with the Nicky Line,
- (o). phasing of the development, and
- (p). a scheme for ensuring that ten percent (10%) of the development's energy is from decentralised and renewable or low carbon sources, unless this is not feasible or viable.

The development shall be carried out fully in accordance and thereafter retained fully in accordance with the approved details.

Reason: To ensure an acceptable form of development.

- 6 **Before the first occupation of any dwelling hereby permitted, all the access and junction arrangements, including the ghost island shown by Drawing Number 19886-L12 Rev A.dwg xband Figure 3.2 , shall have been provided fully in accordance with this drawing. This shall include sight lines measuring 4.5m x 120m in each direction as shown on the above drawing. These sight lines shall be permanently maintained in each direction within which there shall be no obstruction at all times to visibility between 600mm and 2m above the carriageway level.**

Reason: In the interest of highway safety.

- 7 **Prior to the commencement of development hereby permitted, full details of the ghost island referred to by Condition 5, including works to the existing Redbourn Road carriageway and footpath, shall be submitted and approved in writing by the local planning authority. The ghost island shall be provided fully in accordance with the approved details prior to first occupation of the dwellings hereby permitted and thereafter retained at all times.**

Reason: In the interest of highway safety and for the avoidance of doubt.

- 8 **Details of landscaping submitted in accordance with Condition 1 shall include contours, planting (including cultivation and other operations associated with plant and grass establishment, schedules of plants and trees, noting species, plant sizes and proposed numbers/densities where appropriate), hard surfacing materials and any minor structures.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 9 **The approved landscaping details shall be carried out in the first planting season following the first occupation of any part of the development hereby permitted. For the purposes of this condition a planting season means the period from 1 October in any one year to 31 March in the next following year. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 10 **Prior to the commencement of the development hereby permitted, a Phase II report to assess contamination at the site shall be submitted to and approved in writing by the Local Planning Authority. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

For the purposes of this condition:

A Phase II report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details the actions to be carried out and timescales so that contamination no longer presents a risk to the site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 11 **All remediation or protection measures identified in the Remediation Statement referred to in condition 10 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development hereby permitted.**

For the purposes of this condition, a Site Completion report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.

- 12 **All bathroom and toilet windows shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of residential amenity.

- 13 **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.

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

1. The programme and methodology of site investigation and recording,
2. The programme for post investigation assessment,
3. Provision to be made for analysis of the site investigation and recording,
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation,
5. Provision to be made for archive deposition of the analysis and records of the site investigation, and
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation and the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard the site archaeology.

15 **NOTE: HIGHWAY/ TRAFFIC/ TRANSPORTATION CONDITIONS**

Further advice relating to the specific highway requirements of HCC Highways will be provided to members in advance of the meeting.

16 **NOTE 1 :**

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

The land is identified as Housing Site H18 in the Dacorum Borough Local Plan. There is an associated Site Development Brief which is adopted Supplementary Planning Guidance.

This development is an outline application with all matters apart from **access** being reserved for future determination. The access proposals were previously acceptable to both the highway authority and the LPA when this application was previously considered by the Council in November 2009. Based upon the recent oral advice of the Highway Authority and Hertfordshire Fire & Rescue Service there are no fundamental /detailed access/ highway safety objections. This is in the knowledge that the maximum number of dwellings has been reduced from 372 to 357.

The overview takes into account the content of the submitted Revised Illustrative/ Indicative Site Masterplan. This is materially different to that previously supported by the Council. It involves a different approach to the site's development. There is a greater proportion of the land to be developed. However there remains an acceptable

balance between the developed area, the structural open space and landscaping at the site's key strategic parts/edges. Subject to a s106 Agreement and a range of conditions there are no objections to the application.

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

NOTE 2:

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

East of England Regional Plan

SS1, SS2, SS4, H1, H2, T1, T4, T5, T8, T9, T13, T14, ENV1, ENV2, ENV3, ENV5, ENV6, ENV7, WM1, WM6 and LA2

Hertfordshire County Waste Plan

Waste Policy 3 - Waste Minimisation and New Development
Waste Policy 7 - Re-use of Waste arising from new developments

Dacorum Borough Local Plan 1991 - 2011

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

Pre-Submission Core Strategy (October 2011)

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

Supplementary Planning Guidance

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

ANNEX A - November 2009 Committee report

SUMMARY

Summary of reasons to grant

This proposal is an outline application with all matters apart from **access** being reserved for future determination. The access proposals are acceptable to both the highway authority and the LPA. Also the development satisfies all of the primary objectives of the established policy framework and accords with the key policies of the Local Plan and the content of the adopted development brief. Subject to a s106 Agreement and a range of conditions there are no objections to the application.

BACKGROUND

Description

The application site comprises approximately 12.4 ha of agricultural land located on the north-eastern edge of Hemel Hempstead. The land is owned by the Homes and Communities Agency (HCA). The site is bounded to the north by the Nicky Line footpath and cycleway, to the east by agricultural land and a reservoir, to the west by Three Cherry Trees Lane and to the south by the site allocated in the Dacorum Borough Local Plan for employment uses (Site E4). There is also an existing travellers' site adjoining the south-western corner of the site. The site is allocated in the Dacorum Borough Local Plan for residential development (site H18).

The Borough/District boundary between Dacorum Borough Council and St Albans City and District Council runs to the east of the site. To the north, beyond the wooded Nicky Line is the residential development of Hunters Oak. To the west and south beyond Three Cherry Trees Lane is The Maylands Employment Area, consisting of industrial, warehouses and offices. To the north-east, north of the Nicky Line and reservoir, is land for proposed residential development (land south of Redbourn Road, H41).

The site lies in Flood Zone 1 and in Ground water Protection Zone 3. The latter is a designation given to groundwater sources used for public water supplies that may be at risk from contamination.

Background to the Application

The site was allocated for residential development in Dacorum Borough Local Plan as H18 following consideration by the Inspector and debate at the Local Plan Inquiry in 2000/2001. A Development Brief for the site was adopted on 19th December 2006. The Brief sets out:

- The Council's policies for the future use of the land; and
- Development constraints and planning requirements affecting the land.

The principal aim of the development brief is to achieve a comprehensive and well co-ordinated form of development that conforms with the adopted Local Plan, considers the natural features and assets of the site and reflects the principles of sustainable design and construction.

The detailed objectives of the brief are set out below:

- Provide a high quality residential development, of 350 dwellings, using materials sympathetic to the area;
- Secure an appropriate level of affordable housing;
- Create a safe and pleasant environment in which to live;
- Provide an appropriately located small retail unit and small scale social/community facility;
- Create a neighbourhood park for use by new and existing residents;
- Develop a network of pedestrian and cycle links to nearby local facilities such as schools and shops, to public transport routes and to employment locations;
- Ensure safe vehicular access to the site off Three Cherry Trees Lane to the north of the travellers' site and implement other necessary highways improvements;
- Retain existing trees and hedgerows as far as possible, and provide new landscaping, including buffers on the southern and eastern boundaries of the site;

and

- Maintain and enhance existing wildlife corridors, such as the Nicky Line.

Proposal

Outline planning permission is sought for residential development on Housing Site H18, for the following:

- approximately 372 residential units with associated car parking constructed at a minimum Code 3 Sustainable Homes Standard at a net density at around 30 dwellings per hectare.
- 40% affordable housing (10% lifetime homes) with 75% social rented and 25% intermediate;
- provision of a small building to be used for social/community uses;
- provision of a small building to be used as a small retail unit/local shop;
- access road and separate emergency access road;
- pedestrian and cycle link onto the Nicky Line;
- neighbourhood park; and
- open space and landscaping

As this application is an outline application all matters apart from the **access** are reserved for future determination.

With regard to the number of units proposed being 372 units as opposed to 350 units proposed in the Local Plan, this figure accords with the minimum density of 30 dwellings per hectare set out within Local Plan Policy 21.

Whilst detailed siting and layout are not for consideration at this stage, an illustrative, indicative layout has been submitted together with documentation in support of the application to demonstrate how the application has taken into account key environmental constraints. The site will provide for a range of dwelling sizes, types and tenures which will be distributed across the site. In accordance with the Dacorum Borough Local Plan, a range of one, two and three bedroom houses and flats will be included.

Buildings throughout the site would be predominantly two to two and a half storeys, although taller properties may be appropriate on certain parts of the site at key locations.

Vehicular access to the site will be taken from Three Cherry Trees Land with an emergency only access from Cherry Trees Lane. Part of this emergency access road is in St Albans and will be subject to a separate planning application to St Albans District Council. A new pedestrian access is proposed from the Nicky Line.

Improvements to the highway network are proposed and comprise of:

- improvement works to the roundabout junction of Redbourn Road/Three Cherry Trees Lane and Shenley Road;
- improvement to pedestrian and public transport facilities along Redbourn, including upgrading bus stops to shelter, new/improved pedestrian footways and new crossing points/refuges;
- junction improvements at Three Cherry Trees Lane/Swallowdale Lane;
- improvements to the junction at Three Cherry Trees Lane/Boundary Way; and
- improvements to the junction of Three Cherry Trees Lane/Buncefield Lane/Cherry Tree Lane.

Referral to Committee

The application is referred to the Development Control Committee as The Development Management Manager deemed the application to be of a scale that merited consideration at the Committee.

POLICIES

National policy guidance

PPS1, PPS 1 (Climate Change), PPS3, PSS9, PPS13, PPS 10, PPS 11, PPS 12, PPG 13. PPG 17 PPG 16, PPS 22, PPS 23, PPG 24 and PPS25

Circulars 15/92, 11/95, 15/97 (G4 /97), 06/98, 02/00, 01/05, 05/05, 06/05, 08/05 and 01/06

ODPM :Safer Places

East of England Regional Plan

SS1, SS2, SS4, H1, H2, T1, T4, T5, T8, T9, T13 , T14, ENV1, ENV2, ENV3, ENV5, ENV6, ENV7,WM1, WM6 and LA2

Hertfordshire County Waste Plan

Waste Policy 3 - Waster Minimisation and New Development
Waste Policy 7 - Re-use of Waste arising from new developments

Dacorum Borough Local Plan 1991 - 2011

Policies 1; 11; 12; 13; 17; 18; 20; 21; 49; 51; 76; 99; 102; 107; 118; 122; 124 and H18

Appendices 1; 3; 5; 6; 8

Supplementary Planning Guidance

Release of Local Plan Part II Housing Sites
Redbourn Road Development Brief (Adopted 19 December 2006)
Water Conservation Adopted (July 2005)
Energy Efficiency and Conservation (Adopted July 2005)
Strategic Flood Risk Assessment
Dacorum Urban Nature Conservation Study
Outdoor Recreation Facilities Study
Accessibility Zones
Storage of Refuse at Residential Developments

REPRESENTATIONS

Contaminated Land Officer

The Environmental Health Division has received copies of the following reports:

- Land Quality Assessment, Entec UK Limited, Reference: 18918rr035i1, March 2007.
- Preliminary Site Investigation Report, Entec UK Limited, Reference: 22329/C017, October 2007.

The Land Quality Assessment report provides a satisfactory preliminary land

contamination risk assessment for the site and recommends that an intrusive ground investigation is carried out to confirm and characterise ground and groundwater at the site.

The Preliminary Site Investigation report provides details of a shallow ground investigation performed at the site. Soil sample analyses generally showed no elevated concentrations of contaminants. However, elevated levels of PFOS were identified across the site that requires further assessment and/or remedial works. I am in agreement with the reports recommendations for derivation of generic assessment criteria for PFOS and for further site sampling and analysis work. The generalised design measures outlined in Section 5.3 of the report would appear reasonable to manage the potential risks from exposure to PFOS. However, if possible, I would request that any off-site disposal of soil be kept to a minimum.

As further work is required to address land contamination issues with the site, I recommend that the standard 2008 land contamination condition be applied to this development should permission be granted.

Please do not hesitate to contact me if you have any questions.

Environmental Health: Air Quality

No adverse comments.

Environmental Health: Noise

Before the development commences the applicant shall submit a report prepared in accordance with the provisions of the BS4142:1997 Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

Construction Works

The applicant should ensure that contractors responsible for demolition/construction should ensure that all reasonable steps are taken to reduce noise and dust emissions from the site. Reference should be given to the Council's guide to [Minimising Environmental Impacts from Building and Demolitions](#). There shall be no burning of any waste on site.

Noise on Construction Sites

The developer must carry out all construction work audible at the site boundary only between the following hours:-

Monday to Saturday = 07.30 to 18.30
Sundays and Bank Holidays = No noisy activities

The developer should identify noise sensitive premises in the vicinity and send a public relations letter shortly before starting on site, advising:-

- when work is due to start
- hours to be worked
- how long it is envisaged the work will last and
- a contact name and telephone number.

Dust Nuisance

To help avoid a dust nuisance you are advised of the following:-

- To damp down all dry materials liable to cause a dust nuisance prior to breaking out or sweeping.
- Damp down the skips content before and after each delivery of debris.
- Loading of debris to skips should be carried out either manually from the lowest level or via an enclosed rubble chute in good condition. The chute to discharge into the skip under a tight fitting cover.
- The skip shall be kept covered when not in use.
- All other reasonable steps shall be taken at all times to minimise the production and dispersal of dust.

Small retail unit/local shop and Social Community Uses

All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise therefore does not, at any time, increase the ambient equivalent continuous noise level (L_{Aeq}) as measured in accordance with BS 4142:1997 at the boundary of any neighbouring residential dwelling.

Possible Future Development

Dependant on the scheme some form of a noise report will need to be carried out.

Environment Agency

No comments received.

Previous Comments:

We have no objection, in principle, to the proposed development provided the following conditions are included on any planning permission granted:

PLANNING CONDITIONS:

CONDITION 1: The surface water source control measures shall be based on the criteria identified in the approved Flood Risk Assessment carried out by ENTEC UK Limited dated August 2008 and shall have been submitted to and approved by the planning authority before the development commences. The surface water drainage shall be constructed in accordance with the approved details.

REASON: To prevent the increased risk of flooding and to improve water quality

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:

1) A preliminary risk assessment which has identified:

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

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

3) The 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.

4) 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.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: The site lies in Source Protection Zone 3 on a major aquifer. To protect controlled waters from the effects of historic contamination, especially the drinking water resident in the chalk below the site.

CONDITION 3: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: The site lies in Source Protection Zone 3 on a major aquifer. To protect controlled waters from the effects of historic contamination, especially the drinking water resident in the chalk below the site.

CONDITION 4: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

REASON: The site lies in Source Protection Zone 3 on a major aquifer. Infiltration devices on contaminated land would create a pathway that would expose groundwater to pollution.

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

REASON: The site lies in Source Protection Zone 3 on a major aquifer. Penetrative methods on contaminated land would create a pathway that would expose groundwater to pollution.

CONDITION 6: All residential properties proposed (not just the social housing element) will need to comply with the Code of Sustainable Homes Level 3.

CONDITION 7: All commercial buildings will need to be designed in accordance with the Building Research Establishments Environmental Assessment Method (BREEAM) recommendations.

REASON (6 & 7): The environment needs to be given appropriate safeguards as both sets of properties (affordable and private buy properties and the commercial buildings) will obtain their water supplies from the same sources. The local Catchment Abstraction Management Strategy prepared by the Environment Agency

indicates the River Colne (including the Rivers Bulbourne and Gade) and the neighbouring River Lee systems have insufficient flows to maintain ecological objectives mainly due to the impacts of abstraction.

CONDITION 8: The development hereby permitted shall not be commenced until such time as details of surface water and foul water drainage plans have been submitted to, and approved in writing by, the local planning authority. The plans shall be implemented as approved.

REASON: The site lies in Source Protection Zone 3 on a major aquifer. To prevent the pollution of controlled waters.

PLANNING INFORMATIVES:

The following planning informatives should be attached to any planning permission granted:

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Contact Permitting Support Centre on 08708 506506 for further details.

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for dewatering from any excavation or development to a surface watercourse. Contact Permitting Support Centre on 08708 506506 for further details.

Hertfordshire Biological Records Centre

No comments received. Comments for previous scheme raised no objections, however.

Spatial Planning

A previous application was made, but withdrawn (4/01892/OUT) and these comments are made in light of the comments made for the previous application (attached).

The relevant changes to the proposals are outlined below:

An additional emergency access from Three Cherry Trees Lane has been added since the last application following a request from the Herts Fire and Rescue Service (HFRS). This addition is welcomed, but should be agreed with HCC and HFRS.

There is now one proposed pedestrian/cycle link to the Nicky Line, as opposed to the five possible links proposed in the previous application. This alteration to the proposals is welcomed as the police were concerned that 5 links would provide too many escape routes from the site (see para 6 of attached comments). This link will lead into the Hunter's Oak estate and the facilities beyond.

A criticism of the previous scheme was that it did not address the requirement to improve pedestrian links to community facilities at Woodhall Farm by creating crossing points on Redbourn Road. This has now been rectified and three

pedestrian crossing points on Redbourn Road are proposed.

We welcome these changes to the scheme, and are satisfied with the proposal in policy terms.

Comments on previous withdrawn scheme 4/01892/08/MOA

The site is located in the residential area of Hemel Hempstead, is allocated for housing in the Local Plan (site H18), and has an adopted SPD Development Brief for its development.

The application is an outline application with access being the only reserved matter for which approval is being sought.

The proposed development includes approximately 372 residential units around 50% of which will be affordable housing, a small building for retail use, a small building for social and community facilities, an access road, a neighbourhood park and open space and landscaping. This complies with the broad requirements of the Development Brief.

Vehicular access to the site will be taken from Three Cherry Trees Lane north of the travellers site as specified in the Development Brief. Comments should be sought from Highways regarding the suitability of this access.

The Development Brief requires the development to incorporate a network of pedestrian and cycle links to nearby local facilities such as schools and shops, to public transport routes and to employment locations. Existing local services and facilities are in the Woodhall Farm residential area, which is on the other side of the Redbourn Road. One of the requirements of the Development Brief was to improve pedestrian links to community facilities at Woodhall Farm by creating crossing facilities on Redbourn Road and this does not appear to have been addressed in the proposal.

Links to public transport routes and employment locations are via the Nicky Line. Five cycle/pedestrian links to the Nicky Line are shown on the indicative layout, however, in the addendum to the Design and Access statement it states that the exact location of these links is not identified at this stage. The links to the Nicky Line will be an important part of the proposal both in terms of Crime Prevention and as links to an important cycle/pedestrian route. The five links shown on the layout have been commented upon by the Hertfordshire Constabulary, who criticise them for being too many as they will provide a choice of alternative escape routes from the scene of a crime.

The supporting statement submitted with the application includes an indicative layout of how the site could be developed. The layout of residential units is in the form of perimeter blocks, as specified in the Development Brief. The internal street layout is also inline with the requirements of the Development Brief. There is a loop close to the entrance of the site, and the principal road is 6.1m wide, the street hierarchy gives rise to a central east-west road connecting to the central north-south spine which allows for links to future development to the south to be established if necessary.

The proposal is acceptable in principle in policy terms, and is in broad compliance with the Development Brief. The vehicular access is in the position specified in the Brief, but should be checked with Highways. Whilst the layout of the internal roads and residential dwellings appear consistent with the brief, there are concerns about

the pedestrian and cycle linkages as outlined above.

The advice relating to the lack of any sports contributions in response Sport England's expectations for withdrawn scheme 4/01892/08/MOA : October 2008
Sport England were consulted on the draft Development Brief and made representations on its content. SE supported some aspects of the Brief and objected to others.

SE's objections, and Spatial Planning's response to these, were outlined in the Consultation Statement that was published at the same time as the adopted Brief.

Spatial Planning's response to their objections was reported to and agreed by Cabinet and reflects clear recommendations from the Local Plan Inquiry Inspector. Therefore Spatial Planning would therefore expect the LPA to continue to take this line unless there has been a material change in circumstances , of which Spatial Planning is unaware).

The LPA obviously needs to take a pragmatic view in terms of the level and scope of developer contributions that a development of this scale can support. In this instance it was considered appropriate to concentrate the LPA's efforts on the provision of informal areas for sport and recreation and play space, plus improvements to the Nicky Line and local biodiversity, rather than contributions towards formal built sports facilities. This emphasis upon improving green infrastructure is supported by policy ENV1 of the East of England Plan.

HCC Highways

Proposal

This application seeks outline planning permission (means of access sought) for the erection of 372 residential dwellings with associated access.

Application History

The original Transport Assessment (TA) was considered by the Highway Authority in November 2008. Several issues associated trip distribution and accessibility were. The application was subsequently withdrawn. The Highway Authority has discussed the issues with the applicant. As a result the applicant issued several addendum's/technical notes (Transport Assessment Addendum, Nov 2008 and Supplementary Transport Information, May 2009).

Site Access

The application consists of a single vehicular access intended to serve 372 dwellings. The Hertfordshire design guide clearly states that 300 dwellings is maximum amount to be served from a single point of access. The Highway Authority has indicated that in special circumstances a departure from this standard has been agreed.

However, in previous examples a departure from this standard incorporate specific design measures to overcome the problems. This point has been raised with the applicant. In response (letter dated 20 October) the applicant has issued a new plan No.22329L21 (11 November). The revision includes an additional 2.75m wide pedestrian/cycling access to the south of the main vehicular access. The applicant has also added the provision of an emergency access road connecting the site with Cherry Trees Lane. The new access road and junction with Cherry Trees Lane is the

subject of a separate planning application to St Albans City & District Council (see Drawing 22329-L21c RevC).

Also the applicant has widened the main access road into the site (from the proposed signalised access to the first junction within the site) to 7.3m. This will allow greater flexibility should the road require maintenance or becomes obstructed (see Drawing 22329-L21c RevC).

The site access has been the subject of many alterations following an interim safety audit. The designers responses are listed in the Supplementary Transport Information (May 2009).

The development of the southern section of the site will include the introduction of a new access and a link between the two sites.

Trip Distribution and Assignment

The previous work carried out by URS includes a population based gravity model to predict trip distribution. The gravity model has also been used in later work carried out in the Scott Wilson report agreed with HCC and applied in the applicants TA. Previous mistakes made in the first TA were corrected in the subsequent TA Addendum Nov 08. This led to further analysis being carried out to two more junctions.

North East Relief Road

The NERR is a route predominantly formed on existing highway. This links the central area of Hemel Hempstead to the M1 around the north east part of the town. The route includes 'Link Road', Redbourn Road, Swallowdale Lane, Three Cherry Trees Lane, Punch Bowl Lane, Green Lane and Breakspear Way linking to the M1.

The Spencers Park development (including the area to the south not included in this application) will be accessed directly from the NERR and has been identified as a major contributor of funding for the upgraded route.

The Scott Wilson report (April 2004) identified a number of physical improvement works required to increase capacity on the existing highway as part of the NERR. The scenarios used in the report were for the development of the whole site. This application is for part of the site and as a result generates significantly fewer trips.

The Scott Wilson report recognised that, *'it is clear that the highway network in this area of Hemel Hempstead is already congested during peak periods at various locations'*.

The report demonstrates that the following junctions within the NERR were suffering as a result of operating above capacity and naturally, when traffic growth was factored into a future year assessment the situation deteriorated:

- Breakspear Way j/w Green Lane,
- Cherry Trees Lane j/w Buncefield Lane,
- Three Cherry Trees Lane j/w Boundary Way,
- Three Cherry Trees Lane j/w Swallowdale Lane,
- Swallowdale Lane j/w Maylands Avenue,
- Redbourn Road j/w Queensway,
- Redbourn Road j/w St Agnells Lane, and

- Redbourn Road j/w Shenley Road/ (Three Cherry Trees Lane)

The TA Addendum (Nov 08) concludes that three junctions along the NERR would be operating above capacity with the additional development traffic. Therefore, the applicant has offered a financial contribution towards improvements to junctions. The contribution is based on the relative impact the development traffic will have on each junction. The junctions highlighted are:

- Redbourn Road j/w Shenley Road/(Three Cherry Trees Lane,)
- Three Cherry Trees Lane j/w Swallowdale Lane,
- Three Cherry Trees Lane j/w Boundary Way, and
- Cherry Trees Lane j/w Buncefield Lane

The total financial contribution being made by the applicant towards these junctions along the NERR route is £146,402.

Given the time scale involved with the preparation and delivery of a project of this scale (and the need to pool other contributions from other sources) it is anticipated that a 15 year payback time scale would be reasonable. It may also be necessary to build in some flexibility into the wording to allow the Highway Authority to use the contribution at junctions in the 'vicinity' of the site. The NERR is the subject of the pending Local Development Framework process and it is not clear at this stage whether the route will remain as a future priority.

Highway Capacity

The capacity of a number of junctions in the vicinity of the development are likely to operate slightly above capacity with the introduction of the development traffic.

A proportion of traffic generated by the proposal is predicted to use the B487 Redbourn Road (approximately 20% towards Hemel Hempstead in the AM peak (53 Vehicles)). The Redbourn Road is classified as a secondary distributor and is therefore an important part of the road network in Hemel Hempstead. Also this section of the Redbourn Road suffers from congestion and has been designated in the Hertfordshire County Council's 'Tackling congestion in Hertfordshire' document as a congestion hotspot. However, the amount of traffic added to this section of road is relatively small.

Safety Audit

An interim safety audit of the junction arrangements has been carried out and the applicant has revised the designs where required. The designers response is included in the TA Addendum Nov 08.

Sustainability

A key planning objective is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking, and cycling. This is important for all, but especially for those who do not have regular of a car and to promote social inclusion (PPG13).

The general theme of the TA promotes the site as sustainable due to it being located near to both residential/employment areas, close to the town centre and public transport links. PPG 13 also confirms that a TA for a major proposal should give details of proposed measures to improve access by public transport, walking and

cycling, to reduce the need for parking associated with the proposal and to mitigate transport impacts.

Walking/Cycling

The TA makes reference to improving footway and cycleway links within and from the development site as a major component of the site design.

The links to the facilities that the Woodhall Farm estate offers will be improved with *'the provision of a safe and convenient crossing point on Redbourn Road'*. The TA also clarifies that *'given the longer term aspirations for the Redbourn Road corridor, it is considered appropriate in this case to make a financial contribution, through the S106 agreement, towards the provision of additional crossing facilities'*

The new and upgraded pedestrian routes required to link the site to the new and existing bus stops and through the proposed new crossings on the Redbourn Road are shown in Drawing 22329-L36 dwg. The cost of the works has been estimated and forms a basis for a financial contribution for the highway authority to carry out the works. It is anticipated that the contribution towards these works should be made on implantation of a planning permission to allow sufficient time for the works to be fully designed and constructed.

The TA also states that *'the main pedestrian/cycle access from the Nicky Line will provide an imaginative solution for securing a direct physical link to the existing neighbourhoods. The development will provide for improvements to the Nicky Line by facilitating access for pedestrian/cyclist and providing better surface treatment that allows use in all weather. Access points will allow easy access to the route and also incorporate open areas to sit relax and overlook the Nicky Line.'*

Following several discussions with the applicant the design as shown in drawing 22329-L35 RevB.Drg is acceptable to the Highway Authority, although it is acknowledged that DBC maintain the Nicky Line and should provide comment on this issue. It is agreed that a proportion (£30,000) of the 'Sustainable Transport Contribution will go towards the upgrading of the Nicky Line in this location.

Travel Plan

Travel Plans are becoming an increasingly important tool in the delivery of sustainable outcomes. There is a requirement for a Travel Plan to accompany the application. The DfT Guidance on Transport Assessment states that the Travel Plan should be tailored to address site-specific issues relating to the proposed development. Although the TA makes reference to a Travel Plan and lists some generic Travel Plan objectives there is no site specific action plan, targets or viable scheme of monitoring included.

Planning Obligation

PPG13 states that Planning Obligations may be used to achieve improvements to public transport, walking and cycling, where such measures would be likely to influence travel patterns to the site, either on their own or as part of a package of measures.

The draft S.106 has been prepared, contributions towards sustainable transport and junction improvements are included.

Table 1 below is an extract from the guidance and will be applied in the future legal

agreement.

Location	second strand charge per dwelling (£)			
	number of bedrooms			
	1	2	3	4+
Town centre zones 1&2	£375	£500	£750	£1000
Elsewhere zones 3&4	£625	£750	£1125	£1500

Table 1: Sustainable Transport Second Strand Approach: Standard Charges for Residential Developments:

The contributions to be Index linked by SPONS from July 2006 (the point in time at which the above figures were calculated)

Sustainable Transport Contribution As per Table 1 of the Planning Obligations Guidance – Toolkit for Hertfordshire (Jan 2008) (A proportion of this contribution, £30,000 will go towards the wider upgrading the Nicky Line).

Redbourn Road Improvement Works (as shown in drawing 22329-L26RevD, 22329-L35 RevB, 22329-L36) - £181,000.

Off site junction improvements

- Three Cherry Trees Lane j/w Swallowdale Lane - £134,264
- Three Cherry Trees Lane j/w Boundary Way - £5,155
- Cherry Trees Lane j/w Buncefield Lane - £6,983

- Redbourn Road j/w Shenley Road/(Three Cherry Trees Lane) included in Redbourn Road improvement works

It is understood that the above has been agreed with the applicant agreed.

Conditions

Should the Planning Authority be minded to grant planning permission the local highway authority work recommend the following conditions,

Condition 1

Before any development commences, access and junction arrangement serving the development shall be completed in accordance with the plans approved in principle (no 22329-L02Rev E.dwg xbarnd) and constructed to the specification of the Highway Authority and the 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 2

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 3

Before any development commences details of mechanical wheel cleaning facilities to be provided on site during site preparation and construction shall be submitted to, and approved in writing by, the local planning authority. As approved these shall be installed before any development commences and shall be retained in working order during the whole of the site preparation and construction period. All vehicles leaving the site shall use the facilities.

Reason: *In order to minimise the amount of mud, soil and other materials origination from the site being deposited on the highway, and in the interests of highway safety and visual amenity.*

HCC Archaeology

Thank you for consulting me on the above application.

Following consultation with this office, geophysical survey and archaeological field evaluation were commissioned by the applicant and undertaken by Northamptonshire Archaeology. The strategy for the assessment was designed to assess the archaeological potential of the proposed development site, and in particular to determine the risk of remains being present that could affect the principle of development on the site.

The archaeological trial trenching confirmed the presence of archaeological features that were initially identified by the geophysical survey, and also discovered additional features that had not been detected by the geophysical survey.

The artefact's and features identified are consistent with early/mid Roman domestic occupation and strongly suggest the existence of high status building in close proximity to the area evaluated (possibly a villa) . There are a number of similarities between the material and features identified at 'Spencer's Park' (the development site) and those seen at the Roman villa and wealthy burials at Turners Hall Farm (St Albans District), including high status cremation burials and quantities of domestic and imported Roman pottery.

However, the distribution of Roman archaeological features indicates that the focus of the Roman site lies within the wooded area at the NW corner of the site.

However, due to the extensive tree and scrub cover it was not possible to extend the archaeological evaluation into the wooded area.

If substantial elements of a Roman building, such as foundations, internal floor levels or parts of a hypocaust survive within the woodland, it would be considered of regional/national importance, and possibly Schedulable. Additional archaeological survey will be needed to substantiate this theory, but applying the precautionary principle. I would recommend that this area of the site should be excluded from development or other activities requiring significant ground disturbance. We would also advise that the long term management of any archaeology within the woodland would probably need to be secured by consideration or S106, should the application be approved.

The absence of archaeology in Trenches 5 – 7 suggests that activity was concentrated on the plateau, which forms the majority of the western half of the site (see enclosed plan from Northamptonshire Archaeology Evaluation Report no:

05/128).

With regard to the remainder of the site, I recommend that the following provisions be made, should you be minded to grant consent:

1. The archaeological excavation of the area of activity located on the plateau as indicated by the results of the field evaluation
2. the archaeological monitoring of all groundworks associated with the proposed development - including foundations and service trenches across the remainder of the site
3. a contingency for the rapid archaeological investigation of any remains encountered during the monitoring programme
4. the analysis of the results of the archaeological work and the production of a report, and publication in a suitable professional journal, such as Hertfordshire Archaeology.

I believe that these provisions are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow both the Local and County Plans' policy for archaeological remains and the guidance provided by PPG 16.

In this case an appropriately worded condition on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording (based on model condition 55 DoE circ.11/95):

No demolition or development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will not be discharged before the planning authority has received and approved an archaeological report of the archaeological investigations.

If planning consent is granted, then this office will be able to provide a design brief detailing our requirements for the investigation and to provide information on archaeological contractors who may be able to carry out the work.

I hope that you will be able to accommodate the above recommendations. Please do not hesitate to contact me should you require any further information or clarification.

HCC Waste

Should the Borough Council be mindful of permitting this application, a number of detailed matters should be given careful consideration. The County Council seeks to promote the sustainable management of waste in the county and encourages Districts and Boroughs to have regard to the potential for minimising waste generated by development.

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular the following policies of the adopted Hertfordshire County Council Waste Local Plan 1999. relate to the proposal:

Waste Policy 3 Waste minimisation and new developments

Waste Policy 7 Re-use of waste arising from new developments

Waste Policy 8 Use of recycled materials in new developments

Waste Policy 11 Waste Separation Storage and Recycling Facilities at Major New Development Sites.

In determining the planning application the LPA is urged to pay due regard to these policies and ensure their objectives are met.

As from 6 April 2008, a site waste management plan (SWMP) is required by law for all construction projects that are worth more than £300,000. This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Projects over £500,000 may require further information.

Many of the policy requirements can be met through the imposition of planning conditions. In this regard, the document 'Implementation of Hertfordshire Waste Local Plan Policies – A Guide to Districts, (Draft) June 1999' is relevant. It establishes a series of potential waste matters.

There are unlikely to be significant mineral (sand and gravel) deposits within the area in question, however, the relevant Policy 5 within Hertfordshire Minerals Local Plan Review (Second Deposit Draft) states that mineral extraction will be encouraged prior to other development taking place where the mineral would otherwise be sterilised. On this basis, development may give rise to 'opportunistic' use of some limited or poorer quality minerals at the site that could be utilised in the development itself. Examination of these opportunities would be consistent with the principles of sustainable development.

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. 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.

There are public sewers crossing this site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over / diversion application form, or other information relating to Thames Waters assets be required, the applicant should be advised to contact Thames Water Developer Services on 0845 850 2777.

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

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be

required before the Company can give its consent. Applications should be made to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 8507 4321.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Water Comments

With regard to water supply, this comes within the area covered by the Three Valleys Water Company. For your information the address to write to is - Three Valleys Water Company P.O. Box 48, Bishops Rise, Hatfield, Herts, AL10 9AL Tel - (01707) 268111

Crime Prevention Officer

Thank you for giving Hertfordshire Constabulary the opportunity to comment on the above planning application. You will be aware I have had previous discussions with the agents of the site and I have noted they have included some of the recommendations in the DAS.

At the present stage of this planning application I have no objections in regards to the security aspect of this development. I am unable to comment on the physical security of the development until detail plans are produce.

I believe this site will have a high percentage of affordable/social housing and that the owners/developers will be applying for Secured by Design accreditation for the site, I look forward to seeing that application in the future.

I would like to make one comment in relation to the proposed CCTV at this stage of the planning process

Public Space CCTV

I am pleased to see that the developers have agreed to the installation of two CCTV cameras for the site. I would recommend the developers work with the Local Authority as they will provide expert advice regarding the type of cameras that need to be installed, this is extremely important if we are to realise the full potential of the CCTV to the security of the development.

The developers should also consult the Local Authority about the running costs of the system at an early stage.

Herts and Middlesex Wildlife Trust

Thank you for consulting the Trust on the above application.

The location of this proposed development is adjacent to an identified Wildlife Site (Disused Railway Line, Hemel Hempstead (Nicky line), Ref W/S 66/015, 6ha, Grid Ref TL080096), an urban section of the disused railway from Cherry Tree Lane in the north to the centre of Hemel Hempstead forming a valuable linking habitat.

The Trust wishes to seek assurances that the integrity of the Wildlife Site is protected from any indirect effects associated with this development. Wildlife Sites are selected because they meet agreed scientific criteria for their important habitats and species. They represent critical natural capital with regard to Hertfordshire's

environment and are therefore, included in Local Plans. Dacorum Policy 102 of the Dacorum Local Plan states that 'The impact of development proposals on Wildlife Sites and other sites of biological, geological and physiographical interest will be an important planning consideration, according to their rarity and value'. The protection of Wildlife Sites is also outlined in Policy ENV3 (Biodiversity and Earth Heritage) of the East of England Plan (May 2008). Planning Policy Statement 9 states that Local Nature Reserves and Local Wildlife Sites have a fundamental role to play in meeting overall national biodiversity targets; contributing to the quality of life and the well-being of the community; and in supporting research and education....Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests."

Entec UK Limited's 2008 Ecological Resources Report, and Sustainability Report, suggest a number of measures to be taken to ensure that protected species and the adjacent Wildlife Site are protected from any negative impacts from the development. Furthermore, habitat and greenspace creation proposals are made.

Housing Enabling Manager

Should the development progress the proposed 40% affordable housing does not meet the suggested target of around 50% identified in the Local Plan but is at a level recommended by David Coultie following the Housing Needs Survey in 2004.

Of the 40% affordable homes we would be satisfied for it to be made up of 75% rented and 25% shared ownership or intermediate rent or a mixture of both. We would be prepared to discuss the mix in terms of the tenure, bedroom size and distribution of these affordable units at a later stage.

The affordable homes should meet Code for Sustainable Homes, level 3 as a minimum or level required at the time of construction and the Design and Quality of housing should be developed in accordance with the Homes & Communities Agency's procedure guides, Housing Quality Indicators standards (HQI) and comply with Design and Quality Standards.

The Council's preferred approach will be for the management of the affordable housing units to be undertaken by a Registered Social Landlord (RSL) and we would recommend the involvement of an R.S.L at an early stage to ensure the necessary standards are met.

County Development Unit

The County Council seeks to promote the sustainable management of waste in the county and encourages Districts and Boroughs to have regard to the potential for minimising waste generated by development.

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. Refer to the following policies of the adopted Hertfordshire County Council Waste Local Plan 1999:

Waste Policy 3	Waste minimisation and new developments
Waste Policy 7	Re-use of waste arising from new developments
Waste Policy 8	Use of recycled materials in new developments
Waste Policy 11	Waste Separation Storage and Recycling Facilities at

As from 6 April 2008, a site waste management plan (SWMP) is required by law for all construction projects that are worth more than £300,000. This aims to reduce the

amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Projects over £500,000 may require further information.

Many of the policy requirements can be met through the imposition of planning conditions. In this regard, the document 'implementation of Hertfordshire Waste Local Plan Policies - A Guide to Districts, (Draft) June 1999' should be referred to which sets out a series of potential conditions that could be imposed on planning permissions in respect of waste matters.

Sport England

No comment to make as the changes only affect access arrangements.

Note: Sport England's initial advice was:

'Sport England is the Government agency responsible for delivering the Government's sporting objectives. As the site does not affect any existing playing fields, the consultation is not statutory under the terms of the General Permitted Development Procedure Order 1995 (as amended) but does fall within the definition of major housing development that Sport England should be consulted on as defined in Annex B of Circular 9/95.

The proposal is an outline planning application for a major residential development for around 350 dwellings and supporting facilities. Sport England was consulted on the draft Supplementary Planning Document for the development of the site in 2006 and is therefore familiar with the proposals on this site. Paragraph 25 of Sport England's Planning for Sport and Active Recreation: Objectives and Opportunities document (September 2005) promotes policies and practices which ensure that adequate provision of sports facilities is provided as part of major new residential development. In this context, I would wish to make comments on community sports facility provision associated with the development, in order to ensure that such facilities are fully considered and provided for where required.

OUTDOOR SPORTS FACILITY PROVISION

In relation to open space, the development makes provision for a neighbourhood park of at least 1.3 hectares. However, it is not intended that this park would be used or designed as formal open space suitable for accommodating outdoor sports facilities such as playing pitches. It is understood that the issue of leisure space to be provided on this development site was considered at the Local Plan Inquiry and the Inspector concluded that the open space provided within the development site should be for informal and children's play space. The adopted development brief (SPD) that applies to this site therefore did not seek any on-site outdoor sports facility provision. In view of the guidance provided by the adopted local plan and SPD, Sport England would not wish to pursue the provision of on-site outdoor sports facility provision. In relation to off-site provision, the planning application does not make provision for developer contributions (through a section 106 agreement) towards the provision or enhancement of off-site outdoor sports facilities. While acknowledging that there is no specific requirement in the adopted SPD for developer contributions to be made towards off-site outdoor sports facilities, Sport England considers that the provision of an appropriate financial contribution towards outdoor sports facilities would be justified for the following reasons:

- The Dacorum Borough Council Sport and Recreation Assessment – Outdoor Facilities (October 2006), which was not publicly available when the development brief SPD was prepared, has identified a need for additional playing pitches in the

Borough to meet current levels of demand and qualitative deficiencies in existing outdoor sports facilities that may be suppressing demand. Furthermore, the assessment did not include an analysis of the impact of growth in Dacorum Borough on the need for outdoor sports facilities as it focused on current and latent demand. In view of the level of growth planned in Dacorum (particularly in the Hemel Hempstead area) it would be expected that facility needs would be much greater than those identified in the assessment if the impact of growth had been accounted for;

- The Active Hertfordshire Sports Facility Strategy (2008), which has been prepared as a county sports facilities strategy (by the Hertfordshire Sports Partnership in association with all Hertfordshire local authorities including Dacorum Borough Council) has identified a strategic need for an additional 3 all weather pitches and further outdoor tennis courts in Dacorum to meet the additional needs generated by population growth over the period to 2016. This strategy was not available when the development brief SPD was prepared. The strategy can be downloaded from www.sportinherts.org.uk/makingithappen/hspworkingdocuments/workingdocuments/county sports facilities strategy/default.asp;

- Policy 76 of the adopted Dacorum local plan confirms that major developments may be required to contribute to the off-site provision of sports pitches, or the enhancement of existing playing fields. Furthermore, paragraph A6.3 of Appendix 6 of the local plan confirms that if a development is of sufficient size and adds significantly to the overall demand for leisure facilities, a contribution towards new adult/youth play provision may be required. A development of 350 dwellings would generate a minimum need for approximately 1.34 hectares of outdoor sports provision on the assumptions of a density of 2.4 persons per dwelling and the use of the Council's adult/youth play provision standard of 1.6 hectares per 1000 population. An area of this size would be sufficient to accommodate two senior football pitches for example. I therefore consider that the development could add significantly to the overall demand for outdoor sports facilities in the area;

- Dacorum Borough Council has secured off-site sports facility contributions from other major housing developments that have been approved in recent years such as Stag Lane in Berkhamsted and the former Kodak site in Hemel Hempstead. Seeking an appropriate developer contribution would therefore be consistent with the approach taken in other similar developments.

Sport England therefore objects to the lack of outdoor sports facility provision made for meeting the needs of the proposed development as there are concerns that the development would generate additional facility needs which may not be adequately met by existing facilities. However, I would be prepared to withdraw the objection, if it was confirmed that off-site outdoor sports facility provision would be made in the form of an appropriate financial contribution (made to Dacorum Borough Council and secured through a planning obligation) which would be used towards the provision or improvement of off-site facilities in the local area. Sport England would be happy to advise on the level of an appropriate financial contribution upon request.

Built Sports Facilities

Like outdoor sports facilities, the proposed development does not make any on-site or off-site provision for built community sports facilities (such as swimming pools and sports halls). While there is no specific requirement in the adopted SPD for developer contributions to be made towards off-site built sports facilities, Sport England considers that the provision of an appropriate financial contribution towards off-site built sports facility provision or enhancement would be justified for the following reasons:

- The Dacorum Borough Council Sport and Recreation Assessment – Indoor Facilities (March 2006), has identified existing built sports facility deficiencies in the Borough and has identified priorities for addressing these needs e.g. extending the gymnastics facilities at Hemel Sports Centre. Furthermore, the assessment did not include an analysis of the impact of growth in Dacorum Borough on the need for built sports facilities as it focused on current and latent demand. In view of the level of growth planned in Dacorum (particularly in the Hemel Hempstead area) it would be expected that facility needs would be much greater than those identified in the assessment if the impact of growth had been accounted for;
- The Active Hertfordshire Sports Facility Strategy (2008), (referred to above) has identified a strategic need for an additional 5.2 sports halls, 3 swimming pools and 257 fitness stations in Dacorum to meet the additional needs generated by population growth over the period to 2016. This strategy was not available when the development brief SPD was prepared;
- Policies 12 and 13 of the adopted local plan require developments to make provision for the social infrastructure that they generate. Built community sports facilities (such as swimming pools and sports halls) are considered to be a key element of social infrastructure. Furthermore, paragraph 23 of PPG17 advises local authorities to ensure that provision is made for local sport and recreation facilities where planning permission is granted for new developments (particularly housing). A development of 350 dwellings would be expected to generate additional needs for built sports facilities, which if not met by the development, would aggravate existing deficiencies. Sport England's Sports Facility Calculator (launched in 2004), provides an estimate of the demand for community sports facilities for any given population, based on the local population profile (Census 2001). Demand is expressed in terms of pools, sports halls etc, and in terms of the cost of providing the facility (allowing for regional variations). The calculator can be adjusted to allow for local sports development targets and to reflect new population profiles. This tool can estimate how much additional demand for sports facilities a new housing development will generate and quantify the contribution that should be sought from developers. Allowing for a 5% increase in sports participation above current levels over the period to 2016 (which is in accordance with the Hertfordshire Sports Facility Strategy), it is estimated that a development with a population of 840 people (350 dwellings with an occupancy ratio of 2.4 persons per dwelling) in Dacorum Borough will generate demand equivalent to 25% of a court in a sports hall, 4% of a 25-metre swimming pool and 1% of an indoor bowls hall. The Sports Facility Calculator is available for public use and can be downloaded from our website at www.sportengland.org/index/get_resources/planning_for_sport_front_page/kitbag_frontend_page/kitbag_local_framework/kitbag_local_success_part1/sportsfc.htm.
- Dacorum Borough Council has secured off-site sports facility contributions from other major housing developments as set out above.

Sport England therefore objects to the lack of built sports facility provision made for meeting the needs of the development because this is likely to result in more demand being placed on existing community sports facilities which may not be adequate for accommodating the additional needs that are generated. However, I would be prepared to withdraw the objection, if it was confirmed that off-site built sports facility provision would be made in the form of an appropriate financial contribution (made to Dacorum Borough Council and secured through a planning obligation) which would be used towards the provision or improvement of off-site facilities in the local area. Sport England would be happy to advise on the level of an appropriate financial contribution upon request.

I hope that these comments can be given full consideration when a decision is made.

Parks and Open Spaces

I note that the indicative development layout has been amended to reflect the position of the crossing point of the Nicky Line and the previous linkages to the Nicky Line have been removed. The supporting documents indicate that the provision of just one connection between NEHH and the housing and facilities to the north west is acceptable to Development Management. Removing the linkages will reduce permeability for residents of the new estate, Hunters Oak and the Redbourn Road development.

The indicative footpath layout will not be an accessible network for future residents - a footpath leads to the woodland edge but there may not be a route through; the routes around the water retention basins don't appear to have a destination or purpose. I would like the footpath network to be redesigned either at the outline or the full application stage.

The south east gateway leading to the future development area formalises an extensive area and a water feature may not be appropriate within the current sustainability agenda. This link should be flexible to accommodate the possible future development. The gateway point on the Nicky Line side forms the widest point of the indicative housing blocks, reducing the buffer zone.

More detail on the emergency access route through the estate will be required to consider the suitability of the layout of the planting blocks and material of the footpath to vehicle crossing.

A costed plan for the management and maintenance of the woodland is required.

I don't know what management, maintenance and safety features the water retention basins will require. Without this information we cannot determine whether Dacorum Borough Council would be willing to accept ownership of the area or whether the play area should be located next to the basins.

Under the terms of s106, HCA may choose to retain and maintain the land (in accordance with a management plan) and similarly DBC should have the option not to take over the areas. Within the application documents the play areas are specifically mentioned to be transferred to Dacorum Borough Council. I think we would have to consider the practicality of taking the LEAP's if HCA were to retain the remainder of the land. We do not usually accept LAP's due to their limited play value. I support the inclusion of activities for the older age group of young people on the site and recommend these form part of the full application.

St Albans City & District Council

The assessment of the proposal should ensure there is full compliance with Development Plan Policies, in particular with regard to land use allocation, visual impact, amenity, effect on the Metropolitan Green Belt, landscaping access, highway aspects and other material planning considerations.

The issue of the capacity of the highway network to accommodate additional traffic without detriment to free and safe movement of vehicles and highway safety need serious consideration.

In the light of proximity to the Metropolitan Green Belt in St Albans District, serious attention should be paid to the provision of effective landscaping on the urban edge.

There will need to be consideration to other measures secured by a Section 106 Agreement, including education and libraries contributions if the LPA grants permission.

Herts Fire Protection (South District)

Vehicle Access

We note from the document entitled 'Supplementary Transport Information' regarding Emergency Access Provision that it is proposed to provide an emergency access route from Cherry Tree Lane via an existing track. This appears to be adequate providing that the key design considerations stated in the document are implemented.

There should be vehicle access for a pump appliance to within 45m of all points within the dwellinghouses in accordance with Section 11 of Approved Document B of the Building Regulations 2000, Volume 1 - Dwellinghouses.

Vehicle access for Fire Service vehicles should be constructed in accordance with Section 16 of Approved Document B of the Building Regulations 2000 where applicable.

Particular attention should be paid to table 20 and diagram 50 of the above document.

Water Supplies (Fire Hydrants)

Water supplies for fire fighting purposes should be provided and sited in accordance with BS 5588:Part 5:2004.

Local Residents

19 Hunters Oak - I am only objecting on the basis that I have argued throughout the consultation that the small piece of woodland on the corner of the field behind our houses that shields us from the Industrial Estate should be retained as part of a leisure space as an amenity.

It hosts a variety of wildlife and could be made into a picnic area that residents and workers alike could use.

Also, I would hope that the any new dwellings immediately behind the Nicky Line at the rear of our houses, would not be visible from ours.

1 Hunters Oak - On line representation - I wish to object to this planning. I do not want this to go ahead. It will ruin the love neighbourhood and only cause problems. I do not wish to be living next to a building site after paying to live in the peace an quite that is Hunters oak. I think this will also ruin the wildlife. I always have squirrels in my garden along with a wide range of birds. We also see the occasional fox. Please do not let this go ahead. Many thanks.

57 Hunters Oak - On line representation -When these plans were first submitted I supported the need and facilities provided. I now object most strongly to any further development in the area without further infrastructure changes.

Over the last few years I have accompanied my 5 year old granddaughter walking or cycling from Hunters Oak to Woodhall Farm, Grove Hill and Gadebridge park and have discovered how bad the situation is. It is impossible to cross Redbourn Road safely at any point in Dacorum. When the original new neighbourhoods were built provision was made for pedestrians and cyclists to cross busy roads: there are three subways serving a 100m stretch from Grove Hill across Link Road (A4147). Since then developments have been added piecemeal with no regard to pedestrians or cyclists. Dacorum has now reached the point where it is irresponsible to allow further building without providing a safe means for new residents to access schools and shops without resorting to cars.

I made a comment about the crossing of the Redbourn Road when the last application was made and was fobbed off with 'Herts CC are installing a crossing'.

Since then the only change has been an automatic sign to tell motorists to slow down before Shenley Road junction. It doesn't help a parent try to negotiate the roundabout between Three Cherry Trees Lane and the other end of Shenley Road. I suggest someone from the planning committee attempts a journey on foot from where the proposed development is to Shenley Road in the rush hour or tries to cross the Redbourn Road (A4147) by the Ford garage. If they are brave enough they could even try to cycle to Link Road negotiating the roundabouts.

If the planning application is successful I hope that the Nicky Line is not used at all for access to the site by contractors or that the Sustrans national cycling route 57 is blocked.

7 Hunters Oak - e-mail - I object to this planning application on a number of grounds:

1. Too many dwellings. I appreciate that there is a minimum density level. However, to increase the density of housing, therefore population, in an area that is close to the site of a major disaster is asking for trouble. Whilst the status of the Buncefield oil depot is still being discussed, I have no doubt that it will be up and running at some point in the future. To site dwellings so closely is not sensible.

2. Access through Hunters Oak. To allow open access to Hunters Oak raises security concerns. The increased volume of pedestrians during the day in an area that is largely unpopulated during normal working hours increases the risk of potential criminal damage to Hunters Oak property. This was clearly seen when the travellers' site was located nearby, I anticipate that it will happen again. There are only 2 CCTV cameras proposed for the proposed site, neither of which is trained on existing dwellings.

3. Local amenities. To build so many dwellings with the accompanying increase in population in a town where there are no A&E facilities again doesn't seem sensible to me. The local doctors are overloaded, at least the Woodhall farm surgeries seem to be.

4. Light intrusion. Street lighting will be intrusive in an area that enjoys a modicum of darkness where the light pollution doesn't seem too high.

5. Visual intrusion. Overlooking houses that face the Nicky Line will be of sufficient height to be able to see into those houses that back onto/face the Nicky Line when the trees have lost their leaves in the winter.

6. Noise. The increased noise levels from the residents of 372 dwellings will disturb what is currently a quiet, peaceful area.

7. Road Safety. It would appear that there is to be just one access to the site via Three Cherry Trees lane as well as one emergency access. With 372 dwellings will come a significantly increased volume of traffic: putting such a load on a currently rural, country lane I anticipate we'll see a great number of accidents on egress and ingress to the site. The Maylands business estate, although not back to pre-Buncefield levels, has a high volume of traffic accessing businesses as well as using it for access to the M1. It just doesn't seem sensible to have just one access point. And maintaining the rural nature of the road will be nigh on impossible whilst providing safe access for the increased volume of traffic.

9 Hunters Oak - Objection sent to Mike Penning MP and forwarded to Planning and Regeneration for reply. Reply sent out 16/10/09 by James Doe. Objections relate to traffic implications, impact on Nicky Line and potential safety implications of proximity

to Buncefield Oil Terminal.

Cherry Tree Lodge - e-mail raising concerns in relation to how the levels of traffic generated will effect their access and egress onto Three Cherry Trees Lane.

63 Hunters Oak - Letter - objecting on grounds of safety in relation to the proximity to the Buncefield Oil Terminal.

23 Hunters Oak - I refer to our telephone conversation last week relating to the above proposed development. As suggested by yourself, I now outline some concerns I have regarding the development. I realise housing is needed, and there is obviously going to be some noise and disruption, but would like these concerns to be noted so that the impact would be minimised:

a) General noise pollution - this is a relatively quiet area and it would be stressful to have noise levels increased - i.e. from traffic and play areas. Hopefully the internal roads will not be placed too near the woodland part of the Nicky Line. Part of the attraction for living here is its location adjacent to country areas.

b) Light pollution from street lamps at night - although this may seem petty, it is lovely to look out at night and see stars, and to know that woodland birds are not disturbed.

c) Protection for wildlife areas, buzzards, kestrels and other birds. If the development is too close, these creatures may be forced elsewhere, and they would be sorely missed.

d) Increase in traffic flow at peak travel times - hopefully sufficient access and traffic lights/roundabouts, as this area becomes amazingly congested at those times.

Local Businesses

GIST - The proposed development with a single point of access would significantly increase what is already a congested stretch of road. Gist Limited operates a distribution centre, dedicated to supplying product to Marks & Spencer, totalling over 450,000 square foot almost directly opposite the proposed access point.

We object to the application, in particular in relation to the junction arrangements at Three Cherry Trees Lane which, we are advised, are the final negotiated solution with the local highways authority. The location and nature of the junction between our site and Finway Road, with its commercial traffic, appears to be ill-conceived and must increase potential safety problems.

We are surprised that at no time has Gist been consulted in relation to the traffic movements from our site, given the volume and nature of most of the vehicles (HGVs).

We strongly disagree with comments made by the applicant in relation to the traffic effects. For example, in response to Problem 3.1 in the Traffic Assessment Addendum (November 2008), the applicant regards the access to our distribution warehouse as not relevant. We consider that there are unlikely to be operational benefits from the signal-controlled junction and would question the applicants ability to form this judgement when they have had no contact with Gist whatsoever.

We have provided further information on the nature of Gist's operation below and would point out that it has increased substantially in the recent past.

Whilst we have endeavoured to review the relevant documents included with the

application, we request discussions with the appropriate officers to ensure that the information submitted is correct and that the operation of a major business in the Dacorum area is not inhibited.

Gist Distribution Centre

The distribution centre operates 24 hours a day 364 days a year with a regular flow of traffic both in and out of the site across a 24 hour period. A breakdown of vehicles in and out of the yard can be seen as follows:-

	Departing	Arriving
00:00-02:00	6	7
02:00-04:00	40	13
04:00-06:00	49	13
06:00-08:00	20	24
08:00-10:00	17	42
10:00-12:00	18	32
12:00-14:00	17	28
14:00-16:00	20	10
16:00-18:00	15	19
18:00-20:00	22	34
20:00-22:00	16	24
22:00-24:00	9	3

Total 249 each way; almost 500 movements per day.

Members of Staff on Site + Parking

Over 450 full time members of staff are employed across the site with a further 150 agency workers on site at any given time.

280 car parking spaces are provided for employees with current occupancy rate at 90% throughout the 24 hour period.

Vehicle Numbers

The site has an operating capacity of 170 tractor units and 170 trailers under the authority of the Eastern Traffic Area.

In addition the site has a vehicle workshop providing servicing and repairs for these vehicles. Vehicle servicing is also provided to other local companies further increasing the number of vehicles in and out of the distribution centre.

CONSIDERATIONS

Policy and Principle

Number of Dwellings, Density and Land Optimisation

Policy 10 of the Local Plan seeks to secure the optimisation of urban land in the long-term by requiring all development to meet a number of criteria. Amongst other things, general building development should be designed to achieve the maximum density compatible with the character of the area, and surrounding land uses.

The development brief allows for 350 residential units. Since adoption of the Development Brief however, Council Policy agreed by Cabinet have agreed a 10% increase in numbers can be assumed on greenfield sites when assessing the overall capacity within the Borough. The current outline application is for up to 372 dwellings which is thus acceptable and in line with Council Policy.

The exact number of dwellings the site can accommodate will be established through the submission of reserved matters planning application. At this stage detailed issues are not to be fully considered. However, constraints on the number of dwellings relate to issues such as highway and school capacity, layout, the density of the development, the provision of open space and the relationship to the Nicky Line and reservoir. The illustrative layout submitted is broadly compliant with the adopted development brief and whilst the site is currently an agricultural field, officers are satisfied that 372 dwellings can be accommodated within the site without harm to the surrounding countryside.

The provision of up to 372 dwellings on this greenfield site would achieve an overall density across the site of around 30 dwellings per hectare. This is in line with Policy 21 of the Local Plan and PPS3 which requires a density of 30 - 50 dwellings per hectare.

Phasing

It is envisaged that the site will be constructed in two phases. The first 200 or so units will be constructed in the western half of the site with the remaining 172 or so being constructed in the eastern half. Detailed applications at reserved matters stage will provide more detail on when the shop and social/community facility will become available.

Reserved Matters Applications

It will be the responsibility of the selected developer to submit any subsequent reserved matters applications after the sale of the land to the developer from HCA. The submitted Design and Access Statement confirms that it is intended that the key design principles will follow on into the detailed design phases. It is intended that the design process to date will ensure that the level of quality that will be achieved on this site will be significantly above the average benchmark. The application of the HCA's Quality Standards will ensure this is delivered by the developer.

The Design and Access Statement also confirms that the HCA may employ the use of Design Quality Indicators (DQI) in order to assess the future bids from developers. This will help the HCA select the right developer in whom the HCA can have confidence that the quality of development agreed with the Council to date can be delivered.

Access and Highway Considerations

This is an outline application and the means of access is for consideration at this stage. In accordance with Policy 51 the primary consideration relates to the ability of the highway network to cope with the additional traffic generated by up to 372 dwellings.

Section 4 of the Supporting Planning Statement addresses Highways and Access. The proposed access for the site will be off Three Cherry Trees Lane. Original proposals were for a roundabout at the site access, but a signalised junction is now proposed, following a Safety Audit.

The internal street layout for the proposed development will form a loop, with a principal road width of at least 6.1m, designed to provide a balance between vehicular movement and the prioritisation of pedestrian/cycle movement.

The street hierarchy will allow for a central east-west spine road, with the main vehicular access point at Three Cherry Trees Lane, that connects to a north-south spine. This will allow for a future link to the employment land to the south to be established. It is anticipated that the central east-west and north-south route would be adopted by the Highway Authority. The site will be designed with a homezone approach at its core and will use the latest guidance from 'Manual for Streets'.

Single Access/Emergency Access

Hertfordshire County Council has previously confirmed that a development of up to 350 dwellings could be satisfactorily served via a single access, subject to the provision of a full loop within the site. This advice was given at pre-application stage prior to the submission of the first application. Following that advice, new design guidance was published by the Department for Transport in the form of 'Manual for Streets'. This guidance superseded the previous guidance on which the County Council's normal standards were based.

Since the initial advice was given, the density of the scheme has been increased to provide a total of 372 dwellings. Both the County Council and Herts Fire and Rescue were again asked for their comments on the single point of access. Herts Fire and Rescue objected to the proposed scheme on the basis that a secondary emergency access point was needed off Cherry Tree Lane. After lengthy negotiation the applicants have now agreed to provide this access through third party land from Cherry Tree Lane, to the north-east of the site. Part of the emergency access road is located within St Albans and will be the subject of a separate application to St Albans City and District Council. The access would utilise the existing reservoir maintenance track, although this would need to be upgraded and widened at its entrance.

Other Access Amendments

The latest revision includes an additional 2.75m wide pedestrian/cycling access point to the south of the main vehicular access on Three Cherry Trees Lane. The main access road has also been widened to 7.3m (from the proposed signalised access to the first junction within the site). This will allow for greater flexibility should the road require maintenance or become obstructed.

A new single pedestrian link across the Nicky Line to the north of the site is proposed to provide a pedestrian link through the Hunters Oak estate through to the Woodhall Farm facilities to the north. The link will also provide links for the residents of the Hunters Oak estate and the wider Woodhall Farm area to access the open space and other facilities which are proposed as part of the development. The other proposed pedestrian links across the Nicky Line have been removed from the scheme following advice from the Herts Police Crime Prevention and Architectural Liason Officer.

Trip Generation and Highway Impact

A Transport Assessment (TA) and Transport Assessment Addendum (TAA) has been submitted with the application. The TA and TAA drew upon previous transportation work which had been undertaken and which is summarised below:

'Travel Assessment by URS, Feb 2001 - this study considered the implications of 350 dwellings in the residential area and 93,000m² of various business uses within the employment area. The study concluded that the development (if implemented in whole) would need to contribute towards various highway improvements as part of the North East Hemel Relief Road (NERR).

'Highway and Transport Technical Note No. 3' by Scott Wilson, April 2004 - Scott Wilson were appointed to update the previous work and consider the implications of slightly differing development options. The first option involved 350 dwellings but with a slightly lower commercial floor area. The second option consisted of a full residential scheme of 1144 dwellings. The key findings of the report are summarised below:

- significant improvements to the local highway network would be required to accommodate growth in background traffic, even without the Spencer's Park proposals;
- the level of impact associated with traffic from the entire Spencer's Park development was estimated to be approximately 20%, compared to background traffic levels;
- some improvement to the local network would be required in order for the entire Spencer's Park site to be developed as a commercially viable site; and
- phased implementation of the NERR was agreed with HCC, based on a combination of works undertaken by the developer and financial contributions to HCC (assuming that the entire site was developed).

Given that the development now proposed consists of the residential part of the site only and not the employment site to the south, it was necessary to review and update these previous studies to identify what the transport implications are of a much smaller scheme. This led to Entec preparing the Transport Assessment (TA) and Transport Assessment Addendum (TAA).

Full details of the most recent peak hour trip generation estimates are provided in the Transport Assessment Addendum (TAA) which accompanies the planning application. During the previous work undertaken, a population based gravity model was provided by the County Council to derive the trip distribution. This model was also used in the later work and it was agreed with the County Council that it would be used in the Transport Assessment (TA). Full details of trip distribution and assignment are set out in the TAA.

The projected traffic flows on the local highway network in the 'with development' scenario have been compared to baseline flows in 2013, to identify where material changes in traffic flows are likely to occur. This exercise was conducted using both the 85th percentile and average trip rates. Full results are set out in the TAA.

The exercise resulted in capacity testing being carried out at the following junctions, with the impact at more distant locations considered to be immaterial and likely to be within the daily variations of traffic flow commonly experienced on the network:

- site access - Three Cherry Trees Lane;
- Three Cherry Trees Lane/Swallowdale Lane;
- Green Lane/Boundary Way;
- Cherry Tree Lane/Green Lane/Hogg End Lane;
- Three Cherry Trees Lane/Cherry Tree lane/Buncefield Lane; and
- Three Cherry Trees Lane/Boundary Way.

Proposed Highway Improvements

The junction capacity study has shown that, in addition to the provision of the site access, the traffic generated by the proposed development is likely to require highway improvements at off-site junctions. It is therefore now proposed to upgrade the existing T-junction of Three Cherry Trees Lane with Swallowdale Lane to a fully signalised junction. This improvement will deliver both capacity and safety benefits. Improvements have also been identified for the following junctions:

- Redbourn Road/Shenley Road (Three Cherry Trees Lane);
- Three Cherry Trees Lane/Swallowdale Lane;
- Three Cherry Trees Lane/Boundary Way;
- Cherry Tree Lane/Buncefield Lane

It is proposed that the developer provides the site access and the improvements to the Three Cherry Trees Lane/Swallowdale Lane T-junction as these are major works. Financial contributions will, however, be made towards highway improvements at the other locations as these are only relatively minor works. These funds would be held by the County Council until such time as a more significant improvement scheme for each junction is identified as a result of development proposals in the wider Hemel Hempstead area.

The total financial contribution being made towards these junctions along the NERR route is £146,402. This approach has been agreed with the County Council. The Highway Authority have raised no objections to the proposed scheme. Details of S106 contributions are set out in the S106 section at the end of the report.

In addition to these improvements, a range of pedestrian and public transport measures are proposed on Redbourn Road. These measures will provide additional crossing points, new sections of footway and improved bus stop facilities.

Sustainable Transport Network

The site is located in a sustainable location in close proximity to the Maylands General Employment Area and the facilities of Woodhall Farm neighbourhood. The site is also located within 400m walking distance of the nearest bus stops on Redbourn Road (measured from the centre of the site). These include services to the railway station, industrial area, Woodhall Farm, the Town Centre, Chaulden, Watford, Luton and London.

It is proposed to improve pedestrian and cycle links within the site and to and from the site. A new safe and convenient crossing point on the Redbourn Road will be provided which will improve links to and from the facilities at Woodhall Farm. The Nicky Line will also be improved and upgraded (See section of report relating to the Nicky Line for more details). The works will include a new pedestrian crossing point linking the development to the Hunters Oak estate, the bus stops on the Redbourn Road, and Woodhall Farm beyond. Details of S106 contributions are set out in the S106 section at the end of the report.

Hemel Hempstead railway station is located approximately 3 miles to the south-west of the site. A number of bus routes provide a links to the station. The station provides links to London (30mins approximately) and Milton Keynes (30mins approximately) and Birmingham New Street (1hr 20mins approximately).

The Nicky Line follows the northern boundary of the site and forms part of the national cycle route network, providing pedestrian and cycle links to the Town

Centre, Redbourn and Harpenden.

Hemel Hempstead railway station is located approximately 3 miles to the south-west of the site . A number of bus routes provide a links to the station. The station provides links to London (30mins approximately) and Milton Keynes (30mins approximately) and Birmingham New Street (1hr 20mins approximately).

The site is located in a sustainable location in close proximity to employment opportunities and with good public transports links.

Travel Plan

The Transport Assessment (TA) sets out a Travel Plan Framework (TPF) which the future Travel Plan (TP) for the site will need to be prepared in accordance with. The TP will need to propose targets to ensure that key objectives are met. These targets will need to be Specific, Measurable, Achievable, Realistic and Time Related. Key areas involved in the formulation of the TP are site design, the Travel Plan Coordinator, physical measures and services , and promotion and marketing. The Travel Plan will be the subject of a planning condition.

GIST Objection

GIST Ltd, which operate the GIST distribution centre on Finway Road, have objected to the proposed scheme on the grounds of highways implications. The distribution centre is located almost directly opposite the proposed main access to the Spencer's Park development. They have objected on the following grounds:

- the proposed development will lead to an increase in congestion on an already congested road;
- the location and nature of the proposed junction appears to be ill-conceived and must increase potential safety problems;
- unlikely to be operational benefits from the signal-controlled junction proposed;
- question the ability of the applicant's to form a judgement on the junction when they have not spoken to GIST.

The applicants have responded to the GIST objection and have confirmed the following:

"The Transport Assessment, junction modelling, road safety audit, and subsequent addendums and discussions have always taken into account traffic associated with the GIST site, and their site access;

There is no basis to suggest the proposal increases safety problems. In terms of vehicles exiting the GIST site to the east, the signals at the site access will provide opportunities (not previously available) in between traffic streams for vehicles to exit their site. Vehicles exiting the site to the west, and entering the site from either direction will not encounter any operational difference of significance. Furthermore, HGV traffic will not turn into the site from the west due to restrictions along that section of Three Cherry Trees Lane. Pedestrian facilities are included within the scheme and therefore offer benefits to the existing situation.

A traffic survey carried out by DTS (Traffic Survey) Consultancy, at the GIST access and on Three Cherry Trees Lane in May 2008, identified that between the 2-hr period of 0730 - 0930, approximately 42 HGVs arrived into the GIST site from the east and 11 HGVs departed the site. This equates to on average less than 1 HGV departing

the site every 10 minutes during the morning background peak period. From looking at the figures supplied by GIST, vehicle distribution from the site occurs at a fairly steady rate throughout the day with their peak times occurring outside of background peak periods.

Additional observations made by the Traffic Survey company were noted as follows:

"The commercial depot to the south of Finway Road belongs to M&S and is a Distribution Centre which is a very large development and is well organised with little disruption to passing traffic.....There were no recorded incidents around the site that would effect the free flowing movements of the traffic"

We consider that the suggestion of introducing our proposed site access as having effects of any significance on the GIST site is totally unjustified."

The Highway Authority have been intimately involved with the proposed Spencer's Park development from development brief stage through the planning application stages. They have raised no objections to the proposed scheme and are satisfied that there will be no adverse highways impacts.

Gist have been consulted by Dacorum Borough Council as part of the consultation process on both of the planning applications which have been submitted. Their objections have been given due weight and attention and the applicants have responded. We are awaiting a specific response from the Highway Authority in relation to the objection.

Conclusion

The supporting transport information which accompanies the planning application shows that the proposed development site is well located in terms of access to employment, community facilities and access to public transport. The Council is satisfied that the development proposals are consistent with the allocation of the site in the Local Plan. The proposals are also consistent with the adopted Development Brief for the site. The impact of the proposed scheme in traffic terms is likely to be relatively limited in geographical scope.

A Sustainable Transport financial contribution will be made to the County Council for the improvement of public transport facilities and other sustainable transport networks in the area. The contribution will form part of the S106 Agreement.

A new signalised site access is proposed, as is a signalised improvement for the junction of Three Cherry Trees Lane with Swallowdale Lane. A financial contribution is also proposed for improvements at other off-site junctions. These improvements will accommodate traffic generated by the development but should also ease congestion problems related to the existing levels of background traffic. The provision of an emergency only access to the north-east of the site will ensure that the site can be accessed easily by emergency vehicles.

A Travel Plan will be prepared to ensure that the use of non-car modes is encouraged and promoted from the outset of the development. A range of pedestrian and public transport measures are proposed on Redbourn Road. These measures will provide additional crossing points, new sections of footway and improved bus stop facilities.

The Highway Authority has raised no objections to the scheme and has been in regular contact with the applicants during the application process for both the current

and previous application.

Please refer to Heads of Terms.

Loss of Agricultural Land

This has been already accepted through the LPA's support for the principle of the development. Non contaminated soil can be reused in the development.

Affordable Housing/Life Time Homes/Inclusive Design

H18 and the Brief identify a 50% provision of affordable of housing. The RSS establishes a target of 35% affordable housing through planning permissions granted since the RSS. The submitted viability study has confirmed a case for a 40% provision which has been recently considered by the Housing Enabling Officer.

Trees/ Arboricultural Implications

One tree will be removed to facilitate access to the site. The major effect will be upon the Nicky Line to provide the pedestrian access between the site and the Hunters Oak. Negotiations have limited the pedestrian link between the site and the Hunters Oak Estate to a single point in order to 'minimise' the physical impact. Multiple links would totally destroy the Nicky Line's environmental integrity.

The single point of access will have a radical effect due to the need for substantial earthworks and the difference in levels and resultant loss of trees. However this is the inevitable consequence of requiring a pedestrian link which is a fundamental prerequisite of the Brief. The point has been identified as the most appropriate from an operational and environmental perspective. Full details of the link, the extent of earthworks, design (incorporating disabled ramps), tree removal and new planting will need to be considered at the reserved matters stage.

Noise/ Residential Amenity

In designating the site for residential development it is implicit that the LPA would have considered the compatibility of the development with existing housing in the locality. In this context it has to be recognised that there will be some change to the residential amenity of the Hunters Oak estate. This includes the need for a pedestrian link (s) between the two areas trough the intersection of the Nicky Line. As explained it has been concluded that for environmental reasons there should a single link. This will create a more concentrated effect of pedestrian movements with some effect upon the residential amenity top the nearest dwellings. This is the inevitable consequence of balancing the various issues. If several footpath links were formed this would disperse the concentration of pedestrian movements but would create more potential crime and environmental problems in relation to the Nicky Line.

At the detailed stage the residential amenity of the internal layout can be assessed.

As in the case of the withdrawn application the Environmental Health Unit considers that the noise implications need to be addressed. Conditions are recommended.

Air Quality

The Environmental Health Unit has not identified any air quality issues. This has taken into account the relationship with the existing road network and the level of vehicular movements.

Contamination

There will be a requirement for additional contamination investigation and is therefore subject to a recommended standard condition. This is due to the localised presence of PFOS above normal detection levels. This may involve the removal of contaminated material and disposal at a licensed waste management site.

However, given the Land Contamination Officer's advice and the response of the Environment Agency there are not any overriding contamination reasons which militate against the site's development.

Drainage/ Flooding

The Environment Agency and Thames Water have not identified any fundamental problems. There are no adverse overriding flood risk implications.

- **Surface Water.** The intention is to install a sustainable drainage scheme, including on site storage capacity. At the reserved matters stage the EA will have to be satisfied that there is adequate surface water attenuation to avoid surface water run off and balance this by avoiding the use of soakaways where there is land contamination. The study to date has been based upon not exceeding the run off from the existing undeveloped site, with due regard to an allowance of 30% climate change.

- **Foul.** It is recognised that the capacity the foul water system requires further investigation. It will need to be addressed by a condition. A Grampian condition can be imposed for off site works if required to improve the foul water system's the capacity. The associated requisite report will need a scheduled programme for the phased upgrading of associated pumping stations and /or the sewage treatment works, commensurate with the release and occupation of housing.

Pre commencement drainage conditions are therefore essential.

Water Supply

In the absence of any advice from Three Valleys Water and due to the increasing implications of water supply through national and regional strategic sustainable policies a pre commencement condition is important. A report addressing a scheduled programme for the phased upgrading of the associated water supply infrastructure should be a reserved matters consideration.

Security/ Crime Prevention

The Crime Prevention Officer has been fully involved in providing expert input. The CPO raises no fundamental objection to the principle of the development.

In balancing security / crime prevention issues with pedestrian permeability and limiting the environmental impact upon the Nicky Line, the CPO supports the single pedestrian link between the site and Hunters Oak. At this point it is expected that there will be a CCTV camera. This will benefit from linkage to DBC's wider system which will also serve a second camera near the community building. Long term maintenance will be achieved through the CCTV system subject to the s106 Agreement. Moreover, the CPO supports the fire/emergency access from Cherry Tree Lane.

At the reserved matters stage there will be the full consideration of the detailed layout and design. The LPA is reassured that HCA expects that all developments must be designed with the principles of Secured by Design accreditation. This will need to involve an integrated approach involving the need to address natural surveillance and defensive space.

Sustainable Construction and Waste

There is a strong commitment to ensure that there is high regard to providing a high standard of sustainable construction. This is through a commitment to accord with HCA's Quality Standards document and the objective to meet a minimum of Level 3 of Sustainable Homes. This approach is an effective alternative to satisfying a BREEAM standard Eco Homes standard in the Brief. There will be an associated requirement for a comprehensive waste management scheme through a condition.

Archaeological Implications

The site's archaeological value has been fully identified through the submitted study and HCC Archaeologist. This has taken into account a range of trial hole excavations.

The site's regional/national significance will not be prejudiced by the development through the maintenance of the north western woodland as confirmed by HCC Archaeologist and precommencement requirements. The remainder of the site can be protected by a standard archaeological condition. There will need to be due care to protecting the trees and any habitats during excavations.

Ecological Implications/Biodiversity

The approach to the site's development is to retain much of the existing trees and hedges. In this context and the habitat survey there should be no harm to existing fauna. A precommencement ecological condition is necessary in conjunction with that to facilitate biodiversity through a long term combined ecological and nature conservation management plan.

Relationship between the development with the Health & Safety Executive's Hazardous Zones

The HSE's formal written advice is expected by the meeting. Officers have stressed the importance of the HSE providing unequivocal written clarification of its position. This is rather than the HSE expecting the LPA to make its own assessment based upon the now standard nationally applied HSE computer model for all Local Authorities known as PADHI . Being so close to Buncefield the HSE is historically well aware of the sensitivity of any development within the locality since the Buncefield Incident and that its standard responses placing the onus upon officers to interpret its guidance are inappropriate.

The HSE's previous input relating to the earlier withdrawn application was interpreted by officers as there is no fundamental conflict between the identified HSE Zones and site being developed for residential purposes. This is with regard to both Buncefield and the nearby BOC (GIST) site.

Exterior Lighting

This should be subject to a condition.

Environmental Impact Assessment

This has not been necessary.

Air Safeguarding Limits

There are no adverse implications.

Community Benefits

Affordable Housing

Local Plan Policy H18 (Schedule of Housing Proposal Sites) and the adopted development brief for the site identify 50% provision of affordable housing for the site. The Regional Spatial Strategy for the East of England (RSS) establishes a target of 35% affordable housing for planning permission granted since the RSS. The submitted viability study has put forward a case for 40% affordable housing and this has been agreed with the Council's Housing Enabling Manager. The justification is accepted by the Council.

This level of provision will ensure that 149 affordable housing units for the local community are provided as part of the development. The affordable units will be a mix of different types and sizes of housing and will include social rented and intermediate housing. A split of 75% social rented and 25% intermediate is considered acceptable.

The role of life time homes will also be key to delivering a very sustainable affordable housing element in the development. These homes will be key to enabling an inclusive housing scheme with inbuilt opportunities for adaptation.

Please refer to Heads of Terms.

Nicky Line Improvements

The adopted development brief for the site requires contributions to be made towards improvements to the Nicky Line. These contributions should be appropriate to the scale of the development and should reflect the Nicky Line Management Plan. An appropriate financial contribution towards improvements to the Nicky Line has been agreed with the applicants. This includes contributions towards tree management, upgrading the footway surface, installing seats and signage, as well as a contributions towards the wider Nicky Line, beyond the stretch immediately adjacent to the site. The footpath will be upgraded to an all weather surface to encourage greater access.

A new pedestrian and cycle crossing is to be provided on the Nicky Line which will offer a link for residents to the Redbourn Road crossing point, bus stops and the facilities in Woodhall Farm. This will help to ensure that the development is permeable in terms of pedestrian and cycle links. The previously withdrawn scheme had proposed multiple access points onto the Nicky Line. After discussions with the Herts Police Crime Prevention Officer, DBC Open Spaces Manager, DBC Rights of Way officer and the DBC Trees and Woodlands Department, it was decided that a single crossing point would be more acceptable.

The single crossing point would minimise the physical impact on the Nicky Line and the location has been chosen to further limit the arboricultural/ecological impact, as well as for engineering reasons. Multiple links would have had a greater environmental impact on the integrity of the Nicky Line and would have provided multiple escape routes for potential criminals.

Please refer to Heads of Terms.

Open Space/Park

The proposed development includes a small neighbourhood park and two LEAPS (Local Equiped Area for Play) which will benefit the new residents, existing residents, and those working in the nearby employments areas. The illustrative layout shows one of the LEAPs in the neighbourhood park and the other on the eastern side of the site. LAPs for younger children will also be provided will also be provided on the site

at appropriate locations. These will be provided and thereafter managed and maintained by either the Homes and Communities Agency or the chosen developer

The provision of the local park and play areas accords with the Local Plan Housing Schedule for H18 which states: "...*Small local park (of at least 1.3 hectares) to be provided (Proposal L9 in the Schedule of Leisure and Tourism Proposal Sites), as well as other areas for informal playspace...*". Policy L9 states that: "*The leisure space is to be planned and implemented as a discrete area within Proposal H18 (see the Schedule of Housing Proposal Sites). 1.3ha is to be regarded as a minimum*". The overall level of open space and buffer areas on the site is significantly greater than this.

Please refer to Heads of Terms.

Local Shop and Social/Community Facility

The proposed development includes the provision of a small building for a local shop and a small building for a social/community use. The Council does not wish to adopt the building. It is therefore proposed that the developer provides the shell of the building in order to provide flexibility for future use. The Council's priority is for uses such as childcare, residential care, education, health, general welfare, worship, social care and environmental services. In the event that there is no demand for these uses, and if, after an appropriate period of marketing, there is no take up, then other uses could be considered.

A similar approach will be taken with the local shop building to be provided. If there is no take up after a certain length of time (to be agreed) then the Council will consider alternative uses for the building (including housing). The shop will be taken on by the developer.

It is considered that the shop and social/community building would benefit both the new residents of the proposed development, as well as those currently living and working in the area. These facilities will also ensure that a mix of uses is provided. The provision of these facilities accords with Local Plan policies for H18 and the adopted development brief.

Please refer to Heads of Terms.

Crime Prevention

A financial contribution is sought to cover the cost of provision of two CCTV cameras; one near the shop and one near the centre of the site in the vicinity of the central square. The cameras will be linked to the Council's CCTV Control Room. A contribution is to be made towards maintenance of these cameras for a period of 15 years.

The provision of the cameras follows advice from the Herts Police Crime Prevention officer. Discussions are on-going between the applicants and the Council with regards to the cost of future maintenance and the rental of fibreoptic cable from BT. There is the potential for this issue to be dealt with via a condition. Members will be updated at the meeting.

Please refer to Heads of Terms.

Sports Contribution

Sport England responded to the draft Development Brief and expected the provision of built facilities at the site. The final brief excluded reference to such provision following consideration by DBC's Cabinet. The Spatial Planning Unit have explained

that this was because:

' In this instance it was considered appropriate to concentrate the LPA's efforts on the provision of informal areas for sport and recreation and play space, plus improvements to the Nicky Line and local biodiversity, rather than contributions towards formal built sports facilities. This emphasis upon improving green infrastructure is supported by Policy ENV1 of the East of England Plan'.

SE's initial response to the withdrawn application was to reinforce its position relating its expectations for the Brief which were not supported by Spatial Planning.

The Case Officers have now further reviewed sports provision through both the withdrawn and current applications and have given due weight to SE's initial response and total absence from the Brief. In considering SE's position as a statutory consultee and the importance of sports provision in serving new development, it was wholly appropriate for reconsideration of this matter. The positive outcome has been that HCA has been prepared to now make a significant contribution (£175, 000) for the upgrading of the nearby football pitches and tennis courts at Cupid Green Playing Fields. This is based upon the Open Spaces Manager's examination of current and future operational requirements of these longstanding sports facilities serving the community and their relative closeness and accessibility in relation to the application site.

Although this provision falls short of SE's expectations, HCA's preparedness to support such ground improvements when compared with no such provision in the Brief represents a major community benefit .

Please refer to Heads of Terms.

Street Furniture and Public Art

A financial contribution towards public art/street furniture on the site has been agreed. Please refer to Heads of Terms.

Education

Please refer to Heads of Terms.

Library Services

Please refer to Heads of Terms.

Youth and Childcare Services

Please refer to Heads of Terms.

Sustainable Transport

Please refer to Heads of Terms.

Conclusions

The development proposals meet all of the primary objectives of the policy framework and accord with the key policies of the Local Plan and the content of the adopted development brief.

The proposals differ from the Local Plan Policy with regards to the site's relationship with the allocated E4 Employment site to the south of the application area. The Local Plan Policy and Area Based Policies envisage the residential development (H18) being developed at the same time as the Employment site (E4) to the south. Changed circumstances now mean that there is uncertainty as to whether or not the E4 site will come forward for employment. Therefore, those elements of the Local Plan Policy that relate to the development of both sites are no longer all relevant. This is particularly true of the transport infrastructure requirements, which are not appropriate to the development of H18 alone.

The proposals would result in a number of community benefits including 40% of the proposed units being allocated for affordable housing. This is considered to represent a high level of affordable housing and would equate to 149 affordable units.

The Supporting Statement, Design and Access Statement and other supporting technical documents all support the case for granting permission and demonstrate that the proposed development would be acceptable.

RECOMMENDATION - That determination of the application be **DELEGATED** to the Senior Manager, Development Management with a view to grant, subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 for the following heads of terms:

S106 HEADS OF TERMS

Planning Obligation	Contribution/Works
Affordable Housing	The provision of 40% affordable housing made up of 75% social rented and 25% intermediate or shared ownership.
Education	Hertfordshire County Council only requires contributions towards primary school education. Following discussions with The County Council regarding the capacity forecasts for the schools near the site, The County Council has agreed to reduce the level of primary school contribution set out in the Hertfordshire Planning Obligations Toolkit (2008) by 35%.
Provision of small building for use as local shop	Provision of the shell of a small building for use as a local shop. This is likely to be up to the size set out in the supporting text to Local Plan Policy 45, i.e. up to 235m ² (to be determined at reserved matters stage). If for some reason at the time of development there is no demand to take up ownership of the shop within an agreed length of time then DBC will consider alternative uses for the building (including housing) so that the building does not remain empty. If it can be demonstrated that financial support is required to underwrite the economic viability of the shop, then payment of £25,000 will be made in equal sums over five years. The Homes and Communities Agency will take on and manage the shop building.
Provision of small building for community use	Provision of the shell of a small building (minimum of 150m ²) for social/community use. DBC do not wish to adopt this building and do not have any particular use in mind for the building, i.e. there is no demand for particular community uses at present. Therefore it is necessary to provide as much flexibility as possible to avoid the building remaining vacant. DBC's first priority uses would be for facilities for childcare, residential care, education, health, general welfare, worship, social contact and environmental services. If after an agreed period of time and appropriate marketing there is no interest in the building, DBC would consider a broader definition of social and community uses.
Children's Play Area and Open Space	
Sport Contribution	A financial contribution of £146,000 to pay for drainage and three year maintenance of all pitches at Cupid Green, the

	nearest playing fields to the site. A financial contribution of £29,500 to pay for re-surfacing of the tennis courts at Cupid Green.
Nicky Line Improvements	A financial contribution of £118,299 towards improvements to the Nicky Line adjacent to the site. This includes a contribution towards tree management, upgrading the footway surface, installing seats and signage. A contribution towards the wider Nicky Line beyond the site is included within the Sustainable Transport contribution.
Sustainable Transport	Sustainable Transport Contribution in accordance with Hertfordshire Planning Obligations Toolkit (2008) for zones 3 and 4. Charges relate to the number of bedrooms and therefore the exact amount will be determined once the mix of houses is established.
Off-Site Transport Works	Provision of the site access and Nicky Line crossing. Financial contribution towards the following: <ul style="list-style-type: none"> • £181,000 for improvement works to the roundabout junction of Redbourn Road/Three Cherry Trees Lane and Shenley Road and improvement to pedestrian and public transport facilities along Redbourn Road, including upgrading bus stops to shelter, new/improved pedestrian footways and new crossing points/refuges. • £134,264 for junction improvements at Three Cherry Trees Lane/Swallowdale Lane. • £12,000 towards improvements to the junction of Three Cherry Trees Lane/Boundary Way and the junction of Three Cherry Trees Lane/Buncefield Lane/Cherry Tree Lane.
Library Services	Contribution as set out in contributions table in Hertfordshire Planning Obligations toolkit (2008). These charges relate to the size and tenure of the homes.
Youth and Childcare Services	Contributions as set out in contributions table in Hertfordshire Planning Obligations toolkit (2008). These charges relate to the size and tenure of the homes.
Crime prevention measures/CCTV (Detail yet to be confirmed)	
Street Furniture and Public Art	Contribution of £15,000 agreed towards street furniture and public art on the site.
HEMEL2020	Contribution of £10,000 agreed towards Dacorum Borough Council's HEMEL2020 Vision key projects.
Fire Hydrants	Provision of fire hydrants.

RECOMMENDATION - (2) That the Grant of Planning Permission be subject to the following conditions:

5.2 4/00139/12/MFA - USE OF LAND FOR RECREATIONAL PAINTBALL GAMES, INCLUDING CONSTRUCTION OF ANCILLARY BUILDINGS AND STRUCTURES BADGERDELL WOOD, BARNES LANE, KINGS LANGLEY, WD4 APPLICANT: MR D GASS

[Case Officer - Mark Staincliffe]

[Grid Ref - TL 04747 03463]

Summary

The application is recommended for approval.

Two previous planning applications relating to this site have been refused due to the lack of information submitted. The principle of the site being used for paintballing has been accepted by Members, however, when considering the previous applications it was not possible to adequately assess the ecological impact of the development. The applicants, in consultation with the local planning authority, have now submitted the necessary information to support the planning application. Additional details are required, however, these can be submitted to the Council by way of condition and a correctly worded condition has been agreed between the Council and the applicants agent.

The outstanding ecological issues highlighted in the previously refused planning application have now been addressed. As such the proposals now accord with adopted Local Plan policies 4, 72 (Land for Leisure), 82 (Noisy Countryside Sports) and 103 (Management of Sites of Nature Conservation Importance) as well as emerging Core Strategy policies CS1, CS5, and CS9 and the guidance contained within the National Planning Policy Framework (NPPF).

Site Description

The application relates to an on-going recreational paintball operation at Badgerdell Wood, which comprises an isolated 5.5ha area of mature woodland to the south of Barnes Lane between Kings Langley and Chipperfield. The site is located within the Green Belt and is surrounded by extensive arable fields. Levels fall to the south-west away from Barnes Lane. The site is located just to the south of the junction with Rucklers Lane. It has formerly been used for licensed waste management (landfill), as well as a rifle range.

The area of woodland effectively forms an L-shape with the vehicular entrance and parking area located to the north-east, along with the 'Base Camp' area. The area comprises a group of shelters and ancillary structures from which the recreational operation is organised. The area contains the reception and registration facility, kitchen, toilet, locker room, equipment store, kiosk and briefing podium/scoreboard stand.

The various paintball games areas are located to the south-west of the 'Base Camp' area and comprise a number of modest timber structures associated with the games. A number of 'game zones' are defined within the woodland area and it is within these areas where the paintball sessions take place. The structures include a 'castle' and a series of small huts simulating a 'village'. The original indoor rifle range building, which was associated with the previous gun club use, remains on site and has been incorporated into one of the game zones.

Proposal

The application is resubmission following the withdrawal of application 4/02030/08/MFA & refusal of application 4/00114/10/MFA. The previous application was refused due to a lack of archaeological and ecological investigations.

It is proposed to retain the paintball operation on the site, including the ancillary structures. The site is run by Delta Force, who are the leading provider of paintball game facilities in the UK and operate from over 20 locations. The company has another site at Coleshill Wood adjacent

to Bovingdon Airfield (4/01979/04/RET and 4/00149/06/RET). The purpose of the Badgerdell Wood site is to augment the main site at Coleshill to accommodate increased local demand when bookings outstrip capacity. It is essentially to operate as an overflow site and is expected to operate for no more than 60 days per year. The site operates generally on Saturdays.

Referral to Committee

The application is referred to the Development Control Committee due to contrary comments from Chipperfield Parish Council.

Planning History

4/00114/10/MFA CONTINUED USE OF LAND FOR RECREATIONAL PAINTBALL GAMES, INCLUDING CONSTRUCTION OF ANCILLARY BUILDINGS AND STRUCTURES (AMENDED SCHEME)

Refused

06/07/2010

4/02030/08/MFA CONTINUED USE OF LAND FOR RECREATIONAL PAINTBALL GAMES, INCLUDING RETENTION OF ANCILLARY BUILDINGS AND STRUCTURES

Withdrawn

18/03/2009

Policies

National Policy Guidance

National Planning Policy Framework

East of England Plan

Policies ENV2, ENV3 and ENV5

Emerging Core Strategy

Policies CS1, CS5, and CS9

Dacorum Borough Local Plan

Policies 1, 4, 11, 13, 58, 63, 72, 82, 99, 101, 102, 103 and 118
Appendices 5 and 7

Supplementary Planning Guidance

Environmental Guidelines

Landscape Character Assessment

Representations

Chipperfield Parish Council

Object

None of this the issues raised in the refusal of the previous planning applications appear to have been addressed.

- Practical experience of the past 4 years shows that our concerns about traffic hazards in this very narrow lane have been borne out.
- The supporting statements show that in all probability the chalk mine was outside the boundary of the wood so does not impact on the determination of this application. To this end we stand by our previous objection
- The supporting statement states there are no adjoining rights of way, whereas we are aware that footpath 15 crosses the adjoining field.
- para 6.9 states that a Woodland Management Plan "can be put in place" without making any commitment to do so.

Hertfordshire Highways

Comments awaited.

Herts & Middlesex Wildlife Trust

The current application is supported by two ecological surveys.

Badgerdell Wood is not a designated Local Wildlife Site, and also doesn't appear on the Ancient Woodland Inventory. However, it was brought to the planning department's attention in 2010 by HBRC and HMWT that Badgerdell Wood appears on old maps dating to 1766 and is therefore considered ancient.

There is no acknowledgment within documents supporting this application of the ancient origins of this woodland, including within the ecological surveys from 2008 and 2010.

The ecological surveys (JFA 2008 and 2010) indicate that the site comprises semi-natural broadleaf woodland (dominant), species-poor hedgerow, semi-improved calcareous grassland as well as areas of building and hardstanding.

The applicant has gone some way to addressing the issues with the preceding application, as drawn out in the Decision Notice (6/7/2010) for application 4/00114/10/MFA, including submission of the 2011 ecology survey and zone and buffer plan.

If the planning authority is minded to grant planning permission, it must be ensured that the ecological interest and potential of the site is maintained through appropriate Conditions relating to lighting and a habitat management and monitoring plan.

Hertfordshire Biological Records Centre

The site is currently an ecology site within our database. Its habitats consist of broadleaved woodland, scrub / recent planting and some grassland / ruderal habitat. I consider its origins are highly likely to be ancient woodland although it has not formally been recognised as such.

Following the issue of the chalk mine I raised initially, an archaeological study has been undertaken. There is no conclusion that suggests there may be any safety issue.

The application is supported by an updated ecology report dated June 2011. The report, and historic map evidence strongly suggest that the site is likely to be an ancient woodland site, although in places this has now been heavily modified. This places a greater ecological significance on the site than is recognised by the applicant although its condition before paintballing also needs to be taken into consideration.

There were already buildings present within the site before paintballing. Where there were already numerous buildings and structures in 2008, I considered that for much of these areas

the woodland habitat ceased to exist as a functional ecosystem.

Proposals are given for mitigating the recognised impacts of the activity consisting of a programme of resting zones in rotation as well as other less permanent features. I do not consider that resting periods of one year will be particularly significant in respect of enabling vegetation within buffer to recover, especially when such areas will then be subject to significant trampling again.

We previously objected to the activity which was taking place. The issues previously raised still remain pertinent, although other aspects to clarify the paintballing activity, zones and exclusion areas etc appear to have been addressed.

No specific woodland management likely to benefit the site is proposed. I consider that little has been presented to indicate that use of the site for paintballing has not severely degraded the majority of the semi-natural characteristics of much of the site, and little to address this in terms of woodland management.

Buffer and exclusion zones are now shown within the Ecology Report and some information is provided to describe the gaming zones and exclusion zone. Some details have been submitted with this application to demonstrate at least some mitigation for the impact of the proposals, although this relates primarily to the operation of the paintballing activity rather than any habitat compensation / enhancement.

However, given that the Planning Statement states that woodland management could potentially be supported by any income generated, and given that measures are proposed to reduce the ecological impact of the activity, I advise that if the application is to be approved, it should only be approved with planning conditions relating to a management plan and a programme of ecological monitoring of the site.

Herts Archeology

Aerial photomapping strongly suggestive of medieval settlement in the field immediately west of the woodland (HER16226). The tofts and crofts appear to line a trackway which enters the woodland at its western corner. It is likely that evidence of medieval occupation exists within the woodland.

The archaeological desk-based assessment submitted as part of the application is inadequate. The Historic Environment Record (HER), which includes information on the above-mentioned sites, was not consulted. Therefore, the conclusions drawn are flawed, and the document fails to address the wider historic environment potential of the site.

I believe that the position and details of the proposed development are such, that it should be regarded as likely to have an impact on significant heritage assets. I recommend, therefore, that conditions are attached to any planning permission granted:

1. An archaeological desk-based assessment, which meets the standards detailed in the Institute for Archaeologists Standard and Guidance for historic environment desk-based assessment
2. Such archaeological mitigation as necessary, informed by the above archaeological desk-based assessment.
3. A contingency for the archaeological investigation of any remains encountered during the monitoring programme and the analysis of the results of the archaeological work and the production of a report and archive.

Contaminated Land Officer

This application relates to land that was formerly used for licensed waste management (landfill). Additionally the submitted archaeological report has shown that the site has formerly been used for mining activities. Consequently there may be land contamination issues associated with this site. I recommend that a contamination condition be applied to this development should permission be granted.

Parks and Open Spaces Officer

I would like to see Delta Force produce a woodland management plan. If this was satisfactory, I would support their application.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Six letters of objection and no letters of support have been received. These letters are summarised below:

- Access is inadequate for the quantity of traffic.
 - The Herts Highways suggestion that two passing points be installed, this is inadequate.
 - It would be a pity to spoil the peaceful and open nature of the valley which should be preserved.
 - Is there an adequate water supply and waste water management plan in place.
 - Traffic using Barnes Lane for the Paintballing activities currently is unacceptable.
 - It is difficult to access our own houses on the days when there is paintballing.
 - The traffic created makes it difficult to have a normal life in the lane, dangerous for the children who live in Barnes Lane.
 - Not the correct use of this land in a quiet country lane.
 - There is a public footpath immediately to the west of this site, the quiet enjoyment of which will be destroyed by the noisy type of activity proposed.
 - Concerned about 30 plus cars arriving and departing at a very similar time and the congestion caused.
 - The condition of road surfaces in the local lanes is not good
 - The increased traffic will cause more rapid wear and the need for more regular maintenance.
 - Access through the lanes for emergency vehicles will be difficult should accidents occur
 - The site offers an area of wildlife protection
 - The paintballs used for war gaming are water soluble hence there is a risk of contamination of our water supply.
 - There is an on-going problem with fly-tipping and an increase in litter
 - Noise nuisance is also a concern. Whilst the decibel level of an individual shot is not high, the accumulation of shooting of multiple users and the continuity for many hours over weekends will create a disturbance.
 - The peaceful and open nature of the valley should be preserved.
- Is there an adequate water supply and waste water management plan in place.

Considerations

Policy and Principle

The site is located within the Green Belt where there is a presumption against inappropriate development under the NPPF, Policy 4 of the Local Plan and Policy CS5 of the pre submission Core Strategy. Outdoor recreation is identified as being one of the acceptable uses within the Green Belt. Paintball games are considered to constitute outdoor recreation and this is backed up by case law. It is therefore considered that the proposed paintball use is appropriate

development within the Green Belt. The site was previously used as a rifle range and so has a history of open air recreation use.

The impact of the facilities on the openness of the Green Belt needs to be considered. According to the table in the Statement of Support they total 176.1sqm but are dispersed, small scale, and mainly rustic timber structures. An existing building is used in the 'Bunker' Playing Field. The ancillary buildings associated with the paintball operation are considered to be modest in scale and have no significant harm on the openness of the Green Belt. The structures are located within the woodland site and are well screened from the surrounding countryside. Despite the buildings being small scale a condition requiring the removal of all permanent and temporary structures once the use ceases is necessary to maintain the openness of the green belt and to ensure that the development conforms with Policy 4 of the DBLP, pre submission Core Strategy policy CS5 and the NPPF.

Adopted Local Plan Policy 72 states that 'High priority will be given to the provision of land for a wide range of leisure activities.' The proposal meets the majority of the locational criteria for "combat games" in Policy 72 for a 'medium intensity recreation use'. The Policy states that "combat games" can be accommodated in valleys between towns, in unfarmable areas, but not where open, exposed or open to urban influences, and where there would be no threat to sensitive wildlife habitats or sites of scientific or archaeological importance.

The reports submitted with the application demonstrate that the proposal now meets the locational criteria in relation to sensitive wildlife habitats. Officers consider that the proposed scheme complies with Policy 72.

Noisy Countryside Sports

The proposal would comply with the various criteria set out within Policy 82 of the adopted Local Plan in relation to Noisy Countryside Sports:

- (a) The site is located outside the AONB;
- (b) There would be very little, if any, disturbance (including noise nuisance) to residential areas. The site is located in an extremely isolated located and is in excess of 300m away from the nearest residential property.
- (c) the woodland was likely to have originally formed part of semi-natural ancient woodland, although it has not been designated as such. The site therefore has a greater ecological value than was stated in the JFA Ecological Desk Study (June 2008). This has now been addressed by the updated ecology report dated June 2011. Subject to planning conditions the proposal is considered to accord with DBLP policy 82.

Sufficient information has now been submitted to adequately assess the ecological impact of the development. Officers consider that the development now accords with policy 82 of the DBLP and the guidance of the NPPF. Conditions, as recommended by consultees, are required. Subject to these conditions the proposal is considered to be acceptable.

Visual Impact

There would be no adverse effects. The paintball operation with its ancillary structures is only visible from the entrance to the site, and is not visible within wider views due to the screening effect of the woodland itself.

Archaeology

A chalk mine was identified on site by Herts Biological Records Centre as part of the previous

application. The chalk mine is reported as being 32ft deep with 3 chambers 13ft 4ins in height. The presence of a large historic chalk mine within the site was one of the reasons why the original application was withdrawn, to allow further investigation to take place.

An Archaeological Desk-Based Assessment Report from Chiltern Archaeology has now been submitted by the applicants. The report's conclusions confirm that there has been two small quarries in the woodland exploiting surface chalk. The report concludes that the chalk mine identified previously is likely to be located on the south-eastern boundary to the site. The report concludes that the mine is likely to be located just outside the site but has suggested that access to the south-eastern boundary be restricted.

The Herts County Council Historic Environment Advisor has requested that an Archaeological condition be placed on any permission to ensure further investigation to be carried out.

Intensity of Use

The supporting statement states that the site is an additional facility to the site in Bovingdon and will be used no more than 60 times per year and by no more than 150 people at anyone time. Taking into consideration the size of the car park and size of the playing area available it is considered that it is both reasonable and necessary to limit the number of people onsite at any one time.

The condition will ensure that the proposed development has sufficient parking.

Impact on Neighbours

It is acknowledged that the use of the site for paintballing must be considered against Policy 82 of the Adopted Local Plan as the policy classifies 'war games' as a noise countryside sport. The policy places 'war games' into the same category as motor sport, power boating and the use of fire arms. The interpretation and application of this policy must be applied with a modicum of common sense.

Paintball guns use compressed gas to fire ammunition and not gun powder. The noise emitted from these weapons is therefore limited and is unlikely to be heard from neighbouring residential properties (nearest property over 300m away from the edge of the site). It is accepted that some noise will be created by the activity however, the noise created would be limited and no where near the noise created by motor sports or clay pigeon shooting. It is also prudent to mention that the environmental health department have received no complaints from local residents regarding noise from the site.

Taking into consideration the use of the site and technology used to fire the weapons and frequency of events on site (up to 60 a year) and no more than 150 people on site at any one time it is considered that use will have no significant impact on the amenity of the neighbours.

Ancillary Structures

The application also seeks retrospective planning permission for various ancillary structures on site including a fort, kitchen, storage containers and toilet block. All of these ancillary structures are reasonably necessary for the use of the site as a paintball facility. However, if the use of the site were to stop and the land revert to a woodland the structures would serve no purpose and conflict with both Local and National Planning Policies. The retention of the structures for a use other than paintballing may constitute inappropriate development in the Green Belt and their retention conflict with the NPPF and Policy 4 of the adopted local plan. It is therefore necessary to ensure that the Local Authority has control over the retention of the structures should the use cease.

Officers consider that it is both reasonable and necessary to require the removal of the structures, by condition, if the use of the site as a paintball facility were to cease. The time limit proposed for the removal of the structures would allow the owner of the site sufficient time to apply for planning permission for an alternative use and retain the structures.

Highways/Access/Parking

The site usually operates on Saturdays and traffic generation information has been submitted in support of the previous planning application. This information is based on a survey undertaken by the applicant's agent to determine the two-way trips each event creates. The table shows events from the end of August 2008 until the 8th of November 2008.

The information shows that the total two way vehicle trip average is 39 two-way movements per event. The levels of traffic generated are considered to be low. 30 car parking spaces are available within the sites car park and this is considered to be adequate for the use. There would be no significant highway safety issues resulting from the proposal. Formal comments from the highway authority are still awaited and will be reported to Committee.

Barnes Lane has no weight or speed restrictions. The Delta Force website does, however, state that coaches cannot easily access the Badgerdell Wood site and that parties travelling via coach

RECOMMENDATION – That planning permission be **GRANTED** subject to 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:**

**Drawing Number 2
Drawing Number 3
Drawing Number 4
Drawing Number 5
Drawing Number 6
Drawing Number 7
Drawing Number 8
Drawing Number 9**

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

- 3 **The use hereby permitted shall not operate outside the following times: 8.00 hours to 19.00 hours. Any players or staff remaining on the site after these hours shall leave the site not later than 19.30 hours.**

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

- 4 **Once the use hereby permitted ceases all structures (permanent and temporary), parking areas, netting, plant, materials and equipment shall be removed from site within 6 months.**

Reason: In the interest of proper planning and to maintain the openness of the green belt.

5 **Within 2 months of the date of this decision a woodland management plan shall be submitted for the written approval of the local planning authority. The plan shall include the following details:**

- **The periods within which the paintball activities will take place, with provision for rest /recovery periods;**
- **'Buffer zones' within which paintball activities will not take place, as well as the physical provision to be made to mark and protect those zones;**
- **External lighting**
- **A timetable for implementation.**

The use of the site hereby approved shall be undertaken in accordance with the woodland management plan as approved and thereafter permanently maintained.

Reason: In the interest of planning policy and to ensure that the development accords with Policies 72, 82 and 103 of the Dacorum Borough Local Plan

6 **Within two months of the date of this permission a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority and shall include tree and hedge planting in and around the site and these works shall be carried out as approved. These details shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

7 **Any tree or shrub which forms part of the approved planting details, 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.

8 **By 30 May 2016 a report to assess the impact of the games on the woodland shall be submitted to and approved in writing by the local planning authority. The report shall include details of any further management measures required to safeguard the woodland and an implementation programme for carrying out these works. The approved measures shall be carried out in accordance with the approved implementation programme.**

Reason: In the interests of safeguarding the important ecological interest of the site.

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. Subject to the imposition of conditions the development is acceptable.

The site is located within the green belt wherein only appropriate development is acceptable. The use of the site as an outdoor recreational facility confirms with both local and nation planning policies. The small scale structures are regarded as an integral and ancillary part of the recreational facility the works do not fundamentally affect the openness of the Green Belt.

There are no fundamental objections, taking into account the visual impact, the ecological and aboricultural implications, the effect upon residential amenity, access, drainage/contamination and crime prevention/security issues. The LPA's approach to the environmental implications of the development fully takes into account the expert advice of this Council's Trees & Woodlands Team and Hertfordshire Biological Records Centre and other technical consultees.

NOTE 2:

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

Emerging Core Strategy

Policies CS1, CS5, and CS9

Dacorum Borough Local Plan 1991 - 2011

Part 3 General Proposals

Policies 1, 4, 11, 13, 49, 51, 58, 63, 72, 82, 96, 98, 9, 100, 101, 102, 103, 108, 113 and 124

Appendices

Appendices 1, 5 and 8

Supplementary Planning Guidance/ Documents

Habitat Survey for Dacorum

Environmental Guidelines

Landscape Character Assessment for Dacorum

Energy Efficiency and Conservation

Dacorum Community Plan

Water Conservation

National Policy Guidance

National Planning Policy Framework

East of England Plan

Policies ENV2, ENV3 and ENV5

**5.3 4/02312/11/DRC - DETAILS OF LANDSCAPING AS REQUIRED BY CONDITION 3 OF PLANNING PERMISSION 4/02672/O5 (CONSTRUCTION OF 150 DWELLINGS WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING (INCLUDING DECULVERTING OF THE RIVER BULBOURNE) AND AMENITY SPACE)
LAND OFF, STAG LANE, BERKHAMSTED
APPLICANT: BELLWAY HOMES (NORTH LONDON)**

[Case Officer - Robert Freeman]

[Grid Ref - **SP 98432 08325**]

Summary

The application is recommended for approval.

The proposed landscaping works are considered to contribute to a high quality residential environment and fulfil the landscaping aims and objectives of Policy 11 and Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and those within the Stag Lane Development Brief.

Site Description

The site comprises a number of houses constructed between Stag Lane and Riversend Road/Belton Road. Many of these dwellings have now been occupied. The site includes a section of the River Bulbourne which has been taken out of culvert through the site and landscaped together with a central open space area.

Proposal

The proposal is for a number of landscaping works required to address condition 3 of planning permission 4/02672/05/FUL. This condition states that:

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

- *means of enclosure,*
- *any external lighting,*
- *structural landscaping of both private and public spaces including the river and canal areas,*
- *details of all hard surfacing materials (including roads, driveways and car parking areas, paths and Home Zones)*
- *street furniture,*
- *the designation of sufficient parking, drying areas and private amenity areas for all flats,*
- *planting or physical barriers to prevent informal parking on undesignated areas,*
- *proposed and existing functional services above and below ground (e.g drainage, power, communication cables (including TV and internet), fire hydrants, pipelines etc, lines, manholes supports)*
- *soft landscaping works including planting plans and written specifications (including cultivation and other operations associated with plants and grass establishment), schedules of plants and trees (noting species, plant sizes and proposed densities/numbers)*
- *a plan showing landscape amenity areas,*
- *details of trees to be retained and measures for their protection during the course of development.*

Such details shall include a land and tree survey in accordance with BS5837:2005 (Trees in Relation to Construction)

All planting within the river corridor shall be of a locally native plant species only, of UK generic

origin.

The approved landscaping scheme relating to each separate phase area shall be implemented by the end of the first planting season immediately following the completion of that phase of the development (a planting season meaning the period from 1st October in any one year to 31st March the following year). Any approved landscaping falling outside of any phase area shall be implemented by the end of the first planting season following the completion of the last phase of development. For the purpose of this condition each phase area shall be as approved under condition 2".

Referral to Committee

The application for the landscaping of the site is referred to the Development Control Committee (DCC) in accordance with the resolution on planning application 4/02672/05/FUL at the Development Control Meeting of the 12th October 2006. The minutes of the DCC meeting of the 12th October 2006 state that:

"the central area is to be landscaped innovatively to provide the best environmental solution for the amenity area within the development. The detailed landscaping scheme is to be reported back to the committee and not to be dealt with by officers under delegated powers".

The DCC expressed a clear desire for the central area of open space to be innovatively landscaped, in response to concerns by the planning officer that this space could not sustain its drainage role and provide play and amenity space for future occupants of the scheme in accordance with the request of the Town Council.

Two previous attempts to discharge the landscaping conditions have been refused by the DCC (4/00936/08/DRC and 4/01451/09/DRC) in accordance with officer advice.

Planning History

The previous application (4/01451/09/DRC) to discharge this planning condition was refused by the DCC for the following reason:

"The proposed landscaping, by reason of its inappropriate and inconsistent means of enclosure, unsuitable and insufficient soft landscaping and treatment of hard standing areas, does not meet the high quality expected of landscaping under national planning policy in PPS 1 and PPS 3. It fails to meet the aims of objectives of policies 11, 51, 54, 61, 99 and 100, Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and Supplementary Planning Guidance in the forms of Environmental Guidelines sections 3, 4 and 12 and the Stag Lane Development Brief."

Members were satisfied that a previous refusal based on the inadequacies of the lighting scheme for the site had been appropriately addressed.

Since this application was refused the Assistant Team Leader (Enforcement) has clearly set out to Bellway Homes a number of items requiring work to discharge the landscaping condition within his email to them of the 29th July 2010. This resulted in a subsequent application, 4/01795/10/DRC, which remains undetermined. This application contained inconsistent information and is awaiting withdrawal. The current agent, DLP, were employed in 2011 to resolve matters cumulating in the current submission.

There have been a series of discussions between the applicants, the Assistant Team Leader (Enforcement), the Trees and Woodlands Officer, the Environment Agency and the case officer leading to the submission of this scheme.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Dacorum Borough Local Plan

Policies 11, 49, 51, 54, 61, 63, 76, 79, 99, 100, 101, 103, 106, 107, 113, 115, 124 and 129.
Appendices 3, 5 and 8

Pre-Submission Core Strategy

Policies CS12, CS13, CS26, CS29 and CS31

Supplementary Planning Guidance

Environmental Guidelines
Stag Lane Development Brief.

Representations

Berkhamsted Town Council

No objections subject to the advice of the Trees and Woodlands Officer

Conservation and Design

Condition 3 covers a range of hard and soft landscaping issues as set out in the eleven bullet points thereto. I have considered that soft landscaping matters (assuming extra tree planting of appropriate species in consultation with the Tree and Woodlands officer) together with both parking/amenity areas and functional services have been adequately addressed. This leaves six items as follows:

Means of Enclosure - The boundaries to the rear of properties are provided as both brick walls and timber fences. Taking account of the amount of hard standing and extensive use of brick on the housing the fences provide an element of visual relief.

External Lighting - This appears to be an after thought in design/location but is not considered damaging to the scheme.

Hard Standing - The approach is very urban and is excessive to the square to the front of plots 75-103. This will be off-set by the additional feature trees to the centre of the fore court.

Street Furniture - The restrained approach is acceptable.

Restrictions to Inappropriate Parking - These appear to be sufficient.

Structural Landscaping to Private/Public Spaces and the River Corridor - This appears to be acceptable.

Hertfordshire Highways

Do not wish to restrict the discharge of this condition.

Environment Agency

After reviewing the amended Landscape Appraisal we are still unable to recommend discharge of Condition 3. We will only be in position to recommend discharge once the planting scheme has been appropriately addressed. This would involve removing the non-native species from within the buffer zone and replacing these with native species. Condition 3 states that *'all planting within the river corridor shall be of a locally native plant species only'*. The area within eight metres of the top of bank is considered the river corridor. Until the non-native species are removed we will not recommend discharge.

Comments of the 31st May 2011:

We requested the landscaping condition on planning permission 4/02672/05 to ensure appropriate planting was carried out in the river corridor. If inappropriate planting is carried out in the river corridor it can have a detrimental impact on biodiversity. This condition was requested as a pre-commencement condition but we understand that work commenced prior to submission of the Discharge of Condition was submitted to you.

Biodiversity Technical Officer for this area has visited the site to look at the planting scheme. Although we are very happy with the work that has been carried out to open the culverted watercourse, planting non-native species in the buffer zone detracts from the gains the de-culverting should bring. One of the principle reasons we request a buffer zone for main rivers is to enhance our native biodiversity associated with river corridors. By planting non-native species this will not happen. We always ask that any area within 8 metres of top of the river bank is planted with native species. If non-native species are desired by the developer they could be planted elsewhere within the development.

There is encroachment into the usual buffer of 8 metres from the main river by the development. As a result the buffer zone is fairly narrow through parts of the Stag lane development, at some locations it is as small as 2-3 metres. The composition of what is planted along the buffer zone therefore becomes even more important. Elephants ear and Snowberry are not native but have been planted in the area at the top of the river bank. This conflicts with the general principle of planting native material in the river corridor. We do not feel that this is suitable or justified. We feel that these should be removed from the river corridor and it should be replanted with native species. We accept that the scheme has been designed to bring benefits to the site as a whole, (e.g providing food for certain types of birds etc) but we see no reason why native species cannot be utilised which will bring similar benefits.

Trees and Woodlands

The application follows a number of conversations with the Environment Agency in 2011. The Environment Agency has previously stated that they insist on a buffer zone planted with band of native plants and as such they wanted to see this swathe extended to include the removal of some existing ornamental planting. The need for a rigid buffer zone is questioned. While I would support the principle of native planting regimes the existing garden plantings still had some nature conservation interest. It is considered unreasonable for the Environment Agency to insist that native plantings come right up the garden fence and it is reasonable for there to be a transition zone of more ornamental plantings as seen at present.

We deal with a number of river locations; Gade, Ver and Bulbourne in various parts of the Borough. These are mostly 'natural' situations but this occasionally interact with the urban area. The river and surrounds will hopefully develop in a way that builds from the bankside native flower mixes to attract a range of insects and birds. In an ordered suburban type setting, such as the application site, non native planting material would not be unexpected.

The general landscaping at Stag Lane has been of a high quality, particularly the shrub

planting and subsequent maintenance. The tree planting has been generally good although a few failures have been noted. The submitted drawings are correct and as agreed during the course of 2011.

The original vision for the River Bulbourne is that it would be restored from former culverting, flow through the site and upon its banks there would be a mix of plants all contributing to an 8 metre swathe of native plant material either side of the river that the Environment Agency require. Unfortunately little of the original vision is working at present. The drought conditions have turned the water course into one of a seasonal nature and while we would normally expect it to be full in March, it is currently empty and looks likely to stay that way throughout the summer.

While the rest of the landscaping both in gardens and common parts of the estate remained in keeping with an urban form of development and urban watercourses, the growth of vegetation on both banks during the summer of 2011 was quite spectacular. Upon inspection it was evident that not only had the seed mixes established but there was wholesale invasion of ruderal plants resulting in a remarkable number of plant species in a small area.

There seem to be three possible explanations for what happened:

- The seed mix was contaminated with rogue species
- There was a substantial dormant seed bank that was disturbed when the river and banks were profiled or
- That seed rich top soil was imported

By the end of summer 2011 the growth was so rampant and in such contrast with the surrounding gardens that residents complained and discussed with the managing agents what should happen to bring the situation under control.

It was clear at this time that two options for management were available:

- To weedkill both banks and start again
- To selectively control those rampant 'weed species' and favour the plants that have established from the original seed mix

The management report now submitted happily takes the latter route, selection of desirable species and I support the general principles described within the plan.

I can see the hand pulling and spot treatment of 'weed species' lasting a lot longer than just the month of April but I believe the general approach is the right one, it will need someone who has a detailed knowledge of plants to undertake this work. I have found the plants that the Environment Agency refer to in a letter of the 23rd December 2010 and subsequent correspondence and believe it may be unreasonable to ask the developers to uproot and replant with these species within the river corridor. The Elephants Ear (*Bergenia cordifolia*) established on the site is drought tolerant and harbours large numbers of snails which in turn will be attractive to Song Thrushes which have made a notable recovery in this area over the last ten years. Whilst 'Midwinter Fire' is a naturally occurring variety, discovered in a garden and is less likely to be sterile than clones. It will, in my view, attract a variety of insects and birds enhancing the landscape and ecological value of the site.

In relation to tree planting, I have guided the developer away from native *Alnus* because of the problems recently experienced with our native stocks. Willow was not considered an appropriate species in this location and is not seen as a viable alternative. We do not think that birch (which is also native) is out of keeping. This 'thrives on a variety of soils and especially damp locations' (*Hilliers*)

Hertfordshire Constabulary - Architectural Liaison Officer

Pleased to see an additional light will be installed on the canal footpath link at plots 126-136,

I'm sure this will make the path entry to the towpath a lot safer for pedestrians and cyclist. I note DLP don't feel it necessary to replace the existing bollard's on the footway/cycleway link on Stag Lane and I feel this is a little disappointing but if there have been no incidents over the last few years which would have included at least one summer season then it may have to be monitored by residents.

Local Residents and their Advisors

It is not common practice to consult local residents on the submission of details to discharge planning conditions however throughout 2011 we have been in discussions with both the Residents Association and the site management company, Remus. The following advice was received from an ecologist related to a member of the Residents Association in July 2011 following a site inspection on the 26th June 2011 and is considered useful to the debate on the merits of the site landscaping.

"My guess is that a chalk grassland mix has been used for the banks, as several species are present which would be in such a list, and which would be unlikely to colonise so quickly otherwise, particularly salad burnet

I would cut year in year out for 2-3 years, and monitor how things go.

I think that you are where you are with this area of informal landscaping. Rather than crying over spilt milk, then I would suggest cutting and see what comes back each season for a couple of years. The creeping thistle and nettles may not be a big part of the mix and not a problem then, whilst if they are dominating, then I would suggest weed wiping with an appropriate systemic herbicide that will kill patches off completely with one or two applications.

Julian Branscombe MIEEM

Manager, Scapa Flow Landscape Partnership Scheme, Orkney"

Considerations

Members should consider whether the changes proposed by the applicants have adequately addressed the issues reported to the DCC meetings of the 26th March 2009 and 22nd April 2010 and in particular the reason for the refusal of application 4/01451/09/DRC.

The applicants have focused their efforts on resolving conflicts between the Council, the Environment Agency and local residents over the condition and nature of works within the river course and central structural landscaped area and to redressing an imbalance between hard and soft landscaping within the Home Zones or shared spaces upon the site. A number of smaller more detailed matters have been left unaltered or are not capable of resolution given private ownership. These items are not considered, on balance, to result in significant harm to the appearance of the scheme.

River Corridor and Balancing Area

One of the key benefits associated with the residential development of the site was the deculverting of the River Bulbourne through the site. The Bulbourne is designated as a chalk stream and is classified as being of international importance in the UK Biodiversity Plan. The river corridor and balancing area should create new habitats typical of a chalk stream and seeded with a range of grasses and wildflower mixes.

The applicants have undertaken a detailed survey of the river corridor through the site and have set out proposals to remediate and manage both this feature and the associated balancing area to achieve an attractive and ecologically valuable environment. The survey works reveal that many of the original approved seed mixes for the river corridor had established alongside a number of other species characteristic of good quality aquatic habitats. Ruderal species (such as thistles and nettles) (weeds) had also become quite dominant. The survey concludes that the plant community is diverse, containing a significant number of

valuable species and that weeds may be controlled by following the associated management plan. Although the Environment Agency are concerned with the presence of non-native species and would like to see these removed in favour of native planting this seems illogical and unnecessarily invasive given the comments of our Trees and Woodlands Officer and other experts.

I am satisfied that there is a clear argument to retain the existing riverside environment and manage the species therein to achieve an appropriate habitat in the longer term. This includes greater control of rampant 'weed species' in favour of the plants that have established from the original seed mix as set out in the applicants Stream Management Plan.

Home Zones

There was a conscious effort throughout the initial design process to ensure that streets (Home Zones) and spaces within the estate were created which were multi purpose and did not differentiate between vehicular and pedestrians use. Home Zones work through the physical alteration of streets and roads in an area to create an environment where pedestrians and vehicles use the same space at comparable speed. These alterations force motorists to drive with greater care and at lower speeds. A common approach is to redefine the street away from conventional straight lines of carriageway and footway to incorporate a single shared surface between property boundaries. Consideration may still be given to defining the vehicle path where necessary but on a more informal basis with soft landscaping, street furniture etc. The initial vision has not materialised in a number of locations upon the site as a result of a lack of innovation, physical alteration or redefinition of the street, lack of appropriate soft landscaping and lack of street furniture. This has resulted in some of the larger hard standing areas being sterile in appearance or utilised for car parking often to the detriment of neighbours and has been counter productive to encouraging low speed vehicle movements and pedestrian friendly environments and alternative/shared use of these areas. It is difficult to create such environments retrospectively and it is acknowledged that the proposals are likely to fall short of the initial vision.

The simplest way for the applicants to redress these concerns is to incorporate a number of street trees with these areas to break up the dominance of hard standing. Three areas have been identified for improvements by the applicants.

The applicants have provided additional street trees with protective grills and a shrub bed between plots 75 to 80, plots 98 to 103 and the Grand Union Canal in an attempt to soften the appearance of this large area of hard standing. The provision of the shrub bed to the front of plots 75 to 80 should reduce the use of the area for parking and seeks to address some of the issues identified with inconsiderate or obstructive parking to the front of these residential units. These works are considered to strike a careful balance between the need to improve the appearance of the area whilst retaining access for larger vehicles to the rear parking area to plots 81 to 97.

Additional trees will also be planted between plots 108 to 113 and adjacent flats to provide a reduce traffic speeds and provide a more attractive environment for pedestrians using this link between the river corridor and a routes to the Grand Union Canal.

A tree pit will be provided outside plot 66 to alter the approach and speed of vehicles accessing the parking area to the rear of plots 40 to 51 and remove parking immediately outside this property which had resulted in harm to the amenities of this property.

Additional and Amended Tree Planting

Some subtle variations in the location and species of new tree planting are proposed in accordance with recommendations of the Trees and Woodlands officer improving the appearance and longevity of tree planting upon the estate. These trees should be replaced in

the next planting season alongside some species of tree upon the estate which have become diseased and those which have failed to establish themselves.

External Lighting

Officers have previously refused the scheme for the external lighting of the site raising five areas of concern as follows:

- The level of illumination to FP 1 to the rear of plots 114 to 136 was insufficient
- The level of illumination to the car park CP3 to the rear of plots 104-107 was insufficient
- The footpath link between CP4 and FP4 was lacking illumination and there was a dark corner within car park CP4
- The bollard lighting scheme to FP2, FP3 and FP4 gave inconsistent lighting levels through the main pedestrian route through the site, and
- There was no lighting installed within the car parking area to the rear of plots 52-55 and plots 143-150 at the centre of the site.

The majority of these items have been addressed within the latest submission.

The applicants have supplemented the lighting to FP1 with an additional bollard light marking the corner of the site and the adjacent canal in accordance with the advice of the Architectural Liaison Officer.

The relocation of lighting column CP3-1 immediately adjacent to the security barrier to the access road serving garaging to plots 104-107 together with the fitting of a rear shield to CP3-2 will result in a higher and more consistent level of illumination to this service road, whilst the provision of a new column (CP3-3) to the rear of plot 103 should address any shortfall in illumination within this circulation space.

A new bollard light has been added (CP4-4) adjacent to the footpath between CP4 and the riverside walk addressing concerns with regards to a lack of illumination within this corner of CP4 and providing a safer pedestrian link between the car park, flats and riverside walk.

Concerns have previously been expressed (under 4/00936/08/DRC) over the use of bollard lights along the main footpath through the site, which although aesthetically pleasing, give a lower consistency of illumination along this pathway. This application seeks to retain the use of bollards along this path even though the Council had resolved to approve a scheme of column lights. A careful balance will need to be struck along the river corridor between aesthetics, public safety, crime prevention and nature conservation. Although the case officer and the Architectural Liaison Officer would still advocate a consistent lighting level across this path and thus favour a scheme containing column lights the primary concern is to achieve a basic overall minimum level of illumination along this route in the interests of public safety and crime prevention. Anecdotal evidence gathered in a subsequent site inspection by the case officer and the Architectural Liaison Officer indicates that residents do not perceive the lighting of this path to be a significant problem with the development and similar feedback has been provided by the Residents Association.

It is however unfortunate that the approach has not been extended to other areas of the site including garages at the rear of plots 52-55 and plots 143-150. It is understood that these areas are no longer within the applicants control and as such officers have been unable to negotiate any improvements to the lighting within this area.

On balance, it is considered that, although officers have concerns with elements of the lighting scheme, these improvements would not be sufficient to justify the refusal of this application in light of the improvements made on drawing HLS-120/2 Revision 8.

Other Landscaping Works

The Architectural Liaison officer has dropped his request for staggered bollard's to restrict use of the footpath link between Stag Lane and the canal by motorcycles in lieu of the provision both of a substantial hedge reducing the gap between the path and adjacent development and given that since the sites construction there have been no complaints relating to such incidence's of anti-social behaviour in this form. The provision of this hedge clearly defines the boundary of the site and associated maintenance responsibilities and was encouraged in negotiations between the Assistant Team Leader Development Management (Enforcement), the applicants and case officer and should be supported.

Conclusions

The applicants have made reasonable attempts to resolve officer and member concerns with regards to the landscaping of this site over a number of years and it is important that such matters are now drawn to a conclusion in the interests of current and future residents of the scheme. Notwithstanding some minor detailing, overall the scheme is considered to be good quality with substantial improvements in both the landscape quality of the site and its ecological value.

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

1421-002 Revision W (Hard Landscaping Plan Sheet 1 of 4)

1421-003 Revision V (Hard Landscaping Plan Sheet 2 of 4)

1421-004 Revision W (Hard Landscaping Plan Sheet 3 of 4)

1421-005 Revision Y (Hard Landscaping Plan Sheet 4 of 4)

MCA0108/05 Revision T (Soft Landscaping Plan)

HLS-120/2 Revision 8 (Lighting Scheme)

BT Utilities Plan

Connect Utilities Plan

Mace Utilities Plan

Greenwood Environmental Survey and Management Advice for Stream Corridor

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

INFORMATIVE

The discharge of this planning condition does not discharge the obligation under Section 106 of the Town and Country Planning Act 1990 for the submission of a Landscape Management Plan.

5.4 4/00272/12/FUL - INSTALLATION OF SINGLE PERSON LIFT TO FRONT ELEVATION OF BLOCK OF FLATS.

BETTY PATERSON HOUSE, ASTLEY ROAD, HEMEL HEMPSTEAD, HP1

APPLICANT: PROPERTY AND PLACE DEPARTMENT

[Case Officer - Richard Butler]

[Grid Ref - TL 05278 07200]

Summary

The proposed development includes the addition of a lift shaft to the front of the building to provide assisted access whilst the main lift of the building is serviced. The additional built form to the front of the building is not considered to amount to a bulky addition to the building and would not be detrimental to the appearance of the building. There shall be no detriment to the street scene or the amenity of neighbouring residents. The proposed development accords with Policy 11 of the Adopted Local Plan.

Site and surroundings

Betty Patterson House is a four storey building located off Astley Road, Hemel Hempstead close to the town centre on the western side of Leighton Buzzard Road.

The large building provides elderly accommodation and is bounded on all sides by residential dwellings.

Proposal

The application seeks planning permission for the construction of a brick enclosed lift shaft to the front elevation of the building providing a single person lift to the facilities of the building.

Referral to Committee

The application is referred to Development Control Committee as the building is owned by Dacorum Borough Council.

Relevant history

None

Policies

National Policy Guidance

National Planning Policy Framework

Emerging Core Strategy

Policies CS1, CS4, CS12

Dacorum Borough Local Plan

Policies 1, 2, 9, 11, 13, 58

Supplementary Planning Guidance

Development in Residential Areas

Representations

Note from Discussion with resident of Betty Patterson House, Astley Road

Resident queried the reasoning behind the provision of a single person lift, and suggested a larger lift would be more useful.

Constraints

Urban Area

Considerations

Policy and Principle

The building is located within the urban area of Hemel Hempstead wherein extensions to properties are acceptable in principle.

The primary Policy of interest is Policy 11 - Quality of Development, and Core Strategy Policy CS12. Policy 11 states that development will not be permitted unless it is appropriate in terms of layout, site coverage, design, scale, bulk, height, materials and landscaping on the site itself, in relation to adjoining property and in the context of longer views. Development should also respect the townscape, density and general character of the area and avoid harm to the surrounding neighbourhood and adjoining properties through for example, visual intrusion, loss of privacy, loss of sunlight, loss of daylight, noise disturbance or pollution. Its overall design should be in harmony with the surrounding properties. Chapter 7 of the NPPF is titled 'Requiring Good Design' and provides principles of design relating to, among other things, functionality and attractiveness - these principles shall be considered in the assessment of the application.

Effect on appearance of building

The proposed development is small scale when considered in the context of the whole building, however the structure shall extend from the full height of the front elevation and whilst it is limited in depth to 2.3m only, the addition is located above the main entrance to the building and is therefore considered prominent.

The appearance shall be of a white coated steel frame with glazed panels and is visible from the front elevation of the dwelling and also when the building is viewed in profile when entering the site.

However, whilst prominent the structure is not considered to detract from the appearance of the building to a detrimental extent and on balance the benefits of the additional lift with regard to maintaining access for residents is considered to be a material consideration in favour of the application.

Effect on Street Scene

There are limited street scene views of the building or the proposed extension as the building is set into an enclosed courtyard; however, access to dwellings beyond Betty Patterson House is also noted. The proposed structure shall not cause a detrimental impact to the appearance or character of the surrounding area.

Effect on Amenity of Neighbours

Of main consideration in this aspect is the residents within Betty Patterson House; the lift shaft

is to be placed externally on the dwelling and shall be located close to some windows of apartments within the building.

A 45 degree line from the centre of adjacent windows demonstrates that the new lift shaft may cause a loss of light to these windows, particularly as the lift shaft is due south of the windows in question, however, the existing lift structure on the building projects further than the proposed and causes the same level of interference of windows; therefore the development shall not cause a loss of light.

There are no external windows to the lift and no loss of privacy shall occur as a result of the development.

Some residents have contacted the case officer raising question with regard to the installation of a 'single-person' lift as opposed to a larger more common lift. Whilst it is appreciated that a larger lift may provide more benefit to the residents. However, the proposal is in addition to the existing larger lift and assessment of the development proposed has not raised any concern with regard to relevant planning policies.

Other Considerations

There are no other concerns as a result of this development. Parking demand is not affected by the development.

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

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

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

- 2 **The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

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

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

Site Location Plan
11200/10

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 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 building or the appearance of the street scene. The amenity of adjoining neighbours and the residents of Betty Patterson House would not be adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policy 11 of the Borough Plan and Policies CS 1, 4 and 12 of the emerging Core Strategy.

NOTE 2:

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

Emerging Core Strategy

Policies CS1, CS4 and CS12

Dacorum Borough Local Plan 1991 - 2011

Policies 2, 9, 10, 11, 13 and 58

Appendices 5 and 7

Supplementary Planning Guidance

Development in Residential Areas

**5.5 4/00403/12/FHA - TWO STOREY SIDE AND REAR EXTENSIONS AND SINGLE STOREY FRONT AND REAR EXTENSIONS (AMENDED SCHEME)
7 POLLYWICK ROAD, WIGGINTON, TRING, HP236ES
APPLICANT: MR AND MRS J JONES**

[Case Officer - Joan Reid]

[Grid Ref - **SP 93583 10137**]

Summary

The application is recommended for approval. The application site is located within the small village of Wigginton wherein extensions to properties are acceptable in accordance with policy 6 of the DBLP. There would be no adverse effects on the appearance of the street scene and to the character of the parent dwelling. The amenity of adjoining neighbours would not be adversely affected in terms of loss of sunlight, daylight or privacy. Car parking locally to serve the site is adequate and provision will be made to ensure that important landscaping is not lost. The details of this scheme accord with the development principles for this area and planning guidelines. The proposal therefore accords with Policies 6 and 11 and Appendices 5 and 7 of the Borough Plan and policies CS6, CS11, CS12, CS24 and CS29 of the Pre-submission Core Strategy and the NPPF.

Site Description

The application site is an end property within the small cul de sac of Pollywick Road, within the small village of Wigginton. The application site comprises a two storey semi-detached property and gardens and is located adjacent to an area of amenity land. Pollywick Road forms one of three similar cul de sacs, all with similar sized and designed dwellings, resulting in a uniform layout. All the dwellings on the street have a flat roofed front projection which has for the most part remained unaltered. The application dwelling has already been extended to the rear with a small conservatory.

Proposal

The application seeks planning permission for a two storey extension to the side and rear of the property with additional single storey elements to the front and rear. The proposed two storey addition extends to a width of 4m to the side, is set back 2.3m from the front elevation and extends 2.7m to the rear. A single storey element will project a further 1m to the rear and a small single storey addition will allow for a hallway and a toilet to the front. The ridge of the extension is set down 0.5m from the ridge of the parent dwelling and the pitch of the roof will match that of the parent dwelling.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Wigginton Parish Council. Wigginton Parish Council feel that the proposed extension remains too large an increase relative to the original floor area, would constitute overdevelopment of the site and is not in keeping with nearby properties.

Planning History

4/02299/11/FHA TWO STOREY SIDE AND REAR EXTENSION AND SINGLE STOREY FRONT AND REAR EXTENSIONS
Refused
14/02/2012

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Dacorum Borough Local Plan

Policies 1, 6, 11, 13 and 58
Appendices 3, 5 and 7

Pre-Submission Core Strategy

Policies CS6, CS11, CS12, CS24 and CS29

Representations

Wigginton Town/Parish Council

Wigginton Parish Council considered this amended application at its meeting on 20th March 2012. The Council continues to object to the proposal. The proposed extension remains too large an increase relative to the original floor area, would constitute overdevelopment of the site and is not in keeping with nearby properties.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

None received

Considerations

Policy and Principle

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

DBLP 6 of the Dacorum Borough Local Plan accords with the advice of the NPPF and indicates that within the village of Wigginton house extensions will be permitted as long as the development will be sympathetic to its surroundings (which includes the adjoining countryside) in terms of local character, design, scale, landscaping and visual impact; and no feature essential to the character and appearance of the village will be adversely affected.

DBLP 11 Quality of Development states that a high standard is expected in all development proposals. Development will not be permitted unless it is appropriate in terms of: layout; site coverage; design; scale; bulk; height; materials and landscaping. On the site itself, in relation to adjoining property and in the context of longer views: it respects the townscape, density and general character of the area in which it is set; it avoids harm to the surrounding neighbourhood and adjoining properties through, for example, visual intrusion; it retains, does not adversely affect and where appropriate enhances important landscape, natural, ecological, historical or architectural features.

As the development site falls within the AONB, it is also necessary to consider policy 97 of the local plan in respect of the proposal. Policy 97 indicates that development must not be intrusive in terms of noise, disturbance, light pollution, traffic generation and parking. Building, plant and structures must be sympathetically sited and designed, having regard to natural contours, landscape, planting and other buildings; there should be no adverse effect on skyline views,

and colours and materials used for a development must fit in with the traditional character of the area.

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

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

Effects on appearance of building and streetscene

This scheme is considered to accord with the objectives set out above of both the draft core strategy and the adopted local plan. The extension relates well to the existing dwelling in terms of roofscape, materials and fenestration and will appear subservient to the original dwelling as the two storey side extension is set back approximately 2.4m from the principle elevation. When viewed from the front, it is considered that the extension would not appear visually prominent due to this set back from the front elevation and the ridge of the extension is set down from the parent building. The proposals result in little alteration to the front facade of the parent dwelling and the front flat roof projection remains largely unchanged. The introduction of the small gable projection to the rear would not undermine the original character of the property and will not appear overly bulky. Materials are to match existing and the fenestration is in keeping with the parent dwelling which is welcomed.

In terms of the character of the street scene, it is considered that the proposal would not detract from this group of buildings and will maintain the common characteristics which are prevalent throughout Pollywick road and indeed the surrounding roads. The extension will be set back from the front elevation and this amended scheme does not alter the flat roof front projection at the front, thus allowing retention this uniform feature which is repeated along the rest of the buildings within the streetscene. There will be some views to the rear elevation from Belmers Road, however this projection is thought to be modest and no objection is raised.

In terms of site layout, the extensions have been designed in order to fit within the site boundary and also to respect the character of the dwelling and surrounding street scene. It is also noted that the modest single storey addition to the front of the side extension has been included to allow access to the extension from the front of the dwelling. The plot is quite spacious and larger than the adjacent plots due to its positioning at the end of the cul de sac. It is considered that the extension fits comfortably on the site and there is still a large gap retained to the side of the plot. This, together with the fact that the site backs onto the rear garden of no.10 Osborne Way and a public footpath, it is unlikely that further development will concur in close proximity to the proposal. In light of the large site, and surrounding gardens and pathway and amenity space, it is considered that the development will not appear cramped on the site.

Impact on Neighbours

There would not be significant harm to the amenities of the neighbours as a result of the proposal. As the extension is located at the end of the cul de sac, it will not be in close proximity to any of the neighbours along Pollywick Road. The extension is to the side and rear of the property and therefore would not result in a significant loss of daylight or sunlight to any of the surrounding properties or appear overbearing within the outlook available to them. The projecting gable to the rear extends out to approximately 22m from the rear elevation of no.5 Belmers however the window serving this elevation is to be obscure glazed (serving a dressing room) and therefore it is unlikely that there would be a significant loss of light to the properties located along Belmers Road.

Impact on Trees and Landscaping

No important trees or landscaping would be compromised as a result of the proposal. A mature tree is located to the front of the site however the proposed extension will not detrimentally upset its Root Protection Area. A large willow is located to the side of the property, however sufficient distance is retained between this tree and the extension to ensure that the RPA should not be significantly impacted. A condition will be imposed requiring details of root protection during construction.

Other Material Planning Considerations

There is no off-street car parking provided on site at present and indeed at few of the surrounding properties. The increase in bedrooms from 3 to 4 is considered insufficient reason to refuse this application on the basis that there is adequate on street parking within the immediate area, primarily supplied by small parking bays along Pollywick Road.

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

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

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

- 2 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development.

- 3 The trees shown for retention on the approved Drawing No. 4589 a shall be protected during the whole period of site excavation and construction by the erection and retention of a 1.5 metre high chestnut paling fence on a scaffold framework positioned beneath the outermost part of the branch canopy of the trees.**

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

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

following approved plans:

4589 a

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

NOTE 1:

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

The site is located in an area where domestic extensions are acceptable in principle in accordance with Policy 6 of the Borough Plan. There would be no adverse effects on the appearance of the building or the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking immediately adjacent to the site is adequate. The proposals therefore accord with Policy 11 of the Borough Plan and Policies CS6, CS11, CS12, CS24 and CS29 of the Pre-Submission Core Strategy.

NOTE 2:

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

Dacorum Borough Local Plan 1991 - 2011

Policies 6, 9, 10, 11, 13 and 58

Appendices 5 and 7

Pre-Submission Core Strategy

Policies CS6, CS11, CS12, CS24 and CS29

Supplementary Planning Guidance

Development in Residential Areas

5.6 4/00459/12/FHA - LOFT CONVERSION WITH REAR DORMER, FRONT VELUX AND SIDE SASH
32 LOCKERS PARK LANE, HEMEL HEMPSTEAD, HP1 1TH
APPLICANT: MS JENNY DUFF

[Case Officer - Joan Reid]

[Grid Ref - TL 04825 07345]

Summary

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

Site Description

The application site is located within the residential area of Hammerfield North, Hemel Hempstead and comprises a terraced two storey property which is a recent build. The site is located on the western side of Lockers Park Lane and just north of the junction with Pinewood Gardens. The dwelling fronts onto Lockers Park Lane, and looks out onto the grounds of Lockers Park School and there are prominent views to the rear of the property from Pinewood Gardens. The property sides onto a grassed amenity space and the rear overlooks the front elevation of no.26 Pinewood Gardens.

Proposal

The application seeks planning permission for a conversion of the roof space by insertion of a large dormer window to the rear roof slope and insertion of a window in the side elevation of the property at 2nd floor level which is to be obscure glazed. These works would normally fall within the remit of permitted development however when the properties were granted planning permission, permitted development rights were removed. The dormer window is to have a hipped slate roof and white timber sash windows.

Referral to Committee

The application is referred to the Development Control Committee as a family member of the applicant works within the Council.

Planning History

4/02948/07/FUL CONSTRUCTION OF THREE DWELLINGS (AMENDED SCHEME)
Granted
23/01/2008

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Dacorum Borough Local Plan

Policies 1, 9, 11, 13 and 58

Appendices 1, 3, 5 and 7

Supplementary Planning Guidance

Residential Character Area HCA 3

Pre-Submission Core Strategy

Policies CS4, CS11, CS12 and CS29

Representations

No comments received

Considerations

Policy and Principle

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

Appendix 7 of the local plan sets out guidance for the insertion of dormer windows and states that:

- a) the dormer window should not extend above the ridgeline of the existing roof, but should be brought as far as possible below the ridge;
- b) the dormer margins should be set in a minimum of 1m from the flank walls and set in form the main rear wall; and
- c) the dormer should be clad in materials similar in appearance to the roof.

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

Effects on appearance of building

It is considered that the proposed dormer whilst large in scale, would not adversely impact the overall appearance of the dwelling. The dormer accords with the principles set out in appendix 7 above in that it is well set in from the flank walls and rear wall and set down from the ridge. The introduction of the hipped roof reduces its prominence somewhat and the materials will integrate well with the parent dwelling. The dormer window is positioned to the rear of the property and overall is acceptable for approval from a design perspective. The proposed window to the flank elevation is modest in size and will not have an adverse impact to the appearance of the parent house.

Impact on Street Scene

The dormer window will be seen from Pinewood Gardens, however when considered against the large gable of the adjoining property together with the smaller dormer windows, it is considered that the dormer will not interrupt the roofscape and appear out of place. Overall, in the context of the adjoining building, it is considered that the dormer window will not result in significant harm to the street scene.

Impact on Trees and Landscaping

There will be no impact to any trees or landscaping as a result of the proposals.

Impact on Neighbours

The dormer window will allow views into the flank wall of no.26 Pinewood Gardens and across to the front elevations of no's, 6,8,10,12 and 14 Pinewood Gardens. There is a distance of 30m for more from the proposed dormer window and the frontages of properties at Pinewood Gardens and therefore sufficient spacing to ensuring that privacy would not be unduly compromised as a result of the proposal. The insertion of the window on the flank will be to be obscure glazed and therefore it will not result in a loss of privacy to the neighbouring properties.

Other Material Planning Considerations

Conversion of the roof space will increase the number of bedrooms from 2 to 3 and therefore the implications of this will need to be considered in relation to car parking. At present, there is one car parking space provided to the front of the site. Appendix 5 of the DBLP sets out a maximum car parking standard of 2.25 spaces for a three bedroom dwelling within this location.

It is noted that the road to the frontage of the property can appear somewhat congested due to its proximity to Lockers Park School, however there are a number of unrestricted car parking spaces located to the rear of the site within Pinewood gardens which can be used by the applicant. At the time of the site visit, there were ample car parking spaces free to park in. The shortfall of 1.25 spaces from the Maximum standards having regard to the unrestricted parking at the rear, is therefore considered insufficient reason for refusal.

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

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

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

- 2 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development.

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

**JD/P/20120225/03
JD/P/20120225/02
JD/P/20120225/1**

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

NOTE 1:

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

The site is located in an area where domestic extensions are acceptable in principle in accordance with Policy 2 of the Borough Plan. There would be no adverse effects on the appearance of the building or the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking in and around the site is adequate. The proposals therefore accord with Policy 11 of the Borough Plan and Policies CS4, CS11, CS12 and CS29 of the draft Core Strategy.

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 and 58
Appendices 5 and 7

Draft Core Strategy

Policies CS4, CS11, CS12 and CS29.

Supplementary Planning Guidance

Development in Residential Areas

5.7 4/00413/12/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF TWO 3-BEDROOM SEMI-DETACHED DWELLINGS WITH ASSOCIATED ACCESS 8 CHESTNUT DRIVE, BERKHAMSTED, HP4 2JL APPLICANT: A G HIPGRAVE LTD

[Case Officer - Yvonne Edwards]

[Grid Ref - **SP 99703 07080**]

Summary

The application is recommended for approval. The pair of semi-detached dwellings would be of good design, in keeping with the street scene in this part of Chestnut Drive and would provide a sustainable form of development. The proposals would optimise the use of land on the site.

Site Description

No.8 is an unprepossessing interwar bungalow located on a sloping site set down from the north side of the road. There is an existing drive with access to a garage on the east side of the site and a gateway and path to the side on the west side.

Proposal

It is proposed to demolish the existing dwelling and build a pair of 3-bed semi-detached dwellings. These would be set back from the street in alignment with No.6, with pitched roofs and a shared front gable. The dwellings would step down the hill to the rear, reducing in width to a hipped roof shared rear range. There would be off-street parking for one vehicle for each dwelling, using the existing drive in part for the east dwelling and creating a new drive - which would share an extended crossover with No.10 - for the west dwelling. Both would have rear access and there would be a front garden for landscaping for both dwellings, with room for a small tree for each.

Referral to Committee

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

Planning History

There is no recent history for this site.

Policies

National Policy Guidance

NPPF
Circular 11/95

East of England Plan

Policies SS1, ENV7, ENG1

Dacorum Borough Local Plan

Policies 1, 2, 9, 10, 11, 13, 18, 21, 58, 122 and 124
Appendices 1, 3, 5

Supplementary Planning Guidance

Residential Character Area BCA 2:Swing Gate
Water Conservation & Sustainable Drainage
Energy Efficiency & Conservation
Advice Note on Achieving Sustainable Development through Sustainability Statements
Accessibility Zones for the Application of Parking Standards

Representations

Berkhamsted Town Council

Object: while there is no objection to the demolition and replacement of the existing bungalow, the proposed scheme represents an overdevelopment of the site. The proposal is out of character in Chestnut Drive which is characterised primarily by detached houses. The few semi-detached houses have much wider frontages than would be the case in this proposal. Contrary to Policy 11 Dacorum Borough Local Plan. It is suggested that the proposal is amended to provide for one detached dwelling

Hertfordshire Highways

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

1. The proposed car parking spaces shall be a minimum of 5.5m deep, and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the dwelling and shall be paved and used for no other purpose.

Reason for condition: To ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway.

2. The development shall not be occupied until the access & car-parking area has been constructed, surfaced. The car parking area so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time.

Reason for condition: To ensure that adequate parking is provided at all times in the interest of highway safety.

3. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.

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

INFORMATIVE.

Notwithstanding what is shown on the submitted layout plan Condition 1 is considered necessary to ensure that the footway is not obstructed while cars are loaded /unloaded.

The Highway Authority requires the alterations to or the construction of the vehicle crossover to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to apply to the Mid West Hertfordshire Highways Area Office (Telephone 01727 816000) to arrange this. The applicant may ask the highway authority to undertake such works.

Environmental Health

No comments to date

Contaminated Land Officer

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. I recommend that the standard contamination condition be applied to this development should permission be granted.

Thames Water

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.

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

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

6 Chestnut Drive - Object:

- Parking would be in the road
- Overdevelopment
- Garden is not square
- Loss of light
- Very busy bus route
- Loss of value and loss of views

13 Chestnut Drive - Object:

- No mention of asbestos.
- Any parking on highway causes problems
- Bus service does not serve the station
- Most houses in the road are detached

17 Chestnut Drive - Object:

- Overdevelopment of the site
- All other houses have space for two cars

- There is a parking and passing problem especially at school collection time for the bus and refuse lorry
- Most houses are detached

Ardeen Chestnut Drive - Object:

- No mention of asbestos
- Overdevelopment
- Only one off-street parking space per dwelling
- All other houses have space for two cars
- Cycle storage not shown
- Bus service does not serve the station
- Character of road is inaccurate in submission

Considerations

Policy and Principle

The site is located in the urban area of Berkhamsted where residential development is acceptable in principle in accordance with Policy 2 of the Borough Plan. The details of the scheme accord with the development principles for the area (Swing Gate). Here redevelopment will not normally be permitted this being described as an Area of Limited Opportunity, but this proposal would greatly improve the street scene and create an additional dwelling with no loss of amenity and is it considered that redevelopment is acceptable in this case. Parking within the site is acceptable for a three bed dwelling on a bus route. Therefore the scheme accords with Policies 1, 2, 11 and 58 and Appendices 1, 3 and 5 of the Local Plan.

Paragraph 49 of the National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Quality of Design

The pair of semis would be a good design with well-proportioned elevations. The scheme would allow for a sustainable form of development with good levels of insulation and airtightness and with solar thermal panels to provide renewable energy. The pair of dwellings would sit comfortably within the site, with adequate rear garden size and with small front gardens to allow for planting, including a tree each.

Impact on Street Scene

The scheme would enhance the street scene. The semis would be of a comparable height to the neighbours dwellings and would have a pitched roof in a similar form to No.10. There is a wide variety of house types and designs within the road and the proposed dwellings would sit comfortably within the street scene.

Spacing between the dwellings is acceptable and the provision of the front gardens would contribute to soft landscaping in Chestnut Drive in accordance with the Development Principles for Swing Gate Lane area. The density would be slightly above the medium density range for the area at 44 dwellings to the hectare, but the dwellings would not appear as a cramped form of development.

Impact on Neighbours

There would be no adverse impacts on neighbours. There would be no loss of daylight or

sunlight, nor visual intrusion as shown by the 45 degree lines on Dwg No.1818/02C. The dwellings would be set slightly further away from No.10 than the existing bungalow but they would be nearer to No.6 by over 5 m, although the removal of the existing garage would create a gap of 1.8 m between the proposed semi and the garage wall of No.10.

Sustainability

The scheme proposes a high standard of insulation and a good level of air tightness. This will be ensured by condition. A wood burning stove is to be provided, as are two solar thermal panels per dwelling. Each dwelling would have a water butt and there would be a soakway per dwelling in the rear garden. There is space for a cycle in the porch store.

Parking

One space per dwelling is to be provided. This is considered acceptable for a three-bed dwelling on a road with a bus route to the town centre. There have been no comments made by the Highway Authority with respect to unacceptable levels of on-street parking. The maximum standard for a 3-bed dwelling in this part of Berkhamsted is 2.25 spaces which is the starting point for consideration. It is considered a reduction to one space per unit is acceptable in this location due to the factors given above. The Highway Authority has requested a slightly deeper parking bay to ensure no overhanging of the pavement during unloading. It should be noted that the original submission indicated the provision of two spaces per unit, however, officer's considered the provision of 1 space per unit with the provision of a front garden was the most appropriate provision in this particular case. Bearing in mind the availability of on street parking in the area it is considered grounds for refusal on lack of parking and impact on highway safety would be difficult to substantiate.

S106 Unilateral Undertaking

A signed and sealed S106 Unilateral Undertaking has been submitted with this application. The following sums of money are to be provided under the undertaking:

- Financial contributions for first and middle schools of £3,323
- Financial contributions for libraries of £198
- Financial contributions for outdoor pitches of £647
- Financial contributions for cycles of £213
- Financial contributions for child play space of £1,600
- Financial contributions for natural green space of £25
- Financial contributions for travel smart of £25
- Monitoring and Administration Contribution of 6%.
- Fire hydrant provision

Other Material Planning Considerations

There are no records of bat roosts in the immediate area and so the standard informative will be appended to the decision notice.

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:**

**1818/01
1818/02D
1818/03C
1818/04C
1818/05A**

Topographical Survey

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

INFORMATIVE

bats

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

(a) Site Characterisation

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

1. a survey of the extent, scale and nature of contamination;
2. an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
3. 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.

- 4 No development shall take place until details of the materials and solar panels 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 street scene in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy.

- 5 **The development shall not be occupied until the accesses and car-parking areas have been constructed. The car parking spaces shall be a minimum of 5.5m deep and shall be maintained as a permanent ancillary to the dwelling and shall be paved and sustainably drained and used for no other purpose.**

Reason: To ensure a satisfactory appearance to the development and the interests of the visual amenities of the street scene in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy.

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

**Schedule 2 Part 1 Classes A, B and D
Part 2 Class B**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy.

- 7 **An *Amelanchier lamarckii* tree shall be planted in the front garden of each dwelling in the first planting season following commencement of development. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), another tree of the same species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and the interests of the visual amenities of the street scene in accordance with the aims of Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy.

- 8 **There shall be no occupation of the dwellings until a SAP calculation showing that a 11.6% reduction in CO2 emissions compared to the requirements of Part L 2010 of the Building Regulations has been achieved for both dwellings shall**

have been submitted to and approved in writing by the Local Planning Authority.

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

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

INFORMATIVES

Contaminated land

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>

Highways

The Highway Authority requires the alterations to or the construction of the vehicle crossover to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to apply to the Mid West Hertfordshire Highways Area Office (Telephone 01727 816000) to arrange this. The applicant may ask the highway authority to undertake such works.

Bats

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900), Bat Conservation Trust Helpline (0845 1300 228) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

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 buildings or the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policy 11 of the Borough Plan.

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, 9, 10, 11, 13, 18, 21, 58, 122 and 124

Appendices

Appendices 1, 3 and 5

Supplementary Planning Guidance

Residential Character Area BCA 2: Swing Gate

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Advice Note on Achieving Sustainable Development through Sustainability Statements

Accessibility Zones for the Application of Parking Standards

**5.8 4/00316/12/FHA - BOUNDARY FENCE
THE GRANGE, FRITHSDEN COPSE, POTTEN END, BERKHAMSTED, HP4 2RG
APPLICANT: MR J LARKE**

[Case Officer - Yvonne Edwards]

[Grid Ref - TL 01122 09405]

Summary

The application is recommended for approval. The proposals would stabilise the eroding bank to the side of the Public Right of Way and provide improved security for the site. The associated planting would soften the appearance of the crib wall and allow a native species hedgerow to be established. The proposals accord with the guidance of the NPPF, and Policies 4, 9, 11, 13, 97 and 99 of the Dacorum Borough Local Plan, and Policies CS5, CS12, CS13, CS24, CS25 of the pre-submission draft of the DBC Core Strategy.

Site Description

The Grange is a replacement dwelling. It is situated on the edge of an enclave of residential development located within the Metropolitan Green Belt and the Chilterns Area of Outstanding Natural Beauty. It is bounded by National Trust land to the north and east. The site is partially obscured by hedging to the front, and in part to the sides, and mature trees, both within the site and on the south-eastern boundary: Here there is a bridleway which runs the length of the site.

Proposal

It is proposed to replace the existing boundary fence with a replacement chestnut pale fence. This would be reinstated on the boundary but supported by a timber crib wall which would retain the existing garden. Native hedging would be planted on the backfilled area to the west of the wall, with further ground cover planting in the interstices in the cribwall. The use of geotextile is proposed behind the wall which would aid stability and would be concealed by soil and planting.

The plans were amended, based on the advice of the Tree Officer, to replace the sleeper wall with a crib wall.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Nettleden with Potten End Parish Council.

Planning History

- | | |
|----------------|---|
| 4/01893/10/ROC | VARIATION OF CONDITION 4 (RESTRICTION ON USE) OF PLANNING PERMISSION 4/01985/06 (ANCILLARY BUILDING TO HOUSE BOILER AND ASSOCIATED FUEL STORAGE)
Refused
04/01/2011 |
| 4/01104/08/FHA | ERECTION OF WATTLE FENCE ADJACENT TO BRIDGEPATH BOUNDARY
Refused
07/07/2008 |
| 4/01124/07/FHA | ENTRANCE GATES AND WATTLE FENCE
Refused
04/07/2007 |

Policies

National Policy Guidance

NPPF
Circular 11/95

East of England Plan

Policies ENV1, ENV2

Dacorum Borough Local Plan

Policies 4, 9, 11, 13, 97 and 99

Supplementary Planning Guidance

Environmental Guidelines
Chilterns Buildings Design Guide
Landscape Character Assessment

Pre-submission draft of the DBC Core Strategy

Policies CS5, CS12, CS13, CS24, CS25

Representations

Nettleden with Potten End Parish Council

Trees and Woodlands

I have no issue with the installation of the proposed timber crib wall if it is stained black or brown and has ground cover plants, such as ivy, incorporated within its structure.

The proposed planting of a hedge on top of the back filled area behind the crib wall is also acceptable, comprising of hawthorn, blackberry, hazel and beech.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Beauport - Object:

- the owner has raised the level of the lawn
(iii) sleepers would be out of character with the CAONB

Magpies - Object:

- change of level is unacceptable
- no change in level was visible as it was covered in hedgerow; the hedgerow should be reinstated and maintained by the applicant

Considerations

Policy and Principle

The site lies in the Green Belt and the Chilterns Area of Outstanding Natural Beauty (CAONB)

wherein visual amenity and the conservation of the beauty of the area are important principles. The proposed works are considered to be essential to stop further erosion of the bank and to recreate an area wherein a hedgerow can be planted; this would be to replace the poor quality brambles which form much of the cover at present. The very minimal reduction in openness would enable restoration of the bank and planting and is therefore acceptable.

Impact on Green Belt

The NPPF states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include engineering operations (paragraph 90). There would be a possible reduction in openness due to stabilisation of the bank with the crib wall therefore very special circumstances need to be demonstrated. The wall is required to stabilise the bank which is currently eroding; this would provide the opportunity to plant hedging and planting to soften the appearance and restore native species hedging. It is considered that the need for stability and restoration of the bank with associated planting constitute very special circumstances.

Effects on appearance of site

The proposals would allow the restoration of the bank and would allow native species hedging to be reinstated beneath the trees, all of which would improve the appearance of the site in this sensitive location. The chestnut paling fencing is acceptable as a replacement for the existing fencing which currently offers little security for the site. The proposed hedgerow would add to boundary security and disguise the paling in due course.

Impact on AONB, Trees and Landscaping

The proposals would improve the appearance of the AONB. It is acknowledged that the initial appearance would be stark, however the crib wall would allow planting above and between the timbers which would rapidly soften the appearance.

Impact on Neighbours

The proposed fencing runs along the eastern boundary of the site which abuts a footway. There are no adjacent residential properties that would be affected by the proposed development.

RECOMMENDATION – That planning permission be **GRANTED** 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:**

Site Location Plan

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

- 3 **No development shall take place until a detailed plan at a scale of 1:100 to show the location of the proposed crib wall and 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:**

- **planting plans and elevations; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **proposed finished levels;**
- **proposed staining for the crib wall;**
- **position of the chestnut paling fence;**

The approved landscape works shall be carried out in the next planting following commencement of works.

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Green Belt and the CAONB in accordance with the aims of Policies 4, 11, 97 and 99 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS5, CS12, CS13, CS24, CS25 of the pre-submission draft of the DBC Core Strategy.

- 4 **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 in the interests of the visual amenities of the Green Belt and the CAONB in accordance with the aims of Policies 4, 11, 97 and 99 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS5, CS12, CS13, CS24, CS25 of the pre-submission draft of the DBC Core Strategy.

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 the proposals are acceptable in principle in accordance with Policies 4 and 97 of the Borough Plan. There would be no adverse effects on the appearance of the site 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 4, 11, 97 and 99 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS5, CS12, CS13, CS24, CS25 of the pre-submission draft of the DBC Core Strategy.

NOTE 2:

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

Dacorum Borough Local Plan 1991 - 2011

Policies 4, 9, 11, 13, 97 and 99

Supplementary Planning Guidance

Environmental Guidelines

Chilterns Buildings Design Guide

Pre-submission draft of the DBC Core Strategy

Policies CS5, CS12, CS13, CS24 and CS25

**5.9 4/00361/12/FHA - TWO STOREY REAR EXTENSION
OLD BEECHWOOD, CHEVERELLS GREEN, MARKYATE, ST. ALBANS, AL3 8AB
APPLICANT: MR & MRS MORRIS**

[Case Officer - Richard Butler]

[Grid Ref - TL 05417 15737]

Summary

The application is recommended for approval. The proposed development is in accordance with relevant DBLP policies; Rural Area (Policy 7) and Area of Outstanding Natural Beauty Policy 97. The development is of a scale and design considered to be appropriate for the existing dwelling and site and does not cause any significant detriment to the amenity of neighbouring residents.

A Bat Survey has been submitted to address consideration of disturbance of a protected species. The comments of Ecology Officer shall be reported to the committee.

Site Description

The site is adjacent to a former school which has been converted to three residential dwellings. The site lies within the Rural Area and the Chilterns AONB, and adjacent to Cheveralls Green Wildlife Site. The buildings are set back from the road by 30 metres and access is via a long vehicular crossover from Pickford Road across the Green.

The application dwelling forms the northern extent of the former school building, now the end of the terrace. The dwelling has a front facing gable end to the front elevation, with the main entrance on the flank elevation, below three dormer windows. The rear elevation has been extended with two single storey rear extensions, with pitched roof design. Driveway access runs to the side of the property and associated outbuildings are located further to the north.

Proposal

The application seeks permission for a two storey rear extension. This shall remove the two previous extensions and provide a two storey gable projection to the rear; the ridge and eaves line are set down from the main respective feature of the parent building and two further dormer windows are proposed to the north flank elevation.

The extension provides an enlarged kitchen and sitting area at ground floor, (albeit predominately in place of the existing ground floor extensions) and a bedroom and en suite at first floor.

Referral to Committee

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

Planning History

4/00120/09/FUL CONVERSION OF EXISTING OUTBUILDING TO PROVIDE WORKSHOPS AND STORAGE AREA FOR FORESTRY/ARBORICULTURAL BUSINESS
Granted
24/03/2009

4/00281/08/FUL ALTERATION OF EXISTING OUTBUILDING FOR USE ANCILLARY TO DWELLING. PROVISION OF WORKSHOP, DOUBLE GARAGE AND STUDY/PLAYROOM

Refused
14/04/2008

4/02703/07/FHA CONVERSION AND ALTERATIONS TO EXISTING OUTBUILDING TO
PROVIDE ANCILLARY DOMESTIC ACCOMMODATION
Withdrawn
04/02/2008

4/01144/00/FHA TWO SINGLE STOREY EXTENSIONS
Granted
11/08/2000

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Pre-Submission Core Strategy

Policies CS 7, 12, 24

Dacorum Borough Local Plan

Policies 1, 7, 11, 13, 22, 58 and 97
Appendices 1, 5 and 7

Supplementary Planning Guidance

Environmental Guidelines
Accessibility Zones for the Application of Parking Standards
Chilterns Buildings Design Guide
Landscape Character Assessment

Representations

Markyate Parish Council

Object as follows:-

1. Over development of site
2. Impeding on privacy of neighbours.
3. Note concerns of neighbours

Senior Ecology Officer, Herts Biological Records Centre

The application site lies immediately adjacent to Cheverells green which consists of relatively unimproved grassland, shrub and tree belts, which together provide good foraging habitat and flight lines for bats. There are mature trees adjacent to the property and we do have records of bats at Markyate. Consequently it is highly likely that given the surrounding habitat, bats are active in and around the application site.

The proposals will have a significant impact upon the roof space by extending the property at the gable end to include first story and roof extension. This will break into the existing roof space and therefore potentially impact upon bats if any are present and using this area.

I therefore advise that an Inspection Survey is undertaken to determine whether there is any evidence for bats.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Resident of Old Sebright School (Adjoining Neighbour)

Objection on the grounds of:

- Overbearing / Closeness / loss of privacy - through noise disturbance
- Over development of the site

Resident of Old School House

Objection on grounds of:

- Over development of the site

Considerations

Principle of Development

Policy 7 The Rural Area, states that new building will not be permitted in the rural area, except for - (c) extensions to houses under Policy 22.

Policy 22 Extensions to Dwellings in the Green Belt and the Rural Area - Policy 22 states that the extension of existing dwellings will not be permitted unless:

(a) the extension is compact and well-related to the existing building in terms of design, bulk, scale and materials used;

The extension is reasonably compact and respects the scale of the existing building; the design follows the principles of the main building, but with reduced ridge and eaves height; the extension does not dominate the parent building and is considered suitable.

(b) the extension is well-designed having regard to the size and shape of the site and retains sufficient space around the building to its setting and the character of the countryside;

The proposed extension puts forward a comprehensive design which pays good regard to the size and shape of the site and retains sufficient space around the building respecting its setting and the character of the countryside;

(c) the extension is not visually intrusive on the skyline or in the open character of the surrounding countryside;

The extension steps down in height from the main building and is not considered to create undue impact on the skyline.

(d) the extension does not prejudice the retention of any significant trees and hedgerows; and

No trees or hedgerows are affected by the development. The scheme includes the retention of the tree within the rear garden.

(e) the extension is limited in size.

Criterion (e) will be judged according to the appropriate degree of restraint in the Green Belt (policy 4) or the Rural Area (policy 7), taking into account the size of the original dwelling - within the Rural Area the resulting building (including any earlier extensions and alterations or replacement) should be less than 150% of the floor area of the original dwelling.

For the purpose of Policy 22 'original dwelling' is defined as, either the dwelling that existed on the site on 1 July 1948, or, if there was no dwelling on the site at that time, the first dwelling built after that date, as it existed when first built. The dwelling was effectively created through the conversion of the northern third of the former school building. This formed the original building with regard to the creation of a new phase of planning use. The original dwelling had a floorspace of 165.5sqm.

The dwelling has been extended with two single storey extensions - these equate to 37.5sqm representing a level of development of 123% of the original.

The proposed development would remove the previous extensions and provides a two storey development equating to 87.4sqm over the original (noting the previous extensions are no longer counted) - this represents a development of 153%. The extension to a level of 153% is slightly over the policy provision of 150%; however, this is not considered to amount to any significant impact and is in line with policy 7 and 22 of the DBLP and CS7 of the emerging Core Strategy.

Policy 97 Chilterns Area of Outstanding Natural Beauty- In the Chilterns Area of Outstanding Natural Beauty the prime planning consideration will be the conservation of the beauty of the area; the economic and social well-being of the area and its communities will also be taken into account. Any development proposal which would seriously detract from this will be refused. The policy also states that in the case of new buildings and other development colours and materials used for development must fit in with the traditional character of the area.

The principles of the proposed design and materials in the finish of the building are to match the existing dwelling; and fenestration header detailing is to be repeated in the extension; this is considered to ensure the development does not create a detriment to the appearance of the dwelling and is in accordance with Policy 97 of the DBLP and CS 24.

Effects on appearance of building

The extension follows the design, materials and general scale of the parent building. The ridge and eaves lines are 0.5m lower than the existing building providing a subordinate appearance and step down to the rear of the site. This is considered to create a well proportioned extension to the property. The dormer windows are designed to match those of the existing northern flank of the dwelling.

The development is considered to accord with Policy 11, Appendix 7 and CS12.

Impact on Neighbours

The extension projects from the existing two storey element of the dwelling and projects to be in line with the rear projection of the neighbouring dwelling. The primary consideration would be the impact to windows along the opposing roof slope of the neighbouring dwelling (Old Sebright House). There are three roof lights and a vertical casement window set within the roof, and a further two rooflights within the rear roof slope of the main roof.

Three of these windows, including the vertical casement windows serve a bedroom. The neighbouring resident has raised objection to the impact of the development to these windows with regard to loss of light, overbearing impact and also loss of privacy through noise disturbance.

Loss of Light

The roof slope where the neighbouring windows are positioned faces north; it is considered therefore that there would be very limited sunlight to serve these windows due to the

orientation. The proposed development could not cause a loss of sunlight to these windows as the existing roof slope and chimney already blocks available direct sunlight to these windows.

With regard to daylight it is noted that the windows would provide daylight to the bedroom in question. Assessing the property with regard to the BRE standards, the exact situation is not specified with regard to standard assessments under this guidance. However, when applying the considerations within the guidance some conclusions can be drawn. The windows in question receive limited natural light, due to both orientation, and the existing structure of the application dwelling. Where natural light is received to the room in question this is primarily from the roof lights as they are angled upwards, above the line of the neighbouring property. The proposed extension is 0.5m lower than the main ridge of the existing dwelling and is over two meters away from the windows in question, with a roof slope angled away from the neighbouring property. The existing roof lights are unlikely to be affected by the proposed development.

The vertical casement window shall still receive some daylight as there is reasonable space between the window and the development. It is accepted that the window may lose some level of daylight received, however, there is not considered to be a significant loss of light to the room in question overall as a result of the development that would warrant refusal of planning permission.

Overbearing Impact

The development shall result in the presence of additional built form opposite the windows in question. Again, the roof lights are angled with the slope of the roof and limited impact to these windows is noted. With regard to the vertical casement windows, the outlook shall be of the roof slope of the extension. Whilst this may block long distance views across the application site, the relationship between the two is not considered to be one of overbearing nature. If for example the view became one of a flank wall with roof above, overbearing would be likely, however this is not the case. The proposed development shall not amount to a situation of overbearing.

Noise Pollution

The situation is noted with the scheme where roof lights in the proposed development are close to those on the existing neighbouring property roof slope. The potential for noise pollution, due to the roof slope facing each other could give rise to noise transmitting between the two properties. As a negotiated solution to this concern, the applicant has agreed to the imposition of a condition wherein the roof lights of the proposed development are fixed shut with opening to facilitate ventilation only.

The development is considered to accord with Policy 11 of the DBLP and policy CS12

Other Material Planning Considerations

The Ecology Officer has noted the absence of a bat survey. This has now been carried out and a report has been provided. Comments from the Ecology Officer are provided and shall be reported to the committee.

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

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

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

- 2 **The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development.

- 3 **The roof light windows at first floor level in the south elevation of the extension hereby permitted shall be non opening unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of the amenity of adjoining residents.

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

**12 001/PL04
12 001/PL03
12 001/PL02 EXISTING
12 001/PL02 PROPOSED
12 001/PL01 EXISTING
12 001/PL01 PROPOSED
12 001/PL05**

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

NOTE 1:

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

The site is located in the Rural Area where domestic extensions are acceptable in principle in accordance with Policy 7 and in accordance with the criteria of Policy 22 of the Borough Plan. There would be no adverse effects on the appearance of the building or the appearance of the street scene or the area of Outstanding Natural Beauty. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policy 11 and 97 of the Borough Plan and Policies CS 7, 12 and 24 of the emerging Core Strategy.

NOTE 2:

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

Emerging Core Strategy

Policies CS7, CS12 and CS24

Dacorum Borough Local Plan 1991 - 2011

Policies 7, 11, 13, 22, 58 and 97

Appendices 5 and 7

Supplementary Planning Guidance

Environmental Guidelines
Accessibility Zones for the Application of Parking Standards
Chilterns Buildings Design Guide
Landscape Character Assessment

**5.10 4/02061/11/FHA - SINGLE STOREY SIDE AND REAR EXTENSION
11 JUBILEE WALK, KINGS LANGLEY, WD4 8FH
APPLICANT: MR & MRS I DIN**

[Case Officer - Robert Freeman]

[Grid Ref - TL 07478 02223]

Summary

The application is recommended for approval.

The site is located in an area where extensions to existing residential properties are acceptable in accordance with Policies 3 and 9 of the Borough Plan. There would be no adverse effects on the appearance of the building or the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policy 11 and Appendix 7 of the Borough Plan and Policies CS4, CS11 and CS12 of the Pre-Submission Core Strategy.

Site Description

The site comprises a relatively modern four bedroom detached dwelling constructed around 2001 with a single attached garage set back beyond the property and its neighbour.

Proposal

The proposals involve the construction of a single storey side and single storey rear extension to the property incorporating the existing garage building within the fabric of the main dwelling and providing an additional bedroom and WC. The proposed extension projects 1m beyond the existing rear wall to the garage. The proposals have been subject to two amendments. The first amended plan (Revision A) plotting the neighbouring property in line with the rear elevation to the application property to clearly demonstrate that the existing garage projected some 2m beyond the main rear wall of 9 Jubilee Walk. An additional amended plan was received (Revision B) bringing forward the front elevation to the proposed extensions in line with the front wall to the house to incorporate the existing meter boxes within the building.

Referral to Committee

The application is referred for the consideration of the Development Control Committee at the request of Councillor Anderson. Councillor Anderson objects to the proposals and states that the Jubilee Walk development was a dense development and in his view the further extension of properties within this scheme to both the front of rear would result in over development of the plot and a cramped form of development. Councillor Anderson is also concerned with regards to the impact of rear extension upon the light and residential amenities of 9 Jubilee Walk.

Planning History

The property is one of 6 dwellings constructed as Phase 1 of the Jubilee Walk development in Kings Langley. Planning permission for this development was granted under reference 400967/01/FUL. These properties still benefit from many Permitted Development Rights under the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 although the conversion of garages to these properties requires planning permission due to restrictive planning conditions on the original application.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Pre-Submission Core Strategy

Policies CS4, CS11, CS12 and CS29

Dacorum Borough Local Plan 1991-2011

Policies 3, 11, 13, 51, 54 and 58
Appendices 5 and 7

Supplementary Planning Guidance and Documents

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

Representations

Kings Langley Parish Council

No objection

Response to Neighbour Notification

Objections have been received from the occupants of 9 Jubilee Walk raising the following matters:

- the boundary line to the application site is incorrectly portrayed and is marked by the edge of the existing garage wall. The roof to this garage overhangs the boundary and we consider the further overhang of the roof of the extension onto our land is unacceptable,
- the ground floor room in our property nearest the existing garage is a dining room with an angled bay window projection and French doors leading to the garden. The projection of the extension beyond the rear wall to the existing garage is unnecessary and the proposed additional accommodation could be incorporated in a smaller extension, and
- whilst there is no objection to the additional forward extension to the property as portrayed in Revision A, the scale of extensions on Revision B has an adverse impact upon the appearance of the property and has significant implications for the availability of off-street parking.

Considerations

Policy and Principle

The site is located within the large village of Kings Langley where there would be no objection in principle to the extension of existing residential units in accordance with Policies 3 and 9 of the Dacorum Borough Local Plan 1991-2011 and Policy CS4 of the Pre-Submission Core Strategy.

Effects on appearance of building

The proposed extension is considered to be appropriate in terms of its site coverage, design, bulk, scale and use of materials. The proposed extension has been designed as a natural

extension of the crowned roof form serving the existing garage building and would continue the roof form, height and pitch to the rear of the property. Although the extension would extend in line with the main front elevation to the property it would remain a subservient feature and it is not considered that it would significantly detract from either the character or appearance of the dwelling in accordance with Policy 11 and Appendix 7 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of the Pre-Submission Core Strategy.

Impact on Street Scene

The proposed extension is not considered to detract significantly from the appearance of Jubilee Walk and the variety of properties therein in accordance with Policy 11 of the Dacorum Borough Local Plan 1991-2011 and Policy CS11 of the Pre-Submission Core Strategy

Impact on Neighbours

The owners of the adjacent property and Ward Councillor have expressed concerns with regards to the position of the site boundary and construction works extending onto their land and to the physical impact of the extension is upon the residential amenities of the neighbouring property at 9 Jubilee Walk. The applicant has completed the Certificate of Ownership on the planning application form claiming that all development would fall within their ownership and shows the overhang of the eaves to the proposed extension in line with the boundary of the site but not overhanging it. It is not within the remit of the local planning authority to intervene in disputes over land ownership.

The physical extent of the proposed extension would meet the restrictions for width, depth and eaves height under Schedule 1, Part 1, Class A of the Town and Country Planning (General Permitted Development) (Amendments) (No.2) (England) Order 2008 and only marginally exceed the overall height of restrictions within this Class by 0.1m. The extension would project only a metre beyond the rear wall to the existing garage building and given its hipped roof form and overall height the impact of the extension on light to the neighbouring unit and visual intrusion thereto would be considered to be negligible. The proposed works would not result in any overlooking of the neighbouring property. For these reasons the proposals are not considered to result in significant harm to the residential amenities of this property in accordance with Policy 11 and Appendix 7 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of the Pre-Submission Core Strategy

Access and Parking

The proposed works would result in the formation of a five bedroom property for which a maximum of three parking spaces would be required in accordance with Appendix 5 of the Dacorum Borough Local Plan 1991-2011. The provision of an additional bedroom and WC are not considered to generate a significant demand for additional off-street parking upon the application site. Although the proposals will result in the loss of the existing garage and a parking area to the side of the property, there is a significant area of hard standing to the front of the property which although not capable of accommodating three vehicles is considered sufficient in size to accommodate the parking needs of the property. As such there would be no objection to the proposed works under Policies 51 and 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of the Pre-Submission Core Strategy

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

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

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

- 2 **The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development.

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

1328 P101
1328 P201 Revision B

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 extensions to existing residential properties are acceptable in accordance with Policies 3 and 9 of the Borough Plan. There would be no adverse effects on the appearance of the building or the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policy 11 and Appendix 7 of the Borough Plan and Policies CS4, CS11 and CS12 of the Pre-Submission Core Strategy.

NOTE 2:

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

National Policy Guidance

National Planning Policy Framework (NPPF)

Pre-Submission Core Strategy

Policies CS4, CS11, CS12 and CS29

Dacorum Borough Local Plan 1991-2011

Policies 3, 11, 13, 51, 54 and 58

Appendices 5 and 7

Supplementary Planning Guidance and Documents

Accessibility Zones for the Application of Parking Standards

Energy Efficiency & Conservation

Environmental Guidelines

Water Conservation & Sustainable Drainage

INFORMATIVE:

The proposed development is shown on the approved plans to be entirely within the

curtilage of the application site. Care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and eaves, will encroach on, under or over adjoining land. The applicant is advised that this decision does not override the legal ownership rights of any neighbours, nor does it convey any permission that may be required under the Party Wall Act.

**5.11 4/00093/12/FUL - A POULTRY FARM CONSISTING OF A SHED FOR HOUSING POULTRY, SURROUNDED BY 30M X 30M X 2M OF WIRE FENCING LOT B3A REAR OF LAND ADJ TO, UPPER BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2RR
APPLICANT: MR L GROVES**

[Case Officer - Philip Stanley]

[Grid Ref - TL 01257 05396]

Summary

The application is recommended for approval. The proposed development is an agricultural operation on an agricultural field and is therefore acceptable in principle. The poultry shed and run have been sited within the plot to minimise its visual impact on the Green Belt. The proposal therefore complies with Policies 4 and 11 of the Dacorum Borough Local Plan, as well as CS5 and CS24 of the emerging Core Strategy (Pre-Submission) and the guidance of the NPPF.

Site Description

The application site comprises 10 acres of agricultural land off Upper Bourne End Lane, located between the villages of Bourne End and Bovingdon. The site comprises a plot within what was formerly a very large, single field within a prominent Green Belt location and rising up from the A41 bypass. The applicant's plot is set centrally within the former field, not being adjacent to Upper Bourne End Lane, but adjacent to the far side tree / hedge belt of this field boundary. The plot has various undulations and clearly slopes downhill towards this boundary and bypass beyond.

Although the former single field has been subdivided in terms of ownership, visually it remains very open as only two runs of fencing were erected prior to the serving of an Article 4 Direction on the land requiring planning permission for such development.

Proposal

It is proposed to erect a timber shed within the north-west corner of the applicant's plot, measuring 2.43m by 3.66m, for the purpose of housing poultry. The poultry shed would have a felted pitched roof with a ridge height of 2.12m and would be fitted out with nesting boxes and perches.

This shed would be positioned in the corner of a chicken run measuring 30m by 30m and consisting of 2m high galvanised wire fencing nailed to round fence posts for support. There would be approximately 10 posts per side with a gap of 3m between each post. The applicant states that, "*None of this run will be constructed in a permanent way, as such posts will only be hammered/driven into the ground. This run is required primarily to prevent poultry escaping into surrounding land or roads but will provide protection from predators such as foxes*".

Referral to committee

This application has been referred to the Development Control Committee due to the contrary views of Bovingdon Parish Council.

Planning History

None for this plot
Article 4 Directions

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Dacorum Borough Local Plan

Policies 4 and 11

Core Strategy

Polices CS5 and CS24

Supplementary Planning Guidance

Environmental Guidelines

Landscape Character Assessment

Representations

Bovingdon Parish Council

Change of use for this type of operation is not acceptable in Green Belt as losing visual impact of area.

Local Residents

One letter of objection was received, which raised the following concerns:

- The chickens will need light and heat to be kept humanely which cannot be done on this site as it has no access to mains electricity.
- The chickens will need water to be kept humanely which cannot be done on this site as it has no access to mains water.
- The local lane is a single track road. Chickens will need to be fed at least four times a day and opened up early in the morning and shut up at night, so increasing traffic on an already congested road.
- The waste produced from these chickens will either have to be stored on site, causing a possible fire risk and /or a nocuous smell.
- Will increase the likelihood of attracting vermin, i.e. rats, foxes and other pests to the area.
- The traffic crossing the field will also bring mud and other stuffs onto the roads causing a hazardous road surface for other road users.

Considerations

Policy and Principle

The site is located within the Green Belt wherein the guidance of the NPPF states that there is a presumption against inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This position is supported by Policy 4 of the DBLP and the emerging Core Strategy CS5. New buildings will only be acceptable where they are for a limited number of purposes. Agricultural and outdoor recreation uses are both considered acceptable. All development within the Green Belt should maintain the openness and visual amenity of the area. Policy 11 and CS12 seek high quality development that does not have an adverse impact on the locality or the amenity of neighbours.

Impact on Green Belt

It is considered that the proposal is acceptable in principle. It is appreciated that the scale of the operation is relatively small and certainly insufficient for the creation of a profitable and viable agricultural operation. However, an agricultural operation does not have to be profitable in order for it to be an agricultural operation. Furthermore, even if this application is seen as 'hobby farming', then this type of small-scale leisure use is equally acceptable in the Green Belt.

The Parish Council has raised an objection to this application on the grounds that it would cause harm to the visual amenity of the Green Belt. Certainly in this sensitive location the protection of the openness and visual amenity of the Green Belt is the prime consideration and the reason why an Article 4 Direction was placed on the former single field preventing the erection of fencing without planning permission. However, while the overall single field is prominent from public views (from the bypass, from Upper Bourne End Lane, from the surrounding public footpath network) the applicant's plot, and in particular the site chosen for the shed and poultry run, would not be seen from such views. The site is positioned on the far side of Upper Bourne End Lane, it is approximately 200m from the nearest public footpath, while the undulations in the land and the backdrop of trees prevents views into the proposed location. Consequently it is not considered that this application would encourage other similar operations within other plots. Each of these would need to be assessed against their individual merits and it is considered that many of these would not benefit from the same favourable positioning as that proposed here.

It is also noted that this is a small scale operation. The shed is approximately the size of a garden shed and is faced in timber, which would aid its assimilation into the rural landscape. The wire fencing would extend for 30 metres square, but this is a very small percentage of the overall plot size, while by its very nature this material would be see-through. The timber posts, set at 3m apart, would have a greater impact but would not cause any harm for the reasons outlined above.

Overall, therefore, it is considered that in terms of the siting, design and appearance of the proposed building, efforts have made to successfully reduce its impact and to ensure the openness and the visual amenity of the Green Belt is protected.

Welfare of the chickens

A local resident has raised an objection on the grounds that the welfare of the chickens could potentially be compromised by the isolated nature of the operation. In a general sense the applicant has confirmed that it is their intention that the 50 chickens will be kept as healthy as possible, evidenced by the larger than required chicken run to allow more space for each chicken to roam. Certainly it would not be in their interest to see the chickens succumb to disease. The applicant as a resident of Hemel Hempstead is prepared to make the visits necessary to ensure the chickens are well fed, have sufficient fresh water and to generally care for their welfare. In terms of fresh water it would be possible for the applicants to drill a borehole in the same way that a neighbouring plot has done for his tree growing operation. Additional heat (other than the natural shelter provided within the poultry shed) is not required and this is evidenced by the large number of people who keep chickens in their back gardens or at an allotment. Artificial light is equally not a requirement unless the purpose is to prolong the egg-laying season across the winter. It is also worth noting that a DEFRA Licence is not required for the keeping of 50 poultry or less. Finally, it should also be noted that Trading Standards could visit the site at any time to check on the operation and could insist on changes being made.

It is appreciated that the applicant has not provided an answer to the question of the waste

produced by the chickens. While the distance of the site to the nearest properties is considerable (over 500m) the issues of smell and disease are genuine concerns. It is therefore recommended that a condition be added seeking an approved waste disposal strategy before any chickens are placed on the land.

Highway Safety

A local resident has raised an objection on the grounds that the proposed poultry operation will result in increased traffic along this single lane and would result in mud and other debris being brought onto the highway. However, it is not considered that these are sufficient grounds to warrant refusing this application. Firstly, an operation of the proposed scale would not result in a significant increase in highway movements. Secondly, it is not considered that Upper Bourne End Lane can be considered to be a 'congested' road, rather it is a quiet rural road. Thirdly, while single lane in size Upper Bourne End Lane, does widen when it runs adjacent to the field and there are also several passing lay-bys. Finally, any mud brought onto the highway would be a matter for the Highways Authority to enforce against.

Conclusions

The proposed poultry shed and run is acceptable in principle in this Green Belt location, while the specific siting and scale of the operation would not harm the openness or visual amenity of the Green Belt. The proposals therefore accord with Policies 4 and 11 of the DBLP, CS5 and CS12 of the emerging Core Strategy and the guidance of the NPPF.

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 application form.**

Reason: To ensure a satisfactory appearance to the development in compliance with Policy 11 and CS24 of the emerging Core Strategy (Pre-Submission).

- 3 **No chickens shall be brought on to the land until a 'waste disposal strategy' has been submitted to and approved in writing by the local planning authority. The development hereby approved shall be carried out fully in accordance with the approved strategy.**

Reason: To ensure a satisfactory operation of this development in compliance with Policy 11 and CS24 of the emerging Core Strategy (Pre-Submission).

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

**Site location plan
Shed 001**

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 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 development constitutes an agricultural operation on an agricultural field and is therefore acceptable in principle. The poultry shed and run have been sited within the plot to minimise its visual impact on the Green Belt. The specific siting and scale of the operation would not harm the openness or visual amenity of the Green Belt. The proposal therefore complies with Policies 4 and 11 of the Dacorum Borough Local Plan, as well as CS5 and CS24 of the emerging Core Strategy (Pre-Submission) and national guidance contained within the National Planning Policy Framework.

NOTE 2:

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

National Planning Policy Framework

Dacorum Borough Local Plan 1991 - 2011

Part 3 General Proposals

Policies 4 and 11

Emerging Core Strategy (Pre-Submission)

Policies CS5 and CS24

6. APPEALS

A. LODGED

- (i) 4/01499/11/FUL Mr K Kelly
Two detached dwellings
82, Langley Hill, Kings Langley WD4 9HE

Delegated
- (ii) 4/01929/11/FUL Mr D Bartholomew
Two semi-detached dwellings
97, Adeyfield Road, Hemel Hempstead HP2 5EB

Delegated
- (iii) 4/00491/11/LBC Ms Prabjot Kaura
Replacement awning
19, High St, Kings Langley

Delegated
- (iv) 4/01316/11/FHA Mr Griffiths
Two storey front extension, single storey and two storey
rear extensions
The Grange, Roe End Lane, Markyate

Delegated
- (v) 4/01135/11/LBC David King
Retention of replacement windows
88, Akeman Street, Tring

Delegated
- (vi) 4/01121/11/FUL Rectory Homes
New dwelling
Land at 17, Damask Close, Tring

Delegated
- (vii) 4/00287/12/ENA Mr J Mountain
Storage barn
Land opp Widmore Cottages, Gaddesden Row

Delegated
- (viii) 4/01634/11/FUL Mr B Taylor

Wind Turbine and solar array
Land at Marshcroft Farm, Tring

Delegated

(ix) 4/00676/11/LBC

Mr N Harvey
Removal of existing wall plaster
Elmtree Farm, Gaddesden Row

Delegated

(x) 4/00749/11/LBC

Mr N Harvey
Replacement of latch
Elmtree Farm, Gaddesden Row

Delegated

(xi) 4/00751/11/LBC

Mr N Harvey
Removal of internal wall stud partitions
Elmtree Farm, Gaddesden Row

Delegated

(xii) 4/01945/11/FHA

Miss J Talbot
First floor rear extension
40 Ellesmere Road, Berkhamsted

Delegated

(xiii) 4/001643/11/FHA

Mr Gillam
Two single storey side extensions and relocated dormer
Pende, Whippendell Farm, Kings Langley

Delegated

(xiv) 4/01743/11/FHA

Mr P Dalton
Two and single storey side extension and porch
1 Dukes Way, Berkhamsted

Committee

(xv) 4/02223/11/FHA

Mr J Orriss
Alterations and additions to include two storey side and
single storey rear extensions and loft conversion with
dormer windows to front and rear
7, Kingsdale Road, Berkhamsted

Committee

B WITHDRAWN

None.

C FORTHCOMING INQUIRIES

None

D FORTHCOMING HEARINGS

- (i) 4/00287/12/ENA Mr J Mountain
Storage barn
Land opp Widmore Cottages, Gaddesden Row

Delegated

E DISMISSED

None

F ALLOWED

None

7. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

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

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

COUNCILLOR: _____

WARD: _____

MEETING DATE: _____

YOUR DECLARATION FOR THIS MEETING

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

Signature