



# DEVELOPMENT CONTROL COMMITTEE AGENDA

THURSDAY 5 SEPTEMBER 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.

Mrs G Chapman  
Clark  
Conway  
Guest  
R Hollinghurst  
Killen  
Macdonald

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

## Substitute Members

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

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

## PART I

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## 1. MINUTES

The minutes of the meeting held on 8 August 2013 will be circulated separately.

## 2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

## 3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

## 4. PUBLIC PARTICIPATION

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

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

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

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

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

- Supporters of the application.

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

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

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

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

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

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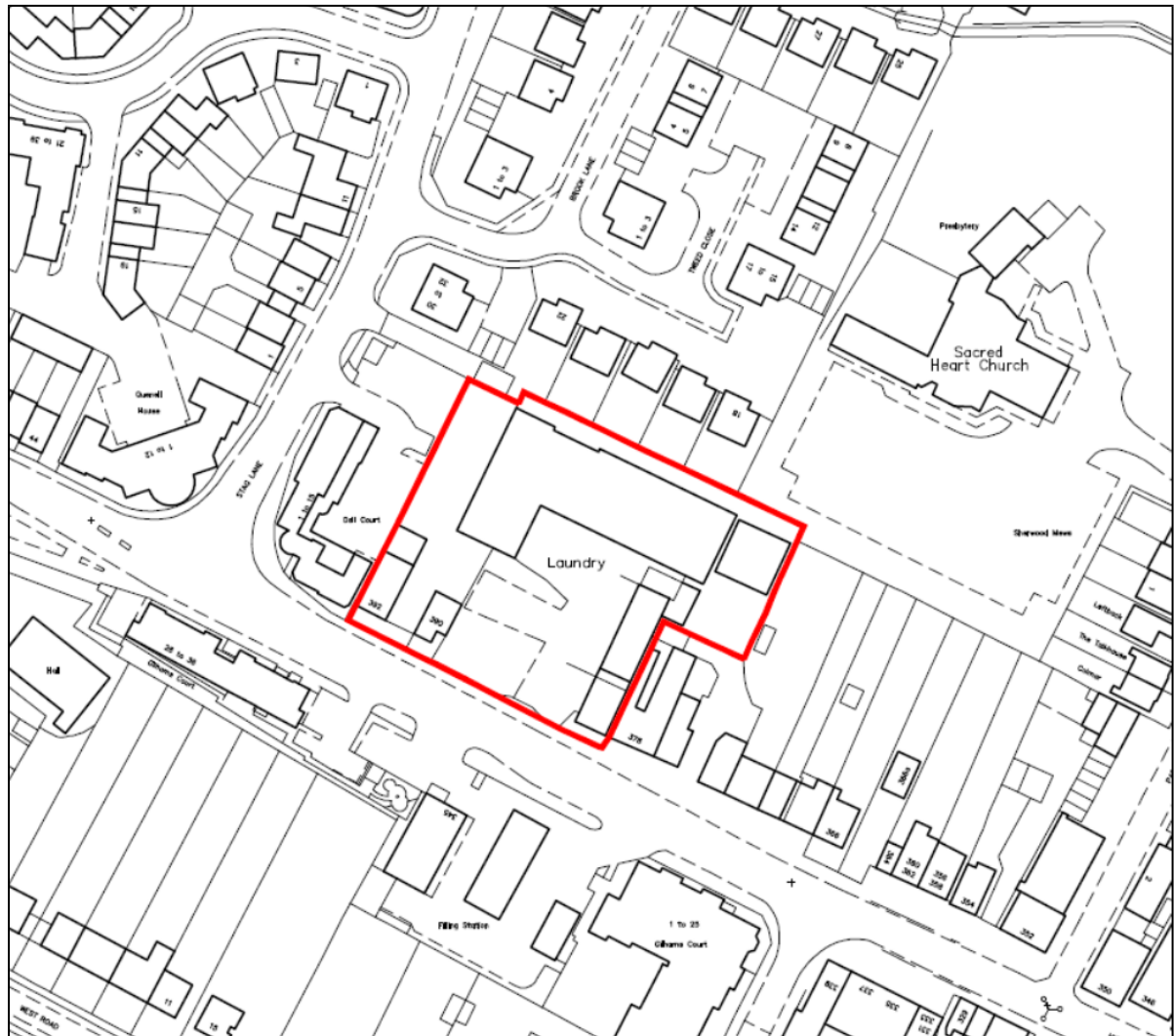
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| 5.1 4/00994/13/MFA | DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT TO FORM 48 ONE AND TWO BED SHELTERED APARTMENTS FOR THE ELDERLY INCLUDING COMMUNAL FACILITIES (CATEGORY II TYPE ACCOMMODATION), ACCESS, CAR PARKING AND LANDSCAPING<br>380 - 392, HIGH STREET, BERKHAMSTED, HP4 1HU<br><b>Grid Reference: SP 98550 08186</b> | 5      |
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## 5. PLANNING APPLICATIONS

### ITEM 5.1

**4/00994/13/MFA - DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT TO FORM 48 ONE AND TWO BED SHELTERED APARTMENTS FOR THE ELDERLY INCLUDING COMMUNAL FACILITIES (CATEGORY II TYPE ACCOMMODATION), ACCESS, CAR PARKING AND LANDSCAPING**

**380 - 392, HIGH STREET, BERKHAMSTED, HP4 1HU**



**ITEM 5.1**  
**4/00994/13/MFA - DEMOLITION OF EXISTING BUILDINGS AND**  
**REDEVELOPMENT TO FORM 48 ONE AND TWO BED SHELTERED**  
**APARTMENTS FOR THE ELDERLY INCLUDING COMMUNAL FACILITIES**  
**(CATEGORY II TYPE ACCOMMODATION), ACCESS, CAR PARKING AND**  
**LANDSCAPING**  
**380 - 392, HIGH STREET, BERKHAMSTED, HP4 1HU**



## **ITEM 5.1**

### **4/00994/13/MFA - DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT TO FORM 48 ONE AND TWO BED SHELTERED APARTMENTS FOR THE ELDERLY INCLUDING COMMUNAL FACILITIES (CATEGORY II TYPE ACCOMMODATION), ACCESS, CAR PARKING AND LANDSCAPING**

**380 - 392, HIGH STREET, BERKHAMSTED, HP4 1HU**

**APPLICANT: CHURCHILL RETIREMENT LIVING LTD**

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[Case Officer - Joan Reid]

[Grid Ref - **SP 98550 08186**]

#### **Summary**

The application is recommended for approval. The principle of development is considered acceptable in accordance with policy 33 of the local plan. There would not be an adverse impact to neighbouring properties as a result of the proposals and satisfactory parking is provided on site. The access to the development would not compromise highway safety and the site would be enhanced by additional planting and landscaping. The design and form of the development would not adversely impact the character of the area and would enhance the character and setting of the neighbouring conservation area. Adequate provision is made for private amenity space and parking to serve this form of development and provision for storage of waste is satisfactory. The proposals therefore accord with the NPPF, policies 2, 10, 11, 33 and 58 of the local plan and policies CS1, CS4, CS8, CS10, CS11, CS12, CS17, CS18, CS19, CS29, CS31 and CS35 of the emerging Core Strategy.

#### **Site Description**

The application site is located to the northern edge of the High Street and is currently occupied by single and two storey buildings which are predominately in commercial use (car workshop/ garage, laundry) with the exception of 390 High Street, which is a three bedroom dwelling and a pre-school. The site extends to 0.39ha and the topography of the site follows the natural fall across the town from south to north falling from some 2.5m to 3.5m from south to north. The site falls just outside the designated conservation area and straddles Stag Lane development to the west and two storey residential dwellings to the north (Tweed Close). The southern boundary is comprised of the High Street Road, and opposite lies the sheltered accommodation Pegasus Court and a petrol filling station. To the east of the site, there is a mix of restaurant and residential units.

#### **Proposal**

The application proposes to demolish the existing buildings and redevelop the site at 380-392 High Street, Berkhamsted with a single building accommodating 48 sheltered apartments for the elderly (category II type accommodation) incorporating communal facilities, access, car parking and landscaping over 2/3 floors. Category II accommodation is a purpose built development for older people with communal facilities and a scheme manager. The development comprises a mix of 31 one bedroom and 17 two bedroom apartments which is specifically designed to meet the needs of independent retired people, and provides self-contained apartments for sale.

The development also comprises the following:

- lodge manager office - employed by management company to provide assistance and security for the owners and in charge of day to day maintenance of the development including gardens.
- owners lounge - for use by all the residents and their guests. Lounge contains kitchen.
- A treatment room - for use by residents for treatments such as hairdressing, physiotherapy, medical examinations.
- A communal lift which is fitted with emergency call system and seat.
- A communal landscaped garden which is maintained by management company.
- A guest suite - for use of relatives of owners who wish to stay overnight. Contains twin beds, shower room and tea/coffee making facilities. This can also be used by other residents living on other Churchill accommodation who may wish to take a holiday.
- Communal toilets;
- A communal bin store - accessible by residents through a set of doors adjacent to the underpass, with both sets of external doors remaining locked at all times. The Lodge Manager is responsible for taking bins to the pavement for weekly collection.
- A communal car park for residents comprising 19 parking spaces. Visitors or staff are not encouraged to park on site.
- Store and recharging facility for mobility buggies.

The apartments are sold with a lease containing an age restriction which ensures that only people of 60 years or older can live in the development.

The form of the building is roughly an "H" shaped building which presents a continuous road frontage and extends from a central point in to the rear of the site with a return leg. Access to the building is being provided via a rear courtyard area of the driveway entrance and car parking area to the rear.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council. Berkhamsted Town Council have removed their objection to the design but maintain their objection on parking grounds.

### **Site and Planning History**

The first identified buildings on the site was in 1938 which comprised a single building identified as a Laundry occupying the north of the site and a small unidentified building in the western part. Little change occurred up until the 1970s when the Laundry buildings had extended to encompass a greater proportion of the site. There was little change to the layout of the site by 2012 since the 1970s however new uses were introduced including the car workshops, nursery, garages etc.



## **Policies**

### National Policy Guidance

NPPF

### Dacorum Borough Local Plan

Policies 1, 2, 10, 11, 12, 13, 14, 17, 20, 21, 33, 40, 58, 99, 111, 122, 123, 124 and 129  
Appendices 1, 3, 5

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

Policies CS1, CS4, CS8, CS10, CS11, CS12, CS17, CS18, CS19, CS29, CS31 and CS35.

### Supplementary Planning Guidance

Environmental Guidelines (Sections 1, 3, 9 and 12)  
Accessibility Zones for the Application of Parking Standards

## **Representations**

### Berkhamsted Town Council

It was resolved to suspend Standing Orders to allow Ellie Smith, representing the applicant, to speak for the application.

Ms Smith highlighted the consultation that had taken place on the application, including:

- pre application discussion with Dacorum Borough Council in August 2012;
- a public exhibition in Berkhamsted in November 2012
- further consultation in Berkhamsted in April 2013, after additional land had been acquired for the development
- a pre-application meeting with Berkhamsted Town Council in May 2013, to explain the application for 48 one- and two-bedroomed sheltered apartments.

Ms Smith said that Churchill Retirement Living Ltd would retain the freehold of the development and ensure that the fabric and quality of the building was always maintained.

### **Object.**

We have no objection to the development per se. However we consider the design of the proposed development represents a missed opportunity which could be improved substantially if it is to make a positive contribution to the local character and distinctiveness of this important part of Berkhamsted adjoining the Conservation Area.

For example:

- Whereas we would welcome a series of convincing architectural buildings to make

up the street scene, the range of architectural elements chosen produces a rather confusing mish-mash of unrelated elements which fail to produce a cohesive design.

- The proposed painted brickwork is out of character with the local area and we would have expected to see a more traditional approach consisting of high-quality detailing.
- Viewed from the High Street, the mass of the building is overpowering. It would benefit from being set back from the High Street and there being some spacing between the buildings.
- The roofscape is top heavy and we object to the excessive use of oversized dormers on the northern elevation.
- The proposal provides for inadequate parking for residents, visitors and the warden, given the recognised shortage of both public parking provision and on-street parking in Berkhamsted and the immediate vicinity.
- We consider the quality of this proposal to be contrary to Local Plan Policy 11 and CS 12, as well as the principles which underpin the National Planning Policy Framework with respect to building design and the quality of development.

#### *Further comments to amended scheme*

It was resolved to suspend Standing Orders to allow Mr Lemberg to speak for the application on behalf of the applicant.

Mr Lemberg explained that amendments had been made in response to comments on the previous application and from meetings with the Planning and Conservation Officers.

Changes included:

- the front elevation has been moved back by 1m;
- car parking layout revised to provide 19 spaces, two more than the previous application;
- re-design to depict a terrace of 5 buildings in traditional materials;
- chimneys added to the frontage that are locally distinctive;
- the eastern elevation has a distinct chimney feature and a bay window at the second gable;
- the roof height has been reduced on the northern elevation, 3 dormers removed and those remaining have been reduced in size.

#### **Object.**

The design changes are welcomed. However, the proposal provides inadequate car parking spaces - for residents and their buggies, visitors, health workers and the warden - given the recognised shortage of public parking provision and on-street parking in Berkhamsted and the immediate vicinity. Contrary to Local Plan Policy Appendix 5.

#### Conservation and Design

##### *Original Comments*

I have no objection in principle to the redevelopment of this site subject to a design

which positively contributes to the sense of place and responds to local character and identity.

Unfortunately the current proposal fails to take the opportunity for improving the character and quality of the area and would be a missed opportunity in this regard. The proposal instead has an 'anywhere' appearance and seeks to emulate two pastiche developments in the immediate locality, rather than reflecting the identity of local character and distinctiveness.

i) Layout:

The building is closely sited to the front boundary of the site, particularly the left gable end, and would benefit from being slightly set back further in order to better integrate with the neighbouring existing buildings. The double pile buildings and H plan form would be out of keeping with the locality which has single depth linear buildings.

The layout would be better served by having a series of villa buildings of traditional plan form, thereby breaking down the over dominant H plan form and providing greater space around the building form.

ii) Scale, Massing and Architectural Detailing:

The scale and massing of the building form has an excessive range of two and a half storey and three storey elements and is emphasised by the terrace form of the proposed development. This form has an unduly deep roof form which is cluttered by oversized dormers which would be very dominant. The roof therefore has a top heavy appearance and indicates that the overall height of the building needs to be reduced. In addition, the roof form has no vertical emphasis, articulation or visual interest which is normally provided by the use of chimneys. The scale and height of the ground storey also does not provide an effective base to the building, the reduced height of the ground storey creates a mean appearance in comparison with traditional buildings in the locality.

Overall the design rationale to provide a series of building elements to knit back the streetscene is the right approach. However the current proposal does not convey a series of convincing building forms, rather it has a series of buildings with a varied 'pick and mix' of pastiche architectural elements and features which collectively don't provide a sense of local identity or make reference to the local distinctiveness.

The design of the south elevation facing High Street frontage is critical and at the current time this is not a composition of convincing architectural styles or building forms. The left hand gable is unduly wide and not reflective of the span of traditional gables; the two smaller projecting gables are not a form found in the locality. The use of false framing within the gable apex's and the contrasting brick arches features are not a local building detail. The frontage also suffers from a lack of elevation hierarchy and a lack of variety; it should be possible to vary the size of the windows to create modulation and articulation to the façade and introduce greater complexity and variety. The bays appear squat and would normally be associated with Victorian houses which doesn't relate to the appearance of the building. Whilst painted brick work is acceptable per se, you would not expect this to have contrasting red brick banding etc. The front doors don't appear as front entrances in that they are not treated with canopies, door surroundings etc.; this fails to provide a focal point for the façade and

visual interest for passers-by at street level.

East elevation, the building at the entrance does not effectively turn the corner in an effective manner. This would benefit from a projecting bay to provide an architectural feature and natural surveillance. The link element appears as though the window fenestration is squeezed. The second gable end has no visual interest and is a blank facade.

North elevation, the roof is unduly deep and is cluttered by oversized dormers. The roof is top heavy appearance and indicates that the overall height of the building should be reduced. In addition, the roof has no articulation or visual interest.

In conclusion, this development opportunity is an exercise which requires good place making and high quality design. Unfortunately the current scheme is lacking in this regard and in my view is not good enough to approve in light of NPPF, in particular Para 58 which states that it should be the aim of new developments to “respond to local character and history and reflect the identity of local surroundings and materials”. Given the level of design concerns, I recommend refusal of this scheme unless the applicant is prepared to withdraw this application and work with us to achieve a more acceptable design solution.

#### Comments on amended plans

The design of this scheme has significantly improved and will greatly enhance the streetscene making a positive statement at the gateway to the conservation area. This will significantly improve the existing situation which has a negative impact on the character and appearance of the locality.

My only concerns relate to:

- The set forward of the middle unit facing High Street since the parapet wall will be unduly dominating in the streetscene. It would assist the scheme if this set forward could be reduced by half.
- The boundary treatment would benefit from having a low dwarf wall/plinth and gates between the piers up to the front doors.

Apart from this one change I consider that this scheme is acceptable in design subject to conditions relating to:

- All materials
- Colours of areas of painted brickwork and render
- Details of all windows, entrance doors and door cases (including section showing profile, glazing bars, trickle vents etc)
- Roof lights (NB conservation roof lights have been requested due to the flush fitting nature and the subdivision with the vertical bar)
- Details showing windows heads and bay window details
- Details showing of boundary treatment
- Hard and soft landscaping including lighting

#### Environment Agency

No objection subject to the imposition of conditions to cover, contamination, remediation, long-term monitoring and maintenance, prevention of penetrative

methods for foundations, and prevention of infiltration of surface water drainage into the ground.

### Refuse Department

For 48 residencies we would require 8 x 1100ltr euro bins for a once weekly collection and a further 3 or 4 for recycling. Space for 12 euro bins should be provided with no steps between the storage area and collection vehicle which is a 26 ton rigid freighter and consideration should be given to its size and manoeuvrability.

### Housing

Strategic Housing have held protracted discussions with the agent over the provision of affordable housing at this proposed development. It was initially agreed that (due to the very high service charge and ground rent proposed) that any form of social/affordable rent and shared ownership would be prohibitively expensive for future occupants.

Officers then proposed the inclusion of shared equity housing within the development. The agent challenged the feasibility of the provision of shared equity on the development as it was not a product with which they were familiar, and proposed a commuted sum of just over £600k. Whilst shared equity housing has been provided on alternative sheltered housing schemes of a similar nature to this proposed development, the agent's reluctance to include shared equity in this development would have almost certainly led to a break-down in negotiations and subsequent planning appeal.

The applicant revisited the commuted sum, and was able to offer an increased figure of £764,000 in lieu of affordable housing, which would allow the developer to start works on site in January 2014. This revised commuted sum is enough to provide the equivalent amount of affordable housing elsewhere, and will mean that this development (which provides a type of housing in high demand) can commence quickly.

The Strategic Housing scheme therefore supports this application with the provision of £764,000 as an off-site contribution in lieu of affordable housing.

### Hertfordshire Highways

No objection subject to conditions relating to site access construction, materials and equipment to be used during the construction stored within the site, details of the disposal of surface water from the new access and parking areas to be provided, on-site parking provided for the use of all contractors, sub contractors, visitors and delivery vehicles, wheel washing, details of materials for hard surfaced areas, and areas for delivery of materials associated with the construction provided within the site.

This application is for full planning permission to demolish the existing buildings and redevelop the site to form 48 one- and two-bed sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping.

The site is 380-392, High Street Berkhamsted. It lies on the north of the A4251 High Street to the west of the centre of the town and outside the conservation area. The

nearest side road is Stag Lane which is separated from the western edge of the development site by the modern Dell Court flatted development.

The nearest bus stops are correctly identified in the Transport Statement. There is a westbound stop opposite the site, and an eastbound one approx 180m from the site. There is also a stop in Cross Oak Road approximately 115m from the site (served by the 30/31 and 32 routes). None of these stops have either easy-access kerbing or passenger shelters.

Details of services are as follows: 30/31/32 H. Hempstead/Berkhamsted/Aldbury Mon-Fri x4/day, Sat x3/day, no Sun 500/501 Aylesbury-Watford Mon-Sat half hrly, Sun hrly 502/532 Northchurch-H. Hempstead Mon-Sat x6/day, no Sun 550 Watford-Hemel Hempstead/ Tring Mon-Fri x1 to Tring The site is approximately 0.6 miles from Berkhamsted railway station. Trains are run by London Midland and Southern. London Midland services into London Euston are 4 per hour; Southern trains are hourly into London. The journey time into London is approx 36 minutes on a limited stop service. If developer contributions are being sought, these could be used towards upgrading the nearest bus stops on the High St as neither has easy access kerbing or shelters. The westbound stop would cost approx £11,000 to upgrade with easy access kerbing due to the likely need to move the lamp column and pole. The eastbound stop would cost approx £8000.

The site is relatively well-served by pedestrian routes however access by bicycle is less easy. Paragraph 3.4 of the Transport Statement says that 'There are likely to be very few cyclists among residents of the proposed development given their age and thus access by cycle to the site is not considered a particular issue.' However the employer should seek to encourage staff to cycle and there will need to be a Travel Plan to encourage this as well as access by non-car modes to residents and visitors. The response to the first part of question 6 in the application form indicates that new vehicle and pedestrian access points would be created were this development to be implemented. This is contradicted by the statement in paragraph 5.1 of the Transport Statement which says: 'The existing vehicular access is from the High Street. This will remain the vehicular access point for the proposed development, as illustrated in Figure 2.2. As there is no change in the access position and there will be a reduction in the number of vehicle movements, the vehicle access arrangements are considered to be suitable.' This should be clarified. If alterations are required to the access the developer will need to engage with HCC Highways to enter into a Section 278 agreement.

The response to the third part of question 6 in the application form indicates that no new public highway would be created were this development to be implemented. The management of parking within the site would therefore fall to the site manager to ensure that it does not spill on to the adjacent highway and cause problems for safety and movement.

**Planning obligations** It is the policy of the County and Borough Councils to seek planning obligations to mitigate the effects of development. In accordance with paragraph 11.7 of the Toolkit I recommend that a 'first strand' contribution towards specific measures in the vicinity of the site of £19,000 toward provision of easy-access kerbing at the 2 nearest bus stops is sought. As regards the pooled 'second strand' contribution it is acknowledged that car use will be lower than usual for a residential development.

The response to the third part of question 10 in the application form indicates that the development would offer 17 car parking spaces. The suitable transport contribution should therefore be £8,500 (17 parking spaces @ £500 as per Toolkit para 11.14). This element can be reduced by the amount of any TravelSmart contribution sought by the local planning authority. Planning obligations so derived would be used on schemes and measures identified in the emerging Tring, Northchurch and Berkhamsted Urban Transport Plan.

#### HCC Planning Obligations Officer (Summarised)

##### *Original comments*

Based on the information to date for the sheltered housing development for the elderly comprising 31 x 1 bedroom and 17 x two bedroom apartments we would seek the following financial contributions and provision, as set out within HCC's Planning Obligations Toolkit.

##### Financial Contributions:

- Libraries £4,580
- Fire hydrant provision is also sought and should be secured by the standard form of words in a planning obligation.

##### *Additional Comments*

Thank you for confirming that the existing 3 bedroom property 390 High Street, Berkhamsted is still within residential usage and currently occupied. I have now taken this into consideration and have reduced the Library contribution figure accordingly and confirm that the figure now sought is £4,382.

#### Trees and Woodlands

No objection - support additional planting

#### Hertfordshire Biological Records Centre

Awaiting comments.

#### Contaminated Land Officer

The Preliminary Geo-environmental and geotechnical assessment provides a satisfactory preliminary risk assessment (Phase I Desk Study) and Phase II intrusive investigation of the site (384 High Street). The intrusive investigation identified concentrations of Lead, Asbestos and a number of PAH compounds within the Made Ground across the site. Visual and olfactory evidence of hydrocarbon contamination was identified at depth (4.8 – 6mbgl) in WS7. Corresponding soil samples taken from 5 and 5.8mbgl did not identify any exceedances of the adopted generic assessment criteria for hydrocarbons; although hydrocarbon contamination was identified in the groundwater sample taken from this location. An elevated concentration of Total Cyanide was also noted in the groundwater at BH2. All soil samples taken from the site revealed Total Cyanide concentrations below the laboratory detection limit of 1mg/kg,

therefore indicating that the exceedance reported is likely to be from an off-site source. Further groundwater monitoring has been recommended to further assess this.

I am in agreement with the findings and recommendations made in terms of human health as follows; where the areas with exceedances reported are to be overlain by the building footprint or hardstanding, no formal remedial measures are considered necessary. Where areas of soft landscaping are proposed the risks should be mitigated by use of a cover system.

In reference to the cover system, the required depth will be dependent upon the type and concentration of contaminant(s) that remain in-situ, and the proposed future use of the site. Verification that the required depth of cover has been achieved is required. Details of the supplier and confirmation of the source(s) and total quantity of imported soil material must also be stated in the verification report.

The soil should be free from asbestos, metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils and otherwise comply with the requirements of BS 3882:2007 – Specification for topsoil and requirements for use. Sampling and analysis will be required to demonstrate the chemical suitability of imported soils. Please note that analytical certificates submitted by the supplier of the soil material will not be acceptable; i.e. independent sampling and analysis must be carried out.

The samples shall be analysed at an independent accredited laboratory for an analytical suite which should include as a minimum Metals, PAH (speciated), TPH fractions (speciated), soil organic matter content, and pH.

A sampling frequency of 1 sample per 40 m<sup>3</sup> is required where the soils are from a natural source. A minimum of 3 samples are required. For larger amounts of soil from a single source the sampling frequency can be reduced by agreement with Dacorum Borough Council. For recycled or manufactured topsoil, or where the source of the soil is unknown, a sampling frequency of 1 sample per 20 m<sup>3</sup> is required. Again a minimum of 3 samples are required.

The analytical results should be compared to Soil Guideline Values (SGV) published by the Environment Agency where available. Where no suitable SGV is available the results should be compared to relevant Generic Assessment Criteria (GAC), or to levels which have been previously agreed in the remediation strategy.

To date only 1no. round of ground gas monitoring has been undertaken, further monitoring rounds are required in accordance with CIRIA C665 to confirm the current findings.

Further information is also sought in reference to the fate of an underground fuel storage tank identified in the previous 2008 investigation undertaken by STATS.

The Geo-environmental Desk Study provides a satisfactory preliminary risk assessment of the site (390 – 392 High Street); an additional area of land, proposed for incorporation into the redevelopment of the adjacent site. An intrusive investigation (to incorporate 4no. window sample boreholes and 2no. boreholes for gas and groundwater monitoring purposes) has been proposed based on the findings of the preliminary risk assessment (former use as a vehicle maintenance and servicing



garage). I am in agreement with these proposals for an intrusive investigation.

In summary, as further investigative works are required, I recommend that a contamination condition be applied to this development should permission be granted to ensure these are undertaken.

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

#### *Objections*

We already have enough retirement homes in the town, most of which are NOT fully subscribed. It will continue to erode the old town atmosphere of Berko. that people cherish. There are a mass of new developments in this area of town already. There seems to be a continual destroying of old buildings.

The church of the Sacred Heart is continuing to be "walled in by newbuilds. The construction of 3 newbuild houses was passed only 2 years ago. We are now overlooked on all sides. We already have a sewage problem, the Victorian pipes cannot cope at the moment. We have regular manhole explosions on our grounds because the pipes to Park street are not able to cope. I hope you will take their points into consideration when you come to make your final decision

#### *12 Dell Court*

I object to these particular plans due to the fact that the proposal now has additional flats that would directly overlook my apartment. The previous plans that went to consultation had no second floor flats overlooking Dell Court (just a corridor) but these plans have now changed. Dell Court is built on a slight hill and the height decreases down the hill , so although my flat is on the second floor it is lower down than the second floor flats (9 & 10 Dell Court) that are on the high street. Upon looking at the western elevation drawings for the proposed development the second floor flats opposite Dell Court appear to be the same height as those sitting directly on the High Street, therefore causing them to be higher than Dell Court. There are two flats on the second floor that would have windows directly facing my flat and would actually be looking down into my living room, kitchen and private balcony, where previously there were no buildings of this height. I believe this will have an impact on our privacy.

#### *328 High Street*

I object to this application purely on the grounds of parking.

It is proposed to build 48 sheltered apartments for people aged 60+ but to only have 17 car parking spaces. The argument that the majority of people living here will either not own a car or "will relinquish the burden of car ownership" is ridiculous. There are not enough spaces for the owners and/or their visitors and Berkhamsted has no capacity for any more on street parking especially as the Metric development for Marks and Spencer's was given planning permission with so few parking places. A larger number of off street parking places will need to be factored in to this development. The addition of more kamikaze mobility scooters using the pavements in Berkhamsted High Street is another serious concern.

## **Considerations**

### Policy and Principle

The application site is located within the urban area of Berkhamsted on previously developed land and currently accommodates a mixture of commercial, community and residential uses. It is considered the existing buildings do not make a positive contribution to the area in terms of visual amenity or to the conservation area which is adjacent. The site is situated within the urban area of Berkhamsted wherein the principle of residential development is acceptable under Policies 2 and 9

The adopted local plan (Policy 33) designates the site for conversion of employment land to housing and other uses and identifies Gossoms End (East) as a site for high density housing and flats. Policy 33 specifies that a high standard of design of development on the corner of High Street and Stag Lane should be provided. Despite the land being identified for redevelopment to high density residential in the local plan, no comprehensive plans have come forward until this time. The corner of the land indented has been developed as housing now known as Dell Court.

The key issues in the assessment of this proposal concern the extent to which it optimises the use of land, the likely impact on the street scene and on the character of the area, the impact, if any, on the amenities of neighbouring residential occupiers, and the acceptability of the proposal in highway terms.

Policy CS18 deals with Mix of housing and states that new housing will provide a choice of homes. This will comprise: a) a range of housing types, sizes and tenures; b) housing for those with special needs; and c) affordable housing in accordance with policy CS19.

Policy CS19 states that affordable homes will be provided outside of Hemel Hempstead, on sites of a minimum size of 0.16ha or 5 dwellings (and larger). 35% of new dwellings should be affordable. A minimum of 75% of the affordable housing units provided should be for rent.

Policy CS29 states that development will comply with the highest standards of sustainable design and construction possible.

### Public Consultation

The applicant undertook a public consultation exercise prior to submission of the application whereby a public exhibition was held with members of the Town Council and local residents invited. An online consultation exercise was also undertaken and the applicant met with the town council. The developer also engaged in pre-application meetings with Dacorum Borough Council prior to submission as well as meetings have also been held between the planning and conservation teams with the applicant to amend the scheme during the negotiation of the application.

### Need for Sheltered Housing for the Elderly

A report has been submitted with the application which provides evidence of the need for private sheltered housing in Dacorum Borough to support the proposal. The report has been produced by DCA who are leading specialists in Housing and Planning

Strategies and who were involved in producing the 2003 Housing Needs survey for Dacorum and an 2012 update. The supporting report identifies that 86.6% of the borough's sheltered housing supply is provided by registered providers in the social rented and shared ownership sector. 13.4% of all sheltered housing stock are available in the private sector for outright purchase, to meet the needs of owner-occupier households (owner-occupier households make up 64.8% of all local households). Therefore, the report indicates that the number of owner-occupier households is nearly three times the number of social housing tenants, but the level of supply of private sheltered accommodation is six times lower in supply in comparison.

The report estimates that 17,458 households in the Borough have no mortgage which is mainly an older group of people and this group alone is nearly 1.5 times the total public sector households of all ages. The report identifies a significant growth in the levels of older population and in particular indicates that there will be over 12,000 people over the age of 75 in the Borough by 2016. The 2003 HNS for Dacorum identifies that 58.5% of older person households (aged 60+) live in a 4 bedroom property and 57.7% in 5 bedroom properties. This amounts to 3,223 older person households who are in owner occupation and live in 4 and 5 bedroom properties. It is likely that a significant proportion of these properties are under-occupied and this situation is likely to worsen over the next ten years as the proportion of older owners in the borough increases. The displacement of the older population from under-occupied properties to smaller sheltered accommodation would in return free up family sized homes which are particularly in demand within the borough.

The updated housing need survey identifies a need within the Borough for older persons accommodation which is in accordance with the data reported in the DCA report above and it is also noted that a report which is due to be reported to Cabinet in September further emphasises the need for sheltered accommodation to provide homes for the older population in the Borough.

The NPPF identifies that housing choice is important across all ages and tenures and in particular Paragraph 50 notes that LPAs should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as but not limited to families with children, older people, people with disabilities). This is further backed up by policy CS18 of the core strategy and no objection is therefore raised to the development on this basis that it would cater for accommodation for an increasing older population providing quality homes and facilities to meet their needs in a sustainable location, but also providing an opportunity for larger family homes to come into circulation.

Based on the evidence provided together with Dacorum's own studies, the principle of accommodating high quality residential accommodation for elderly population is supported.

#### Loss of community facilities

It is noted that there is a pre-school located on site which would be demolished. Permission was granted for the change of use of this building from employment to nursery in 2011 however consideration was given at the time as to whether the principle of allowing a community facility onto the site would compromise the future development. Permission was granted on the basis that the nursery only had a short term lease of two years and would be vacated by the time this development would be

going forward. Therefore, it is considered that the planning department only allowed the nursery on this site on the basis that it was a short term provision and no objection therefore is raised to the loss of the community facility.

### General layout

The design and access statement submitted with the application provides an overview of the design rationale for the scheme however it is noted that since the submission of the application, the scheme was changed significantly in design terms which is discussed below.

The layout of the development arises from looking at the character of the surrounding area: the local context comprises a variety of built form, styles and details and no single style dominates throughout. The site sits amongst modern contemporary residential development to the west and smaller terrace buildings to the east which buildings ranging in height from 2 storeys to 4 storeys. There is a distinct building line on the northern side of the High Street with properties abutting the highway and this has been continued further along the High Street by the large residential building on the adjacent Dell Site. The building line of course is broken along the frontage of the application site by the existing entrance to the commercial buildings and grassed area. To the rear of the site, there is a residential development (Tweed Court) which comprises two storey detached properties and beyond that there are larger bulkier buildings. Directly, opposite the site is the petrol garage which has not distinct form or design.

The design and layout of the scheme has been driven as a result of careful consideration of the adjoining neighbouring properties, highway and parking requirements, amenity provision and indeed to the scale, height and mass of the development given the topography of the site and its surroundings. Therefore it is considered that the H form was been derived in order to maximise density of the site in accordance with the objectives of policy 33 but also respecting the amenities of neighbouring flats at Dell Court, and retaining sufficient distance from the residential properties to the north. Further to that, the frontage along the High Street maintains the established building line and strengthens the high street by introducing quality buildings and an active frontage and also integrating the smaller more traditional buildings along the high street with the more contemporary taller building at the corner of Stag Lane. It is considered that the form of the development is acceptable as it is not a departure from the surrounding character due to the significant variation and it respects the important frontages along the high street, whilst also achieving a satisfactory development which maintains neighbouring amenities.

### Design

Following pre-application discussions and a meeting during the negotiation of this application amended plans have been submitted in response to comments from the conservation and design officer. It is noted that the site itself is not located within the conservation area however, the adjacent buildings to the west are and the development would bridge the conservation area with the more contemporary buildings to the west.

The alterations to the scheme following discussions between the planning department and the agents are as follows:

- the front elevation has been moved back by 1m
- car parking layout revised to provide 19 spaces, two more than the previous application
- re-design to depict a terrace of 5 buildings in traditional materials
- chimneys added to the frontage that are locally distinctive
- the eastern elevation has a distinct chimney feature and a bay window at the second gable
- the roof height has been reduced on the northern elevation, 3 dormers removed and those remaining have been reduced in size.

The frontage now comprises an appearance of 5 distinct buildings forming the terrace which have been designed to capture other important buildings within the Berkhamsted Conservation area. It is considered that the design of the development is good quality which will enhance the character of the adjacent conservation area and respects the surrounding areas. The proposal accords with policy 11 of the local plan and policy CS11 of the pre-adopted Core Strategy. The conservation officer is now relatively satisfied with the design subject to conditions requiring the submission of detailed materials, colours, windows etc. It is considered that a condition requiring these specific details meets the tests of circular 11/95 as they are necessary to ensure that the development is of good quality in particular the elevation fronting the High Street, which will impact on the character of the adjacent conservation area. The amended plans are considered to address earlier concerns which requested that the development related better to local distinctiveness. Other concerns have been address in particular reducing the heavy roofscape by altering and lessen the dormer windows both front and back and adding chimneys to the roof slopes.

Two points of concern however remain from the conservation officer which are the projection of the parapet wall along the frontage and the boundary treatment. A condition is imposed requiring details of the boundary treatment and the detail of this can be agreed at that stage. In terms of the parapet wall, a small reduction in the projection of the parapet wall has been discussed with the agent and he has indicated that the applicant would be prepared to reduce this projection in order to satisfy the concerns of the conservation officer. Amended plans would be submitted in advance of the committee to address this design concern and this will be updated in the addendum report.

### Parking and Highways

The development provides 19 car parking spaces (as per amended plans). The development proposal is supported by a Transport Statement (TS) which concludes that the assessment of the proposed development that there would be around a total of 70 daily vehicle trips for the size and type of development. This is compared to the potential trips associated with the current uses on the site and concludes that there would be a difference of some 45 less vehicle movements per day. The Highway Authority has raised no objection to the proposals and there would be no significant impact on the surrounding highway network from the traffic generated from the proposed development. The site is in a good location of accessibility in terms of access to a range of services in the town centre and public transport.

A total of 19 parking spaces are proposed for the use of residents which vehicular access taken from the High Street. Appendix 5 of the local plan sets out maximum car

parking standards for sheltered dwelling which are warden controlled (Category 2). This is indicated to be 0.75 spaces per unit including 0.25 visitor space. However as the site enjoys a good location in terms of access to a range of services and public transport and it is noted that appendix 5 allows the standard to be reduced or indeed car free (as set out in the Accessibility Zones SPG for the stag lane area and policy 58 of the local plan) the provision proposed is considered adequate. It should be noted public spaces are available on the High Street, or at St Johns Well off street car park which is approximately 300m from the site which can be used for visitor's parking.

The TS has assessed 8 other Churchill developments in terms of total traffic movement and levels of parking provision. The 2012 surveys shows the average parking demand across the eight sites surveyed to be lower than the proposed parking provision proposed. Average across the 8 sites is 0.28 spaces per residential unit whereas this scheme provides a ratio of 0.39 spaces per unit.

The applicant has indicated that the ages of a resident is normally over 70 who already lives locally and now wishes to live independently. It is understood that the average age of residents across all their currently occupied sheltered housing facilities is 79 and 30% are over 80 years of age. It is noted that often due to the age of the residents there is a shift in car ownership which often is one of the main reasons for occupying the sheltered accommodation and in particular due to the location of the site close to amenities, car usership is likely to be low amongst the residents.

A resident has raised concern in relation to mobility scooters using the public footpath. The highway officer has raised no objection on this basis and there is no evidence to suggest that mobility buggies would cause a highway concern.

The submitted TS looks at existing transport facilities and identifies that there are 5 bus stops within the immediate vicinity of the site (two of which are located on the High Street, and three other bus stops within 400m boundary. Those buses stopping close to the site are considered to provide a good frequency of service and the location of the stops are highly accessible for residents, shoppers and visitors. The nearest train station is approximately 1km or 15mins walk away with bus services running from the site to the station. The station operates services to London, Watford, Northampton, Birmingham, Clapham and various other stops between. The TS also addresses pedestrian and cycle connections to the site and states that the site is located within a 30mph area with adequate street lighting. Along the site frontage on the Highway there are footways on both sides allowing good accessibility and safety for pedestrians. Pedestrian crossings are also in close proximity to the site, 60m to the west and 160m to the east.

The TS indicates that is unlikely that there would be many cyclists among residents of the development given their age however for visitors, in the same way as pedestrian access, it is considered that there is safe and convenient cycle access to the site.

The applicants have also brought to attention a recent appeal decision for a similar development in Bromley where the Inspector concluded that the provision of parking at a ratio of 1:3 was acceptable. The scheme at 76 High Street, Bromley proposed 50 sheltered apartments and 16 parking spaces. The inspector concluded that there was ample evidence to demonstrate that 16 spaces would be adequate to serve the needs of the scheme, and that any need for parking visitors' cars can be readily met at all times by on-street parking and car parks in the near vicinity without placing undue

pressure on those available spaces. The inspector found that the committee which suggested that provision of 30 spaces was a more suitable amount was not backed up by any substantial evidence or argument and was instead a rather general and inconclusive reference to LB Bromley's levels of car ownership. The Inspector found that Bromley Council acted in an unreasonable manner and that Council members had no reasonable basis for suggesting that the parking spaces should be increased to 30, and no professional advice to that effect. He found that Bromley Council had failed to substantiate its claims over the level of on-site parking required and in general, it had shown a lack of understanding of the nature of category II sheltered housing. The Inspector therefore requested the Bromley Council pay full costs of the appeal.

As parking provision is reduced due to the nature of the development for sheltered accommodation for the elderly, it is considered necessary to impose a condition restricting the age of the occupants of the development to over 60.

Taking into account that the proposal does not exceed the maximum parking provision of the DBLP, that the development is sited in an accessible/sustainable location, the specific type of development proposed and recent case law regarding acceptable provision for this category of development it is considered grounds for refusal relating to lack of parking provision could not be sustained.

HCC Highways have raised no objection subject to contributions to sustainable transport provision and improvements to the public transport by specific measures in the vicinity of the site for easy-access kerbing at the two nearest bus stops. It is considered that this provision meets the tests of policy 13 of the local plan and policy CS35 of the emerging core strategy as it is directly related to infrastructure required to support the development. Highways have also asked for a number of conditions including storage of construction materials and parking for construction vehicles to be provided for on site and off the public Highway. It is considered that these conditions are reasonable in accordance with policy CS8 which seeks to improve road safety. Unless parking and storage is provided on-site, there is little capacity on the adjacent highway to accommodate construction vehicles and materials during construction and as a result overflow from the site onto the highway could have an impact to highway safety. Due to the layout of the development, it is reasonable to provide construction storage and parking on the areas allocated for resident parking until occupation of the development.

### Noise

A noise Impact Assessment has been prepared to support the application which assesses the current environmental noise impact on the site in accordance with the NPPF and the local plan. An automated noise monitoring survey of the existing daytime ambient noise level was undertaken on the site. The noise reports indicates that the surrounding noise would not exceed Environmental Health legislation.

### Affordable Housing

Policy CS19 states that affordable homes will be provided outside of Hemel Hempstead, on sites of a minimum size of 0.16ha or 5 dwellings (and larger). 35% of new dwellings should be affordable. A minimum of 75% of the affordable housing units provided should be for rent. Policy CS19 goes on to say that judgements about the level and mix of affordable homes will have regard to:

- (a) the Council's Housing Strategy and other evidence (see Policy CS18);
- (b) the potential to enlarge the site;
- (c) the overall viability of the scheme and any abnormal costs; and
- (d) more detailed guidance in the Affordable Housing Supplementary Planning Document.

Considerable discussions has taken place between the housing team and the applicants in respect of the affordable housing provision whereby it was first requested that the scheme provides for 35% shared equity accommodation on site. The applicants were not keen on providing this due to the type of tenure provided together with the costs and management of the development and argued on site shared equity scheme would not be feasible. This argument has been taken on board by the housing team and it is noted that Inspectors considering similar developments for sheltered accommodation have always accepted off site commuted sums in lieu of affordable housing provision on site due to the nature of the development.

An agreement was reached whereby a commuted sum would be paid through a S106 agreement to provide affordable housing off site which would be used for affordable housing for any age to meet Dacorum's need. This stance is considered to be acceptable in accordance with policy CS19 above in particular allowing for judgements to be made in respect of viability of the scheme and the Affordable housing SPD. A commuted sum of £764, 000 will be paid in lieu of affordable housing provision which allows flexibility for the housing team to utilise the contribution elsewhere.

#### Impact on Trees and Landscaping

An arboricultural impact appraisal has been submitted in support of the application and indicates that a small number of trees will be lost however these are all low category because of their poor condition, small size or limited sustainability. The scheme includes provision for the planting of additional trees to both allowing screening to the development and the neighbouring properties as a well as in the interests of visual amenity. A full plan showing details of landscaping and tree planting will be imposed. The existing line of conifers which are to be retained would not be worthy of protecting however as they do offer significant privacy and screening for the properties along Tweed Close, a condition will be imposed requesting that these trees be retained and together with the additional planting, a condition will be imposed requesting that any trees that fail, within a period of 5 years from the date of occupation, replacement trees should be provided.

#### Impact on Neighbours

The impact of the proposal on the adjacent residential amenities has been taken into account in particular to the residents of Dell Court to the north west and Tweed Close to the north.

The residential properties within Dell Court have windows and balconies which face onto the eastern side of the development. In terms of privacy, the distance between these windows at Dell Court and the windows proposed within the sheltered apartment is in excess of 30m which is well above the minimum distance of 23m set out in appendix 3 of the local plan. On this basis, the distance between the windows of Dell Court and the proposed development is that there would not be a reason for refusal on



this basis. The building is set in where it is parallel to Dell Court in order to ensure that sufficient distance is achieved between the windows to avoid overlooking, where the building extends outwards into the "H" form, there are no windows located on the flank elevations. It is noted that particular importance was placed when planning Dell Court that it would not compromise future development of the adjacent site.

In terms of impact to the properties to the north of the site, Tweed Court, due to the variation of the building line along the properties of Tweed Court there is a variation in the distance between the rear elevation of properties along Tweed Court and the proposed building as below:

No.22 Tweed Court- 23.1m

No.21 Tweed Court - 21m

No.20 Tweed Court - 25.6m

No.19- 23.8m and 22.3m

No.18 - 21.7m

Some of the distances above are slightly below the 23m distance set out in appendix 3 and therefore it is necessary to consider what screening would be provided to ensure privacy is not significantly harmed for both residents along Tweed Close but also to the residents at the new development. Along the northern boundary there are significant trees which extend to a significant height. These trees are shown to be retained and these obscure any direct views from the rear windows on the development to the properties along Tweed Close. A condition will be imposed requiring these trees to be retained and supplemented with further planting.

Due to the sloping site, the building nearest the northern boundary has been sunk to reduce the impact on the properties along Tweed Close. From Tweed close the nearest built form will present as a two storey building utilising the roof space which will then increase in height as the building nears the High Street, thus reducing the impact overall from the properties along Tweed Close. It is considered that the development would result in an improvement for the residents of Tweed Court, as the buildings are now set of the boundary and additional tree planting will be provided to mitigate the impact of the development. This is an improvement from the existing relationship whereby large commercial buildings are located right up to the boundary and are much closer to the rear gardens of Tweed Court than this proposal.

In terms of Dell Court, where the development is in close proximity to the boundary with Dell Court, the built form is either single storey or is not adjacent to any habitable rooms. On this basis, it is considered that the new development would not significantly reduce sunlight or daylight to the apartments at Dell Court, or appear significantly overbearing.

### Contaminated Land

The contaminated land officer has considered the application and supporting documents however has requested that the standard contamination condition be applied to deal with additional survey work. This condition will be imposed.

### Refuse

The provision for waste and refuse within a communal store near to the site entrance is

considered acceptable.

### Amenities for Future Occupiers

The scheme provides for ample communal space for the residents of the development. In terms of privacy due to the layout of the development, there would not be any significant overlooking from within the residential development itself. Due to the 'H' layout, four of the internal elevations face onto each other with less than 23m separating them however where this occurs, there are no habitable windows facing one another and the development has been carefully laid out to provide hallways and non-habitable windows facing onto habitable rooms to avoid overlooking.

### Flood Risk Assessment

The Environment Agency's Flood map identifies the site within Flood Zone 1 which is defined as having a "low probability of flooding". The report also identifies that the site is not at risk from fluvial flooding from both the River Bulbourne and the Grand Union Canal (low). The report also finds that the existing risk from groundwater flood is low and the existing risk from flooding due to sewer incapacity or drainage infrastructure failure is also low. The Environment Agency have responded to the application and have raised no objection however have requested that a number of conditions be imposed as without the conditions, the EA indicate that the proposed development on the site poses an unacceptable risk to groundwater. All conditions suggested shall be imposed.

### Ecology

An ecology report has been prepared in support of the application which evaluates the existing habitats and vegetation on site and potential for bats. Due to the existing uses and hardstanding on the site, there is little vegetation present with the exception of an area of amenity type grassland towards the south of the site. Also a patch of ruderal herb species is present at the northern boundary. It is considered however that majority of the habitats present in the survey area that are to be lost are widespread and commonplace and these therefore are considered to have a low botanical value.

5 of the buildings to be demolished were also surveyed for evidence of bats and no evidence was found however buildings F-H were not surveyed. The report also assessed all trees on site for their potential to support bats. The trees were considered to provide negligible potential and no objection is raised therefore. Nevertheless as not all the site was surveyed and the ecological report suggests that building inspections are updated when the remainder of the site is surveyed. A condition will be imposed therefore requesting a full bat survey on the buildings not yet surveyed.

The report also considers birds as all vegetation above 50cm in height and the buildings have potential for nesting birds. The report recommends therefore that clearance of the trees or scrub above 50cm in height is done outside bird nesting season or if these works are carried out inside nesting season, that a trained ecologist is supervising.

As not all of the buildings on site were surveyed, despite there being a small chance of bats, further ecological surveys are required by condition which is in accordance with policy CS26 of the emerging core strategy.

## S106 Matters

Policy 13 of the adopted local plan states that planning obligations will be used where necessary to control and meet the adverse effects of the development proposals. As the scheme is for sheltered housing some of the contributions commonly requested for residential development are not required in this instance such as schools and playing pitches as the occupants of the development would not place additional pressure on this type of infrastructure. The contributions sought are listed below:

- The County Council planning obligations officer has set out a requirement for the development to make contributions towards libraries and fire hydrant provision.
- The County Council Highway officer has set out a requirement for the development to make contributions of £19,000 towards provision of easy-access kerbing at the two nearest bus stops and £8,500 towards sustainable transport (including Travel Smart).
- Dacorum Borough Council request contributions in line with adopted planning obligations SPD for Outdoor pitches (£18,939) and Natural Green Space (£732). It is considered that it would not be reasonable to request further contributions such as primary schools, nursery, child playing space due to the nature of the development for the elderly population.
- Affordable Housing - £764,000 to be paid as a commuted sum for provision of affordable housing off site.

## RECOMMENDATIONS

1. That the application be **DELEGATED** to the Group Manager - Development Management & Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and the draft list of conditions below.
2. That the following Heads of Terms for the planning obligation be agreed:
  - £4,382 towards libraries
  - fire hydrant provision.
  - £19,000 towards provision of easy-access kerbing at the two nearest bus stops
  - £8,500 towards sustainable transport (including Travel Smart).
  - £18,939 towards outdoor pitches
  - £732 towards natural green space
  - £764,000 to be paid as a commuted sum for provision of affordable housing off site.
  - Restriction on occupants to be over the age of 60.
3. That in the absence of a completed planning obligation securing the figures set out in point 2 being in the Council's possession before the 16 September 2013, the Group Manager - Development Management & Planning be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:

*In accordance with the Council's adopted Planning Obligations Supplementary Planning Document (SPD), The Hertfordshire County Council Planning Obligations Toolkit, and proposal TWA8 of the Borough Plan, financial contributions and other*

*obligations should be provided in respect of a number of matters in order to mitigate the impacts of the development in this case and secure the improvements sought by TWA8. An undertaking under s106 of the Town and Country Planning Act 1990 has not been completed. In the circumstances, no legal mechanism is in place to secure the contributions and undertakings necessary in order to mitigate the impacts of the development. The proposal is therefore contrary to Policy 13 of the Dacorum Borough Local Plan 1991-2011 and its adopted SPD April 2011.*

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

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

- 2 The residential units in the development shall only be occupied by an individual or household when the individual or one member of the household is aged 60 years of age or over as at the date of occupation.**

Reason: In accordance with local plan policies and to ensure sufficient parking and amenity space is achieved for the interests of the future occupiers and highway safety in accordance with policies 11 and 58 of the local plan and policy CS8 of the emerging core strategy.

- 3 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. These details shall include:**

- All materials
- Colours of areas of painted brickwork and render
- Details of all windows, entrance doors and door cases (including section showing profile, glazing bars, trickle vents etc)
- Roof lights
- Details showing windows heads and bay window details
- Details showing of boundary treatment
- Hard and soft landscaping including lighting

**Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with policy 11 of the local plan and policies CS12 and CS13 of the emerging core strategy.

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

- **hard surfacing materials;**

- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting 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 and in the interest of highway safety in accordance with policy 11 and 58 of the local plan and policies CS11, CS12 and CS9 of the emerging core strategy.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and in the interest of residential amenities in accordance with policy 11 of the local plan and policy CS12 of the emerging Core Strategy.

- 6 No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:**
- 1. A site investigation scheme, based on the preliminary geo-environmental and geotechnical assessment (September 2012) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**
  - 2. The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**
  - 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

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

Reason: To protect groundwater in line with policies CS31 and CS32 of the emerging Core Strategy.

- 7 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.**

Reason: To protect groundwater in line with policies CS31 and CS32 of the emerging Core Strategy, the National Planning Policy Framework and the Thames River Basin Management Plan.

- 8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.**

Reason: To protect groundwater in line with policies CS31 and CS32 of the emerging Core Strategy, the National Planning Policy Framework and the Thames River Basin Management Plan.

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

Reason: To protect groundwater in line with policies CS31 and CS32 of the emerging Core Strategy, the National Planning Policy Framework and the Thames River Basin Management Plan.

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

**with the approval details.**

Reason: To protect groundwater in line with policies CS31 and CS32 of the emerging Core Strategy, the National Planning Policy Framework and the Thames River Basin Management Plan.

- 11 **No demolition shall commence until a full bat survey of buildings F-H and mitigation strategy has been submitted to, and approved in writing by the local planning authority. Details of any subsequent measures of mitigation outlined in the strategy shall be submitted and approved in writing by the local planning authority and implemented.**

Reason: In the interests of biodiversity and in accordance with policy 102 of the local plan and CS26 of the emerging core strategy.

- 12 **The development shall not begin until details of the disposal of surface water from the new access and parking areas have been submitted to and approved in writing by the Local Planning Authority in conjunction with the highway 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 policy CS8 of the emerging core strategy.

- 13 **Prior to the commencement of development a plan showing how all materials and equipment to be used during the construction shall be stored within the curtilage of the site shall be provided and shall also show facilities for on-site parking for the use of all contractors, sub-contractors and delivery vehicles engaged on or having business on the site associated with the construction of the development. The provision for parking and storage as agreed shall be provided for the duration of the development.**

Reason: To ensure the adequate and satisfactory provision of off-street construction-related vehicle parking facilities in accordance with policy 58 of the local plan and policy and CS8 of the emerging core strategy.

- 14 **The development hereby permitted shall not be occupied until the arrangements for access, vehicle parking, circulation, and turning areas as shown on Drawing No. 40012bk-pl02 A have been provided. The vehicle parking and turning areas provided shall be permanently retained and shall be used for no other purpose at any time.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with policy CS8 of the emerging Core Strategy.

- 15 **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,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

**(b) Submission of Remediation Scheme**

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

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



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

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

**(d) Reporting of Unexpected Contamination**

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

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

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

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

40012BK-PL01  
40012BK-PL02 A  
40012BK-PL08 A  
40012BK-PL07 A  
40012BK-PL05 A  
40012BK-PL04 A  
40012BK-PL09 A  
40012BK-PL06 A  
40012BK-PL03 A  
17725 Rev 1  
1461-0002 02

## 12348-BT2

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 reasons 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 development for sheltered accommodation is considered to be acceptable in accordance with policy 33 of the Local Plan and the form and size and design of the development is of an appropriate scale, particularly with regards to the character of the area and adjacent conservation area. The development is well designed, providing accommodation for elderly persons where is a need in the Borough. The development will be constructed to meet the Code for Sustainable Homes Level 3.

Good sized areas of practicable amenity spaces are provided to meet the needs of the occupants and in addition the scheme will see the retention of some of the best trees and supplement landscaping and planting.

The amenities of the neighbouring properties would not be adversely affected by the development and sufficient car parking is provided on site to meet the needs of the occupants.

### NOTE 2:

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

#### **Dacorum Borough Local Plan 1991 - 2011**

Policies 1, 2, 10, 11, 12, 13, 14, 17, 20, 21, 33, 40, 58, 68, 99, 111, 122, 123, 124 and 129

Appendices 1, 3, 5

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

Policies CS1, CS4, CS8, CS10, CS11, CS12, CS17, CS18, CS19, CS29, CS31 and CS35.

#### **Supplementary Planning Guidance**

Affordable Housing SPD 2013

Environmental Guidelines (Sections 1, 3, 9 and 12)

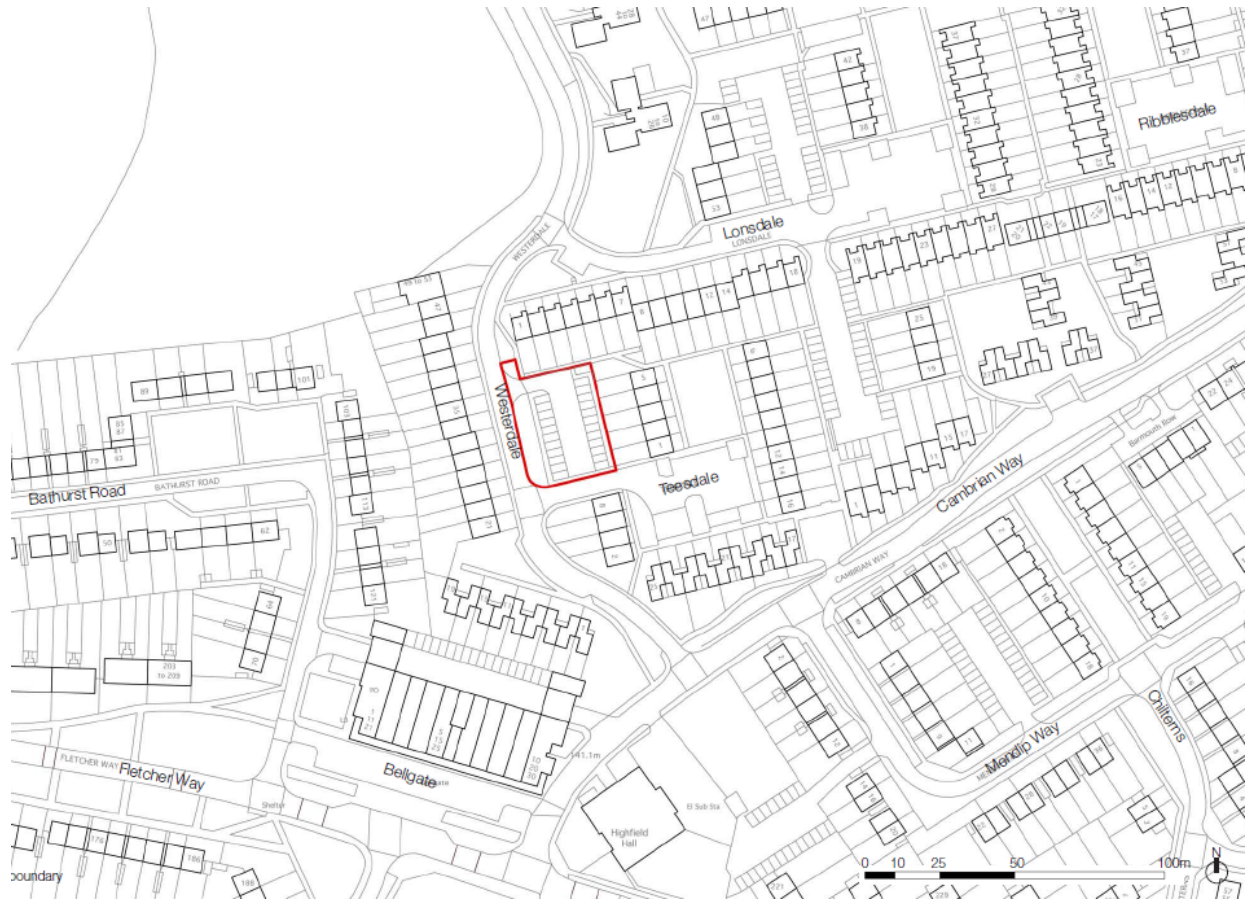
Accessibility Zones for the Application of Parking Standards

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 and during the consideration of the application 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 5.2**  
**4/02209/12/OUT - REDEVELOPMENT OF 23 DOMESTIC GARAGES TO PROVIDE**  
**FOUR RESIDENTIAL UNITS WITH PRIVATE PARKING AND FURTHER**  
**UNALLOCATED PARKING SPACES**  
**GARAGE SITE ON CORNER OF TEESDALE AND, WESTERDALE, HEMEL**  
**HEMPSTEAD, HP2**



**ITEM 5.2**

**4/02209/12/OUT - REDEVELOPMENT OF 23 DOMESTIC GARAGES TO PROVIDE FOUR RESIDENTIAL UNITS WITH PRIVATE PARKING AND FURTHER UNALLOCATED PARKING SPACES**

**GARAGE SITE ON CORNER OF TEESDALE AND, WESTERDALE, HEMEL HEMPSTEAD, HP2**



## ITEM 5.2

### **4/02209/12/OUT - REDEVELOPMENT OF 23 DOMESTIC GARAGES TO PROVIDE FOUR RESIDENTIAL UNITS WITH PRIVATE PARKING AND FURTHER UNALLOCATED PARKING SPACES**

**GARAGE SITE ON CORNER OF TEESDALE AND, WESTERDALE, HEMEL HEMPSTEAD, HP2**

**APPLICANT: DACORUM BOROUGH COUNCIL - MR M EVANS**

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[Case Officer - Richard Butler]

[Grid Ref - TL 06270 08632]

#### **Site Description**

The application site is currently occupied by two rows comprising 23 single garages located on the north-eastern corner of Teesdale and Westerdale. The garage rows face each other and sited along the eastern and western boundaries, parallel with the site's main frontage to Westerdale and generally following the surrounding neighbourhood layout.

Existing access to the site is via a driveway off Westerdale, however secondary accesses exist from three rights of way, linking the site to the northern part of Westerdale, Lonsdale and Teesdale. The rearmost garages form a right of way contained within the application site on its eastern boundary.

Dwellings in the immediate area are predominantly terraced, ranging between two and three storeys. There is a gentle fall in the land in a northerly direction.

#### **Proposal**

Outline planning permission (with all matters reserved) is sought for the redevelopment of the site comprising two terraced 3-bed dwellings and two flat over garages (2-bed) and the provision of additional car parking bays, following the demolition of the existing 23 garages. The proposal also includes a landscaping scheme.

#### **Referral to Committee**

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

#### **Planning History**

No relevant history.

#### **Representations Received**

##### Strategic Planning

Housing development is acceptable in principle in terms of Local Plan Policy 9 (land use division in towns and large villages), as the site is located in a residential area. The development is also acceptable in principle in relation to Core Strategy Policy CS4 (the towns and large villages), which will replace Local Plan Policy 9 once the Core Strategy is adopted.

The application should be assessed against Local Plan Policy 11 (quality of development) and the various Core Strategy policies (see Core Strategy Appendix 1) that will replace it following adoption of the Core Strategy.

The Council's Supplementary Planning Guidance on Development in Residential Areas should also be taken into account. The site is in character area HCA20 (Highfield). The policy statement for HCA20 includes the following guidance on redevelopment under the sub-heading 'scope for residential development':

*"Will not normally be permitted, but may be acceptable on certain non-residential sites. The redevelopment of garage blocks will only be acceptable if alternative provision is made for displaced vehicle parking and where proposals accord with the Development Principles."*

Figure 3.2 in the Design and Access Statement accompanying the application indicates that 11 of the 23 garages were occupied at the time of the public exhibition. Paragraph 2.2 states that a number of other garage sites close to the application site are not fully occupied.

Paragraph 4.4.1 in the Design and Access Statement states that 8 parking spaces are proposed for the new housing and 4 additional unallocated spaces for visitors and existing residents in the surrounding area. The 8 spaces proposed for the new housing meets the standards in Local Plan Appendix 5, given the site's location in Zone 4 (as shown in the Supplementary Planning Guidance on Accessibility Zones). The 4 proposed unallocated spaces are welcome, but it is not clear whether this is sufficient provision for displaced parking.

It appears that the proposals accord broadly with the Development Principles for HCA20.

The application is acceptable in respect of Local Plan Policies 17 (control over housing land supply) and 18 (the size of new dwellings) and Core Strategy Policies CS17 (new housing) and CS18 (mix of housing).

The proposals are acceptable, as long as you are satisfied that the 4 proposed unallocated spaces represent sufficient provision for displaced vehicle parking.

Scientific Officer, Regulatory Services

Due to the sensitive nature of the proposed land use, consideration should be made to the potential for contamination to affect the development. The site is also located within the vicinity of potentially contaminative former land uses (old gravel pit and garage). Therefore I recommend that a contamination condition be applied to this development should permission be granted.

Hertfordshire County Council (Highways)

This proposal is for outline planning permission and follows on from a meeting with the agent and the LPA. The applicant is proposing to demolish the 23 Dacorum Borough owned garages and redevelopment with dwellings comprising of 2 x 3 bedroom homes and 2 x 2 bedrooms flat at the former garage area at Westerdale, Hemel Hempstead.

This is still the same number of units but the configuration has changed with one less three bedrooms but an extra 2 bedroom flat. The Design and Access Statement suggests that the uptake in garage rental is low with many of the garages quite clearly not being rented and in a poor overall condition. The existing vehicular access from Westerdale is to be reused as the main access to the site. The highway authority does not maintain the service road and the applicant has not stated any intention to offer this short section of road for adoption. It follows that it is unlikely that the highway authority would wish to adopt this short section of road.

#### *Internal Highway layout and parking*

The layout drawings do not show a lot of detail but will be subject to further design checks as and when detailed plans are submitted as part of a full planning application. This would include checking internal movements for all vehicles associated with the development. The highway authority notes that the applicant is proposing to create a minimum of 14 un-allocated parking spaces for visitors and existing residents. The highway authority welcomes this but would like to see this allocation increased, as there is already a heavy demand for on street parking, particularly at night. The overall level of parking is a matter for the local authority to determine as per the local plan and the parking policy. The applicant looks at this in section 4.4.1 Parking of their Planning, Design and Access Statement but the highway authority would add that by offering to make additional spaces available is supported and the local authority should endeavour to allow as many as possible irrespective of their maximum-based policy in this particular case. This would help to mitigate the loss of off street parking when developing a site.

#### *Highway Benefits*

A financial contribution in line with current County policies for sustainable transport requested be used to provide measures or services near the site to encourage walking, cycling or the use of public transport. The Highway Authority will seek a standard charge contribution of £750 per one and two bedroom flat and £1125 per three bedrooms.

Highway conditions, based on the submitted details, are requested in respect to; the access, car parking and turning areas being provided prior to occupation, the parking spaces shall be used for the parking of non-commercial vehicles only, the proposed car parking spaces must have sufficient manoeuvring space to ensure all vehicles can enter and exit the site, where possible in a forward gear, and wheel washing during construction.

#### Thames Water

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.



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

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

### Comments Received from Residents

#### *1 Teesdale, Hemel Hempstead*

- Despite our concerns regarding the loss of these garages and the additional parking problems this development would cause the original plan was for three dwellings, this has now been increased to four.
- The flat situated above the garages will be a lot closer to my property overlooking my garden causing a loss of privacy.
- Unfortunately the actual plans for the development are not available to view but the sketched drawings clearly show pitched roofs on the buildings, this is not in keeping with the area. All the surrounding properties are flat roofed.
- There are currently 26 property's in Teesdale but only 23 parking bays 2 of which are disabled. The development will only add another 1 additional bay, the others will allocated to the new tenants.
- There is already a problem parking in this area with many cars and vans parking on grass verges and corners preventing clear access to the estate and causing driver's, cyclists and pedestrian visibility problems. This development is only going to add to these problems.
- Some of the residents are elderly and cannot negotiate the parked cars. There has been several incidents were children and elderly people have nearly been hit trying to cross the road to the shops or trying to get to the bus stop.
- There are no additional road safety plans shown in the plans for this development. A pedestrian crossing would assist with crossing the road and a round about from Cambrian way into westerdale would help with road safety.

### **Comments on Amended Scheme**

#### Thames Water

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.

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

With regard to water supply, this site comes within the area covered by the Veolia

Water Company.

## Comments Received from Residents

### *2 Teesdale, Hemel Hempstead*

- After seeing the revised plans I strongly object.
- The properties are not in keeping with this area as we all have flat roofs and not pitched roof. They will become an eye sore.
- The amount of parking spaces proposed are impossible unless everyone owns a mini or smart car.
- Parking in this area is atrocious especially at weekend. With all the cars parked in the existing garages being forced out and having to fight for a space to park this problem will be increased forcing people to park in unsafe and inappropriate places.
- I also object to the fact that our privacy will be completely compromised which was one of the reason why we chose to live here.
- Why build here when there is Empty waste land right next to the community hall on Cambrian way or with all the schools that have been closed in the area and been left empty for years why not build on them.
- Could you please tell me how is it possible to get plans approved for a pitched roof dwelling in a housing estate that has all flat roofs. This is completely out of character and totally miss placed . Does it mean as a resident on this estate I could put my own pitch roof on, also we do off and on have problems with our sewage systems I trust these new developments will have there own separate utilities.

## **Policies**

### National Policy Guidance

National Planning Policy Framework

### Dacorum Borough Local Plan 1991-2011

Policies 1, 2, 9, 10, 11, 13, 14, 16, 18, 20, 51, 54, 58, 61, 63, 99, 111, 122, 123 and 124.

Appendices 1, 3 and 5

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

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

### Supplementary Planning Guidance and Documents

Accessibility Zones for the Application of Parking Standards  
Area Based Policies for Residential Character Area – HCA 20: Highfield  
Energy Efficiency & Conservation  
Environmental Guidelines  
Water Conservation

## **Considerations**

### Policy and Principle

The National Planning Policy Framework encourages the effective use of land including its reuse, and further states that housing applications should be considered in the context of the presumption in favour of sustainable development. The above-mentioned policies contained in the Local Plan and the Pre-submission Core Strategy are consistent with these objectives, and therefore full weight should be given to these provisions.

The application site proposed for residential development would meet the above objective of the NPPF, and would also be consistent with Policies 2 and 9 of the Local Plan, and Policy CS4 of the Pre-submission Core Strategy; noting that the application site is located within an established residential area of Hemel Hempstead. Further, there would be a strong presumption in Policies 14 and 16 of the Local Plan and Policy CS17 in favour of promoting residential use of the land to address a need for additional housing within the Borough.

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

### Impact on site layout and design

Although the design and layout of the proposed residential scheme is not set out for consideration at this stage, the proposed layout plan and supporting documentation contain sufficient detail to guide the formulation of a high quality residential scheme in accordance with Policy 11 and Appendix 3 of the Local Plan and Policies CS12 and CS13 of the Pre-submission Core Strategy. A maximum height of two storeys as notated on the proposed site layout plan would be appropriate in this location, and reflective of existing residential built form, and this element of the proposal would be consistent with Policies 11 and 111 of the Local Plan.

Proposed dwelling density of 36 dwellings per hectare (four dwellings on a site of 0.11ha) would be with the lower end of the threshold for high density as set out in HCA20 - Highfield; and is therefore considered to be in accordance with policy.

The proposed site layout and the orientation of dwellings would generally be consistent with the terraced dwelling stock in the immediate area, following the established linear pattern whilst enabling sufficient surveillance of public areas including parking bays in accordance with the NPPF, Policy 11 and HCA20 of the Local Plan, and Policy CS12 of the Pre-submission Core Strategy. There would be no loss of significant trees, noting the existing street tree on the nature strip to Westerdale would be retained.

Comments have been received from neighbouring residents with regard to the indicative design of the properties including pitched roofs. This detail shall be finalised at the reserved matters submission. The general bulk and orientation of the buildings is considered to be appropriate for the area, with the scale of the buildings no larger than nearby properties. Should the detail design provide pitched roofs these shall need to be considered with regard to how they interact with neighbouring buildings and the surrounding general character of the area. There is no specific reason why a pitched

roof building would necessarily detract from an area where flat roofs are the norm. As a general design approach, pitched roofs would usually be preferred over flat roofs due to the more traditional appearance and also the longevity of the material performance. However, this aspect shall be examined at the detailed consideration stage, and should there be an identified necessity to follow the prevailing existing form of flat roofs, then this shall be requested.

#### Impact on neighbouring properties

The application site has five directly abutting properties, and is separated from a further four dwellings by an existing right of way along the northern boundary. These properties include Nos. 1-5 Teesdale (inclusive) and Nos. 1-5 Lonsdale (inclusive), respectively.

Given the indicative siting of the dwellings, their distance from shared boundaries, the proposed building height and orientation, it is considered that the proposal would not significantly detract from the amenities of neighbouring properties in accordance with Policy 11 and Appendix 3 of the Local Plan, and Policies CS12 and CS13 of the Pre-submission Core Strategy.

With regard to the properties of Lonsdale, the end wall to the 'flat-over-garage' faces towards the rear elevation of the residential dwellings of Lonsdale; this is the main aspect of the proposed unit, however, the elevation shall be positioned approximately 24.5m from the rear wall of the Lonsdale property. This meets the separation distance of 23m as required by Appendix 3 of the Local Plan.

The rear elevation of the dwelling units faces the rear elevation of the Teesdale properties; however, this separation distance also exceeds the 23m policy level with a distance between first floor rear elevations of 25m. The flank walls of the 'flat-over-garage' which also face the Teesdale properties also has only a small non habitable window over the stairway which would not give rise to concerns of loss of privacy.

The Southern section of the building is close to the boundary of the side, where upper floor windows would be facing directly onto the access road of Teesdale. There is a residential building opposite at a distance of approximately 10m. There are no windows within the flank wall opposite, and there is no private garden area associated with this dwelling. Therefore the potential for overlooking and loss of privacy is greatly reduced. A small front garden area could potentially be overlooked, however, this is clearly visible from public vantage points at present due to being to the front of the dwelling and facing the highway with limited boundary treatment.

#### Impact on access and car parking

The suitability of the application site for residential development is dependent on the provision of appropriate arrangements for the management of parking within the area. The proposed site layout shows that the development would be self-contained and would not lead to the dispersal of vehicles onto the surrounding highway network to the detriment of highway safety in accordance with Policies 11, 51, 54 and 58 of the Local Plan, and Policies CS8 and CS12 of the Pre-submission Core Strategy.

The site represents an opportunity to rationalise the number of garages in Council ownership in order to provide new housing, also noting the low occupancy rate of

garages within the application site.

The proposed development of two 3-bed dwellings and two 2-bed flats would equate to a provision of 7.5 spaces with regard to the maximum parking provision. The indicative layout demonstrates 8 spaces would be provided for the proposed dwellings. This provision would be acceptable with regard to the parking provision of the site with regard to the parking situation in the surrounding area where on-street parking is high.

The application site currently contains 23 garages. The estates department has confirmed that 18 are currently leased, meaning there are a total of 7 void garages. The primary consideration in the assessment of this proposal is whether the loss of garages shall lead to parked cars being displaced into the surrounding highway network and the resulting on-street parking leading to issues of highway safety.

The indicative layout demonstrates the provision of 14 parking bays within the site. Therefore there is the potential for 4 spaces to be displaced by the development. The supporting information submitted with the application demonstrates the possibility for parking to be provided within a number of surrounding garage courts which shall remain within the control of Dacorum Borough Council. There are four parking courts within a radius of 250m, which have a combined total of 49 vacant garages. This gives reassurance that should residents wish to find alternative garage rental facilities, there is availability within a reasonable distance of the site.

The Highways department have sought a condition seeking for details to confirm sufficient space for manoeuvring. The standard space requirement is 6m being parking bays to allow sufficient turning space. The depth of the site at the point where parking bays are to be located is in excess of 12m. This provides space for the 4.8m minimum depth of a parking space and the aforementioned 6m turning area. Hence there is confidence this can be achieved. Nevertheless the condition shall be used to ensure this is achieved in the detailed scheme.

Existing pedestrian routes to and through the site would also be retained to accord with Policy 61 of the Local Plan.

The proposed access arrangements are considered to be safe in accordance with Policies 11, 51, 54 and 58 and Appendix 5 of the Local Plan.

### Sustainability

It is noted that the proposed development should be designed to accord with the requirements of Building Regulations and the Code for Sustainable Homes. It would be reasonable to expect this development to meet Code Level 4 of the Code for Sustainable Homes given the emerging context of the Core Strategy and likely improvements in relation to the Building Regulations. Such matters would be conditioned to ensure that the proposal would meet the requirements of Policies 1, 122, 123 and 124 and Appendix 1 of the Local Plan and Policies CS28, CS29 and CS31 of the Pre-submission Core Strategy, Energy Efficiency and Conservation Supplementary Planning Document, and Water Conservation Supplementary Planning Document.

## Planning Obligations

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

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

Applications for less than 5 residential units generate the requirement of Planning Obligations in accordance with the Dacorum Borough Council Planning Obligations SPD. Developments greater than 5 residential units are also subject to the Hertfordshire County Council Obligations toolkit. Sustainable Transport Contributions are an item within the Herts Toolkit.

The proposed development of four residential units shall only be subject to the DBC SPD. Hertfordshire Highways have not advanced any specific reason why Sustainable Transport Contributions should be sought on this application and have not given evidence of any specific project against which the monies would be allocated. Therefore it is not appropriate for such contributions to be sought in this situation.

The impact on the development with regard to the loss of garage parking has been addressed in the section above.

With regard to the DBC SPD the contributions sought are as follows:

| <b>Term</b>         | <b>Amount</b> |
|---------------------|---------------|
| Allotments          | £222          |
| Outdoor Pitches     | £1616         |
| Cycles              | £240          |
| Primary Schools     | £6570         |
| Child Play Space    | £5632         |
| Natural Green Space | £88           |
| Travel Smart        | £100          |
| Libraries           | £654          |
| Monitoring          | 473.88        |
| Total               | £15,595.88    |

## **Conclusions**

The principle of residential development on the site is acceptable. It can be demonstrated that the scale of residential development proposed is appropriate and that new dwellings could be constructed without detriment to the character and appearance of the area and the amenities of neighbouring properties. The redevelopment of the underused garage site would not lead to the displacement of vehicles to the detriment of highway safety. The proposal would therefore be in accordance with the National Planning Policy Framework, Policies 2, 9, 11, 51, 54, 58

and 61 of the Dacorum Borough Local Plan 1991-2011, and Policies CS1, CS4, CS8, CS12 and CS13 of Dacorum's Pre-submission Core Strategy.

## RECOMMENDATIONS

That the application be **DELEGATED** to the Group Manager, Development Management and Planning, with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 in accordance with the heads of terms detailed in the report and the following conditions.

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

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

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

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

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

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

- 4 No more than four dwellings shall be erected on the site subject to this planning permission.**

Reason: In the interests of the visual amenities of the area and highways safety in accordance with Policies 11 and 58 and Appendix 3 and 5 of the Dacorum Borough Local Plan 1991-2011 and Policies CS8, CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

- 5 The proposed dwellings shall not be occupied until a parking bay for some 14 vehicles has been provided in accordance with the Parameter Plan hereby approved.**

Reason: In the interests of highways safety in accordance with Policies 11, 51, 54 and 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011 and Policies CS8 and CS12 of Dacorum's Pre-Submission Core

Strategy (October 2011) with Modifications, January 213

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policy 11 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (October 2011) with Modifications January 2013.

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

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

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

Reason: To ensure a satisfactory relationship between the proposed building(s) and neighbouring properties in accordance with Policy 11 and Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (October 2011) with Modifications January 2013.

**8 The details of landscaping to be submitted in accordance with Condition 2 shall include:**

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



**construction works;**

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area with regard to Policy 11 of the Adopted Local Plan and CS12 of the Pre-Submission Core Strategy (October 2011) with Modifications January 2013.

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

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

Reason: To ensure a satisfactory relationship to neighbouring properties in accordance with Policy 11 and Appendix 3 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (October 2011) with Modifications January 2013.

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

**(a) Site Characterisation**

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

- (i) a survey of the extent, scale and nature of contamination;**
- (ii) an assessment of the potential risks to:**
- human health,**
  - property (existing or proposed) including buildings, crops,**

- livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

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

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

**(b) Submission of Remediation Scheme**

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

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

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

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

**(d) Reporting of Unexpected Contamination**

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

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

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

- 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 and CS29 of the Pre-Submission Core Strategy (October 2011) with Modifications January 2013.

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

**5350/4.2/Westerdale/OPA 01 Rev A  
5350/4.2/Westerdale/OPA 02 Rev A  
5350/4.2/Westerdale/OPA 03 Rev A**

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

NOTE 1:

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

The applicants have demonstrated that the redevelopment of this underused garage court would not lead to the displacement of vehicles to the detriment of highways safety. The proposals will create additional on-street parking within an area where there is significant pressure for existing on-street parking facilities. The new parking bay would be commensurate in scale with the current occupation rate for the garages to be demolished. It can be demonstrated that the scale of residential development proposed is appropriate and these new dwellings can be constructed without detriment to the character and appearance of the area and the amenities of neighbouring

properties. The proposals would be in accordance with Policies 2, 9, 11, 51, 54 and 58 and Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011 and Policies CS4, CS8, CS12 and CS13 of Dacorum's Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

NOTE 2:

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

**Dacorum Borough Local Plan 199-2011**

Policies 1, 2, 9, 10, 11, 13, 14, 16, 18, 20, 51, 54, 58, 61, 63, 99, 111, 122, 123 and 124.

Appendices 1, 3 and 5

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

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

**Supplementary Planning Guidance and Documents**

Accessibility Zones for the Application of Parking Standards

Area Based Policies for Residential Character Area – HCA 20: Highfield

Energy Efficiency & Conservation

Environmental Guidelines

Water Conservation

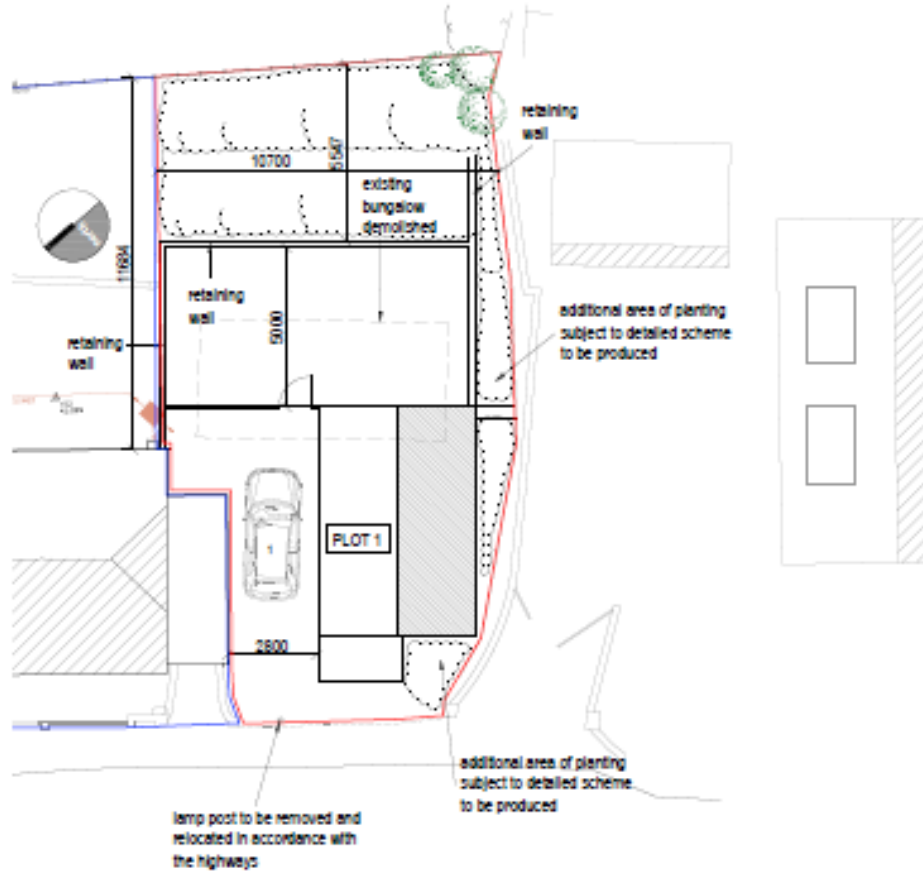
Article 31 Statement

Planning permission has been granted for this proposal. There has been pre-application public consultation and involvement which has influenced the scale of the scheme submitted and discussion during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

**ITEM 5.3**  
**4/01038/13/FUL - CONSTRUCTION OF ONE 2 BED DWELLING WITH**  
**ASSOCIATED CAR PARKING**  
**LAND AT IVYCOTE, ST. ALBANS HILL, HEMEL HEMPSTEAD, HP3 9JP**

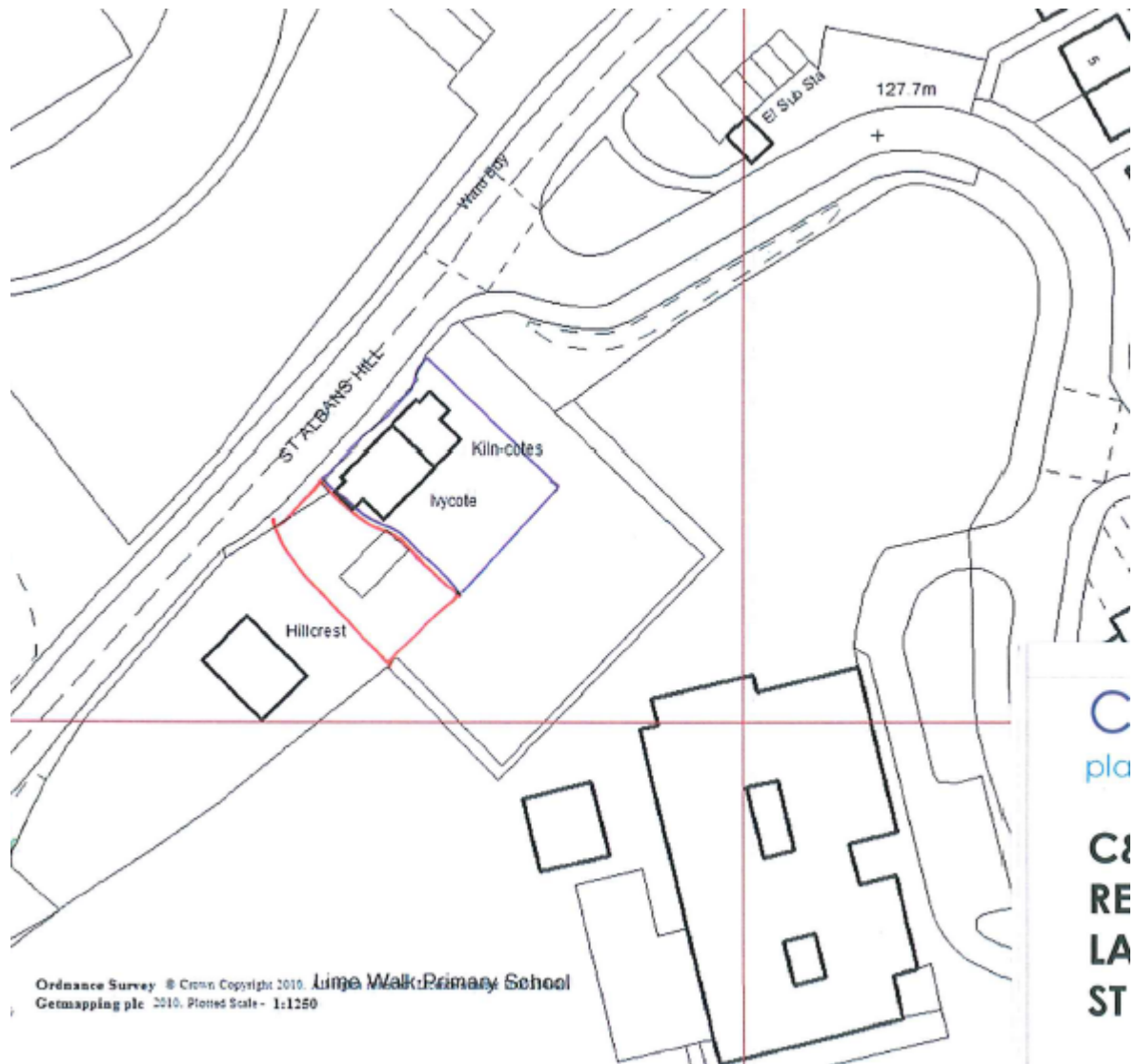


Front Street Scene  
 Scale 1:100



Site Plan  
 Scale 1:100

**ITEM 5.3**  
**4/01038/13/FUL - CONSTRUCTION OF ONE 2 BED DWELLING WITH**  
**ASSOCIATED CAR PARKING**  
**LAND AT IVYCOTE, ST. ALBANS HILL, HEMEL HEMPSTEAD, HP3 9JP**



## **ITEM 5.3**

### **4/01038/13/FUL - CONSTRUCTION OF ONE 2 BED DWELLING WITH ASSOCIATED CAR PARKING LAND AT IVYCOTE, ST. ALBANS HILL, HEMEL HEMPSTEAD, HP3 9JP APPLICANT: MR S WRIGHT-BROWNE**

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[Case Officer - Paul Newton]

[Grid Ref - TL 06653 06317]

#### **Summary**

The application is recommended for approval. The site falls within the urban area of Hemel Hempstead wherein the principle of residential development is supported in land-use terms. The design of the dwelling is considered appropriate in its context and will not be harmful to the streetscene. The proposal will not result in any significant loss of amenities to neighbouring residential properties or the adjoining mosque. Adequate parking and access will be provided for the proposed dwelling.

#### **Site Description**

The application site is sited between a semi detached property Ivycote/Kilncotes and Hillcrest on the south eastern side of St Albans Hill opposite the Hemel Ski Centre site. The site currently accommodates a small detached bungalow.

The site slopes steeply up towards the rear of the plot with a significant height difference between the lower land at road level and the rear garden boundary.

The site is located within an area dominated by two storey residential development with occasional examples of three storey flatted development at Gilbert Burnett House and townhouses to Crabtree Lane. The appearance and scale of buildings at Hemel Ski Centre and Jarmans opposite reflects the importance of these buildings as landmark structures.

Hillcrest was formerly a detached chalet bungalow, however, for many years the property has been used as a Mosque. This property has its front elevation facing towards the application site.

#### **Proposal**

The application proposes the demolition of an existing bungalow building and the construction of a 2 storey detached dwelling in between Ivycote/Kilncotes and Hillcrest. A driveway with space for 2 spaces will be provided to the side of the unit adjacent to Kilncotes. A tiered amenity space of 10.5m x 10.7m will be provided to the rear with existing trees/hedge along the rear boundary largely retained.

#### **Referral to Committee**

The application is referred to the Development Control Committee due to a similar application being previously refused by DCC.

## **Planning History**

2438/07 - fourteen flats - refused

4/00192/10/FUL - Construction of 2 bed dwelling with associated car parking - Granted  
1/4/2010

4/00146/13-Demolition of Bungalow and construction of 3 bedroom dwelling - Refused  
- 13/05/13 - Awaiting appeal decision.

## **Policies**

### National Policy Guidance

NPPF  
Circular 11/95

### Dacorum Borough Local Plan 1991-2011

Policies 1, 2, 9, 10, 11, 13, 51, 54, 58, 99, 111, 122 and 124  
Appendices 1, 3 and 5.

### Supplementary Planning Guidance

Development in Residential Areas  
Environmental Guidelines  
Area Based Policies

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

Policies NP1, CS1, CS4, CS8, CS11, CS12, CS13 and CS29.

## **Representations**

### Hertfordshire 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 a condition relating to the storage of construction materials to ensure they do not interfere with the public highway.

### Trees and Woodlands

I commented on this application in March 2010. While I did recommend the retention of several trees within an existing hedge, I did not consider these trees sufficiently valuable to merit protection either by TPO or a Planning condition. I can therefore confirm that at present, there are no trees worthy of retention on this site.



## Contaminated Land Officer

The site is located immediately adjacent to potentially contaminative former land uses (lime works and landfill site). Consequently there may be land contamination issues associated with this site. I recommend that a contamination condition be applied to this development should permission be granted.

## Response to Neighbour Notification

### *Quwwatul Islam*

We are writing to strongly object of any further development on this site especially to the planning application for a construction of a 1x two-bed dwelling with associated car park on land adjacent to Ivycote, St Albans Hill, and Hemel Hempstead, HP3 9JP. We strongly oppose the construction of the above mentioned development.

The main reasons for the objection is:

### **Considerations**

#### Policy and Principle

The application site falls within the urban area of Hemel Hempstead where the principle of residential development is supported. The previous approval, although no longer extant, further endorses this position since it was approved under a very similar policy regime. Although a slightly larger 3 storey dwelling was recently refused on the site this application should be considered on its individual planning merits. The key issue is therefore whether the proposed dwelling can be satisfactorily accommodated on the site without harming the streetscene or amenities of neighbouring properties.

#### Impact on Street Scene

The site falls within the Crabtree Character Area which is described in the Area Based Policies as *"An area strongly characterised by regularly spaced inter-war housing based on a road structure of parallel roads ascending the north-east side of the Gade Valley, and substantially infilled and extended with housing from all ages onwards"*. There are a wide variety of house types and designs in the area, mainly two storey in height but there are a number of higher 3 storey buildings such as Gilbert Burnet House. The area around the application site is not particularly characteristic of other development in the area and perhaps the key feature when approaching the site is the large landscaped bank fronting St Albans Hill. The Guidance for this area indicates that infilling may be acceptable subject to the Development Principles.

The dwelling will be sited between a two storey semi-detached cottage known as Kilncotes and a chalet bungalow known as Hillcrest which is used as a Mosque. The Mosque building sides onto the road and is sited on land significantly above the highway.

The proposed two storey dwelling will be of different character than the neighbouring properties, however, bearing in mind the mixed character in the immediate area it is considered this will not be harmful to the overall streetscene. The dwelling is of similar design to the properties recently constructed to the rear of Kilncotes and Ivycote and is

shown to be constructed with the same materials.

The building is to be sited almost in line with the adjacent dwellings and further forward than the mosque. In terms of siting the position is considered acceptable and will not harm the overall streetscene.

The ridge height of the property will be 0.635m below that of Ivycotes/Kilncotes and 2.157m below that of the mosque building and will therefore not appear incongruous or out of context in height terms.

In the context of the neighbouring dwelling and the Mosque it is considered the proposal will not appear so dominant or harmful to the streetscene to justify refusal. Although houses have recently been constructed to the rear of Ivycotes/Kilncotes this application needs to be considered on its individual merits. In assessing the previous applications to the rear it should be noted that the Council was satisfied that the construction of the 3 houses to the rear together with the construction of a house to the side of Ivycote/Kilncotes would not constitute overdevelopment of the site.

#### Impact on Trees and Landscaping

The proposal will result in the loss of a number of conifer trees along the side boundary of the site. However, the trees are not particularly attractive specimens and are not worthy of protection. The submitted plans indicate additional planting will be provided to the front/side of the property.

#### Impact on Neighbours

An objection has been received from members of the neighbouring mosque. In response to the concerns raised

##### • Visual Intrusion

There is no right to a view in planning terms. Although the building will be more prominent than the existing bungalow it would not be so visually intrusive to justify refusal. It should be noted there are no adopted guidelines for distances between the front of dwellings/Mosque and the side elevation of a proposed dwelling. The side of the dwelling will be 9m from the front elevation of the Mosque with a lower ridge height. The dwelling is of the same height, design and location as that previously approved in 2010.

##### • Overlooking loss of privacy

There are no windows in the side elevation facing the Mosque. Although there will be oblique views from the rear bedroom window due to the relative height of the first floor windows and the existence of an existing fence views would be obscured and grounds for refusal could not be sustained.

##### • Highway safety

The application proposes the provision of 2 off-street parking spaces for a 2 bedroom dwelling which meets the maximum parking standards of 1.5 spaces. The highway

authority have confirmed they have no objections to the proposals in Highway safety terms.

The area to the front of the existing bungalow is currently utilised on occasions for parking for existing residents. It should be noted that the previous approval indicated the provision of 2 spaces in this location. The plans have been amended to indicate the relocation of a lamppost to allow safe access to the spaces.

- Loss of light/overshadowing

The proposed building will clearly be more visually prominent than the existing bungalow being taller and closer to the boundary. However, due to the juxtaposition, the dwelling will be sited North east of the Mosque, there will be no significant loss of sunlight or overshadowing.

The front upper floor rooms of the Mosque are used as bedrooms for the preachers. Although the proposed dwelling will appear more dominant than the existing landscaped boundary it will not result in a significant loss of light as the building will not encroach the 25 degree angle commonly used in assessing light levels. The proposed ridge height of the dwelling is below that of the existing neighbouring dwellings and significantly below the ridge level of the mosque and therefore reasonable skylight will be maintained.

It should be noted there are no minimum guidelines relating to front to front or front to back relationships between residential properties. In addition it should be noted that the mosque sits much further back from the road than the proposed dwelling to the south-west of the proposed dwelling and therefore sunlight to the mosque will not be significantly affected.

#### Other matters

The proposed garden of the unit of 10.6m is slightly below the minimum guidelines of 11.5m laid down in Appendix 3 of the Adopted Plan, however, due to the orientation of the dwellings to the rear and the land levels this will not result in any issues in relation to overlooking. The guidelines in relation to garden sizes do accept that reductions in garden depth may be acceptable in areas in close proximity to open land which is the case in this instance. In addition the garden, although not particularly deep, has a generous width of 10.7m and is considered acceptable in size terms for a property of this scale. The plans have been amended to improve the usability of the garden by creating a large sunken patio area immediately to the rear of the dwelling. This will create a large, enclosed sitting out area of approximately 50sqm.

Bearing in mind comments from the Contaminated Land officer in relation to previous uses in the area (lime works/landfill) a contamination and land stability condition has been imposed.

Due to the constrained nature of the site and close relationship with surrounding properties conditions have been imposed to prevent further extensions, outbuildings and alterations without planning permission.

Although it is recognised that an application for a 3 storey, 3 bedroom dwelling was

recently refused by committee this application needs to be considered on its individual merits. The current application differs in 3 key areas to the refused scheme namely the height - 2 storey rather than 3, the design - this follows that on the properties recently approved to the rear, and its position - it is now further forward lining up with the neighbouring cottages and creating a deeper more usable garden area. These changes overcome the concerns previously expressed by the committee in relation to height, massing, limited garden areas, overdevelopment and impact on the neighbouring mosque.

It should also be noted that the scheme is almost the same as that approved in 2010. The committee should be mindful that circular 3/2009 in relation to costs awards states:-

*'The following are examples of circumstances which may lead to an award of costs against a planning authority.....*

*failing to grant a further planning permission for a scheme subject of an extant or recently expired permission where there has been no material change in circumstances'.*

Although the NPPF has been introduced since the previous approval and the Core Strategy is at an advanced stage there are no specific changes in policy direction in relation to housing development in sustainable urban locations.

## **Conclusions**

The construction of a dwelling on this site is acceptable in principle. The design of the dwelling is well proportioned and appropriate in its context. It is considered the proposal will not result in a significant loss of amenities or harm to neighbouring properties.

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 and to accord with the requirements of Policy 11 of the DBLP 1991-2011 and Policy CS 12 of the Pre-Submission Core Strategy(including modifications) .

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

- hard surfacing materials;
  - means of enclosure;
  - soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
  - trees to be retained and measures for their protection during construction works;
  - replacement tree planting;
  - retaining walls
- proposed finished levels or contours;

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to accord with the requirements of Policies 11 and 99 of the DBLP 1991-2011 and Policies CS 12 and 25 of the Pre-Submission Core Strategy(including modifications) .

- 4 Prior to the commencement of the development hereby permitted a slope stability report shall be submitted to and approved by the local planning authority in writing. The development shall be constructed in accordance with the approved statement.**

Reason: To ensure the stability of the site and surrounding land accord with the requirements of Policy 11 of the DBLP 1991-2011 and Policy CS 12 of the Pre-Submission Core Strategy(including modifications) .

- 5 The development hereby permitted shall not be occupied until the arrangements for vehicle parking (including the construction of a dropped kerb and relocation of the lamp post) as shown on Drawing No.SL01B shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities and to accord with Policies 11, 51 and 58 of the DBLP 1991-2011 and Policies CS 8,9 and 12 of the Pre-Submission Core Strategy (including modifications).

- 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), no extensions, garages/outbuildings, windows, dormer windows, doors or other openings other than those expressly authorised by this permission shall be constructed.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings/Mosque, site stability, visual amenity to ensure adequate amenity space and to ensure a high quality development as required by Policy 11 of the DBLP 1991-2011 and Policy 12 of the Pre-Submission Core Strategy (including modifications).

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

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy 1 of the Dacorum Borough Local Plan 1991 - 2011 and adopted Supplementary Planning Guidance Policies and Policies NP1 and CS 28 and 29 of the Pre-Submission Core Strategy(including modifications)

- 9 **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 accord with the requirements of Policies 11, 51 and 58 of the DBLP 1991-2011 and Policies CS 8,9 and 12 of the Pre-Submission Core Strategy(including modifications)

- 10 **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 Policies 11, 51 and 58 of the DBLP 1991-2011 and Policies CS 8,9 and 12 of the Pre-Submission Core Strategy(including modifications)

- 11 **Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

**For the purposes of this condition:**

**A Phase I Report consists of a desk study, site walkover, conceptual model and a basic hazard assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a "conceptual model" of the site is constructed and a basic hazard assessment is carried out.**

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

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

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

- 12 **All remediation or protection measures identified in the Remediation Statement referred to in the above condition shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

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

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

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>

HIGHWAY INFORMATIVES:

The highway authority requires that any modifications to the existing vehicle crossover should be undertaken by approved contractors and that the works

are carried out to their specification by a contractor who is authorised to work in the public highway. The applicant will need to apply to the South West Hertfordshire Highways Area Office (Telephone 01923 257000) to arrange this.

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 new dwellings are acceptable in principle in accordance with Policies 2 and 9 of the Borough Plan. The proposed dwelling would have a traditional appearance which would assimilate with other dwellings on St Albans Hill. There would be no detrimental impact on the appearance of the street scene. The amenity of adjoining neighbours would not be significantly adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policies 11, 51, 58 and Appendices 3 and 5 of the Borough Plan and Policies CS 8, 9, 11, 12 and 13 of the Pre-Submission Core Strategy (including modifications).

NOTE 2:

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

**Dacorum Borough Local Plan 1991 - 2011**

Policies 1, 2, 9, 10, 11, 13, 51, 54, 58, 99, 111, 122 and 124.  
Appendices 1, 3 and 5.

**Supplementary Planning Guidance**

Development in Residential Areas  
Energy Efficiency and Conservation  
Environmental Guidelines  
Water Conservation.

**Pre-Submission Core Strategy with Modifications**

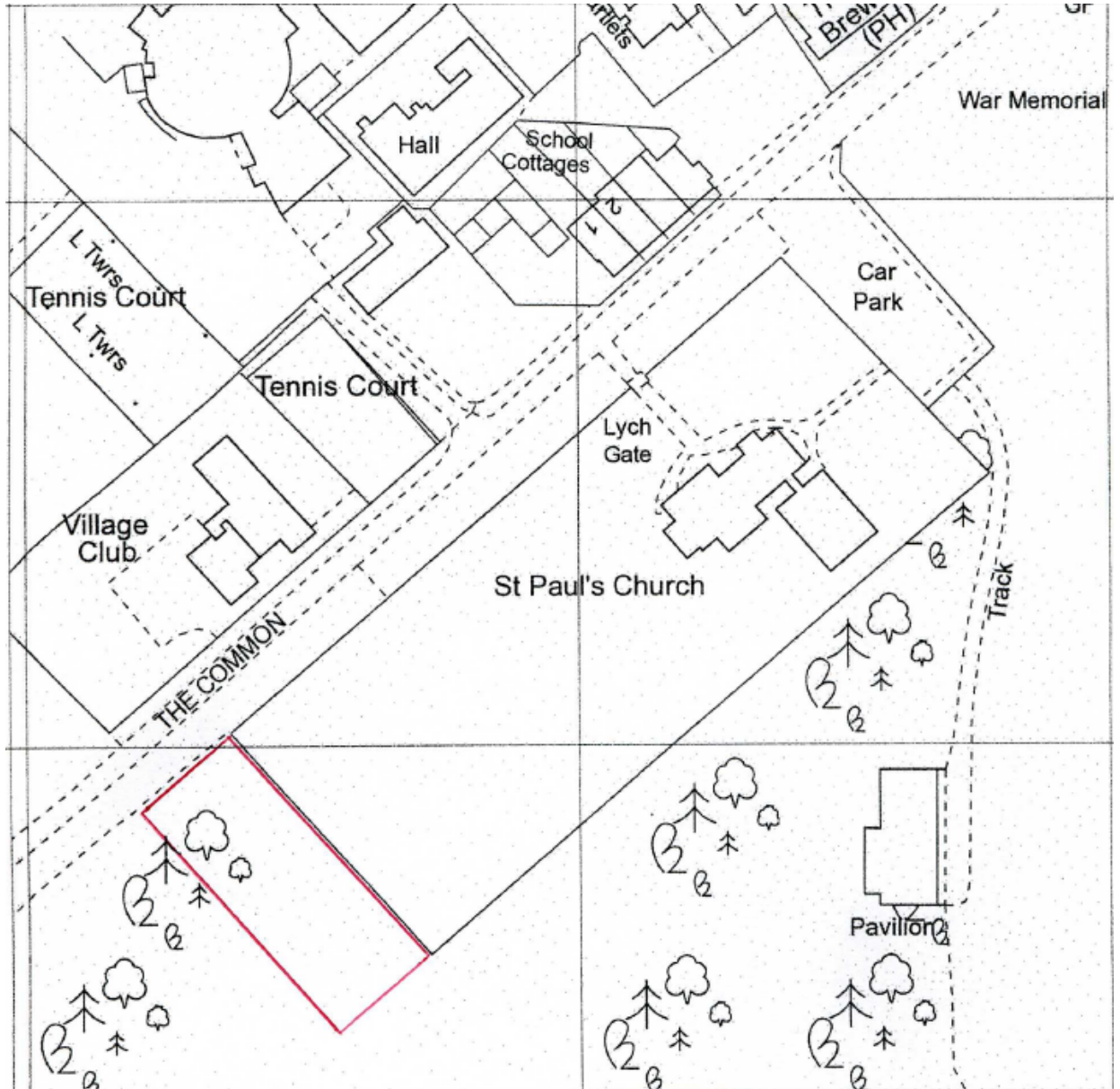
NP1, CS1, CS4, CS8, CS10, CS11, CS12, CS13, CS17, CS18, CS25, CS28, CS29, CS31, CS32

Note 3 - Article 31 Statement

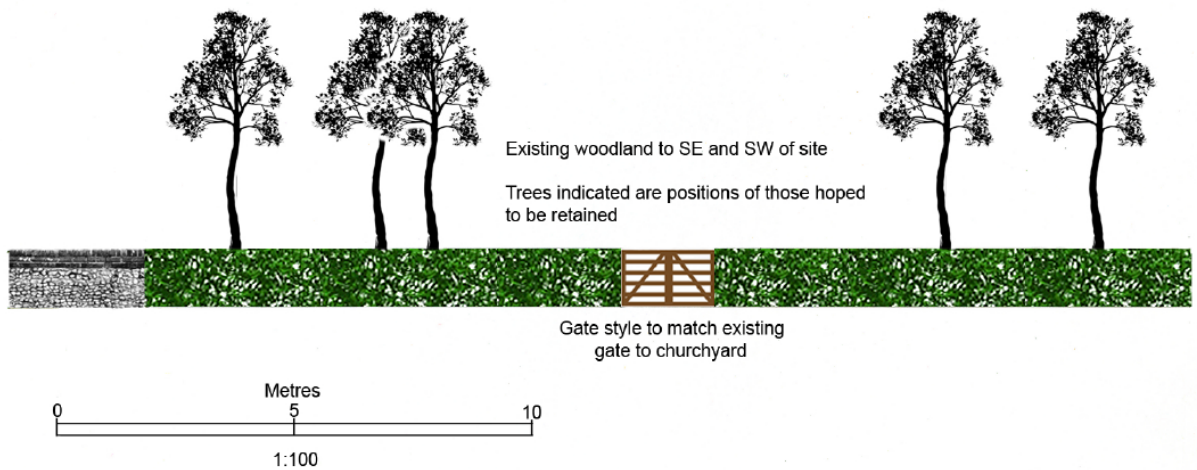
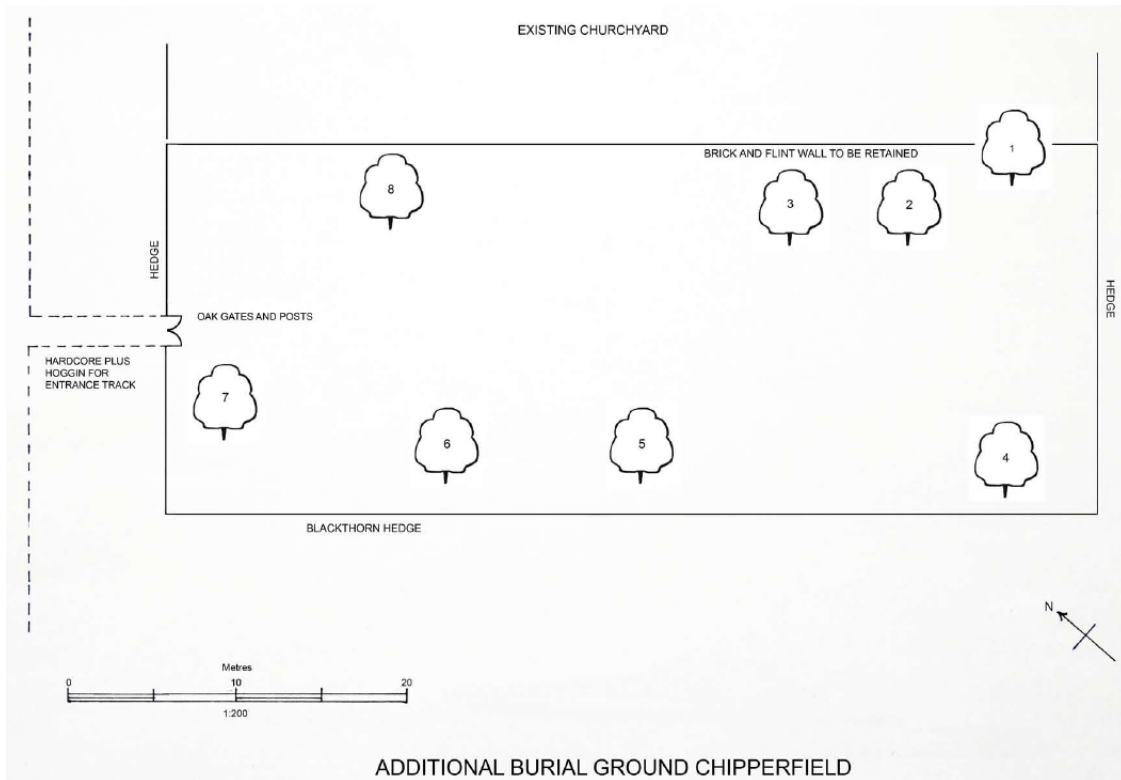
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs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



**ITEM 5.4**  
**4/00001/13/FUL - EXTENSION OF CHURCHYARD ONTO AMENITY LAND**  
**LAND ADJ ST PAULS CHURCHYARD, THE COMMON, CHIPPERFIELD, KINGS**  
**LANGLEY**



**ITEM 5.4**  
**4/00001/13/FUL - EXTENSION OF CHURCHYARD ONTO AMENITY LAND**  
**LAND ADJ ST PAULS CHURCHYARD, THE COMMON, CHIPPERFIELD, KINGS**  
**LANGLEY**



ADDITIONAL BURIAL GROUND CHIPPERFIELD - NORTH WEST ELEVATION

## **ITEM 5.4**

### **4/00001/13/FUL - EXTENSION OF CHURCHYARD ONTO AMENITY LAND LAND ADJ ST PAULS CHURCHYARD, THE COMMON, CHIPPERFIELD, KINGS LANGLEY**

**APPLICANT: CHIPPERFIELD PROJECT GROUP - MR T BRISELDEN**

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[Case Officer - Nigel Gibbs]

[Grid Ref - TL 04245 01474]

#### **Summary**

The application is recommended for approval.

There is a local requirement for an enlarged churchyard for burials. Chipperfield is a Selected Small Village in the Green Belt and DBLP policy 4 and CS6 supports the provision of local facilities to serve the village's needs. The NPPF 's Paragraph 89 confirms that cemeteries are appropriate in the Green Belt providing they preserve its openness and other purposes. The proposal would accord with these policies and satisfy an identified community need as expected by DBLP policy 67 and CS23.

The proposal would be compatible with the setting of the existing Grade 2 Church and its churchyard and preserve the character and appearance Chipperfield Conservation Area. There are no fundamental arboricultural or ecological objections.

#### **Site Description**

St Pauls Church, a slate roofed brick and flint Grade 2 listed building, is located to the south west of the 'Two Brewers Public House' crossroads junction. It abuts the village car park which is to the immediate north east.

The associated churchyard (0.8 hectares) is to the south west of the Church. It is enclosed by 1.2m high brick and flint walls. The churchyard was extended in 1922 as there was no more space for burials.

The churchyard was ratified as a Local Wildlife Site last year by the Hertfordshire Wildlife Sites Partnership. The Church adjoins the wooded historic DBC owned Chipperfield Common which is a Local Wildlife Site ref 74/001. Two Scheduled Bronze-Age barrows (SM20617 & SM20618) are nearby to the south east.

The Common was sold to the former Hemel Hempstead Rural District Council in 1932. The sale document requires the Common to be used by the public.

#### **Proposal**

This is for the formation of a rectangular extension (22m by 55.3m) to the existing churchyard creating an additional burial ground. This DBC owned land (currently forming part of the Common) is to the immediate south west of the churchyard beyond its existing perimeter wall which will be retained.

The new burial ground's remaining three boundaries will be planted with blackthorn to form a hedge. These will be maintained to a 1.2 m height.

The proposed new burial area contains some trees. The land would be levelled and cleared of trees and grassed over. Eight of the larger trees around the site will be retained. This is to maintain a connection with the surrounding woodland but without creating problems for grave digging.

A 2m wide oak gated entrance set 8m from the road will be provided for pedestrian and mowing/digging. This will be linked to a 2 m wide hardcore and surfaced hoggin vehicular access track.

### **Referral to Committee**

The application is referred to the Development Control Committee as the land is within this Council's ownership and the recommendation is contrary to the Parish Council's response with regard to boundary treatment.

### **Policies**

#### National Policy Guidance

NPPF  
Circular 11/95

#### Dacorum Borough Local Plan

Policies 4, 6, 11, 12, 13, 49, 63, 67, 96, 98, 99 100, 101, 113, 118, 119 and 120  
Appendices 5 and 8

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

CS1, CS5 CS6 , CS10, CS11, CS12, S13, CS25, CS27, CS31 and CS32

#### Supplementary Planning Guidance

Environmental Guidelines  
Landscape Character Assessment  
Chipperfield Village Design Statement

### **Representations**

#### Chipperfield Parish Council

Would support the application if the Blackthorn hedge along the road is replaced with a brick and flint wall to match the existing construction of the original burial ground.

#### Strategic Planning

Support proposals that meet an identified community need (Policies 67 and CS23) providing it is not at the expense of other environmental policies in the plan.

This is a Green Belt location (Policies 4 and CS5) and the NPPF states (para. 89) that

cemeteries are appropriate in the GB providing they preserve its openness and other purposes. Therefore there is no objection in principle to the change of use. Furthermore, there appears to be an unmet need/demand for this facility that is supported by the local Parish Council, Church Council and residents of the village. However, the position is complicated in that the proposal will impact on an area of wooded land forming part of The Common and that is also linked to the setting of the listed church and wider conservation area (Policies 119, 120 and CS27).

The main concern is the implications of the proposed cemetery extension on this semi natural wooded area (particularly potentially clearing vegetation from the land and its impact on nature conservation, and the type of boundary treatment). Policies 11(b) and (e), 99 and CS12(d) and (e) are relevant in this respect. The views of the Design and Conservation team, Trees and Woodlands, and the Hertfordshire Biological Records Centre should be sought on this issue and will be key in determining the application.

If considered appropriate, there may be scope for a form of management plan for the cemetery in order to ensure its impact is carefully controlled and managed over time.

### Conservation & Design

#### *Initial Advice*

St Pauls Church, is a Grade II listed building within Chipperfield Conservation Area. There are other listed buildings in the area, many overlooking The Common.

The proposed extension to the graveyard of St Pauls Church is of a considerable size. Currently this area of land contains self-seeded scrubland with a various stunted young trees and some fallen trees most saplings and other flora and fauna as referred to by the submitted report. The area forms part of Chipperfield Common land.

It would seem from the information provided that this proposed extension of the graveyard is something that the majority of local residents support.

Though there would be a distinct visual and landscape impact and change created by this undertaking, this will be mitigated by the introduction of trees. Specimens introduced should be native to the area; Ash, Beech, Sweet Chestnuts, Apostles Limes, Oak and Beech etc. This should be conditioned so that the effect on the local landscape is not compromised any more than it needs. Mature planting should be sought.

The new graveyard would be entirely visible from nearby dwellings and village clubhouse, as well as to pedestrians and road users. Therefore it is strongly recommend that trees are also introduced along the verge in front of the proposed hedging to help break up its formality and to keep this area as tree laden as is possible.

The existing graveyard does not appear to have any gravestones within it that impact negatively on the surrounding conservation area or the listed building or that is higher than the boundary wall. It is questioned whether there be restrictions on height of headstones that would be permitted within the proposed extension.

### *Further Advice in Response the Parish Council's Position*

A continuation of the churchyard wall as existing (without any changes to the existing wall) might offer an option but the roadside area should be considered for the introduction of trees/shrubs indigenous to the area. Also any new wall should be slightly set in from the existing wall to denote the later change if this option is considered for application.

#### Scientific Officer

I have no comments to make in respect of contaminated land. In addition, records held by Environmental Health do not indicate any private water supplies within a 250 meter of the site. The Environment Agency must be consulted in respect of risk to controlled waters.

#### Trees & Woodlands

##### *Initial Advice*

Chipperfield is one of those very attractive Hertfordshire villages that has managed to retain its character and charm while much urban development has taken place all round it in places like Hemel and Watford. Hertfordshire was an agricultural county and in villages such as Chipperfield farming was until relatively recently, the main activity. With a less transient community than exists in nearby suburbia, there are still many local families whose association with the village and its surrounds go back a number of generations.

It is entirely understandable that the desire to be able to lay departed family members to rest, within the village exists within this community. Walking from house to church to burial ground and in subsequent years being able to walk easily from home is something that village dwellers hold very dear. The thought of having to commit family members to somewhere out of the village say in a burial ground in Watford or Hemel would be traumatic.

T & W have been aware for some years of the desire to investigate the possibility of extending the existing Church burial ground widely supported within the community.

T & W is unaware of any ecological / loss of biodiversity reason why the area of Common in question could not be converted into burial ground. However this is without a specific ecologist's report on i) the current status of the area to include all species and ii) the impact on those species, any legal implications and any mitigation works thought necessary should the area be cleared and used for burials. This should include an ongoing framework management plan for the area.

Chipperfield Common is arguably the jewel in the crown of Dacorum's wooded areas. The collaborative working relationship between Dacorum and Chipperfield is an excellent example and has resulted in a comprehensive management plan for the Common and a National Green Flag Award for the last four years. The whole area is very much in the spotlight.

The Common itself as the title suggests was until recently an open common with eight major sweet chestnuts all in excess of 350 years old, the Apostles Limes and a few

groupings of other trees, mainly oak and beech around 120/150 years old. All other trees have colonised the land following cessation of grazing in the 1930's.

The area in question contains sycamore ash and native cherry but appears unremarkable and indeed of less interest than many other parts of the common that have the same history. The area equates to 0.57% of the Common. If T & W was grading the trees in accordance with BS 5837 they would in general attract 'C' which would make no case for retention. Ironically, trees in the older part of the burial grounds (Scots pine, Western red cedar and cypress) are magnificent and would attract 'A' grades.

This is not a normal development site and tree grading would not be the primary method of evaluation but it does remind us that Church and grounds are a very strong component part of the village landscape. For this and the reasons stated above T & W have no objections in principle to this proposal.

#### *Additional Advice*

The comments are given as both consultee to the Planning Application Officer within Dacorum's Development Management service and as Manager of the land in question, it being a small part of Chipperfield Common, owned and managed by Dacorum since 1936.

T& W has already set out the reasons for supporting the principle of extending the burial grounds. It was while the observations suggested the site to be 'unremarkable' it would be important to consider an ecological survey to determine its current status and the conversion impact to burial grounds.

It is noted that the area is considered to have very low ecological interest and with the exception of follow up bat study work that may identify a bat roost, and an equally low impact on any key species.

It is unfortunate that there is no ecological study taken for the adjacent mature church grounds and if there were it may be of assistance in guiding the LPA towards how the extension should be approached. It has already been noted that the Church grounds contain very fine Scots pine, western red cedars and other cypress trees. It is also understood that the grasslands contain quite rich flora.

There are reservations about retaining existing trees on the site. Trying to retain trees in this relatively small area, once root protection areas have been set out will i) cause problems at the initial stage of preparation and ii) significantly reduce the number of plots iii) create problems for digging plots. T& W consider that it should be cleared but that is just stage one of the creation of whatever the style of this extension is supposed to be.

In so much as the plot represents 0.57% of the Common and its acknowledged that the habitat currently occupying the plot is widely replicated on the Common, its hard to see why fragments of the existing (retained trees) are being kept and the style and value of the main church grounds ignored. Trying to establish hedge (especially of the sort described) immediately adjacent to woodland would not be easy because of shade and root competition.

There seems to be much enthusiasm for things 'woodland'. The Ecology Report refers to planting woodland species appropriate to the area however the area was a very long time open Common and only recently has become woodland (since the cessation of grazing in the 30s). Common management as set out in the plan, has for the last 4 years concentrated on targeted de-forestation in the form of glades and rides (open swathes along side major paths). In fact to qualify for Forestry Commission grant aid there is a requirement for a minimum of 20% open area, either permanent or transient and so as part of the overall aims for the extension, an open feel would be in keeping with both the existing and aims for the Common.

#### *Response to Hertfordshire Biological Records Advice*

While HBRC is always very well respected, there are issues at the Common that HRBC may not be aware.

The proposals will not 'destroy part of the historic Common' any more than when a glade area is created around one of the veteran sweet chestnuts. What it will do is change the vegetation within that area and so long as the process is managed properly has the potential to increase bio diversity in the location.

T & W question the value of retaining existing trees. It is acknowledged that the area will have greater formality but church grounds properly managed can be very wildlife diverse in terms of grasses, flowers, attendant insects and birds as well as for bat foraging. Church grounds, cemeteries and country estates are very much part of the English landscape are frequently adjacent to un manicured areas, contain exotic trees but are still wildlife rich. If the existing church grounds were surveyed they would contain a greater bio diversity than the current plot in question.

Suggested that its status as Common land may not change. T & W do not consider why a change of habitat has to be seen as a loss especially when it could be a gain.

Great crested newts for the terrestrial stage of their year remain up to about 150 metres from water, the nearest pond is 750 metres away.

T & W don't consider the wildlife value of church grounds is in doubt and do not consider why the potential for enhancement should be described as minimal especially when measured against what is there at present.

Nobody is talking about housing or other similar developments on other parts of the Common. The proposal cannot be compared to housing. There are some areas on the far side of the Common where the adjacent owners have had an impact on the adjacent Common, again rather different circumstances and something that DBC is currently addressing. In terms of destroying a 'remnant part of the Commons historic ecology' it possible that just the reverse is true.

If original grassland is being championed surely the transforming a small part of dull secondary woodland into a grassland area would be welcomed. Management of the grassland is key and it may even be possible to extend that out to the main burial grounds.

In the last four years hundreds of metres of 4 metre wide rides have been created along both sides of the main footpaths throughout the Common, there have been 8



new glades of 80 metres in diameter formed and a sizable extension to the main glade. The Chipperfield Common plan is updated every year and completely reviewed every five years. In May 2013 – 18 a new plan was launched and there is plenty about non tree woodland areas including the acknowledgement that without grazing, preventing tree incursion is difficult.

In summary T & W Reinforce support the principle of extending the burial grounds,

- There should be a debate on style, appearance, after management and investigate the possibility of including the rest of the site,
- HRBC's views are as ever respected but HRBC was unlikely to be considering an up to date management plan, and
- Reiterate that this proposal should not be described as a loss.

### *Response to the Conservation & Design Team's Advice and the Parish Council's Response*

T & W does not share the concerns about this area changing from low grade woodland to that of an open nature. To say this is an undesirable step is to suggest that biodiversity / nature conservation interest can only be served by closed canopy woody plants. Over the last 5 years work at Chipperfield has concentrated on making new glades, enlarging existing ones and pushing the tree lines back along a network of main paths. It is the combination of open, partly open and closed areas that make for biodiversity not clinging on to every wooded part of the Common.

In terms of boundary treatment:

- A wall all round the extension would probably make the scheme too expensive,
- One option could be to have wall on just the road side with a different treatment on the other two sides,
- Hedging on the inner two lengths would not prosper because of the shade and influence of the adjacent woodland,
- If a hedge is chosen for the roadside stretch, surely something less shabby than blackthorn, hawthorn would be a far better hedge, and
- For treatment of two or all sides traditional cleaved oak pales could be considered and can easily be sourced from the Common itself.

### *Further Advice upon details of Boundary Treatment*

In principle a hedge is a suitable method of enclosing the new section of burial ground at Chipperfield. However there may be some difficulties establishing one where it abuts woodland on two sides.

The agent is acting on behalf of the residents who have voted strongly in favour of an extension and is trying to establish the principle of the extension through the Planning system and then will leave to others to allow its implementation.

There is no clear body or Trust as yet who will take on the funding and implementation of the project. Recommend a condition is imposed regarding the means of enclosure, primarily by hedge with the details to be agreed.

## Estates & Valuation

No fundamental objections.

## Hertfordshire Biological Records Centre

### *Initial Advice*

The proposals will largely destroy a small but nevertheless integral part of the historic Common. This area is also included within the Wildlife Site, although its habitat interest is secondary woodland. Whilst this has resulted from the degradation of the former open grassland, it is not without value as secondary woodland although HBRC acknowledge this is a more recently developed habitat of rather less intrinsic value. Several of the more mature trees currently present within the area may be retained. The proposals will, however, impose a formal character to the existing site.

The area has been surveyed for bats and some trees identified as providing roosting potential. It is not known whether the ash tree with rot holes will be removed, but provision is made for further surveys if this is to be the case. No other evidence or potential was observed.

The woodland is relatively species-poor overall and of somewhat limited ecological interest, consistent with it being secondary on former grassland. However as semi-natural habitat it forms part of the Wildlife Site and provides a continuum of habitat with the bulk of the rest of the site, as well as being common land. These attributes would be lost with the change of use, as outlined within the Ecology Report, which considers the impact to be low.

The site is unlikely to support Great crested newts given a lack of breeding pond close by although they could use the area as part of their terrestrial habitat. Given the extent of similar adjacent habitat (0.12ha v 42.32 ha), the likelihood of any impact on the local population can only be considered very low.

The potential for enhancement as part of the development itself to be minimal, given the nature and ultimate intensity of the proposed use.

Clearance of vegetation should be outside of the breeding season as recommended, and other precautions are noted as appropriate.

There does not appear to be any specific ecological interest that would be sufficient to prevent the development from taking place. However, the same could be said of many such areas across the common; all of the boundary areas could be subject to say, housing or other developments in similar sized plots (whatever the merits of any such proposals the implications for ecological loss would be similar). Would *this* be acceptable? Adjacent areas on the edge of the common - still within Common Land boundary - get managed essentially as part of the adjacent properties, in a manner unsympathetic to ecology although admittedly maintaining open character. This already degrades the potential or remnant historic ecology, and this application will effectively destroy a small but further area of it.

There are already other similar activities - amenity grasslands, cricket ground, car parks etc all of which are integral to the site's use and amenity value, none of which

contribute to its essential ecological interest. Indeed, given its original heathland interest, unfortunately HRBC consider the fundamental ecological value is quite clearly the very poor relation to this site's management. Where are there any areas of original acid grassland being restored anywhere on the site? Any aerial photograph shows the overwhelming dominance of woodland and or scrub in all areas other than car parks, small amenity grasslands and the cricket pitch. Heathland? The management plan itself acknowledges the glade has effectively failed having been swamped by birch, and even the vision wholly conflicts with any such restoration measures (*Our vision is to retain the existing natural woodland character of Chipperfield Common...*). Indeed, there does not appear to be any mention at all of any grassland management within any of the Site Action Plan Prescriptions. If true, to have excluded this entirely is quite extraordinary and disappointing.

The ecological implications of this application can only be viewed in this context. Whilst HRBC acknowledge the arguments for the proposals and its generally limited impact on the areas generally, in this context it is disappointing to see that no compensation, habitat enhancements or suggestions whatsoever are proposed to compensate in an appropriate manner for the loss of habitat on this Wildlife Site. HRBC consider this to be an unacceptable approach to the Wildlife Site. As such, my advice can only be that unless these can be satisfactorily be provided, this application should be refused.

It is quite possible to provide a positive compensation for this loss - such as funding or securing management to increase acid grassland on the site. Whilst a management plan already exists, that aspect is excluded. Consequently HRBC suggest that as compensation, if an appropriate area of similar size to that which is proposed to be developed is clearfelled with a view to its management / restoration as grassland / heathland, the proposals may be approved. This does not seem unreasonable given the site's history, ecological interest and impact of this proposal - which in terms of loss of existing habitat, would be the same. This could be dealt with by means of a Condition - or an amendment to the management plan - or even a S106, given the delivery is otherwise unlikely ever to happen.

#### *Further Advice*

The point about common destruction has been missed; it will be effectively a change of use to a churchyard - surely that is the fundamental point and quite a significant impact in principle, if not in extent over the site. The fact that it *could* open up and restore grassland habitat is not an issue - wholly agree with HRBC's points about pipelines and chestnut glades etc. However in planning terms this is fundamentally a change of use which will no longer effectively be part of the common, its existing ecology or use - it will in future be part of a churchyard, and all that implies.

There is no guarantee the churchyard will be managed for its biodiversity - indeed it is unlikely to support good grassland for some time if it is cleared and remains so given the age of the woodland. Obviously its habitat character will change - that is also not an issue or one I would object to, but this isn't a proposal to create open acid grassland - its being done to create a burial ground, and this could equally be managed formally subsequently.

There is no problem about loss of trees per se - its recent woodland. Whether Common Land status would be retained I am not sure - part of the existing Churchyard

is in the Common boundary as are roads, car parks and cricket pitches and essentially garden lawns, so HRBC accept that may not be an issue although there will still be a change of use, which would not be a lot different to any other proposals with similar impacts, eg a CoU to garden etc. Consequently in HRBC's view the issue is the principle of any such change and associated ecological implications, whilst taking account of the community need.

HRBC is certainly not devaluing churchyards, but if trees were to be retained / replaced the 'improvements' would be small, and any open ground unconnected to other areas of open ground. The overall views were that whilst the impact would be limited, given it remains another change that may not contribute to the site's most valuable ecological feature, any approval should not be considered without appropriate compensation.

In this respect there is nothing in the submitted proposals that championed the original grassland. Indeed, trees are proposed to 'retain an affinity with the adjacent woodland' and the consultants recommendations are to incorporate native woodland species into the planting scheme for the graveyard. Hence HRBC's my views on compensation as an approach to offset this change of use and if not 'total loss' of habitat, then loss of associated ecological potential. Support for enabling management of somewhere else on the back of any approval would therefore be an acceptable and reasonable approach. Consequently this issue needs to be incorporated at the planning application stage to ensure it forms part of the planning process, otherwise any future compensatory works could not be secured through this means.

Whilst any planning obligation could be proportionate to the impact - the area affected is not large - there is a need to secure something positive from the proposals - which HRBC would actually support the revised Management Plan.

#### Hertfordshire & Middlesex Wildlife Trust

The proposed development is located on part of Chipperfield Common Local Wildlife Site ref 74/001, and adjacent to St Paul's Churchyard which was ratified as a Local Wildlife Site last year by the Hertfordshire Wildlife Sites Partnership.

The two ecological surveys which have been undertaken by Middlemarch Environmental – Extended Phase 1 Survey and Bat Survey of Trees – which find as follows:

- The area affected comprises mostly broadleaved woodland, with sparse shrub layer and groundflora, and an area of herb/scrub mosaic, bare ground and amenity grassland
- The proposal will result in the loss of a small area of a Local Wildlife Site and UK and local BAP priority habitat, but as the patch concerned is considered of low quality, the area is small relative to the total size of the site, and broadleaved woodland is common in the local area, the overall adverse impact will be low.
- The habitat has potential for nesting birds, hibernating reptiles, hedgehogs and badgers (although no setts of activity was noticed during survey), and may support bluebells (which are a protected species of plant).
- One ash tree is classified as having category 1 potential for bat roosting; a single beech tree could develop suitable roost features in time and is classed category 2 potential; and several other trees with ivy covering only category 3 potential.
- No veteran trees are within the area concerned

The site is part of Chipperfield Common, and adjacent to the new Local Wildlife Site at St Paul's Churchyard. Extension of the church yard will result in the loss of a portion of the woodland, although it is accepted that this is unlikely to materially impact the integrity of the Wildlife Site as a whole.

In order to mitigate for potential adverse impacts on both the churchyard grassland Wildlife Site and compensate for the loss of part of Chipperfield Common, HMWT would expect to see a positive regime of grassland habitat management secured for the existing churchyard and for the newly created one, to ensure that there is no net adverse impact on biodiversity and the habitat interest is maintained. In the absence of suitable mitigation and compensation in the form of conservation grassland management for the existing and proposed new churchyard, we would have to object to the granting of planning permission.

HMWT disagree with the landscaping recommendations made by the ecologist, specifically the planting of native woodland species. If the area is to be cleared and converted into a church yard, then it would be preferable to encourage biodiverse natural grassland to develop, extending the area within the existing churchyard which currently meets Wildlife Site criteria for grassland habitats. The area should not be sown with a commercial 'wildflower grassland' seed mix. Instead, green cuttings should be taken from a botanically rich part of the existing neighbouring churchyard, laid down over the cleared and prepared area and left until the seed heads have dropped. The area should be managed to encourage development of a species rich sward. It is strongly recommended that a management plan is put together for the current St Paul's churchyard to maintain its species interest and for the adjacent area to encourage this to develop similar grassland interest. The management plan should be prepared as a condition to planning permission, in consultation with Herts & Middlesex Wildlife Trust or the Hertfordshire Wildlife Sites Partnership.

The ecological consultant sets out their recommendations in respect of protected species within the reports, all of which are supported by the Trust. Regarding bats, the ash tree with potential for bat roosting should be retained if the development proceeds. If the ash tree needs to be removed, then further surveys are required first to confirm the status of roosting, and inform suitable mitigation etc if needed. In the event that any tree clearance is delayed by a year or more, then the trees should be resurveyed to establish any changes in roosting potential. A condition could be applied to cover these points.

HMWT agree that appropriate working methods and timing constraints are needed in respect of nesting birds, terrestrial mammals, reptiles and amphibians, and also bluebells. The recommended approaches in the report (eg. watching briefs, timing constraints etc) would be suitable. A more detailed method statement should be drawn up by the ecologists to manage the potential risks to protected species, and this should be fully complied with as a condition to planning permission.

Any trees that will be retained and all trees within the Local Wildlife Site but outside of the work area should be suitably protected during the course of any work. Again, a condition is required.

Hertfordshire County Council: Historic Advisor

The advice is based on the policies contained in National Planning Policy Framework (NPPF), and the PPS 5 Practice Guide which DCLG have formally confirmed is still active.

The proposed development site lies at the edge of historic Common Land, Two Scheduled Bronze-Age barrows (SM20617 & SM20618) lie to the SE. The presence of these funerary monuments indicates settlement of the area from the Bronze-Age onwards. Given the level of ground disturbance that will be involved in the use of this land as burial ground, it is likely that the proposed change of use will impact on heritage assets of archaeological interest. Therefore an archaeological condition is recommended.

#### Environment Agency

Comments awaited.

#### English Heritage

Comments are not necessary.

#### Response to Neighbour Notification/ Publicity

43 letters of support.

### **Considerations**

#### Justification for the Proposal / Local Community Support

The existing churchyard is full and therefore no more burials can take place. There is, however, strong feeling in the village that an additional area should be provided so that burials may continue.

An examination of possible sites within the village was carried out. Only one - that adjacent to the present churchyard was considered suitable. The supporting statement confirms that others demonstrated problems with parking, being somewhat isolated and therefore open to vandalism and, most importantly, were a significant distance from the Church.

To confirm the level of support for additional burial space in principle public meetings were held. A questionnaire was delivered to all houses in the Ecclesiastical Parish of St Paul's. The options offered were:

- Should the churchyard be extended by using a small area of Common land,
- The churchyard should not be extended, and
- 'Don't know'.

Of the 691 responding households who returned questionnaires 645 (93%) supported the extension, 25 (4%) disagreed and 21 (3%) had no opinion. On this basis the current application was submitted.

#### Policy and Principle

There is a local requirement for an enlarged churchyard for burials. Chipperfield is a Selected Small Village in the Green Belt. DBLP Policy 4 and Policy CS6 support the provision of local facilities to serve the village's needs. The NPPF 's Paragraph 89 confirms that cemeteries are appropriate in the Green Belt providing they preserve its openness and other purposes. The proposal would accord with these policies and satisfy an identified community need as expected by DBLP Policy 67 and Policy CS23.

#### Design/ Effect upon the Character and Appearance of the Conservation Area/ Effect upon the Setting of the listed Church /the Rural Street Scene

The proposal would be a 'natural' /logical, complimentary and subordinate physical extension to the existing graveyard. In association with its proposed perimeter hedge, the extension by reason of its size and position will preserve the character and appearance of the Conservation Area and be compatible with the setting of the Grade 2 listed adjoining Church.

With regard to the Conservation Team's observations the introduction of perimeter hedging to enclose the proposed graveyard will complement the existing character and appearance of this part of the Conservation Area reinforcing the role of The Common and having a resultant neutral effect. Associated low key fencing could be incorporated within the finalised boundary treatment for maintenance reasons. A condition requiring alternative hedging and associated fencing is recommended.

#### Arboricultural Implications/ Soft Landscaping/Associated Ecological Implications

This is set against the respective expert professional views of the Council's Trees & Woodlands Manager, HRBC and HMWT as comprehensively referred to by the 'Representations'. The TWM 's input is both as DBC land owner and advisor to the LPA on planning applications with arboricultural implications.

The application site forms a very small proportion of The Common. There will be some ecological and arboricultural disbenefits arising from the change of use. This has to be considered in the context of the Common's wider environmental and community /public role and the proposal's importance to the village. This holistic approach justifies support for the proposal subject to a range of conditions including an ecological/ landscape management plan.

In terms of 'ecological compensation' the recommended Graveyard Plan would adequately address HRBC's and HMWT's proposal's criticisms by rejuvenating this small part of The Common. The use of native plants will have biodiversity benefits by attracting night flying moths and other nocturnal invertebrates to provide for potential foraging resource for bats. In association with this the existing Ash tree should be retained.

#### Highway Safety/ Access/ Parking Implications

The site is ideally located in relation to the village car park. Access for persons with disabilities will be feasible.

#### Impact upon Residential Amenity

There will be no harm.

#### Crime Prevention/Security Implications

There is natural surveillance opposite the site and given its closeness the highway. The site has been chosen to ensure that vandalism is minimised.

#### Drainage/ Contamination

A condition should be imposed regarding surface water site drainage. The Scientific Officer confirms that contamination does not need to be addressed.

#### Archaeological Implications

A condition is necessary.

#### Exterior Lighting

Given the ecological and heritage implications there should be controls over external lighting.

### **Conclusions**

There is local community support/need for the proposal. The extension is a 'natural' /logical complimentary and subordinate physical extension to the existing graveyard with no harm to the setting of St Pauls Church and a neutral effect, preserving the character and appearance of the Conservation Area.

A balance has to be achieved between supporting this necessary development in the Green Belt and safeguarding the natural and built/ heritage environment. Given the proposal's community importance and the wider arboricultural and ecological value of the Common (of which the land for the proposal forms a small part) there is a case to recommend permission. This is subject to a range of conditions including an ecological/ biodiversity management 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 Notwithstanding the submitted details, the development hereby permitted shall not be commenced until alternative details of the perimeter hedge and any associated internal fencing shall have been submitted and approved by the local planning authority. The approved hedge shall be planted in the planting season following the first burial and any associated fencing constructed fully in accordance with the approved details before the first use of the land as a burial ground.**



**Thereafter the fence shall be retained at all times.**

Reason: In the interests of the character and appearance of the Conservation Area and the setting of the adjoining listed building and biodiversity to accord with the requirements of Policies 6, 11, 99 103, 119 and 120 of the DBLP 1991-2011 and Policies CS6, CS10, CS11, CS12 , CS25, CS26 and CS27 of the Pre-Submission Core Strategy(including modifications).

- 3 **If within a period of ten years from the date of the planting of any 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 the character and appearance of the Conservation Area and the setting of the adjoining listed building and biodiversity to accord with to accord with the requirements of Policies 6, 11, 99 103, 99, 119 and 120 of the DBLP 1991-2011 and Policies CS6, CS10, CS11, CS12, CS25, CS26 and CS27 of the Pre-Submission Core Strategy(including modifications).

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

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

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

Reason: To safeguard the site archaeology to accord with the requirements of

Policy 118 and Policy CS 27 of the Pre-Submission Core Strategy(including modifications).

- 5 **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 safeguarding the ecological environment, the character and appearance of the Conservation Area and the setting of the adjoining listed building and biodiversity to accord with the requirements of Policies 6, 11, 99 103, 119 and 120 of the DBLP 1991-2011 and Policies CS6, CS10, CS11, CS12, CS25, CS26 and CS27 of the Pre-Submission Core Strategy (including modifications).

- 6 **A biodiversity and landscape management plan ( including the retention of the Ash tree on Drawing No. C111521-01-01 )shall be submitted to the local planning authority before the commencement of any development at the site .The approved landscape and biodiversity management plans shall be carried out fully in accordance with the approved scheme and all new planting shall be carried out fully in accordance with the approved details within the first planting season following the first use of the burial ground hereby permitted. For the purposes of this condition the planting season is between 1 October and 31 March.**

Reason: In the interests of safeguarding and enhancing the local environment and biodiversity to accord with the requirements of Policies 6, 11, 99 103, 99, 119 and 120 of the DBLP 1991-2011 and Policies CS6, CS10, CS11, CS12,CS25, CS26 and CS27 of the Pre-Submission Core Strategy(including modifications).

- 7 **A scheme for surface water drainage shall be submitted to the local planning authority before the commencement of the development hereby permitted. The approved scheme shall be installed fully in accordance with the approved details before the first use of the burial ground hereby permitted.**

Reason: To ensure that the site is subject to an acceptable sustainable drainage scheme with to accord with the requirements of Policy 124 of the DBLP 1991-2011 and Policies CS31 and CS32 of the Pre-Submission Core Strategy(including modifications) .

- 8 **The development hereby permitted shall be carried out in accordance with the following approved plans subject to compliance with the above conditions:**

**Site Location Plan, SPC/01, SPC/02 and C111521-01-01.**

Reason: For the avoidance of doubt and in the interests of proper planning. In the interests of the character and appearance of the Conservation Area and the setting of the adjoining listed building and biodiversity to accord with to accord with the requirements of Policies 6, 11, 99 103, 119 and 124 of the

DBLP 1991-2011 and Policies CS6, CS10, , CS11, CS12 , CS25, CS26, and CS27 of the Pre-Submission Core Strategy(including modifications) .

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 Chipperfield Parish Council and to neighbour notification.

The site is located within the Green Belt and Chipperfield Conservation Area and adjoins a Grade 2 listed building.

There is a local requirement for an enlarged churchyard for burials. Chipperfield is a Selected Small Village in the Green Belt. DBLP Policy 4 and Policy CS6 support the provision of local facilities to serve the village's needs. The NPPF 's Paragraph 89 confirms that cemeteries are appropriate in the Green Belt providing they preserve its openness and other purposes. The proposal would accord with these policies and satisfy an identified community need as expected by DBLP Policy 67 and Policy CS23.

The proposal would be compatible with the setting of the existing Grade 2 Church and its churchyard and preserve the character and appearance Chipperfield Conservation Area. There are no fundamental arboricultural or ecological objections.

NOTE 2:

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

Dacorum Borough Local Plan 1991-2011

Policies 4, 6, 11, 12, 13, 49, 63, 67, 96, 98, 99 100, 101, 113, 118, 119 , 120 and 124

Appendices 5 and 8

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

CS1, CS5 CS6 , CS10, CS11, CS12, S13, CS25 ,S27, CS31 and CS32

Supplementary Planning Guidance and Documents

Environmental Guidelines

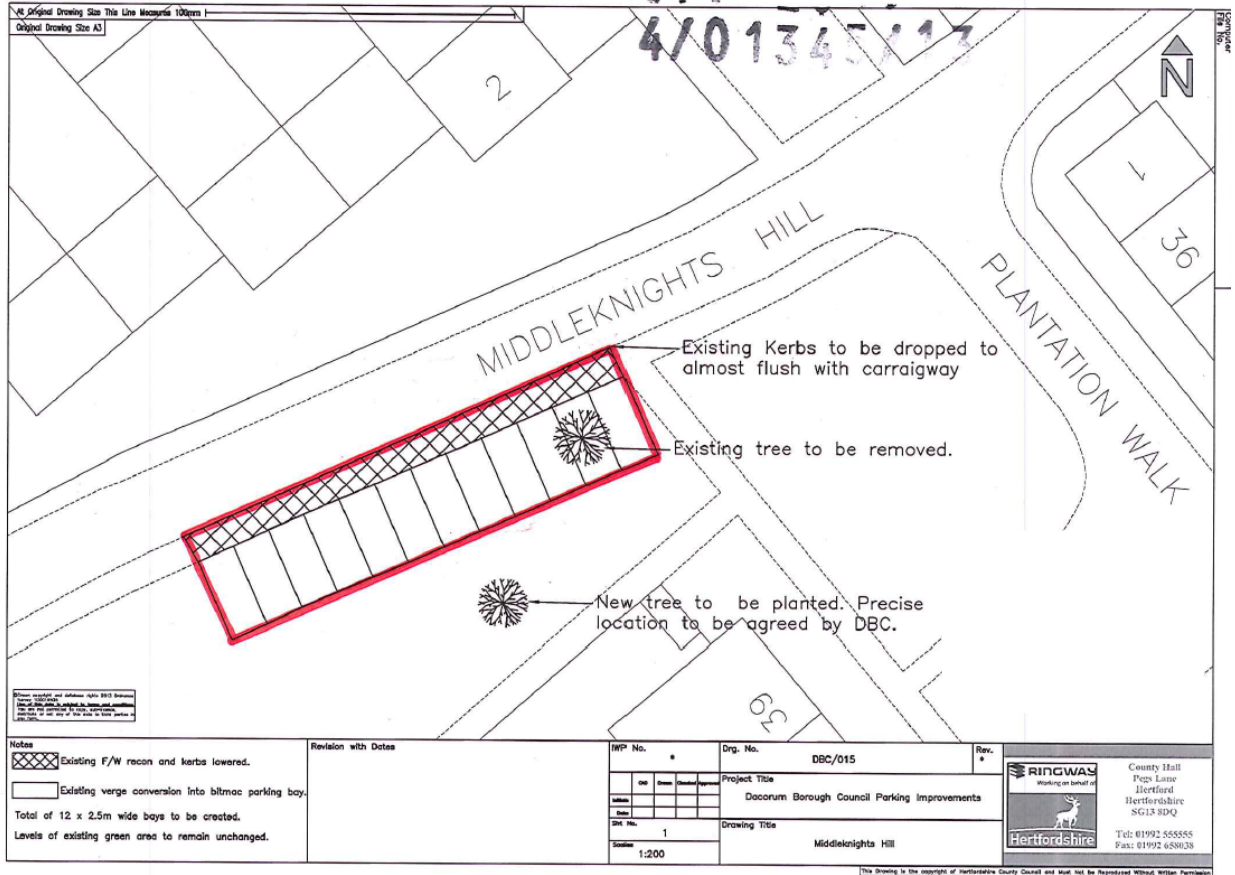
NOTE 3:

### **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.

**ITEM 5.5**

**4/01345/13/FUL - AMENITY GREEN OPPOSITE 8, MIDDLEKNIGHTS HILL, HEMEL HEMPSTEAD, HP1 3NA**



## **ITEM 5.5**

### **4/01345/13/FUL - ELEVEN PARKING BAYS**

**AMENITY GREEN OPPOSITE 8, MIDDLEKNIGHTS HILL, HEMEL HEMPSTEAD,  
HP1 3NA**

**APPLICANT: DACORUM BOROUGH COUNCIL - MRS G BARBER**

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[Case Officer - Philip Stanley]

[Grid Ref - **TL 04133 08544**]

### **Summary**

The application is recommended for approval.

This application is the subject of a two year process ('The Verge Hardening Project') that has highlighted and prioritised the areas of extreme parking stress in the Borough, checked the feasibility and cost effectiveness of parking schemes in those areas, and undergone a pre-application process to determine the most appropriate areas and methods to deliver the needed additional parking.

The application site is considered a priority in this Project. There is a clear need for additional off-street parking in the area. This application provides 11 additional parking bays and this would be achieved in a way that has the appearance of extending the highway, but protecting the majority of the amenity land concerned. It is considered that an appropriate balance has been struck between meeting the parking requirements of the area and protecting the visual amenity of the neighbourhood. The application therefore complies with Policy 11 of the Dacorum Borough Local Plan and Policies CS11 and CS12 of the Core Strategy (Pre-submission with Modifications January 2013).

### **Site Description**

The application site comprises an amenity green opposite Nos.4-10 Middleknights Hill. The road slopes slightly downhill from west to east. The surrounding area is characterised by runs of terraced housing often with little or no provision (or possibility) of providing on-site parking. The amenity green subject to this application is framed by footpaths on all four sides.

There is an existing run of 10 spaces on red block paving to the west of the site (at the top of this amenity green). The site concerns the bottom half of the front of the amenity green and it is already badly rutted in this area due to the parked vehicles straddling the amenity green. There is a medium-sized tree at the bottom end of the site.

### **Proposal**

It is proposed to construct 11 new parking bays on the northern edge of the eastern section of the green open space opposite Nos.2-10 Middleknights Hill.

The new parking bays would be placed at right angles to the road and the kerb would be dropped along the entire length of the new parking. The new parking bays would be laid in dense bituminous macadam. The proposals have been amended from that originally submitted in two ways. Originally it was proposed to construct a line of 12 parking spaces which would have connected directly to the existing run of 10 spaces. It

is now proposed to construct 11 spaces which would allow a gap of 2.5 metres between the two runs of parking spaces, in which it is proposed to plant a new tree.

### **Referral to Committee**

The application is referred to the Development Control Committee as the applicant is the Borough Council.

### **Planning History**

None.

### **Policies**

#### National Policy Guidance

NPPF  
Circular 11/95

#### Dacorum Borough Local Plan

Policies 1, 2, 9, 11, 13, 57, 59 and 116  
Appendices 1 and 5

#### Dacorum Borough Core Strategy - Pre-submission with Modifications (January 2013)

CS1, CS4, CS10, CS11, CS12, CS26 and CS29

#### Supplementary Planning Guidance

Environmental Guidelines  
Residential Character Area HCA 6: Gadebridge  
Water Conservation & Sustainable Drainage  
Accessibility Zones for the Application of Parking Standards

### **Representations**

#### Hertfordshire Highways

The parking provision will formalise off-street parking by removing any on-street parking. No doubt this arrangement will help the free and safe flow of traffic. The highway authority does not wish to restrict the grant of consent. However, the proposals include drop kerbs which may require the applicant entering in to a S278 agreement with the highway authority to carry out the works.

#### Trees & Woodlands

We have no objections to the proposal. The planting of a new tree compensates for the loss of the existing tree provided it is a suitable species and size.

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

One response was received from No.6 Whitestone Walk in support of the development for the following reasons:

*This would be a massive addition to the area, as a parent with a toddler cars currently park up on the pavements which means we have to walk in the road, with the addition of these parking bays it would mean we could walk to the local shops safely. It will make the whole area a lot safer, as well as looking tidy, no more cars churning up the grass and making pavements un safe. My husband often works very late and when he gets in there is no where in the area to park. I fully support this application and seeing other green's that have had parking put in recently it makes the whole area look so much better as well as safer and easier to park.*

Furthermore, local residents were also asked for their views by the Council at the pre-application stage. There were 7 returned consultations, of which 6 were for the scheme and only one against (but did not state a reason for objecting).

### **Considerations**

#### Policy and Principle

The proposed development would take place in an urban area of Hemel Hempstead and would therefore be acceptable in principle in accordance with Policy 11 of the DBLP and Policy CS4 of the Core Strategy.

In accordance with Policy 11 of the DBLP any scheme is expected to respect the general character of the area, avoid harm to neighbouring residential amenities and not compromise highway safety. Furthermore Policy 116 of the DBLP seeks the protection of open land in Towns from inappropriate development. In particular the location, scale and use of the new development must be well related to the character of existing development, its use and its open land setting, while the integrity and future of the wider area of open land in which the new development is set must not be compromised. Appendix 5 of the DBLP states that, "*Achievement of parking provision at the expense of the environment and good design will not be acceptable. Large unbroken expanses of parking..are undesirable. All parking must be adequately screened and landscaped*".

The Core Strategy follows the above themes with Policy CS10 (f) emphasising the need to preserve and enhance green gateways, Policy CS11 (f) stating that new development should avoid large areas dominated by car parking, and Policy CS12 seeking to ensure that all development is in keeping with the area and stating the importance of planting of trees and shrubs to help assimilate development.

Finally, the application site is located within the residential area of Gadebridge (HCA 6). In this area there may be opportunities for the conversion of parts of amenity areas to communal car parking where the character and appearance of the area is not unduly harmed through its visual impact and effect on established landscaping.

#### Impact on Street Scene

The creation of a 11 new parking spaces at the edge of an amenity green would result



in a change to the appearance of the area. In particular the use of tarmac would create a slightly harsher feel to the locality.

However, there are several factors in support of this application:

- The character of this particular amenity green is already characterised by parking at its side adjacent to the road in two ways. Firstly, there is an existing run of 10 spaces to the west of the site. Secondly, cars already park in the position of the proposed bays and this has eroded the land in these locations, which diminish the visual amenity of the area.
- A large section of the amenity green would remain untouched by these parking proposals, as well as the amenity green at the inside corner of Middleknights Hill and Plantation Walk. The unaffected areas contain the largest trees and are the most valuable sections of green space in the street scene.
- The proposed application has been amended to split up the existing and proposed parking bays. This would allow soft landscaping between the runs of parking bays, which would help to soften the development.
- The construction of the parking bays would prevent cars from bumping up the kerb, driving across the amenity green to reach the set back terrace of Nos.3-9 Middleknights Hill, thereby protecting the remainder of the greenspace.

Therefore, on balance, it is considered that the proposed application represents the most appropriate way of achieving the parking spaces that are in very short supply in this locality. In addition it is considered that the provision of these spaces would not unduly harm the character and appearance of the area and as such the proposals comply with Policies 11 and HCA6 of the DBLP.

#### Impact on Trees and Landscaping

The proposed scheme would see the loss of a medium sized tree at the bottom end of the amenity green. While the loss of this tree is not ideal it is recognised that the proposals include a replacement tree to be provided between the two runs of parking spaces. This position would help to soften the parking areas to a greater extent than the existing tree. It is also noted that the Trees & Woodlands department have raised no objection to the proposals. Furthermore, it is noted that the amenity green contains much larger, mature specimens at its western and eastern edges. These trees have considerable amenity value and therefore it is important to note that the proposals would not affect these trees.

At this stage no details have been provided regarding the new trees. It is expected that the new tree would be the same size and species as that recently agreed between the runs of parking spaces at Ritcroft Close, however confirmation of the exact details would need to be secure through a landscaping condition.

#### Impact on Neighbours

It is not considered that the proposed parking bays would cause significant harm to the amenity of neighbouring properties, in particular those opposite the site at Nos. 2-10 Middleknights Hill. It is appreciated that these properties would experience a greater degree of noise and disturbance from cars using the new parking spaces, however they are separated from the site by their own front gardens (some of which have now

been converted to provide their own off-street parking) as well as the road. The proposed situation is also no different to the dwellings opposite the existing run of parking spaces.

It is also noted that no objections have been received to this planning application, while a pre-application consultation process indicated broad support for the proposals.

As such it is not considered that any harm caused to neighbouring residential amenities would be so significant to warrant refusing this application.

### Highway Safety

It is considered that these proposals would improve highway safety in the street. At the moment cars are parked straddling the pavement, thereby reducing the width of both the road and the pavement. The proposed scheme would prevent such nuisance parking and as such will help the free and safe flow of traffic.

### **Conclusions**

The proposed parking spaces would provide much needed local parking, but would be achieved in a way that does not compromise the visual amenity of the area. In particular the amendments made to the proposed development would ensure that soft landscaping would be introduced to break up the runs of parking spaces.

**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 shall be carried out in accordance with the Schedule of Materials in section 9 of the application form submitted with this application signed and dated 10/07/13.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Borough Core Strategy (Pre-Submission with Modifications January 2013).

- 3 No development shall take place until full details of the proposed tree(s) (noting the proposed location for the tree(s), species, plant sizes and proposed planting timetable) have been submitted to and approved in writing by the local planning authority. The approved tree planting shall be carried out in the first planting season after the first use of the development hereby permitted.**

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

Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Borough Core Strategy (Pre-Submission with Modifications January 2013).

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the Dacorum Borough Core Strategy (Pre-Submission with Modifications January 2013).

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

**Site Location Plan 1:1250  
DBC/015**

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

ARTICLE 31 STATEMENT:

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

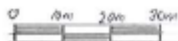
HERTFORDSHIRE HIGHWAYS INFORMATIVE

The proposals include drop kerbs which may require the applicant entering in to a S278 agreement with the highway authority to carry out the works. Please contact Hertfordshire Highways on 01992 555555 for further information on this matter.

**ITEM 5.6**

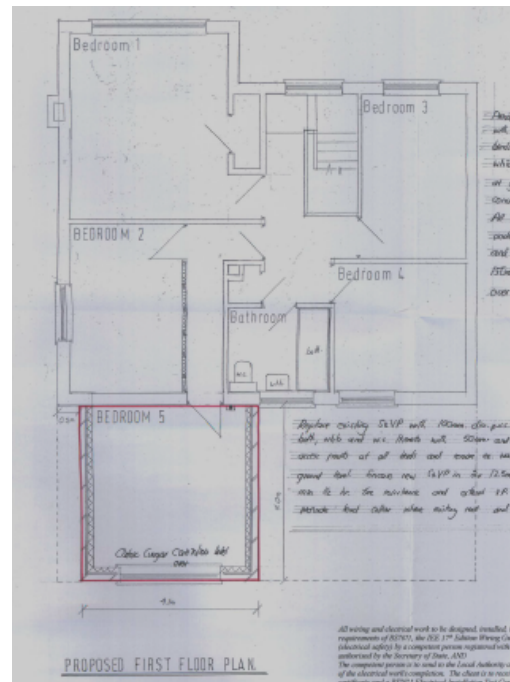
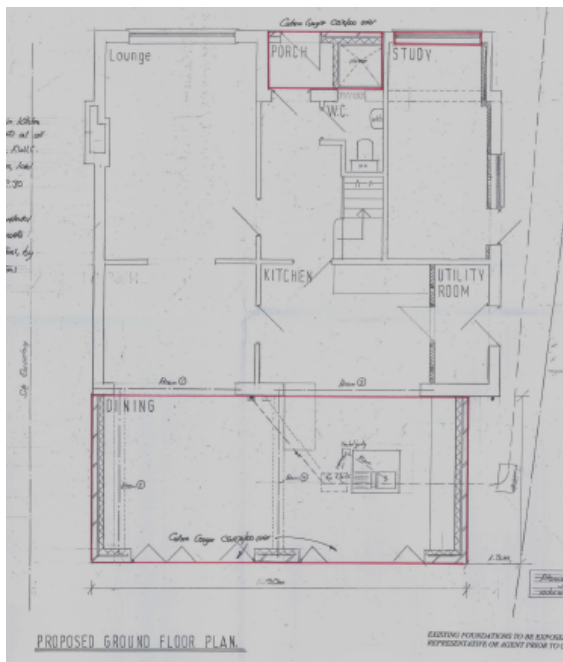
**4/00853/13/FHA - GARAGE CONVERSION, FRONT INFILL EXTENSION, PART TWO-STOUREY/PART SINGLE STOREY REAR/SIDE EXTENSION, FRONT PARKING FACILITIES, AND REAR PATIO (WITH DWARF RETAINING WALL). 2 ARCHER CLOSE, KINGS LANGLEY, WD4 9HF**

- 3 MAY 2013



**ITEM 5.6**

**4/00853/13/FHA - GARAGE CONVERSION, FRONT INFILL EXTENSION, PART TWO-STOREY/PART SINGLE STOREY REAR/SIDE EXTENSION, FRONT PARKING FACILITIES, AND REAR PATIO (WITH DWARF RETAINING WALL). 2 ARCHER CLOSE, KINGS LANGLEY, WD4 9HF**



## **ITEM 5.6**

**4/00853/13/FHA - GARAGE CONVERSION, FRONT INFILL EXTENSION, PART TWO-STOREY/PART SINGLE STOREY REAR/SIDE EXTENSION, FRONT PARKING FACILITIES, AND REAR PATIO (WITH DWARF RETAINING WALL). 2 ARCHER CLOSE, KINGS LANGLEY, WD4 9HF  
APPLICANT: MRS KIM GRIFFITHS**

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[Case Officer - Philip Stanley]

[Grid Ref - TL 06954 02573]

### **Summary**

The application is recommended for approval.

The proposed application contains numerous elements (garage conversion, front infill extensions, single storey and two-storey rear extensions, level changes to rear garden). Nevertheless, when considered as individual items or cumulatively, the proposals would not cause harm to the appearance of the original building or the character of the street scene. Furthermore, the residential amenities of adjacent neighbours would not be significantly adversely affected by the development. The proposed development would therefore comply with Policy 11 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 detached house on the western side of Archer Close, a residential cul-de-sac located in the large village of Kings Langley. The property is the first in a line of three detached properties on this side of the road, with the detached houses opposite bending round a small amenity green opposite the site.

The house is set back from the road by approximately 5 metres and a driveway on the left-hand side leads to an integral garage. The remainder of the open front garden is lawn and is framed by two tall trees, one on the pavement by the road just to the left of the driveway. The house has a two-storey front gable with first floor tile hanging, otherwise the house is constructed of red brick.

The rear garden is a good depth and narrows to the rear, where an electricity sub-station is situated. The rear garden is bordered by staggered 2 metre high close-boarded fencing.

### **Proposal**

It is proposed to construct a part two-storey and part single storey rear extension. This extension has been amended to take the extension a minimum of 1 metre from the boundary with No.4 Archer Close. This extension would have a depth of 4 metres and would have a gable ended two-storey section on its left-hand side having a width of 4.1 metres. To the right of this would be a rear pitched roof single storey extension. To the left of the two-storey extension would be a rear / side wrap around extension, pitching to the side with two roof lights, and extending 1.35 metres beyond the existing side building line. This extension would provide a large open plan kitchen / family room space on the ground floor and a fifth bedroom upstairs.

In addition to the above it is proposed to convert the garage into a habitable room (a study). A standard horizontal window would replace the garage door. It is also proposed to infill at ground floor level the space between the garage on the left-hand side and the two-storey front gable on the right-hand side, which would create a porch.

In terms of landscaping it is proposed to block pave an additional portion of the front garden, sufficient to create a second parking space within the front garden, but also leaving a section of lawn to the right-hand side. An aco-drain would be constructed at the front of the site leading to a soak-away. In the rear garden a new 3.6m deep patio area would be built beyond the proposed extension. Due to the rising land levels it will be necessary to excavate the garden to create a flat patio surface. This would result in the need for 0.6m high retaining walls around the patio.

### **Referral to Committee**

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

### **Planning History**

A pre-application enquiry for these proposals was submitted under 4/02338/12/PRE. No objections were raised at that stage, though it was noted that the two-storey element of the proposals would need to be limited to avoid harming the residential amenities of neighbouring properties.

### **Policies**

#### National Policy Guidance

NPPF  
Circular 11/95

#### Dacorum Borough Local Plan

Policies 1, 3, 9, 10, 11, 13, 58  
Appendices 5 and 7

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

Policies CS4, CS11 and CS12

#### Supplementary Planning Guidance

Environmental Guidelines  
Accessibility Zones for the Application of Parking Standards

## Representations

### ORIGINAL SCHEME

#### Kings Langley Parish Council

No objection.

#### Trees and Woodlands

The adjacent highway tree is currently causing damage to the footway, it's a native cherry with quite a lot more growing to do and so may be described at in the later stages of its 'street life'. We would be happy to lose the tree and get a nearby replacement. I see no trees of note at the rear, so no comments from me on rear extensions.

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

Two letters of objection were received from Nos.4 Archer Close, which raised the following concerns:

- The 4 metre depth of the rear extension was too large.
- Due to the depth and height of the extensions there are likely to be consequent impacts on light (especially in winter months) and more particularly on privacy. The new window will have a clear vista over our garden and the back of our house.
- The visual intrusion looking from the back of our house is also likely to be significant.
- The size of the extension will bring the exit from the family room immediately adjacent to our boundary, resulting in additional loss of privacy. At the moment the exit from the existing dining room is on a lower level and 4m away from our boundary which means there are no issues of privacy at all, even when their patio is being used. Once a new patio is built the issues will become even worse.
- Ground levels. In order to accommodate the extension as proposed with the patio door leading into the garden from the new family room, the upward slope of their rear garden will have to be removed, requiring retaining works to stop slippage of our garden. If the levelling is extended to accommodate a patio at the same level of the ground floor (as now) the retaining works would be significant.
- It would be unheard of in 2013 to provide a five bed house with only one bathroom, yet that is what is proposed. In addition they plan to use the converted garage as a sixth bedroom, making the lack of additional bathrooms an even bigger issue.
- The noise levels will become worse as a result of the proposed scheme as the living areas will directly border our boundary. In addition, the applicant told me that they intend to maximise the occupancy rate at the property following the works; this increase will further exacerbate noise and disturbance.
- A five (never mind six) bedroom house will require many more than two parking spaces. If all proposed bedrooms are occupied by those above the legal age to



drive, the number of cars could reach 6 or even 7. There are already significant numbers of cars that park on Archer Close and on Langley Hill around the junction with Archer Close, despite the large driveways and garages in neighbouring houses. Thus the scheme as proposed will risk increasing the amount of road parking significantly, particularly on Langley Hill. This is a much busier road than you would expect, as it is the main route to outlying villages and the three schools (Rudolf Steiner, Secondary and Junior). The Hill already experiences traffic problems particularly during school start/end times, which are exacerbated by the parked cars. This problem is likely to be made worse as a result of this scheme.

## **AMENDED SCHEME**

### Kings Langley Parish Council

The Council OBJECTED to this application on the grounds that because of its size and bulk it constituted a substantial overdevelopment of the site.

### Trees and Woodlands

We have nothing further to add.

### Response to Neighbour Re-Notification

Two letters of objection were received, which confirmed that their previous objections still stand. One of these letters also asked questions regarding the newly proposed retaining wall (its appearance, its foundations, the fact that this reduces the width of the walkway down the side of the property).

## **Considerations**

### Policy and Principle

The application site is located within an urban area of Kings Langley wherein there is no objection to residential development / extensions according to Policy 3 of the DBLP and Policy CS4 of the Core Strategy. Policy 11 of the Dacorum Borough Local Plan (DBLP) expects all schemes to be of high quality and to ensure that they respect the appearance of the original house, are in keeping with the character of the street and do not harm the residential amenities of neighbouring houses. It also expects all schemes to provide sufficient parking and space for servicing and not adversely affect important trees.

### Effects on appearance of building

It is appreciated that the proposals in their totality represent significant alterations to the original property and there is no doubt that the appearance of the original house would be altered. Furthermore, it is appreciated that Kings Langley Parish Council have raised an objection to the revised application on the grounds of the size of the development. This was received even though the Parish Council raised no objection to the original submission, which was larger.

Nevertheless, it is considered that the submitted scheme would achieve these extensions and alterations in a way that is sympathetic to the character of the original house.

At the front it will be important to secure a very closely matching brick to that existing (the use of matching materials should be conditioned). It is also noted that the new window for the habitable window is to use similar horizontal proportions and the same framing design as the existing ground floor window so to be in keeping with the scale and design of the existing windows and to ensure that the infill extension does not stand out negatively. Overall, this aspect of the proposals, with a simple mono-pitch above, would be suitably quiet and respectful of the original house. Certainly the two-storey front gable with first floor tile hanging, the most prominent feature of the house would be unaffected.

In terms of the rear extensions the proposals represent a typical rear residential extension and should be unproblematic. Following pre-application advice the two-storey element would be set in 0.5 metres from the northern side to allow the original form of the house to remain apparent and also to reduce the height and bulk of any roof so that the new roof is clearly set down and subservient to the main roof.

#### Impact on Street Scene

It is not considered that these proposals would cause any harm to the character of the area. The changes to the publicly visible front extension are relatively modest and have already been completed at No.1 Archer Close.

There may be fleeting views of the side of the rear extension between the house and No.24 Langley Hill, however as trees provide screening any such views would be for a limited stretch of the road. Overall, the proposed extensions would not dominate or look out of place within the street scene.

The works to the front garden, which would result in a second parking space in the front garden are not ideal. However, as an on-site drainage mechanism is now proposed these works could be completed under permitted development rights and could not be resisted.

#### Impact on Trees and Landscaping

The Trees & Woodlands Officer has stated that the flowering cherry in the highway verge has become too large for its location and that potentially the applicant could achieve a better scheme if this were removed and a replacement planted nearby. However, the applicant already has a dropped kerb under the canopy of the tree and any extension to the dropped kerb would take place further away from the cherry. Therefore it would not be reasonable to add a condition seeking the applicant to pay for these highways works.

#### Impact on Neighbours

The works to the front of the house would not take the property beyond its present front building line and would not affect neighbouring properties. Therefore, the key considerations here would be the impact of the proposals at the rear on the neighbours at No.4 Archer Close and Nos.24-28 Langley Hill.

No.4 Archer Close is south of the site and as such would not lose any sunlight as a result of the proposals. It is noted that the two-storey element to the rear extensions has been pushed to the left-hand side of the rear elevation, over 5 metres from side building line closest to No.4. This is a sufficient distance from the closest habitable window of No.4 to ensure that it does not cut into a 45-degree line drawn from that window. This would ensure that the proposed extension does not cause a significant loss of daylight to this neighbour and nor would it be overbearing.

It is noted that this neighbour has objected to the 4 metre depth of the proposed extensions. However, amended plans have been received which have moved the extension to at least 1.3 metre from the shared boundary with No.4 at all points. Combined with the fact that a single storey extension could be built at this depth under permitted development rights it is not considered that the application could be refused on harm caused to No.4's residential amenity.

The relationship with No.24 Langley Hill is very different and this neighbour backs onto the side of the house, but is set approximately 17.5 metres away from the boundary of the site. There is no doubt that the proposals would result in an increased shadowing of the bottom of their rear garden (with a similar but much reduced impact on No.26 Langley Hill), however it is considered that the application could not be refused on these grounds because the rear windows of No.24 Langley Hill and its more important immediate rear garden area would be unaffected.

There are some concerns that the proposal could be overbearing on No.24 Langley Hill. It is appreciated that this neighbour already has a view of the side of No.2 Archer Close, however a two-storey rear extension would see this view spread across the entire width of the neighbour's plot. As a result of this concern expressed at the pre-application stage the applicant has set in the two-storey extension set in from the northern flank of the house by 0.5 metres to provide some additional relief to this neighbour. Overall the proposed two-storey extension would be set in 2 metres from the shared boundary with No.24 Langley Hill and at this distance the applicant could construct a 3 metre deep two-storey rear extension without the need for a planning application. It is not considered that the proposed additional one metre depth would cause such harm to Nos.24-28 Langley Hill to warrant refusal.

Concerns have also been raised with regards to loss of privacy. However, the neighbour to the rear (No.8) is over 25 metres from the proposed rear building, while no side windows are shown on the side elevation facing the Langley Hill neighbours. As such the proposed rear window would not have clear views over neighbour's gardens. Rather views would be down the applicant's rear garden and at an oblique angle to Nos.24-28 Langley Hill. It is again pertinent to note that a two-storey rear extension with a clear glazed rear window can be built at the applicant's property only one metre shorter than that presently shown. The difference between this permitted development scheme and the proposed scheme would not be so harmful as to warrant refusal of this application.

A neighbour has also objected to the proposed application due to the increased proximity of the rear doors to their boundary. It is noted that the rear entrances would be closer to the Langley Hill properties and No.4 Archer Close than the present single rear door to the dining-room. However, it is not considered that this would result in any loss of residential amenity to neighbours, especially as all the entrances being

proposed could be constructed using permitted development rights.

### Parking

It is noted that these proposals would result in both the loss of an off-street parking space and the creation of an additional bedroom. A property of the proposed size in this location would be expected to provide three off-street parking spaces unless it can be demonstrated why this is not necessary.

In response to this point made at the pre-application stage the proposals include the provision of a second parking space within the front garden. While this is still below the three spaces sought in Appendix 5 of the DBLP it is not considered that the application could be refused on the grounds of insufficient parking for the following reasons:

- The site is within convenient walking distance of Kings Langley Local Centre and the facilities and public transport links within that centre.
- The garage could be converted without planning permission.
- A third parking space would be gained by parking on the highway in front of the site (other cars would not be able to park here without blocking access into the site).

It is noted that a local resident has expressed concern that a five-bed property could require 6 or 7 spaces (based on occupancy by those who are above the legal age to drive). However, no property along Archer Close provides this level of off-street parking and it would be unreasonable to insist on that level of off-street parking here, which would also be above the Council's maximum parking standards.

### **Other Considerations**

#### Room Use

A neighbour has expressed concerns he has been told that the converted garage shown as a 'study' will be used as a sixth bedroom. He has also expressed concerns that the extended property would only contain one bathroom.

Notwithstanding the fact that the plans show a downstairs W.C. in addition to the upstairs bedroom, it is not considered that this application could be refused on these points made by the neighbour. There is no policy within the DBLP which states a required bathroom to bedroom ratio and should this matter become an issue for future occupiers then they have the possibility of either converting one of the bedrooms to a second bathroom or to install an en-suite in one of the bedrooms. Similarly, planning cannot control the exact use of individual rooms. It is not rare for a living-room on occasions to become overspill bedroom accommodation, or a bedroom to become a study.

#### Levels

A neighbour expressed concern that no mention of the required changes to garden level were shown on the original drawings. Therefore, drawings demonstrating this point were sought and received. It is noted that the level changes to the rear garden would result in a lowering of the existing position, thereby protecting the privacy of

neighbouring properties.

### Noise

A neighbour has raised concerns that the proposed enlarged property would result in additional noise because living areas would be constructed along the shared boundary and also because of the potential for more people to live at the site. However, it is not considered that an enlarged property would automatically result in increased noise and disturbance. Should this prove to be the case then the neighbour has recourse to Environmental Health legislation to deal with unacceptable noise levels.

### **Conclusions**

The proposed extensions and alterations would be sympathetic to the appearance of the original house and the character of the street scene. Furthermore, no significant harm would be caused to the residential amenities of surrounding properties. Car parking within the site is sufficient to accommodate the scale of the proposals. As such it is considered that the proposed development meets the objectives of Policy 11 of the Dacorum Borough Local Plan and Policies CS11 and CS12 of the Dacorum Borough Core Strategy (Pre-submission with Modifications).

RECOMMENDATION – That the application be **DELEGATED** to the Group Manager Development Management & Planning with a view to approval following the conclusion of the neighbour consultation process on 10 September 2013. This is subject to no new material considerations arising during the conclusion of the consultation process which in the view of the Group Manager have not been previously addressed.

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policy 11 of the Dacorum Borough Local Plan and Policies CS11 and CS12 of the Dacorum Borough Core Strategy (Pre-submission with Modifications).

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

**RJ/KG/AC/lp/1  
RJ/KG/AC/P/1B  
RJ/KG/AC/fplp/1A  
RJ/KG/AC/PAW/1A  
RJ/KG/AC/ed/1**

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

NOTE 1:

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

The site is located in an area where domestic extensions are acceptable in principle in accordance with Policy 3 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. Important trees and hedges would be unaffected by the proposals. Car parking within the site would be adequate. The proposals therefore accord with Policy 11 of the Borough Plan and Policy CS12 of the Pre-Submission Core Strategy (incorporating the Main and Minor Modifications: January 2013).

NOTE 2:

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

**Dacorum Borough Local Plan 1991 - 2011**

Policies 3, 9, 10, 11, 13, 58 and 99

Appendices 5 and 7

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

Policies CS4, CS11, CS12

**Supplementary Planning Guidance**

Development in Residential Areas

NOTE 3:

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. Further changes to improve the scheme were achieved through discussions at the application stage between the Council and the applicant. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

## 6. APPEALS

### A. LODGED

- (i) 4/01571/12/ENA Mr McLaughlin  
Appeal against Enforcement Notice – construction of 2 dwellings  
11 Bank Mill, Berkhamsted  
  
Delegated
- (ii) 4/01829/12/FUL Mr Cowman and Mr McLaughlin  
Construction of 2 No. 3-bed dwellings  
11 Bank Mill, Berkhamsted  
  
Committee
- (iii) 4/01555/12/FUL Mr and Mrs Ingman  
Dwellinghouse  
328 High Street, Berkhamsted  
  
Committee
- (iv) 4/00538/12/FUL Mr Mark Tully  
Change of Use from garage/workshop to dwelling  
Land at 59 Cowper Road, Hemel Hempstead  
  
Delegated
- (v) 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
- (vi) 4/00371/13/LDP Mr Anastasiou  
Certificate of Lawful development for single storey rear extension  
High Clere, Tower Hill, Chipperfield  
  
Delegated

- (vii) 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
- (viii) 4/00014/13/FHA Mr William Jenkins  
Replacement front door  
10 Shrublands Avenue, Berkhamsted  
  
Delegated
- (ix) 4/00146/13/FUL Mr S Wright-Browne  
Replacement dwelling  
Site at Ivycote, St Albans Hill, Hemel Hempstead  
  
Committee
- (x) 4/000171/13/FUL Mr & Mrs Gill  
Detached dwelling and garage  
R/o 21 Pancake Lane, Hemel Hempstead  
  
Delegated
- (xi) 4/00256/13/ROC Chipperfield Land Co.  
Variation to conditions 15 and 16  
The Pines, North Road, Berkhamsted  
  
Committee
- (xii) 4/02223/12/FHA Mr G Hosking  
Single storey rear extension and other works  
Oak Bank, Bell Lane, Berkhamsted  
  
Committee
- (xiii) 4/00415/13/FHA Khalid Ahmed  
Two storey side extension  
162, High St, Northchurch  
  
Delegated



- (xiv) 4/01749/12/FHA Clare Lawrence  
Parking bay  
14 Kingsland Road, Hemel Hempstead  
  
Delegated
- (xv) 4/00522/13/FHA L Stedman  
Two storey rear extension and front bay window  
Stockley, Love Lane, Kings Langley  
  
Delegated
- (xvi) 4/00224/12/FUL Chipperfield Land Co  
Demolition of garage, swimming pool and extension.  
Refurbishment of existing dwelling to form two  
dwellings and construction of 4 new dwellings.  
The Pines, North Road, Berkhamsted  
  
Committee
- (xvii) 4/00147/13/ENA Mr S Rasa & Mr S Rasa  
Two storey rear extension  
54 Aycliffe Drive, Hemel Hempstead  
  
Delegated

**B WITHDRAWN**

None

**C FORTHCOMING INQUIRIES**

- (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  
  
19 November 2013 in the Bulbourne Room

**D FORTHCOMING HEARINGS**

None

**E DISMISSED**

- (i) 4/02338/11/MFA Berkhamsted School  
Astroturf  
Kitchener's Field, Castle Hill, Berkhamsted  
Committee

Non-floodlit, all weather hockey pitch and athletics track, perimeter fence and soft landscaping on existing playing field (amended scheme)

Kitcheners Field, Castle Hill, Berkhamsted HP4 1HE

Committee

The Inspector identified two main issues :

- 1) The effect of the proposal on openness of the Green Belt and on the character and appearance of the area, which lies within the Chilterns Area of Outstanding Natural Beauty (AONB), and
- 2) Whether the material considerations in this case are sufficient to clearly outweigh the harm through inappropriateness, and any other harm, so as to justify the development.

Note: The Inspector concluded that the issues are 'finely balanced' clarifying that there are strong misgivings about whether there are viable alternative, less environmentally sensitive sites available to the appellants. The School's failure to refute this suggestion weighed against the proposal's benefits.

*The Green Belt's Openness/ Effect upon the AONB.*

The proposal constitutes inappropriate development in the Green Belt and the harm through inappropriateness is considerable. There will significant harm through loss of openness.

The fencing would appear as a significant structure and an interruption to views across the field and those neighbouring to the north extending built development further north into a part of the valley which is otherwise devoid of buildings, apart from a farm to the north. The proposal would be seen as a skyline feature when viewed from the south.

The artificial surfacing and the levelling of the north-east corner of the site would not affect openness to any significant degree.

The NPPF expects LPAs to enhance the beneficial use of the Green Belt including opportunities for outdoor sport and recreation. The proposal would comply with this objective.

*Effect upon the AONB*

DBLP Policy 97 (AONBs) ensures the AONB's conservation is the prime planning consideration. Intrusive fencing is not acceptable. There would be conflict with DBLP

Policy 97, Policy CS36 and with the NPPF's more recent advice.

The site forms part of an attractive landscape, where there is a mix of farmland and woodland in rolling countryside. The sports facilities at Kitcheners Fields mark a transitional zone between the town and the countryside. At present, the application site appears as well-tended grassed sports fields, which, although 'manmade', nevertheless fit in well with the adjacent farmland, gently merging with the open countryside.

In contrast, the proposed fencing, which would have a greater built presence and would be more akin to an urban or suburban development. The pitch's all-weather surface would stand out as being artificial, and it would be readily distinguishable from the undeveloped playing fields. The levelling and the cutting into the hill slope would also add to the site's artificial appearance.

In combination the fencing and levelling would result in serious harm to the AONB's beauty.

*Other Considerations:*

- *Need for the Facility*

The school does not have and needs an all-weather hockey pitch. Hockey is a winter.

The Active Hertfordshire Sports Facility Strategy 2007-2016 identifies a need for additional hockey pitches in the county and for artificial turf pitches in schools. The provision of a new hockey facility has benefits to the pupils and local clubs and others who might use it. The proposal accords with the NPPF's promoting healthy communities.

The proposal has Sport England's support, subject to it being available for use by the community to which the Inspector placed considerable weight.

- *Alternative Locations.*

The Inspector PINs noted that the School confirmed that there are no other locations on its premises within the town which could accommodate the pitch, without an adverse effect on the provision of other sports.

- *Traffic Implications: Traffic Generation & Parking.*

There is insufficient evidence to show that there would be significant increases in the volume of traffic using the site.

(ii) 4/02160/12/FUL Mr Mark Smith  
3 Bedroom detached dwelling  
R/O 32 Ashlyns Road, Berkhamsted

Delegated

The Inspector considered that the loss of trees required by development on the wholly tree- and shrub-covered site would materially detract from of established character of the area. The house, to be built on raised ground, would be of poor design and would not provide the high quality required by the NPPF. The rear elevation would appear monolithic and would materially affect residents' living conditions. The garden would be of insufficient size for a three/four bed dwelling and would provide a poor quality area of amenity space which would not be functional.

The steep, single-track drive would provide the only access to parking for the dwelling. Access for service vehicles was considered inadequate and the Inspector concluded that the proposal would result in danger to pedestrians and vehicles.

He also opined that the proposal failed to make required provision to mitigate the impacts of development on infrastructure, services and facilities as there was no S106 unilateral undertaking.

**F ALLOWED**

None

## **7. EXCLUSION OF THE PUBLIC**

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 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 this 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: