



DEVELOPMENT CONTROL COMMITTEE AGENDA

THURSDAY 6 JUNE 2013 at 7.00 PM

Council Chamber, Hemel Hempstead Civic Centre

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

G Chapman
Clark
Conway
Guest
R Hollinghurst
Killen
Macdonald

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

Substitute Members

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

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

PART I

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1. MINUTES

The minutes of the meeting held on 9 May 2013 will be circulated separately.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial
- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.
A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct For Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

It is requested that Members complete the pink interest sheet which will be made available at the meeting and then hand this to the Committee Clerk at the meeting.

4. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements or ask questions in accordance with the rules as to public participation.

Time per speaker	Total Time Available	How to let us know	When we need to know by
3 minutes	Where more than 1 person wishes to speak on a planning application, the shared time is increased from 3 minutes to 5 minutes.	In writing or by phone	Noon the day of the meeting

You need to inform the council in advance if you wish to speak by contacting Pauline Bowles Members Support Officer Tel: 01442 228221 or by email: Pauline.bowles@dacorum.gov.uk

There are limits on how much of each meeting can be taken up with people having their say and how long each person can speak for. The permitted times are specified in the table above and are allocated for each of the following on a 'first come, first served basis':

- Town/Parish Council and Neighbourhood Associations;
- Objectors to an application;

- Supporters of the application.

Every person must, when invited to do so, address their statement or question to the Chairman of the Committee.

Every person must after making a statement or asking a question take their seat to listen to the reply or if they wish join the public for the rest of the meeting or leave the meeting.

The questioner may not ask the same or a similar question within a six month period except for the following circumstances:

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

At a meeting of the Development Control Committee, a person, or their representative, may speak on a particular planning application, provided that it is on the agenda to be considered at the meeting.

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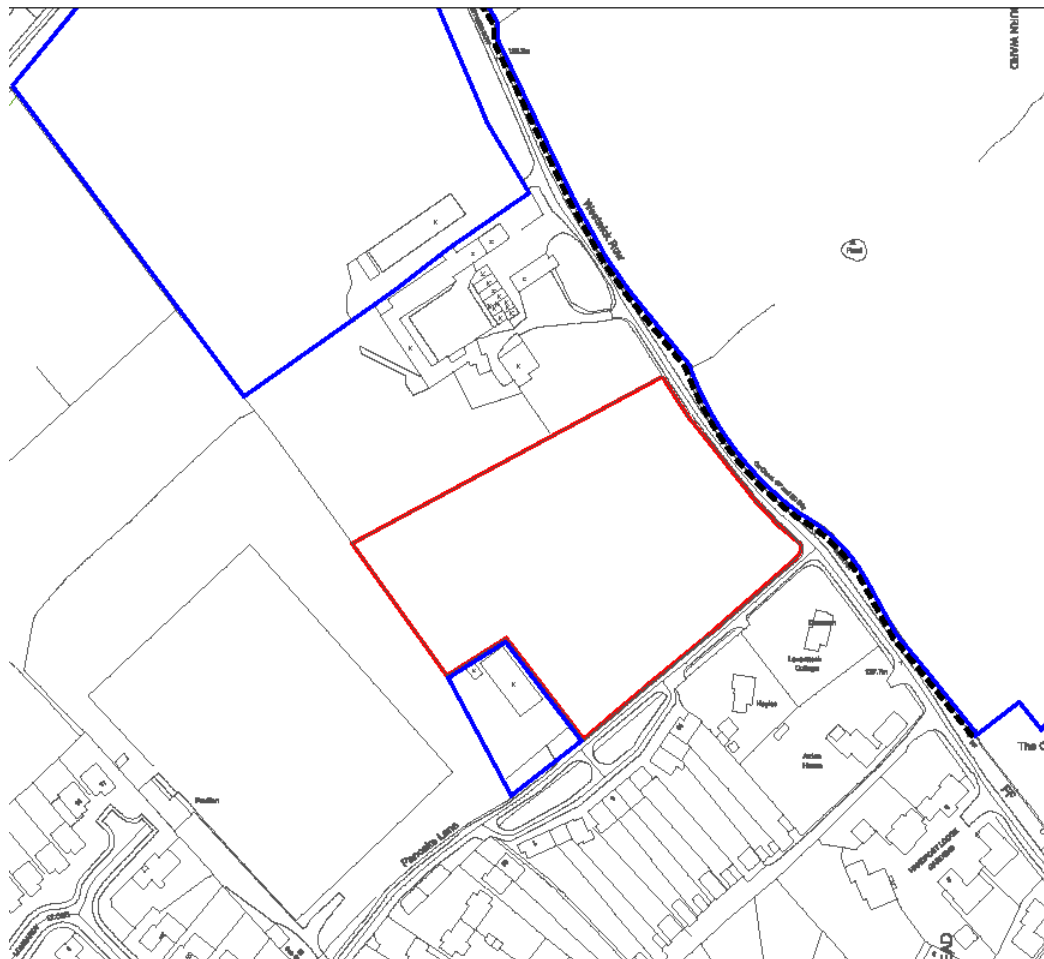
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5. PLANNING APPLICATIONS

ITEM 5.1

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



ITEM 5.1
4/00216/13/MOA - RESIDENTIAL DEVELOPMENT OF UPTO 26 DWELLINGS , NEW ACCESS TO PANCAKE LANE (INCLUDING NEW ACCESS TO SCOUT HUT), OPEN SPACE AND LANDSCAPING (OUTLINE APPLICATION - ALL MATTERS RESERVED SAVE ACCESS) LAND BETWEEN WESTWICK ROW AND, PANCAKE LANE, HEMEL HEMPSTEAD, HP2



**5.1 4/00216/13/MOA - RESIDENTIAL DEVELOPMENT OF UPTO 26 DWELLINGS , NEW ACCESS TO PANCAKE LANE (INCLUDING NEW ACCESS TO SCOUT HUT), OPEN SPACE AND LANDSCAPING (OUTLINE APPLICATION - ALL MATTERS RESERVED SAVE ACCESS)
LAND BETWEEN WESTWICK ROW AND, PANCAKE LANE, HEMEL HEMPSTEAD, HP2
APPLICANT: MR S MELLIGAN**

[Case Officer - Fiona Bogle]

[Grid Ref - TL 08858 06910]

Background

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

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

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

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

A revised plan has now been received showing access from Westwick Row with an accompanying amended illustrative layout and plans showing revisions to the proposed footway along Pancake Lane from the south west corner of the site. The existing access to the Scout hut is to remain unchanged. The illustrative layout retains a vehicular access point to the adjoining land on the northern boundary of the site.

The internal layout has been revised to reflect the new access location indicating 26 dwellings including a mix of detached, semi-detached and terraced housing as the original proposal. There is no change to the parking or private amenity space provision and open space at the north east corner to link to future open space provision on the adjoining land to the north. The layout includes provision of a landscape buffer around the southern and eastern parts of the site as per the original proposal. The application remains an outline proposal with all matters reserved save for access. The key difference being the siting of the access way on Westwick Row as opposed to Pancake Lane.

The proposal also includes provision of a foot way from the site along Pancake Lane, linking to the existing foot way near Lombardy Close.

Only the consultees affected by the changes have been reconsulted as well as all local residents who were notified and/or commented on the original scheme. All other responses to

the consultation on the original proposal remain valid and are included either within the original report of the addendum sheet attached at Annex 1 and 2 respectively.

Representations

Hertfordshire Highways

Comments awaited

Strategic Planning

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

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

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

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

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

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

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

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

Herts Biological Records Centre

Comments awaited

Trees and Woodlands

Comments awaited

Local Residents

Further consultation to local residents was undertaken following receipt of amended plans, commencing 22 May 2013. No representations were received at the time of writing this report. Any comments received will be included on the Addendum Sheet.

Considerations

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

Following the Committee meeting on 18 April 2013, it would appear that the committee's request for consideration to be given to an alternative access from Westwick Row and to fully engage with the local people has been satisfied. Whilst access from Westwick Row does not comply with the DBLP policy for Housing Proposal Site H42 nor with the access requirements set out in the Development Brief the approach is considered to conform with the NPPF requirement for developers to proactively drive forward proposal schemes to ensure delivery of new housing through active engagement with the local community: *"Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably"* (para.66). The NPPF further requires Local planning authorities to approach decision-taking in a positive way to foster the delivery of sustainable development (para.186) and Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area (para.187).

It would seem that an alternative access from Westwick Row would present a satisfactory solution to the concerns of the local community and the proposal is considered satisfactory in principle by the highway authority. It is therefore considered that an alternative access arrangement in this case can be justified. Furthermore, The HBRC and Trees and Woodlands officer have informally indicated that they have no issues with the alternative proposals, however at the time of writing their formal comments are awaited.

In principle therefore the proposal is considered acceptable. Concerns remain in respect of the distribution of housing and relationship to the open space land, particularly in respect of the smaller terraced housing, however given that the layout is for illustrative purposes only these are matters that can be addressed at reserved matters stage. The results of the Highway Safety Review are awaited. Subject to a satisfactory Safety Review, the proposal would appear to meet all other key principles and requirements for development of this land as set out in the Development Brief.

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

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

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

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

The proposal put forward by the applicant seeks to address these concerns by retaining as much hedgerow as possible and replanting behind the footway. Where the footway does not allow for replacement planting due to insufficient depth on land within their control, they propose providing a "living" fence. This would appear to be a satisfactory solution in keeping with the spirit of the original condition. The proposed footway is considered important to improve pedestrian access to the surrounding area particularly to the local centre at Leverstock Green. The provision of details pertaining to the footway would be secured through the Section 106 agreement.

Conclusions

The proposed development of this land with access from Westwick Row is therefore considered acceptable subject to confirmation from the highway authority that the proposal is satisfactory in highways terms.

RECOMMENDATIONS:

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

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

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

2. The following conditions and informatives:

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

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

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

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

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

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

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

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

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

- **hard surfacing materials, which shall include footpaths and access roads; access road from Westwick Row to land immediately to the north as indicated on drawing no. 19886 - L173b.RattD Figure 2.1 (illustrative layout) or such other route as may be approved by the local planning authority;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees and hedges to be retained and measures for their protection during construction works;**
- **programme management for the soft planting;**
- **measures for biodiversity enhancement;**
- **proposed finished levels or contours;**
- **secure cycle storage facilities;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc).**

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area. To comply with Policies 11, 99 and 100

of the Dacorum Borough Local Plan 1991-2011.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To minimise danger, obstruction and inconvenience to highway users in accordance with Policies 11, 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

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

Reason: In the interest of highway safety and efficiency.

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

Reason: To ensure that the internal roads and other layouts are built to required / adoptable standards in accordance with Policies 11, 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

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

(a) Site Characterisation

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

subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

(b) Submission of Remediation Scheme

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

(c) Implementation of Approved Remediation Scheme

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

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

(d) Reporting of Unexpected Contamination

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

(b), which is subject to the approval in writing of the Local Planning Authority.

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

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

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

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

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

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

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

Reason: In the interests of highway safety.

- 22 **Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed, Flood Risk Assessment (FRA) dated January 2013 prepared by AMEC, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

The scheme shall include:

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

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

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

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

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

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, national planning policy/guidance, regional policy, to all other material planning considerations, including relevant supplementary planning guidance, the imposition of conditions and the expert advice of the responding technical consultees and the response to neighbour notification/publicity.

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

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

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

NOTE 2:

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

Dacorum Borough Local Plan 1991 - 2011

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

Appendices 1, 3 5, 6 and 8

Supplementary Planning Guidance

Environmental Guidelines

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Accessibility Zones for the Application of Parking Standards

Pre-Submission Core Strategy (October 2011)

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

NOTE 3:

Article 31 Statement

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

INFORMATIVES:

Environment Agency

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

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

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

Refer to Groundwater Protection Principles and Practice (GP3).

Follow the risk management framework provided in the 'Piling into Contaminated Sites' guidance. The following guidance document is also recommended.

Thames Water

Waste Comments

There are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames

Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

Surface Water Drainage

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

Hertfordshire Highways

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

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

Annex 1: Committee Report 18/04/2013

Summary

The application is recommended for approval.

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

Site Description

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

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

Proposal

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

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

Referral to Committee

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

Planning Background and Planning History

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

Policies

National Policy Guidance

National Planning Policy Framework

Dacorum Borough Local Plan 1991-2011

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

Supplementary Planning Documents or Guidance

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

Pre-Submission Core Strategy

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

Representations

Strategic Planning

1. General

In principle, we welcome the development as part of bringing forward Local Plan allocation H42. We also welcome the fact that the overall numbers of units has now increased since the pre-application scheme, albeit modestly from 21 to 26 dwellings.

2. Consultation on the proposal

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

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

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

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

3. Comprehensive development

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

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

4. Design and Layout

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

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

5. Access

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

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

Authority has supported this arrangement at both stages.

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

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

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

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

Both the planning requirements to proposal H42 and the Development Brief seek improved footpath connections, although its provision needs to be balanced against protecting the rural character of the lane and safeguarding mature hedgerows. This is explored in the DAS and three options have been put forward by the applicant. These options are welcomed in principle in meeting the requirements for the development.

6. Affordable Homes

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

the development (e.g. highway and footpath improvements). The applicant will need to make a case if there are genuine viability issues on an “open book” basis.

7. Conclusions

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

Trees and Woodlands

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

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

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

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

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

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

A range of native species should be selected for planting.

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

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

Further Comments

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

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

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

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

Parks and Open Spaces

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

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

Further Comments

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

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

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

Herts CC Planning Obligations Officer

Based on the information to date for a development of up to 26 dwellings, financial contributions would be sought towards Primary Education, Secondary Education, Youth and Library services as set out in Table 2 of the "Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) January 2008 ", copied below for reference. Fire Hydrant provision is also sought as set out within HCC's Toolkit to ensure adequate water supplies will be available for fire fighting in the event of an incident at this site. In addition, financial contributions may also be sought towards Nursery Education and Childcare however, I am currently awaiting confirmation regarding these services. (All financial contributions are currently based on PUBSEC index 175 and will be subject to indexation.)

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

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

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

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

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

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

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

(ii) Directly related to the development;

The occupiers of new residential developments will have an additional impact on local services. The planning obligations sought towards education, youth, childcare and library services from this development relate to the specific residential dwelling mix following identification of local service requirements and will only be spent on those services and facilities serving the locality of the proposed development (as set out within the Toolkit) and therefore, for the benefit of its occupants. Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the buildings comprising this proposed at this site are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal

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

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

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

above

Further Comments

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

Scientific Officer

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

Strategic Housing

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

Further Comments

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

It is the opinion of the Strategic Housing team that this application should not be refused on the grounds of viability/lack of affordable housing, as the applicant has clearly demonstrated that the policy compliant level of affordable housing cannot be delivered within this application. It is the view of the Strategic Housing team that refusal on the grounds of lack of affordable housing would likely be overturned on appeal, with a strong risk of costs against the Council.

Hertfordshire Highways

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

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

Accessibility

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

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

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

Adjacent road network

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

Traffic generated by the proposal

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

Site access

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

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

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

Offsite highway improvements

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

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

The most recent discussion (on Wednesday 27 March) sought to identify a pedestrian route which minimises loss of vegetation but is likely to require some suitable lighting in order to meet personal safety needs. The absolute minimum width of any such path would be 1.25m (Roads in Hertfordshire Section 4, chapter 11, para 11.2.4). The footway shown on the 4 drawings attached to it (19886-L180_MT_2.dwg figures 1 to 4) generally show a route that we would find acceptable except in that the width should be 1.25m, there is no indication of lighting and they do not show the route south of the football club entrance.

By realigning Westwick Row to the northeast at its junction with Pancake Lane it would be possible to achieve the desired vehicle to vehicle intervisibility and reduce the need to cut back the adjacent hedges. A kerb radius of 6m should be used at the northern end of Pancake Lane where it joins Westwick Row. A layout that is acceptable in principle is shown on drawing 19886-L177.dwg submitted by the applicant's transport consultant on 4 April 13. Further checks including a safety audit would be required as part of the Section 278 agreement process needed to allow the applicant to construct this new arrangement. It should be in place before any of the new houses are occupied.

It is the policy of the County and Borough Councils to seek planning obligations to mitigate the effects of development. HCC's requirements in respect of highways and transport are set out in section 11 of the document Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements). Planning obligations so derived would be used on schemes and measures identified in the Hemel Hempstead Urban Transport Plan. In accordance with paragraph 11.7 of the Toolkit I recommend that a first strand contribution of £16,000 toward provision of shelters at the two nearest bus stops is sought. I will require a pooled second strand contribution based on the standard charges set out in table 1 (page 14) of the Toolkit applied to the final accommodation mix of the proposed development which, since this is an application for outline permission, has yet to be finalised. The rates will be those in the second row of the table since the site lies in accessibility zone 4 as set out in the DBC document Accessibility Zones For The Application Of Car Parking Standards. This element can be reduced by the amount of any TravelSmart contraption sought by the local planning authority.

Fire Protection Inspection Officer

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

Access and Facilities:

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

Water Supplies:

Water supplies should be provided in accordance with BS 9999.

This authority would consider the following hydrant provision adequate:

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

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

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

HCC Minerals and Waste Team

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

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

- Policy 1: Strategy for the Provision for Waste Management Facilities;
- Policy 1a: Presumption in Favour of Sustainable Development;
- Policy 2: Waste Prevention and Reduction: &
- Policy 12: Sustainable Design, Construction and Demolition.

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

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

Environment Agency

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

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

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

Thames Water

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

Hertfordshire Biological Records Centre

1. The main body of the site *does not support any significant ecological interest*, consisting largely of improved grassland.
2. The site is bordered by species-poor hedgerows (SE, SW and NE boundaries) a fence (NW bdry) and a line of standard trees (half SW bdry). A species-rich hedgerow, typical of those found in the area reflecting the acidic clay-with-flints soils which overly the chalk, is present outside the application site further to the SW along Pancake Lane. Some of the native trees are locally notable. However given this effectively forms part of the main SE hedge, this otherwise sp. poor hedge is also considered species rich and therefore Important under the Hedgerow Regulations. The Tree survey gives the SE and NE hedgerows as Retention Value A, the highest rating regarding value.
3. Other than common breeding birds, I consider that it is unlikely that the site supports other protected species, based upon the surveys and my understanding of the local ecology. There is potential for bat roosts associated with Westwick farm and larger trees off site and obviously bats use the site and its hedgerows for foraging. These features should be retained where possible, as recommended.

4. The Important hedgerow is given the least value in respect of relative importance as an ecological feature in the ecological report. *I do not consider this to be a fair reflection of this feature*; it is one of a pattern of hedgerows that characterise the local area and provide a valuable network of wildlife corridors and link the top of the dip slope to the Gade Valley to the west. These hedges outline long, ancient rectilinear fields that drop down the valley sides and are therefore of considerable historic and ecological importance. This wider context has not been recognised and *I consider these features to be of at least Parish if not District importance*.

However, in this case, beyond the Football Club this feature has been lost within the developments along Pancake Lane to the west, where a hedgerow is largely absent. Whilst not devaluing the hedgerow in the context of the site, its role in providing a continuous wildlife corridor locally is severely degraded and this reduces its relative ecological contribution beyond the site.

5. I concur with the advice provided with respect to any required vegetation clearance and breeding birds, namely that any removal of trees or scrub from the site should be timed to avoid the bird breeding season (the latter being typically late February to August in south-east England). In the event that works need to be undertaken within this period, clearance should be preceded by an inspection of the vegetation by an experienced ecologist to identify evidence of bird breeding activity (taken as the commencement of nest building through to fledging) which if found should not be disturbed until nesting has finished. *This approach should be secured under a Condition of any approval*.

6. I do not consider that Dormouse conservation measures will be required or are necessary given the absence of any information to suggest they are present here or anywhere else in this part of Hertfordshire, but I would not object to the measures proposed being taken.

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

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

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

10. My own views would initially be to retain the hedge, create a footpath behind it and then lay the roadside hedge and keep it trimmed thereafter. This would reduce the vulnerability to users of the footpath and retain the hedge, although there would be some restrictions to users. This is no different to many footpaths in numerous places across the borough. If this is not considered acceptable, the hedgerow should be replaced behind the footpath adjacent to the

football club, which may not require a fence. There would appear to be sufficient room for this, and the hedge should mimic or enhance the existing feature. It will grow in due course to replace the existing feature where it would provide a similar ecological, landscape and screening role.

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

Herts Middx and Wildlife Trust

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

The site is not subject to any form of nature conservation designation. The nearest Local Wildlife Site is 400 metres to the south west. Various records for notable species exist within a 1 km radius. The site itself is mostly short grazed, improved grassland. Species poor, well mown amenity grassland is found to the west. Hedgerows bound the site, mostly species poor, although there a length of hedgerow to the south of the football club adjacent is considered species rich and important under the Hedgerow Regulations. Within the species rich hedgerow are several mature, native standard trees. Three mature oaks stand to the south west of the application site and a line of conifers forms a windbreak to one edge of the site. There is some potential in the peripheral hedgerows and trees for nesting birds, and some suitable habitat for foraging and roosting bats.

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

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

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

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

local ecological network.

Ways to achieve biodiversity gain:

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

Sustainable Drainage Systems (SuDS) should be considered as part of the new development. The sustainable drainage scheme should be designed, wherever practicable, to encourage wildlife and contribute to biodiversity enhancement. The SuDs Manual (CIRIA C697 - Woods Ballard *et al.*, 2007) provides advice on how ecological diversity can be maximised through SUDS design (see page and Chapter 20 and section 3.5). The planning authority should consider the impacts of large residential developments on biodiversity habitats, ecological connectivity and green infrastructure. Semi-natural green space is an important resource for local communities as well as local wildlife. The council should ensure that there is sufficient high quality semi-natural greenspace to meet current and future needs, and that habitats are well managed in the long-term to retain and increase their value for wildlife and people.

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

Leverstock Green Village Association

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

Local Residents

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

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

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

Westwick Farm

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

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

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

The issue is that whereas the Crown Estate's land without development is of a relatively low value, being bare agricultural land, Mr and Mrs Archer's has a significant value due to a substantial Victorian Farmhouse, buildings, and paddocks. In addition, our Clients would have to relocate their home and their business, and would require a financial inducement to do so to meet the removal costs and have some advantage for doing so. For this reason, it had been accepted by the Crown Estate that my Clients required a minimum return from the sale proceeds to make it worth their while. Following the property crash, our Clients reduced their minimum figure by £280,000 to reflect the reduction in the value of their own property. Agents for the Crown Estate indicated that even at this level it was higher than the expected development value of my Clients' acreage. The developers would pay on a price per acre basis and ignore the current value of the house and buildings. For a deal to proceed at the market price envisaged by Agents for the Crown, it would have meant that the Crown would have to agree a proportionately lower price per acre in respect of its land to make up for the current use value of my Clients' property. The Crown Agents have always accepted as being reasonable our Clients' position that they would require a minimum price over and above the current use value of their farm.

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

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

If the Council remain insistent that there is not to be an access from Westwick Row and require the whole of H42 to be residentially developed, then it must protect this position by a legal agreement entered into with the Applicant and applying to successors to provide an Adopted

highway and service connections up to the boundary of Westwick Farm within a specified period and to enforce it if it is not delivered by the use of step-in rights. The highway connection and footpaths would need to be of a highway standard, which would enable 29 further houses to be erected on the Westwick Farm site. In addition, the position of the access needs to be in a reasonably suitable location for the enlarged development. Our Clients have no objection to the position currently shown on the plans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Width of access to Scout HQ

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

3. Width of development entrance to Pancake Lane

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

4. Footpath options

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

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

5. Scout HQ perimeter parking

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

6. Parking

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

7. Traffic

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

The following letter has been received from the following households:

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

We object strongly to this application for the following reasons:

- The Local Plan Policy Site H42 and the Council's Development Brief envisages the development of the whole of this site, including Westwick Farm buildings and its paddock as part of a comprehensive scheme. A piecemeal development will not ensure the planning benefits of a comprehensive scheme. The planning benefits include the provision of up to 50% Affordable Housing across the whole site, the creation of new footpath links to the school and open countryside and cycle routes northwards towards Buncefield Lane.
- The background to the Local Plan Policy and the Development Brief originally referred to access from Pancake Lane. It is believed that this was to protect the rural character of Westwick Row, Pancake Lane and the hedgerows around the site. This purpose has not been achieved within the current design proposals due to highway constraints. It is, therefore, crucial to reconsider the main point of access now the implications and the impact on Pancake Lane and Westwick Row have been further investigated. The highways solutions are far more severe in relation to the impact on the rural character and hedgerows than was first envisaged or contemplated when an access from Pancake Lane was being considered by the Inspector. The point is, that further information and the impact is now known, which was not available at the time the Local Plan Inspector approved the policy wording. This change in circumstances needs to be taken into account with a fundamental review of access provision.
- This scheme does not protect the rural character of Pancake Lane or Westwick Row and requires the removal of hedges which were intended to be protected.
- Pancake Lane is a very narrow single-track highway bounded by mature hedgerows. The proposals require the removal of hedgerows to provide passing places and visibility splays for the junction improvements at Pancake Lane/Westwick Row (see Transport Statement). The junction improvements will urbanise the character of the area
- In addition, if a safe pedestrian refuge along Pancake Lane is to be provided to the site, then the developers option requires the removal of further hedgerows
- It is accepted that for the development of the whole site an access from Westwick Row is required albeit for emergency purposes (see Transport Statement).
- Westwick Row has a wider single carriageway lane and has wide grass verges which can easily accommodate a footpath/cycle route with a sympathetic surface and the visibility splays without the need for hedgerow removal. The Highways Authority has confirmed that an access from Westwick Row would be safer in highway terms, meet high standards and improvements could link in with the existing highway improvements to Green Lane with a footpath connection from the site to the centre of Leverstock Green and the school. This would comply with the Development Brief by creating and strengthening pedestrian and cycle links which the current proposals fail to achieve. It is better that children from this development can access the school using a safe visible pedestrian route rather than the dark, unlit and narrow hidden route proposed by the developers, viz footpath opposite Badgers Croft.
- An access from Westwick Row is required in any event (see Transport Assessment). A main access from Westwick Row will not require the removal of hedges for visibility but does provide a safe pedestrian, cycle and vehicle route without damaging the rural character of either Pancake Lane or Westwick Row. The main point of access should come from Westwick

Row as there are no sound planning highway reasons for not doing so. It is worth reiterating that Westwick Row is significantly wider as it approaches Green Lane than Pancake Lane, providing a safer exit from the proposed development.

- A main access from Westwick Row serving the site would not be contrary to the Plan Policy for H4 (this simply states 'access from Pancake Lane'. The Development Brief is wrong that this means a single point of access) as Pancake Lane could and should become an emergency access only. The policy simply refers to an access from Pancake Lane; it does not prevent an access from Westwick Row. Similarly the Development Brief clearly envisages an access from Westwick Row which is referred to in figures 3.1 and 4.1 as a potential main site access.
- Many principal issues and benefits referred to in the Development Brief are not delivered by this piecemeal approach, namely:
 1. A comprehensive scheme
 2. The level of Affordable Housing required by policy
 3. The protection of the character of the area and hedgerows
 4. New footpath links to the school, Leverstock Green and countryside (para 4.2)
 5. New cycle route to the north towards Buncefield Lane (para 4.2)
- This application should be refused. The developer has not had any regard to the vociferous objections to the scheme demonstrated during the public consultation. The Government encourages localism; if localism is to have any meaning or purpose, then the application should be refused.

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

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

Their objections and concerns are summarised as follows:

- Access from Pancake Lane - The proposed access is at the narrowest part in Pancake Lane being a single track. There is often a problem if a car coming in the opposite direction is met and one of the cars has to reverse back down the lane. This will be worsened by the new development with most houses having two cars per family. The point where access to the site is proposed is both hazardous and potentially dangerous to vehicular and pedestrian traffic.
- Insufficient visibility from new access.
- Pancake Lane could not cope with the increased amount of traffic this development would cause. It is already used as a short cut to the M1 and industrial estate for local traffic and this would cause traffic problems particularly during rush hour. The volume of traffic would increase substantially and the prospect of heavy plant and equipment would further increase in the risk of serious traffic accidents and injury.
- This is a semi-rural area and the lane is very narrow single track road with mature hedgerows which if removed would completely change the rural character of Pancake Lane, Westwick Row and Westwick Farm.
- To remove hedgerow that has been there for the past 200 years is sheer folly. To replace the hedgerow with 6' fence would mean the residents of Westwick Close having to contend with the floodlights from Leverstock Green Football Club illuminating their properties and privacy.

- The urbanisation of Pancake Lane - pathways will require street lighting and the lane to be made wider to cope with additional traffic, junction improvements will urbanise the character and we stand to lose most of the 1000 year old hedgerow if this urbanisation measure is allowed to proceed.
- Access should be either from Green Lane which is wider and safer than Pancake Lane and would be able to cope with the extra volumes of traffic, especially as there is a new development under construction on Green Lane or alternatively from Westwick Row, which already has gated access to this site. Westwick Row is much wider with direct access to the motorway, garage/hotel and Leverstock Green. Westwick Row would also allow for a pedestrian walkway. Could also provide a footpath to Leverstock Green School and the village maintaining the rural character of Pancake Lane.
- The local school would potentially not be able to accommodate the extra amount of children living on this development.
- In Green Lane there is an ongoing problem with flooding, which will be made worse.
- The sewerage system in Pancake Lane is already overloaded and blocks on a regular basis.
- The loss of a rare breeds farm.
- Proposed Footpath – On the proposed plan there are three options for creating a footpath to the new site with access at Pancake Lane - concerned for the following reasons:
 - The effect on the rural setting – all the proposals for the footpath linking the proposed site to the village, will see some, or all, of the hedgerows removed down the end of Pancake Lane towards the site. This will impact greatly on the overall rural feel of the surrounding area.
 - They present poor options in terms of security/safety - the proposals for the footpaths would still be created down the side of a single carriage way road with one of the options creating a secluded location that has no natural surveillance. These footpath proposals are not safe enough.
 - The footpath proposals are in contradiction to conditions in place to meet the planning authorization for the football club flood-lighting. Principally the condition to retain the hedgerow down the side of Pancake Lane (between points X & Y on plan LGFC/x2).
 - There is no proposal in place for a footpath to connect to the other site in Green Lane which was a requirement of the Development Plan 4.2.
 - The current planning proposal has reference to a number of houses being on the site at 2.5 storeys high. This is in contrary to the Development Brief 4.7 which stimulated that properties should be only 2 stories high for the site.
 - The Local Plan Policy Site H42 and the Council's Development Brief envisages the development of the whole of this site, including Westwick Farm buildings and its paddock as part of a comprehensive scheme. The planning benefits include the provision of up to 50% Affordable Housing across the whole site, the creation of new footpath links to the school and open countryside and cycle routes northwards towards Buncefield Lane.
- The background to the Local Plan Policy and Development Brief referred to access from Pancake Lane to protect the rural character of Westwick Row. This has not been achieved with the current design proposals due to highway constraints. The highway solutions are far more severe in relation to the rural character and hedgerows than was first envisaged. Further information on the impact is now known which must be taken into account with a fundamental review of access provision.
- Many principle issues and benefits referred to in the Development Brief are not delivered

by this piecemeal approach, namely:

1. A comprehensive scheme
 2. The level of affordable housing
 3. The protection of the character of the area and hedgerows
 4. New footpath links to the school, Leverstock Green and the countryside
 5. New cycle route to the north towards Buncefield Lane.
- Parking is already a problem in the area.
 - Light and noise pollution - previous planning permission for the flood lights at Leverstock Green Football ground was that the hedgerow remain and be increased to reduce the light pollution (planning permission for floodlighting application no 4/00946/97FUL dated 10th June 1997) Also, the Development Brief for Westwick Farm/Pancake Lane, Hemel Hempstead Adopted on the 27th November 2007 notes that consideration needs to be given to appropriate planting (as a noise and light barrier) on the western boundary to limit the impact of floodlights and noise from the football club. The existing neighbours of the football club must be considered first when deciding whether the hedgerow can be removed. The applicants note that this is an important factor, and should be key in the decision process relating to changing Pancake Lane.
 - Speed Limits - whilst Pancake Lane is currently a 30mph speed limit, whereas Westwick Row is a 60mph limit there is recognition in the Development Brief for Westwick Farm/Pancake Lane, Hemel Hempstead Adopted on the 27th November 2007 that the speed limit adjacent to the site should be reduced 30mph. This will require approval through the Traffic Regulation Order process, which should be progressed in parallel with a planning application. This should therefore not preclude Westwick Row being considered as a viable option for the site entrance, as it is recognised that the speed limit should be reduced once the development commences.
 - Whilst it is understood that planning applications cannot be denied on the basis of nuisance from site traffic, practically speaking there is physically no room for large and/or articulated vehicles to access the site from Pancake Lane, the lane is simply not big enough.
 - Proposed footpath along Pancake Lane would create another unkept dangerous alleyway that people will be reluctant to use resulting in people walking back along the road.
 - If the government's policy of localism is to have any meaning or purpose then this application should be refused.

Considerations

Policy and Principle

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

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

Access and Linkages

- Singular vehicular access from Pancake Lane, to serve both the residential development and existing scout hut
- Localised road widening and provision of a footway from the site entrance to the junction of Pancake Lane and Lombardy Close (subject to the advice of the highways authority following detailed design work)
- Provide for new pedestrian and cycle linkages with the primary school, local shops and facilities and the wider pedestrian/cycle network

Landscape and Environment

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

Design

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

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

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

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

Proposed Access from Pancake Lane

It is the very issue of the access that has generated so much public concern. The proposals illustrate that the primary access to the site is to be taken from Pancake Lane and includes some localised widening of Pancake Lane within the vicinity of the application site in order to provide appropriate visibility splays, the closure of an existing access to the Scout Hut and the creation of a new access thereto within the site. These works, as noted above accord with the requirements of the Development Brief. The proposals for access also include the creation of passing places to Westwick Row. The proposed access off Pancake Lane, follows both the Planning Requirements for proposal Site H42 as set out in the DBLP and the Development

Brief which states at paragraphs 3.4 and 4.1 that only a single point of access will be required for this site and this, in accordance with the Local Plan should be off Pancake Lane, with potential for emergency access using existing access point(s) at Westwick Farm. It goes on to say at 4.1 "This access point should be located near the existing scout hut on Pancake Lane."

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

Potential Footway Provision

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

Layout and Design

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

Affordable Housing

The DBLP and the Development Brief for the site requires the provision of 50% affordable housing on the site. A viability statement has been submitted to show that only 30% is viable at a tenure split of 75% rented and 25% intermediate. This also includes a small off-site contribution of £5,000. This has been accepted by Strategic Housing Officers.

Open Space

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

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

Other Planning Considerations

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

Planning Obligation

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

The following Heads of Terms have been agreed:

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

To be agreed:

- Provision of public footway
- secondary school contribution

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

Conclusion

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

RECOMMENDATIONS

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

Annex 2

ADDENDUM SHEET - 18th April 2013

5.1

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

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

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

Additional information on Provision of Proposed New Footway to Pancake Lane

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

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

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

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

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

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

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

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

Applicant's Comments on the letter received from 1st Leverstock Green Scout Group

Secondary School Contribution

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

Further Representations from Hertfordshire Highways

Accessibility

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

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

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

Adjacent road network

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

Traffic generated by the proposal

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

Site access

The response to question 6 in the application form indicates that the proposal would result in new or altered vehicular and pedestrian access to the site. The new site access will need to be

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

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

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

Off-site highway improvements

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

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

The most recent discussion (on Wednesday 27 March) sought to identify a pedestrian route which minimises loss of vegetation but is likely to require some suitable lighting in order to meet personal safety needs. The absolute minimum width of any such path would be 1.25m (Roads in Hertfordshire Section 4, chapter 11, para 11.2.4). The footway shown on the 4 drawings attached to it (19886-L180_MT_2.dwg trevm figures 1 to 4) generally show a route that we would find acceptable except in that the width should be 1.25m, there is no indication of lighting and they do not show the route south of the football club entrance.

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

It is the policy of the County and Borough Councils to seek planning obligations to mitigate the effects of development. HCC's requirements in respect of highways and transport are set out in section 11 of the document Planning Obligations Guidance - Toolkit for Hertfordshire

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

Further Comments

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

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

Further Representations from Herts Biological Records Centre

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

- I remain of the opinion that if the hedgerow and footpath issue is to be considered as part of this planning application, any approval must be given in the knowledge of what is proposed, its impact, mitigation and compensation.
- In this respect I understand the NET removal of hedgerow would be 23%, where there is a pinch point and passing bay. I accept that where required for visibility or passing places, the existing hedgerow feature may need to be removed, and that where possible, a hedge of similar character is proposed to be replanted to maintain the feature as far as is reasonable. Where this cannot be achieved, there will be a net loss, but this is inevitable.
- I note that the proposals will compensate for 33% of required removal. Whilst this destroys the existing integrity of the hedgerow, suitable replacement will at least maintain a similar ecological function and I do not object to this approach.
- One section of net loss is at the pinch point. However, I recall that the football club were prepared to allow a footpath behind the existing hedge – but that this would have required a fence and hence the restriction of the footpath. I am not clear as to whether this footpath was to be on the football club land. However, if it was and if the football club were prepared to allow this, why cannot a short section of hedge be planted on their land adjacent to the north-west side of the proposed path? This would leave the path along the road and may not require a fence of any sort. This would provide an acceptable continuation of the feature. Also, if permission for floodlighting was to retain the hedge, it would not be considered unreasonable to retain the hedge in this manner – although I would not expect the football club to pay for such works. Has this possibility been explored?
- The other section of loss is at the passing place by the scout hut. However, there is already a hedge bordering the scout hut land, although I have no idea of its condition or composition. If it is significantly different to the hedge to be lost, I suggest that it is removed and replanted with a mix characteristic of the hedgerow to be removed. Has this possibility been considered?

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

Further Comments on latest drawings

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

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

Further Representations from Herts CC Planning Obligations Officer

The forecasts show, based on current information, that we will run out of secondary school places by 2018/19. The "unsatisfied demand" shows the number of pupils anticipated to be without a place. When planning for secondary school places, the Education services focus on the admissions (Year 7) as it is unlikely secondary school children will change school part way through their secondary education. It should also be noted that an allowance of 5-10% capacity should be allowed for to encompass year on year fluctuations and parental preference (As recommended by the Audit Commission. The NFFP also states "The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.") Another point which needs to be considered in that a planning permission is valid for 3 years and the time taken to complete construction and for a site to be marketed and occupied can be in addition to this.

HCC's document "Meeting the Rising Demand for School Places 2011 update: Secondary Education" (December 2011) describes the actions taken and the proposed next steps as copied below. (Please note the forecast information below is based on the previous forecast

data) A programme of secondary school expansions is currently underway. Hemel Hempstead is currently included in phase 2 of this programme.

“Hemel Hempstead

April 2011 Foreca April 2011 Forecast	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Number of Yr 7 places available	1304	1304	1304	1304	1304	1304	1304	1304
Demand	1,133	1,089	1,113	1,162	1,203	1,254	1,324	1,379
Supply/ Deficit	171	215	191	142	101	50	-20	-75
% Surplus/ Deficit	13.1%	16.5%	14.6%	10.9%	7.7%	3.8%	-1.5%	-5.8%
No of FE	5.7	7.2	6.4	4.7	3.4	1.7	-0.7	-2.5

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

Next steps

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

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

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

CS Pupil Forecasting Pupil yield from new housing methodology

Background and context

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

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

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

Pupil Yield from new housing

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

Data sets

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

For forecasting to forecast Year 7

Actual data sourced from SmartHerts monitoring system of all known planning applications, permissions, site allocations in local plan which are likely to be built out within 7 years.

Data is provided on individual sites by primary planning area.

From forecast Year 8

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

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

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

Representations from County Archaeologist

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

Given the lack of features or finds produced at evaluation, in this instance, there is unlikely to be an impact on significant heritage assets of archaeological or historic interest; therefore, I will be making no comment at this time.

Letter from MP (Mike Penning)

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

Letter from Leverstock Green Village Association

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

- Safety of pedestrian and vehicular traffic both during the construction phase and in the longer term;
- The localised road widening and provision of a footpath as proposed are not considered to be satisfactory measures as Pancake Lane would continue to be used for traffic heading to the

M1;

- Loss of some of all of the hedgerows adjacent to Leverstock Green Football Club with respect to the character of the lane and the removal of a screen against the football club floodlights;
- Access should be from Westwick Row / Green Lane which would be a safer and more practical solution against retaining the rural nature of the lane.

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

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

Letter on behalf of adjoining landowner

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

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

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

Officer Conclusions

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

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

RECOMMENDATION –

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

- The expiration of the notice under Article 12 of the Town and Country Planning (Development Management Procedure) Order 2010 - Agricultural Land Declaration
- The completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 to secure the following Heads of Terms:
 - Affordable housing - 30% (75% affordable rent and 25% intermediate) plus contribution of £5,000 payable on completion of the penultimate unit
 - 1. Primary school contribution - as per HCC toolkit
 - 2. **Secondary school contribution – as per HCC toolkit**
- Provision of LAP

- Upgrade of Westwick Fields from LEAP to NEAP – £15,000 (50%)
- Sustainable transport contributions – as per HCC toolkit
- Library contribution – agreed as per HCC toolkit
- Youth services contribution – agreed as per HCC toolkit
- Allotment contribution – agreed as per DBC Planning Obligations SPD
- Scout Hut Access and Changes – To form part of site access works.
- Provision of fire hydrants
- **Provision of public footway – in accordance with details shown on drawings: 19886-L181-2, 19886-L181-1, 19886-L181-2, 19886-L181-3, 19886-L181-4, 19886-L181-5**

- The following conditions and informatives:

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

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

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

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

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

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

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

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

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

- **hard surfacing materials, which shall include footpaths and access roads; access road from Pancake Lane to land immediately to the north as indicated on drawing no. 19886 - L173a (illustrative layout) or such other route as may be approved by the local planning authority;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant**

sizes and proposed numbers/densities where appropriate;

3. trees and hedges to be retained and measures for their protection during construction works;

- programme management for the soft planting;
- measures for biodiversity enhancement;
- proposed finished levels or contours;
- secure cycle storage facilities;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc).

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area. To comply with Policies 11, 99 and 100 of the Dacorum Borough Local Plan 1991-2011.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To minimise danger, obstruction and inconvenience to highway users in accordance with Policies 11, 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

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

Reason: In the interest of highway safety and efficiency.

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

Reason: To ensure that the internal roads and other layouts are built to required / adoptable standards in accordance with Policies 11, 51 and 54 of the Dacorum

Borough Local Plan 1991-2011.

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

(a) Site Characterisation

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

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

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

(b) Submission of Remediation Scheme

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

(c) Implementation of Approved Remediation Scheme

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

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

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

(d) Reporting of Unexpected Contamination

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

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

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

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

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

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

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

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

Reason: In the interests of highway safety.

- 22 **Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed, Flood Risk Assessment (FRA) dated January 2013 prepared by AMEC, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

The scheme shall include:

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

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

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

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

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

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

INFORMATIVES:

Environment Agency

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

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

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

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

Thames Water

Waste Comments

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

Surface Water Drainage

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

Hertfordshire Highways

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

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

NOTE 1:

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

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

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

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

NOTE 2:

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

Dacorum Borough Local Plan 1991 - 2011

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

Appendices 1, 3 5, 6 and 8

Supplementary Planning Guidance

Environmental Guidelines

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Accessibility Zones for the Application of Parking Standards

Pre-Submission Core Strategy (October 2011)

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

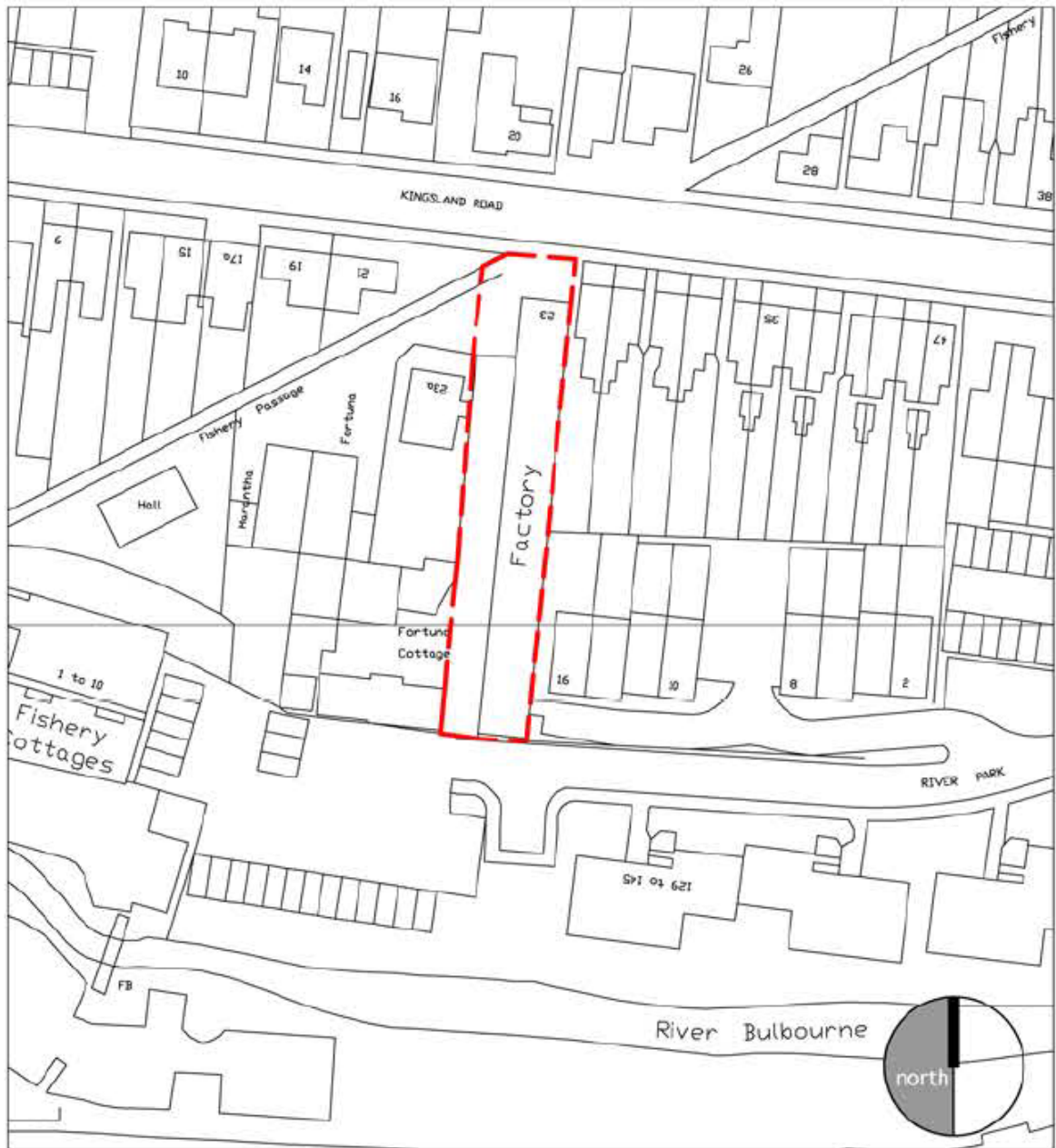
NOTE 3:

Article 31 Statement

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

ITEM 5.2

**4/01716/12/FUL - DEMOLITION OF EXISTING WAREHOUSING AND REDEVELOPMENT CREATING ONE x 4 BED HOUSE, TWO x 2 BED MAISONNETTES AND 3 x 2 BED APARTMENTS WITH PARKING AND ANCILLARY WORKS
23 KINGSLAND ROAD, HEMEL HEMPSTEAD, HP1 1QD**



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23 KINGSLAND ROAD, HEMEL HEMPSTEAD, HP1 1QD
APPLICANT: MR D HOSIER**

[Case Officer - Richard Butler]

[Grid Ref - TL 04372 06215]

Summary

The application is recommended for approval. The application proposes the redevelopment of a commercial use within a residential area to provide one 4-bed dwelling and five 2- bed apartments. The change of use is acceptable under Policy 9 of the Local Plan and CS1 and CS4 of the Core Strategy and is considered appropriate with regard to the surrounding development. The proposed building has been assessed with regard to the impact on the street scene, character of the surrounding area and impact on surrounding residential amenity, and is therefore considered to be in accordance with Policy 11 of the Adopted Local Plan and CS10, CS11, CS12 and CS13 of the Core Strategy. Parking is provided for each residential unit within the site and does not contravene Policy 58 of the Local Plan.

Site Description

The application site is a narrow plot sloping down from north to south between Kingsland Road and River Park, within the Boxmoor area of Hemel Hempstead. The site consists of a single storey pitched roof unit which abuts almost the full length of the east boundary with the flank wall forming the boundary treatment for the adjacent residential properties. The building has been in commercial use for a substantial period providing premises for a range of small business facilitating storage, office space and small scale workshops. The northern extent of the building is set in from the boundary edge providing hard surfaced area adjacent to the site entrance onto Kingsland Road. The western half of the site provides access along the side of the building which offers access to individual commercial units and also the residential units at the southern end of the access road.

The surrounding area is predominantly of residential nature, with Kingsland Road being characterised by groups of semi-detached and small terraces of Victorian dwellings, whilst the northern side of the road is of more modern and modest dwelling types; River Park to the south comprises a series of three storey flat developments which front onto the River Bulbourne (further south), more immediately to the southern aspect of the site are two groups of four, recent three storey terrace dwellings.

In the wider context of the site, approximately 0.25miles to the south is Boxmoor, the open land Boxmoor Trust Estate and beyond this Hemel Hempstead Train Station. Equidistance to the north is the local centre of Boxmoor, which provides an active and vibrant centre to this area of Hemel Hempstead.

Proposal

The application seeks permission for the demolition of the existing single storey commercial building and redevelopment to provide one four bed detached dwelling and five apartments, with associated parking and services.

The detached dwelling is proposed to be located at the northern section of the site, set facing onto Kingsland Road; the dwelling is set back from the position of the neighbour (no.25 Kingsland Road) and provides a parking bay for two vehicles in the area to the front of the dwelling, along with space for refuse/recycling collection area.

Private amenity space is provided to the rear of the dwelling with storage area for refuse/recycling and cycles. A turning area has been demarcated at the end of the plot with the objective of creating the ability of vehicles to turn within the site and therefore enter and exit Kingsland Road in forward gear. Alongside the garden area is a refuse collection point, where residents of the southern section of the site would deposit refuse on collection day.

The apartment development of five units follows the footprint of the existing building, comprising a part two storey part three storey block (where top floor accommodation is provided within the roof). The development retains the existing access which runs abutting the western boundary of the site, and follows a pattern of undercroft parking bays at the ground floor of the units, divided by entrances and ground floor accommodation of the apartments. The middle section of the development provides two 2-bed maisonettes, where the first floor accommodation is provided within the roof space and served by dormer windows within the west roof plane.

The lower (southern) section of the development provides three apartments, unit 4 being on the ground floor only and units 5 and 6 across three floors within accommodation provided within the roof space, served by roof lights.

The design maintains the pitched roof design albeit with a raised eaves and ridge line.

Parking is allocated as two spaces for the four bedroom unit and one space for each of the apartments.

Referral to Committee

The application is referred to the Development Control Committee as the item has been called in by Cllr Andrew Williams. The reason being that he believes the development shall represent an overbearing development especially for the properties 14/16 River Park.

Planning History

4/00399/11/MFA	DEMOLITION OF EXISTING WAREHOUSING AND REDEVELOPMENT PROVIDING ELEVEN 2-BED APARTMENTS WITH PARKING AND ANCILLARY WORKS Refused 09/06/2011
4/00782/10/PRE	REDEVELOPMENT OF SITE TO PROVIDE FOURTEEN APARTMENTS

Site Constraints

Urban Area of Hemel Hempstead
Former Land Use - Possible Contaminant
Flood Zone 3 – (part 3b)
Flood Zone 2

Policies

National Policy Guidance

National Planning Policy Framework

Dacorum Borough Local Plan

Policies 1, 2, 9, 10, 11, 13, 21 and 58
Appendix 1, 3 and 5

Supplementary Planning Guidance

Environmental Guidelines
Area Based Policies: HCA 7: Boxmoor

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

CS1, CS4, CS10, CS11, CS12, CS13 and CS35

Representations

Spatial Planning

The application site is a narrow plot sloping down from north to south between Kingsland Road and River Park, within the Boxmoor area of Hemel Hempstead. The site is located in a Residential Area of Hemel Hempstead (Policy 9/Policy CS4) where. Appropriate residential development is encouraged.

The site consists of a single storey pitched roof unit which abuts almost the full length of the east boundary with the flank wall forming the boundary treatment for the adjacent residential properties.

The site is currently occupied by a warehouse which the applicant seeks to demolish. Policy 34 does allow for the reuse of employment land for housing within a Residential Area.

Development should comply with Policy 10, which seeks to optimise the use of urban land, and Policy 11, which seeks high quality development. In particular, Policy 10 encourages that vacant or underused land and buildings should be brought into appropriate uses as soon as practicable through new building.

Under 4/00399/11/MFA, a scheme for the demolition of the existing single storey commercial building and redevelopment to provide 11 apartments, with associated parking and services, was refused permission.

Following discussions with the Planning Department, the applicant has revised the scheme significantly reducing the number of units to 6. This is welcomed. However, this is still a high density scheme with significant building coverage. Therefore, the scheme needs to be assessed with care in terms of layout and design.

The land also forms part of Residential Character Area HCA7: Boxmoor (Area 1). The key principles are:

- Style of dwellings may vary;
- Semi-detached and terraced dwellings are encouraged;
- Development of flats may be acceptable dependant on appearance and compatibility with the street scene;
- Height of buildings should not normally exceed 2 storeys;
- Buildings should be kept to small to medium size; large scale bulky development will not normally be acceptable;
- Maintain a close (<2m) to medium (2-5 m) spacing; and

- Development in the high density range (35-50 dpa) is acceptable.

In this particular case, a careful assessment will need to be made of the bulk/scale/height of the flatted building/maisonettes, spacing generally and overall density (at 78 dph).

In terms of residential amenity, efforts have been made to protect residential amenity, by using high level obscurely glazed windows on the side elevations to reduce the impact on neighbouring properties on either side of the site.

There is a general lack of amenity space and opportunities for soft landscaping relative to space standards (Local Plan Appendix 3). However, the site is well served by high quality public open space including Box Moor and also the common off of St Johns Road.

With regard to the change in the mix of units, Local Plan Policy 18 and Core Strategy Policy CS18 are relevant. These encourage a range of dwellings by size and type. The applicant seeks to develop a mix of dwelling types (4 bed type dwelling, 2 x 2 bed maisonettes and 3 x 2 bed apartments) which is welcomed.

The previous application on the site was refused permission, it is noted that the original scheme submitted was for a larger development of 11 flats. The current proposal is for a smaller scheme of 6 units that will be broken into two buildings, a detached dwelling standing a height of 3 storeys and a 2 storey flatted building. While the reduction in the number of homes is positive, this remains a high density scheme on a relatively narrow site. The onus is on the applicant to demonstrate to the satisfaction of the Council how they have overcome the previous reasons for refusal when submitting this revised scheme.

The principle of the redevelopment of the site into a residential scheme is considered to be acceptable. However, the overall density of development needs careful consideration.

Scientific Officer, Regularity Services

The site has had a long history of industrial and commercial usage. Consequently there may be land contamination issues associated with this site. The applicant has indicated in Section 14 of the application form that the land is known/suspected to be contaminated. As such, an appropriate land contamination assessment should have been submitted with the application. In the absence of this information, I would currently have to object to this application.

Confirmation has been provided that the form was completed in error by the applicant in this regard. There is no known contamination on site at present. Therefore the standard contamination condition shall be used.

Hertfordshire Highways

The highway authority has no objection in principle to the proposed change of use of this site from B1/B8 office warehouse to residential use.

At present the site is served by a wide simple vehicle crossover. This VXO also serves as a means of access to other residential dwellings to the side and at the bottom of the site. The highway authority assumes that the dwellings at the bottom of the site have access rights over the track and therefore this will remain as part of any new development.

At the point where this VXO joins the highway (Kingsland Road) the footpath known as Fishery passage crosses the front of the site and continues up to the next road, Horsecroft Road. This footpath is exceptionally busy at both the am and pm peak times with pedestrian use notably both children and commuters heading to schools and work via the main line train station at Boxmoor respectively.

The 5-year rolling injury accident data has no record of any personal injury accident in Kingsland Road near to this site. Quite clearly there is not a known accident history at this site and that the change of use to residential use is not likely to change this fact.

The applicant proposes to continue to use the simple VXO but will highlight the access in block paving between the vxo /site access and fishery passage footpath. This footpath is heavily used at peak times and it was identified as a critical area to improve to make both pedestrians and motorists aware of each other.

Highway financial contribution would be used to provide measures or services in the vicinity of the site to encourage walking, cycling or the use of public transport. The bus stops in Fishery Road or St. Johns Road could be improved or sustainable measures locally to improve existing or proposed cycle networks. Planning permission should therefore only be granted subject to an undertaking to secure the following: A financial contribution of £4,000 towards measures or services in the vicinity as mentioned above to encourage walking, cycling or the use of public transport.

On balance the highway authority considers that this latest application is less intense a development than previously submitted and that the applicant has in the main looked to resolve the highway concerns that were previously raised. If the local planning authority were minded to grant planning permission then the highway authority would respectfully ask that they include the above requested conditions/informative to any decision notice they grant.

Fire Officer Comments

Access for fire fighting vehicles should be in accordance with Section 5 of The Building Regulations 2000 Approved Document B (ADB).

Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.

Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.

Water supplies should be provided in accordance with BS 9999.

This Fire Service would consider the following hydrant provision adequate:

- Not more than 60m from an entry to any building on the site.
- Not more than 120m apart for residential developments or 90m apart for commercial developments.
- Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances.
- Not less than 6m from the building or risk so that they remain usable during a fire.
- Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.
- Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with Section 5 of Approved Document B.

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

Housing Delivery, Strategic Housing

In respect of the development proposal, I can confirm Strategic Housing will be seeking an affordable housing contribution, in line with the prevailing affordable housing policy.

Environment Agency

We object to the proposed development because the applicant has identified that the site area may be affected by contamination. No report has been produced to identify the risks to the sensitive groundwater beneath the site, and this should be sufficient reason to refuse planning permission.

Note - The agent subsequently confirmed an error has been made on the application form and there is no known contamination on the application site.

Updated Comments - I can confirm that if there is no known contamination at the site, we would consider the previous use of the building to present a low risk of contamination.

Given this, we could remove our objection and request that an 'unsuspected contamination' condition is requested on any planning permission granted, which would require action if any contamination was found on site.

Planning Obligations Officer, Hertfordshire County Council

Financial Contributions sought as follows:

Primary education	£8,241
Secondary education	£7,359
Nursery education	£1,394
Childcare	£498
Youth	£153
Libraries	£922

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

Thames Water

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.

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

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

Comments received from local residents

Letters / Comments received from following addresses:

15, 21, 22, 25, 29, Marantha, Fortuna Cottage and Fortuna Lodge Kingsland Road; 10, 14, 16 and 133 River Park; 150 Boxted Road, 113 Cowper Road.

These comments are summarised as follows:

Whilst we are not opposed to site being redeveloped for residential purposes, we strongly object to the proposal in its current form as we feel that overdevelopment and density, especially, at the Southern end of the site, has been the main priority rather than the facility of adequate provision to turn around on the site. This provision is essential for all of the other people who are likely to use the site i.e, residents' guests, service vehicles, delivery vehicles and others too numerous to mention. These vehicles would all have to reverse up the extremely narrow access road onto Kingsland Road which would be very dangerous and totally unworkable and we are very surprised that such an important issue has not been addressed. I would like to strongly point out that the land to the West of the site boundary is private and cannot be used for vehicular turning.

Density

Object on the base of over development and density, especially, at the Southern end of the site, has been the main priority rather than the facility of adequate provision to turn around on the site. The proposed development at 78 dph is approximately twice the accepted density range defined as being high by the Council for the residential area of Boxmoor.

A result of such over development is that no provision has been given for vehicular turning within the site boundary towards the southern part of the site. As proposed the only way for a vehicle to turn around would be to trespass onto the private land jointly owned by Fortuna Cottage and Fortuna Lodge. This is not acceptable.

The proposed 6 dwellings are too dense for the footprint of the development with no amenity land for 5 of the dwellings.

Development in the high density range 35-50 dpa is acceptable – however this proposed development is in excess of this at 78dpa.

Height

A three story building is inappropriate and out of keeping with the local area and would tower over existing residences. The ridge height is still excessively high compared with the existing building – almost 50% higher

Design

Proposed building materials (dark stained timber boarding): Currently classic Victorian brick work to be replaced with dark wood and brick. Not only would this be oppressive, but out-of-character with local properties and need constant maintenance; the owners would need access to gardens of surrounding properties.

Impact on Neighbouring Property

25 Kingsland Road - The four bedroom house that is being proposed to be adjacent to our property, 25 Kingsland Road, is much larger than the height of the existing building and although the outline of the existing building has been placed on the plans it does not take into consideration that at least a third of that is a sloping roof and not currently a flat wall. The size

of the proposed property is going to considerably block the light into our kitchen, back bedroom and garden.

The plans show that a non-opening window will be overlooking the kitchen and the plans do not state the type of glass to be used and we are extremely concerned that although the plans describe it as obscure glazed that it will still be possible to partially see out of it which will be an invasion of our privacy.

The gap between the bottom of the garden of the four bedroom house and the maisonettes is not reasonable. The gap is going to not look aesthetically pleasing as according to the plans the start of the maisonettes will also start at the bottom of our garden. We will have two unacceptable high walls and then a much smaller fence/wall in between which is going to look out of proportion and ridiculous; and will again significantly block light to our garden as well as blocking the light into the adjacent properties in River Park.

16 River Park - This will take out all of our light in our kitchen, formal lounge, master bedroom, conservatory and three bathrooms, in addition to our garden. Where there is now light at midday and thereafter, will be left in darkness. This is completely unacceptable. Loss of privacy; Previous drawings have showed windows overlooking ours. We previously were assured that these rooms would be un-inhabitable (bathrooms or stairwells). However, two of the proposed windows are now to be within habitable rooms (lounge, etc) which will be positioned to see in our first and second floor bedrooms. In addition, from the new balcony, the new occupiers will be able to view directly into our first and second floor bedrooms. This is utterly intolerable and is a new objection.

Noise and disturbance resulting from use; Currently these units are used Monday-Friday 9am – 5pm for small businesses. They could potentially house many families around the clock just metres away from us. We believe that these properties will be bought to let, so the clientele may not be considerate to their neighbours.

Access

Additional volume of traffic using narrow access entrance causing danger to pedestrians using Fishery Passage and other vehicles in the vicinity.

Access and Egress will be more difficult and dangerous for current residents with specified car parking spaces located at the front of the building. Proposed raised kerb for extra public parking would make access too narrow. Extra vehicles using this already blind exit or even backing out would be adversely affected by an extra vehicle blocking their view. Even more dangerous for pedestrians.

The sweep of vehicle entrance shown on sheet 4 of the site plan assumes that nothing is parked on the opposite side of Kingsland Road, which there usually is.

Access road is too narrow for turning - and no provision has been made for this. Cars will have to reverse the whole length of the access road onto Kingsland Road. This is a hazard for all concerned.

If cars enter the access road at the same time this will cause congestion, possibly backing onto Kingsland Road.

How will cars turn, if the car ports are full?

With regards to the above development and the plan which shows the refuse vehicle accessing the land in front of Fortuna Lodge, we would like to make it very clear that this land is private and cannot be used for vehicular turning.

Parking

Inadequate for the number of properties considering the size and number of bedrooms - owners of new development and their visitors which will therefore cause additional problems to the already congested Kingsland Road and surrounding area. The area which states 'possible spaces for just visiting' will restrict access for emergency vehicles. At present, vehicles parked in the access road tend to be there for loading and unloading purposes and are only there during working hours - cars to the new properties could be parking 24/7.

The Car ports under the buildings are unlikely to be used due to difficulties in entry and exit and these areas will become storage areas which will be unsightly. Property owners are more likely to park in the access road.

Visitor parking alongside proposed housing will make access difficult for existing properties, especially if an ambulance or service vehicle is required.

Bats

Has a Bat survey been done on this building? As I know they've been seen in the vicinity of it.

Other

Sheet 4 Site plan diagram is incorrect. The small triangle at the end of fishery passage where it joins Kingsland Road footpath is the property of No.21 and cannot be used to drive across as shown, thereby narrowing the entrance/exit to the development even further.

Concerned about the placing of the bins and cycle store for the four bedroom house and the situation and type of fencing/walling that is to be used to surround it and what the implications of this are to our property.

River Park is currently a dead end road with no vehicle or pedestrian walk through and I trust that this status is maintained and that there will not be any vehicle or pedestrian access by the new residents directly from the southern end of the development. Any access will certainly encourage Hosier Residents/Visitors to park in an already congested River Park.

Lack of amenity space in proposed development.

If the building extends right up to the southern boundary of the site, then the windows of two flats are immediately adjacent to a waste collection point in River Park.

Comments on Amended Plans

Received from 10, 14 16 and 133 River Park, Fortuna Cottage Fortuna Lodge and Maranatha, Kingsland Road

Issues with proposed Turning areas:

The token 'turning head' which has been slotted in is no more than a parking space and not adequate for the manoeuvring required to make safe such a narrow site exiting out onto a busy road with densely parked cars. The turning head should be at the 'head' or end, ie the far end of the site from the road. The position suggested by the developer will mean cars reversing at least 40 metres which is a danger to pedestrians and other vehicles.

The new turning head has just been put there to tick a box for a turning head without any thought being given for the size of vehicle which may need to turn using this facility or that people living in the flats and their visitors would end up having to reverse up the site for a good

distance.

We would reiterate that the forecourt in front of Fortuna Lodge and Fortuna Cottage is private and vehicles from the properties on this proposed development would not be able to use this for turning around.

We would also like to make the point that the access road is currently a gravel path and as such it absorbs a lot of rainwater. Even so we find that when it rains heavily, water congregates at the southern end of the site and whilst the present drainage can just about cope we are concerned that if tarmac is laid, flooding would take place unless adequate drainage is in place.

Emergency Access Southern Boundary:

It is now proposed at the south (River Park) end of the site, on the land between the wall of the existing building and the edge of the road, to remove much of the hedge and to replace the wooden fence with iron railings and a gate allowing access to River Park. I must tell you that this land and the fence and hedge on it are private property, and unless the developer has sought and obtained consent to these changes from the owner, which I am sure he has not, there is no point in putting the application before the Council for consideration.

To clarify the ownership:

On the north side of River Park, the strip of land from the edge of the highway to the line of the fence is owned by the Locker Foundation, the freeholder of the flats in River Park. This 'ransom strip' extends from the point of access to the small private estate (numbers 2 to 16) westwards to the end of the public highway. As the strip abuts the highway, it is the Council's responsibility to ensure that nothing on it creates a hazard or obstruction to traffic, a duty it fulfils by cutting the hedge regularly. It is surely beyond the Council's remit to remove the hedge or the fence or to create a breach in the ransom strip for the benefit of a private developer.

Further comments:

Why have the Fire Brigade now requested a locked gate at the southern end of site? They obviously have concerns about the safety issues of this proposed development so does this mean the turning circle does not meet their requirements?

Comments in support

As owner and occupier within River Park I would like to register my support for the development seeking planning permission at 23 Kingsland Road.

We live in a popular, and dense neighbourhood. The opportunity for new developments is rare and should be approved to help grow the housing stock in this area.

The mixed nature of the existing stock means any design could be classed as being in keeping with its surroundings.

In an already densely housed area issues of overlook and privacy are surely mute as all residents are already exposed to their neighbours and curious onlookers.

Considerations

Policy and Principle

The site is located within the urban area of Hemel Hempstead, wherein the principle of development is acceptable (Policy 2). The area surrounding the application site is designated as residential and as defined in Policy 9 the following forms of development are acceptable:

- Appropriate residential development is encouraged;
- Change of use to residential is normally acceptable;
- Compatible non-residential development for small scale social, community, leisure and business purposes is acceptable;
- The introduction or intensification of incompatible non-residential development will be resisted.

The existing use on site is commercial, including mainly storage and distribution provisions; the Design and Access Statement highlights heavy vehicle movements as common place serving the units around the clock; of the many consultation responses from residents surrounding the development it appears that the existing use on site does not cause any issue or concern with regards to noise, pollution or any other nuisance or disruption, and from the site visits conducted it appears the commercial activity is one of small scale.

Despite this it is also noted that there are limited planning restrictions on the use of the site with regard to scale of operation or operating hours.

The change of use to residential (in terms of use alone) is acknowledged as being a complimentary use to the surrounding residential properties and removes a potentially conflicting use. The principle of change of use is therefore acceptable; only limited weight is given to the consideration of the conflicting nature of the site as it currently operates as disruption to neighbouring property is very limited.

Consideration as to the 'appropriateness of the residential development shall be assessed below.

Area Based Policy HCA7: Boxmoor

Area 1: The older central core based around St John's Road with residential roads to the North and South

Scope for Residential Development

Redevelopment: Discouraged, although there may be opportunities for redeveloping non-residential buildings, according to the Development Principles.

Development Principles

Design: Style of dwellings may vary, but the scale, height and orientation of new proposals should follow that common to the street scene and to nearby and adjacent dwellings.

The orientation of the development follows that of the existing building, dictated by the existing form/orientation on of the site. The detached dwelling follows the form of development on Kingsland Road with regard to building height and scale of development. The apartment building remains lower than the built development of River Park. The orientation does not follow the surrounding development but follows the existing footprint of the building.

Type: Semi-detached and terraced dwellings are encouraged. Detached dwellings may be acceptable where this type forms the majority of nearby and adjacent development. Development of flats may be acceptable dependent on their resultant appearance and

compatibility with the street scene.

The Detached dwelling is considered appropriate for the Kingsland Road pattern of development. With regard to the flats within the scheme, these shall be assessed with regard to the impact and appropriateness of the scheme with regard to scale of building; impact on surrounding development and with regard to the provision of suitable access and parking.

Height: Should not normally exceed two storeys.

The building has accommodation on three storeys at highest point, but effort has been made to keep the appearance of a two storey building with accommodation within the roof.

Size: Should be kept small to medium; large scale bulky development will not normally be acceptable.

The development would deliver a range of residential unit sizes which are needed within the area. The size of the development as a whole shall be considered with regard to the impact on the surrounding area.

Layout: Proposals should normally maintain a close to medium spacing (less than 2 m or between 2 m and 5 m). Dwellings should normally front onto the highway following a straight, formal building line.

Due to the existing formation of the site, the proposed pattern of development is considered acceptable in principle.

Density: Development in the high density range of 35-50 dwellings/ha (net) is acceptable, although lower densities will be required in areas where the predominant density is below those in this range.

Density figures are noted for providing a guide to the broad density of an area. There shall naturally be fluctuation in these figures and some areas of the character area shall be higher density than others. Similarly, taking a site in isolation provides a skewed density figure against the general density level for the wider area. The development shall be assessed with regard to the impact and appropriateness of the scheme with regard to scale of building; impact on surrounding development and with regard to the provision of suitable access and parking to determine whether the density is appropriate.

On-street parking: Limit effect by effective on-site provision in new development proposals.

Off-street parking: Provision by either on-site or communal parking is acceptable.

The parking for the development is provided within the site. The suitability of this shall be considered in the assessment below.

Design and Appearance

Detached dwelling

The Kingsland Road elevation was indented to form a repetition of the Victorian terrace type dwellings along the south side of Kingsland Road, providing a continuation of the street scene and retain the character of the area. This detached four bed two storey dwelling follows the gable end form, with feature bay window to the front elevation; the brick detailing and finish shall respect the immediately neighbouring dwellings and continue the established design principles of the Kingsland Road street scene. The proposed dormer window is noted as in keeping with other examples within the street.

The dwelling has a rear range extension feature which is positioned to the west side of the rear elevation. In the original submission this was a full width two storey element, but through the application process this element has been reduced to give greater separation to the neighbouring property on Kingsland Road, with particular regard to windows within the rear

elevation and avoiding significant detriment to loss of light to these windows.

The design of this unit is considered to be a successful addition to the Kingsland Road street scene, achieved through maintaining the eaves line, ridge line, front elevation features and material finishes as well as the chimney detailing.

The dwelling has a rear private amenity space, which has been increased in size through recent amendments; the amenity area is considered to be appropriate with regard to the mix of garden sizes within the surrounding developments and the close proximity to nearby public amenity space.

Apartment Block

The development continues with a new build block running along the footprint of the existing building from the end of the garden area to the detached unit to the southern boundary of the site / turning area. This element has been through a number of design revisions with the intention of reducing the impact on neighbouring amenity and also the overall bulk of the structure.

The design maintains simple roof forms of dual pitched, tiled roofs which characterise the area. The existing building has a ridge line running down the length of the site, and the proposed development retains this, albeit at a raised level. Former design included bulky additions to this simplistic principle, which provided not only additional internal accommodation but also afforded roof terraces and inverted balconies; however these elements have been removed to arrive at a more simple design which reduces the overall bulk of the building, and reduces impact to neighbouring dwellings.

Dormer windows have been used at the middle section of the building only and are considered to be an appropriate form of providing natural light and aspect for the proposed development. The higher section has opted for roof lights placed at the ridge line to provide natural light to these rooms without adding bulk to the structure and due to the high internal sill height do not create overlooking to neighbouring properties.

Parking is provided through undercroft parking bays; this moves cars away from the street and prevents them from dominating the appearance of the development.

The development principles noted above for the character area appraisals note that the development of flats may be acceptable dependant on appearance and compatibility within the street scene. The flats in question do not specifically relate to a street scene view due to location / situation of the site, set within an area between Kingsland Road and River Park; however the building shall be visible from public view points. The southern elevation of the building shall be visible within the River Park area; the scale of the building at this point is two storey pitched roof building, adjacent is the series of dwellings on River Park which have a higher roof line and have a bulkier appearance due to the Dutch-hip roof design; the design of the proposed development at this point does not over dominate the street scene view at this point and is appropriate within this public view with regard to scale and appearance of the building.

Views of the apartment block from Kingsland Road shall be limited due to the nature of the site; wherein the development shall be set down within site and not dominating the street scene. Within the site (from the access road) the proposed apartment block shall have a relationship of a domestic nature, wherein the appearance of the elevation is of the parking bays and entrances with accommodation above; this is of a small scale proposal and more similar to small scale residential infilling as opposed to large flatted development.

For these reasons for the design of the development is considered to be appropriate, with the provision of flats not leading to a compromise to street scene character.

Effect on Amenity of Neighbours

There are three areas of consideration, Kingsland Road, River Park and the group of properties to the west of the application site; these shall be assessed in turn.

Kingsland Road:

The proposed development is set back from the front building line of 25 Kingsland Road, due to being set back the proposed structure shall not impact on the front elevation of the neighbouring property (25 Kingsland Road) and shall not be overbearing in this aspect.

No.25 has a traditional form with a rear projection leaving a small section of the original rear wall present close to the boundary; there is a window at ground floor and at first floor within this rear wall section. The detached dwelling design has been amended to move the two storey rear wing away from the boundary and give more spacing from the rear elevation of No.25, and in particular these windows. On plan view the rear wall of the proposed dwelling would cast shadow over the inset area of No.25; when the elevation view is noted, the two storey rear projection of the dwelling is set far enough away to ensure the element does not impact on the rear elevation of No.25; however, the main eaves line of the building, although set back, shows the building is likely to cause an impact on the ground floor window of the rear elevation. The impact of the development on No.25 is limited to the impact on the ground floor inset window of the rear elevation.

The rear range of No.25 currently blocks light to this window to a considerable extent, with the rear projection being very close to the edge of the window opening. The orientation of the site does provide a positive to the situation, wherein sunlight shall be directed into the inset area thus improving the situation of light reaching this window. On balance the scheme removes built development from the boundary in creating the garden area for the dwelling; although replaces with a two storey element which does not extend as far to the rear. The development does impact on light levels reaching the window in question, however the window is not entirely devoid of light due to the orientation of the rear elevation; the proposed development shall not significantly compound this situation and objection on this aspect is not considered to be significant to warrant refusal of the scheme.

21 Kingsland Road is set a considerable distance from the proposed development and no immediate detrimental impact to residential amenity is noted.

Properties west of application site:

23a is set back a considerable distance from the Kingsland Road street, the second floor windows in the gable end of the proposed detached dwelling is set far enough north within the site to avoid overlooking to private areas to the west; as a result of this the proposed development is not expected to cause a loss of light to habitable windows of this property.

The west elevation of the proposed apartment block has dormer windows at first floor level which are directed towards the group of properties to the west. The lower section of these sash windows is treated with obscure glazing to prevent overlooking while the upper levels would remain clear glass (above eye level) to allow view out but not into neighbouring property.

With regard to three storey element at the southern block of the proposal, overlooking is not considered to be an issue as dwellings are orientated away from the site and private gardens are situated to the other side of the respective dwellings. Proposed windows facing these properties would face the driveway parking area to the front of Fortuna Cottages where a limited level of privacy is expected.

River Park:

The proposed development as with the existing building extends further to the south than the front building line of the adjacent River Park properties by 7m. The proposed development at this point has been amended, with the first floor section of the building being set back from the southern boundary, while the single storey element remains at the boundary. This amendment was required with regard with regard to the impact on the adjacent River Park properties.

An assessment has been submitted demonstrating the impact of the proposed development in accordance with the BRE guidelines; 45 degree line has been drawn in both a horizontal and vertical axis from the proposed development to the nearest habitable windows in the front and rear elevation of 16 River Park.

With regard to the front elevation; on plan view the 45 degree lines show that the building on the southern boundary of the site has the potential to impact on the windows across the front elevation, wherein the first floor element (as set back) would impact only on the windows on the nearer half of the front elevation of 16 River Park. When this is then considered in elevation view the 45 degree lines demonstrate that the lower section of building (up to the southern boundary) is not of a sufficient height to cause a loss of light to any windows on the front elevation of River Park. The 45 degree line drawn down from the upper section of the building shows the upper floor window in the front elevation is not effected. The 45 degree line does however cross the middle section of the ground floor window; this is the very limit wherein an impact on the window is noted; the proposed building is therefore on the margin between there being an impact or not. The orientation of the buildings at this point is noted, the elevations face south therefore favourable served by natural light. On balance the building has been reduced to where possible reduce the impact of the building on the surrounding properties, whilst there is still likely to be some impact caused by the presence of the building, the favourable orientation of the building reduces this. There is not considered to be justification to object to the proposal of the basis of loss of light to the neighbouring properties.

With regards to privacy, the balcony within the south elevation of the property would provide the ability to view back into the front elevation of 16 River Park. There are a number of ways which this situation could be avoided, such as preventing access to the end section of the balcony, thus not providing access to the area of the balcony where such views could be obtained. A condition seeking details of how this shall be achieved shall be placed on the recommended decision.

The rear elevation of 16 River Park has a larger full height door providing access from the living area to the garden. The middle section of the proposed development with the lower eaves and roof line is the element of the building which must be assessed at this point, as the higher element finish before it poses an impact to the rear elevation. The assessment submitted demonstrates how the height of the building would not give rise to an impact over the windows within the rear elevation 16 River Park.

As a result of the above assessment there is not considered to be a significant impact of loss of light to the properties of River Park, nor shall there be an overbearing impact. The east elevation of the development shall contain a limited number of windows, all of which shall be obscure glazed and non-opening. These are positioned adjacent the flank wall of 16 River Park and do not create a situation of overlooking.

Roof lights with the middle section of the building are positioned at an internal height above eye line and hence overlooking shall not be caused by these features.

Parking

Properties along Kingsland Road have limited off street parking and as a result on-street parking is an issue within the area, this situation is worsened due to the location between Boxmoor local centre and the mainline train station of Hemel Hempstead. Commuter parking within surrounding streets puts added pressure on the already congested surrounding streets for parking spaces. Residents have expressed strong concern at the prospect of a further six dwellings and the impact on an already congested area.

The SPG document provides advice on accessibility zones and the implementation of parking provision standards. The application site is located within accessibility zone 3, With regard to residential developments, the following advice is given:

Para 3.2 “New residential development will generally be expected to accommodate all parking demand on site. However, significantly lower levels of parking provision may be acceptable where demand is likely to be less and a tendency for over spill on-street is, or can be controlled eg. high density housing in town centres, near railway stations or housing over shops.”

4/00467/11/FUL			
Unit No	Unit Size	Maximum Parking Provision	Parking Provision Proposed
1	4-bed	3	2
2	2-bed	1.5	1
3	2-bed	1.5	1
4	2-bed	1.5	1
5	2-bed	1.5	1
6	2-bed	1.5	1
Total		10.5	7

The policy states residential development should provide all parking needs on-site.

The site is located within walking distance of Hemel Hempstead mainline station, and is also well served with access to large open space areas and the local centre of Boxmoor, thus providing a very sustainable location where justification is present for parking provisions below the maximum standard. The provision of one space per unit is considered to be a reasonable approach and it is recognised that car-free development has been approved within Boxmoor in the past.

The consideration of the existing on-street parking issues is a material consideration in the assessment of parking provision. There is no doubt that parking within the area is an issue, the location is one of the most sustainable within Hemel Hempstead especially for commuter accommodation which this development is targeted at. Private car use is best placed to be reduced in this location and with the type of development.

On balance a provision of one space per unit is considered sufficient for the two bed apartments. The provision of two spaces is also considered appropriate for the 4-bed dwelling. The wider issue of parking in the surrounding area cannot be solved through this development but the marginal increase in pressure for on-street parking is not considered to amount to significant disruption where traffic generated would neither compromise the safe and free flow of traffic on the existing road network nor have a detrimental impact on the safety of other road users or on the amenity of the area.

Access

Access has also been raised as an issue by surrounding residents. The Highways officer has been consulted with regard to the access arrangements for the site.

The Highways officer raised no objection to the access arrangements wherein the development shall use the existing access to the site. Concern has been raised from residents over the suitability of the access and no provision for turning within the site.

The undercroft parking bays for the apartment units would allow the cars using this parking to enter and exit the site in forward gear, as the space itself would provide space to manoeuvre the vehicle. However, residents concerns are noted wherein the situation when all such spaces are occupied cars would then need to reverse back onto the Kingsland Road highway and across a public footpath; with regard to this the scheme has been amended to provide a turning area at the end of the detached dwelling plot. This therefore allows cars to turn and leave the site in forward gear.

Larger vehicles shall not be able to turn in the access road, and the new turning area would not facilitate for all larger vehicles. However, the bin collection area has been provided at the upper section of the site to reduce the need for refuse vehicles to enter the full extent of the site and reversing into the site would to this extent would provide sufficient access.

With regards to emergency services access; the fire department raised concern with the original layout due to the limited ability for fire tender vehicles to access the lower section of the access road and also access water provision for tackling a fire. With the assistance of the Building Control department a solution has been provided which satisfies the concern of the fire officers. This details a pedestrian access at the southern boundary of the site onto the River Park area. The access shall be permanently locked, however in the case of emergency fire fighters would be able to break through this access and gain pedestrian access to tend the southern accommodation with hose facilities.

As noted above, prior to the addition of the turning area there was no formal objection from the Highways department.

Amenity Space

The detached family dwelling has a private garden in accordance with the Policy standard. The apartments other than unit 6 (balcony) have no private amenity space. The site is well served by high quality public open space including Box Moor and also the common off of St Johns Road. Appendix 3 requires communal amenity space to be provided where private amenity space is not. Particularly drying areas for laundry are also required as well as separate bin storage. Utility areas are provided to laundry and drying areas within the units.

Bin storage is provided for each unit.

Flood Risk

The southern extent of the application site is located within Flood Zone 3b, this is the functional floodplain in accordance with Dacorum's strategic review of floodrisk.

Through pre-application discussion between the applicant / agent and the environment including the submission of evidence, the Environment Agency have agreed the downgrading of the Flood Zone and the EA do not object to this application on the grounds of Flood Risk.

Section 106

In accordance with the Dacorum SPD on planning obligations and the Herts County Toolkit a request for planning obligations has been sought under the following heads of terms:

Head of Term	Amount (£)
Allotments	£308.00
Outdoor pitches - HH	£2,241
Cycles - Hemel	£333
Primary schools	£8,241
Child play space	£7,808
Natural Green Space	£122
Travel Smart	£150
Sustainable Transport	£4000
Libraries	£922
Secondary Schools	£7,359
Nursery	£1,394
Childcare	£498
Youth	£153
Total	£33,529
Monitoring @6% of DBC items	

This has not been received therefore the recommendation shall retain as delegate with view to approval unless the agreement is received.

Other Matters

A Bat Survey Report has been submitted which provides evidence to confirm that the presence of bats is not significant within the building. An informative has been added to advise the developer accordingly.

Conclusions

The development has been amended a number of times to address concerns raised. The resulting scheme is considered on balance to comply with the appropriate national and local planning policies and as such is recommended for approval.

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

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

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

- 2 No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development.

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

iv) **hard surfacing materials;**

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

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

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

- 4 **All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.**

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

- 5 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation shown on Drawing No. 2-PL04f shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities.

- 6 **The development hereby permitted shall not be occupied until the turning space shown on Drawing No. 2-PL04f shall have been provided and shall not be used thereafter for any purpose other than the turning of vehicles.**

Reason: To ensure that vehicles may enter and leave the site in forward gear.

- 7 **Development shall not begin until details of the junction between the proposed service road and the highway and the footpath have been approved by the local planning authority, and the building shall not be occupied until that junction has been constructed in accordance with the approved details.**

Reason: In the interests of highways safety.

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

Reason: In the interests of highway safety.

- 9 **The windows at first floor level in the east elevation of the apartment building hereby permitted shall be non-opening and shall be permanently fitted with obscured glass unless otherwise agreed in writing with the local planning authority.**

The dormer windows within the west roof plans of the apartment building hereby permitted shall be non-opening and shall be permanently fitted with obscured glass up to an internal height of 1.7m unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of the amenity of adjoining residents.

- 10 **The roof area of the southern elevation to be used as a balcony, roof garden or similar amenity area shall be restricted in floor area to an extent of 1m from the east flank wall unless otherwise agreed in writing with specific permission from the local planning authority.**

Reason: In the interests of the residential amenities of the adjacent dwellings.

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

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

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

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are

subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

(b) Submission of Remediation Scheme

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

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

INFORMATIVE:

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

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

13

(c) Implementation of Approved Remediation Scheme

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

written notification of commencement of the remediation scheme works.

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

(d) Reporting of Unexpected Contamination

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

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

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

INFORMATIVE:

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

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

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

**2-PL01 Rev G
2-PL02 Rev G
2-PL03 Rev D
2-PL04 Rev F**

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 and CS1 and CS4 of the Core

Strategy. 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 58 of the Borough Plan and CS10, CS11, CS12 and CS13 of the 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

Supplementary Planning Guidance

Development in Residential Areas

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

CS1, CS4, CS10, CS11, CS12, CS13 and CS35

NOTE 3: Article 31 Statement

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

INFORMATIVE:

It is possible that bats may be using areas of the existing building.

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;

Recklessly disturb bats;

Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

If bats or evidence of them are found to be present a licence will be required before any relevant works can be undertaken and this will involve preparation of a Method Statement to demonstrate how bats can be accommodated within the development.

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

Contacts:

English Nature

01206 796666

UK Bat Helpline

0845 1300 228 (www.bats.org.uk)

Herts & Middlesex Bat Group

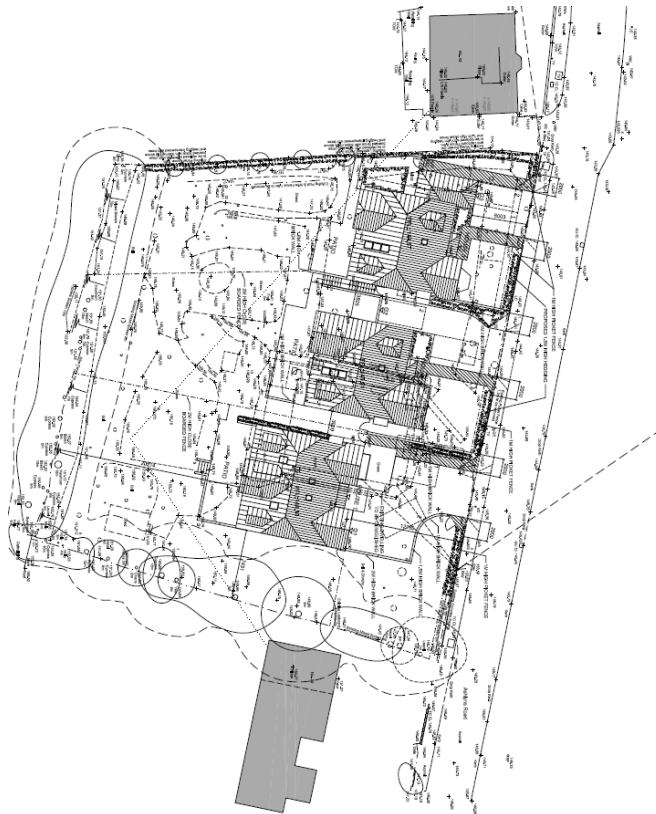
01992 581442

ITEM 5.3
4/02246/12/FUL - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF THREE
DETACHED 4-BED DWELLINGS WITH ASSOCIATED ACCESS
37 ASHLYNS ROAD, BERKHAMSTED, HP4 3BL



ITEM 5.3

4/02246/12/FUL - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF THREE DETACHED 4-BED DWELLINGS WITH ASSOCIATED ACCESS
37 ASHLYNS ROAD, BERKHAMSTED, HP4 3BL



**5.3 4/02246/12/FUL - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF THREE DETACHED 4-BED DWELLINGS WITH ASSOCIATED ACCESS
37 ASHLYNS ROAD, BERKHAMSTED, HP4 3BL
APPLICANT: CHIPPERFIELD LAND COMPANY LTD**

[Case Officer - Nigel Gibbs]

[Grid Ref - **SP 98675 07296**]

Summary

The application is recommended for approval.

The site lies within a Residential Area of Berkhamsted (DBLP Policy 9, Core Strategy Policy CS4) wherein appropriate residential development is encouraged. In providing additional housing the scheme accords with the need to deliver new housing, as expected through DBLP Policies 14 and 16 Core Strategy Policy CS17.

Ashlyns Road is a mature residential area and includes frontage development and a variety of dwelling types. The proposals will consolidate frontage development along this part of Ashlyns Road. The scheme will deliver a scheme which is visually different from the immediately adjoining development but which still respects the street scene. This takes into account the levels and the effect of the modified half hipped roof design which will create an increased sense of spaciousness as compared with the originally proposed gable roof design for the dwellings on Plots 1 and 2.

The modified scheme also improves the relationship between the proposed dwelling on Plot 3 with the rear of no.43 Ashlyns Road and dilutes the physical impact upon no. 38 by appearing less dominant.

There are no fundamental highway safety parking/ access, contamination, drainage, crime prevention/ security, ecological, landscaping, sustainable construction or exterior lighting A planning obligation is necessary.

Site Description

No. 37 is a detached hipped roof bungalow occupying a substantial garden located on the southern side of Ashlyns Road, to the west of its junction with Upper Ashlyns Road between no's 35 and 43.

The slightly off centre elevated and prominent detached dwelling is set back from its sloping open frontage (54.8m) to Ashlyns Road. The site is 44.2m in depth. The dwelling is separated from the adjoining chalet bungalow at no.35 to the east by substantial planting.

No. 37's western boundary is separated from the residential curtilage of the lower detached chalet bungalow at no .43 by a steeply rising private driveway. This provides access to no. 43's garage and detached dwellinghouses at no's 39 and 41 which are located on higher land to the south of the site. No. 39 shares a wooded common boundary with the application site's southern edge.

There are detached houses at no's 36 and 38 opposite the site No.38 is at a much lower level.

Proposal

This is for three 4 bedroom detached half hipped roof two and a half storey dwellinghouses replacing the existing bungalow. The units will infill the site's frontage in a staggered and stepped arrangement between the set back and higher no. 35 and the much lower no.43 which is very close to the road. The dwellings will be served by integral / attached garages.

The proposed dwelling on Plot 1 will be substantially inset from the common boundary with no.35 due to the retained planting.

The original scheme has been subject to change involving the substitution of the gable roofs with half hipped roofs for the dwellings on Plots 1 and 2 and the reduction of the massing of the dwelling on Plot 3. The revisions have involved resulted in the redesign of the rear wing of the dwelling on Plot 3 with the height of the eaves and ridge of being reduced by 0.890 m. Each dwelling will feature a rear garden.

Referral to Committee

The application is referred to the Development Control Committee as the recommendation is contrary to the views of the Town Council.

Planning History

None, other than pre application advice. This confirmed the acceptability of the principle of accommodating three detached dwellings. This earlier scheme attracted some design concerns.

Policies

National Policy Guidance

National Planning Policy Framework
Circular 11/95

Dacorum Borough Local Plan

Policies 1, 9, 11, 13, 14, 16, 17, 18, 49, 51, 53, 54, 58, 61, 63, 96, 99, 113, 118, 120, 121, 122 and 124
Appendices 1, 3, 5, and 8

Pre –Submission Core Strategy

CS1, CS4, CS8, CS9, CS10, CS11, CS12, S13, CS17, CS27, CS28, CS29, CS31, CS32 and CS35

Supplementary Planning Guidance

Area Based Policies for Residential Character Areas –BCA 10 Ashlyns Road
Environmental Guidelines
Accessibility Zones for the Application of Parking Standards
Energy Efficiency & Conservation
Water Conservation

Representations

Berkhamsted Town Council *Initial Scheme*

Object.

The height, bulk, mass and scale of the proposed development are excessive. The development is overbearing, intrusive and out of character with neighbouring properties.

The adverse impact of the development on the street scene and neighbouring Properties is exacerbated by the gradient of the land and the southerly position of the Proposed dwellings on Ashlyns Road.

The spacing between the proposed dwellings is well below the 5-10m recommended for development in BCA 10, in which the site is situated.

The overly close proximity of the proposed dwellings to each other adds to the cramped and overbearing appearance of the development and suggests that the application represents an overdevelopment of the site.

We are concerned that, in addition to being overbearing per se, the development as proposed would cause excessive overshadowing and loss of light to the properties opposite, on the northern side of Ashlyns Road and to the neighbouring property number 43.

There is no evidence to support the agent's contention that the numbering of properties either side of the existing development would suggest that this site was designed to accommodate 3 dwellings: numbers 39 and 41 are located behind numbers 37 - 43.

Contrary to Local Plan Policies 11, Appendix 3 and BCA 10.

Note : Background

*It was **RESOLVED** to suspend Standing Orders to allow the neighbour at no.43 to speak against the application. He explained that the proposed size and number of properties would have an overpowering effect on the neighbourhood.*

The proposed new building number 3 would block light into two side windows of number 43 Ashlyns Road.

The proposed roof height of the proposed house number 3 is considerably higher than and would overlook properties on the opposite side of the road.

The application suggests that the site was always envisaged for three houses. This is not borne out by the existing house numbers along the road.

There would be an increase in car traffic and associated parking problems caused by Three properties being built on the site that was previously occupied by one bungalow.

The meeting was reconvened.

Revised Scheme

Object.

Minor changes to the roofscape are noted.

The height, bulk, mass and scale of the proposed development are excessive. The development is overbearing, intrusive and out of character with neighbouring properties. The adverse impact of the development on the street scene and neighbouring properties is exacerbated by the gradient of the land and the southerly position of the proposed dwellings on Ashlyns Road.

The spacing between the proposed dwellings is well below the 5-10m recommended in BCA 10, in which the site is situated. The overly close proximity of the proposed dwellings to each

other adds to the cramped and overbearing appearance of the development and suggests that the application represents an overdevelopment of the site.

We are concerned that, in addition to being overbearing per se, the development as proposed would cause excessive shadowing and loss of light to the properties opposite, on the northern side of Ashlyns Road and to the neighbouring property number 43.

There is no evidence to support the agent's contention that the numbering of properties either side of the existing development would suggest that this site was designed to accommodate three dwellings: numbers 39 and 41 are located behind numbers 37-43.

Contrary to Local Plan Policy 11, Appendix 3 and BCA 10.

Strategic Planning

Current Advice

There is a need to refer to the on the pre-application scheme. This concluded :

"The type and size of dwellings proposed is broadly acceptable in policy terms. The key consideration is whether three large properties can be accommodated on the site whilst respecting the spacious character of Ashlyns Road."

This conclusion remains valid. One important issue is whether the height of the proposed houses (2.5 storeys at the front) is acceptable, given that the development principles for character area BCA10 state that housing should not exceed two storeys in height.

Pre Application Advice

The site lies within a Residential Area of Berkhamsted (DBLP Policy 9, Core Strategy Policy CS4) wherein appropriate residential development is encouraged.

Detailed policy guidance is provided in the Area Based Policies SPG. The site falls within Character Area BCA10: Ashlyns Road. The development principles specify that large detached and semi-detached dwellings are appropriate and encouraged. Density should be compatible with the existing range (less than 15 dwellings/ha) and wide spacing should be maintained (5m to 10m).

The plot is spacious (0.2ha) and could comfortably accommodate two large dwellings whilst maintaining the low-density character of the area.

The proposal comprises one detached property and two semi-detached properties. The type and size of dwellings proposed is broadly acceptable in policy terms. The key consideration is whether three large properties can be accommodated on the site whilst respecting the spacious character of Ashlyns Road. It is noted that there is a similar development arrangement at 30, 32 and 34 Ashlyns Road. However this is not to say that because this proposal is broadly the same that it will not have an acceptable impact on local character.

Building Control

No adverse comments.

Trees & Woodlands

The submitted tree survey report is accurate and agree with its recommendations..

Recommend that the Root Protection Area (RPA) of the trees shown in the tree survey be protected 'Trees in relation to construction-Recommendations' before demolition and during construction.

Scientific Officer

The submitted site report provides a detailed preliminary risk assessment of the site.

The report concludes that the review of documentary information indicates that there is a negligible likelihood of a pollutant linkage arising from the present or previous uses of the site itself or nearby sites. The SO agrees with the report's conclusions. Therefore contamination conditions are unnecessary. If permission is granted an informative relating to a discovery strategy is appropriate.

Hertfordshire County Council (Highways)

Recommendation

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

- 1) Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the entrance to the site, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway. *Reason: In the interests of highway safety.*
- 2) Construction work.

Comments

As Ashlyns Road is an adopted road, the applicant may wish to enter into a small Section 278 legal agreement to work on the highway with regards to the new vehicle crossovers.

Car parking, the proposal should satisfy the DBLP parking standards. However, the application form suggests that there will be three parking spaces per dwelling, which is acceptable to the highway authority.

The highway authority does not consider the proposed 3 dwellings (net gain 2) will result in a significant material change in vehicle movements from this site onto Ashlyns Road.

This development is therefore unlikely to result in a significant impact on the safety and operation of the adjacent highway. Consequently there is no highway objection subject to the recommended conditions

Affinity Water

No response.

Thames Water

No response.

Response to Neighbour Notification

Objections from 29, 36, 38, 41, 43 Ashlyns Road , 10 and 22 Upper Ashlyns Road, 4 Ballinger Court and 72 Kings Road:

Incompatibility with the Locality/ Site.

Houses are out of character with the established character of this part of Ashlyns Road; conflict with BCA 10; there are bungalows on this side of Ashlyns Road; density; layout; overdevelopment (a maximum of 2 storey; 3 storey inappropriate- alternative development should be 2 bungalows); design will dominate the skyline; too much accommodation; the implications of exercising 'permitted development'; revised plans do not change the objection to the scheme / cosmetic; criticism of the approach of the Design & Access Statement.

Adverse Effect upon the Residential Amenity of the Locality especially no's 38 and 43

No.38. Loss of privacy and light; overbearing; overlooking; overshadowing; with due regard to being at much lower level.

No. 43 Loss of light, overpowering in relation to the rear of dwelling and garden.

Revised plans do not change the objections to the scheme

Highway Issues/ Parking

Exacerbation of existing car parking and highway safety problems (especially in winter); reference to existing parking congestion, problems and difficulties for emergency , delivery and refuse vehicles.

One response raising no objections but concerns.

Considerations

Policy and Principle

The site is located within the urban area of Berkhamsted wherein the principle of residential development is acceptable.

Design /Layout/Character of the Area /Landscaping

The site is within BCA10 . Its Character Appraisal confirms this is a small residential area of mainly detached houses featuring a variety of designs informally laid out around Ashlyns Road, an internal local collector road:

Housing

Design: Variety throughout.

Type: Largely detached houses, with some large semi-detached houses.

Height: Two storey throughout.

Size: Medium to mainly large sized dwellings.

Layout: The area is generally well self-contained, based around Ashlyns Road, a loop which connects to Kings Road at two separate points.

The positioning and orientation of dwellings is mainly informal and non-uniform. There are no strong building lines in the area except for the houses fronting onto Kings Road, where an attractive landscaped screen is presented to the street. Spacing is irregular, but mainly in the wide (5m to 10m) and very wide (over 10m) ranges.

Amenity

Front gardens and forecourts: Generally of an irregular size and shape, yet size is mainly generous featuring a relatively high density of planting. Front areas accommodate vehicle parking in private drives. Most front areas are enclosed by a variety of means.

Landscaping and planting: Heavily vegetated, dense landscape screen to Kings Road, reinforcing the green aspect of this road. Within the area, landscaping is mainly private and generally well provided.

Off-street parking: Accommodated through private on-site provision within residential curtilages.

BCA 10 Policy Statement

The approach is to maintain BCA 10's defined character with scope for residential development defined as an Area of Limited Opportunity whereby redevelopment and infilling may be acceptable according to the specified Development Principles. These include:

Design: No special requirements.

Type: Detached and semi-detached dwellings are appropriate and are encouraged.

Height: Should not exceed two storeys in height.

Size: Large dwellings are appropriate and are encouraged.

Layout: Where building lines are present, these should be followed. Otherwise there are no special layout requirements in terms of the positioning and orientation of dwellings. Spacing must be maintained

within the wide range (5m to 10m).

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

Amenity land: No special requirements.

Front gardens and forecourts: No special requirements.

Landscaping and planting: Additional landscaping and planting will normally be required in schemes for new development.

Views and vistas: Attractive serial views along Kings Road should be maintained. Where possible, public views across the town should be preserved.

Landmarks and focal points: No special requirements.

On-street parking: No special requirements.

Off-street parking: Should be provided within individual private curtilages.

Through routes and flows: All traffic should enter and leave the area through the two access points of Ashlyns Road onto Kings Road, although the narrowness of these junctions may be a constraint on the extent of further development.

The proposal does comply with some of the principles in the following respects including:

- A redevelopment of the site involving infilling.
- *Design:* The scheme has its own identity .
- *Type:* Detached dwellings are appropriate and are encouraged.
- *Size:* Large dwellings are appropriate and are encouraged.
- *Layout:* The building line is followed.
- *Density:* 13.7 per hectare.

It is however acknowledged that the spacing is less than 5 to 10 metres and the housing is two and a half storeys. The fundamental questions are whether these individually or collectively create an unacceptable development in the context of the following analysis and in response to the objections raised by Berkhamsted Town Council

The spacing between the dwellings is less than the specified 5 to 10 metres. However, it should be taken into account that the retention of a strong wooded buffer within no. 35 restricts the overall developable site frontage and a significant gap between the dwelling on Plot 3 and no.43 will remain. To compensate the removal of the tree buffer to create a greater spacing would be an environmentally significant retrograde action.

The relationship between no.35 with the surrounding housing is very longstanding in this mature part of Ashlyns Road. Originally the existing bungalow was complemented by its much softer setting due to established planting. This changed when there was site clearance and the resultant opening up of the land to the street scene. This has created a very harsh visual impact with the bungalow appearing visually isolated , prominent, elevated and very 'lost' in its unduly exposed setting with the street scene. This is notwithstanding the effect of perimeter vegetation. Accordingly no.37 has a poor relationship with its surroundings being visually disconnected with its garden and other residential development within the area.

The proposal will in contrast introduce three stepped two and a half storey dwellings infilling the sloping wide open frontage between no's 35 and 43. The units will feature plots which are commensurate with other dwellings fronting this part of Ashlyns Road. Through their stepped appearance and the staggered building line the dwellings will respect the positions and level differences of no's 35 and 43. The revised scheme's half hipped design will create a greater sense of spaciousness in the roofscape when compared to the originally proposed gable roofs, and will be complemented and softened by the retained wooded buffer with no 35. Overall the hipped roof form will subdue the massing of the development within the street scene ensuring visual cohesion and continuity within the row of new dwellings and visual integration and the immediate street scene.

It is acknowledged that the development is materially different from the adjoining chalet bungalows and will appear quite visually assertive. However there is considerable variety of design with the locality- this is part of the area's intrinsic character. Moreover as clarified the dwellings will display group cohesion and identity. The proposal should rejuvenate the site's current somewhat lack lustre tired contribution to the appearance to this part Ashlyns Road.

Whilst there are conflicts with BCA 10 for the above reasons and with due regard to the expectations of good design through the NPPF, the development takes advantage of the site conditions/ topography by positively using the gradients and by incorporating the retained planting creates an innovative approach.

There are no arboricultural objections. A landscaping condition is recommended.

Impact upon Residential Amenity

This is in terms of physical impact, privacy and the receipt of light.

No.43 .The revised scheme involving a reduced massing to the dwelling on Plot 3 was specifically required to subdue the physical impact. This was because the original proposal was regarded as unduly visually oppressive / overbearing in relation to the rear ground floor windows and garden. This issue has now been adequately addressed alongside the effect upon the receipt of light to no.43. Condition 9 recommends the withdrawal of 'permitted development' rights for Class A and Class E development to enable control over the impact of development close to the rear of no.43 in the future.

No. 38. It is fully acknowledged that the dwellings will appear from no.38 to be significantly elevated and somewhat dominant, exaggerated by no.38' 'sunken' position. The introduction of half hipped roofs has 'opened up' the roofscape' to reduce the assertiveness of the original gable roof design. This will also benefit no.36. It would be unusual to refuse an application based upon the impact of housing opposite a development site due to the physical impact. Also there would not be a case to resist the proposal based upon the receipt of light or loss of privacy. However, control over exterior lighting is necessary as it could be very intrusive in relation to no.38 due to its low position.

There will be no harm to the residential amenity of other dwellinghouses.

Highway Safety (Vehicle/ Pedestrian), Traffic Generation, Access and Parking

Hertfordshire County Council Highways has raised no overarching objections. The dwellings are served by adequate off street parking with 3 spaces (including garages) reduce the opportunities for on street parking. However, there would not be a case to refuse the application for these reasons. Conditions 3 and 7 are recommended to control the retention of the garages for their approved purposes and through the withdrawal of permitted development rights.

A benefit for no's 39, 42 and 43 will be the improvement of visibility at shared driveway's junction with Ashlyns Road.

The dwellings will be serviceable by fire tenders and refuse vehicles. Access for persons with disabilities is accommodated.

Ecological Implications/ Biodiversity

There are no fundamental ecological implications. The retention of existing vegetation, additional planting and associated biodiversity measures/ ecological management reflecting the content of the submitted ecological report are supported by a recommended condition. See also Exterior Lighting / Light Pollution.

Drainage

Foul drainage is to be addressed by the mains and surface water by a soak away system.

Contamination

Contamination has been addressed.

Crime Prevention/Security

There are no apparent inbuilt problems associated with the site layout.

Approach to Sustainable Construction

This is acceptable.

Exterior Lighting/ Light Pollution

A condition is recommended in the interests of minimising the effect of light pollution. This is in relation to the adjoining dwellings, especially no.38 and to safeguard the site's ecological characteristics with due regard to the content of the submitted ecological report.

Planning Obligation

Based upon the legal tests for planning obligations, the Dacorum SPD for Planning Obligations, HCC Toolkit, site conditions and the responses of the relevant technical consultees, the following financial contributions are necessary:

- Financial Contributions

Outdoor Pitches	£ 2,796
Cycles	£ 920
First and Middle Schools	£11,163
Child Play	£ 5,184
Natural Green Space	£ 108
Library Facilities	£ 964
Travel Smart	£ 100
Secondary Education	£ 1,604
Nursery Education	£ 350
Childcare	£ 128
Youth	£ 32

Conclusions

The proposal is extremely controversial locally due to the Town Council's objection and the response from local residents.

The objections specifically focus upon the development's physical incompatibility/ scale in relation to the existing character in relation to adjoining houses and local topography.

However, the character of Ashlyns Road is distinguished by its variety of styles and ages. In this respect the proposal will positively add to this mix representing another phase of the incremental change which has occurred over time. Just as the 1980's housing in the lower part of Ashlyns Road and no.38 were constructed following the establishment of the original layout, the proposal represents the next stage of this organic process. The designs may be visually at variance with those in the immediate locality but this in itself not a reason to withhold granting permission given the above assessment addressing the developments relationship with its surroundings.

RECOMMENDATION:

1. That the application be **DELEGATED** to the Group Manager, Development Management and Planning with a view to approval subject to the completion of a planning obligation under s106 of the Town and Country Planning Act 1990.

2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

- Financial Contributions

Outdoor Pitches	£2,796
Cycles	£ 920
First and Middle Schools	£11,163
Child Play	£5,184
Natural Green Space	£108
Library Facilities	£964
Travel Smart	£100
Secondary Education	£1,604
Nursery Education	£350
Childcare	£128
Youth	£32

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 external materials and finishes to use for construction of the dwellinghouse hereby permitted shall be carried out fully in accordance with the specified and submitted details.**

Reason: To ensure a satisfactory appearance to the development.

- 3 **No dwellinghouse hereby permitted shall be occupied until the approved parking for each dwellinghouse (including the approved garages) and associated accesses have been provided in accordance with the approved plans. Thereafter the parking shall only be used for the approved purposes.**

Reason: In the interests of highway safety and ensuring each dwellinghouse is served at all times with sufficient off street parking.

- 4 **Pedestrian visibility splays of 2m x 2m shall be provided at all times on both sides of each of the accesses hereby permitted within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.**

Reason: In the interests of highway safety.

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

- **hard surfacing materials;**
- **means of enclosure;**
- **ecological management measures with due regard to the content of the submitted Ecological Report,**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and the**
- **trees to be retained and measures for their protection during construction works;**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted and the ecological management measures shall be carried out in accordance with an agreed written timetable.

Reason: To ensure a satisfactory appearance to the development, to safeguard the visual character of the immediate area in accordance with Policy 11 of the Dacorum Borough Local Plan and in the interests of biodiversity.

- 6 **If within a period of five years from the date of the planting of any tree that tree, hedge or section of hedge or any tree, hedge or section of hedge planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), another tree, hedge or section of hedge of the same species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives its written consent to any variation.**

Reason: In the interests of visual amenity and biodiversity.

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

Reason: In the interests of highway safety and to ensure the provision of satisfactory parking.

- 8 **Details of any exterior lighting shall be submitted to and approved in writing by the local planning authority. The exterior lighting shall be installed and thereafter retained fully in accordance with the approved details.**

Reason: In the interests of the residential amenity of the locality, highway safety, the local environment, crime prevention/security and energy consumption.

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

Schedule 2 Part 1 Classes A and E.

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential amenity of no. 43 Ashlyns Road.

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

1853/01, 1853/02G, 1853/03G, 1853/02H , 11853/04F,1853/05F , 1853/06E

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, national planning policy/guidance, to all other material planning considerations, including relevant supplementary planning guidance, the site's history, the imposition of conditions and the expert advice of the responding technical consultees, the response from the Town Council to neighbour notification/publicity.

The site lies within a Residential Area of Berkhamsted (DBLP Policy 9, Core Strategy Policy CS4) wherein appropriate residential development is encouraged. In providing additional housing the scheme accords with the need to deliver new housing, as expected through DBLP Policies 14 and 16 Core Strategy Policy CS17.

Ashlyns Road is a mature residential area and includes frontage development and a variety of dwelling types. The proposals will consolidate frontage development along this part of Ashlyns Road. The scheme will deliver a scheme which is visually different from the immediately adjoining development but which still respects the street scene. This takes into account the levels and the effect of the modified half hipped roof design which will create an increased sense of spaciousness as compared with the originally proposed gable roof design for the dwellings on Plots 1 and 2.

The modified scheme also improves the relationship between the proposed dwelling

on Plot 3 with the rear of no.43 Ashlyns Road and dilutes the physical impact upon no. 38 by appearing less dominant.

There are no fundamental highway safety parking/ access, contamination, drainage, crime prevention/ security, ecological, landscaping, sustainable construction or exterior lighting. A planning obligation is necessary.

NOTE 2:

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

Dacorum Borough Local Plan 199-2011

Policies 1, 9, 11, 13, 14, 16, 17, 18, 49, 51, 53, 54, 58, 61, 63, 96, 99, 113, 118, 120, 121, 122 and 124
Appendices 1, 3, 5, and 8

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

CS1, CS4, CS8, CS9, CS10, CS11, CS12, S13, CS17, CS27, CS28, CS29, CS31, CS32 and CS35

Supplementary Planning Guidance and Documents

Accessibility Zones for the Application of Parking Standards
Area Based Policies for Residential Character Area BCA 10- Ashlyns Road
Energy Efficiency & Conservation
Environmental Guidelines

NOTE 3:

Article 31 Statement

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

Informative: Contamination

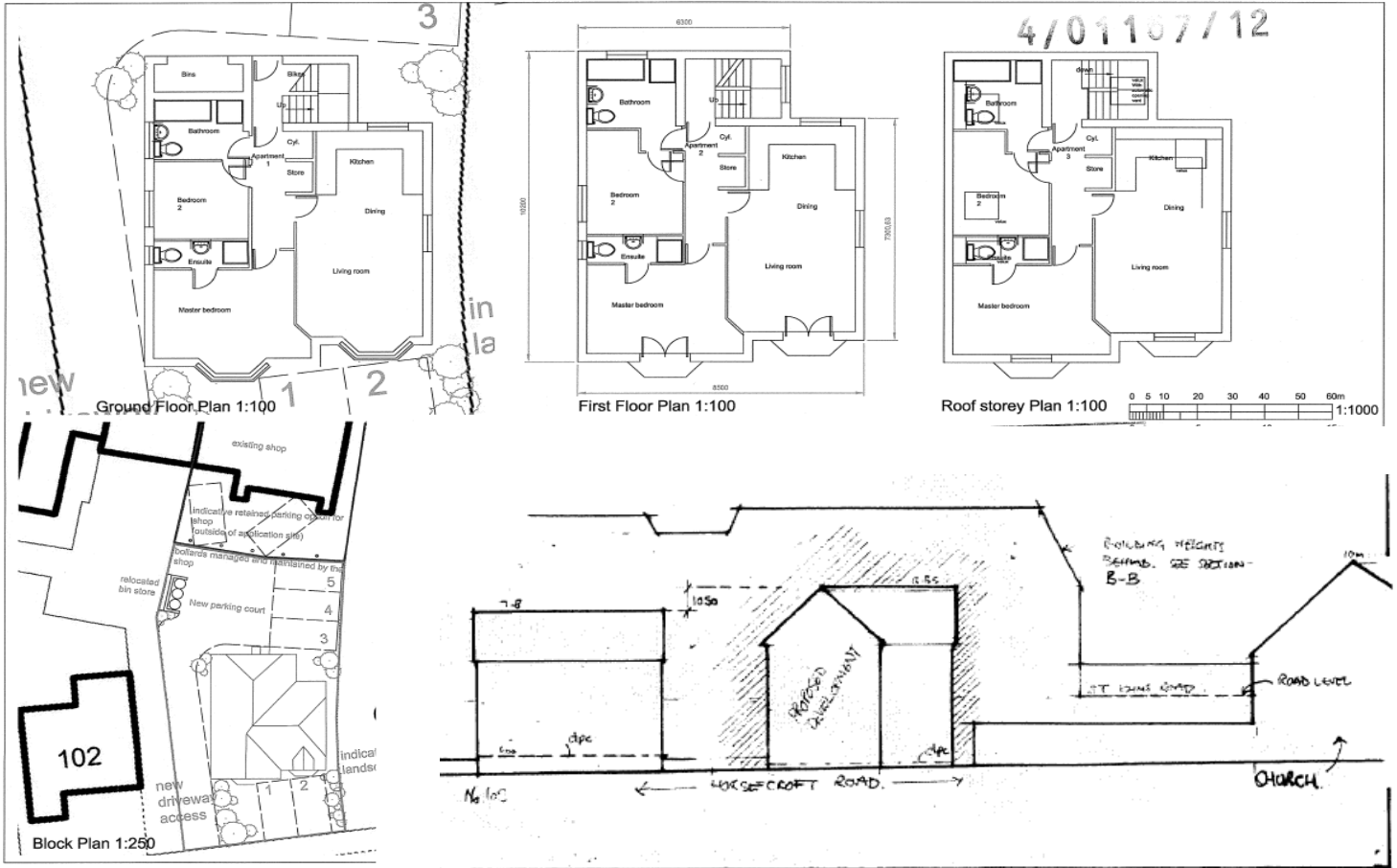
The developer should keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed'.

ITEM 5.4

4/01167/12/FUL - THREE 2 BEDROOM APARTMENTS
R/O 7 - 11, ST. JOHNS ROAD, HEMEL HEMPSTEAD



ITEM 5.4
4/01167/12/FUL - THREE 2 BEDROOM APARTMENTS
R/O 7 - 11, ST. JOHNS ROAD, HEMEL HEMPSTEAD



**5.4 4/01167/12/FUL - THREE 2 BEDROOM APARTMENTS
R/O 7 - 11, ST. JOHNS ROAD, HEMEL HEMPSTEAD
APPLICANT: MR R DAVIES**

[Case Officer - Richard Butler]

[Grid Ref - TL 04606 06316]

Summary

The proposed development of three 2-bed apartments is acceptable in principle in accordance with Policy 2 of the Adopted Local Plan and CS1 and CS4 of the Core Strategy. The scale of the proposed building is considered appropriate as it does not overdominate surrounding development. The development shall not lead to a detriment to residential amenity of neighbouring property and sufficient parking is provided for the proposed development and the existing use of the site and is considered appropriate with regard to Policy 58 of the Local Plan. The application is therefore considered to be in accordance with Policy 11 of the Local Plan and CS10, CS11, CS12 and CS13 of the Core Strategy.

Site Description

7-11 St. Johns Road consists of the Parry's newsagent's retail unit at the northern end of the Boxmoor high street area. The retail unit is double width in comparison to the other units in the area.

Above the retail use is a three bed-residential unit, accessed from the rear of the building.

The site continues to the south with the rear boundary abutting the footpath of Horsecroft Road.

The area to the rear of the existing retail unit and associated building comprises an open expanse of land, partially of hardstanding and partially of overgrown vegetation. Recently the vegetation has been cleared from the area.

Vehicle access is gained to the site over this footpath. To the east is the Catholic Church of Mary and Joseph, whilst to the west are adjoining retail premises with residential uses above.

The application relates to the open plot of land at the southern extent of the site which is currently used as open parking area. Therefore the site is considered within the context of Horsecroft Road, which is predominantly of residential use.

Proposal

The application seeks permission for a detached building comprising three two bedroom apartments. The proposed building has a gable end at the east flank and a forward projecting gable feature. The west flank has a hipped roof away from the neighbouring property on Horsecroft Road. Accommodation is provided over three floors with the second floor accommodation within the roof space.

The maximum height of the building is approximately 8.7m.

Parking is provided on site, with two spaces to the front of the dwelling, and three to the rear. An access track along the west boundary of the site provides access to the parking area to the rear; this also provides access to the two spaces retained for the retail unit and associated uses of 7-11 St Johns Road.

Referral to Committee

The application is referred to committee on the advice of the Group Manager within the public interest and as the application has been called in by Cllr Harden.

Relevant history

Address:	R/O 7 - 11, ST. JOHNS ROAD, HEMEL HEMPSTEAD
4/00002/09/FUL	THREE 2 BEDROOM APARTMENTS Granted 23/04/2009
4/02429/08/FUL	EXTENSION AND ALTERATIONS TO SHOP AND CONVERSION OF UPPER STOREYS TO TWO FLATS (AMENDED SCHEME) Granted 06/03/2009
4/00981/08/FUL	EXTENSION AND ALTERATIONS TO SHOP AND CONVERSION OF UPPER STOREYS TO TWO FLATS (AMENDED SCHEME) Granted 27/08/2008
4/03109/07/FUL	EXTENSION AND ALTERATIONS TO SHOP AND CONVERSION OF UPPER STOREYS TO TWO FLATS Withdrawn 12/05/2008
4/00946/90/4	ALTERATIONS TO SHOP AND FORMATION OF 2 FLATS (RESUBMISSION) Granted 06/09/1990
4/00947/90/FUL	DETACHED DWELLING (RESUBMISSION) Granted 20/09/1990
4/00685/90/FUL	DETACHED HOUSE Withdrawn 12/06/1990
4/00654/90/4	ALTERATIONS TO SHOP AND CONVERSION OF FIRST AND SECOND FLOOR TO 2 FLATS Withdrawn 12/06/1990

Constraints

Urban Area of Hemel Hempstead
Local Centre of Boxmoor

Policies

National Policy Guidance

NPPF

Dacorum Borough Local Plan

Policies 1, 2, 9, 10, 11, 13, 58
Appendices 1, 3 and 5

Supplementary Planning Guidance

Residential Character Area HCA 7.1

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

CS1, CS4, CS10, CS11, CS12, CS13 and CS35

Representations

Hertfordshire Highways

The amended plan for the proposed development of three 2-bed flats shows a revised on-site parking arrangement. Two parking spaces have been added immediately to the rear of the existing shop, and a bollard arrangement is to be implemented to ensure that they remain separate from the five other spaces to be provided (all of which now appear to be associated with the proposed flats).

The additional spaces appear to be tight, but workable. As before, the three spaces immediately to the rear of the proposed development also appear tight, but again workable. On-site turning space is limited, and it may be that some vehicles will be forced to reverse out of the site, along the new driveway access (or forced to reverse in). Given the fact that Horsecroft Road is a relatively quiet, unclassified, local access road this is unlikely to cause a significant highway safety issue.

Visibility at the existing access point is reasonable to the east but somewhat restricted to the west, due to the fact that it is set right up against the site boundary, and bordered by a relatively high fence. Nevertheless, this is not unlike many other accesses along Horsecroft Road, although I do consider it justified to request a condition requiring anything placed within the first 2 metres of land (alongside the public footway adjacent to Horsecroft Road) to be kept at a level of 600mm or less to aid intervisibility between the site and the public highway.

My previous recommendation of refusal was based on the view that the two parking spaces to the front of the proposed residential building were of insufficient length and would result in an overhang of vehicles onto the public footway. I have received clarification from the agent that these spaces will, in fact, meet the standard dimensions of 2.4 metres in width X 4.8 metres in length. For avoidance of doubt, I have included this as a condition for all on-site parking spaces.

In conclusion, whilst there are elements to this proposal which are not ideal from a highway aspect, I consider it would be unjustified to recommend refusal (subject to the above conditions being met), especially as the site immediately to the west of this one has a very similar setup in terms of access and on-site parking arrangements.

Environmental Health, Scientific Officer

The Environmental Health Division is in receipt of the following report submitted as part of the above planning application:

- Phase 1 Contamination risk assessment – Desk based evidence and walk over survey; Nett Assets Ltd

Our records indicate that the application site is located on the site of a former brickworks and also within the vicinity of a number of other potentially contaminative land uses. Whilst the above report goes some way to detail the current and historical use of the site, no preliminary risk assessment (and associated conceptual site model) was undertaken; the findings of which should determine the need for further intrusive works. The report should follow the format as outlined in the following documents:

- CLR 11 - Model Procedures for the Management of Land Contamination, Environment Agency, 2004
- BS 10175: 2011 - Investigation of potentially contaminated sites. Code of practice

I am not in agreement that the report provides sufficient evidence to justify the conclusions drawn *'the desk based and walkover survey has found no contamination issues relating to this site that may require any further detailed investigation'*.

As further works are required, I recommend that the standard contamination condition be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website (www.dacorum.gov.uk/default.aspx?page=2247).

Comments received from local residents

Objections received from 91, 102, 113, 115 and 117 Horsecroft Road

91 Horsecroft Road

After reviewing the documentation, I object to the proposed development (Ref 4/01167/12/FUL) on the basis of over development of the area and parking.

The main objection is in relation to the significant impact that this development would have on parking. At present (and for many previous years) the parking has been and currently at crisis point, with limited on street parking for residents. I appreciate the train commuters do not help the situation. But since the council will not provide permit parking to the residents of Horsecroft road or Kingsland road there is continuous significant difficulties to park along either road for current residents.

The proposed one car space per flat is not sufficient as the over flow of cars from all the flats (including visitors etc) would have a significant impact on the surrounding roads.

In addition, I have great concerns regarding the additional road traffic with all these extra cars associated with the development as currently the road is very congested at the best of times. Any additional traffic will have significant impact on the immediate area.

115 Horsecroft Road

Following a review of all available information we have several fundamental concerns about the proposed development:

1) Adequacy of parking/turning - It is noted in the plans that there will be 3 allocated parking spaces and that 2 of these spaces will be at the front of the property.

Parking in Horsecroft Road, in particular the area around the development is notoriously difficult for residents to park associated with its immediate proximity to:

- Hemel Hempstead train station, St Johns Road shops and restaurant, Catholic

Church, Children's play area, Post office, Smiles nursery and the Social club.

The creation of 2 parking spaces at the front of the property will reduce parking for Horsecroft Road residents by 2 spaces making parking close by even more difficult.

Dacorum council recognises the extremely high level of car ownership in the borough (www.dacorum.gov.uk/spatialplanning/09-07-31_evidence_base-transport.pdf, Census 2001) of 1.37 cars per household. Given the population demographic in Horsecroft Road car ownership will only increase. It is essential that serious attention is given to this issue during the consideration of this planning application.

To not further worsen the already problematic situation there needs to be:

- 2 allocated spaces per unit to allow for the likely occupancy and visitors
- parking spaces at the rear of the property or within the adjacent property number 102
- The implementation of residents permit parking in Horsecroft Road and Kingsland Road
- Removal of the double yellow lines outside the Catholic Church namely Wharf Road to allow parking in this dead end road, particularly to support parishioners during church services.

2) Overlooking / loss of privacy - The development will directly look over our house and the proposed first and second floor levels will look directly into our bedroom. We appreciate that the development has been set back but without having our curtains drawn at all times our privacy will be compromised.

3) Layout/density of the building - Particularly from a car parking perspective the building of 3 units is too dense to be in keeping with this end of Horsecroft Road. Whilst the design of the building looks to be of a traditional house appearance the parking limitations point to a maximum of 2 units and preferably a house.

4) Road access/ Highway Safety- No mention is given to construction traffic and its impact on parking and access during the development of the site.

The following details will need to be fully understood and consulted on:

- Impact on residents parking during development of the site.
- Safety to vehicles parked on the roadside from construction traffic turning and accessing the site.
- Vehicle obstruction outside the development during deliveries should not prevent access for residents in adjacent properties.

St Josephs, property department, Watford way, London

Please can the windows overlooking the parish garden and the church at Boxmoor be frosted for privacy and non-opening for the same reason. As there are a line of trees which will align their footpath they should be maintained on their side as part of the proposal so they do not become too large or a problem between neighbours.

Comments on Amended Plans

102 Horsecroft Road, Boxmoor

The existing site is used constantly for parking for Parry's Newsagents and additionally must be able to offer amenity space for the dwelling/office space above Parry's. In the past this meant parking for at least six cars.

The proposal is too high density for this area, based on the council's policies.

The proposal breaks the roofline of the cluster of buildings surrounding it, which form a distinctive neighbourhood that helps to define the character of Boxmoor.

The proposal destroys the existing character of Boxmoor as described in the council's area-based assessment and visual evidence. It is not in keeping with the street scene, is too high-density, too bulky and is of a different size and type of existing buildings immediately around it as well as the entire street. New developments are meant to be in keeping with the above considerations in defined character areas.

The outdoor space does not contain a garden, breaking with all the other dwellings on the street, and offers inadequate storage and amenity space to the new residents. The cycle store for three bicycles referred to in the application is not visible on the plans. There is only one small outdoor store area at the rear of flat 1 – this does not offer enough space for domestic bins and three bicycles.

The proposal will deprive facing houses on Horsecroft Road of privacy as it rises above them by a whole storey. The plans do not include any detailed front elevations that depict how the proposed new development would sit alongside existing dwellings on Horsecroft Road.

The proposal will overbear my property at 102 Horsecroft Road, which is already significantly looked down on from the rear. To place another building alongside it which rises over it by an extra storey will increase the impression that my property sits in a well, visually dominated by taller buildings.

The proposal will create a noise problem for my property 102 Horsecroft Road – six new residents in a very tiny area, all coming and going and residing 10m from my property which is already surrounded by 7 dwellings (3 to the rear, 1 to the side, 3 to the front), will place unsustainable pressure on residents of 102 Horsecroft Road and will result in conflict over noise and parking in an extremely tight space. The St John's Road buildings to the rear of my property already all access their dwellings via the driveway to the side of my property on Horsecroft Road, not via St John's Road. I have three sets of neighbours opposite me following a recent development, where conceivably I could have one. This is unsustainable pressure on 102 Horsecroft Road.

The two new parking spaces allocated for Parry's staff in the revised plans are awkwardly placed and difficult to manoeuvre into the positions shown. I suggest they will not be used for parking due to these difficulties and parking will be done on the street instead. If the applicant allocated these spaces to the new flats, I suggest he'd have trouble selling the flats. The seven parking spaces on the site should all be of equal size, placement and ease of access to make the plan viable.

There is no space allocated for Parry's Newsagents large commercial bins – these have always been stored near the street at Horsecroft Road for collection in the early hours. Provision must be made for them, and if this early collection time continues they need to remain near the street as currently, to minimize noise during collection. Parry's Newsagents are aware of noise issues with these bins as there have been complaints from neighbours in the past.

There is no space allocated for the premises above Parry's newsagents, which are accessed via Horsecroft Road. When the space was used for a business called Robinsons, it resulted in a total of six cars regularly using the existing site for car parking. The owner of 7-11 St John's Road does not need to apply for planning permission to convert these premises into two flats, accessible via Horsecroft Road. Even without a conversion, there is nothing to stop him/her from leasing the premises to businesses, as has been done in the past. Unless these premises are to be boarded up permanently, additional space needs to be allocated for parking/amenity space for these premises on the site.

There are currently no flatted developments on Horsecroft Road.

Any three storey buildings referred to in this area of Horsecroft all have their third floor below street level and only two storeys above street level. They are therefore considered two-storey buildings from Horsecroft Road and could only be classified as three storeys if being considered from Kingsland Road, where their rear elevation is visible.

The design proposals have a significant impact on the privacy of the properties on the opposite side of Horsecroft Road as their bedrooms will be directly looked into.

The area marked for bins on the driveway only allows for three bins – DBC residents have two each, thus making six in total. There is inadequate room for the three additional bins and recycling boxes in the communal outdoor store area. The application also refers to an outdoor store area for bicycles and there is not enough room in the store shown on the plans for bicycles, three bins and six recycling boxes. There is no provision for Parry's large commercial bin, currently stored in the site and visible in photos supplied

This site was granted planning permission in 2009 despite the fact that none of the local residents received consultation letters and we have complained to the council that a notice was not displayed for 21 days as legally required. The planning application lapsed and despite this fact the applicant attempted to build in full knowledge that there was no live planning permission. Additionally, pre-conditions of the 2009 planning permission were not fulfilled. The residents have never received any explanation for the lack of notification in 2009, despite an inquiry being promised. References in the application to it being a 'renewal' and materials 'as previously approved' should be discounted because the neighbours were never consulted on the original proposal.

There were mature hedges that were pulled down in 2011 when the site was cleared for building without live planning permission. These are visible in the photo provided. The development does not maintain the character area of Boxmoor, which breaks with a stated aim of DBC's area based policies. We quote from the development principles for the Boxmoor area:

"Design: Style of dwellings may vary, but the scale, height and orientation of new proposals should follow that common to the street scene and to nearby and adjacent buildings." The development breaks with the roofline of adjacent and facing buildings and is of an entirely different nature being a flatted development.

"Type: Semi-detached and terraced dwellings are encouraged.... Development of flats may be acceptable dependent on their resultant appearance and compatibility with the street scene." These flats are not compatible with the street scene as they rise above the adjacent and facing dwellings.

"Height: Should not normally exceed two storeys." This development exceeds two storeys and would be sitting amidst a group of attractive buildings that are all one storey lower, ruining the street scene of an area that typifies Boxmoor character area, in the heart of Boxmoor village. It is within the local centre which area-based policy states "should be retained as the very important focal point to the whole area [of Boxmoor]."

"Size: Should be kept small to medium; large scale bulky development will not normally be acceptable." This development is large and bulky, especially in comparison to adjacent and facing dwellings.

"Density: Development in the high density range is considered (35-50 dwellings/ha), although lower densities will be required in areas where the predominant density is below those in this range." The density of this proposed development is classed very high (over 45 dwellings/ha). The predominant density in this area is low (15-25 dwellings/ha) and medium (25-35 dwellings/ha). The density is not compatible with the area and will lead conflict through

overcrowding.

“Privacy: Satisfactory levels of privacy between dwellings should be maintained and protected.”
The houses facing the proposed development will lose privacy as their bedrooms will be looked down on from the top-storey flat.

“Gardens and Amenity Space: The minimum rear garden depth of 11.5m should normally be applied. In Character Areas where infill developments are acceptable, rear garden depths may be reduced if the shape, size and depth is compatible with the existing adjoining properties.”
The dwellings on Horsecroft Road all have gardens. This proposed development has none. At the same time, this proposed building leaves inadequate outdoor space for parking and amenities for the existing building at 7-11 St John’s Road.

Two parking spaces shown are inadequate for Parry’s Newsagents due to awkward placement, and there is no parking or amenity space left for the premises above Parry’s Newsagents.

The building that houses Parry’s Newsagent has premises above it which appear to currently be underused. These can be converted to flats by the owner at any point, without planning permission if he does not alter the exterior of the building according to recent relaxation in planning rules. Where would these new residents park, put their bins and store items outdoors? The access is via Horsecroft Road.

In the past the premises were used as commercial office space, with numerous cars using the site for parking. What would happen if this usage resumed? The application does not make any allowance for the premises above Parry’s Newsagents. The fact that the owners have told the planning officer they will not apply for permission to extend at the back for flats conversion as they did previously does not mean the premises will never be in use again.

Our understanding from reading the council’s planning policy is that redeveloping of existing buildings to create new homes is to be encouraged above building new developments. Parry’s Newsagents has two floors of premises above it, which are underused. It would be preferable for them to develop these floors, using the site to the rear for parking and amenity space, rather than erect a new three-storey development on this site.

We did not raise any objection when Mr Davies applied to convert these premises into flats in 2008 and would like it noted that we also did not raise an objection to the three dwellings erected directly opposite our building in 2010, though this has unfortunately resulted in overcrowding in the street. We are not opposed to new homes being created, but ask the council to support existing residents in ensuring that new homes are sustainable, in keeping with the street scene, and do not alter the character of the area. This proposal 4/01167/12/FUL falls down in all three areas and we request that planning permission is withheld.

Considerations

Principle of Development

The application seeks the new build of three apartments; the site is located in the residential area of Hemel Hempstead, where Policy 9 and 10 encourage residential development and optimal use of the land available.

Policy 10 encourages development to make optimum use of urban land. The plans submitted show an area to the south east corner of the site indicated as a site for potential development in the future, specifically a detached dwelling. By indicating this area the development is considered to accord with Policy 10 of the Adopted Local Plan, particularly the following points:
(a) All development must be planned and implemented in a co-ordinated way, taking a

comprehensive view of potential development opportunities in the immediate area wherever possible. (d) Development should be accessible by a range of transport options, including passenger transport. (iii) does not prevent other land coming forward for development in the future. CS10 of the Core Strategy encourages greater densities in Town Centres and close to Local Centres.

The development of this area is therefore acceptable, the intensification of the development over the previously approved detached dwelling is acceptable in principle subject to the details of the application.

Area Based Policy HCA7: Boxmoor: Area 1 - The older central core based around St John's Road with residential roads to the North and South
Scope for Residential Development

Redevelopment: Discouraged, although there may be opportunities for redeveloping non-residential buildings, according to the Development Principles.

Development Principles

Design: Style of dwellings may vary, but the scale, height and orientation of new proposals should follow that common to the street scene and to nearby and adjacent dwellings.

The street scene of Horsecroft Road has a variety of dwellings types and design styles, however some degree of uniformity is provided through the orientation of dwellings onto the street with limited spacing back from the footpath edge and a level of spacing between dwellings along the street; the proposed development follows this pattern of development. With regards to height there is variety within the street scene; the proposal is 1.05m higher than the neighbour to the south but lower than the building to the north. Overall the building shall not be disproportionate in height to the general development within the street scene. The impact of the building is considered later in the report.

Type: Semi-detached and terraced dwellings are encouraged. Detached dwellings may be acceptable where this type forms the majority of nearby and adjacent development.

Development of flats may be acceptable dependent on their resultant appearance and compatibility with the street scene.

The building comprises flats, however, has been designed to provide a scale of built form that is in accordance with the height, design detailing and appearance of dwellings within the surrounding area; these shall be assessed with regard to the impact and appropriateness of the scheme with regard to scale of building; impact on surrounding development and with regard to the provision of suitable access and parking.

Height: Should not normally exceed two storeys.

The building has accommodation on three storeys at highest point, but effort has been made to keep the appearance of a two storey building with accommodation within the roof. AS noted above, the height is within the range of building heights within the surrounding area and is not disproportionately higher than other development within the street and does not impact on the character of the area.

Size: Should be kept small to medium; large scale bulky development will not normally be acceptable.

The development would deliver small residential unit sizes which are needed within the area. The size of the development as a whole shall be considered with regard to the impact on the surrounding area.

Layout: Proposals should normally maintain a close to medium spacing (less than 2 m or between 2 m and 5 m). Dwellings should normally front onto the highway following a straight, formal building line.

There is good spacing from development either side of the application site.

Density: Development in the high density range of 35-50 dwellings/ha (net) is acceptable, although lower densities will be required in areas where the predominant density is below those in this range.

Density figures are noted for providing a guide to the broad density of an area. There shall naturally be fluctuation in these figures and some areas of the character area shall be higher density than others. Similarly, taking a site in isolation provides a skewed density figure against the general density level for the wider area. The development shall be assessed with regard to the impact and appropriateness of the scheme with regard to scale of building; impact on surrounding development and with regard to the provision of suitable access and parking to determine whether the density is appropriate. Higher densities shall be expected nearer to the centre of local areas and at more sustainable / accessible locations. Policy 10 encourages development to achieve as high density as possible as is suitable within the character of the area and any other material consideration.

On-street parking: Limit effect by effective on-site provision in new development proposals.

Off-street parking: Provision by either on-site or communal parking is acceptable.

The parking for the development is provided within the site. The suitability of this shall be considered in the assessment below.

Appearance of building

The proposed building has been assessed by the Conservation and Design department, the design is considered to suitably take reference of the built form of the surrounding development.

The positioning of the parking to the front of the building has been limited to two parking bays; although there may be scope for a third space at this location this has been avoided to reduce the impact of parking bays to the front of the building and increase the opportunity for landscaping to be used to soften the appearance of the building within the Horsecroft Road street scene.

Effect on Street Scene

The proposed development is to create an addition of a large building within the Horsecroft Road street scene. The street scene at the moment is made up of a mix of building forms and design. There is a predominance of C19 groups of terraces and semi-detached dwellings which provide the attractive character to the street scene; however, some more recent developments have had a less than positive impact on the street scene; with some detached dwelling and three storey flat roof town houses. A number of the older properties benefit from three storey accommodation utilising the roof from.

The proposal replicates features of the surrounding character properties, allowing the development to assimilate into the street scene. It is noted that the height of the proposal is higher than the neighbouring property to the west by 1.05m, but due to the spacing from this property the step in height is acceptable and does not detract from the appearance of the street scene or overbear the neighbouring property at 102 Horsecroft Road; the design has positioned the roof pitch to slope away from the neighbouring property allowing the step in height to be gradually increased.

Effect on Amenity of Neighbours

The impact on neighbouring properties has been considered with regard to loss of light, loss of privacy, overbearing impact and with regard to potential noise and disturbance. The impact to each neighbouring property shall be considered in turn:

102 Horsecroft Road

The neighbouring property to the west is set 3m from the shared boundary, with the proposed building 2.4m from the shared boundary at closest point; this provides adequate spacing between the properties, and does not result in any overbearing impact. The proposed building extends only slightly further to the north (rear) than the neighbouring property, thus there is no instance of overbearing, or loss of light to the neighbouring property. The rear elevation has a limited number of windows, with the window providing light to a bathroom, therefore there is no overlooking to the garden of 102 Horsecroft Road. A bedroom window at first floor to apartment 2 is in the west flank elevation, there would not be overlooking from this window as there are no windows in the east elevation of 102 Horsecroft Road. Comments are noted wherein the enclosure of this property of development is considered to amount to a cumulative overbearing impact which would also lead to a disruption to residential amenity through noise disturbance. The proposed development does not impact on windows of 102, and does not lead to a loss of light to the property; the proximity of residential uses is not considered to be especially close and the proposal is not considered to be an incompatible use, and therefore is not likely to lead to issues of noise disruption leading to a detriment to residential amenity.

7-11 St Johns Road

The building to the north of the site includes Parry's newsagent's and floors above. The rear elevation has of the proposed development has a limited number of windows, with the only window providing light to a bathroom; therefore there is loss of privacy to the rear units and also avoiding the issue of overlooking into the proposed apartments.

Church Hall to East

This building is not of residential nature and hence residential amenity is not an issue. The proposed building would not overshadow these building, and would not overbear the site in general.

Properties on South Side of Horsecroft Road - The south side of Horsecroft Road faces towards the site from a slightly lower floor level than the application site, the distance of these properties from the application building is approximately 18m. Concern has been raised from representations from the dwellings opposite as to the impact from the proposed development, particularly with regard to the relative height of the development and the also parking. Street scene cross sections have been provided by the applicant demonstrating the relationship between the proposed development and the neighbouring properties. The relationship across Horsecroft has been assessed and the proposed development would not cause any detriment to residential amenity.

Off-Street Parking

Properties along Horsecroft Road have limited off street parking and as a result on-street parking is an issue within the area, this situation is worsened due to the location between Boxmoor local centre and the mainline train station of Hemel Hempstead. Commuter parking within surrounding streets puts added pressure on the already congested surrounding streets for parking spaces. Residents have expressed strong concern at the prospect of a further residential development and the impact on an already congested area.

The SPG document provides advice on accessibility zones and the implementation of parking provision standards. The application site is located within accessibility zone 3, With regard to residential developments, the following advice is given:

Para 3.2 "New residential development will generally be expected to accommodate all parking demand on site. However, significantly lower levels of parking provision may be acceptable

where demand is likely to be less and a tendency for over spill on-street is, or can be controlled eg. high density housing in town centres, near railway stations or housing over shops.”

Unit No	Unit Size	Maximum Parking Provision	Parking Provision Proposed
1	2-bed	1.5	1
2	2-bed	1.5	1
3	2-bed	1.5	1
	Visitor		2
Total		4.5	5

The policy states residential development should provide all parking needs on-site.

The proposed development provides five off-street parking spaces for the three two-bed apartments. Appendix 5 of the adopted local plan would require a provision of 4.5 spaces. The provision of parking is 0.5 spaces over the maximum provision; the site is located within walking distance of Hemel Hempstead station and the town centre and is considered to be a sustainable location, a lower provision of parking would be acceptable. The situation of on-street parking is noted and a minimal increase over the maximum policy provision is considered acceptable in this case.

Provision is also made for the storage of bicycles within the development.

2 spaces are retained for the use of 7-11 St Johns Road. There is currently one unit above the shop and the shop itself. Sufficient parking is retained for these uses. One space for the shop employee and another for the use above.

Cycle parking/storage is provided within the building.

Comments are noted with regard to the existing site having space for over 6 cars, and parking at this level does take place on occasion. Consideration is given to this situation; however, the provision of parking in the proposed development is considered appropriate with regard to the Policy requirement which has greater material weight than the current unmanaged situation that represents a provision way over the maximum policy provision.

It is noted the development would remove one parking space from the on-street parking supply in the area through creating the access cross over to the parking area. This situation has occurred in a number of locations along the street wherein residents have converted front garden areas to parking areas; this removes parking from the highway. The loss of the on-street parking is not considered significant and would not lead to a detriment to highway safety or the free flow of traffic.

Amenity Space

It is noted that private amenity space to each of the apartments is limited; however proximity to the public open space is considered to supplement this.

Refuse Storage facilities are provided within the development, both within a free standing structure within the access area and also within the building at a storage area to the rear of the building. This is sufficient for the development.

Sustainability

A sustainability statement has been submitted confirming the acceptability of the scheme in relation to Policy 1 of the Adopted Local Plan.

Planning Obligations

HEMEL HEMPSTEAD	£
Allotments	£144.00
Outdoor pitches - HH	£1,047
Cycles - Hemel	£156
Primary schools	£2,448
Borough wide	
Child play space	£3,648
Natural Green Space	£57
Travel Smart	£75
Libraries	£387
TOTAL	£7,962

These figures have been based on the assumption that the proposed development is for three two-bed market sale flats.

In accordance with the SPD, The Council will also seek a contribution equivalent to 6% of the total value of the planning obligations towards its costs in administering each planning obligation agreement and ongoing compliance monitoring. This equates to £477.72.

Other matters

Commercial bin store - At present the open site provides an area for the store of the commercial refuse vessel for the Parry's Newsagents business on St Johns Road. The development would occupy this area and thus a new location for the refuse storage and collection requirements of the business. Details have been requested of this, however, are unsatisfactory. A grampian condition is to be used which requires suitable alternative facilities to be identified and approved by the Local Authority prior to the development taking place.

A previous application on the site considering a similar development in 2009 included conditions which sought the storage of all materials and equipment as well as provision for parking of all contractors and sub-contractors to be provided on site. In the period since this application the planning department has ceased to use such conditions as they overlap the remit of other authoritative bodies. The planning department would have difficulty enforcing against any non-compliance with these conditions.

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

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

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

- 2 No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development.

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

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- car parking layouts and other vehicle and pedestrian access and circulation areas;

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

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

4 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:

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

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.

5

(c) Implementation of Approved Remediation Scheme

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

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

(d) Reporting of Unexpected Contamination

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

INFORMATIVE:

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

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

- 6 **Before the development hereby approved is first occupied, an area of land across the whole of the site frontage (onto Horsecroft Road) measuring at least 2 metres into the site from the back edge of the public footway shall be provided and thereafter kept free of all obstruction to visibility over a height of 600mm above the footway level.**

Reason: To provide adequate visibility between the existing highway and the existing and proposed access, and to make these accesses safe and convenient for the traffic which is likely to use them.

- 7 **All parking bays shall have minimum dimensions of 2.4 metres x 4.8 metres.**

Reason: To ensure that adequate on-site parking is provided and in the interest of pedestrian and vehicular safety.

- 8 **Before the development hereby approved is first occupied, all on site vehicular areas shall be accessible, surfaced and marked in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

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

**HP1/NB/001D
HP1/NB/002b
HP1/NB/003
004
14A**

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

NOTE 1:

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

The site is located in an area where residential development is acceptable in principle in accordance with Policy 2 of the Borough Plan and CS1 and CS4 of the

Core Strategy. There would be no adverse effects on the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policy 11 and 58 of the Borough Plan and CS10, CS11, CS12 and CS13 of the 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

Supplementary Planning Guidance

Development in Residential Areas

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

CS1, CS4, CS10, CS11, CS12, CS13 and CS35

NOTE 3:

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

INFORMATIVE:

The applicant is advised that Phase I and Phase II reports relating to site contamination should be carried out by or under the direction of a suitably qualified person.

These reports should comply with BS 10175 which clearly sets out how a site investigation and risk assessment should be carried out.

Contaminated Land Planning Guidance can be obtained from Environmental Health or via the Council's website: <http://www.dacorum.gov.uk/default.aspx?page=2247>

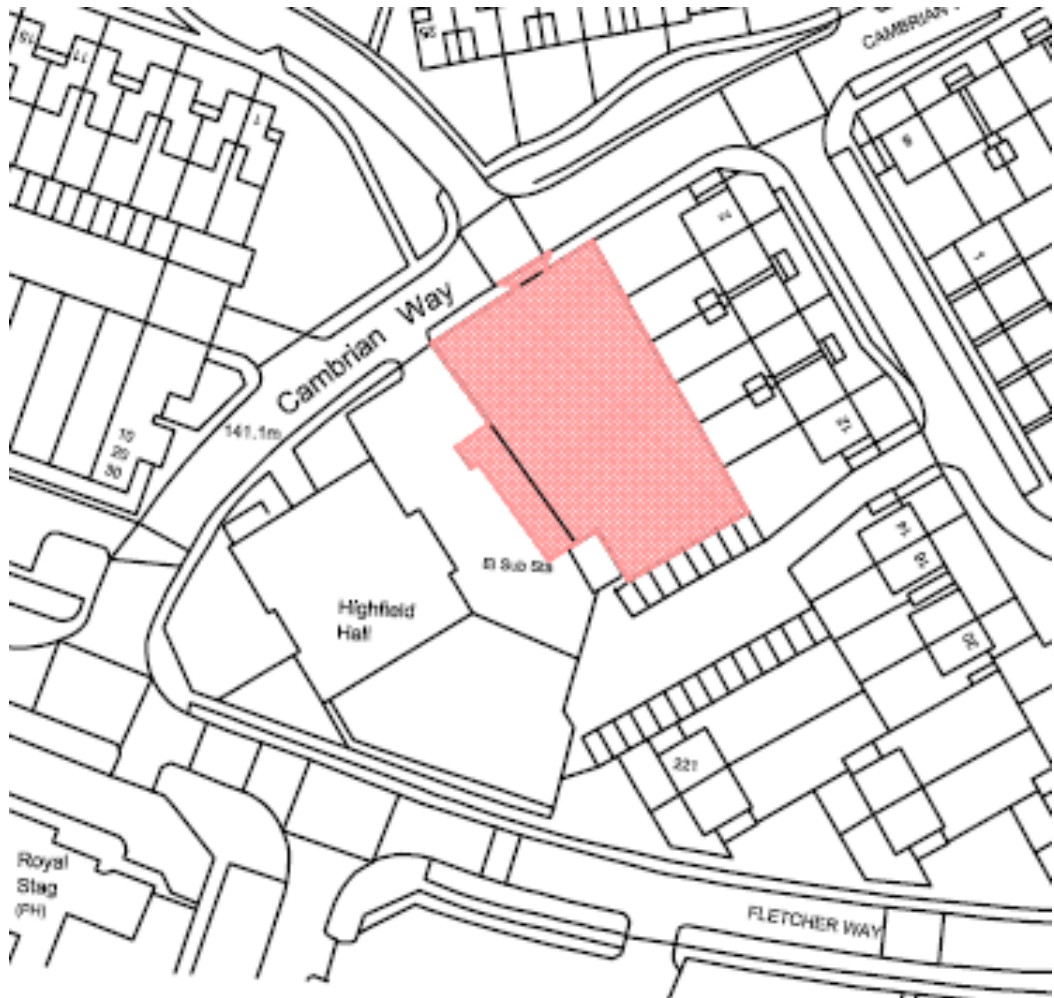
Advisory Notes (ANs) to ensure that any works as part of this development are carried out in accordance with the provisions of the Highways Act 1980.

AN1: Storage of materials. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. In the event that this is not possible, or for further information, please contact the East Hertfordshire Highways Area team at County Hall, Pegs Lane, Hertford, Herts, SG13 8DN (Telephone: 0300 1234047).

AN2: Construction standards. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire – Highway Design Guide (2011)". Before proceeding with the proposed development, the applicant should contact the East Hertfordshire Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN (Telephone: 0300 1234047).

ITEM 5.5

**4/00803/13/FUL - PROPOSED NEW MEDICAL CENTRE WITH ASSOCIATED PARKING AND PUBLIC REALM WORKS (AMENDED SCHEME).
ADJ HIGHFIELD HALL, CAMBRIAN WAY, HEMEL HEMPSTEAD, HP2**

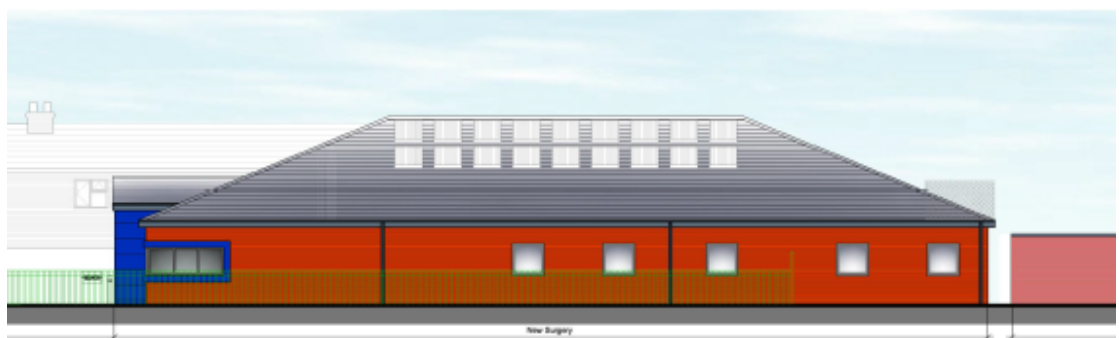


ITEM 5.5

**4/00803/13/FUL - PROPOSED NEW MEDICAL CENTRE WITH ASSOCIATED PARKING AND PUBLIC REALM WORKS (AMENDED SCHEME).
ADJ HIGHFIELD HALL, CAMBRIAN WAY, HEMEL HEMPSTEAD, HP2**



Elevation



**5.6 4/00803/13/FUL - PROPOSED NEW MEDICAL CENTRE WITH ASSOCIATED PARKING AND PUBLIC REALM WORKS (AMENDED SCHEME).
ADJ HIGHFIELD HALL, CAMBRIAN WAY, HEMEL HEMPSTEAD, HP2
APPLICANT: PHCC Developments (Highfield) Ltd**

[Case Officer - Joan Reid]

[Grid Ref - TL 06324 08524]

Summary

The application is recommended for approval. The application site is located within the residential area of Hemel Hempstead wherein, the use of the site for a medical centre is considered to be appropriate in accordance with policies 2 and 9 of the Local Plan and the emerging Core Strategy Policy CS4. The design of the building and the proposed landscaping on the site is considered to be acceptable and appropriate within the surrounding area and fit for purpose. The proposal will not significantly impact on the amenities of the neighbours and adequate parking is accommodated within the application site and in surrounding area in accordance with policy 11 and appendix 5 of the Local Plan. The proposal is therefore considered to comply with policies 2, 9, 11 and 58 of the Local Plan, policies CS4 and CS23 of the Pre-submission Core Strategy and the national planning policy set out in the NPPF.

Site Description

The application site is located to the south of Cambrian Way and comprises a shrub-land site adjacent to Highfield Community Centre. The site measures approximately 0.27 acres and remains undeveloped. The site is bounded to the northwest by residential properties (Mendip Way), some of which have been extended to the rear with single storey extensions. To the south of the site, there is a Council owned garage block. To the south west corner of the site, there is a sub-station and the cables from this run along the grass verge between the site and Highway Community Centre. The application site is heavily overgrown with bushes and some trees. The site features a wide open frontage to Cambrian Way, directly opposite the junction with Westerdale. To the west of the site, there are some mature trees which separate the application site from a large area of hardstanding surrounding Highfield Community Centre. Bellgate Local centre is approximately 40m to the east of the site on the other side of the road.

Proposal

The application seeks planning permission for a new medical centre on land adjacent to Highfield Community Centre. This is an amended scheme following refusal of a previous design in March 2013. The application has been submitted by PHCC Developments on behalf of the doctors at Highfield surgery on Jupiter drive. The new medical centre would accommodate the much needed re-provision and relocation of the existing Highfield Surgery on Jupiter drive. The medical centre would accommodate 6 consulting rooms (made up of 4 GP consulting rooms, 1 nurse practitioner room and a treatment room). There is a patient waiting area along with an administration area and staff rooms also accommodated within the building.

The medical centre extends to a length of 31m (including porch) and has a width of 17.3m. The building has a hipped roof which extends to a height of 6.9m at its highest point and the eaves have a height of 3m. The building is to be constructed predominately in facing brickwork with coloured render panels to the entrance only. The windows are to be dark grey aluminium. The roof will be formed in concrete slates in dark grey similar to the adjoining properties. Areas of photovoltaic panels are to be positioned on the roof that will overlook the Community Centre car park.

A new crossover is proposed to allow vehicular access to the front of the building from

Cambrian Way. There is parking for 8 cars to the front of the building and a further 8 car parking spaces are accommodated within land on the hardstanding beside the community centre.

The existing trees along the strip adjacent to the Community Centre are to be retained and new planting is proposed between the proposed car parking and the rear gardens of 2 and 4 Mendip Way. Slow growing and low trees are proposed within these strips. The parking bays are to be distinguished in brindle concrete block paving and the central area is to be in dark grey concrete block paving.

Referral to Committee

The application is referred to the Development Control Committee as it is on Council owned land.

Planning History

4/00086/13/FUL	NEW MEDICAL CENTRE WITH ASSOCIATED PARKING AND PUBLIC REALM WORKS AND NEW ACCESS. Refused 06/03/2013
4/01258/02/FUL	CONSTRUCTION OF YOUTH CLUB BUILDING Granted 01/10/2002
4/00941/97/4	CONSTRUCTION OF A YOUNG PERSONS CENTRE (YOUTH CLUB) Granted 14/08/1997

Policies

National Policy Guidance

NPPF

Dacorum Borough Local Plan

Policies 1, 2, 9, 10, 11, 13, 58, 63, 67, 99, 111, 122, 123, 124 and 129
Appendices 1, 2, 3, 5, 8

Pre Submission Core Strategy(incorporating the Main and Mino Modifications: January 2013)

CS1, CS4, CS8, CS10, CS11, CS12, CS23, CS28 and CS29

Supplementary Planning Guidance

Environmental Guidelines

Residential Character Area [HCA 20 Highfield]

Accessibility Zones for the Application of Parking Standard

Representations

Conservation and Design

I am aware of the previous Committee decision for this scheme however consider the design to be a retrograde step and not so imaginative in placemaking characteristics.

Hertfordshire Highways

Still awaiting comments on amended scheme

Previous comments in respect of first scheme:

The above application is for the construction of a Health surgery on land adjacent to the Highfield Community Hall car park. As part of this scheme, the applicant has submitted a travel plan with the aim of reducing journeys to and from the surgery by private motorcar whilst promoting more sustainable modes of transport. The travel plan officers will comment on this separately. A total of 16 off street parking spaces of which two will be for DDA use. The parking allocation will be split between the existing community hall parking, which is served via a simple vehicle cross over off Cambrian way, and a new 8 space parking area also served off a new simple VXO as shown on the submitted plan number.

The position of this new vxo is not ideal. It is opposite the junction of Westerdale, which is a local access road with a high number of residential dwellings served off this road. However, looking at the rolling five year injury accident statistics for this section of Cambrian way, there has only been one slight injury accident in that period of which the circumstances were rather unfortunate rather than highlighting a particular environment concern over the highway layout.

However, to minimise the risk of vehicular and or pedestrian conflict the highway authority would ask that the LPA make the 8 spaces shown off this new access staff only parking. This would in turn limit the amount of movements from this access during the day thus reducing the risk of conflict.

Trees and Woodlands

Still awaiting comments on amended scheme

Previous comments in respect of first scheme:

I recommend that this application to construct a new medical centre on Cambrian Way, Hemel Hempstead is approved.

There was little existing vegetation of good quality on site and so retention of this is not of importance. A small number of trees to the south east of the proposed building are shown to be retained, supplemented with new shrub planting to create a low maintenance landscape feature. This will be acceptable given this part of the site's mixed ownership, DBC having an existing maintenance role on this strip of land. Four new trees are proposed along the north-eastern boundary, three located towards the front of the site adjacent to car parking spaces and the fourth within a courtyard to the rear of the building. It is not clear from drawing (08) 003 what surfacing around these trees will be maintained and so further detail is required. Details of new species, plant size, planting specification and maintenance regime should be submitted for assessment.

Hertfordshire Biological Records Centre

I can confirm we have no ecological information on this area. The development will destroy a small area with trees, shrubs and ruderal vegetation which is unlikely to be of sufficient intrinsic interest to represent a significant constraint on development. It will, nevertheless, result in a loss to the local wildlife and visual amenity. The proposed landscaping will not replace the nature and character of the existing site, given it will be much smaller and necessarily be of a rather formal nature and management.

It is unlikely there are any protected species present - the location is urban and isolated by roads and other hardstanding areas - although this possibility cannot be ignored entirely. Any proposed removal of trees should make an assessment of whether there are any features of potential for bats, although if the trees are not especially old this is unlikely.

I advise that any vegetation clearance should be undertaken by hand where possible and the site left undisturbed for a few days to enable any wildlife to move off the site.

No tree or shrub removal should take place during the bird breeding season, at least without a prior check for the presence of any nesting birds, which should not be disturbed if present.

Given the loss of trees and shrubs, I advise that some compensation is provided in order to replace the habitat locally. This may take the form of a commuted sum to support new tree and or shrub planting on a suitable site. Given the proposals are for a Community Centre, how about a Community Orchard?

Contaminated Land Officer

The following report has been submitted as part of the application package:

- Report on Phase 2 Ground Investigation; Contract: 52004A; Ian Farmer Associates (1998) Limited; January 2013

In respect of the original application (4/00086/13/FUL), 2no. reports were submitted and comments provided by Environmental Health as follows (from memo dated 11 February 2013): 'The Environmental Health Division is in receipt of the following reports submitted in respect of the above:

(iii) Preliminary Investigation Report; Contract: 52004; Ian Farmer Associates (1998) Limited; December 2012

- Report on Phase 2 Ground Investigation; Contract: 52004A; Ian Farmer Associates (1998) Limited; January 2013

The above report (1) provides a thorough preliminary risk assessment of the site. Potential pollutant linkages were identified relating to possible Made Ground associated with the development of the surrounding area and PCBs associated with the electricity substation located off-site adjacent to the southern site corner. As such, it was recommended that a Phase II Ground Investigation be undertaken to assess the actual nature, presence and extent of any contamination in the ground in relation to the proposed redevelopment.

The ground investigation provided good general coverage of the site. The contamination assessment did not identify any contamination within the shallow soils that would represent a risk to the proposed commercial end use (medical centre); therefore no remediation is considered necessary. The Environment Agency should provide comments in respect of the elevated leachate results and the associated potential risk to controlled waters. It is expected that this risk will be assessed as negligible, due to the presence of superficial deposits (Clay-with-Flints Formation) overlying the principal aquifer.

On the basis of the above, I am in agreement that no remedial works are required in respect of human health, prior to construction of the new medical centre. I recommend that the developer be advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed. The Environment Agency should be consulted in respect of risk to controlled waters.'

Due to the nature of the current application, the above comments in reference to human health are still valid.

Environment Agency

Still awaiting comments

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

8 Mendip Way

1) In the previous application it was decided that there were insufficient parking spaces. This new planning application has not altered the amount of parking spaces provided.

Yes there is mention with regards to the short term lease of the extra 8 spaces however this is still only on a 3 year lease which after this time will be on a year by year lease. This unfortunately can be cancelled by either the council or the doctors surgery.

Nothing in this new application with regards to parking has changed and based on this alone, the planning should be refused on this basis that it still contravenes policy 58 of the Dacorum borough local plan and policy CS8 of the Dacorum pre-submission Core Strategy with Modifications (January 2013).

2) The building is still two stories high and from the plans the same height as my house. The new shape of roof will still overshadow my property and block out my light. I have an extension to the property which already makes the living area quite dark. Should permission be given to build I feel that my garden and home would be plunged into darkness over the winter months when the sun is low in the sky.

3) At this time I have a green area beyond my garden, with trees. should this application be approved I will have a red bricked wall facing right onto my property with what looks like windows facing into my garden. This I find unacceptable as it is obtrusive and an invasion of my privacy. The application still contravenes policy 11 of the Dacorum Borough Local Plan and policy CS12 of the Dacorum Pre-submission Core Strategy with Modifications (January 2013).

4) From looking at the plans the plant room is to be located at the end of my garden with double doors opening towards my garden fence. This is approximately 8 meters from my living room and my bedroom window, there will be noise from the plant room at all times of day and night and will expel emissions into my home. this will undoubtedly effect my quality of life.

5) The extraction fans are now to the side of the building but still very close to some of the gardens meaning any extraction discharge will still get blown into the gardens and homes of Mendip way. The application still contravenes policy 11 of the Dacorum Borough Local Plan and policy CS12 of the Dacorum Pre-submission Core Strategy with Modifications (January 2013).

6) Although my address is within close proximity of the shops, a community centre and a public house is it a very quiet peaceful place to live. I have no doubt that once the medical centre opens the noise from both traffic and people will undoubtedly cause a lot of noise and disturb the day to day lives of the Mendip way residents. I love living where I do and mostly because do the peace and the ability to hear bird song throughout the day.

Cllr Brenda Link (Highfield Ward)

I would like to confirm that I am still in favour of the new surgery. The reasons given as before. The new revised plans look good and I hope the committee will approve them.

Comments on first application

I have been a patient of Highway Surgery for many years, as have all of my children and their

families. I fully support a change in premises for the surgery. I feel that a new surgery would have many benefits for patients and professionals. Mostly the additional space, which would allow for improved access to the surgery for the disabled and parents with pushchairs/prams. Currently there are no provisions for parents to bring their buggies into the surgery. Instead, they have to left outside. I have seen parents having to take their sleeping children from their prams and disturb them so that they can enter the surgery. The current surgery is very cramped, especially the waiting area. There are limited facilities to keep small children entertained whilst they wait. A new premises, with more space to cater for these needs is well overdue in my opinion. On the whole, the new premises would provide a better and broader range of services to its patients, as well as being a more spacious and comfortable environment in which to be in. I feel that the current surgery on Jupiter Drive will fail to meet the new standards and requirements which come into force in April. The move to a larger surgery site, in my honest opinion is a very positive way forward. I know it will benefit patients and staff alike.

Considerations

Policy and Principle

The site lies within the urban area of Hemel Hempstead wherein, under Policies 2 and 9 of the Local Plan, compatible non-residential development for small-scale social, community, leisure and business purposes is acceptable. Policy 10 of the local plan encourages optimising urban land and indicates that vacant or underused land and buildings should be brought into appropriate uses as soon as practicable through new building, conversion, adaption or other alteration. In particular, building development will be permitted if it:

- i) makes optimum use of the land available, whether in terms of site coverage or height, or
- ii) contributes towards or provides for the reasonable sharing of facilities, such as off street car parking; or
- iii) does not prevent other land coming forward for development in the future; or
- iv) helps to achieve a comprehensively planned development framework.

Policy 67 of the local plan states that provision of sufficient land to accommodate a wide range of well-located social and community facilities to meet the needs of all sections of the community will be given high priority. Policy 67 of the local plan refers to the schedule of social and community facilities proposal sites where it allocates the application site (site reference C3) for a new youth centre.

Policy 11 of the local plan states that development will not be permitted unless it is appropriate in terms of layout, site coverage, design, bulk, materials and height on the site itself, in relation to adjoining property and in the context of longer views. It is also expected that the development should respect the townscape/general character in which it is set, avoid harm to the residential amenity (visual intrusion, privacy, general noise and disturbance), retains important vegetation and where relevant includes measures to improve the local landscape, also ensuring that there are no adverse ecological or pollution implications. There should be no adverse highway/parking/traffic implications and reasonable access for persons with disabilities.

The site is located within character area HCA 20 (Highfield) which is described as a larger, later new town neighbourhood comprised mainly of housing from the 1960s, but with examples of development from all ages onwards. The area is centred around two local neighbourhood centres, and is typified by its regular angular housing layouts with feature a high incidence of amenity greens and landscaping, inherent to its structure. The design varies throughout, although there are parts that have distinct design identity.

Policy CS23 (Social infrastructure) of the draft Core Strategy states that social infrastructure, providing services and facilities to the community will be encouraged. New infrastructure will (a) be located to aid accessibility; and (b) provide for the multifunctional use of space. The

principle of the proposal is considered to be acceptable as it provides a community facility within the residential area of Highfield. Although the site was originally allocated for a youth centre and permission was granted some time ago for this use, no progress was made on this scheme and the permission has since expired.

The Estates team have agreed to the long lease of the site for the medical centre and no objection has been raised to the loss of this site for youth facilities. In accordance with policy 10 of the local plan, the proposal will optimise the use of the vacant site for a community facility and would not prevent other land coming forward for future development. The centre would be well located to serve the local community of Highfield and is situated close to the local centre, allowing shared facilities and business.

Reasons for refusal on previous scheme

An earlier scheme was refused at the planning committee on the 28th February 2013. The reasons for refusal were:

1. The proposed building by its height and close proximity would have an overbearing impact on the residential amenity and outlook of the occupants of the adjacent properties on Mendip Way. This is exacerbated by the industrial look of the building in this residential area.
2. The proposed building by virtue of its appearance, materials and asymmetric roof form would represent an incongruous feature out of keeping with the character and appearance of the local area.
3. The parking provision is considered to be insufficient to service the proposed development. There are also concerns regarding the long term provision for 8 of the parking spaces.
4. The design of the building includes the provision of extract vents within the north eastern boundary side elevation in close proximity to the shared boundary with the adjacent residential properties. It is considered that the process of extraction emitting discharge towards the adjacent dwellings would create an unacceptable impact on the residential amenity of the adjacent occupants.

Amendments to scheme relating to reasons for refusal

Reason 1 - Height and distance of property to residents along Mendip Way

The amended scheme seeks to resolve this reason for refusal by redesigning the building so that the building now has a dual pitched roof which is discussed below. The landscaping and location of bike storage and bins have also been reconsidered following concern from local residents.

Reason 2 - Design of building within the streetscene

The proposed building now achieves a traditional dual pitch roof which is considered to be more typical within the local architecture and the materials are been reviewed, now providing a building which has a cement slate roof. The building is primarily be constructed in red facing brick similar to the surrounding residential properties.

Reason 3 - Parking provision including the long term provision for 8 of the car parking spaces

The amended scheme does not change the amount of car parking provision however the agents have put together additional information in respect of the parking provision. This is discussed in the parking section.

Reason 4 - Extract vents facing neighbours

Consultation has been carried out with the Mechanical and Electrical engineers to address the concerns of the extract vents on the north eastern boundary. It is indicated that the extract air

from these vents would be very low and would have no detrimental effect on the local neighbours. However from the redesign process, the louvers have been repositioned onto the north-west and south east elevations away from the north eastern boundary nearest the residential properties along Mendip Way.

Design of building and impact to the character of the area

Following concern from committee members that the previous design would appear as an incongruous feature and out of keeping with the character of the area, the new building has been designed to remove the asymmetric roof and contemporary materials. Instead, the building now has a pitch roof in concrete grey slate and is primarily to be constructed in facing brickwork (red brick). The building sits amongst residential terrace building constructed in red brick and social and retail buildings and it is considered that the building now appears more domestic in size and scale and integrates better to the surrounding neighbourhood by the use of the materials proposed. The building remains set back from the road, which reduces its prominence and the entrance will be enhanced by the use of trespa coloured illuminate. This will add interest to the frontage and highlight the building as a community property.

The proposed building remains the same size as the earlier scheme however the alteration to the roof form and the lowered eaves relates the building better with the surrounding residential properties and reduces its prominence overall.

The mature trees adjacent between the proposed medical centre and the community centre are still to be retained and small areas of landscaping are proposed to the boundary with the residential properties. This landscaping strip is to contain low level planting.

In summary, from a design perspective it is considered that the proposed medical centre will integrate with surrounding architecture in terms of height, roof form and materials and will not represent as an alien feature on the site.

Impact on Neighbours

The planning committee resolved to refuse planning permission for the earlier scheme due to the height and close proximity of the proposed building as it would have an overbearing impact on the residential amenity and outlook of the occupants of the adjacent properties along Mendip Way. The committee also indicated that the impact was exacerbated by the industrial look of the building in the residential area.

The building has been redesigned to minimise the impact in terms of height and look to the residential properties. The revised design has moved the highest part of the roof further away from the residential properties along Mendip Way into the centre of the site. The building now has a dual pitched roof with its highest point of 6.9m located approximately 22m from the rear two storey elevations of the properties along and Mendip Way and 18m from those that have extended at ground floor level. The eaves of the building have also been lowered which further reduces the impact of the building and relates the building to a more domestic scale. The previous scheme had a symmetric roof with the highest part nearest the residential properties 16m away from the properties at first floor level. The new scheme pulls back the ridge height a further 6m from the first floor of Mendip Way properties and as a result the degree of the roof slope is also reduced significantly. The agent has indicated that the revised scheme, as a result of the roof form, the perceived height of the building has been reduced by approximately 2m when viewed from the properties on Mendip Way.

A line drawn at 25 degrees from the windows of all the properties including those that have been extended would not be breached by the building and it is considered that the building would not result in a significant loss of day light to the rear windows along Mendip Way and there would not be significant visual intrusion to the affected properties. The building is sited to

the north west of the residential properties and therefore would be some loss of evening sun to the properties but this would not be significant to warrant a refusal.

The building would of course be visible from the properties along Mendip Way, but considering the height of the building and the distance from the properties, it is not considered to be visually intrusive.

The redesigned building would have a dual pitched roof which allows more light to the residential properties than the previously refused design. It is noted that the youth club that was previously approved on the site has a similar height rising up to 7m and indeed a very similar design to this current scheme. Due to the orientation of the site, there may be some loss of sunlight to the adjoining residents but due to the limited height of the proposed building and the distance between the building and the rear elevations of the dwellings, the loss of sunlight would not be significant to warrant a refusal.

In terms of privacy, the building has been designed to ensure that no consulting rooms are facing onto the rear gardens of Mendip Way and of the windows that are located on the side nearest the residential properties; these are ground floor windows which will face onto the boundary fence. A boundary fence 2m in height runs along the boundary nearest the gardens of Mendip Way which will ensure privacy and security for the residents. Planning permission would be required for the insertion of new windows on this building and therefore no new windows would be inserted without assessing their impact on the residents amenities.

Amended plans have been received which relocate the cycle racks and bins away from the boundary with 4 Mendip Way. This is as a result of a verbal request from no.4 Mendip Way. These are out for consultation and any new comments as a result will be fed in to the committee report.

Lastly following concerns from residents on the earlier scheme, these amended plans take account of concerns that tree planting could reduce light and cause overshadowing. The plans now show trees that have a limited height and are slow growing.

At the time of writing this committee report no written objection was received from resident at 4 Mendip Way. Any letters received will be forwarded to the committee in the addendum sheet.

Impact to local businesses due to the closure of the surgery on Jupiter drive

It is noted that letters have been received which set out concerns in relation to the closure of the surgery at Jupiter drive and the implications that this would have on the local surgery nearby and to the local business. It is considered that whilst some economic loss may result to the heights shopping centre, there would be economic benefit to the local centre adjacent to the site. The larger and more modern surgery would bring significant benefit to the viability of Highfield local centre.

The surgery at Jupiter drive is no longer viable to operate the large numbers of patients registered and does not have sufficient land on site to significantly enlarge the practice. Loss of some business to the nearby local centre as a result of the closure of the surgery at Jupiter drive could not be a reason for refusal in planning terms.

Car parking

The committee resolved to refuse the first application on lack of car parking and regarding the long term provision for 8 of the spaces which are leased on a short term basis.

The site is located within a very sustainable location and the medical centre will serve a local catchment area. 16 car parking spaces have been provided to serve the medical centre. 8 of these car parking spaces are located to the front of the building and 8 are located within the

car park adjacent to Highway Community Centre. A short lease of 3 years has been agreed by the medical centre and the Council's estates team in respect of the 8 car parking spaces located on the hardstanding.

Appendix 5 of the local plan sets out the following maximum car parking standards for surgeries and clinics: 3 spaces per consulting room plus 1 space per employee other than consulting doctors.

The development proposes 4 GP consulting rooms, 1 nurse practitioner room and a treatment room. There are also administration and reception staff. Based on the maximum standard set out above, the 6 consulting rooms would require a maximum of 18 spaces and there would be an additional space for a member of staff.

Based on the information submitted, the application form indicates that there would be 2 full time members of staff and 12 part time members of staff which equates to 7 full time staff. Within this location, it is considered that the 16 car parking spaces provided would be sufficient car parking for the medical centre. The application site is located within a sustainable location, directly across from the local centre. Parking for the medical centre could be shared with the parking at the shops. The site is immediately adjacent to public transport links. There are bus stops immediately outside the site which is served by bus routes 2 and 3. There are also bus stops located on Cattsdell which is 2-3 minute walk away. This stop is served by bus routes 4 and 5. Cycle stands will also be provided to the front of the centre, which can accommodate a total of 8 bicycles which will be available to use by both patients and staff. Overall, considering the location and the need for a medical centre of the proposed size, it is considered that the parking provided is sufficient and no objection is raised.

Hertfordshire Highways have requested that the parking to the front of the proposed building be marked only for use of staff and disabled spaces in order to cut down trips in and out of the new access. No objection is raised to this as there are also 8 car parking spaces adjacent to the community centre will be leased by the medical centre which may serve the patients visiting the surgery.

As part of this submission, the PHCC commissioned surveys to better understand the need for car parking and parking provision within the immediate area.

Parking survey results at existing surgery

The PHCC commissioned a survey which shows the utilisation of the existing parking spaces at the existing surgery on Jupiter Drive. The existing surgery has 6 spaces and no disabled parking spaces. The survey was carried out on Wednesday 17th April and Thursday 18th April 2013. The survey showed that the spaces were at full capacity during the late morning period (10am and 12pm) and late afternoon period (4.30pm and 5.30pm) however were not fully used during the early morning, lunchtime and evening periods on the first day of the survey. On the second day of the survey, the car parking spaces were all used from 8.30am until 13.30pm and again at 16.30pm.

A second survey was carried out which looked at number of available car parking spaces within 100m of the proposed development site. The survey shows areas of public parking and on street parking, the estimated number of spaces available and the highest levels of parking observed each day (worst case scenario). The results of the survey indicate that there are plenty of existing parking spaces available within the immediate vicinity, on surrounding streets and in public car parks should the 16 car parking spaces provided on site and within the car park adjacent to the community centre be filled.

A third survey was carried out which collected information from the patients at the existing Highfield surgery. Over March and April, the reception staff asked patients to answer short questions on how they travelled to the surgery and if by car, where they parked. They also

surveyed how patients might travel to the proposed surgery. Of the patients surveyed (122), 64% travelled by car, 30% walked, 3% got a bus and 3% either got a lift or a taxi. Of the patients that drove, 27% parked in the patient car park, 53% parking in the local shopping car park (heights) and 20% parked on the surrounding streets. Finally, the patients were asked, if the surgery were to move to Cambrian Way, how they would travel there. Just over half of the patients said they would drive, and 43% said they would walk. Only 4% said they would take a bus or get a taxi.

Summary of findings

Looking at the appointments schedule envisaged by the doctors surgery, and working out how often patients will be coming and going to the surgery, the parking consultant who undertook the surveys has calculated that 6 spaces of the 8 spaces in the adjoining car park will be utilised by patients attending the surgery at all times (based on patient survey data). A further two spaces will be available for any additional patients who drive to the surgery. In addition to these spaces, or in the event that these spaces are no longer available, the survey indicates that there is ample car parking (on street or public car parking) within 100m from the proposed surgery. In particular, the survey found that at Bellgate Shops which is immediately across the road from the proposed surgery site there are 38 car parking spaces. These spaces were surveyed and the busiest time in terms of parking capacity at the Bellgate Shopping area was recorded at 12.30 on day 1 of the parking survey when 30 vehicles were parked leaving a total of 8 spaces available (plus 2 disabled spaces). At other times of the day, fewer cars are parked and therefore more parking spaces are available, demonstrating that there are enough parking spaces in this area alone (not taking into account the other parking sites / spaces within 100 metres of the proposed development site) to accommodate the parking requirements of the proposed surgery.

In conclusion, it is considered that in addition to the 8 spaces to the front of the building, along with the 8 spaces leased with the Council, there is capacity of spaces within the public car parking directly across from the site and along the adjoining roads. Even if the 8 car parking spaces were to be lost at some point in the future due to re-development of the Highfield Community Centre Site, it is unlikely that the surgery would result in highway detriment due to overspill of parking as there are ample spaces in the immediate neighbourhood.

Green Travel Plan

The applicants have submitted a green travel plan with their application which focuses on improving sustainable modes of travel used by the staff of the medical centre. The plan surveys the current staff which will be relocated to the new premises and sets out ways of improving more sustainable modes of transport for the staff other than private car. Incentives such as encouraging staff to car share and take public buses, as well as providing showers and changing facilities and drying facilities have been incorporated within the design of the building to encourage staff members to 'leave the car at home.'

Highway Impact

A new cross over is proposed along Cambrian Way which is opposite to the junction of Westerdale way. Hertfordshire County Council have been consulted on the application and have raised no objection subject to conditions. Hertfordshire Highways have indicated that the new crossover along Cambrian way is not ideal as it is opposite the junction with Westerdale, which is a local road with a high number of residential dwellings served off this road. However, the highway engineer has investigated the accident statistics for this section of Cambrian Way and noted that there has only been one slight injury which was unfortunate but this incident was considered to be a particular environmental concern instead of a highway layout concern. The highway engineer has therefore raised no objection to the new cross over but has asked for the 8 car parking spaces to the front of the building to be marked as staff only car parking.

This would minimise the risk of vehicular and/or pedestrian conflict along this part of Cambrian Way as the number of trips in and out of the frontage would not be reduced. A condition will therefore be imposed requiring 7 of the parking spaces to the frontage to be used only for staff car parking and 1 for disabled parking.

In terms of parking for the public visiting site, 8 additional spaces are located within the car park adjacent to Highfield Community Centre however these are leased only on a short term basis from the Council. It is noted that the site is located within a sustainable location and any redevelopment of the site adjacent to Highfield community centre would need to take into account traffic and parking implications of the medical centre next door.

Impact on Trees and Landscaping

The strip of mature trees nearest Highfield community centre will be retained and will soften the overall built development on the site. A pathway through this strip will be introduced to allow access to the car parking area. Some soft planting will be introduced to this area to tidy up the landscape strip which will not interfere with the cables below and will be low maintenance. The existing substation will remain and will be cordoned off from the building by a 2m fence.

The trees and woodlands officer has inspected the site for the earlier proposals and has indicated that there is little existing vegetation of good quality on site and so retention of this is not of importance. A small number of trees to the south east of the proposed building are shown to be retained, supplemented with new shrub planting to create a low maintenance landscape feature.

No comments have yet been received from Trees and Woodlands in respect of the detailed landscaping plans. These comments will be fed into the Addendum Sheet.

Sustainability

The medical centre has been designed to achieve a rating of 'Very Good' under BREEAM 2011 and the supported BREEAM report also identified potential ways of improving this rating to BREEAM 'Excellent'. BREEAM is a voluntary scheme which aims to quantify and reduce the environmental burden of buildings by rewarding designs and operational procedures that take positive steps to minimise their environmental impact. This achievement of 'Very Good' goes beyond the standard planning requirements for new buildings and building regulation requirements and is welcomed. It is considered therefore that no objection is raised to the high levels of sustainable measures put forward.

Ecological Impacts

A habitat study has been submitted as part of the application documents. The study indicates that the site comprises a species poor largely degraded habitat and the absence of mature trees makes it unsuitable for bats, breeding birds (except magpie and collared doves), reptiles including newts and protected mammals. The study indicates that the site is a fairly isolated plot amidst residential and commercial buildings but it cannot be considered to represent a stepping stone to a more extensive wildlife corridor in this part of Hemel Hempstead. The survey in summary indicates that the plot is of low ecological or wildlife value and its proposed development is unlikely to have any adverse impact on the biodiversity of the wider area. It is noted however that birds may attempt to nest on the site, to avoid damage or destruction to active nests and infringement of the wildlife law, site clearance should be undertaken before the breeding season in March or after June when birds have finished breeding. The survey also indicates that a nest box terrace which is suited to the house sparrow is provided along the southern wall of the new health centre. A condition has been imposed requesting details of new bird boxes.

Contamination

The contamination assessment did not identify any contamination within the shallow soils that would represent a risk to the proposed commercial end use (medical centre); therefore no remediation is considered necessary. The contaminated land officer indicated however that the Environment Agency should provide comments in respect of the elevated leachate results and the associated potential risk to controlled waters. It is expected that this risk will be assessed as negligible, due to the presence of superficial deposits (Clay-with-Flints Formation) overlying the principal aquifer. The Environment Agency has been consulted but no comments have yet been received.

Secure by design

The scheme has been designed with particular regards to secure by design measures and the crime prevention officer is largely happy with the scheme.

Lighting

The details submitted in the Design and Access statement indicate that external lighting installation will be designed to meet the requirements of CIBSE Lighting Guide LG6 and will be chosen to comply with the guidance notes for the reduction of obtrusive light 2005 produced by the Institute of Lighting Engineers of obtrusive light 2005. A plan showing lighting types and location has been submitted. This includes led bollards to the front of the building and wall mounted lighting along the side of the building which to illuminate the building in the interests of safety. The bollard lights are to be extruded aluminium with a RAL finish (Metallic Sliver). The wall mounted light fittings on the northern elevation are to be fitted at a height of 1.9m.

These details have been considered and no significant impact to the highway safety, residential properties or street scene has been identified. The wall mounted lights are louvered and would not reflect intrusive light into the rear gardens of the properties along Mendip Way and are sited at a height of 1.9m which would project light below the height of the fence.

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

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

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

- 2 No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development.

- 3 Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the entrance to the site, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.**

Reason: In the interest of highway safety.

- 4 **The proposed car parking spaces shall have measurements of 2.4m x 4.8m respectively. The eight spaces located to the front of the surgery shall be maintained permanently for staff and disabled parking and shall be used for no other purpose.**

Reason: The above condition is required to ensure the adequate provision of off-street parking for staff in order to minimise the impact on the safe and efficient operation of the adjoining Highway.

- 5 **Prior to the commencement of development, details and siting of bird boxes shall be submitted and approved in writing by the local planning authority and implemented in accordance with the approved details.**

Reason: In the interests of biodiversity and in accordance with policy 120 of the local plan.

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

**1169 0 01 P1
37750 1 01C
764 E 001 P1
1169 0 01 P1
1169 0 03 P1
1169 S02 P2
1169 S03 P2
1169 S04 P2**

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

Informative

HIGHWAY INFORMATIVE: The highway authority require the construction of the vehicle cross-over to be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact www.hertsdirect.org or telephone 0300 1234 047 for further instruction.

Contamination

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

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 community buildings are acceptable in principle

in accordance with Policy 2 and 9 of the Borough Plan. The proposals are considered acceptable with regard to Policy 67 in regards to accommodation for a community facility. There would be no adverse effects on the appearance of the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. No significant trees would be affected by the development. No significant habitats or protected species would be harmed by the development. The proposals therefore accord with Policy 11 of the Borough Plan and CS11 and CS12 of the 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, 13,58, 67, 101, 122, 123, and 124
Appendices 1, 3 and 5

Supplementary Planning Guidance

Environmental Guidelines

Residential Character Area: HCA 20 - Highfield

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Accessibility Zones for the Application of Parking Standards

Pre-Submission Draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

CS1, CS4, CS11, CS12, CS13, CS23 and CS29

NOTE 3: Article 31 Statement

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

ITEM 5.6

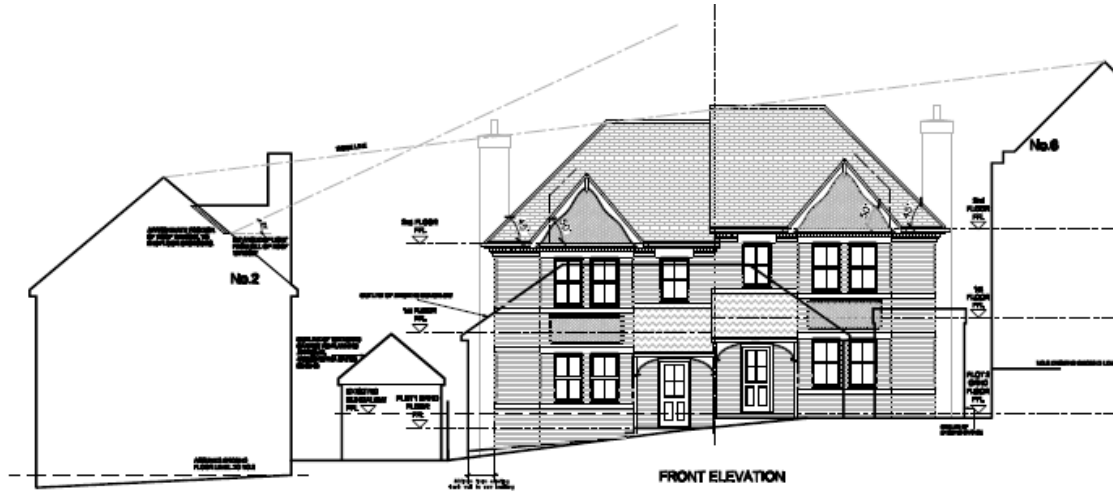
4/00457/13/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF TWO 4-BED DWELLINGS (AMENDED SCHEME)
4 PARK VIEW ROAD, BERKHAMSTED, HP4 3E



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ITEM 5.6

4/00457/13/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF TWO 4-BED DWELLINGS (AMENDED SCHEME)
4 PARK VIEW ROAD, BERKHAMSTED, HP4 3E



**5.6 4/00457/13/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF TWO 4-BED DWELLINGS (AMENDED SCHEME)
4 PARK VIEW ROAD, BERKHAMSTED, HP4 3EY
APPLICANT: TDP DEVELOPMENTS LTD - MR R HARMAN**

[Case Officer - Jackie Ambrose]

[Grid Ref - **SP 98803 07856**]

Summary

The application is recommended for approval.

This application replaces a 1960's bungalow with a pair of traditional-styled semi-detached dwellings with on-site parking within the residential area of Berkhamsted and the conservation area. They have been designed to be more in keeping with those dwellings in the immediate area, taking their design from the Edwardian houses diagonally opposite whilst fully utilising this larger residential plot. They are highly sustainable in their construction, providing accommodation within the roofspace but with only rear dormers. There are two on-site parking spaces for each of these four-bed houses with the loss of only one on-street parking space. It is acknowledged that the development is significantly taller and more bulky than the existing low-key bungalow and will therefore create a visual impact and loss of light to side-facing windows in both the adjacent houses although they will not interrupt light to rear-facing windows or cause any further loss of privacy. The development is therefore considered to satisfy all the relevant policy criteria and thus on balance can be supported, making good use of the plot whilst enhancing its appearance within the conservation area.

Site Description

The application site is halfway along Park View Road, a residential street in the Berkhamsted conservation area which rises up from the High Street. It relates to a sizable plot where the land rises up across the site, from the High Street towards Charles Street. The bungalow on the site was built in the 1960's as an 'L' shaped design positioned centrally on the plot with an elongated single garage attached along its southern side. It has since been extended by a sun lounge attached to the rear of the main living room. It comprises two bedrooms and all the accommodation is on the ground floor. There is a driveway from the garage with a wide vehicular access close to its southern side boundary. The road itself is a mix of houses, ranging on the application site side from a large block of 1980's flats, an extended Edwardian detached house, to a row of 1930's detached houses whilst on the opposite side they are predominantly tall Edwardian semi-detached houses. A modern detached dwelling further down from the site has recently been granted consent on appeal.

Planning History

Following pre-app advice, to replace the existing bungalow with a pair of semi-detached dwellings, an application was submitted in January. The submitted plans showed a substantial pair of semi-detached houses with a large bulky roof form. After initial responses from neighbours and the town council regarding its impact on amenities and its relationship with the street, the application was withdrawn in order to reduce the roof form and the overall bulk of the houses.

Proposal

This application therefore represents an amended form of development with the replacement of the bungalow and garage by a pair of two storey semi-detached houses with rooms in the roof and parking within the frontage.

The pair of houses take their design from the Edwardian semi's diagonally opposite the site, with front bays under a gabled projection hipped roof and side chimneys and open-canopied front porches. Due to the change in levels across the site there is a split height in the ridge levels of 0.5m with each having a ridge height of 9.5m. The rear elevations have single storey flat roof rear projections whilst the accommodation in the roof is served by a rear hipped-roof dormer and an atrium-style rooflight set back into the roof. There are windows along each side elevation serving kitchen and utility rooms at ground floor and a bathroom at first floor. All of these windows are shown to be obscure-glazed.

The houses are positioned centrally within the site, having a total width of 13.4m and providing a gap to each side boundary of 1.4m and 1.6m respectively. The rear garden depths are 10m to the rear most projection and 13m from the rest of the rear elevations. The front most part of the houses are 5.7m away from the front boundary. This provides a demarcated parking area for each house as 5.5m wide by 5.7m deep, just sufficient for the parking of two cars. One house utilizes the existing 5m wide vehicular access onto the road adjacent to the boundary with No.6 whilst a new vehicular access of the same width is provided for the other house close to its boundary with No.2, (and ensuring the retention of the existing telegraph pole). The intervening distance between these two crossovers is 5m and is shown to be delineated by a small brick wall. This wall would ensure retention of the existing on-street parking space whilst providing a small area of landscaping to each front garden.

Each house comprises an open-plan kitchen and living accommodation with separate dining room and utility room on the ground floor, three bedrooms and bathroom and ensuite at first floor level and a further, fourth bedroom with ensuite within the roofspace.

In terms of the materials, the houses would be in multi-red brickwork with reconstructed stone features, herringbone brickwork, brickwork dental coursing and detailing with timber detailed fascias, soffits and bargeboards, The roofs would be in slate with lead-cladding to the rear dormers. The open porches would be timber-framed with painted hardwood front doors and white sash windows. The Design and Access Statement states that the roof pitch, eaves height, vertical sash windows, open timbered porches, herringbone detail to front gables and side chimneys replicate the features of the Edwardian semi-detached houses on the opposite side of the road. Similarly the split in ridge height, to take account of the sloping land, is also copied from the houses diagonally opposite the site.

In terms of the overlapping guttering to the rear elevation, the applicant has clarified that a clause would be put in the deeds for these houses for each owner to provide access for maintenance and repair to the overlapping gutters. The applicant has confirmed that this is the case for the pair of houses diagonally opposite the site.

In response to comments made by the Conservation officer (see below) the applicant has recently confirmed that they will submit amended front and rear elevations to increase the depth of the first floor front windows, provide flat roofs to the rear dormers and amend the design of the side windows.

The applicant has also confirmed the reasoning behind the height of the single storey rear elements, as the ceiling void must remain clear of insulation to accommodate wiring and lighting, and therefore the vapour barrier, insulation, drainage falls and waterproof layer have to be positioned above the joists.

None of these relatively minor changes would require further re-consultation to the Town Council or neighbours as they would not affect their comments made on this scheme.

Referral to Committee

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

Policies

National Planning Policy Framework

Dacorum Borough Local Plan 199-2011

Policies 1, 2, 9, 11, 13, 58, 118 and 120
Appendices 1, 3 and 5

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

Policies CS1, CS4, CS10, CS11, CS12 and CS27

Supplementary Planning Guidance and Documents

Environmental Guidelines

Conservation Area Character Appraisal for Berkhamsted

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

- The mass, bulk, height and form of the proposed development is excessive for the site
- The proposed development for two dwellings is too tight for the size of the plot
- The proposal would have a detrimental impact on neighbouring properties and adversely affect the amenity of 6 Park View Road, in particular, loss of light to ground floor rooms and a 45° view from the front bay window.
- Semi-detached properties on this side of Park View Road would be out of character and incongruous with the established pattern of development on this side of the road.
- We have serious concerns about the capacity of the proposed car parking space to accommodate the proposed parking provision for each dwelling.
- The proposal would neither preserve nor enhance the Conservation Area and would be contrary to Local plan Policies 11 and 120.

Conservation and Design

The building is improved with the removal of the crown roof. However, drawings will need to be supplied that show the eaves/verge details particularly apparent on the front but emphasised on the rear elevations so that they are not clashing/overlapping.

I still have concerns with the depth of the front windows which look particularly shallow – there are a pair of semi-detached buildings in the locality that are similar in design but the proportions of the windows are far more appropriate to the scale of the building. The distance between the bandings would then be reduced along with the decorative panel between floors on the front façade.

The form of the rooflight appears as an uncomfortable element on the roofscape – suggest

conservation rooflights – scale will be important – not overlarge.

Again the physical height of the rear single storey extension appears exaggerated – if this was reduced it might allow for sashes on the rear (all windows to be historically opening i.e., side hung casements and vertical openings for sashes – also timber). The scale of the side elevation windows needs adjusting. Rear dormers may be improved with a flat roof.

Hertfordshire Highways

The application is for the demolition of the existing bungalow and replaces it with two semi-detached dwellings with two off street parking spaces to each of the properties as shown on the submitted plan.

Although the highway authority in principle has no objection to the construction of these additional plus modified existing vehicle crossovers, they shall only be constructed to the local highway authority's maximum width and standards, hence the informative above (to be carried out by Herts. Highways). On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal.

The Highway Authority has no objection subject to the above conditions to the grant of permission relating to: retained pedestrian visibility splays; maintenance of double car parking spaces of 4.8m x 4.8m; suitable disposal of surface water from the parking area; provision of storage and delivery of construction materials within the site and no interference with the use of the public highway.

Contaminated Land Officer

The site is located within the vicinity of potentially contaminative former land uses (garages). Consequently there may be land contamination issues associated with this site and therefore a contamination condition should be applied to this development.

Response to Neighbour Notification

Objections to this amended scheme were received from Nos.2 and 6 Park View Road:

2 Park View Road:

- The sheer mass of the 2 dwellings proposed is too large for the size of plot
- Do not fit into the street scene which comprises evenly-spaced detached houses
- Off street parking shown as too small and impractical resulting in more on-street parking demand (there were recent plans aggressively put forward by the council to make this side of the street no parking by installing a single yellow line.)
- Will be extremely over shadowed resulting in loss of light to the main living space
- 3 windows with direct vision into the main living space, even with obscure glazing they will be often opened
- Due to the size and closeness of the proposed dwellings the 2 small velux windows serving (our) children's loft bedrooms will also lose a lot of light and also privacy due to proposed side bay windows at the first floor
- Will also lose all privacy in back garden, especially dining patio area, due to the large first floor windows and rear dormers
- From 1pm daily, will lose all sunlight in garden and house due to size and height of dwellings

6 Park View Road:

- Loss of light and overshadowing - the dining room/play room window, one of the most used rooms, would look out at a brick wall in all directions, being less than 2m away
- Visual Intrusion - extends out to front and rear of house, and this house being smaller than surrounding houses, would dwarf the property and dominate the street scene
- Effect on conservation area - should maintain garden areas/green spaces, but these front gardens will be reduced and will cause further parking on the street, which already has problems
- Density of building – development is inappropriate, out of scale and represents an unacceptable high density and with a greater footprint
- Design and appearance – it is visually overbearing, oversized and confused as to what architectural period it emanates from
- Morally indefensible that a developer, driven by profit, should be allowed to take away what exists
- If the bungalow is to be demolished it should be replaced with a single house that enhances the street view

Considerations

Policy and Principle

The site is located within the residential area of Berkhamsted where the principle of new residential development would be accepted in accordance with Policies 2 and 9 of the Dacorum Borough Local Plan (DBLP) and Policy C24 of Dacorum's Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

There are significant demands for new housing set out in Policies 14 and 19 of the DBLP and Pre-Submission Core Strategy Policy CS17 and the primary objective is to meet such demands for housing within existing settlements through the optimisation of urban land in accordance with Policy 10 of the DBLP.

This represents an infill plot in the heart of the conservation area and therefore the two key considerations in this case are the impact on the conservation area and the impact on the amenities of neighbouring properties, under Policies 11 and 120.

The National Planning Policy Framework (NPPF) places great importance to the design of the built environment, and the integration of development into the natural, built and historic environment. The above-mentioned Policies contained in the Local Plan are consistent with the objectives of the NPPF.

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

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

be of a scale that is sympathetic to the scale, form, height and overall character of the surrounding area.

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

Impact on Street Scene and Conservation Area

The proposed dwellings are to be designed to a high quality, using good quality traditional materials and will therefore appear attractive in their own right within the street scene. Their overall quality is commensurate with that required of any new development in a conservation area. They will also provide a visual improvement over the existing bungalow which is unprepossessing in appearance and out scale with the rest of the houses in Park View Road. The main front elevations of the proposed dwellings would be built slightly further back from the front elevation of the bungalow and thus maintain the building line linking that of No.2 and No.6. They have also been positioned to allow for off-street parking as well as a small landscaped area and front garden wall, together with usable rear gardens. As such they accord with guidelines for this part of the Berkhamsted conservation area (Area 2) as well as guidelines in Appendices 3 and 7 for rear garden sizes and parking requirements. They naturally appear more bulky within the plot as at present there exists only a low key bungalow and flat roof garage, neither of which complement the appearance of the conservation area.

It is considered that the dwellings would therefore be a positive enhancement within the street scene and the conservation area. They would be positioned alongside No.2, an Edwardian detached dwelling displaying a dominant front bay with projecting gable and an open porch, and as such they would carry through this strong front bay feature under a projecting bay and open porch. This pair of semi's would also harmonise with the Edwardian pair of semi's diagonally opposite, and which also have a split ridge level to accord with rising ground levels. Therefore, by utilising the design characteristics already displayed within the immediate area reinforces their appropriateness within this street.

Whilst it is acknowledged that there are no other semi's along this side of the road, Park View Road comprises a mix of housing of which the design elements of the houses are more visually noticeable than the actual type of housing. Nor can it be argued that a pair of semi's will disrupt the rhythm of the street as this side of the street includes a diverse range of styles, from the Edwardian, to the 1930's and the block of 1980's flats. Given the nature of development in this road over the years it is considered that this pair of semi's would serve to blend in rather than disrupt the street scene.

It is also worth noting that a replacement house further down on the opposite side at No.1 has just been allowed on appeal (planning ref: 4/00/927/12/FUL). This is to replace an existing single storey building with a two storey low-energy contemporary-style dwelling that will be positioned alongside an Edwardian house. In allowing the appeal the Inspector reported that it would respect the topography of the street, the proportions of the adjacent dwellings and would form an interesting and appropriate transition between the varying styles of housing in Park View Road. They further stated that the success with which a development blends in and makes a positive contribution to the street scene depends on the quality of the design and the quality of the materials. They considered it met the NPPF and local policy requirements as well as that for this particular area of Berkhamsted conservation area (Area 2) as it is compatible with the layout, pattern, density and scale of adjacent development and where building lines are maintained and front and rear gardens are encouraged.

Many of these points are consistent with the design, form and details employed for these two proposed dwellings.

Taking all of the above into account it is concluded that this current proposal does serve to enhance the conservation area and thus satisfies the requirements of Policy 120 and Policy CS27.

Density

The location plan for this road clearly shows that the application site is nearly double the width of other plots along the road, both for the 1930's houses further up the road and the three pairs of semi's on the opposite side of the road. Therefore in terms of plot sizes to replace the single bungalow with two semis appears entirely consistent with existing dwellings in this road. The division of the site into two plots, providing two four-bed houses with two parking spaces, a usable rear garden with 1.6m wide side access and some front landscaping. These points demonstrate that the two houses are not too tight for the site.

However, in order to ensure that the proposed dwellings are not extended further to the rear or the rear garden area compromised by the addition of a summerhouse or large shed it is considered necessary to remove the relevant Permitted Development rights through a condition to be attached to any planning consent. This condition would also remove the right to insert any additional windows, rooflights, dormers, hard surfacing or porch enclosures to control further privacy and design issues.

Impact on neighbours at No.2

The house at No.2 is on a lower land level than the application site and is a detached Edwardian house with attractive features and quite prominent in the street scene. It has been extended into the loft to provide two bedrooms each served by a single conservation-style rooflight which overlook the application site. The house has also been extended at ground level to the side/rear, as a corner infill, and is an attractive fully-glazed structure (sides and roof). Internally it has been incorporated to form part of the open-plan living, dining and kitchen area. It therefore has direct views onto the side elevation of the existing bungalow, which is elevated above the 2m high side boundary fence and over which can be seen the two small side windows serving the living room to the bungalow and the hipped roof above. It is noticeable that the bungalow takes up much of the views sideways from the fully-glazed side windows but much less so from the fully-glazed roof. This enjoys sky and daylight from above and to the front and rear of the bungalow roof. Light and aspect looking down the rear garden are unimpeded.

Impact on light

It is quite evident that this living area, both within the extension and in the kitchen area beyond, will lose some daylight from the proposed house which is a full two storeys high plus hipped roof, although set 1m further away from the shared boundary. This will mainly be lost through its glazed roof as light to the side elevation is already taken up with the bungalow. However, there will still be unimpeded light reaching the whole of the rear elevation.

In terms of each of the rooflights each serving the two attic bedrooms, these rooflights are quite high up in the side roof and as they face due south and by the very nature of rooflights are angled upwards, then it is considered that the loss of light from the proposed roofscape of the development would not cause a significant amount of light loss.

Visual intrusion

The submitted plans have the outline of the bungalow superimposed on them thus allowing a direct comparison of the existing and proposed building dimensions. Hence the ridgeline of the existing hipped roof bungalow is almost as high as the eaves level of the proposed houses and the overall increase in ridge height between the two is on average 4.5m. In terms of overall

depth, the bungalow, at its deepest (excluding the rear conservatory) is 11m, whilst the proposed houses (excluding the single storey rear element) is just over 12m. However, it is accepted that the proposal would create a significant increase in overall bulk due to the 'L' shaped bungalow with its relatively shallow roof as compared to the squared form and steeper roof of the proposed houses.

As a direct consequence the proposed development would have a noticeable visual intrusion as viewed from the side windows and roof of the glazed living area and from the rear garden. There is a patio area used as an outdoor living area to the rearmost part of the garden to No. 2 in order to benefit from sunlight. Views from this rear area extend over the existing rear conservatory of the bungalow and to No.6 beyond, due to the openness of the gardens and rising ground levels.

It is also accepted that the roofscape to the development will be clearly visible from the two side rooflights, approximated at no more than half of the view from the rooflight, with the remaining area being all sky and thus is not considered to be a significant amount. Indeed, the street scene plan submitted demonstrates that, if a straight line is drawn between the ridge of No.2 and the ridge of No.6, the proposed ridgeline of the development would not puncture/come above this line. This also serves to demonstrate that overall height is not unduly intrusive within the site and on neighbouring properties.

Loss of privacy

The existing two side windows serving as secondary windows to the living room of the bungalow are obscure-glazed but fully openable. The proposed two ground floor windows serving the kitchen and utility room are positioned lower in their respective rooms, but are both shown as obscure glazed. It is reasonable to expect that these would need to be openable but a condition of any consent could ensure that they were only openable as top-hung fanlights. This would be the same for the first floor bathroom window. As a result there would be no direct overlooking from these side windows.

The proposed first floor rear bedroom windows are set in the rear elevation which are slightly further back than No.2's rear elevation and thus would afford privacy to the part of their garden closest to their house, but would provide a 45 degree angle of vision to the rearmost part of their garden, near to their patio area. Similarly, the rear dormers set back further in the roofspace, would have a 45 degree angle of vision to this patio area. It is acknowledged that whilst the garden area closest to the rear of a house should be afforded privacy it is not possible to provide privacy to the rearmost part of a garden.

It is perhaps worth noting that the bungalow (currently vacant) has its rear sun lounge fully glazed with clear glazing. It is on an elevated position and is clearly visible to most of the rear garden to No.2. Whilst coloured voile curtains currently cover these windows, without them there would be unobstructed views across both neighbouring gardens.

It is noted that the front bay windows are lower than the side rooflights to No. 2 and therefore would not result in any direct loss of privacy to these attic bedrooms.

It is therefore concluded that the overall impact of the development upon the amenities of No. 2 would not be significantly harmful.

Impact on neighbours at No.6

The detached house at No. 6 is the first in a row of 1930's houses and is on land elevated above the application site due to rising ground levels. It has retained its 1930's character, particularly through its window design. It has two main reception rooms: to the front and rear. The rear room (playroom and dining room) benefits from a previous single storey rear

extension with French doors facing onto the rear garden. It also has a large side window, clear-glazed as part of the original house and this overlooks the existing flat roof garage and the hipped roof of the bungalow. The closer one gets to the window, the more sky above and to the rear of the bungalow is visible. This window faces due north but also provides some views across the valley. It is evident that the proposed development would provide a direct outlook onto the two storey side elevation which would be closer than the existing bungalow itself and thus cause an increase in visual intrusion than currently experienced.

However, in terms of loss of light, due to it being north facing and with the addition of a French doors facing eastwards also serving the room, the amount of daylight restricted as a result of this development is not considered to unduly harmful.

However it is acknowledged, that of all side windows facing the development, greatest consideration was given to this particular window. As a result the developers took it upon themselves to commission an independent assessment by a company specialising in producing Sunlight and Daylight reports using BRE (Building Research Establishment) standards. This was only very recently submitted to the local planning authority and it concluded that *"with the proposed development in place, the tested rear ground floor living to No. 6 Park View Road, would achieve adequate levels of sunlight and daylight. Therefore the proposed development would meet the BRE criteria for sunlight and daylight following development"*. (Sunlight & Daylight Surveyor, BLDA Consultancy)

In terms of new windows along the side elevations, these mirror those on the other side facing No.2. However, due to the rising ground levels the ground floor windows would not look directly across at this side window to No. 6 and thus would not incur any direct loss of privacy to either property.

In terms of the front living room there is a wide, angled bay window with three panels facing forwards and an angled panel either side. To assess the impact of the fore-most part of the development viewable from this window the developers outlined on the ground the nearest corner of the development. Viewing this from inside the window it was evident that the front corner would be clearly visible from this side panel of the bay. However, as it would not come into the line of vision from the three forward-facing windows it is considered that the visual intrusion would not be so significant or unduly harmful.

It is therefore concluded that the overall impact of the development upon the amenities of No. 6 would not be so harmful as to sustain a reason for refusal.

Other neighbouring properties

The rear boundary of the application site faces onto the side boundary of the end property in Torrington Road (No. 23). This property has a single storey side extension running alongside this shared boundary. There is a clear-glazed window in the first floor side elevation of the main house which serves a room that is used as a bathroom. Rear bedroom windows in the proposed development are 16m away from the main side elevation of this property and its rear garden. No.6 has a similar existing relationship to the Torrington Road property. It is therefore considered that there is no undue loss of privacy, light or visual intrusion to No. 23 Torrington Road.

The previous, withdrawn, application (4/00048/13/FUL) received letters of objection from Nos. 3,5,7,8,9,14 and 15 Park View Road and Nos. 14, 23 Torrington Road although none of these wrote in regarding this current application. In summary, these residents objected to issues of parking, overdevelopment of site, overbearing nature, harmful appearance to conservation area in terms of type and design, loss of privacy and light and visual intrusion to all surrounding houses.

Other Material Planning Considerations

The provision of on-site parking and on-street parking in Park View Road has been a final area of concern raised by local residents and the town council. It is understood that a parking campaign to restrict parking and provide parking permits for this road has been dropped. It is therefore important that, despite the site's close proximity to the High Street and public transport, sufficient on-site parking is provided for the two houses. These four-bed houses each have two parking spaces which is consistent with our parking requirements.

The Highways Authority have raised no objection to this scheme providing the area identified on the submitted drawings are provided to the scale drawn and thus each of the two spaces for each dwelling are large enough for the parking of two cars. In order to ensure the car parking spaces are provided a condition to ensure these parking spaces should be attached to any planning consent.

Whilst the areas of hard surfacing for parking are quite compact the developers have demonstrated that this is workable and that cars can safely manoeuvre on and off site. However, it is also necessary to ensure there remains clear visibility spalys for pedestrians and thus this should be a condition of any planning consent. Also, a full sized on-street space is retained, thus losing only one existing street space to the development. The Highways Authority has raised no objection to the on-site parking or the retention of one on-street parking space.

Details of suitable drainage from the parking areas should be provided as part of the hard landscaping condition to be attached to any consent.

There are no trees of merit or worth preserving on the application site.

Planning Obligation

The applicants have agreed to provide a unilateral undertaking to accord with the adopted Planning Obligations SPD. The undertaking will provide the following financial contributions to local infrastructure:

Outdoor pitches	£699
Cycles	£230
First and Middle schools	£5,195
Child play space	£1,728
Natural Green Space	£27
Travel Smart	£25
Libraries	£241
Monitoring Contribution	£490

Conclusions

The principle of residential development in this location is supported by both local and National policy. The proposed dwellings are of high quality in terms of materials, design and sustainability and would harmonise with the Edwardian properties in the street. It is considered that this proposal which will replace the 1960's bungalow will enhance the character of this part of the conservation area. The proposed access and parking provision are both safe and adequate for a development of this scale and, on balance, the impact on neighbouring amenities would not be so harmful as to sustain a reason for refusal.

RECOMMENDATION – That planning permission be **GRANTED** for the reasons given above

and subject to the following conditions:

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

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

- 2 **No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Conservation Area in compliance with Policies 11 and 120 of the DBLP.

- 3 **No development shall take place until details of the lantern rooflights to the rear roofscape as part of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the Conservation Area, in compliance with Policies 11 and 120 of the DBLP.

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

- **hard surfacing materials;**
- **means of enclosure;**
 - **ridge heights and finished floor levels;**
 - **sustainable drainage around area of hard surfacing.**

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in compliance with Policy 11 of the DBLP.

- 5 **The three windows at ground and first floor level in each of the two side elevations of the development hereby approved shall be top hung fanlight opening only and shall be permanently fitted with obscured glass and shall remain as such in perpetuity.**

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

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

approval of the local planning authority:

Schedule 2 Part 1 Classes A, B, C, D, E and F

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 compliance with Policy 11 of the DBLP.

- 7 **Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of each of the two parking bays, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.**

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

- 8 **The development hereby permitted shall not be occupied until the car parking spaces with measurements of 4.8m x 4.8m (i.e. two 2.4 x 4.8) respectively shall have been provided and shall be permanently maintained for parking and shall be used for no other purpose.**

Reason: To ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway, in compliance with Policy 11 of the DBLP.

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

Site location plan

1099 01F

1099 02D

1099 03A

1099 02B

1099 05

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

INFORMATIVES:

1. The highway authority require the construction of the vehicle cross-over to be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact www.hertsdirect.org or telephone 0300 1234 047 for further instruction.

2. It is possible that bats may be using areas of the existing building.

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;

Recklessly disturb bats;

Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

If bats or evidence of them are found to be present a licence will be required before any relevant works can be undertaken and this will involve preparation of a Method Statement to demonstrate how bats can be accommodated within the development.

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

consulted for advice on how to proceed.

Contacts:

English Nature	01206 796666
UK Bat Helpline	0845 1300 228 (www.bats.org.uk)
Herts & Middlesex Bat Group	01992 581442

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 principle of residential development in this location is supported by both local and National policy. The proposed dwellings are of high quality in terms of materials, design and sustainability and would harmonise with the Edwardian properties in the street. It is considered that this proposal which will replace the 1960's bungalow will enhance the character of this part of the conservation area. The proposed access and parking provision are both safe and adequate for a development of this scale and, on balance, the impact on neighbouring amenities would not be unduly harmful. Hence, the proposal is considered to form a good quality residential scheme which would not result in significant harm to the residential amenities of neighbouring properties in accordance with Policies 11 and 120 and Appendices 3 and 7 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12, CS13 and CS27 of Dacorum's Pre-Submission Core Strategy (January 2013).

NOTE 2

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

National Policy Guidance

National Planning Policy Framework

Dacorum Borough Local Plan 199-2011

Policies 1, 2, 9, 11, 13, 58, 118 and 120
Appendices 3 and 7

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

Policies CS1, CS4, CS10, CS11, CS12 and CS27

Supplementary Planning Guidance and Documents

Accessibility Zones for the Application of Parking Standards
Environmental Guidelines

NOTE 3

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

Order 2012.

ITEM 5.7

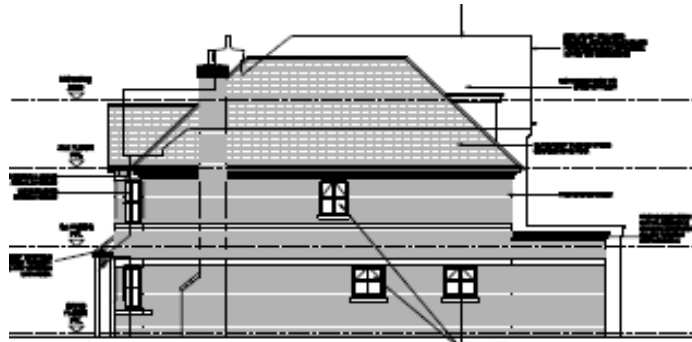
4/00458/13/CAC - DEMOLITION OF EXISTING BUNGALOW (AMENDED SCHEME)
4 PARK VIEW ROAD, BERKHAMSTED, HP4 3EY



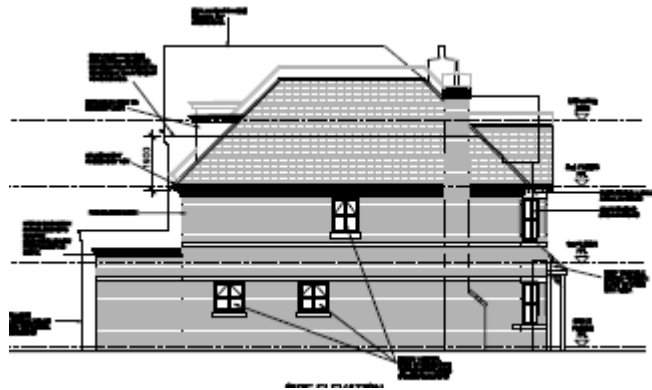
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ITEM 5.7

4/00458/13/CAC - DEMOLITION OF EXISTING BUNGALOW (AMENDED SCHEME)
4 PARK VIEW ROAD, BERKHAMSTED, HP4 3EY



SIDE ELEVATION



REAR ELEVATION

**5.7 4/00458/13/CAC - DEMOLITION OF EXISTING BUNGALOW (AMENDED SCHEME)
4 PARK VIEW ROAD, BERKHAMSTED, HP4 3EY
APPLICANT: TDP DEVELOPMENTS LTD - MR R HARMAN**

[Case Officer - Jackie Ambrose]

[Grid Ref - **SP 98803 07856**]

Summary

The application is recommended for approval.

Site Description

The application site is halfway along Park View Road, a residential street in Berkhamsted conservation area which rises up from the High Street. It relates to a sizable plot where the land rises up across the site, from the High Street towards Charles Street. The bungalow on the site was built in the 1960's as an 'L' shaped design positioned centrally on the plot with an elongated single garage attached along its southern side. It has since been extended by a sun lounge attached to the rear of the main living room. It comprises two bedrooms and all the accommodation is on the ground floor. There is a driveway from the garage with a wide vehicular access close to its southern side boundary. The road itself is a mix of houses, ranging on the application site side from a large block of 1980's flats, an extended Edwardian detached house, to a row of 1930's detached houses whilst on the opposite side they are predominantly tall Edwardian semi-detached houses. A modern detached dwelling further down from the site has recently been granted consent on appeal.

Proposal

This Conservation Area Consent is for the demolition of the bungalow and its attached garage on the application site. This is to make way for the redevelopment of the site for a pair of traditional-styled semi-detached houses, the details of which are found under the Committee Report ref: 4/00457/13/FUL.

Referral to Committee

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

Policies

National Planning Policy Framework

Dacorum Borough Local Plan 199-2011

Policies 1, 2, 9, 11, 13, 58, 118 and 120
Appendices 1, 3 and 5

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

Policies CS1, CS4, CS10, CS11, CS12 and CS27

Representations

Berkhamsted Town Council

The replacement dwellings would detract from the Conservation Area and be contrary to Local Plan Policy 120.

Considerations

Policy and Principle

There is a presumption against the demolition of any building that contributes to the character of a conservation area. Policy 120 states that consent to demolish will not be granted unless it can be proved that the building or structure is incapable of satisfactory repair or the development which would replace it satisfactorily contributes to the character of the conservation area and is secured through a planning consent.

Impact on Conservation Area

The existing bungalow due to its simple 1960's design is considered to lack any architectural quality and thus has no intrinsic merit within the conservation area. However, the application for a replacement development, which is recommended for approval at this same DC Committee (under 4/00457/13/FUL) is considered to enhance this part of the conservation area due to the design and detailing of the two proposed dwellings. Therefore, it is acceptable to demolish the bungalow in order to make way for the enhancement of the conservation area through the proposed new development.

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

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

Reason: To comply with section 18 of the Planning (Listed Building and Conservation Areas) Act 1990, as applied by s.74 of that Act.

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

Site location plan

1099 01F

1099 02D

1099 03A

1099 02B

1099 05

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 development proposal that would replace the existing bungalow would enhance the character of the conservation area.

NOTE 2:

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

Dacorum Borough Local Plan 1991 - 2011

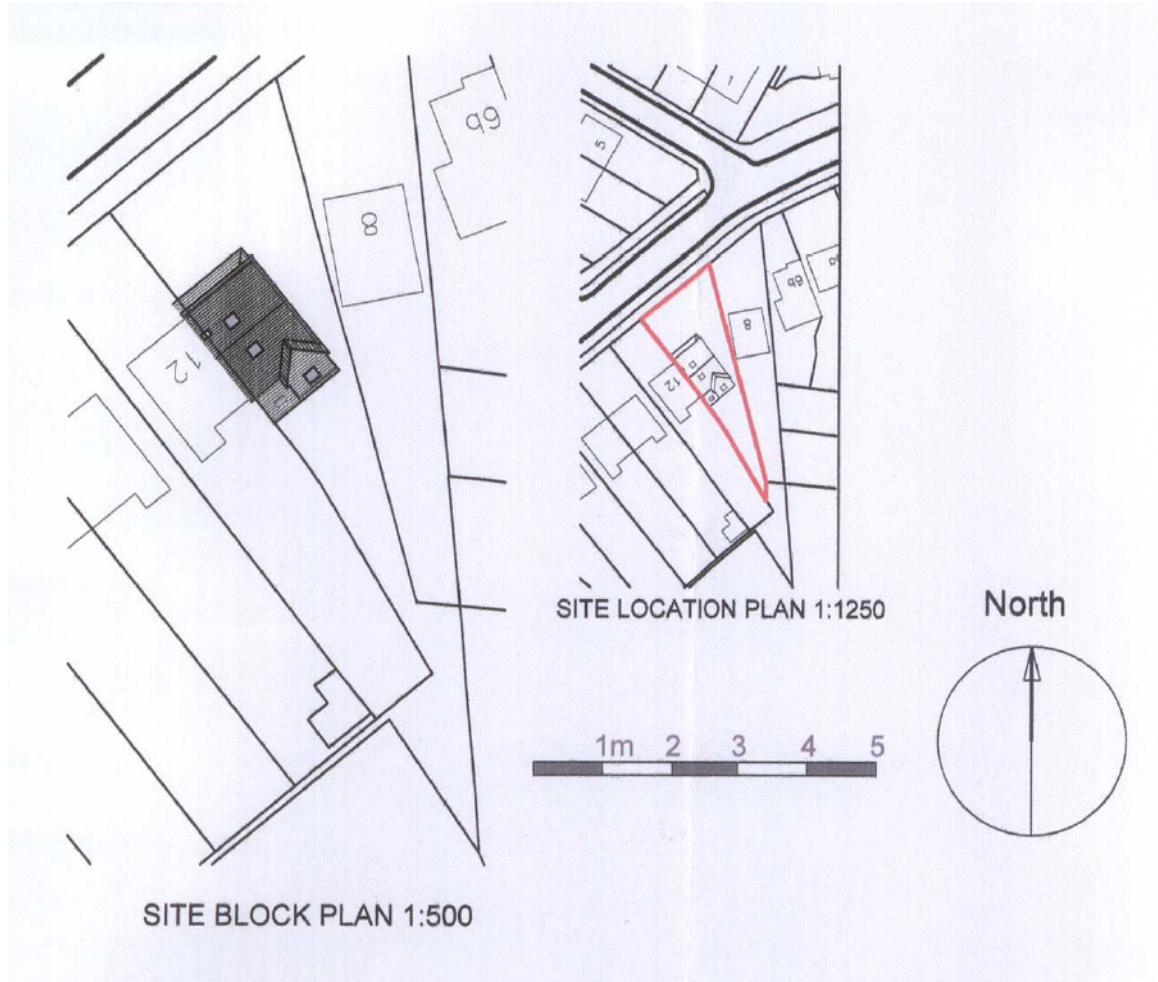
Policy 120

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

Policy CS27

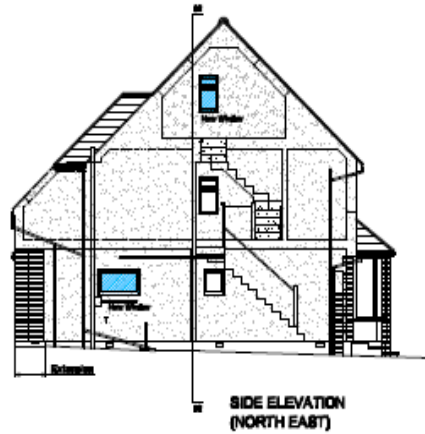
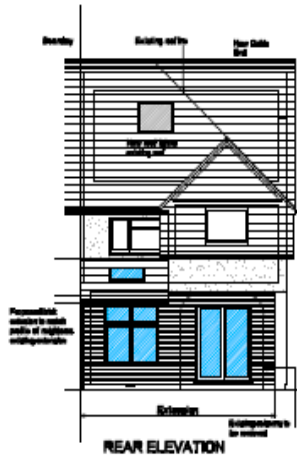
ITEM 5.8

**4/00727/13/FHA - SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION INCLUDING
NEW GABLE END TO EXISTING HIPPED ROOF
10 WOODLANDS AVENUE, BERKHAMSTED, HP4 2JH**



ITEM 5.8

4/00727/13/FHA - SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION INCLUDING NEW GABLE END TO EXISTING HIPPED ROOF
10 WOODLANDS AVENUE, BERKHAMSTED, HP4 2JH



**5.8 4/00727/13/FHA - SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION INCLUDING NEW GABLE END TO EXISTING HIPPED ROOF
10 WOODLANDS AVENUE, BERKHAMSTED, HP4 2JH
APPLICANT: MR & MRS MOORE**

[Case Officer - Patrick Doyle]

[Grid Ref - **SP 99685 07311**]

Summary

The application is recommended for approval.

Site Description

The site lies on the south side of Woodlands Avenue in a residential area of Berkhamsted near the junction with Holly Drive. Occupying the site is a semi-detached two storey dwelling finished externally with pebble dash. The property benefits from private front and rear gardens.

The area is characterised family sized dwellings of varying building styles, size and materials constructed circa 1930/40s.

Proposal

The proposal is for a hip to gable roof extension with roof light in the front and rear roof slope. A 2.2m ground floor rear extension will infill a void under an existing first floor extension and extend across the width of the house, finished with brick and patio doors and windows to the rear elevation. Additionally two new windows are proposed in the flank wall; a ground floor window and another in the apex of the roof.

Referral to Committee

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

Planning History

4/01334/93 Two storey extension - Grant

Policies

National Policy Guidance

NPPF
Circular 11/95

Dacorum Borough Local Plan

Policies 1, 9, 11, 13 & 58
Appendices 3, 5 & 7

Dacorum's Pre Submission Core Strategy with Modifications (January 2013)

CS12

Supplementary Planning Guidance

Environmental Guidelines
Residential Character Area BCA 2: Swing Gate

Representations

Berkhamsted Town Council

Object.

The proposed change from hip to gable roof would ruin the symmetry of the two semi-detached houses, and be detrimental to, and detract from, the street scene and character of the area.

Contrary to Local Plan Policy 11.

Considerations

Policy and Principle

Policy 9 of the Local Plan encourages appropriate residential development in residential areas of towns and large villages. The basis of determining this application is therefore centred on whether the proposal is considered to be in accordance with Local Plan Policy 11- Quality of Development and Appendix 7 - Small Scale House Extensions.

Effects on appearance of building

The proposal would involve a hip to gable extension with a modest sized roof light to the front roof slope and rear roof slope.

The rear of the building has an unusual design as a result of a previous extension with a first floor rear extension supported on columns, occupying half the width of the house, with a smaller ground floor extension underneath, leaving a partial void. The proposed ground floor rear extension would project 2.2m from the original rear wall along the entire width of the original dwelling house. The rear extension will have a mono pitched roof on the part which is not underneath the existing first floor extension with a modest roof light and brick finish. The brick finish will be a departure from the pebble dash finish of the existing house however the finishing will match the materials and profile of a similar extension of the adjoining property no.12. The scale, design and proposed materials of the rear extension will not have any harmful effect upon the appearance of the dwelling.

The hip to gable extension will increase the scale and bulk of the dwelling, however, it is not considered to unacceptably harm the appearance of the building, and such extensions are not uncommon on semi-detached dwellings.

The roof lights are of a modest scale and design and are considered appropriate to the overall appearance of the building.

Impact on Street Scene

The development will not bring undue harm to the streetscene. The rear extension is not visible from public vantage points. The hip to gable extension will increase the visual bulk and appearance of the building but not to any harmful degree. There are a variety of roof forms evident in the area with a combination of gable fronted dual pitch roofs, hipped and gable end.

The introduction of a hip to gable extension will not materially harm the streetscene; there is a

lack of consistency in roof forms of the street or collective group value to merit a reason for refusal on grounds of impact on the streetscene of a small scale hip to gable extension.

The property sits on a notable bend in the road on a slope. The roof alterations will be noticeable but not to any harmful degree.

The proposal does not conflict with the guidance offered in the BCA2 Swing Gate policy statement

Impact on Trees and Landscaping

No trees or landscaping of value will be affected by this proposal.

Impact on Neighbours

There will be no additional impact upon the amenity of neighbours. The scale, design, layout and orientation (south facing gardens) of the development is such that it will have no additional impact upon the daylight/sunlight or outlook of neighbouring properties.

An additional window on the apex of the roof in the flank gable end has potential to cause loss of privacy, as this window is a secondary window, it would be reasonable to impose a condition to insist upon it being obscured glazed and non-opening above 1.7m to prevent harm to the privacy of no.12. The additional window at ground floor level in the flank wall will not bring about any additional harm.

Parking

There is informal parking for approx. 2 cars existing on the application site. An additional bedroom will be created by the proposal, creating a modest 4 bedroom house. It is not considered that any significant additional parking demand generated will compromise highway safety and the retention of the front garden retains the quality and character of the property and area.

Other Material Planning Considerations

A similar proposal could be developed under permitted development (pd) rights. The application site still has its pd rights intact, weight should therefore be attached to what would be permissible under pd in the decision making process.

A hip to gable extension as proposed would be pd, as would the windows in the side elevation subject to the upper window being obscure glazed and non-opening below 1.7m above floor level.

The rear extension would be pd except for a previous ground floor extension in 1993 and departure from external materials in the finish. The small extension off the back wall would be relatively easy to remove allowing the applicant to build a 3m long 4m high (3m to eaves) rearward extension without formal planning permission.

Taking account the allowances of permitted development it would be unreasonable in this case to refuse the application. Irrespective of this the application satisfies local plan considerations.

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:**

SV01
PL01 A

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

- 3 **The window at second floor level in the north east elevation of the extension hereby permitted shall be permanently fitted with obscured glass and non-opening below 1.7m above floor level unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings.

NOTE 1:

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

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

NOTE 2:

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

Dacorum Borough Local Plan 1991 - 2011

Policies 2, 9, 11, 13 & 58

Appendices 3, 5 and 7

Supplementary Planning Guidance

Development in Residential Areas

Environmental Guidelines

Dacorum Pre Submission Core Strategy with modifications 2013

Policy CS8 & CS12

National Planning Policy Framework 2012

NOTE 3 - Article 31 Statement

Planning permission has been granted for this proposal. Discussion with the

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

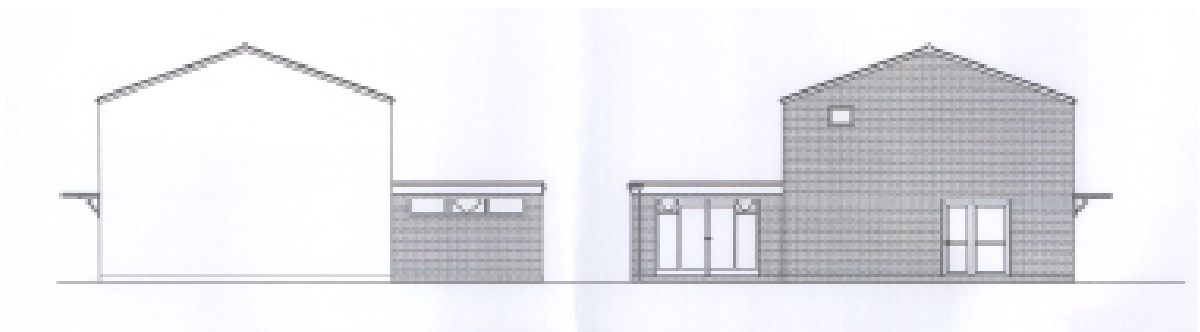
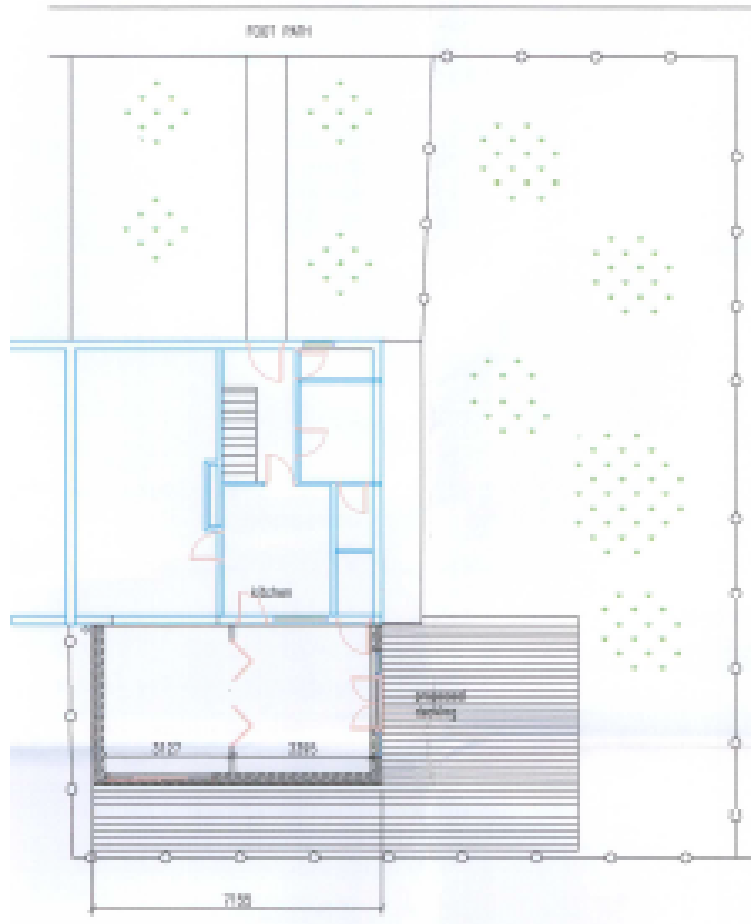
ITEM 5.9

4/00691/13/FHA - SINGLE STOREY REAR EXTENSION
7 CLINTON END, HEMEL HEMPSTEAD, HP2 4PD



ITEM 5.9

4/00691/13/FHA - SINGLE STOREY REAR EXTENSION
7 CLINTON END, HEMEL HEMPSTEAD, HP2 4PD



**5.9 4/00691/13/FHA - SINGLE STOREY REAR EXTENSION
7 CLINTON END, HEMEL HEMPSTEAD, HP2 4PD
APPLICANT: MRS M SEARS**

[Case Officer - Intan Keen]

[Grid Ref - TL 08458 07129]

Summary

This application is recommended for approval.

The proposed single storey rear extension would be of an acceptable design and would detract from the appearance of the original dwelling and the street scene and surrounding footpaths. There would be an acceptable level of impact on the amenity of neighbouring properties. The car parking arrangements are satisfactory. The proposal is therefore in accordance with the National Planning Policy Framework, Policy 11 (Quality of Development) of the Dacorum Borough Local Plan 1991-2011, and Policy CS12 (Quality of Site Design) of Dacorum's Pre-submission Core Strategy with Modifications January 2013.

Site Description

The application site is currently occupied by a two storey end-of-terrace dwelling located to the north of Clinton End and abuts a right of way to the side which runs along the rear of properties on Clinton End and Poynders Hill. The terrace row of which the application site forms a part is L-shaped, with the only adjoining building at Nos. 5 and 6 Clinton End at the corner of the terrace. This arrangement is common throughout this portion of Leverstock Green where specifically the development area adjoins a small courtyard as the private open space / drying area for the flat and maisonette at Nos. 5 and 6. There are limited examples of rear extensions to dwellings in this arrangement adjacent their respective courtyards.

Proposal

Planning permission is sought for a single storey rear extension that would measure 7.155m in width and 4.0m in depth, featuring a flat roof to a height of 2.7m. It would be set in 0.5m from the side boundary with Nos. 5 and 6, containing a bedroom and reception room.

Referral to Committee

The application is referred to the Development Control Committee as the site is in the Council's ownership.

Planning History

No relevant history.

Policies

National Policy Guidance

National Planning Policy Framework

Dacorum Borough Local Plan

Policies 2, 9, 11 and 58
Appendices 5 and 7

Supplementary Planning Guidance

Residential Character Area HCA 29 - Leverstock Green North

Dacorum's Pre-submission Core Strategy with Modifications

Policies CS4 and CS12

Considerations

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

Impact on appearance of original building and street scene

The NPPF places great importance to the design of the built environment, and the integration of development into the natural, built and historic environment. The above mentioned policies contained in the Local Plan and the Pre-submission Core Strategy with Modifications are consistent with the objectives of the NPPF.

The proposed single storey rear extension with a projection of 4m would equate to less than two thirds of the depth of the original dwelling. It would not protrude beyond the existing side building line and would also be set in 0.5m from the south-eastern side boundary. As such the development would be a proportionate addition to the host building.

A flat roof has been adopted which would appropriately distinguish between the ground and first floor levels of the building. Although this would not repeat the shallow pitch roof form over the main dwelling, this feature is not considered to result in significant harm to the character and appearance of the original building, and it avoids unnecessary bulk at roof level. The proposed extension would be subservient to the dwelling in accordance with HCA29 - Leverstock Green North.

Proposed external materials of facing brickwork to match the existing would ensure that the extension is appropriately integrated with the dwelling. The flat roof surface is acceptable as this element would not be appreciated from ground level. Additionally, the openings to be used in the development would be of a simple design with acceptable wall to window ratios.

There would be limited visibility of the extension from Clinton End and the footpath to the front of the application site. There would be obscured views from the public path to the rear of the application site however the proposed extension would respect the pedestrian scale of the surrounding path, also noting it would be generously set back from the north-western side boundary by approximately 8.5m.

In summary, the proposed single storey rear extension would represent an appropriate addition to the dwelling and would not detract from the street scene. The proposal is therefore in accordance with the NPPF, Policy 11 of the Local Plan and Policy CS12 of the Pre-submission Core Strategy with Modifications.

Impact on neighbouring properties

The application site has two directly adjoining properties, including a flat and maisonette to the side at Nos. 5 and 6 Clinton End, and one dwelling to the rear at No. 4 Clinton End. Other surrounding dwellings are separated from the application site by the footpath network.

Nos. 5 and 6 Clinton End are contained within a two storey building located within the corner of

the terrace row, and as such adjoins the sides of the application site and No. 4 Clinton End. A passage from Clinton End exists so that the rear courtyard (which appears to be used as a drying area) beneath a flying walkway at first floor level providing external access to the maisonette. As such, this courtyard is essentially enclosed on two and a half sides by the walls and external passage of the neighbouring building at Nos. 5 and 6, and also partially enclosed on the rear boundary by the rearward projection of the dwelling at No. 4 Clinton End. The courtyard is of limited dimensions, approximately 4.7m in width by 5.8m deep.

It is also important to note that whilst this courtyard is the only area for private open space serving the two dwellings at Nos. 5 and 6, its primary orientation is towards the rear boundary directly opposite the kitchen and bathroom windows at ground floor level (same orientation and rear boundary as the application site).

The development would essentially enclose the courtyard on one side presenting a 2.7m high wall for a length of 4.0m that would be set in 0.5m from the shared side boundary. The height of the external wall of the proposed extension would be 0.7m higher than a side boundary fence that could be constructed under permitted development. The height and depth of the extension together with its siting away from the common boundary would ensure that the outlook from the adjoining courtyard is not unacceptably compromised, noting that a distance of 1.8m would be retained between the extension and the rear boundary. Visual relief from surrounding buildings would be obtained over the extension noting it would have a flat roof at a consistent height of 2.7m.

The incorporation of a row of high level windows to the south-eastern side elevation facing Nos. 5 and 6 would assist in breaking up the solid brick wall of the extension from the perspective of the neighbouring private open space.

The above factors would therefore justify a departure from the 3m rearward projection standard under Appendix 7.2 (v) of the Local Plan relating to rear extensions to terraced dwellings, as there would not be a detrimental impact on the amenity of this neighbouring property.

Further, the proposal would not have a harmful impact in terms of loss of light on the courtyard or habitable room windows at Nos. 5 and 6 as the extension would be sited to the north of this neighbouring property. The extension would not encroach upon the 45° line taken from the centre of the ground floor kitchen window.

Additionally, the proposal would not have an adverse impact on the outlook of habitable room windows to the adjoining ground floor flat, noting that the nearest window to the development area serves a bathroom and is obscure glazed.

The proposed extension would be set back 1.8m from the shared boundary with No. 4 Clinton End, specifically the rear boundary abuts the side of the rear garden at No. 4. The proposed extension would be viewed against the backdrop of the main (two storey) dwelling and the distance to the common boundary together with its height of 2.7m is considered to be sufficient so that there would not be an adverse impact with respect to visual intrusion.

The ground floor openings proposed to the rear elevation including fully glazed sliding doors and two high level windows directed towards No. 4 would not raise an overlooking concern due to their location at ground floor level and any views towards No. 4 would not be directed at the main building and would be largely obscured by existing fencing.

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

Impact on car parking

The proposed development would contain one additional bedroom and the resultant building would have a total of five bedrooms. As such, the maximum car parking requirement under Appendix 5 would be three on site spaces.

The application site is not currently accessed off Clinton End due to the green immediately in front and therefore does not accommodate any on site car parking. It is not considered that the addition of one bedroom would result in further undue stress on the surrounding road network. As such, the existing car parking arrangements are considered to be acceptable.

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

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

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

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

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

- 3 **The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan (no reference)
CLI 01 (existing and proposed floor plans and elevations) received 11 April 2013.**

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

NOTE 1

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

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

NOTE 2

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

Dacorum Borough Local Plan 1991 - 2011

Policies 2, 9, 11 and 58

Appendices 5 and 7

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

Policies CS4 and CS12

NOTE 3

Article 31 Statement

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

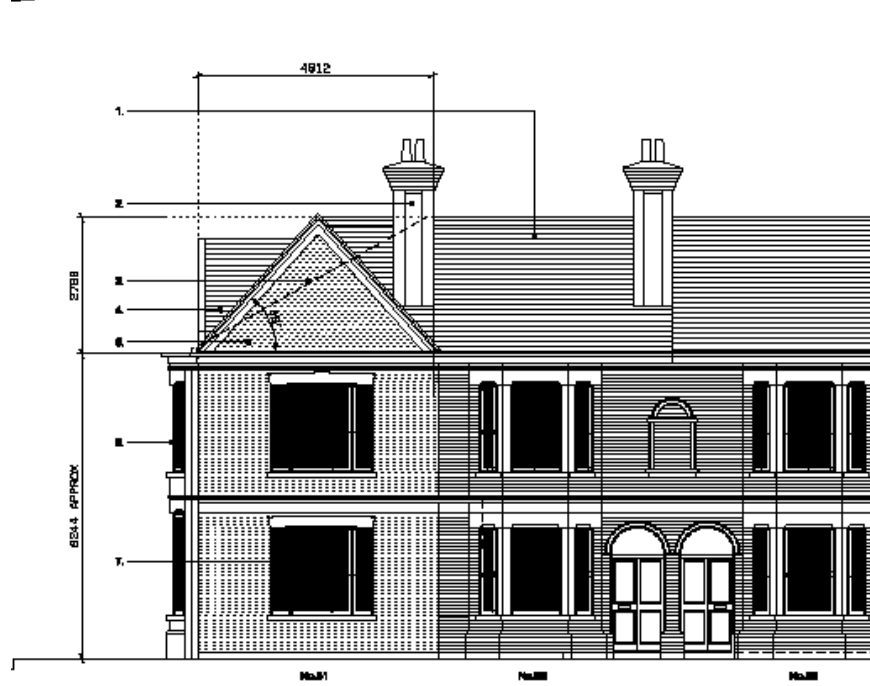
ITEM 5.10

**4/00785/13/FHA - LOFT CONVERSION WITH ALTERNATION FROM HIP TO GABLE ROOF
INCLUDING TWO BRICK GABLE DORMERS TO FRONT ASPECT
51 CROSS OAK ROAD, BERKHAMSTED, HP4 3EH**



ITEM 5.10

4/00785/13/FHA - LOFT CONVERSION WITH ALTERNATION FROM HIP TO GABLE ROOF INCLUDING TWO BRICK GABLE DORMERS TO FRONT ASPECT
51 CROSS OAK ROAD, BERKHAMSTED, HP4 3EH



**5.10 4/00785/13/FHA - LOFT CONVERSION WITH ALTERNATION FROM HIP TO GABLE ROOF INCLUDING TWO BRICK GABLE DORMERS TO FRONT ASPECT
51 CROSS OAK ROAD, BERKHAMSTED, HP4 3EH
APPLICANT: MR BARNHAM**

[Case Officer - Philip Stanley]

[Grid Ref - **SP 98529 07954**]

Summary

The application is recommended for approval.

The proposed extension is an innovative and high quality addition to the original property. While making significant alterations to the original roof the introduction of a pitched roof with gable ends at either side would appear as if part of the original house. As a result, although the enlarged house would stand out in its prominent crossroads position, it would not detract from the street scene and would preserve the character and appearance of the wider conservation area. Furthermore the proposed extension would not harm the residential amenities of adjacent properties. For these reasons the proposed development would therefore comply with Policies 11 and 120 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy (Pre-submission with Modifications January 2013).

Site Description

The application site comprises a late C19th two-storey end house to Shrubland Terrace, a row of buildings occupying a prominent corner position on the crossroads of Cross Oak Road, Charles Street, and Shrublands Road. The site is located within the south-west later development of Berkhamsted and is contained within the Town conservation area.

The front of the property faces Cross Oak Road, which slopes steeply downhill to the north-east. This slope is reflected in the property's northern side wing, which has a lower eaves line than the main part of the house. The side wing has a shallow pitched roof set well below the main roof. The property has a modest garden set in front of and to the side of the side wing.

The terrace has a design of particular merit incorporating high quality Victorian detailing including expressed wall plaques and floor banding to the front elevation, all under a simple slate roof. The brickwork to the applicant's property has been painted.

Proposal

It is proposed to construct a loft conversion. The headroom required to make a useable space has been achieved through the hip to gable alteration of the main roof and the introduction of two brick gable dormers to the front (Cross Oak Road) aspect. The proposals would create an additional (fourth) en-suite bedroom.

The maximum height of the roof would not be altered as part of this development, however, as a result of the hip to gable roof alteration the maximum height would form the ridgeline across the width of the property. The gable end facing Charles Street would have a 45 degree pitch and would be faced in brickwork with a stone edge cornice. The existing chimneys would be retained as part of the proposals.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council. They have concerns regarding the size and height of the proposals, the disruption of views to the property's chimneys and the introduction of dormer windows facing Cross Oak Road.

Planning History

4/02155/12/FHA: Front and rear loft conversion with four dormers - This application was withdrawn following discussions with the Case Officer and the Conservation Officer.

This application differed from the present application in that also proposed alterations to the lower side wing (including additional front dormers) and retaining the painted brickwork. The applicant was advised to make no changes to the lower wing and to ensure that the removal of the paintwork forms part of the application.

Policies

National Policy Guidance

NPPF
Circular 11/95

Dacorum Borough Local Plan

Policies 1, 2, 9, 10, 11, 13, 58 and 120
Appendices 5 and 7

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

Policies CS4, CS11, CS12 and CS27

Supplementary Planning Guidance

Environmental Guidelines
Area Based Policies 'Conservation Area Character Appraisals and Policy Statements'
Accessibility Zones for the Application of Parking Standards

Representations

Berkhamsted Town Council

Object.

- The proposal would be out of character with the area, detrimental to the street scene and the Conservation Area, contrary to Local Plan Policy 11 and 120.
- The increased height and mass of the proposed roof extensions is excessive.
- The chimneys on the main building and neighbouring buildings in Charles Street are a distinctive feature of the street scene and make an important contribution to the character of the Conservation Area. The height of the proposed roof on the main building will obscure and dominate the identical chimneys of this and neighbouring buildings in Charles Street when viewed from Shrublands Road and form an unfortunate backdrop when viewed from Charles Street.
- The change from hip to gable to accommodate the increased roof height and dormers is out of character with the area and detract from the Conservation Area.
- The introduction of dormers to the side extension in Cross Oak Road would introduce an alien feature to this part of the road. This would set an unwelcome precedent in a road where a succession of applications for front dormers has been refused previously and where many of the properties are currently proposed for Local Listing in the recent Conservation Area appraisal.

Conservation

Awaiting comments.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

No comments received.

Considerations

Policy and Principle

The application site is located within the urban area of Berkhamsted where there is no objection in principle to the proposed extensions according to Policy 2 of the DBLP and Policy CS4 of the Core Strategy. Policy 11 of the DBLP seeks high quality development that is sympathetic to the original house, in keeping with the street scene, avoids harm to neighbouring residential amenities and retains important trees and shrubs.

The site is located within the Berkhamsted Conservation Area where Policy 120 of the DBLP expects development to either preserve or enhance the established character or appearance of the area. This approach has been taken one step further in the pre-submission Core Strategy where Policy CS27 expects all development to favour the conservation of heritage assets and to positively conserve and enhance the appearance and character of conservation areas.

The Conservation Area Appraisal for Berkhamsted (with the 'Area Based Policies' SPG) provides the following general approach for the area: "*The diversity of uses, design, heights of buildings, roofscape and materials within this area all contribute to create the distinct character and appearance of this busy market town. This diversity should be maintained and encouraged, whilst targeting resources to achieve the enhancement of buildings and elements which presently detract from the overall character and appearance of the area*". The site is located within the Charles Street Identity Area where, "*extensions to dwellings will be expected to complement the parent building in terms of its design features and architectural style. They should be also be subordinate in bulk and general scale and not exceed the height of the original building*". The painting of attractive and good quality brickwork should also be discouraged in this area.

Effects on appearance of building

There would be no adverse effects on the appearance of the building. It is appreciated that the proposals represent a significant alteration to the roof of the original property. However, the extra room required within the loft has been achieved in an innovative and attractive fashion. It has also been achieved in a way that makes the new roof appear as if it were part of the original house.

The Town Council has objected to the proposals in part because of the excessive roof height and mass of the development. In response to this it is worth noting that the proposed roof height matches that of the existing property. Furthermore, it is not accepted that just because something is larger, then it is automatically harmful. In this case the proposals would create a building of much larger mass and prominence, however the overall effect is of a majestic corner building that has retained the proportions and design detailing of a house of its age. The use of dormer gables to create a third storey, 45 degree pitched roofs, and the use of traditional brickwork and slate, are all typical examples of Victorian architecture, and ones that work very well in this proposal.

It is also worth emphasising that the applicant is prepared to strip off the paintwork to the

house as part of any planning permission. Restoring the brickwork to its former glory would be a very welcome change that would improve considerably the appearance of the building. However, the methodology and timescale for implementing this work has not been submitted and therefore these details should be sought through a condition. In addition, bearing in mind the sensitivity and prominence of the site it is recommended that a condition be added seeking samples of all materials to be used in the proposed extensions.

Impact on Street Scene / Conservation Area

The site occupies a very prominent position at the corner of Cross Oak Road and Charles Street and also in view of Shrublands Road opposite. As such the property is clearly visible in all four directions of the crossroads on which the house is located. Therefore, it is considered that the design approach of creating a property of a scale and with design features that give it a sense of presence is both appropriate and pleasing.

The Agent has provided in his Design & Access Statement several examples of '*distinctive character buildings*' within a street scene of the Berkhamsted conservation area, such as the building at the corner of Charles Street and Doctors Commons Road, at the top of Cowper Road, along Kings Road (opposite the junction with Charles Street) and near the end of Torrington Road. There is even an example further up Cross Oak Road at Nos.95 and 97. All of these examples are three storeys in scale by introducing large gable ends or dormers within the road facing roof slopes, and all of these examples form part of the historic layout of their streets. It is considered that the same approach is being used in this application and therefore, while the proposals would be prominent, they would not look out of place within the street scene.

It is also worth re-iterating the policy guidance contained within the Berkhamsted Conservation Area Appraisal (part of the Area Based Policies SPG). This document highlights that it is the variety in roof forms and property designs and heights that contributes to the character and appearance of the conservation area. This document also states that this diversity should be maintained and encouraged. It is considered that the present proposal complies with this guidance in that it would introduce variety within the street scene, but completed in a traditional and sensitive manner.

Berkhamsted Town Council have objected to the application on the grounds that the size of the extensions disrupts views of the property's proud chimneys, thereby having a negative impact on the street scene. However, there are several factors that minimise this aspect of the proposals to an acceptable level. Firstly, it must be remembered that the site forms part of Shrubland Terrace, a row of houses at the end of Charles Street. From this perspective the chimney would remain visible in full. Equally, when travelling north down Cross Oak Road the position of the proposed Charles Street gables end, together with its steep 45 degree pitch, would ensure that the chimney is unaffected from this perspective. It is appreciated that there is the potential for harm when viewed from Shrublands Road, however no harm is caused for two reasons. Firstly, due to the large pine tree within the grounds of All Saints Church, it is not possible to appreciate the entrance to Charles Street, with the site framing it on the left and No.53 Cross Oak Road on the right, until very close to the junction with Cross Oak Road. Secondly, the chimneys are already different in that the site's chimneys have their wider side facing Shrublands Road, while No.53 Cross Oak Road has their narrow side facing the road.

The Town Council has also objected on the grounds that the change from hip to gable to accommodate the loft conversion is out of character with the area. This is not the case and the vast majority of the houses along the older sections of Cross Oak Road have gable end roofs, a very traditional feature of Victorian houses. It is appreciated that the introduction of a gable end would interrupt the balance with No.53 Cross Oak Road at the entrance to Charles Street. However, as stated above, these views are very limited and could not constitute a reason for refusing the proposals.

Finally, the Town Council objects to the proposed dormers on the Cross Oak Road elevation, stating that they are an alien feature along the road. Again this is not the case. For example, front dormers are used in the new development at the bottom of Cross Oak Road (Gilhams Court), while there are several examples at the top end of the road (Nos.82, 107 and 109). It is appreciated that between these points there are no front dormers, however there a couple of instances where rear dormers are visible. Furthermore, numerous properties have front gablets, that while not dormer windows, are nevertheless sited above the first floor window and project above the eaves line of the house, just as is proposed in this application.

It is appreciated that the Town Council does not wish to see a precedent set that would allow future, harmful, front dormers. Notwithstanding that all applications have to be considered on their individual merits, it is considered that this proposal presents a unique set of characteristics (corner property, end of terrace, existing shallow pitched roof) that cannot be replicated along the street. Therefore, this application must be seen in the light of those specific characteristics and the high quality response in dealing with them.

Impact on Neighbours

It is considered that the proposed roof alterations and loft conversion would not have a negative impact on the residential amenities of neighbouring properties. This is reflected in the absence of objections from neighbours / local residents regarding this development.

It is noted that the new windows provided would face Cross Oak Road, where All Saints Church is positioned opposite the site. As such the proposed Charles Street gable end would have no windows thereby ensuring no additional overlooking of properties opposite, while its scale, distance from these neighbours and northern positioning in relation to these houses, would ensure that there would be no loss of daylight or sunlight or visual intrusion arising from these proposals. There would equally be no impact on No.49 Cross Oak Road as no windows are proposed on that side, No.49 has a side relationship with the site, and there is the site's lower side wing and garden area between the proposed development and this neighbour.

Other Material Planning Considerations

Parking

It is appreciated that this proposal would see the creation of a fourth bedroom to a property that has no off-street parking. However, this is typical of the Berkhamsted conservation area and there are numerous four-bed houses in an identical situation. In addition it is worth noting that loft conversions usually fall beyond the scope of planning powers and therefore additional bedrooms can be created without any control from Planning. Finally, there is in a practical sense, no difference in the requirement for a 3-bed house in this location (2.25 spaces) to a 4-bed house (3 spaces), the inference being that the creation of a fourth bedroom does not lead to pressure for additional car parking facilities. For these reasons it is considered that this application could not be refused on the grounds of insufficient off-street parking.

Conclusions

The proposed loft conversion, incorporating both a hip to gable roof alteration and two gable dormers on Cross Oak Road, has been achieved in a manner sympathetic to the original house. Although prominent the proposed development would be of sufficient high quality and use traditional details, proportions and materials thereby ensuring that the scheme would complement the character of the street scene and the wider conservation area. Therefore, the proposed development would comply with Policies 11 and 120 of the Dacorum Borough Local Plan.

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

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

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

- 2 **No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: In the interests of the visual amenities of the Conservation Area in accordance with Policy 120 of the Dacorum Borough Local Plan.

- 3 **No development shall commence until full details of the methodology and timescale of stripping the paintwork to No.51 Cross Oak Road, Berkhamsted have been submitted to and approved in writing by the Local Planning Authority. The work shall then be implemented in accordance with the approved details and timescale.**

Reason: To ensure that the paint is removed without harming the brickwork in the interests of the visual amenities of the Conservation Area in accordance with Policy 120 of the Dacorum Borough Local Plan.

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

**141 PP 003 P1
141 PP 010 3 P1
141 PP 011 3 P1
141 PP 012 3 P1
141 PP 013 3 P1
141 PP 001 3 P1
141 PP 002 3 P1
141 PP 005 3 P1
136 PP 003 3 P1
141 PP 004 3 P1
138 PP 006 3 P1
141 PP 008 3 P1
141 PP 007 3 P1**

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 detract from the appearance of the street scene and would preserve the character and appearance of the wider conservation area. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policy 11 of the Borough Plan.

NOTE 2:

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

Dacorum Borough Local Plan 1991 - 2011

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

Appendices 5 and 7

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

Policies CS4, CS11, CS12 and CS27

Supplementary Planning Guidance

Development in Residential Areas

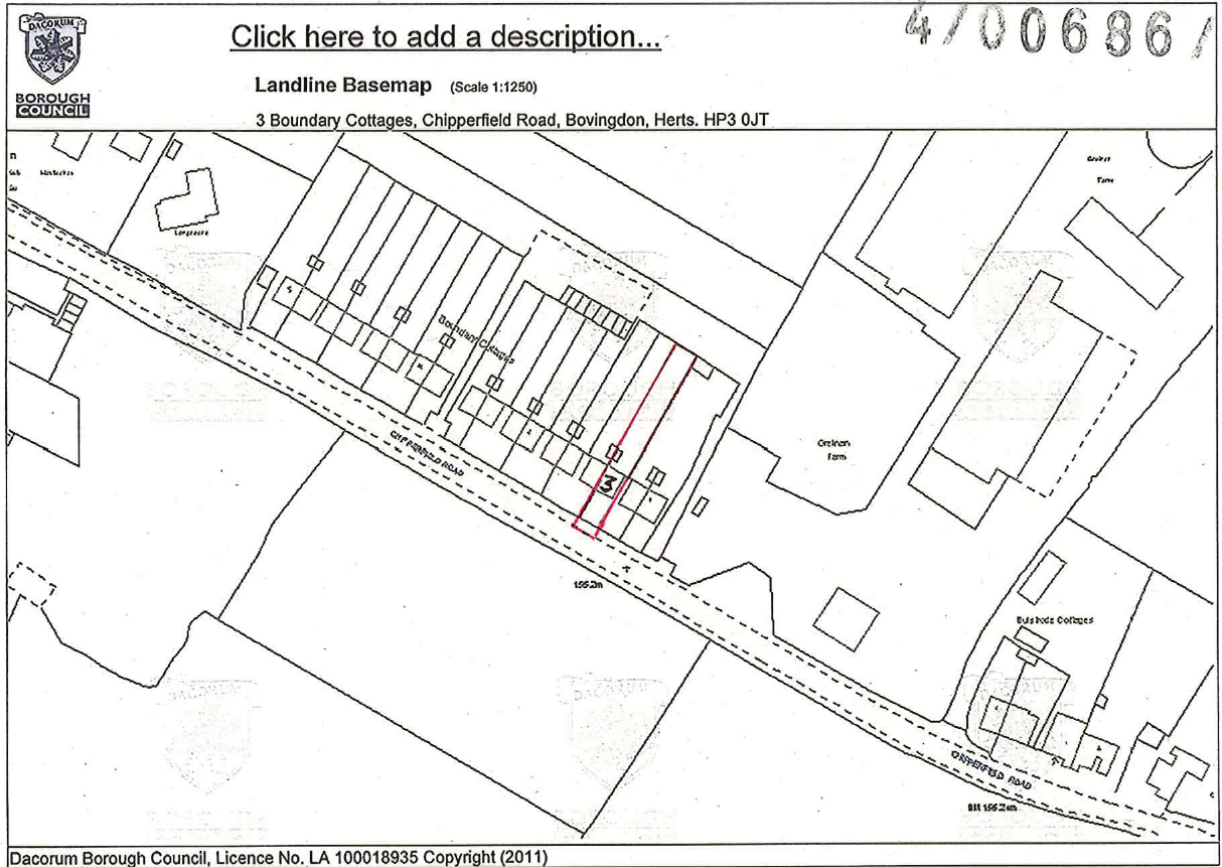
Area Based Policies 'Conservation Area Character Appraisals and Policy Statements'

NOTE 3:

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

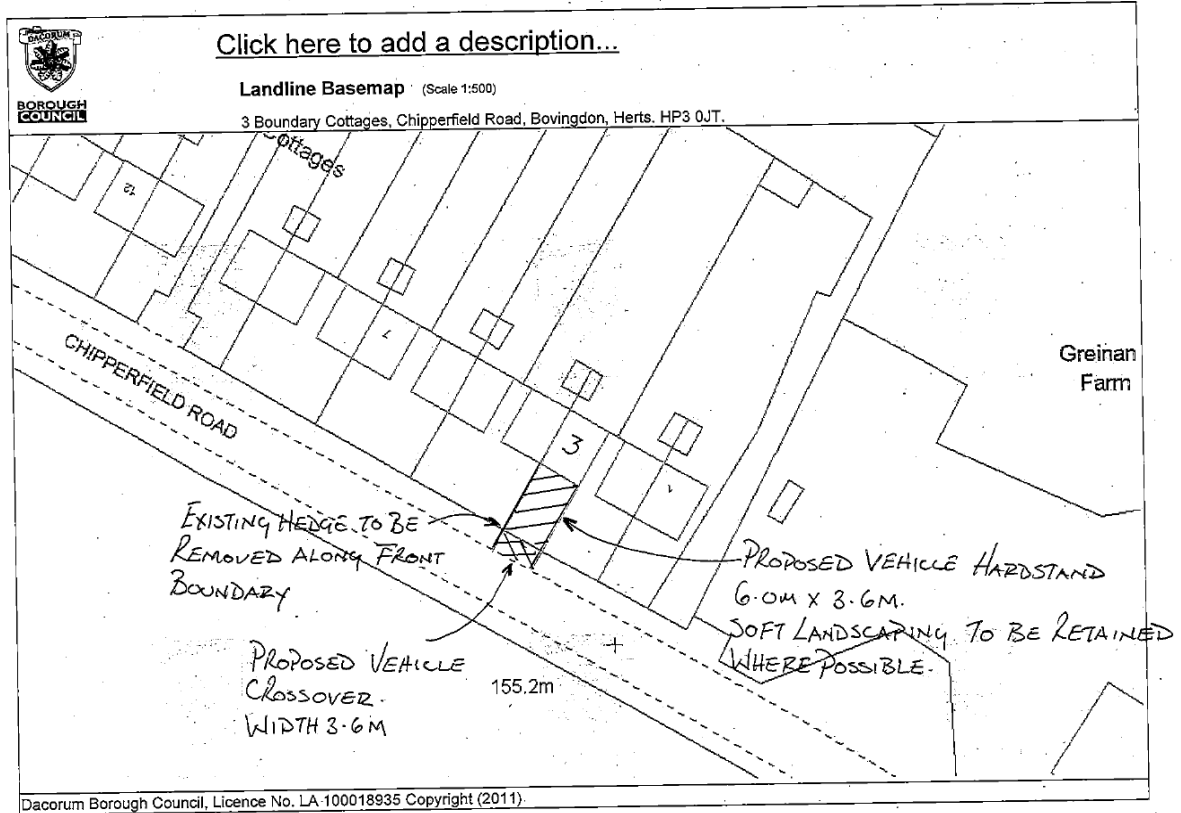
ITEM 5.11

4/00686/13/FHA - CREATION OF VEHICLE CROSSOVER ACROSS PUBLIC FOOTPATH AND
HARDSTANDING IN FRONT GARDEN
3 BOUNDARY COTTAGES, CHIPPERFIELD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JT



ITEM 5.11

4/00686/13/FHA - CREATION OF VEHICLE CROSSOVER ACROSS PUBLIC FOOTPATH AND
HARDSTANDING IN FRONT GARDEN
3 BOUNDARY COTTAGES, CHIPPERFIELD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JT



**5.11 4/00686/13/FHA - CREATION OF VEHICLE CROSSOVER ACROSS PUBLIC FOOTPATH AND HARDSTANDING IN FRONT GARDEN
3 BOUNDARY COTTAGES, CHIPPERFIELD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JT
APPLICANT: DACORUM BOROUGH COUNCIL - MR M FENWICK**

[Case Officer - Intan Keen]

[Grid Ref - TL 02969 02951]

Summary

This application is recommended for approval.

The proposed vehicle crossover and hardstanding would be an acceptable addition to the application site and would not detract from the character and appearance of the original dwelling, the street scene and would not have a harmful impact on the open character of the Green Belt. The proposal would not have a harmful impact on the amenity of neighbouring properties. The car parking arrangements are sufficient noting that provision for the disposal of surface water has been incorporated into the scheme. The proposal is therefore in accordance with the National Planning Policy Framework, Policy 11 (Quality of Development) of the Dacorum Borough Local Plan 1991-2011, and Policies CS12 (Quality of Site Design) and CS13 (Quality of the Public Realm) of Dacorum's Pre-submission Core Strategy with Modifications.

Site Description

The application site is currently occupied by a two storey semi-detached dwelling located on the north-eastern side of Chipperfield Road. The semi-detached pair of which it forms a part shares visual similarities with neighbouring pairs in a ribbon development with respect to their design and layout with a consistent front building line. There is evidence of front areas being used for car parking.

Proposal

Planning permission is sought for the construction of a vehicle crossover to Chipperfield Road, and the provision of an area of hardstanding to the front of the dwelling to provide one disabled car parking space.

Written confirmation in the form of an e-mail received 20 May 2013 stated that the surface water off the proposed hardstanding would be directed to a new drain connected to the existing drainage system.

An amended plan was received on 22 May 2013 providing a notation on the proposed block plan stating the width of the proposed crossover to be 3.6m, and the dimensions of the car parking space to be 6.0m by 3.6m.

Referral to Committee

The application is referred to the Development Control Committee as the site is located within the Council's ownership.

Planning History

No relevant history on site.

Application 4/00707/11/FHA for extensions and new driveway at No. 8 Boundary Cottages was granted on 11 July 2011.

Application 4/01954/11/FHA for construction of a vehicle crossover / dropped kerb to allow vehicle access at No. 6 Boundary Cottages was granted on 13 December 2011.

Application 4/00487/12/FHA for vehicle crossover and dropped kerb at No. 4 Boundary Cottages was granted on 23 May 2012.

Constraints

Green Belt

Policies

National Policy Guidance

National Planning Policy Framework

Dacorum Borough Local Plan

Policies 4, 11, 22 and 58
Appendix 5

Dacorum's Pre-submission Core Strategy with Modifications

Policy CS5, CS12 and CS13

Representations

Neighbours

Nos. 2 and 4 Boundary Cottages were notified on 22 April 2013.

No representations received.

Bovingdon Parish Council

Bovingdon Parish Council was notified on 22 April 2013. A response was received on 17 May 2013 in support of the application, stating the following:

However, in future we would recommend that porous materials should be used.

Consultations

Highways (Hertfordshire County Council) was notified on 22 April 2013. The following response was received on 1 May 2013:

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

1) 1 Visibility splays of not less than 2.4m x 66m shall be provided, and thereafter maintained, in both directions, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway. Reason: In the interest of highway safety.

2) The proposed car parking spaces shall have measurements of 2.4m x 4.8m respectively. Such spaces shall be maintained as a permanent ancillary to the development shall be paved

and shall be used for no other purpose. Reason: The above condition is required 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.

3) The development shall not begin until details of the disposal of surface water from the parking area have been submitted and approved in writing by the Local Planning Authority. Reason: - To minimise danger, obstruction and inconvenience to highway users.

4) All areas for storage and delivery of materials associated with the construction of this development shall be provided within the site on land, which is not public highway, and the use of such areas must not interfere with the use of the public highway. Reason: In the interest of highway safety and free and safe flow of traffic

The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-

HIGHWAY INFORMATIVE: The highway authority require the construction of the vehicle cross-over to be undertaken by approved contractors so that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact www.hertsdirect.org or telephone 0300 1234 047 for further instruction.

Highway Comment

The above application is for a hard standing area and dropped kerb vehicle crossover to the front garden area at 3 Boundary Cottages, Chipperfield Road, Bovington. Chipperfield Road, C75 is an classified local distributor road with a 40 mph speed limit.

Conclusion

Although the highway authority in principle has no objection to the construction of this VXO, it shall only be constructed to the local highway authority's maximum width and standard, hence the informative above. On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal. The Highway Authority has no objection subject to the above conditions to the grant of permission.

Valuation and Estates as well as Noise Pollution and Housing (both internal) were notified on 22 April 2013.

No objections received.

Considerations

The main issues of relevance to the consideration of this application relate to the impact of the proposed vehicle crossover and hardstanding on the character and appearance of the original building, the street scene and the Green Belt, the impact on neighbouring properties, and the impact on car parking.

Impact on appearance of original building, street scene and Green Belt

The NPPF strongly discourages inappropriate development that would be harmful to the open character of the Green Belt, and the above-mentioned policies contained in the Local Plan and the Pre-submission Core Strategy are consistent with this objective.

The front boundary treatment to Chipperfield Road consists of a hedge over 1.2m in height, which is reflective of the site's rural residential location. In comparison, several other properties including the adjoining dwelling at No. 4 and others further west contain low level picket fencing to the street. As a result of the proposed dropped kerb and associated removal

of vegetation the frontage would open up the front garden area of the site, which is not considered to raise a design concern.

The proposed hardstanding would be sited within a developed portion of the site and importantly would be viewed against the back drop of the main dwelling and surrounding buildings. The fall in the land towards Chipperfield Road would ensure that the hardstanding would not obscure views of the main building which would remain as the prominent feature of the site. Therefore the proposal would not detract from the appearance of the original dwelling.

With respect to the impact on the street scene and the wider Green Belt, the area of hardstanding would be readily visible from Chipperfield Road, including from angled views. It would not be dissimilar to previously approved hardstanding and vehicle crossovers, however ideally an element of landscaping within the front garden would be retained. The front hardstanding would be well-screened from the perspective of surrounding roads and public paths due to a raised bank together with landscaping on the far side of Chipperfield Road. Due to the scale of the proposed hardstanding, and its use for the parking of cars which already occurs on Chipperfield Road, it is not considered to have an adverse impact on the open character of the Green Belt.

The proposed hard surface would have a concrete exterior. In comparison to previously approved areas of hardstanding to other dwellings at Boundary Cottages including block paving, the proposal would have a harder appearance with a more urban appearance. The formalisation of the whole of the front garden together with the existing ramp and railings leading towards the main dwelling entrance would not be ideal given the site's Green Belt location, also noting that recent aerial photographs identify a tree in the front garden proximate to the street frontage that no longer existed at the time of the site visit.

It is therefore considered reasonable that if planning permission is granted, a condition would be attached requiring a landscaping plan to be submitted and approved in writing showing the footprint of the proposed car parking bay and ramp and areas for provision of soft landscaping to soften the appearance of the hardstanding and crossover. This requirement would be consistent with the NPPF (paragraph 58), Policy 11 (a) and (b) of the Local Plan and Policies CS12 (e), (f) and (g) and CS13 ((f) of the Pre-submission Core Strategy with Modifications.

In summary, the proposal represents an appropriate form of development that with appropriate landscaping, would not detract from the appearance of the original building and the street scene, and would respect the open character of the Green Belt. The proposal is therefore in accordance with the NPPF, Policy 11 of the Local Plan and Policies CS12 and CS13 of the Pre-submission Core Strategy with Modifications.

Impact on neighbouring properties

The application site has two directly adjoining properties, including the dwellings either side at Nos. 2 and 4 Boundary Cottages. The proposed hardstanding would not be significantly raised above existing ground level, and noting that the land falls gently towards the street, there would not be an adverse impact on neighbouring properties either side with respect to visual intrusion. As such, the proposal is in accordance with Policy 11 (d) of the Local Plan and Policy CS12 (c) of the Pre-submission Core Strategy with Modifications.

Impact on highway safety and car parking

The application proposes to cover the front garden in concrete hardstanding that could accommodate two on site car parking spaces to dimensions required by Policy 58. It is important to note that the provision of hardstanding to the front of the dwelling would be permitted development as long as provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

It has been confirmed that the disposal of surface water would be achieved by provision of a drain across the front boundary that would be connected to the existing drainage system, which is considered to be satisfactory and would meet Highways requirements set out above.

As such, planning permission is only required for the construction of the vehicle crossover to Chipperfield Road (as it is a classified road). The vehicle crossover would span the width of the site and as mentioned above, has been previously approved at neighbouring properties, including to the adjoining dwelling at No. 4. This stretch of Chipperfield Road where dwellings at Boundary Cottages front the street is relatively straight with availability for car parking on one side. Additionally, visibility along Chipperfield Road is restricted due to the limited road width together with parked cars partially over the footpath.

The construction of a vehicle crossover to the application site would decrease the number of available on street car parking spaces by one. However, due to the existing road constraints it is not considered that the loss of one space would place undue stress on the surrounding road network to warrant a refusal; and as such the proposal would be broadly consistent with Policy 57 (a) of the Local Plan.

It is also important to consider the cumulative impact of crossovers on Chipperfield Road, as it appears current on street car parking availability is limited within the surrounding area. Whilst the vehicle crossover would not span the full width of the site, it is likely that there would be insufficient area for on street car parking on Chipperfield Road due to the limited width of properties (the application site is approximately 5m in width) if planning permission were to be granted in future for vehicle crossovers to other Boundary Cottages properties. It is also important to note that due to the site's out of centre location it is normally encouraged that provision is made for on-site car parking and the proposal is consistent with this objective. Further car parking is available to the rear of dwellings forming the south-eastern half of Boundary Cottages access via a private drive off Chipperfield Road and again noting the constraints of the road and as a main linkage between villages, the cumulative impact of vehicle crossovers of the availability of on street car parking in this particular location and within the stretch of Chipperfield Road abutting the properties at Boundary Cottages is acceptable.

It is considered reasonable to attach suggested conditions relating to the maintenance of visibility splays and the use of the car parking area as requested if planning permission is granted. However, with respect to the condition relating to areas of storage and delivery of materials associated with construction of the development; if planning permission is granted it would not be reasonable to attach this condition as this matter cannot be enforced by the local planning authority.

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

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

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

- 2 The development hereby permitted shall be constructed in accordance with the materials specified on the application form or such other materials as may be agreed in writing by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development. To comply with

Policy 11 of the Dacorum Borough Local Plan 1991-2011.

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

- **hard surfacing areas including the car parking space and the pedestrian access ramp;**
- **means of enclosure;**
- **soft landscape works which shall include areas for proposed landscaping including schedules of plants.**

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

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

4 **The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (no reference) received 11 April 2013; Proposed Block Plan (no reference) received 22 May 2013; and e-mail with details of surface water disposal dated 21 May 2013.**

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

NOTE 1:

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

The site is located in an area where domestic alterations are acceptable in accordance with Policy 4 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 Policies 4 and 11 of the Borough Plan.

NOTE 2:

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

Dacorum Borough Local Plan 1991 - 2011

Policies 4, 11 and 58

Appendix 5

NOTE 3:

Article 31 Statement

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

6. APPEALS

A. LODGED

- (i) Mr Peplow
Appeal against Enforcement Notice –
6 Little Heath Lane, Potten End

Delegated - Not yet decided
- (ii) 4/01829/12/FUL Mr Cowman and Mr McLaughlin
Construction of 2no. 3-bed dwellings
11 Bank Mill, Berkhamsted

Committee – Not yet decided
- (iii) 4/02338/11/MFA Berkhamsted School
Astroturf
Kitchener's Field, Castle Hill, Berkhamsted

Committee – Not yet decided
- (iv) 4/01555/12/FUL Mr and Mrs Ingman
Dwellinghouse
328 High Street, Berkhamsted

Committee – Not yet decided
- (v) 4/00538/12/FUL Mr Mark Tully
Change of Use from garage/workshop to dwelling
Land at 59 Cowper Road, Hemel Hempstead

Delegated – Not yet decided
- (vi) 4/00211/13/ENA Mrs Louise Atkins
Appeal against enforcement Notice - Material change of
use of land from grazing land to residential
Lodge Farm Cottage, Rossway, Berkhamsted

Delegated – Not yet decided
- vii) 4/00371/13/LDP Mr Anastasiou
Certificate of Lawful development for single storey rear
extension
High Clere, Tower Hill, Chipperfield

Delegated - Not yet decided
- ix) 4/02160/12/FUL Mr Mark Smith

3 Bedroom detached dwelling
R/O 32 Ashylms Road, Berkhamsted

Delegated – Not yet decided

B WITHDRAWN

None

C FORTHCOMING INQUIRIES

None

D FORTHCOMING HEARINGS

- (i) 4/00696/10/ENA Mr and Mrs Clarke, Mr Parry and Mr McGregor
Appeal against Enforcement Notice – Construction of
extensions without permission
Properties at Threefields, Sheethanger Lane, Felden

Delegated

Hearing -13th August 2013 in the Bulbourne Room

E DISMISSED

- (i) 4/01896/12/FHA Mrs A Harman
Ground floor rear extension
13 Kitsbury Road, Berkhamsted

Delegated

The main issue is the effect on the character and appearance of the Conservation Area. Rear wings are visible to many properties and are important as key components of the design of the original house. The inspector considered that the effect of the proposal would be to reduce the definition of the rear wing and that the distinct form of the house would be eroded. The harm to the architecture would be increased by glazed doors which would span the rear wing and the proposed extension, visually merging the two elements and further eroding the important, historic form of the house. A long rooflight is also proposed which would introduce a modern feature, unrelated to the traditional design of the house, adding to the aforementioned harm.

- (ii) 4/01331/12/ENA Trustees of Kepster Properties
Appeal against enforcement notice – Hand car wash
13a High Street, Berkhamsted

Delegated

The inspector concluded that whilst some of the harmful effects of noise could be successfully

mitigated by the use of conditions, he considered that noise from the use of the pressure spray caused material harm to the living conditions of the immediate neighbour at 2 Curtis Way, and that this could not be reasonably mitigated by the use of conditions. The development thus conflicted with saved Policy 11 of the Dacorum Borough Local Plan (BLP), adopted in 2004, which deals with the quality of development, and includes a criterion relating to noise and disturbance.

iii) 4/01246/12/FHA Mr Baghitousi
First Floor extension and new driveway
Tinkers Hole, Tinkers Lane, Wigginton

Delegated

The inspector considered the main issue to be whether the proposal constituted inappropriate development in the Green Belt. He refers to paragraph 79 of the NPPF as protecting against urban sprawl.

He makes reference to extensions or alterations to existing buildings being inappropriate development, 'provided that it does not result in a disproportionate addition over and above the size of the original building'. Reference is made to DBLP policy 22 with regard to the 30% floorspace increase restriction and the explanatory notes in detailing that the plan considers the original building to be the one that existed on the site on 1 July 1948.

Inappropriate Development

Reference is made to the first floor extension previously approved in 2008. The inspector states that floorspace increase calculation were not provided but that this scheme would have undoubtedly taken the resultant dwelling over the 130% limit.

It is stated that the proposals are 25sqm larger than the previous ones, which would involve a significant increase in floorspace from the original dwelling. It was concluded that the extension would be prominent in the street scene and would detract from the openness of the surrounding area, therefore constituting inappropriate development.

Impact on Openness of Green Belt

The inspector considered that Due to its combined height and width the proposed extension would dominate the north elevation of the property and materially detract from the proportions of the original dwelling (exacerbated by the provision of fenestration which does not relate well to the parent dwelling) It was therefore considered to have an adverse impact on openness.

Other Considerations

The applicant provided justification for the proposals on a few grounds. The inspector gave limited weight to their arguments with regard to the previously approved extension, the large size of the plot and other cases where DBC have approved replacement dwellings over 130%. The inspector concluded that the applicant's justification did not outweigh the harm on the Green Belt and therefore dismissed the appeal.

F ALLOWED

- (i) 4/00927/12/FUL Mr and Mrs D & A Eggar
& 4/00928/12/CAC Demolition of existing single storey
building and construction of two
storey low energy dwelling with
integral garage and garden
1 Park View Road, Berkhamsted

Committee

In reaching the decision, the main considerations of the inspector were as follows:
Planning Permission

The proposed contemporary dwelling would respect the building lines, width, depth, height and overall proportions of the dwellings at Nos.3 & 5 and the building lines and height of the Chapel to the north. The proposed dwelling would be tiered both vertically and horizontally and its fenestration would have a strong vertical emphasis.

Overall the proposed dwelling would respect the topography of the street, the proportions of the adjacent pair of dwellings and the character, appearance and setting of the Chapel. It would form an interesting and appropriate transition between the traditional housing in the southern half of the road and the varied and predominantly modern developments in the northern half of the road.

It is recognised that some of the modern buildings in the immediate area are uninspiring and in some instances have a negative impact on the character or appearance of the BCA. However as with all buildings, whether traditional or contemporary, the success with which they blend in with and make a positive contribution to the street scene is dependent on the quality of the design and the precise nature and quality of the materials used.

In this instance the scheme is for a high quality innovative building, which responds to local character and history and reflects the identity of local surroundings and materials. Provided it is constructed from high quality materials it would make a positive contribution to the character and appearance of the BCA and would enhance the setting of the Chapel. It would therefore comply with the National Planning Policy Framework, both in relation to its design and its impact on the identified heritage assets. It would also comply with the conservation policies and advice set out in the Dacorum Borough Local Plan Supplementary Planning Document – *Area Based Policies* (SPD). It states that the diversity within the BCA should be maintained and encouraged in Area 1 and that within Area 2 infill proposals should be compatible with the layout, pattern, density and scale of adjacent development. Building lines should be maintained and front and rear gardens are encouraged.

I conclude with both Appeals that the proposal would both preserve and enhance the character and appearance of the Berkhamsted Conservation Area and would thus comply with policies CS12 & CS27 of the Core Strategy, policies 11& 120 of the Local Plan, the SPD and the National Planning Policy Framework.

Conservation Area Consent

The appeal is allowed and conservation area consent is granted for the demolition of existing single storey building and replacement two storey low energy dwelling with integral garage and garden at Park View Road, Berkhamsted, Hertfordshire, HP4 3EY in accordance with the terms of the application, Ref 4/00928/12/CAC, dated 8 May 2012, subject to the conditions set out in schedule B attached to this decision.

Appellants Application for Costs

Planning Application

Paragraph B16 of Circular 03/2009 states that local planning authorities will be expected to produce evidence at the appeal stage to substantiate each reason for refusal with reference to the development plan and all other material considerations.

Paragraph B18 of Circular 03/2009 states that where appeals involve matters of judgement concerning character and appearance, such as in this case, an award of costs is unlikely to be awarded if realistic and specific evidence is provided about the consequences of the proposed development. Vague or generalised assertions about a proposal's impact, which are unsupported by any objective analysis, are more likely to result in an award of costs. In addition, paragraph B20 of Circular 03/2009 states that authorities will need to show reasonable planning grounds for taking a contrary decision to its officers professional advice and produce relevant evidence on appeal.

In their Appeal statement the Council identifies various paragraphs in the National Planning Policy Framework and the parts of the policies listed in the decision notices, which lead to the Committee's decision to refuse planning permission and conservation area consent, against the advice of its professional officers. However the Council failed to submit any specific evidence to demonstrate how the scheme the subject of Appeal A conflicted with these policies. They also failed to submit specific evidence or objective analysis to demonstrate in what way(s) the angular built form and roof design of the proposed dwelling would fail to respect the townscape or longer views and how it would fail to preserve or enhance the character or appearance of the Berkhamsted Conservation Area.

I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has been demonstrated in relation to Appeal A. A full award of costs is therefore justified in relation to Appeal A, but is not justified in relation to Appeal B.

Conservation Area Consent Application

In relation to the reason for refusing conservation area consent (Appeal B), policy 120 of the Dacorum Borough Local Plan is specific. It states that consent for demolition will not be granted unless planning permission has been granted for an appropriate redevelopment scheme. Having just refused the redevelopment scheme, the subject of Appeal A, it was both logical and reasonable for the Council to then refuse Appeal B. In this respect it is noted that no other material considerations were put forward by the Appellant at the application stage or in their initial grounds of Appeal to justify granting conservation area consent for a proposal that would be in direct conflict with policy 120.

For these reasons it was not necessary for the Council to produce further evidence to substantiate this reason for refusal at the Appeal stage.

Costs Order

In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Dacorum Borough Council shall pay to Mr & Mrs D & A Eggar, the costs of the appeal proceedings relating to Appeal A and as described in the heading of this decision.

The applicant is now invited to submit to Dacorum Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

- (ii) 4/01817/12/FUL Mr and Mrs A Power
Change of use public house to dwellinghouse
Royal Oak, Bovingdon Green, Bovingdon

Committee

In reaching the decision, the main considerations of the inspector were as follows:

Viability

It was concluded that the evidence indicates that there had not been sufficient regular and frequent customer financial support at a level required to maintain the viability of the Royal Oak.

Marketing

the evidence indicated that the overall method and period of marketing of the lease for 2 months was satisfactory. The evidence, including the professional opinions expressed at the hearing, lead to the conclusion that the use of the Royal Oak as a pub or for other business uses was not commercially or financially viable, as required by Policy 68 and saved LP Policy 110.

Social and community facility

the nearest neighbouring pub in Bovingdon is around 1 mile from the appeal site and is in a location where local residents would also access shops and facilities to meet their day-to-day requirements. The inspector was satisfied that other local pubs could provide a similar social and community facility. As there are alternatives, there is no conflict with Policy 68 in this regard.

Legal Agreement

The inspector was satisfied that the contributions requested were directly related to the proposed development, necessary to make the development acceptable in planning terms and are fairly and reasonably related in kind. In the circumstances identified the obligation passed the statutory tests.

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: