



DEVELOPMENT CONTROL COMMITTEE AGENDA

THURSDAY 19 DECEMBER 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 or visit our web-site www.dacorum.gov.uk

PART I

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1. MINUTES

The minutes of the meeting held on 28 November 2013 will be circulated separately.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

4. PUBLIC PARTICIPATION

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

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

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

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

- Town/Parish Council and Neighbourhood Associations;

- Objectors to an application;
- Supporters of the application.

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

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

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

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

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

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INDEX TO PLANNING APPLICATIONS

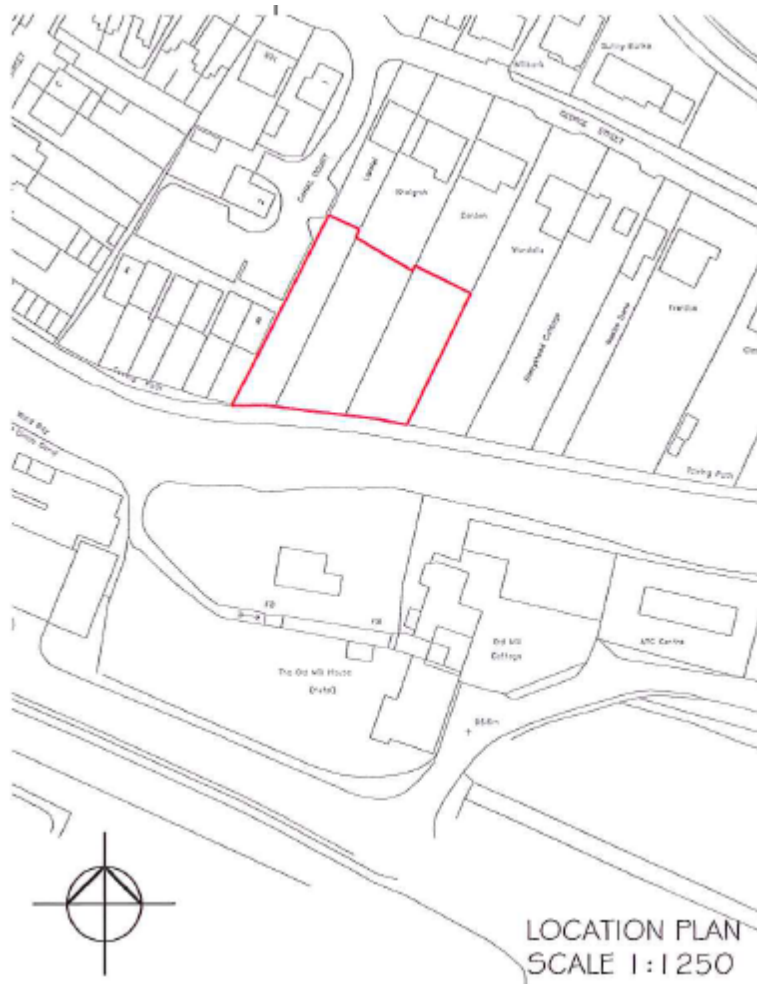
Item	Application.	Description and Address	Pg No.
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5.6	4/02077/12/VOT	DEMOLITION OF CAR SHOWROOM AND GARAGE BUILDINGS, REDEVELOPMENT TO PROVIDE A MIXED USE DEVELOPMENT INCLUDING A LOCAL CONVENIENCE STORE AND EIGHT FLATS WITH ASSOCIATED PARKING PROVISION, AMENITY SPACE AND OFF-SITE ROADWORKS. VARIATION OF TIME LIMIT TO PLANNING APPLICATION 4/00595/09/FUL ALLOWED ON APPEAL APP/A1910/A/09/2108616 BOVINGDON SERVICE STATION, CHESHAM ROAD, BOVINGDON, HEMEL HEMPSTEAD	74

5. PLANNING APPLICATIONS

Item 5.1

4/01751/13/FUL - THREE 4-BED DETACHED HOUSES

**REAR OF LORELEI, SHELGRAH & CARDEN, GEORGE STREET, BERKHAMSTED, HP4
2EW**



Item 5.1

4/01751/13/FUL - THREE 4-BED DETACHED HOUSES

REAR OF LORELEI, SHELGRAH & CARDEN, GEORGE STREET, BERKHAMSTED, HP4 2EW



**5.1 4/01751/13/FUL - THREE 4-BED DETACHED HOUSES
REAR OF LORELEI, SHELGRAH & CARDEN, GEORGE STREET, BERKHAMSTED, HP4
2EW
APPLICANT: LANDLINK AND HOLMATT - MR S KEELER**

[Case Officer - Yvonne Edwards]

[Grid Ref - TL 00053 07513]

Summary

The application is recommended for approval.

Site Description

The site is bounded to the north by the gardens to three residential properties in George Street (Lorelei, Shelgrah and Carden), and to the east by the garden of Wandella. The access road and garden to properties at Canal Court lies to the west and the site backs onto the Grand Union Canal and towpath.

George Street is a largely unmade road comprising a number of detached and semi-detached dwellings. The properties of Lorelei, Shelgrah and Carden were developed between 1926 and 1953, as development spread on the northern side of the canal and to the east of the settlement of Berkhamsted. A number of infill developments have occurred on George Street thereafter. The properties to the eastern end of George Street have however retained significant rear gardens which are well-landscaped and provide a verdant canalside environment at the entrance to Berkhamsted.

Canal Court was constructed in the gardens of a number of properties to George Street in the late nineties (under application 4/00711/98) and adjoins the western boundary of the site. Canal Court comprises two detached properties and a series of three pairs of closely spaced semi-detached units, two storeys in height. The site is visible from the junction of Canal Court and George Street, which occupies an elevated position above the site and the access road to Canal Court, which slopes down to the canal.

The site is opposite the car park and gardens to the Old Mill on the southern side of the canal and is clearly visible from this area. The Old Mill (House Hotel) is a grade II listed building.

The site has been enclosed by the introduction of a fence on the northern boundary of the site. The vegetation to the canal towpath has overwhelmed some fencing to the southern boundary of the site. A number of trees have been felled within these gardens although a magnificent lime tree, subject to a Tree Preservation Order, remains approximately two thirds of the overall site width off the boundary with Canal Court.

Proposal

It is proposed to develop three 4-bed dwellings on the site. The proposals would require the loss of the protected lime tree, with a replacement tree proposed in a less constraining location within the site. The dwellings would be set back from the canal frontage by 12 metres in a staggered line continuing that established by Canal Court. This is necessary to accommodate the major drain run through this part of the site and to allow for a wildlife corridor.

The dwellings would be two-and-a-half-storey, pitched roofed, with bold gables facing the canal. They would be contemporary in architecture but with an echo of wharf design in the jettied rear gables. They would be 350mm higher than the Canal Court dwellings. The access would be from Canal Court, with a courtyard create in part, formed by the set back of Plot 3; this would face west, with Plots 1 and 2 facing north. There would be external parking for two cars per dwelling, with an integral garage for each dwelling in addition.

The plans have been amended to reduce the visual intrusion to neighbours of Plot 3 by lowering the height of the rearmost part of the dwelling, and to make adjustment in design to reduce roof openings. The folding doors in the rear gables have been recessed to enhance articulation and to reduce over-insolation.

Referral to Committee

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

Planning History

- | | |
|----------------|---|
| 4/00734/12/FUL | CONSTRUCTION OF FOUR 3-BED TERRACED HOUSES (AMENDED SCHEME)
Withdrawn
04/10/2013 |
| 4/00380/11/FUL | CONSTRUCTION OF FOUR TERRACED HOUSES
Withdrawn
27/04/2011 |
| 4/01299/10/FUL | CONSTRUCTION OF FIVE TERRACED HOUSES (AMENDED SCHEME)
Withdrawn
29/11/2010 |
| 4/02116/09/FUL | CONSTRUCTION OF FIVE TERRACED HOUSES
Refused
25/10/2010 |
| 4/02212/05/FUL | FOUR DWELLINGS
Withdrawn
24/01/2006 |
| 4/00608/05/FUL | CONSTRUCTION OF FOUR HOUSES
Withdrawn
13/05/2005 |
| 4/02396/03/DRC | DETAILS OF MATERIALS AND LANDSCAPE WORKS AS REQUIRED BY CONDITIONS 2 & 3 OF PLANNING PERMISSION 4/01103/98 (CONSTRUCTION OF THREE DETACHED HOUSES WITH INTEGRAL GARAGES)
Granted
17/11/2003 |

4/01883/03/FUL CONSTRUCTION OF THREE DETACHED HOUSES WITH INTEGRAL GARAGES
Withdrawn
27/11/2003

4/01407/03/FUL CONSTRUCTION OF THREE DETACHED HOUSES WITH INTEGRAL GARAGES
Withdrawn
13/08/2003

4/01103/98/FUL CONSTRUCTION OF THREE DETACHED HOUSES WITH INTEGRAL GARAGES
Granted
23/11/1998

Policies

National Policy Guidance

NPPF
Circular 11/95

Core Strategy

NP1, CS1, CS4, CS11, CS12, CS19, CS26, CS27, CS29, CS31

Dacorum Borough Local Plan (saved policies and appendices)

Policies 10, 13, 18, 21, 58, 99, 119, 102, 103, 106
Appendices 1, 3, 5 and 7

Supplementary Planning Guidance

Water Conservation & Sustainable Drainage
Energy Efficiency & Conservation
Advice Note on Achieving Sustainable Development through Sustainability Statements
Accessibility Zones for the Application of Parking Standards
Planning Obligations
Affordable Housing

Representations

Berkhamsted Town Council

Object.

Although the amended plan proposes to reduce the double garage at Plot 3, the height, bulk and scale of the dwelling 3 remains overbearing, especially on the north-eastern elevation.

The proximity of the dwelling to the boundary of Wandella and Carden is overbearing and detrimental to the amenity of residents of these properties.

Contrary to Core Strategy Policy12 and the National Policy Planning Framework.

We would ask that were this application to be approved, there be conditions that:

- the developer make good any deterioration to the unmade road caused by construction traffic; and
- all construction vehicles be required to park on the construction site, rather than use the limited on-street parking available to local residents.

Conservation and Design

This development affects the setting of a listed building and is prominent from the canal frontage and public towpath.

The proposal has been subject to lengthy negotiations and throughout we have sought to raise the design quality and relate the development to wharf architecture, for example the houses recently built at Castle Wharf in Berkhamsted where the wharf design is successfully employed and relates to the local distinctiveness.

Whilst the design of the scheme has improved throughout the negotiations, I do consider that the scheme could still be significantly improved by setting back of the ground floor of the units to the south-west elevations by one pane. This would create a jettied effect and the visual weight of the upper floors could be carried by cast iron corner posts thereby creating greater visual interest.

Hertfordshire Highways

The Highway Authority does not wish to restrict the grant of permission subject to conditions relating to parking provision, wheel cleaning and to ensure no interference with use of the public highway.

George Street, at the point where it fronts the above properties is classed as private road. As part of this development, the applicant is proposing to access the site for both vehicular and pedestrian use from Canal Court. Canal Court does not form part of the adopted public highway and therefore deemed private or maintained by the local Borough Council.

The new access consists of an opening leading into a shared surface courtyard. The new access arrangements will not directly connect to the public highway. It is therefore imperative that the applicant seeks permission from the landowner to access his site over their land i.e. Canal Court.

The intensification of use at the peak am and pm peaks that this proposed scheme will generate is not deemed to be at a level that would cause undue danger or inconvenience to other users of the adjacent public highway. As the number of dwellings being offered does not exceed the current recommended maximum that can be served off a simple crossover (five) the suitability of this simple junction is acceptable although it will not be adopted.

As the local planning authority is the parking authority, they will ultimately determine the appropriate level of off street parking for this development if granted planning permission. This process will include looking at the sites close relationship with the town centre, access to public transport and the overall sustainability of the development with a view to discourage the use of the private motor car.

Subject to a financial contribution in line with current County policies for sustainable transport and the above suggested planning conditions, the County Council would not wish to object to this application. The highway contribution would 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 (£1500 per four-bedroom dwelling), a total of £ 4500 towards measures or services near the site to encourage walking,

cycling or the use of public transport.

HCC Planning Obligations Officer

The following financial contributions are required for Primary and Secondary education, Youth and Libraries and fire hydrant provision, as set out within HCC's Planning Obligations Toolkit. I have also included Nursery education and childcare contributions and will confirm those with you as soon as possible.

Financial Contributions

Primary Education	£14,076
Secondary Education	£16,986
Nursery Education	£1,635
Youth	£315
Libraries	£795

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

Trees and Woodlands

I do not accept the report submitted by Simon Pryce as a valid reason for remove the lime tree on this site. However the presence of this tree both in terms of it future growth potential and the all summer drip of honeydew made this site difficult to viably develop and pointed to a tree or houses but not both situation.

The tree is pleasant but not of exception quality and so its removal is acceptable; the new tree should be a tree of good stature – Common hornbeam or tulip tree would be fine.

Hertfordshire Ecology Advisor

We have no ecological information on the application site although it would seem apparent from aerial photos that the back gardens were well vegetated with trees and shrubs. This contributed to the local canalside and river valley corridor as it exists through this part of the urban area of Berkhamsted. Further west the immediate corridor is rather hard edged with limited vegetation, although to the east the environment is well vegetated with trees. The modern developments have not contributed well to a natural canalside environment, although this may previously have been relatively impoverished due to previous development.

The ecological interest outlined above has, in any event, now been removed according to the Phase 1 survey. Whilst these were non-native species, they nevertheless originally contributed to the overall habitat resource within the urban area. The only surviving tree - a mature common lime - will also be removed due to disease. It is not suitable for bats. The only remaining feature appears to be the boundary hedge of hawthorn, ash and laurel.

The development site has already effectively been cleared of any other potential habitat resources other than overgrown garden vegetation. There are no compost heaps or sheds remaining providing potential refuge sites. It can be assumed that that site supports little or no ecological interest other than the overgrown vegetation currently present and the hedgerow. The canal is wholly unsuitable for water voles or otters.

I cannot see how there can be a minor beneficial impact as a result of the development as any landscaping cannot possibly replace the extent of trees and shrubs originally present due to the space required for the new buildings. Which, is, after all, why they have been cleared. However, there are no ecological constraints associated with the proposals.

It is stated that areas lost to the proposed development will be compensated by the provision of ecologically enhanced landscape features. However, the ecological report does not state what these might be, nor is any reference to these made in the landscaping report - because there isn't one, at least not available on the web site.

Consequently I would expect to see provisions for ecology that contribute to the general canalside corridor environment as part of the existing and proposed garden landscaping, as a Condition of Approval.

Environment Agency

The applicants have submitted information to us to formally challenge our flood zones around the proposed site. Although we still require some further information from the applicants before we can amend our flood zones, they have submitted adequate information to demonstrate that the site will not flood in a 1 in 1000 year flood event.

We consider that planning permission could be granted to the proposed development as submitted if a condition on ecology is included. You should also refer the surface water management good practice advice in cell F5 of our Flood Risk Standing Advice. This will ensure that sustainable surface water management is achieved as part of the development.

Canal and River Trust

The Trust has no objections to the proposed development, subject to the imposition of suitably worded conditions relating to pollution, landscaping and boundary treatments, sustainable drainage, access and ecology. Informatives are requested concerning access to the towpath and the current Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust."

Thames Water

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings.

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

Contaminated Land Officer

The site is located within the vicinity of potentially contaminative former land uses. Additionally it appears that there may be an old infilled pond on the 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 / Site Notice / Newspaper Advertisement

Carden - Object:

original plans

- the statement 'the houses can take the height' is absolutely not true in respect of our bungalow.
- loss of the privacy in most-used room as a result of a house proposed as being two storeys high being situated virtually no distance at all from the bottom of garden.
- Plot 3 is a two storey house and, compared to our bungalow, will tower oppressively over our land and deprive us of a great deal of light. The view would be a large and high brick wall.
- safety of children during construction.

amended plans

- the amended plans are much more acceptable.
- a condition should be attached to make good the unmade part of George Street that the developers will be using and that will inevitably deteriorate as a result of related heavy traffic.

Wandella - Object:

original plans

- the size and position of the house on Plot 3 would be overbearing particularly considering the height of the building.
- proximity of the build to the fence of 'Carden'
- disappointed that the protected Lime tree will be felled.
- would like the assurance of the developers that they will 'make good' the inevitable deterioration to the unmade road that will be caused by their heavy vehicles and plant during construction.

amended plans

- the developers have changed the height of the building on Plot 3 but it has only been lowered over the garage. This will of course make some difference to our loss of light but only slightly. The length of wall next to our boundary remains the same.
- the dormer window in the roof space now has a flat roof. Flat roofs are notoriously problematic. The original pitched roof would be more in keeping with the design and appearance.
- a condition of build that the developers 'make good' the inevitable deterioration to the unmade road that will be caused by heavy vehicles during construction.

Berrystead Cottage - Object:

Issues caused by overdevelopment of plot 3.

- loss of light, sunlight and privacy.
- smoke will be blown into the gardens/back windows of Wandella, Carden and Berrystead Cottage
- developers will repair that part of the lane (if necessary) used by vehicles accessing the building site.

Considerations

Policy and Principle

The site is located within the urban area of Berkhamsted wherein the principle of additional

residential development would be encouraged in accordance with Policies CS1 and CS4 of the Core Strategy.

Layout and Design

The site has been the subject of a number of applications in the last decade. It has been constrained by a number of issues which severely limited the form of any development. However, more recently two of these have been successfully addressed which has enabled an acceptable form of development to be submitted.

A major constraint was flood risk but the EA has acknowledged that the applicant has submitted adequate information to demonstrate that the site will not flood in a 1 in 1000 year flood event. Therefore this constraint is removed, subject to conditions.

A protected Lime tree dominates the centre of the site. This has proved impossible to plan around so the Tree Officer has accepted that the tree can be felled but must be replaced with a tree of some stature in a more acceptable position within the site. This will be achieved by condition.

Therefore the submitted scheme now allows three dwellings with reasonable garden sizes, sufficient parking spaces and with an acceptable layout to be developed whilst allowing for ecological requirements and the drain run within the site.

Impact on Street Scene and Setting of Listed Building

The layout and design would sit comfortably within the street scene as seen from George St, Canal Court and the tow path, as well as forming part of the setting of the Old Mill House Hotel the grounds of which lie to the immediate south of the canal. The building line would continue that established by Canal Court.

Impact on Trees and Landscaping within the canal corridor

The loss of the Lime tree is to be regretted but the replacement tree, which would be protected in turn, would be planted to the north of the entrance to the site. The Environment Agency, The Canal and Rivers Trust and the Ecology Officer have all requested ecological enhancements at the rear of the tow path which would maintain the existing green corridor. This would be accommodated within the rear gardens and would include retaining and augmenting the existing hedge. This will be achieved by condition.

Impact on Neighbours

The plans were amended to reduce the level of visual intrusion for Carden, which is a bungalow located to the north of the site. The applicant has demonstrated that there would be no loss of light, but the setting back of the first floor of Plot 3 has improved the relationship with Carden. Objections from neighbours further to the east on loss of day light to rear gardens, over-bearing and visual intrusion cannot be afforded much weight due to the distances involved; it should be noted that the site was heavily wooded until relatively recently and that the gardens face south-west allowing full sun for most of the day.

Highway Issues

The recommended condition on parking provision and retention has been imposed but, as the site is accessed over private land for a considerable distance and so there are no implications for the public highway, conditions affecting the public highway are not imposed. Any issues of excessive wear and tear over a private way would not be a planning consideration but should be addressed by legal means. The Highway Authority is seeking a

financial contribution of £ 4500 towards measures or services near the site to encourage walking, cycling or the use of public transport.

Sustainability

The scheme proposes sustainable drainage with run-off being channelled to soakaways in the rear gardens. The scheme proposes a heat recovery system which, if well-maintained, should minimise carbon dioxide emissions in accordance with Policy CS29.

Removal of Permitted Development Rights

Owing to the prominent nature of the proposal with prominence in views from the towpath of the Grand Union Canal, within the setting of a listed building, and the need to maintain the green corridor and wayleave to the drain run, PD would be removed for extensions, openings, and out-buildings as well as microgeneration equipment which would detract from appearance in longer views or affect the green corridor, flood zone, or wayleave requirement.

Section 106 Agreement

Contributions have been agreed, including highways ones, as follows:

• Primary Education	£14 076
• Secondary Education	£16 986
• Youth	£315
• Child Play Space	£5 568
• Cycle Network	£744
• Natural Green Space	£87
• Libraries	£795
• Monitoring and Admin	£2 822
• Nursery Education	£1 635
• Playing Pitches	£2 250
• Travel Smart	£75
• Sustainable transport	£4 500

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

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

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

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

1118:07:16
1118:07:17A
1118:07:18B
1118:07:19C
1118:07:21B
1118:07:22B
1118:07:23B
1118:07:24B

1118:07:25C

1118:07:26C

1118:07:27

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with the NPPF.

- 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 and hedgerows 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);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**
- **retained historic landscape features and proposals for restoration, where relevant.**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted. Any planting which within a period of 5 years of implementation of the landscaping dies, is removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the adopted Core Strategy (September 2013) and saved Policy 106 of the Dacorum Local Plan 1991 - 2011.

- 5 **A replacement tree shall be planted prior to first occupation of any of the approved dwellings in accordance with details which shall have been submitted to and approved in writing by the local planning authority prior to the felling of the protected Lime tree.**

Reason: In the interests of visual amenity in accordance with Policy CS12 of the adopted Core Strategy (September 2013) and saved Policy 99 of the Dacorum Borough Local Plan 1991 - 2011.

- 6 **The development hereby permitted shall not be occupied until the approved access and parking arrangements shall have been provided and they shall not be used thereafter for any purpose other than the parking of vehicles.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with saved Policy 58 of the Dacorum Borough Local Plan 1991 - 2011.

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

**Schedule 2 Part 1 Classes A, B, C and E
Part 2 Class A
Part 40 Classes A, B, H and I**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding: residential amenity and visual amenity of the listed building, the canal tow path and the locality; wayleaves; green corridor and flood prevention in accordance with Policies CS11, CS12, CS26 and CS27.

- 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 CS29 of the adopted Core Strategy (September 2013) and adopted Supplementary Planning Guidance.

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

(a) Site Characterisation

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

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

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

(b) Submission of Remediation Scheme

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

(c) Implementation of Approved Remediation Scheme

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

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

(d) Reporting of Unexpected Contamination

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the adopted Core Strategy (September 2013).

INFORMATIVE:

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

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

- 10 **No development shall take place until a scheme for the ecologically enhanced landscape features identified in the Ecological Constraints Assessment (Morgan & Stuckey Ecological Consultants, May 2012) has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme. The scheme shall include:**
- **Details of how the perimeter hedgerow adjacent to the Grand Union Canal towpath will be protected during construction and subsequently improved through further native planting to create a suitable screen to the development.**
 - **Details of further ecological enhancements such as swift bricks and bat boxes.**

Reason: In the interests of the Grand Union Canal strategic wildlife corridor within your Core Strategy in accordance with Policies CS26 and CS31 of the Core Strategy (adopted September 2013) and the National Planning Policy Framework.

- 11 **No development shall begin until full details of how surface water management good practice advice in cell F5 of the Environment Agency's Flood Risk Standing Advice shall be incorporated within the scheme 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 and shall be so retained thereafter.**

Reason: To ensure satisfactory management of surface water in accordance with Policy CS31 of the adopted Core Strategy (September 2013).

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.

INFORMATIVES

1. The applicant/developer is advised to contact Neil, Owen, Principal Waterways Engineer at the Milton Keynes Office on 01908 302 575 in order to ensure that any necessary consents are obtained and the works are compliant with the current Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust.

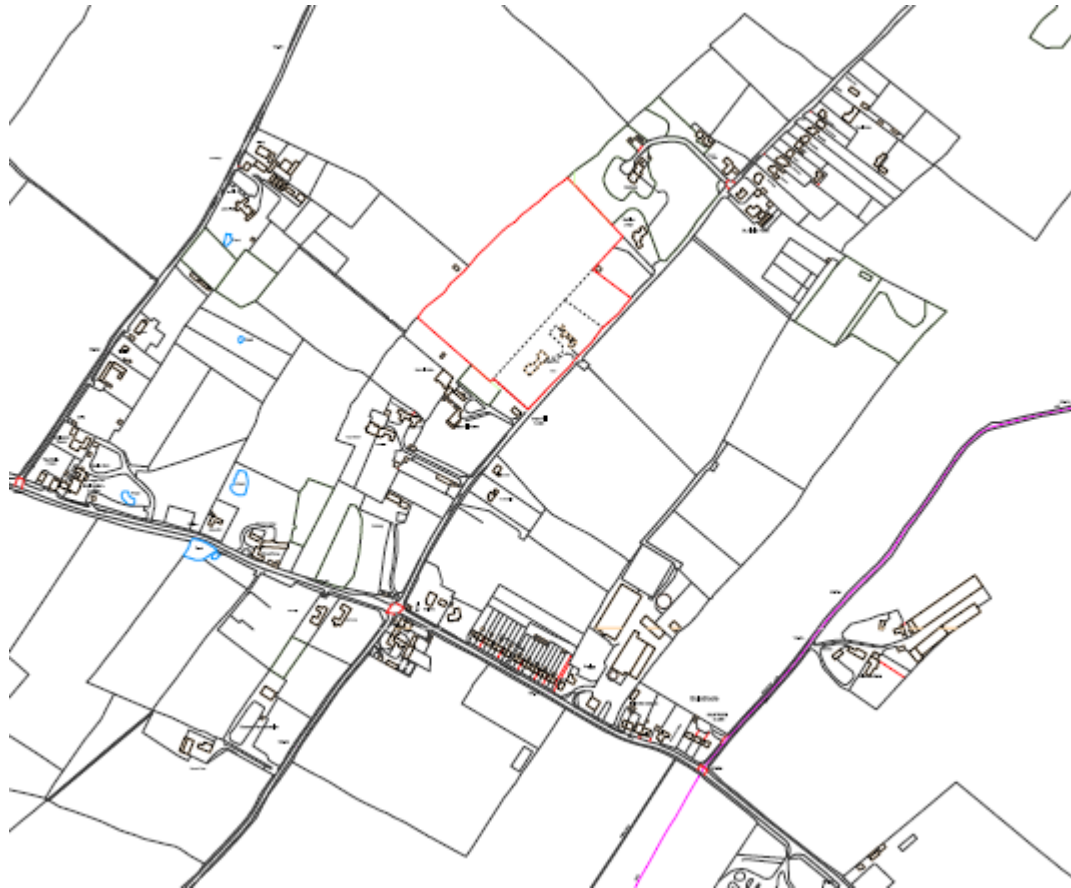
2. The proposed development potentially includes provision of a new access to the towpath. Such access will require the prior consent of The Canal & River Trust, including a commercial agreement. Please contact Jonathan Young on 03030 404040 for further advice.

3. The Environment Agency guidance in their Pollution Prevention Advice and Guidance Notes should be followed to ensure that the development complies with the legal requirements and follows best practice with regard to the environment.

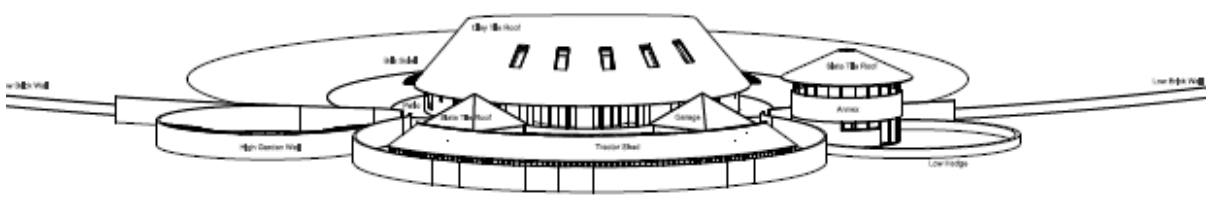
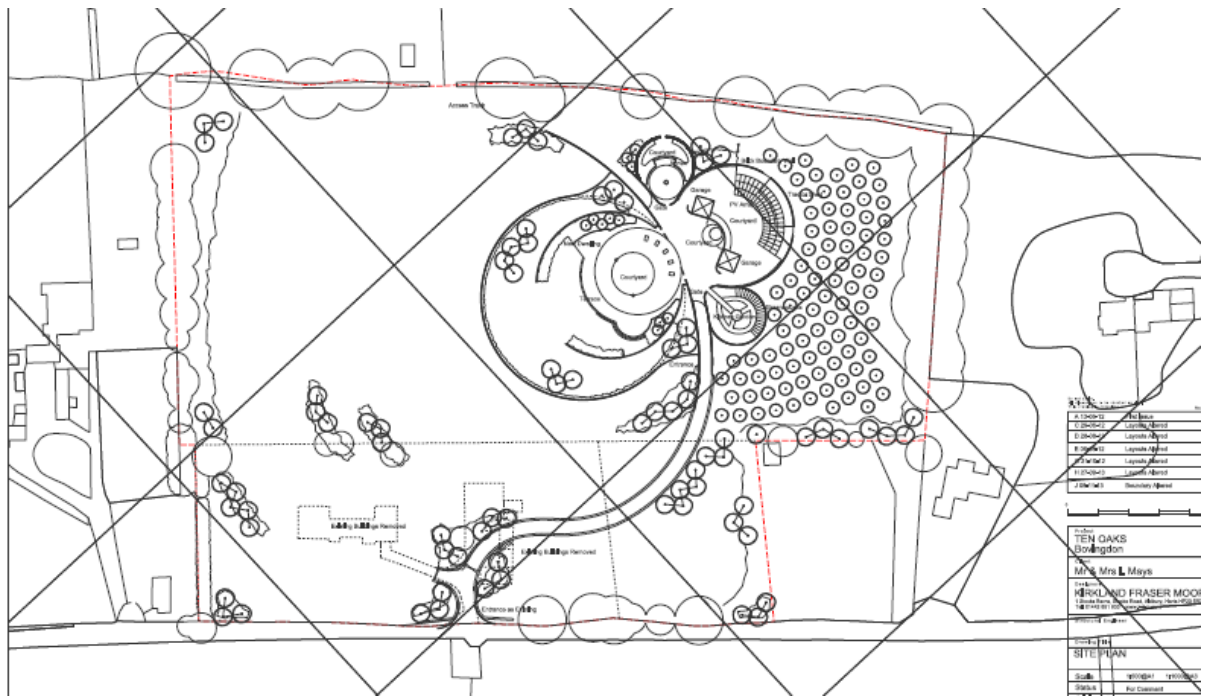
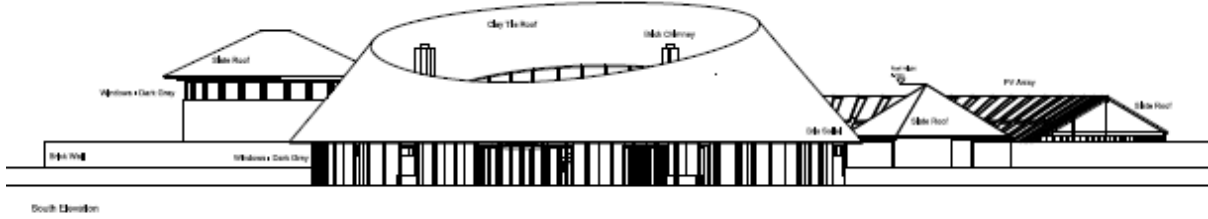
Item 5.2

4/01798/13/FUL - DEMOLITION OF EXISTING HOUSE AND OUTBUILDINGS, AND CONSTRUCTION OF NEW 5-BED ZERO CARBON DWELLING AND 1-BED ANNEX WITH OUTBUILDINGS AND LANDSCAPE (AMENDED SCHEME)

TEN OAKS FARM, FLAUDEN LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0PA



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TEN OAKS FARM, FLAUDEN LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0PA
APPLICANT: MR I MAYS**

[Case Officer - Jackie Ambrose]

[Grid Ref - TL 02948 03416]

Summary

The application is recommended for approval.

This application focuses on a replacement dwelling in the Green Belt being relocated beyond the existing domestic curtilage into an agricultural field. The whole site comprises a former dairy farm. It proposes to swap the existing domestic curtilage with the agricultural land: placing the enlarged new dwelling, annex, garages, tractor shed with solar array and greenhouse on the field further back on the site and turning the existing domestic curtilage into more productive farmland for sheep grazing and an orchard. This proposed zero-carbon and innovatively-designed new dwelling and buildings would replace the existing dwelling and disused dairy buildings fronting onto Flaunden Lane.

Whilst both national and local policies allow for replacement dwellings in the Green Belt, policy guidance on swapping land uses is not clear: they relate to development within 'a site' and do not differentiate between different land uses within a site. As this is complex in planning law it is unclear as to what extent this constitutes inappropriate development and is harmful to the openness of the Green Belt.

There has been considerable opposition to this scheme from local residents and the Parish Council, who have provided substantial evidence in terms of planning policy and solar strategy against siting this new dwelling beyond the existing domestic curtilage. The applicant has sustained his arguments in favour of re-positioning the new dwelling and instigating the land-use swap.

Thus, this application has been judged on a combination of factors relating to its impact on the Green Belt. They concern the weight to be attached to the fact the overall size of the replacement dwelling is materially larger than the existing dwelling and is set further back in the site and thus its inappropriateness and harm on the openness of the Green Belt, judged against what very special circumstances are demonstrated to outweigh this harm. With no clear precedent for this case either in actual or policy terms, the conclusion to support this scheme has been reached through a fine balancing of all these issues against national and local planning policies.

Site Description

This application relates to a site located along Flaunden Lane towards its junction with Chipperfield Road midway between Tower Hill and Bovingdon village. Flaunden Lane is a relatively narrow country lane flanked by mature hedgerows whilst serving a mix of scattered dwellings in terms of their type, size and design. Some have been extended or converted into more than one dwelling and some are set well back in their plots whilst others front directly onto the lane. This lane lies within the Green Belt, with no other designation.

The site has a total land holding of approx. 10 acres, comprising a large rectangular domestic curtilage within which is centrally positioned an extended, chalet-style detached dwelling, and a set of old farm buildings positioned close to its vehicular access together with a much larger agricultural field beyond. The whole site is reasonably flat and mostly bounded by mature hedgerows. The domestic curtilage (as amended within this application) fronts Flaunden Lane

but excludes the rectangular north-east piece of land closest to its side boundary with Rothlea Lodge. There is a large field beyond this which forms part of this site known as Ten Oaks Farm and formerly comprised a dairy farm. Its vehicular access is positioned centrally along its frontage with a hard surfaced driveway leading to the dwelling for parking as well as a large area of hard surfacing serving the complex of old dairy buildings. This group of former dairy buildings comprise a small barn, hayloft, stabling, garaging and a log store. These buildings have not been used since their use as a dairy ended, and although still standing, are in a poor state of repair. The wooden building which is closest to the lane is the tallest with a high-ridged roof supporting an open-sided barn. Its overall height matches the roof height of the existing dwelling.

The existing dwelling has undergone a number of extensions in the past and is now presented as two storey accommodation comprising 7 bedrooms, with its first floor accommodation within the roof space. In 2011 the previous owners submitted a pre-application to consider its potential for further extensions to the dwelling, but no formal application was submitted.

The site was then sold on to the current owners who submitted a pre-application for a development very similar to that which forms this current application.

A formal planning application was then submitted in early November 2012 (4/02021/12/FUL) from which a number of letters of objection were received from local residents. These raised matters which the applicant wished to address through providing further information, and so withdrew this application.

Proposal

This application has been submitted with the accompanying documents:

- Detailed plans and visualisations
- Comparison plans
- Design and Access Statement
- Planning Statement
- Landscape Report (with extended Phase 1 Habitat Survey)
- Bat Survey Report
- Sustainability Report
- Carbon Mitigation Statement
- Highways Statement

During this application further information has been submitted, in particular a Solar Array Report and amended drawings relating to a correction to the red outline and a redefining of both the existing and proposed domestic curtilages.

This full application is for the demolition of the existing 7-bed dwelling and former dairy outbuildings and the construction of a 5-bed dwelling with 1-bed annex with outbuildings and landscaping using the existing vehicular access. However, this replacement dwelling and associated buildings would be positioned in the field beyond the existing domestic curtilage, whilst the existing domestic curtilage would be taken over for agricultural purposes.

The existing dwelling and outbuildings would be demolished and its existing domestic curtilage replaced by agriculturally-based landscaping and activities, whilst in the centre of the existing larger agricultural field beyond (currently uncultivated and left as grass), would be constructed a complex including a contemporary zero carbon dwelling, a separate small annex, two detached double garages, a greenhouse and a tractor shed beneath an array of Photovoltaic (PV) panels. Surrounding this complex would be courtyards, a kitchen garden and a private garden, encompassed within a defined domestic curtilage.

The proposed dwelling is circular in shape with an inner, central courtyard. The accommodation comprises a kitchen, family area, dining area, conservatory, lounge, study and utility area with two en-suite bedrooms to the ground floor and three en-suite bedrooms to the first floor with the other half of the first floor being lower as part void and part vaulted ceiling. The more dominant circular roof form is asymmetrical in height for the benefit of solar gain and is covered in hand-made clay roof tiles. Five rooflights within its higher northern roofscape serve the first floor bedrooms with their main windows facing into the central courtyard. Thus the only visible external elevations are at ground floor level comprising mainly full height glazing with some brickwork.

The separate small round annex has accommodation comprising an open-plan living/kitchen/dining area and en-suite bedroom on the ground floor with an open plan studio/study room at first floor. The basement is used for the plant room, storage and both the water treatment and ground source heat exchange units. This building has an almost conical roof covered in slate and its two storey elevations are predominantly in glazing and some brickwork.

There are two separate, double detached garages providing parking for 4 cars. These garages are 6m square in brickwork under slate pyramidal roofs. The tractor shed is shaped as an arc with its northern roofscape in slate to match the garages and annex whilst the front roofscape is covered in an array of Photovoltaic (PV) panels. There is also an agricultural greenhouse set within the walled kitchen garden.

The respective roof heights are; dwelling 9.22m (highest) and 5.3m (lowest), annex 7.83m, garages 5.1m and tractor shed 4.48m. To compare these heights with the existing and neighbouring dwellings, their heights are: existing dwelling 6.14m, existing front barn 6.14m, Rothlea Lodge 6.69m and Copse Hill 10.5m.

The tractor shed, garages and annex are surrounded to the rear by a curved brick wall beyond which is the proposed orchard. There is also a walled kitchen garden and greenhouse. To the southern side of the dwelling is the garden radiating out from a terrace, with a lawned area then a wildflower meadow beyond, bounded by a 1.5m deep ha-ha to delineate it from the surrounding agricultural land.

Vehicular access is retained from the existing road entrance with a new driveway, flanked by hedging, curving round to enter the buildings through the courtyard between the buildings. A small turning area is shown just within the entrance gates. There is an existing farm gate entrance to the far western edge of the site which historically served the agricultural field to the rear. It runs alongside the side boundary with Copse Hill Lodge and is shown to be retained for access to a track also serving the land.

In terms of landscaping, the plans show the following planting:

- New native woodland hedge-planting along the western side boundary to enhance the existing screen and increase biodiversity
- Additional tree planting in the area of the demolished house and near the turning area to provide extra screening from neighbouring properties and shelter for sheep
- New driveway bounded by hedgerows
- Further incidental tree planting around site
- Grazed meadow for sheep as semi-improved grassland
- Rear boundary hedgerow cut back and managed for increased biodiversity
- The scrub under the trees in the northern-most rear corner of the site to be left undisturbed as a wildlife area
- An orchard planted in the grazed meadow to reach a mature height of 5-6m with trees growing to a 4-5m wide crown
- Grazed land and wildlife corner to eastern front corner (closest to neighbour's paddock)

Of significance here is the development of an apple orchard for cider making and the introduction of sheep grazing on all the land outside the domestic curtilage.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of the Bovingdon Parish Council and the level of public interest in this application.

Planning History

In 2011 informal discussions with the previous owners took place regarding what further extensions could take place under Permitted Development (PD). Despite previous extensions to each side of this dwelling PD rights have not been removed and the rear elevation has not been extended, thus concluding that a substantial single storey rear extension, rear roof additions and substantial outbuildings to the rear and side could be built under PD.

Policies

National Policy Guidance

NPPF
Circular 11/95

Dacorum Core Strategy Policies

NP1, CS5, CS12, CS28, CS29

Saved Dacorum Borough Local Plan

Policies 13, 23, 99, 100
Appendix 3

Representations

Bovingdon Parish Council

The Parish Council's Planning Committee considered this application at its meeting held on 4 November and we wish to register our objections to the proposal for the reasons set out below.

The site is within the Green Belt and we recognise that in certain circumstances the replacement of buildings with a new dwelling is appropriate development provided that it does not have a materially greater impact upon the Green Belt than the existing buildings. However, this proposal seeks a substantially larger dwelling together with associated outbuildings and curtilage, in a repositioned location on the site. These issues combined lead us to the view that there would be a greater impact on the Green Belt, and consequently that the development is inappropriate as no very special circumstances have been advanced by the applicant.

The proposed dwelling is considerably larger and taller than the existing dwelling, and includes a two storey (above ground) annexe and garaging for several vehicles. The proposed footprint of the relocated development on Green Belt Land totals an acre and a half. The proposal is in contradiction of NPPF Policy 89 and Dacorum Green Belt Policy 23.

The proposed increase far exceeds permitted development based on the size of the original dwelling. *'Within Green Belt the resulting building (including any earlier extension and alterations) or replacement should be less than 130% of the original dwelling'*. - Dacorum

Green Belt Policy 22. Therefore, the harm arising from the size and position of the replacement dwelling is so great as not to be outweighed by the zero carbon construction. This application differs little from the earlier application No. 4/02021/12/FUL other than the production of more supporting information, suggesting that the applicants are not willing to reduce the size of the dwelling.

The proposed size, scale and relocation on to Green Belt land is defined as 'Inappropriate Development' by both the National Planning Policy Framework (NPPF Policy 89) and the Green Belt Policy 4 of Dacorum Borough Council. Policy 87 of the NPPF clearly states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*.

The scale and height of the proposed dwelling will also have an adverse impact on the openness and character of the Green Belt and is counter to Local Plan Policy 4 which states that *'Any development that would injure the visual amenities of the Green Belt will not be permitted'*, and in the national planning guideline NPPF Policy 79.

In summary, our objections relate to the increased size and revised siting of the proposed dwelling and the consequent implications upon the Green Belt. In the event of permission being granted for this proposal we would request that conditions be attached relating to meeting the Code for Sustainable Homes Level 6 (zero carbon), removing permitted development rights and defining the residential curtilage to avoid 'development creep' in the future.

Further comments following amendments to plan:

"Amendments noted but does not alter our earlier objections to the scheme."

Conservation and Design

From a design point of view this scheme has not altered from the previous scheme which was withdrawn. I fully supported the previous scheme. I have no design objections to this proposal and consider that the scheme will promote more a more sustainable pattern of living through this development. The existing building is of poor design, layout and materials and the landscaping of the site is mediocre in quality.

The proposed scheme is of exceptional quality and the innovative nature of the design provides a special justification for granting planning permission. I do consider this design to be outstanding and ground-breaking, both in its use of materials and its contribution to protecting and enhancing the environment, so helping to raise standards of design more generally in the rural area.

The value of the building will be through the highest standards of contemporary architecture which I consider will enhance its immediate setting. The zero carbon operation and sustainable living will be an exemplar new dwelling in the Borough.

Hertfordshire Highways

Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to imposing conditions regarding providing visibility splays and storage of materials on site.

The application is for the demolition of the existing 7 bedroom dwelling and the construction of a new eco style 5 bedroom dwelling. As part of this scheme, the applicant is proposing to improve on the existing vehicle crossover (VXO) to the front of the property by increasing the amount of inter visibility. This is welcomed by the highway authority and although the

replacement home would not necessarily increase trips to and from the site any improvement over the quite restrictive visibility splays would help both emerging drivers and passing motorists.

On balance, this proposal is unlikely to have a significant impact on the safety and operation of the adjacent highway, consequently the Highway Authority does not consider it could substantiate a highway objection to this proposal. The Highway Authority has no objection subject to the above conditions to the grant of permission.

The neighbour wished to bring to my attention possible concerns over additional two-way trips during and after the construction of the dwelling. I have since received a letter from the applicants which clarifies their wishes to arrange for an apprentice to work on the construction of the dwelling and that the house has the potential to be used as a local educational resource i.e. learning about sustainable design and build. The proposed frequency and amount of movements as explained above are not excessive and it would be hard to argue that they would lead to conditions that would be prejudicial to the free flow of the adjacent highway. However, it is this third point that would need to be controlled. I would suggest a suitably worded condition is placed upon this site that restricts the number of site visits to just the four site visits mention above per annum. It follows that if the applicant then wanted to increase the number of trips in the future they would then have to apply to the local planning authority for permission.

Trees and Woodlands

Apart from two lines of conifers and a scattering of other trees the site is clear and certainly has no trees of any note that may be lost as a result of this proposal. The perimeters of the site however do have important woods, hedgerows and trees and these would be untouched by this development.

The overall numbers of native trees for this site would increase which would be a good thing. Where the screen planting is scheduled particularly in the SE corner, it needs to be a thick fenced off belt of screening that contains at least 30% holly. The landscape master plan looks fine, assume detail will be conditioned.

Hertfordshire Biological Records Centre

We have no ecological data for this property that would suggest there are any constraints associated with the proposals. The continuum of open grassland around a substantial building without obvious fencing or hedging does not reflect traditional or the local agricultural character of fields or management, although sheep grazing could enhance the ecological interest of the grassland if this was implemented sympathetically.

I note a Phase 1 Habitat survey has identified the main meadow as species-poor semi-improved. Whilst this may be true, February is about the worst possible time to undertake such a survey and cannot possibly reflect the full botanical potential the grassland may have. I consider that if approved, as a Condition this grassland must be subject to a proper survey at the right time of year to better inform management decisions for the site.

Why separate the 'wildflower' meadow from the grazed meadow? This fails to recognise the opportunity of creating a larger area of ecological gain; indeed as stated, the small crescent shaped wildflower meadow is nothing more than part of the proposed garden.

Recreating the components of the local traditional agriculture - including a new orchard - is laudable and acknowledged; however whilst re-creating the land uses, the character itself is anything but traditional.

A more detailed management plan should also be provided as a Condition of Approval. This should take proper account of the grassland biodiversity improvements that could be achieved across the whole site. This is entirely consistent with sheep grazing the area, although I do not consider that the site would provide an independent, viable commercial enterprise for livestock given the proposed grazeable areas.

If genuine ecological benefit is to be one of the gains derived from these proposals, I would wish to see a better approach to grassland management over the open areas that will remain. Where the orchard is proposed, much of any existing grassland interest will decline under the influence of shade and leaf fall, although there are other benefits associated with creating a new orchard which I acknowledge.

A bat mitigation strategy has been proposed - and this largely consists of blocking entrances and a supervised tile strip. Given the evidence of roosting activity this seems rather excessive for all areas other than the roost site itself, but it will ensure that any bats encountered can be dealt with adequately and I would not object to this approach. Proposals are provided for compensation roost sites in the form of bat boxes - and which are most likely to be a requirement of any licence.

Herts and Middlesex Wildlife Trust

A bat report accompanies the application – MKA Ecology, August 2012. The bat survey confirmed that the existing house was being used as a roost at the time of survey by a single common pipistrelle bat. A European Protected Species Licence must be obtained by the applicant in advance of development works commencing. This will require submission to Natural England of an application including suitable and sufficient survey reports and an appropriate scheme of mitigation. The ecological consultant has set out a proposed mitigation scheme in section 6.2 of the report. HMWT considers these proposals to be generally appropriate.

Environmental Health

Does not wish to restrict the grant of permission.

Contaminated Land Officer

Due to the sensitive nature of the proposed land use, consideration should be made to the potential for contamination to affect the development; therefore a contamination condition should be applied.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

1 letter of support from a local resident stating:

- Beautiful looking building! Ten Oaks Farm was looking tired and shabby! New dwelling would be aesthetically pleasing! As a neighbour would have my full support!

35 letters received from local residents raising the following objections:

- Dwelling would be on agricultural land in the Green Belt and not within existing domestic curtilage
- Its location would be harmful to the openness of the Green Belt
- The submission does not provide the very special circumstances to allow this development in the Green Belt
- It is classed as inappropriate development in local and national policies

- Would set a dangerous precedent for others to replace dwellings outside the domestic curtilage within the Green Belt as a land swap
- No compelling planning reasons advanced by applicant as to why this land swap should take place
- Replacement dwelling within domestic curtilage has not been thoroughly explored and thus cannot be dismissed
- Proposed development is both significantly larger and taller than the existing dwelling and thus contrary to national guidance as being materially larger
- Comparison figures provided unfairly include farm buildings which were not part of domestic use
- Planning Statement does not refer to it being assessed under para 55 of the NPPF (innovative houses in countryside) but other documents describe it as outstanding and innovative – causing deliberate confusion
- Its zero-carbon claim is not outstanding or exceptional as this will become law in the next few years
- Consideration as to whether it reaches the highest standards of architecture is a very subjective point where some will agree and some will disagree
- Literature caused confusion over whether the site would be open for educational visits, which could cause traffic problems in the narrow Flaunden Lane
- Details of improvement to agricultural land is doubtful with no buildings or evidence of commercial agriculture proposed
- Agricultural improvements could be achieved on the existing field without relocating the house
- Green Belt rules should be complied with to preserve the countryside for the future
- Development is of a scale far larger than anything else along Flaunden Lane and will be completely out of keeping with the area

In addition to the above comments some very detailed documents have been supplied by representatives of local residents. These have illicit responses from the applicant with further responses then received from objectors. Due to their length and detail these documents and responses have been summarised and placed at the end of this report.

Considerations

Policy and Principle

The application site lies within the Green Belt - (There is no other designation for this site).

The National Planning Policy Framework (NPPF) deals with the Green Belt in Section 9, wherein Para 79 states that the Government attaches great importance to the Green Belts where the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence.

Para 80 (NPPF) states the five purposes for the Green Belt as being:

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns, and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Para 87 (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para 88 (NPPF) then states that substantial weight should be given to any harm to the Green Belt land that 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

At the local planning level, the recently approved (25 September 2013) Dacorum Core Strategy Policy CS5 deals with the Green Belt, confirming that the Green Belt will be protected from inappropriate development in accordance with national policy and remains essentially open in character. Development will only therefore be supported in limited circumstances. These exceptions include development that supports the vitality and viability of rural settlements and proportionate investment in homes and existing commercial premises that help maintain a 'living' countryside.

Thus Core Strategy Policy CS5 states that within the Green Belt, small-scale development will be permitted, which includes (b) the replacement of existing buildings for the same use, provided that:

- It has no significant impact on the character and appearance of the countryside: and
- It supports the rural economy and maintenance of the wider countryside

Para 89 (NPPF) states that the construction of new buildings is deemed inappropriate in the Green Belt, unless they fall within their listed 6 categories, of which the only one relevant to this application is: "the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces".

Consideration of saved Policy 23

Dacorum saved Policy 23 allows for the replacement of dwellings in the Green Belt, provided that:

- (a) the original dwelling remains in place substantially as built, or it was occupied within the three years preceding the planning application; and
- (b) the proposed dwelling is not a replacement for temporary residential accommodation or a building constructed of short-life materials.

Rebuilding a dwelling in a different position on the site may be possible provided its impact on the openness and character of the Green Belt or Rural Area is no worse than the dwelling it replaces, and if possible much less. In particular the dwelling should:

- (i) be compact and well-designed, retaining sufficient space around it to provide an attractive setting and to protect the character of the countryside;
- (ii) not be visually intrusive on the skyline or in the open character of the surrounding countryside: and
- (iii) not prejudice the retention of any significant trees or natural features.

Any new dwelling should not be larger than:

- the dwelling which it replaces; or
- the original dwelling on the site plus an allowance for any extension that would have been permitted under Policy 22.

As Policy 23 was written before the NPPF it is therefore in part superseded by the NPPF wherein the replacement building should not be "materially larger" than the existing building rather than the "original" dwelling as first built".

The above national and local planning policy stance is therefore interpreted as follows:

- a replacement building is acceptable in principle providing it is not 'materially larger' than the one currently on site

- if the proposed dwelling is 'materially larger' then it is judged to be 'inappropriate development' and thus would be harmful to the openness of the Green Belt
- 'inappropriate development' is only allowed if it can demonstrate 'very special circumstances' which are sufficient to outweigh that harm.

Size of replacement buildings

The submitted Planning Statement provides a detailed breakdown of the floorspace calculations for the existing house, potential extensions and outbuildings and then compares these with the proposed dwelling, annex, garages, agricultural storage building and greenhouse.

These figures produced by the applicant have taken into account what could be built under Permitted Development (PD) without the need to apply for planning permission. The government has recently increased the size of single storey rear extensions under its Prior Approval Notice, and which would considerably increase the additional floorspace possible in this particular case where the original rear elevation has never been extended. Given that this site is in the designated Green Belt with no other designations, this would also allow for considerable extensions in the form of separate ancillary buildings for such uses as gyms, home offices and an enclosed swimming pool, both to the rear and sides of the existing dwelling.

The original dwelling has already undergone substantial extensions. The NPPF allows a building to be replaced by one that is not materially larger than that which already exists on site. The NPPF does not mention or provide guidance in terms of the weight to be attached to Permitted Development (PD) rights, however, as these single storey rear extensions and outbuildings could be added to the existing dwelling without requiring planning consent then this is a material consideration. However, what has to be assessed is the weight that should be attached to this factor and further is considered in the section below under 'other factors'.

The figures and calculations provided by the applicant also include the outbuildings. However, this is also disputed as the former dairy outbuildings were not ancillary to the dwelling but operated as agricultural buildings. They should therefore be considered separately and should only be compared by the proposed new outbuildings for agricultural purposes.

Hence, the figures below have been separated into their comparable categories for 'domestic' and 'agricultural outbuildings'

Existing dwelling (including existing extensions) = **452sqm**

Proposed dwelling, annex and domestic garages = **774sqm**

Existing outbuildings (dairy block) = **192sqm**

Proposed outbuildings (tractor shed and greenhouse) = **150sqm**

Whilst it should be reiterated that the NPPF provides no definition of what constitutes 'materially larger', nevertheless, these figures demonstrate a significant increase in domestic floor area of 322sqm (774sqm – 452sqm); a percentage increase of 171%. This is significantly above what could be considered as 'materially larger' (and above 130% which has been used in recent appeal cases by Planning Inspectors as a gauge for 'materially larger'). It is therefore concluded that the proposed new dwelling and annex would be 'materially larger' than the dwelling which currently exists on site.

As an aside, from the figures above the replacement agricultural buildings demonstrate an actual decrease in floor area of 42sqm (192sqm – 150sqm).

As the domestic buildings would be materially larger the development therefore constitutes inappropriate development in the Green Belt.

This application also needs to be judged against the rest of the criteria within saved Policy 23 which takes account of how compact the development is on the site; its relationship with other buildings; whether it retains sufficient space around it; and whether it is visually intrusive on the skyline.

The proposed buildings are situated around a central open courtyard which provides a relatively compact form of development, being visually contained and relating well to each other. This is in contrast to the existing dwelling which is physically and visually separate from the group of former dairy buildings and garages. In terms of height, the dairy buildings and existing dwelling are both 6.14m, which is lower than the highest part of the proposed dwelling at 9.22m and would mean a greater visual intrusion from the proposed development.

A final assessment under Policy 23 rests on this application proposing to 'swap' land uses within the site. As detailed above the proposal would relocate the defined domestic curtilage from the front of the site to the rear field whilst the agricultural component of this scheme would relocate agricultural activity from this rear part of the site to the front part of the site. It is important to note here that Policy 23 allows for "rebuilding a dwelling in a different position on the site": it refers to the site and not to the domestic curtilage *per se*. In this respect the policy is unclear and is a rather complex issue under planning law. This is quite a critical point in assessing this application, as it does not actually preclude a replacement dwelling being elsewhere on the site, even where that site contains land outside the domestic curtilage, but rather its acceptability focuses on its impact on the open character of the surrounding countryside, as discussed further on.

It is recognised that this application therefore raises an unusual situation, and where there has been no direct comparison previously experienced in this Borough. The closest comparisons are at Four Winds in Nettleden Road, near Water End, where a replacement dwelling was allowed much further back in its (rural area) site where there was evidence of a former plant nursery and the domestic curtilage was then extended. The other example is along Potten End Lane where part of a dwelling was allowed to be extended into a field.

However, the principle of this land-use swap should not automatically be dismissed as being against policy as there may be merits in this proposal which could be considered under 'very special circumstances', as addressed below. Indeed in this respect, the amended plans demonstrate that the area of the proposed domestic curtilage is 19% smaller than the existing domestic curtilage.

However, to conclude the assessment of this application against Policy 23 and para 89 of the NPPF, whilst the new development would provide a more compact and cohesive form than that which is currently on site, and which could possibly be acceptable on a different part of the site, it nevertheless has been found to be materially larger than the existing dwelling. In this respect the application is contrary to Policy 23 and the NPPF.

It then falls to consider the application on whether the details of this proposal provide any 'very special circumstances' that would be sufficient to outweigh the harm it would have upon the openness of the Green Belt.

Such factors will include the relocation of the development on the openness and character of the Green Belt, the sustainability elements, its innovative design and the potential PD additions to the existing dwelling.

Consideration of 'very special circumstances'

In the planning submission the applicant states that "the justification for the overall development and its siting is to create a new home based on a zero carbon lifestyle by a replacement detached dwelling of contemporary design and low energy technologies, which

would allow for the relocation of the building to make better use of the larger site area to assist with considerably reducing the current visual impact, optimising solar gain and facilitating a return to agricultural food production. The objective of the design is to provide for a family home, adjacent annex to accommodate elderly relatives, homeworking and systems for sustainable operation, garaging, accommodation for farm equipment, crop storage and the mounting of solar power systems. It provides a compact design scheme that will be visually less prominent than the existing dwelling and to ensure enhancement of openness”.

1. Therefore, the first issue for consideration under ‘very special circumstances’ relates to its location.

It is recognised from the above section that the overall size of the new dwelling and annex would be significantly larger than the existing dwelling and it would have a higher roofline than the existing dwelling and outbuildings. However, what mitigates against the visual impact of these larger and taller buildings on the openness of the countryside is their containment and relationship with each other in a unifying group. The fact that they are set much further back in the site will undoubtedly lessen their overall visual impact as viewed from Flaunden Lane. At present although the dwelling and outbuildings are of a lower height they are considerably more prominent as viewed from the public highway. This is due to the dwelling fronting onto the lane, being visible from the entrance and above the front hedgerow whilst the dilapidated outbuildings are very prominent, being next to the road access. Neither of these buildings are attractive and add little to the appearance of this rural lane. In contrast, the proposal offers an interesting and contemporary design using traditional materials, and would be surrounded by new planting, an orchard and grazing sheep. However, it is recognised that each person will have their own definite view on whether its appearance is attractive or not. Nevertheless, it would be more visually stimulating than the current buildings and even with its overall larger form, would be viewed at a distance from the lane. Thus, publicly its prominence would be reduced.

Therefore as stated at the beginning of this report, this only serves to demonstrate the difficulties of weighing up the harm against the benefits of this scheme.

2. The second issue for consideration under ‘very special circumstances’ is the proposed agricultural activities for the whole site.

These have been detailed in the accompanying submissions and summarised above. This scheme would replace the incidental cropping of the field to the rear of the site (where formerly dairy cattle grazed) to the use of the relocated agricultural land for the use of sheep grazing and apple orchard. As stated in the applicant’s submission, the incidental tree planting across the site would enhance the rural nature of the rest of the site as well as providing shade for the sheep grazing the land. It has been identified by the applicant, with his local knowledge living in the area, that there is a lack of land suitable for farmers who own sheep. Therefore this scheme would allow those sheep owned by local farmers to use this land for grazing purposes. Therefore no additional accommodation or facilities would be required on this site, other than the proposed tractor and storage shed. In terms of the orchard the apples would be cropped and sold to the local cider company with which the applicant has already been in negotiation.

The introduction of sheep grazing and apple growing on this, albeit on a relatively small acreage, would demonstrate far more productive agricultural use of this land than currently exists on the rear field. In this respect, the details submitted as part of this application to increase the productivity of the agricultural land would clearly meet the Policy 23 criteria of protecting the character of the countryside and would improve on the landscaping on site by the planting of trees and hedgerows and augmenting existing hedgerows.

It therefore also accords with the new Core Strategy policy CS5 which allows for the replacement of existing buildings in the Green Belt where “it supports the rural economy and

maintenance of the wider countryside". This also supports the saved Policies 99 and 100 for increasing tree and hedgerow planting, including orchards, to help towards the conservation and enhancement of landscape quality in the countryside.

3. The third issue for consideration under 'very special circumstances' relates to harnessing and optimising solar gain via photovoltaic (PV) panels.

This forms part of the low energy strategy aimed at providing a carbon neutral development as promoted by the applicant whose business background and company specialise in this field. The solar array would provide year round energy. The Sustainability Statement submitted with the application addresses the need to develop sustainable homes through achieving the highest code levels under the Code for Sustainable Homes (CSH) in line with emerging government and local plan policies. This application aims to far exceed the current policy requirements by making this development carbon neutral. The details of this scheme have been devised through the fabric and orientation of the dwelling, by using energy most efficiently, maximising onsite renewable energy (focusing on a PV solar array) and including water conservation and biodiversity measures. The full details of how this would be achieved were not originally provided with the application, except to show a solar array of photovoltaic panels to be positioned in a curved line across the roof of the tractor and storage shed to the rear of the dwelling.

However, additional detailed and explanatory information has now been provided. This was in direct response to local residents who presented a very detailed analytical report at the public Parish meeting which strongly refuted the applicant's assertion that this solar array would be most productive in this position, rather than on the existing domestic curtilage. Due to its length, the summary of the details of their report, together with the applicant's response and then their further response, is provided in a separate section at the end of this report.

From the applicant's final comments it is apparent that the positioning of the solar array on part of the new development on the rear field would provide the optimum amount of solar gain, when taking into consideration existing and proposed tree planting, hedgerows and prevailing site conditions. It is evident that it is a combination of factors that has led the applicant to place the whole development on the rear field rather than mostly on the existing domestic curtilage.

However, it is also apparent from the residents' expert analysis that there are pros and cons for siting this solar array wholly within the existing domestic curtilage, or on its own in the rear field or as shown on the application.

It is acknowledged that there is strong local opinion held by local residents and the parish council that the new development should not be located on the rear field. They have clearly backed up their argument by identifying how to maximise solar gain year-round by putting the development on the existing site. However, determination of this application should not rest solely on maximising solar gain from the positioning of this solar array, particularly when there are other issues that also need to be considered in determining this application.

4. The final issue for consideration under 'very special circumstances' comes from the design and sustainable element of this application.

The design of this development is considered to be innovative in its approach and unique in its appearance. It has been designed by a local architect (who worked on the Eden Project) and its sustainability detailing has been done in collaboration with the applicant.

In this respect, para 60 of the NPPF states that "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness."

Para 61 then states "Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment." Finally, in para 63 it states that "In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area."

It is acknowledged that its overall design concept is very subjective in nature and will therefore evoke a range of contrasting views from individuals and these views have indeed been expressed by local residents. As such it would be incorrect to judge the merits and appropriateness of this development on this issue alone. However, it has been assessed by the lead conservation officer who offers specialist design advice who considers this scheme would promote a more sustainable pattern of living through this development whilst recognising that the existing building is of poor design, layout and materials and the landscaping of the site is mediocre in quality. The proposed scheme is of exceptional quality and the innovative nature of the design provides a special justification for granting planning permission. She considers this design to be outstanding and ground-breaking, both in its use of materials and its contribution to protecting and enhancing the environment, so helping to raise standards of design more generally in the rural area.

Therefore the above paragraphs from the NPPF give a very clear direction on why this particular application should be supported. The buildings themselves would be built in traditional materials and brickwork sourced locally. There is no overriding vernacular in the immediate area, with many of the properties being individually styled and extended. The fact that this innovative design concept would replace an unprepossessing extended dwelling and disused outbuildings is also a strong factor in lending support to this scheme.

Furthermore, the details of the landscape strategy, as part of the overall scheme, also demonstrates how positively it will impact on the Green Belt, both visually and economically. Para 89 of the NPPF states that one of the appropriate types of development in the Green Belt are "buildings for agriculture". Therefore the proposed tractor and storage shed which would be used for agricultural activity would meet this criteria and should be supported in this respect.

Other factors

There are some other factors that should also be considered as part of this application. One relates to the fabric and appearance of the existing dwelling and outbuildings, however, as an alternative application could replace this with a traditional-styled house on the same site then this in itself does not carry significant weight in supporting the current application.

As referred to above, the existing dwelling has the ability to be extended by substantial single storey rear extensions and outbuildings to the side and rear under existing Permitted Development (PD) rights. The fact that even though the existing dwelling has already been extended and the proposed dwelling is materially larger than the existing dwelling, these extensions could be added without requiring planning permission which is therefore a material consideration. Hence the possibility of adding more extensions to the existing dwelling should be afforded some weight. On its own it would not constitute the very special circumstances to justify inappropriate development, however it does contribute to the range of factors and which cumulatively lead to the very special circumstances of this case.

The planning statement puts forward a proposal to use both the construction of the buildings and its management after completion as a possible useful educational exercise for school children and apprentices and which has already been investigated by the applicant. There would be some merit derived from providing this training for an apprentice and educating school children in energy efficiency, however, it would not constitute a very special

circumstance. Indeed this particular issue was raised by local residents who feared that the use of regular minibuses coming to this site along this narrow lane would be particularly dangerous and harmful to other road users. The Highways Authority have considered this issue and confirmed that it would not be harmful providing it was only on an occasional basis and could be controlled by way of a condition.

A further issue raised by local residents was that to allow this land-use swap would effectively allow other landowners in the area to do likewise, thus setting a dangerous precedent. As with all applications, each one is taken on its own merits. However, in this case if the application was to be granted, then the range of determining factors, including its unique and innovative nature, would preclude the same set of factors being able to be used elsewhere. Also, due to the extenuating circumstances of the applicant, his expertise, and ability to develop a carbon-neutral dwelling, it would be unlikely that this could be replicated by another applicant.

Therefore, to conclude on the merits of these very special circumstances, it is considered that the grouping of the dwelling and outbuildings together further back in the site would positively enhance the appearance of the site as viewed publicly from the highway. The layout and positioning of the existing properties along this side of Flaunden Lane are shown to be set well back in their sites and away from the road frontage. Hence, in this respect the proposed development would be more in line with these properties. This to some extent undermines the objection to place the replacement dwelling further back on its site.

The merits of the new buildings in traditional materials would be a visual improvement over the existing dwelling and old dairy buildings. The stimulus to the rural economy locally through the harvesting of apples and sheep grazing would again provide a positive attribute to this scheme as well as meeting local plan objectives.

The provision of the solar array which would optimise, rather than absolutely maximise, the delivery of year round solar gain does have positive merit in terms of renewable energy provision. Placing them to the rear of the dwelling far back in the site would lessen their visual impact in the landscape. To have placed them on the existing domestic curtilage or indeed on their own in the rear field would be more visually intrusive. Therefore, although there is merit in their proposed location, this issue may not in itself constitute a very special circumstance.

The innovative nature and the high standard of architecture displayed in this scheme are considered to indeed constitute a very special circumstance in favour of this application. It is considered to be an exciting and imaginative project which is unique.

Impact on Neighbours

The house at Rothlea Lodge is the closest house to the development and indeed will be the only property to have a clear view of the proposed development. At present the existing outbuildings and dwelling beyond are out of view behind the side boundary hedgerows as well as being separated by the small paddock and stable owned by Rothlea Lodge. Currently this property has clear views across this open field and enjoys the general tranquillity of the area. This property will undoubtedly have views across its rear boundary to the whole development. Whilst the distances between the two properties will cause no loss of light or direct overlooking, nevertheless the proposed driveway would run relatively close to their paddock and two horses and from which they would experience general vehicular noise and some general noises associated with households. However, to mitigate against this, the orchard would be planted in the area between the two properties and the hedgerow along their shared boundary would be augmented. In this way the general levels of disturbance would not be considered as significant to sustain a reason for refusal.

The original house known as Dormers has since been divided into three separate dwellings. Due to two high intervening hedgerows and the significant gap between the nearest house at 1

Dormers and the proposed development there would be no visual intrusion or loss of other amenities in terms of loss of light or privacy. However, there may be some general noise associated with households but not sufficient to constitute a reason for refusal.

The development would not be visible from Copse Hill which is the larger house close to the south-west side boundary and delineated by high hedgerows. This has been confirmed by the owner. Similarly, due to separation distances and hedgerows there would be no impact on their amenities more than the existing dwelling which is much closer to the property. The house at Copse Hill Lodge, located close to the lane, may have views of the development but it will be further away than the existing dwelling and is not considered to have any significant impact on their amenities. There are no houses opposite the site on the other side of the lane.

Other Material Planning Considerations

The plans show two sets of double garages providing parking for four cars as well as parking within the forecourt area. The existing sightlines onto Flaunden Lane would be increased and maintained for better visibility and also for use by passing vehicles along this part of the lane.

Conclusions

This is a unique and unusual application due to its architectural and highly sustainable approach as well as its proposed land use swap. Clearly the overall size of the development is materially larger than which would be allowed under the NPPF and Policy 23 and as such constitutes inappropriate development in the Green Belt.

Much of the strong local opposition to this scheme relates to its inappropriateness within the Green Belt and particularly on positioning it on the rear agricultural field as well as its failure to maximise solar capture in this position.

Thus it falls to be determined on the weight given to the very special circumstances identified within this application.

The size and height of the dwelling and the overall built form, although larger than the existing buildings, would be presented as a more unified and compact group set well back from the road frontage in contrast with the existing unprepossessing dwelling and outbuildings which are visually dominant along the road frontage. Setting the proposal back into the rural landscape, with its slightly smaller domestic curtilage, would be physically more in line with the two adjacent properties and would introduce a more active rural enterprise fronting directly onto Flaunden Lane. These factors combined with the innovative and unique qualities of this aspiring zero carbon development are considered to constitute the very special circumstances sufficient to tip the balance and outweigh the harm that this development would have upon the openness of the Green Belt.

However, given that this development is materially larger than the existing dwelling, it is important to ensure that it does not increase in size and therefore it is necessary to remove Permitted Development rights which could otherwise allow an extension to the house or for an outbuilding. These rights can be removed by way of a condition attached to any consent. Similarly to ensure that the two sets of garages remain for parking only and not converted to habitable accommodation, then their use should also be maintained. This can be done by imposing a condition attached to any planning consent.

RECOMMENDATION – That planning permission be **GRANTED** subject to the following conditions:

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

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

- 2 **No development shall take place until the following details to be used in the construction 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.**

- all materials for external surfaces
- rainwater goods
- all joinery to scale
- details of the glazing.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 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;
- soft landscaping;
- means of enclosure;
- tree planting;
- trees to be retained and measures for their protection during construction works;
- car parking layout
- refuse or other storage units;
- lighting.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 4 **Both during the construction and the occupation of the development hereby approved there shall be no more than 4 minibus trips per calendar year bringing school children or other visitors to the site unless agreed to in writing by the local planning authority.**

Reason: In the interests of highway safety and in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 5 **No development shall take place until details of the proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land shall have been submitted to and approved in writing by the local planning authority. The buildings shall be constructed in accordance with the approved levels.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policy CS12 of the Dacorum Core Strategy

(September 2013).

- 6 **Any tree, hedge 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 CS12 of the Dacorum Core Strategy (September 2013).

- 7 **Visibility splays of not less than 2.4m x 40m shall be provided before any part of the development hereby permitted is first brought into use, and they shall thereafter be maintained, in both sides of the entrance to the site, within which there shall be no obstruction to visibility between 0.6m and 2.0m above the carriageway.**

Reason: In the interests of highway safety and in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

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

Reason: To ensure the adequate and satisfactory provision of off-street construction-related vehicle parking facilities in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 9 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) the two sets of double garages and hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwelling and they shall not be converted or adapted to form living accommodation, and the tractor shed hereby permitted shall be kept available at all times for agricultural storage purposes only.**

Reason: In the interests of highway safety and in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

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

**Schedule 2 Part 1 Classes A, D and E
Part 2 Classes A and B.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the

locality and in accordance with Policy CS5 of the Dacorum Core Strategy (September 2013).

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

(a) Site Characterisation

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

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

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

(b) Submission of Remediation Scheme

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

(c) Implementation of Approved Remediation Scheme

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

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

(d) Reporting of Unexpected Contamination

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy (September 2013).

INFORMATIVE:

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

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

- 12 **A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS5 and CS25 of the Dacorum Core Strategy (September 2013).

- 13 **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 NP1 of the Dacorum Core Strategy (September 2013) and saved Supplementary Planning Guidance.

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

PL-01 Rev A
PL-02 Rev H
PL-03 Rev G
PL-04 Rev G
PL-05 Rev A
PL-06 Rev A
PL-07 Rev A
PL-08 Rev A
PL-09 Rev B
PL-10 Rev B
PL-11 Rev A
PL-12 Rev A
1778.P.02.Rev A
1778-P-01 REV C COLOUR
SK-01 Rev A
SK-02 Rev A
photos
EX-01 Rev B
EX-02 Rev A

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

INFORMATIVES:

The applicant is advised that all works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments". Before proceeding with the proposed development, the applicant will need to contact www.hertsdirect.org or telephone 0300 1234 047 for further instruction.

A European Protected Species Licence must be obtained by the applicant in advance of development works commencing. This will required submission to Natural England of an application including suitable and sufficient survey reports and an appropriate scheme of mitigation.

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 amendments being made and

additional information being provided for 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.

Development Control Committee 19 December 2013

Amendment to Item - 5.2 Ten Oaks Farm, Flaunden Lane, Bovington HP4 2EW Pages 44- 48

Detailed documents supplied by local residents and responses from applicant:

Mr Wrigley:

At Bovington Parish Council Planning meeting Dr Mays advised he had no calculations to show the power generated from the proposed solar panel which undermined the tenet of his planning application under 'very special circumstances', and implying they have no idea whether the proposed property will produce any 'Green' power at all. A presentation by a local resident Mr Hall at the meeting suggested the best position for a house to maximise solar power at Ten Oaks Farm would be on the existing site and that the proposed new dwelling was poorly sited for this purpose.

Rebuttal from applicant (8/11/12)

Had he been aware of Mr Hall's detailed calculation being brought to the meeting he would have brought his own calculations on the alternative location. He actually stated that he did not have the exact figures with him at the meeting but would be happy to provide these and respond to Mr Hall's conclusions on the position and output of the solar array. The sustainability statement submitted with application confirms the area of Solar Photovoltaic panels and the amount of CO2 this is likely to offset, suggesting that this had not been properly read.

Mr Hall of 1 Dormers, Flaunden Lane (8/11/12):

He has supplied his own document assessing the proposed Solar Capture Array Study for the proposed development. Due to the length and technical issues and diagrams within this document it has been necessary to summarise its contents as:

- The proposed house is badly sited for solar energy capture being much more dependent on mains electricity and so the existing built site offers much better solar energy capture in the critical winter, autumn and spring seasons. The proposed house should therefore be relocated onto the existing site.
- The description as zero-carbon is not justified under CSH (being Level 6 of the Code for Sustainable Homes).
- Positioning of the solar array inside a walled compound makes solar energy capture very limited in winter months when the sun is low in the sky.
- Accompany plans and diagrams indicate potential solar capture is severely reduced or completely blocked at certain times of the year, exacerbated by existing hedgerow along Flaunden Lane, the proposed tree planting and the positioning of the new house itself.
- To position the solar panels on the existing built area would allow it to achieve uninterrupted solar energy capture at the widest angles with additional array on the far north-east corner of the site
- The SAP (Standard Assessment Procedure for Energy Rating of Dwellings) data submitted has only been done in draft and makes several erroneous assumptions.
- Basic low energy design principles are ignored, such as: north facing glazing, long pipe runs, incompatible flues, poor 'U' values and a complete absence of any thermal bridging strategy.

- The application should be rejected until it has demonstrated conclusively that it exceeds CSH4 and a satisfactory energy strategy demonstrating verifiable proof of zero carbon is submitted.

Applicant's rebuttal on Solar Array Study (22/11/13)

The Zero Carbon objectives for this development extend well beyond the government's aspirations for zero carbon as set out within the requirements for Code for Sustainable Homes (CSH) Level 6.

- The government's definition for Zero Carbon and CSH Level 6 take into account NET emissions over the course of a year. They assume that a building will be connected to the grid and it is the balance of the imported and exported energy on an annual basis that is counted. In the current version of CSH, not all emissions are taken into account and allowable solutions (a contribution from off-site energy generation) can be used to meet any shortfall to the zero carbon target.
- The building has been located and orientated for passive solar gain benefits and to improve the openness of the whole site from key views. The proposed location was not originally chosen to maximise solar capture from the photovoltaic panels, but to provide a balance between output, visibility and coherence with the architectural theme.
- The solar array was conservatively specified for the planning application stage with the expectation that this would be subsequently refined should consent be granted. I have, nevertheless, now engaged RES Advisory, one of the consultants on the project, to undertake a detailed computer modelling exercise for the array and to compare this with Mr Hall's proposals. This work (the "Solar Study") confirms that losses due to shading from trees are very small (4.2%), that this is comparable with the effect of shading at the location of the existing dwelling and a little better than the site to the north east of the site suggested by Mr Hall.
- The effect of using a crescent shaped array, with its visual benefits has a small impact upon the energy yield from the panels of 1.8%. The shading effect of the house and annex adjacent to the crescent is minimal at 1.2%.
- The annual output from the crescent solar array is calculated, using the computer model created in the Solar Study to be 28,898kWh, taking account of shading and orientation. This is 6% greater than the output estimated in the Sustainability Statement included in the application.
- Our approach to the energy strategy proposed for this development was discussed with the Council during pre-application meetings and it was agreed that a C-Plan document would not be required to be submitted as part of the application.
- The detailed design of the technologies and construction methods have appropriately not been provided within this stage of application documents. We are, however, confident of achieving the performance levels that we have stated for the building and its systems and have outlined within this letter some additional details in support. We would be happy to agree to a condition requesting further detailed information on the energy/sustainability strategy for the development.
- It is clear from the additional work undertaken in the Solar Study, together with the documents submitted in the application, that the proposed location is the optimum position on the site to meet the objectives for the project.
- In the 2011 budget the government confirmed the commitment that from 2016 all new homes would be zero carbon, however it excluded unregulated energy (plug in items) use from the definition.
- None of the previous definitions of Zero Carbon make reference to the fact that houses should be 'cut off from the mains electricity supply'; instead they all refer to the net emissions over the course of the year. Hence the objector's assumption that the dwelling therefore does not comply with CSH Level 6 requirements on this basis is incorrect.

- Code for Sustainable Homes Level 6 is therefore a lesser requirement than Ten Oaks Farm is proposing as it does not account for all unregulated emissions does not account for embodied carbon AND allows offsite renewables to be used to meet the overall zero carbon target. This dwelling is going well beyond CSH6 requirements.
- In terms of the dwelling's ideal location for solar panels, it should first be noted that the proposed building has been located and orientated for passive solar gain benefits and to improve the openness of the whole site from key views. The proposed location was not originally chosen to maximise solar capture from the photovoltaic panels, but to provide a balance between output, visibility and coherence with the architectural theme.
- The Energy Saving Trust confirms that the ideal orientation and tilt for solar panels within the UK is facing due South, 30° tilt from the horizontal (Energy Saving Trust website). the objective for the project is to create a simple, compact array contained within a walled courtyard.
- Maximum output from any array would be achieved where there is no shading from trees, buildings or other structures. However, depending on individual site characteristics and constraints, it is not always possible to avoid all shading, and not always the best overall solution to maximise the design of the whole site around the solar array.
- It is important to note, however, that the output of a solar panel is from both direct and diffuse radiation, therefore panels can still work well and produce energy even if there is no direct sunlight on them.
- Whilst heating will play a part in the overall energy consumption, with a Ground Source Heat Pump with a Coefficient of Performance of typically 3.2 (for every kWh of energy used, just over three kWh of heat are produced) the power required for heating will be considerably reduced from a comparable older dwelling.
- the key to achieving a low emission dwelling is to reduce the overall energy consumption of the dwelling across the course of the year, and that there will be an excess of energy generation over the summer which is exported and an intake of energy over winter. The Ten Oaks Farm energy strategy takes this variation in to account and is based upon net requirements and emissions across the year.
- calculation shows that over the entire course of the year, the output of the solar array would be reduced by 5.4% due to the trees and the proposed buildings surrounding the proposed location. This is a small amount and clearly refutes Mr Hall's assertions that 'the proposed site is exceedingly poor for solar capture'. Of the 5.4% the results from the model show that output would be reduced by 1.2% over the course of the year due to the location of the buildings. This is a very minor amount and clearly refutes Mr Hall's assertions that during non-summer months solar capture would be 'well-nigh impossible' due to the buildings.
- This analysis demonstrates that the shading from trees at the Secondary location suggested by Mr Hall would in fact be worse than at the primary location, but that the Tertiary location would be marginally better.
- Solar panels capture both direct and indirect irradiance, therefore even in low sun and/or partially obscured conditions they will still be able to capture solar energy. The analysis carried out by RES Advisory illustrates the minimal effect the trees around the site will have on the overall yield of the array at the proposed Primary location.
- The analysis clearly demonstrates that the proposed location is better than the North East array in terms of overall yield and that the buildings have a very minor effect on the overall yield of the array. The existing array performs slightly better as it has been oriented due south for the purposes of the analysis. This small difference could be largely eliminated, if required, by re-aligning the crescent array in the courtyard at the proposed location to face due south

- The figures provided in the attached report, clearly demonstrate that locating the house and solar array at the proposed location has no significant impact on energy captured compared to alternative locations around the location of the existing dwelling.
- The analysis in the Solar study shows that there is very little difference in output annually (or during winter months) between an array located at the Proposed Location or Existing Location. Mr Hall's alternative North East location would provide lower outputs.
- I would be happy to provide a detailed outline of the methodology, assumptions so far and calculations undertaken. I could also provide a presentation to explain the work on Whole Life Carbon Costing that has been undertaken for this project so far and how it is intended to use it to inform the detailed design and construction of the dwelling and its systems.
- The purpose of the Whole Life Carbon Costing exercise is to ensure that the total carbon emissions as a result of the construction and operation of this dwelling can be accounted for, and that this can inform design decisions from an early stage to ensure that the objectives of the project can be met.
- the provision of a draft SAP (Standard Assessment Procedure for Energy Rating of Dwellings) assessment at this stage illustrates that we have undertaken initial analysis to confirm that our sustainability and energy aspirations can be met. Clearly as the detailed design progresses the sustainability criteria will be refined and updated.
- The design of the building, in particular the materials chosen, are fully in keeping with the local vernacular. In fact, similar recent houses from the architect for Ten Oaks Farm have been included within the Chiltern Design Guide as a demonstration of good contemporary examples using Chiltern materials and craftsmanship.
- The landscaping plan shows an area of 230m² of solar array and is marked purely to show its function and overall size; it is not a detailed proposal for the number of solar panels. Nevertheless, I have asked RES Advisory to undertake a more detailed model of the proposed array as part of the Solar Study to illustrate its potential output. The results of this study show that the output from the photovoltaic array within the 230m² crescent will be a maximum of 31.2kW delivering 28,898kWh of energy per year, after taking account of shading effects. This is 6% greater than the 27,280kWh estimated in the Sustainability Statement.
- As not all panels in the array are orientated due south, there is a minor effect on the output of some of the panels. All panels are positioned within 65° of South. The difference this change in orientation makes to the overall effectiveness of the panel is confirmed within the Solar Study as 3.6% overall, and allows the array to be contained within the courtyard, reducing the visibility of the panels from external views.
- The thermal transmittance of folding glazing is comparable to windows and doors, all of which have been taken into account when setting the air permeability target of 3m³/m²hr at 50 Pascals for the dwelling.
- Through our investigations into Whole Life Carbon Costing, we have found that aiming for full Passivhaus standards will not necessarily minimise the carbon emissions associated with all life stages of the development. It is for this reasons that we have not sought full Passivhaus certification, but instead wish to make the building highly efficient and having low- emission over its whole life cycle
- The performance standards provided within the current application documents significantly exceed current building regulations and it is an aspiration to achieve better thermal standards where possible throughout the detailed design.
- The area of the house and garages does not on its own have any bearing on the zero carbon credentials of the dwelling.

- It is our understanding that current policy requires dwellings to meet CSH level 3. I hope that through our response above we have clearly outlined how we significantly exceed the energy requirements for CSH Level 6.
- Mr Hall's letter of objection contains a number of inaccuracies which this letter seeks to correct. It is clear from the additional work undertaken in the Solar Study, together with the documents submitted in the application, that the proposed location is the optimum position on the site to meet the objectives for the project. I would be happy to provide further details on any of the points above if this would be helpful.
- Question the objectiveness of the report as was carried out by the applicant's own company RES.
- Sustainability statement is in draft only with no SAP calculations submitted.
- No account of the degradation of panels over the years.
- Hypothetical energy use put forward by applicant without evidence and satisfied by supplying electricity to the grid and not the house itself.
- No details have yet been given for the heat pumps and a full energy strategy has not been submitted. The new house and solar panels should all be located on the existing site.
- The solar capture study undermines the key reason put forward by applicant for locating the new building on the field
- The applicant's claim that the proposed Green Belt site would optimise solar energy gain has been proved to be incorrect.

Mr Hall's further rebuttal (2/12/13):

- The above rebuttal fails to undermine the argument for the enhance solar yield using the existing site
- Dispute over the sites used for comparison – should have compared the azimuths from 60 degrees to 300 degrees and not split these onto two sections (60-210 and 210-300), as together this site is unbeatable as there is no blockage from sun's rays at any time.
- The rebuttal study was based on array behind tall hedge thus materially reducing solar capture compared to situation on initial objection, but it is possible that an array can be placed on the existing site with uninterrupted solar capture with azimuths from 60 to 210 degrees and elevations from 0 to 90- degrees.
- The secondary location on the existing site which the applicant based his array was west facing which is to the disadvantage of the solar energy capture performance, thus do not represent a fair comparison.
- Question the objectiveness of the report as was carried out by the applicant's own company RES.
- Sustainability statement is in draft only with no SAP calculations submitted.
- No account of the degradation of panels over the years.
- Hypothetical energy use put forward by applicant without evidence and satisfied by supplying electricity to the grid and not the house itself.
- No details have yet been given for the heat pumps and a full energy strategy has not been submitted. The new house and solar panels should all be located on the existing site.
- The solar capture study undermines the key reason put forward by applicant for locating the new building on the field
- The applicant's claim that the proposed Green Belt site would optimise solar energy gain has been proved to be incorrect.

Applicant's further rebuttal (4/12/13)

- The three component array that he proposes will have a significantly reduced output over the course of the year when compared to the array proposed in the application.
- Mr Hall appears to be suggesting that due to an extremely small difference between the overall output of the PV arrays on the proposed location and the site of the existing building, most of which can be eliminated by small adjustments to orientation, the whole development should be relocated. This completely ignores the fact that the proposed building has been located and orientated to improve the openness of the whole site and the Green Belt from key views and also for passive solar gain benefits.
- Mr Hall has missed the point – the proposed location was not originally chosen to maximise output from the photovoltaic panels, but to provide a balance between solar energy capture, visibility and coherence with the architectural theme. Conveyancing document 2008 shows that it was only in 2008 that adjacent field and back field were acquired and incorporated into red outline site.
- Questions validity of side field as part of domestic curtilage.

Issue raised Mr Kalverboer (30/10/13) regarding potential educational trips and impact on highway.

Applicant appears to have deliberately neglected to include the potential for educational visits during construction and following completion, leading to concerns over traffic generation.

Applicant responded stating assertion was incorrect as the submitted Planning Statement stated the intention that an apprentice student from West Herts College would be invited to help on the project to learn about construction techniques and energy efficiency as well as two local primary schools would be invited to visit once a year during construction and after completion. Contacts have already been made and would involve two minibus trips from each school per year.

The Highways Authority have further responded to this information stating: The proposed frequency and amount of movements as explained above are not excessive and it would be hard to argue that they would lead to conditions that would be prejudicial to the free flow of the adjacent highway. I would suggest that if planning permission is granted, a suitably worded condition is placed upon this site that restricts the number of site visits to just the four site visits mention above per annum, therefore allowing the LPA to control any future increase.

Solicitor Ms Simpson of Hill Hofstetter and planning consultant Martin Leay of Martin Leay Associates acting on behalf of Mr Kalverboer, Copse Hill (8/11/13):

Ms Simpson

- Inaccuracy in Red Outline and Certificate of Ownership pertaining to small strip now owned by adjacent site
- Change of use of agricultural land to domestic curtilage not explicitly referred to in application description.
- Ambiguity over policy grounds for submitting application; the pre-app referred to para 55 of NPPF but this has not been cited in formal planning submission statement.
- Conveyancing document 2008 shows that it was only in 2008 that adjacent field and back field were acquired and incorporated into red outline site.
- Questions validity of side field as part of domestic curtilage.

Martin Leay Associates

The following summary points are backed up by a more detailed critique and additional information which are too lengthy to reproduce within this report, but have been carefully read and taken into account. The following points are considered to represent a full summary of the points made.

- The new dwelling is shown to be sited on Green Belt farm land and 'open countryside' outside the defined residential curtilage and thus by definition is inappropriate. The exception to this is for a replacement dwelling providing it is not materially larger (where many LPAs use 30% as a guideline)
- This application needs to be considered in terms of whether it is inappropriate: whether it affects the character and appearance and openness of Green Belt; and whether there are very special circumstances to justify development.
- This proposal exceeds 30% both in floor area and volume and with an increase in height - there are appeal examples where such increases have been considered as materially larger and thus dismissed.
- It would occupy a significantly larger plot area than the existing dwelling and its outbuildings – some of which are former agricultural buildings, as illustrated by aerial photos and montages.
- Its overall bulk is increased due to buildings grouped around a courtyard
- In total it would have a significantly adverse impact on the openness of the Green Belt.
- Looking at very special circumstances – this application has not put forward the NPPF para 5 arguments, as being of exceptional quality or innovative. Nor is it proven to be zero-carbon as demonstrated by Mr Hall's submission above and which itself does not constitute a 'very special circumstance'.
- The claim of enhanced land management and agricultural production could be achieved by carrying out this on the rear field and putting the new house where the existing house is. Furthermore the rural enhancements are little more than cosmetic and not serious farming and would provide no justification for further agricultural buildings
- The claim that the new house would be less visible has little force in maintaining openness of Green Belt as para 79 in NPPF looks at preserving openness *per se*. This stance is backed up through Appeal court decisions.
- The total development appears to be 2-3 times larger than the surrounding properties.
- It is concluded that it is materially larger and thus harmful on the character and openness of the Green Belt.
- It is concluded that there are no very special circumstances as the zero-carbon status is questionable. It would act as an undesirable precedent. There is no policy allowance for swapping land these uses and the applicant does not provide sufficient justification for this approach.
- If the reason that the applicant has not positioned the new house on the existing site is that it would not actually fit, then this itself proves this proposal to be 'inappropriate development'.

Martin Leay Associates

The new dwelling is shown to be sited on Green Belt farm land and 'open countryside' outside the defined residential curtilage and thus by definition is inappropriate. The exception to this is for a replacement dwelling providing it is not materially larger (where many LPAs use 30% as a guideline)

- Applicant's response to Mr Kalverboer/Martin Leay/Ms Simpson (13/11/13)
- Red outline now amended, as previous outline erroneously contained strip of land sold to Copse Hill Lodge in 2008.
- The back field was bought by the then owner of Copse Hill, Dr Hurst in 1969. He sold it to Mr & Mrs White, (parents of the two White Sisters), in 1983. The rectangular piece of land abutting Flaunden Lane and along its eastern side boundary was also sold by Dr Hurst of Copse Hill to Mr & Mrs White in 1993. Since 1993 the White family have kept this piece of land mown as short grass and have never cut it for hay, unlike the back field. The White family then sold a strip of land

along its western side boundary to Gordon and Sandra McLellan of Copse Hill Lodge in 2008.

- They have suggested that 'north east land' next to the dwelling and fronting the highway should not have been included as domestic curtilage. Although disagreeing with this interpretation we have decided to redraw the existing domestic curtilage without this piece of land and also to more accurately define the proposed domestic curtilage (previously shown in generalised form) and now includes the additional length of driveway. Revised drawings showing these changes now formally submitted, showing existing and proposed domestic curtilages calculated as:
- Existing 8,038sqm and Proposed 6,509sqm The proposed area is therefore 19% less than existing area.

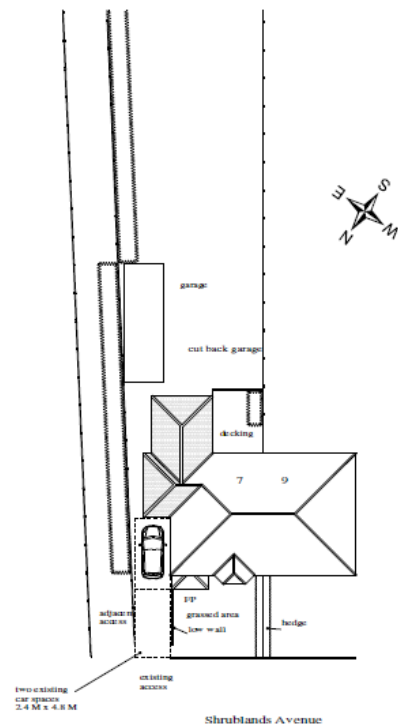
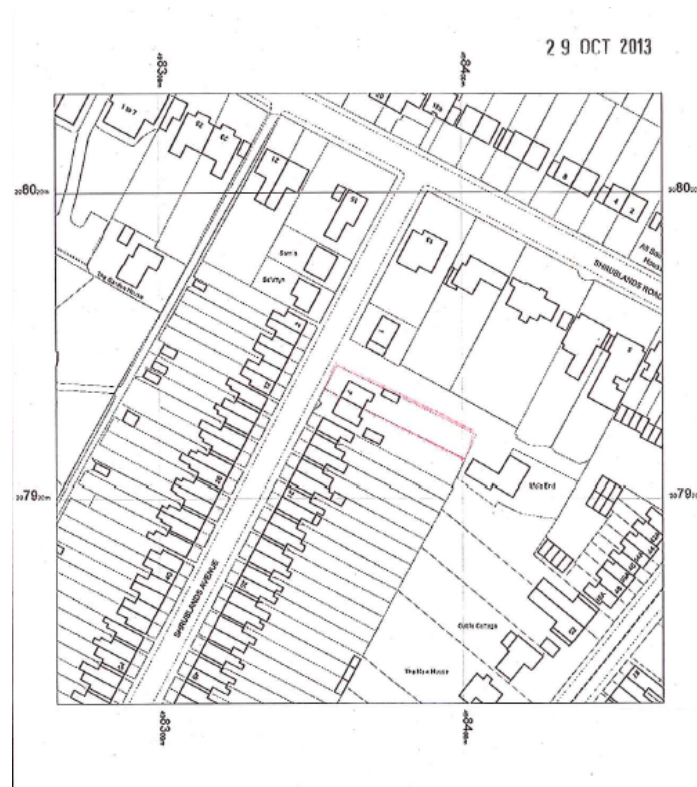
Martin Leay Associates response (2/12/13)

- The statement made that the new development is 19% less than the area of the dwelling and 41% less than the area of the existing domestic curtilage is considered to be misleading as the figures comparing like-for-like brings this reduction down to 12.3%. My calculations show the existing and proposed domestic curtilage to be:
- Existing 8,017sqm and proposed 7,028sqm thus providing a 12.3% reduction (and not 19% as applicant has stated).
- By comparing floor areas of existing dwelling only and proposed dwelling and annex produces an increase of 55% which is more than policy guideline of 30%.
- Compared to the original dwelling prior to any of the existing extensions this figure rises to 761%.
- Due to increase of 55% this fails to comply with Para 89 of NPPF regarding being materially larger.
- The quantum of new development would not fit onto existing domestic curtilage.
- It remains contrary to Policy 23 as it would have a significantly greater and adverse impact on openness and character of the Green Belt.

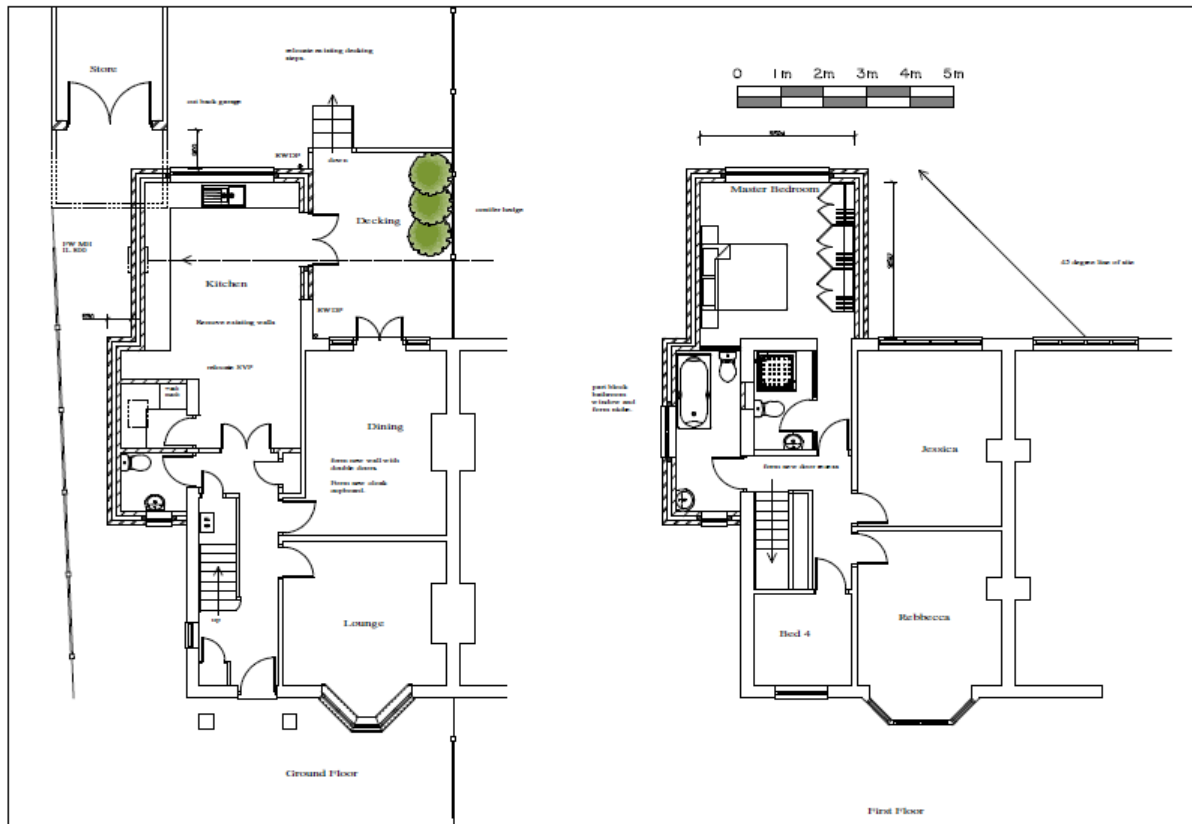
Applicant's further rebuttal (4/12/13)

- Mr Hall's suggestion to install two of his three proposed PV arrays close to the site entrance would have a huge negative impact on the key views into and across the site and the Green Belt.
- The three component array that he proposes will have a significantly reduced output over the course of the year when compared to the array proposed in the application.
- Mr Hall appears to be suggesting that due to an extremely small difference between the overall output of the PV arrays on the proposed location and the site of the existing building, most of which can be eliminated by small adjustments to orientation, the whole development should be relocated. This completely ignores the fact that the proposed building has been located and orientated to improve the openness of the whole site and the Green Belt from key views and also for passive solar gain benefits.
- Mr Hall has missed the point – the proposed location was not originally chosen to maximise output from the photovoltaic panels, but to provide a balance between solar energy capture, visibility and coherence with the architectural theme.

Item 5.3
4/01985/13/FHA - TWO STOREY SIDE AND REAR EXTENSIONS (AMENDED
SCHEME)
7 SHRUBLANDS AVENUE, BERKHAMSTED, HP4 3JH



Item 5.3
4/01985/13/FHA - TWO STOREY SIDE AND REAR EXTENSIONS (AMENDED SCHEME)
7 SHRUBLANDS AVENUE, BERKHAMSTED, HP4 3JH



**5.3 4/01985/13/FHA - TWO STOREY SIDE AND REAR EXTENSIONS (AMENDED SCHEME)
7 SHRUBLANDS AVENUE, BERKHAMSTED, HP4 3JH
APPLICANT: MRS L JOHNSON**

[Case Officer - Philip Stanley]

[Grid Ref - **SP 98380 07928**]

Summary

The application is recommended for approval.

The proposed extensions would be set back front elevation and set down from the main ridgeline, and in combination with the staggered design to the proposed elevation, would create an extension that is subservient in bulk and scale to the original property conserves the character and appearance of the Conservation Area. Furthermore, the residential amenities of surrounding dwellings would be unaffected, while sufficient off-street parking would be formed to serve the proposed four-bedroom property.

As such it is considered that the proposals have overcome the previous reasons for refusal and now comply with Policies CS12 and CS27 of the Dacorum Borough Core Strategy.

Site Description

The application site comprises a hipped roof semi-detached property near the southern (bottom) end of Shrublands Avenue, located within the Berkhamsted conservation area. Shrublands Avenue is characterised by terraced character residential properties, rising up the hill from north to south. The site is located outside of the areas of Article 4 Directions covering Shrublands Avenue and Shrublands Road.

The semi-detached pair have a central two-storey hipped roof bay and outer porch canopies (that at No.6 supported by brick piers). The front boundaries consist of low brick walls, staggering down the hill, while a 1 metre high hedge separates the two front gardens. The site's left-hand side boundary is formed by a 2.2 metre high conifer hedge.

The site has a driveway leading past the northern side elevation of the house to a flat roofed garage (below the height of the boundary hedge), set just beyond the rear elevation. Further to the north is an access track to Mole End, a house positioned to the rear of the site. This access track contains a line of tall conifers on its northern side. Further again to the north is No.1 Shrublands Avenue, an unusual timber clad chalet-style house.

The applicant's property has a 1.5 metre deep rear projection set away from the shared boundary with No.9. The attached neighbour has a similar rear projection but with a pitched roof, rather than the site's flat roof. In addition the applicant's property has 0.3 metre high raised decking to the rear with a 2 metre high close-boarded fence on top of this.

Proposal

It is proposed to construct a pitched roof two-storey side and rear extension that would wrap around the south-eastern corner of the dwelling.

The extension would have a depth beyond the rear elevation of 3.89 metres and would be set on the outer half of the rear elevation. The extension would have a width of 4.19 metres, a half a metre reduction compared to the previously refused scheme) 4.74 metres, taking it 1.2 metres beyond the side elevation of the house (compared to 1.75 metres previously). The side element of the extension would be set back from the front building line by 3.85 metres (compared to 2.4 metres previously). Unlike the refused scheme, which had a proposed side building line pushed out 1.75 metres from the original side elevation for the entire depth of 9.4,

the present proposals would see a total depth of 7.95 metres, of which the rearmost 3.59 metres would be inset by 0.5 metres. The increased set back from the front of the present proposal has also resulted in the removal of the covered ground floor void at the front of the side extension, as well as a decrease in the height to the proposed extensions.

The proposed development would see the creation of an enlarged kitchen and W.C downstairs, together with a fourth bedroom and a second bathroom on the first floor. The existing decking would be narrowed as a result of the extension with the steps leading down to the rear garden moved to the rear of the retained section. The extension would also block access to the detached garage, which is shown to be converted to a store.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council. They have raised concerns that the extension's scale and bulk makes it insufficiently subordinate to the main dwelling, thereby having an adverse impact on the conservation area. They also question whether sufficient off-street parking would be provided.

Planning History

4/01395/13/FHA: Two storey side and rear extensions - Refused 18/09/13 for the following two reasons:

- The proposed extension by virtue of its excessive depth would appear as an overly bulky and unsympathetic addition to the original property. This harm would be accentuated by the prominence of public views to the proposed side elevation and the contrived nature of the first floor oversail to the front of the proposed side extension, which would result in significant harm to the character of the street scene and the Berkhamsted conservation area. Therefore it is considered that the proposed application fails to comply with Policies 11(a and d), 12 (f) and 27 of the Dacorum Pre-Submission Core Strategy (October 2011) as amended by Main Modifications (Inspector's Report July 2013) and Minor Modifications (January 2013); Policy 11 (a and c) and 120 (c and d) of the Dacorum Borough Local Plan 1991-2011, as well as Section 3, paragraph 6.2.5 of Supplementary Planning Guidance 'Area Based Policies'.
- The proposed development would see the creation of a four-bedroom property served by one parking space in an area characterised by on-street parking and congestion. The proposed development would not provide sufficient on-site parking, resulting in undue pressure to on-street parking in the locality. The application therefore fails to comply with Policy CS12 of the Dacorum Pre-Submission Core Strategy (October 2011) as amended by Main Modifications (Inspector's Report July 2013) and Minor Modifications (January 2013), and Policies 11(h), 58 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011.

Policies

National Policy Guidance

NPPF
Circular 11/95

Dacorum Borough Core Strategy

Policies NP1, CS4, CS11, CS12, CS27 and CS29

Dacorum Borough Local Plan

Policies 13, 58 and 120
Appendices 5 and 7

Supplementary Planning Guidance

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

Representations

Berkhamsted Town Council

The amended application does not overcome the reasons for refusing the previous application which concerned the scale and bulk of the proposed extension and the adequacy of off-road parking provision.

The side extension is highly visible from Shrublands Road. The amended scheme is over-dominant and insufficiently subordinate to the main dwelling: it creates an unbalanced frontage when viewed from the road. As such, the amended scheme neither preserves or enhances the Conservation Area.

Contrary to Saved Local Plan Policy 120, CS Policies 11 and 12 and NPPF paragraph 58.

The extension reduces the available car parking provision for what would be a four-bedroom house in an area where the adequacy of parking provision and on-street parking is an acute problem. We request that evidence be provided to substantiate that the side extension is set back sufficiently to accommodate the off-street parking space for two cars.

Conservation and Design

A previous application for a two-storey side / rear extension that wrapped around the property was refused, the scheme has now been amended to try and address the concerns raised.

Shrublands Avenue is within the Berkhamsted Conservation Area; the character of the road is mainly derived from the ranks of terraced housing stepping down the hill. At the bottom of the hill there are detached, later houses which do not fit so well within the street scene and a pair of semi-detached houses (7 and 9 Shrublands Avenue). This pair of inter-wars semi-detached houses with hipped roof are of no great architectural merit, but have retained their original built form.

The side elevation of no. 7 is visible within the street scene due to the fairly wide gap to the side, therefore any side / rear extension (particularly 2 storey) will be easily visible.

The extension is now broken up slightly, with a two-storey side extension and a two-storey rear extension which is set in by 550mm from the side elevation. The extensions are both hipped and the roofs set down from the main roof level which helps make them subservient. Despite this the relationship between the house and its proposed two-storey rear / side extension still looks awkward as the extensions are large.

I would like to see the rear extension further reduced (at first floor level) and set in further so it sits behind the existing house – this may require a slight reduction of window size to the rear bedroom. Could this amendment be considered?

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

None received.

Considerations

Policy and Principle

The site is located within the town / residential area of Berkhamsted where there is no objection to appropriate residential development in accordance with Policy CS4 of the Core Strategy.

Policy CS11 of the Core Strategy seeks development that is in keeping with the area (by, for example, respecting the typical density intended in an area, enhancing spaces between buildings and general character, preserve attractive streetscapes and avoiding large areas dominated by car parking). It is also important for development (in accordance with Policy CS12 of the Core Strategy) for development to provide sufficient parking (also relevant in DBLP Saved Policy 58 and Appendix 5), avoid significantly harming neighbouring residential amenities, retain important trees, integrate with the streetscape character and respect adjoining properties).

The site is also located within the Berkhamsted conservation area, where Policy CS27 states that all development will favour the conservation of heritage assets, and that development will positively conserve and enhance the appearance and character of conservation areas. Saved Policy 120 is also relevant and states that development should respect established building lines, layouts and patterns; use traditional to the area materials and design details; be of a scale and proportion which is sympathetic to the character of the surrounding area, and be complementary to the appearance of the original property.

Effects on appearance of building

There would be no adverse effects.

The previous application was refused, in part, due to the harm caused to the original property. This was due to the overall bulk and scale of the development creating an unattractive bulk and massing running along the side of the existing property, as well as the contrived first floor oversail (supported by a brick pillar) detail.

In response to these concerns the applicant has reduced the depth, width and height of the proposals. In particular, the side extension has been reduced in depth by 1.45 metres, taking it a considerable further distance from the front elevation of the property and resulting in the complete removal of the unfortunate oversail feature. In addition the applicant has added a vital separation between the side and rear extensions, by introducing a 0.5 metre wide stagger along the side elevation. These changes have also resulted in a roof form that is further set down from the main ridge. In combination the bulk, scale and massing of the development, together with its considerable set back from the front elevation, is now considered to be clearly subservient to the original house.

In addition the use of matching bricks and plain tiles would help the extension to assimilate with the original building.

For these reasons it is considered that the previous reasons for refusal have been overcome and the scheme is now acceptable from this perspective.

Impact on Street Scene / Conservation Area

There would be no significant effects.

This is the principal concern relating to this application and it is noted that both the Conservation Officer and Berkhamsted Town Council have objected to the proposals on these grounds.

The Conservation Officer states that the size of the extensions is problematic and that the rear extension should be set wholly behind the rear elevation. In response to this it is noted that the Conservation Officer raised no objections to the proposals during pre-application discussions between the two applications. Furthermore, the applicant has separated the side and rear extensions by virtue of the 0.5 metre inset to the rear extension. This stagger creates sufficient relief along the side elevation and, in combination with the 1.45 metre reduction to the depth and the lower ridge line, has created an extension that no longer appears overly bulky in relation to the original house. Certainly, it is considered that a further set in of the rear extension (so that it would be wholly behind the original house) would not affect the prominence of the scheme in any significant way.

In terms of the Town Council comments it is noted that an objection has now been raised, even though no objection was raised to the previous scheme, which was considerably larger than the application presently submitted. The Town Council repeats concerns over the scale and dominance of the extensions and these have been responded to in earlier paragraphs. In addition they argue that the proposed extensions would create an unbalanced when viewed from the road. However, from this perspective the side extension would be set back nearly four metres from the front building line and would also be considerably lower than the main ridge. As such the side extension would be both subservient to the original house and the semi-detached pair as a whole.

The proposed side extension would be set back 9 metres from the road and as such it would not be possible to view it when travelling north down Shrublands Avenue. When travelling up Shrublands Avenue No.7's side elevation is relatively exposed due to the access track to Mole End on the northern side of the site. However, views of the site are restricted by No.1 Shrublands Avenue. The screening effect of this property has been increased by the granting of planning permission for a two-storey side extension at No.1 Shrublands Avenue (4/00887/11/FHA). The views of the site are also restricted by the tall conifers that run along the northern side of this access road. Overall, the northern side of the applicant's property is only clearly visible for a very short section of the street scene. Even then, views would be of an extension set back considerably, and set down, from the main house, using materials to match existing and of a pleasant design.

As such it is not considered that the proposed scheme would dominate views of the street or the wider conservation area. Therefore, the scheme would positively conserve the appearance and character of the conservation area.

In addition to the above it is noted that the Conservation Officer states that the dwelling is of no great architectural merit. This is highlighted by the fact development to surrounding houses up Shrublands Avenue and along Shrublands Road have been restricted through the serving of an Article 4 Notice, while this semi-detached pair are not so affected. This demonstrates that the application site is less sensitive than the surrounding housing stock.

Impact on Neighbours

There would be no adverse effects.

The previous application was not refused on the grounds of loss of residential amenity, while

no objections have been received on this matter. Bearing in mind the present proposals would be smaller than the previous scheme, the conclusions reached then would be applicable equally in the present case.

In more detail, the proposed extension, although two-storey in height and nearly 4 metres deep, would not affect the residential amenities of the attached neighbour, No.9 Shrublands Avenue. This is because the proposed extension would be constructed on the far side of the site in relation to the neighbour, thereby ensuring that a 45 degree line drawn from the neighbour's nearest habitable window would not be interrupted by the extension. Overall, the extension would be set 3.7 metres away from the side of this window, a sufficient distance to ensure that the extension would not be overbearing on the attached neighbour. Finally, the site is north of the attached neighbour, which means that any shadowing caused by the proposals would fall in the opposite direction to No.9.

It is considered that other surrounding properties would equally suffer no loss of residential amenity because of the proposals. Mole End (to the rear of the site), No.1 (to the north) and Nos.4 and 6 (opposite the site on the other side of Shrublands Avenue) would be separated from the development by the site's 22m long rear garden, the access road to Mole End, and Shrublands Avenue respectively.

Parking

The previous application was refused, in part, due to the fact that the proposed extensions would have resulted in a three-bed property becoming a four-bed property, yet off-street parking was to be reduced to one space due to the loss of the use of the garage (access to it was blocked by the side extension) and the side extension itself reducing availability along the driveway.

As part of this application the side extension has been set further back from the front of the property and the Agent has demonstrated that this would allow two off-street parking spaces, measuring 2.4 metres by 4.8 metres. (The garage would remain inaccessible). As such it is now proposed to create a four-bed dwelling served by two off-street parking spaces. Appendix 5 of the DBLP states that four-bed dwellings in this location should provide 3 spaces.

It is not considered that the one parking space shortfall would be sufficient to warrant refusal on insufficient parking grounds for several reasons. Firstly, the property would gain a third parking space if they parked in front of their cross over. Secondly, the off-street parking requirement for three-bed properties in this location is 2.25 spaces (in effect 3 spaces for a single dwelling). As such the provision of a fourth bedroom does not alter the parking need of a site. Thirdly, the applicant has said that they are prepared, if needs be, to create a third parking space within the front garden. It is considered that this would have a negative impact on the appearance of the area and would create a site frontage dominated by parking. Nevertheless it does demonstrate that a third off-street parking space is possible.

Sustainability

The applicant's Agent has provided details of the sustainability performance of the proposed extensions. For example, the external envelope of the extensions would be far superior to that of the existing structure, a new 91% efficient boiler will be installed as part of the project. taps will have flow rate restrictors, and construction waste will be recycled and reduced wherever possible (dug earth reused on other sites, demolished materials to be used as hardcore within the new construction, existing roof tiles re-used where possible).

It is considered that the implementation of the proposed measures would ensure compliance with Policy CS29 of the Core Strategy and therefore it is recommended that a condition be added to that effect.

Conclusions

The proposed scheme has overcome the previous reasons for refusal. The bulk, scale and massing of the development has been considerably reduced, resulting in a proposal that is subservient to the original dwelling, acceptable within the street scene and Conservation Area contexts, and which provides sufficient off-street parking.

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

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Borough Core Strategy (September 2013) and Policy 120 of the Dacorum Borough Local Plan 1991-2011.

- 3 **The development hereby permitted shall be carried out in full compliance with the 'Policy CS29 Checklist 7 Shrublands Avenue, Berkhamsted'. 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 CS29 of the Core Strategy (September 2013).

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

Wren naj 54 2013

Wren naj 54b 2013

Policy CS29 Checklist: 7 Shrublands Avenue, Berkhamsted

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

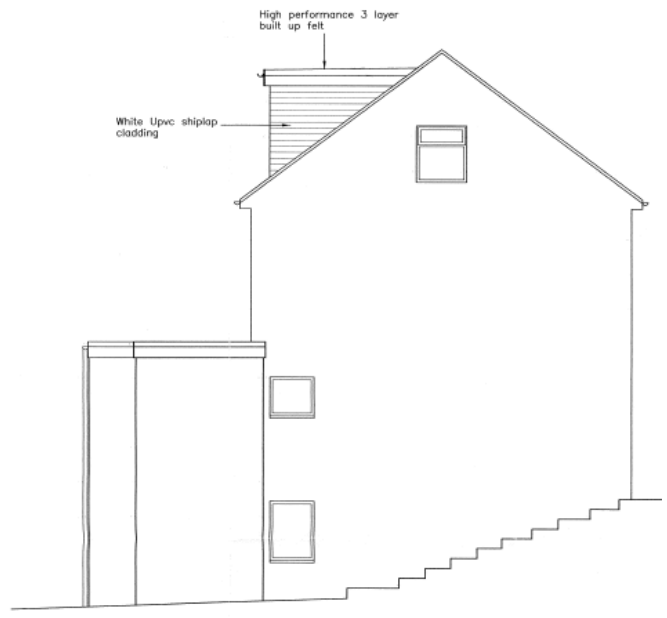
Item 5.4
4/02000/13/FHA - REAR DORMER WINDOW
122 WESTERN ROAD, TRING, HP23 4BJ



Item 5.4
4/02000/13/FHA - REAR DORMER WINDOW
122 WESTERN ROAD, TRING, HP23 4BJ



REAR ELEVATION
(1:50)



SIDE ELEVATION
(1:50)

**5.4 4/02000/13/FHA - REAR DORMER WINDOW
122 WESTERN ROAD, TRING, HP23 4BJ
APPLICANT: MR R ELLERTON**

[Case Officer - Sally Styles]

[Grid Ref - **SP 91710 11011**]

Summary

The application is recommended for refusal.

The application site is located within the residential area of Tring where residential extensions are acceptable in principle. However, the scale, design and materials of the proposed dormer would have a significant adverse impact on the existing building, the streetscene and the Tring Conservation Area. The proposal is therefore contrary to policies CS11, CS12, CS27 of the Dacorum Core Strategy (September 2013) and to saved policy 120 and Appendix 7 of the Dacorum Borough Local Plan 1991-2011. The proposal does not include details of sustainable design and construction and therefore fails to demonstrate compliance with policy CS29 of the Dacorum Core Strategy (September 2013).

Site Description

The application site is a part two storey part three storey semi-detached dwelling located within the Tring Conservation Area, of late Victorian era. To the front the house has two storeys, but to the rear, due to the level change in the land, the building has a lower ground floor and is consequently a three storey building. Access to the front door of the property is taken from Western Road. The property also benefits from a side access with a number of steps down into the rear garden. The property has an unsightly two storey rear extension with a flat roof at lower ground and ground level. This was permitted in 1974.

Proposal

It is proposed to insert a flat roof rear dormer into the rear roof scape which would measure 2.4m in width and 2.1m in height. It would have a window with two vertical panes of unequal width and would be clad with white UPVC shiplap and have a felt roof. The dormer would allow additional head room to the room in the roof.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Tring Town Council who is supporting the application (although has not specified reasons).

Planning History

0979/74 - First floor addition.

Policies

National Policy Guidance

NPPF

Dacorum Core Strategy (September 2013)

NP1, CS4, CS11, CS12, CS27, CS29

Dacorum Borough Local Plan 1991-2011(saved policies):

13, 58, 120
Appendix 7

Representations

Tring Town Council

Support

Conservation and Design

Number 122 Western Road Tring forms part of a pair of houses, late Victorian villas, though may have been a single building at some point. It is located in Tring Conservation Area.

The scheme seeks to add a dormer to the rear roofscape.

The Planning (Listed Building & Conservation Areas) Act 1990 requires special regard to the desirability of preserving the setting of a listed building and also special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

I main issue is whether the development preserves or enhances the character or appearance of the conservation area.

The area is characterised by similar developments though there are more modern developments to the rear of this site. Dormers are apparent within the area, but these should not undermine the overall quality and character of the building. A modest dormer, sympathetically designed, well-proportioned and positioned and well contained within the roof slope, that preserves the overall scale and form of the principle building and that would accord with the overall design of the dwellinghouse is likely to be assimilated within the property. Of course, traditional materials that correspond with the age of the development would also represent an important factor.

The proposed dormer in my opinion disrupts the original character of the building. The large areas of modern UPVC cladding result in the structure having a heavy, bulkier, dominant appearance making it an incongruous addition to the roof. It would also not only be visible from the street, but also from the surrounding properties. The development would therefore harm the character and appearance of the house and the conservation area.

Whilst a dormer may be achievable the scale of the proposal is considered unacceptable and fails to preserve the historic character of the principle building or to enhance the character Conservation Area and its setting.

It is therefore my opinion that the proposed dormer and materials are unacceptable and completely at odds with what would be sought in a conservation area. I strongly recommend that this application is refused.

Response to Neighbour Notification / Site Notice

None

Considerations

Policy and Principle

The principle of extending an existing residential property within Tring is acceptable in accordance with Policy CS4 of the Dacorum Core Strategy (September 2013).

Policies CS11, CS12 of the Core Strategy and Saved Appendix 7 of the Dacorum Borough Local Plan are also relevant as they set out the general and specific guidelines relating to design. In particular CS11 (b) seeks to preserve attractive streetscapes and CS12 refers to the quality of site design. Saved Appendix 7 includes specific requirements for dormer windows. It states that dormer windows:

- Should not extend above the ridgeline of the existing roof, but should be brought as far as possible below the ridge;
 1. Margins should be set in a minimum of 1m from the flank walls and set in from the main wall; and
 2. Should be clad in materials similar in appearance to the main roof.

Given the conservation area location, Policy CS27 of the Core Strategy is relevant, and this states that development should positively conserve or enhance the appearance and character of conservation areas. Saved Policy 120 of the Local Plan is also relevant and this requires that any development preserves or enhances the established character and appearance of the Conservation Area by:

- a. Respecting established building lines;
- b. Using materials and design details traditional to the area;
- c. Being of a scale and proportion sympathetic to the scale, form, height and overall character of the surrounding area;
 - Being complementary and sympathetic to the established character of the building to be altered or extended; and
 - Conforming with any design guides for conservation areas.

Saved Appendix 7.3 states that special requirements for sites in conservation areas and this need for special treatment is further established by Section 7 of the saved Environmental Guidelines that forms saved supplementary guidance to the Dacorum Borough Local Plan.

Impact on the appearance of building

The proposed dormer window will have significant adverse effects on the appearance of the building. The dwelling, together with that which it adjoins, has an unbroken roofscape to the rear. The scale, form and location of the dormer window will present a significant visual interruption to this unbroken roofscape. The proposal would break the historic roofscape with an addition that is not in keeping with the existing building, or its neighbour in terms of scale and proportions. The dormer would be wider than the opening below it and would therefore be dis-proportionate to the pattern of openings in the rear elevation of the building. The proposed white UPVC shiplap cladding is not a traditional material and does not match the materials used on other elevations of the dwelling and would be unsightly.

The proposal is contrary with Section A7.2(vi) of the saved Appendix 7, parts b and c as the dormer is set only 0.4m from the flank wall of the property and is not clad in similar materials. It is also inconsistent with Policy CS27 of the Core Strategy and saved Policy 120 of the Local Plan (parts b, c and d in particular) as it fails to be complementary and sympathetic to the established character of the parent building and fails to use materials which are traditional to the area.

Discussions have been held with the applicant and his agent regarding alternative proposals (such as a narrower dormer set in from the flank) or an extension over the flat roof part of the dwelling. However, these do not apparently meet the space and budget requirements of the applicants. It is noted that the existing rear extension is unsightly, but this is at a lower level and does not justify further inappropriate additions to the building.

Impact on Street Scene Conservation Area

The proposal would be visible from other neighbouring properties and garden areas in the immediate vicinity to the rear and side of the site. Given the position of the dormer close to the main ridge of the dwelling and only 0.4m from the flank wall of the dwelling, it would also be visible in views from the west looking along Western Road. Given the scale of the dormer, overall appearance and use of white UPVC cladding this is considered harmful to the streetscene and the Tring Conservation area. The proposal is therefore contrary to CS27 in that it does not positively conserve and enhance the conservation area. It would also be contrary to CS11 (b) and CS12 (f) and (g) and saved policy 120.

Impact on Neighbours

Increased overlooking would result from the proposed dormer to the properties to the rear of the dwelling. However, given the position of the windows on these properties, the distances involved and that the nearest property to the rear is offset from the application site, it is not considered that the level of increased overlooking would be harmful.

Sustainability

Since the adoption of the Core Strategy, policy CS29 needs to be addressed for all new development. This includes householder applications. The applicants agent has been sent a checklist in order to assist them. However this has not been completed and no other details have been provided setting out how this policy has been addressed. The application therefore fails to demonstrate compliance with policy CS29.

Parking

The proposal does not involve additional bedrooms and therefore does not generate a requirement for additional parking.

Conclusions

RECOMMENDATION – That planning permission be **REFUSED** for the reasons referred to above.

The application site is located within a designated Conservation Area. Within this area new development is expected to positively conserve and enhance the character of the area. By reason of its size, scale, design and proposed materials, the proposed dormer window would be an unsympathetic addition to the existing building. The proposal would therefore be detrimental to the appearance of the dwelling, the adjoining property, the streetscene and the overall character of the Conservation Area.

The proposal is therefore contrary to the aims of Policies CS11 (b), CS12 (f) (g) and CS27 of the Dacorum Core Strategy (September 2013). It would also be contrary to saved Policy 120 (b) (c) (d) and section A7.2(vi) of saved Appendix 7 of the Dacorum Borough Local Plan 1991-2011 and Section 7 of the saved

Environmental Guidelines Supplementary Planning Guidance.

Policy CS29 of the Dacorum Core Strategy (September 2013) seeks to ensure that, within the Borough, new development is carried out sustainably and meets a number of criteria set down. No information has been submitted to demonstrate compliance with Policy CS29, or to justify that the requirements are unviable or unfeasible. Accordingly, it is unclear if the full principles of sustainable development will be incorporated into the development. The proposal is therefore contrary to Policy CS29 of the Dacorum Core Strategy (September 2013).

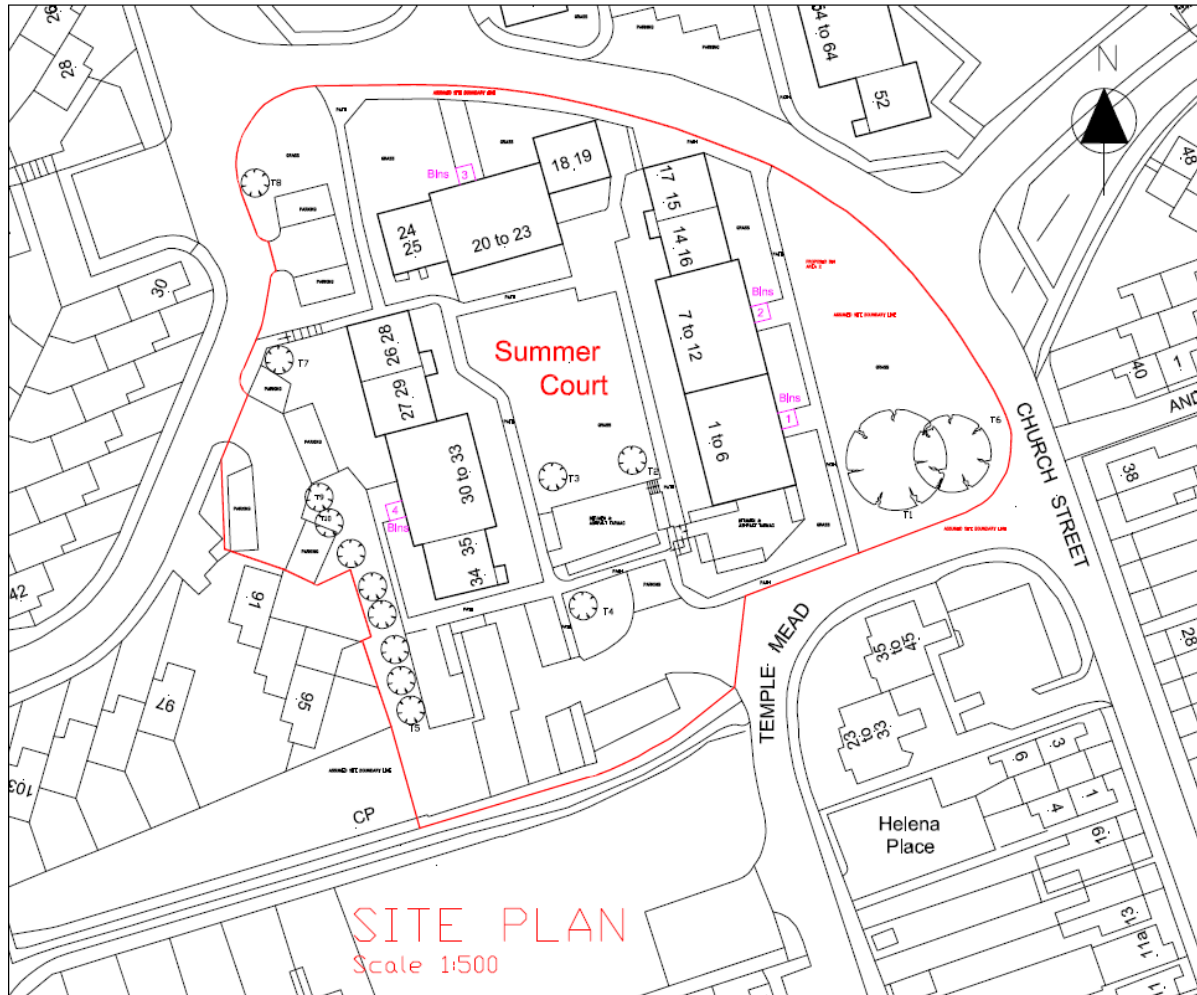
NOTE:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. 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

4/02006/13/FUL - REBURBISHMENT OF RESIDENTIAL DWELLING BLOCKS AND SURROUNDING AMENITY AREAS. ENERGY SAVING MEASURES INCLUDING EXTERNAL WALL INSULATION, DISTRICT BIOMASS HEATING, DOUBLE GLAZED WINDOWS, GRP COMPOSITE FRONT DOORS AND SOLAR PV PANELS. NEW BOILER HOUSE. RELOCATION OF BIN STORES. ADDITIONAL EXTERNAL LIGHTING.

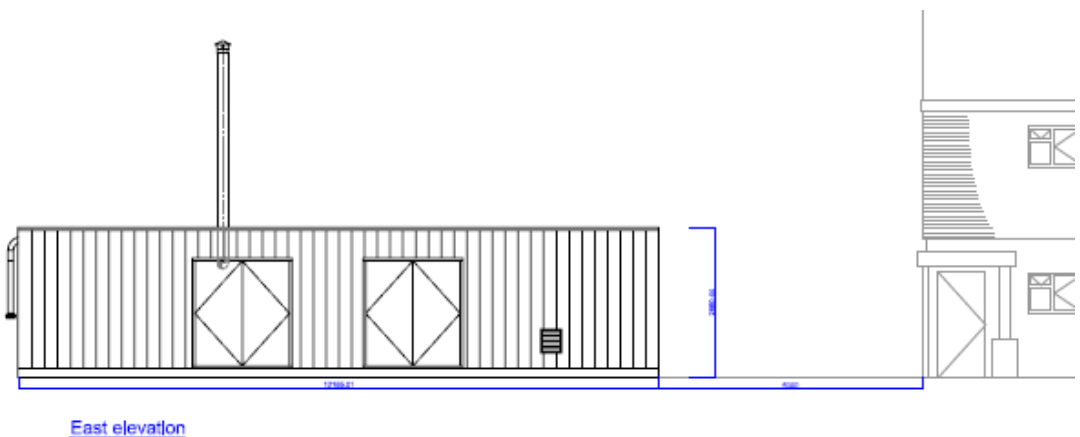
1-35 SUMMER COURT, HEMEL HEMPSTEAD, HP2 5SX



Item 5.5

4/02006/13/FUL - REBURBISHMENT OF RESIDENTIAL DWELLING BLOCKS AND SURROUNDING AMENITY AREAS. ENERGY SAVING MEASURES INCLUDING EXTERNAL WALL INSULATION, DISTRICT BIOMASS HEATING, DOUBLE GLAZED WINDOWS, GRP COMPOSITE FRONT DOORS AND SOLAR PV PANELS. NEW BOILER HOUSE. RELOCATION OF BIN STORES. ADDITIONAL EXTERNAL LIGHTING.

1-35 SUMMER COURT, HEMEL HEMPSTEAD, HP2 5SX



**5.5 4/02006/13/FUL - REBURBISHMENT OF RESIDENTIAL DWELLING BLOCKS AND SURROUNDING AMENITY AREAS. ENERGY SAVING MEASURES INCLUDING EXTERNAL WALL INSULATION, DISTRICT BIOMASS HEATING, DOUBLE GLAZED WINDOWS, GRP COMPOSITE FRONT DOORS AND SOLAR PV PANELS. NEW BOILER HOUSE. RELOCATION OF BIN STORES. ADDITIONAL EXTERNAL LIGHTING. 1-35 SUMMER COURT, HEMEL HEMPSTEAD, HP2 5SX
APPLICANT: DACORUM BOROUGH COUNCIL - MR R LANG**

[Case Officer - Richard Butler]

[Grid Ref - TL 05720 08168]

Summary

The application is recommended for approval.

Site Description

This site is located in the Highfield area of Hemel Hempstead. This is a residential street scene comprising 2/3 bedroom flats and maisonettes in low and medium rise buildings. These buildings are of Llewellyn Timber Framed construction with green hanging tiles on upper elevations. The scheme in question is made up of 34 flats and maisonettes that face on to a central amenity green. There are three shared drying areas that include individual shed stores.

The East Block is 3 storeys (Flats 1 to 6 and 7 to 12).

The North-East Block is 2 storeys (Flats 14 to 17).

The North Block is 2 storeys (Flats 18 to 19, 20 to 23 and 24 to 25).

The West Block is 2 storeys (Flats 26 to 29, 30 to 33 and 34 to 35).

Proposal

The application seeks permission for a number of items of works to the existing buildings and the surrounding areas with the intention of improving the performance of the fabric of the buildings, and providing other means of renewable energy sources for the buildings. The works are itemised as follows:

- External Wall Insulation
- Replacement of windows to double glazed white uPVC windows and frames.
- Composite GRP doors installed to all properties
- Fascias, soffits, downpipes and gutters to be renewed/replaced
- Internal communal emergency lighting
- Balustrades upgraded to Part P
- Internal FD30 doors replaced
- Biomass district heating system
- Solar Photovoltaic panels to roofs in five arrays of 8kW systems,
- Shed stores re-roofed, and brickwork remedial repairs and reinforced
- Replacement of the shed doors.
- Shed block containing sheds 1 – 3 to be re-built.
- Drying areas cleaned and resurfaced,
- Drain runs will be overhauled and unblocked and new washing lines will be erected.
- New green palisade fencing with a key code entry to sheds and drying areas
- New brick built bin
- Estate lighting

Some elements listed above are very minor in nature and may not constitute development, some are small scale and would most likely constitute permitted development, either under Part 12 of the Town and Country Planning General permitted development order, as being items carried out under the function of the Local Authority, or through other aspects of the same act, such as Part 40 Micro-generation.

Notwithstanding this, a planning application has been submitted, and therefore all aspects shall be considered under the relevant national and local planning policy and supplementary information.

Referral to Committee

The application is referred to the Development Control Committee due to the flats being partially under the ownership of Dacorum Borough Council.

Planning History

None

Policies

National Policy Guidance

National Planning Policy Framework

Local Policy

Dacorum Core Strategy – adopted 25th September 2013

CS11 – Quality of Neighbourhood Design
CS12 – Quality of Site Design
CS13 – Quality of Public Realm
CS26 – Green Infrastructure
CS28 – Carbon Emission Reductions
CS29 – Sustainable Design and Construction

Supplementary Planning Guidance

Energy Efficiency & Conservation

Representations

Ecology Advisor, Natural and Built Environment, Herts CC

1. It is not possible to incorporate opportunities for bats into the wall structures given that this would affect the thermal properties of the renovation works, which is partly what they are designed to improve. However bat use is in any event limited, and to compensate, external boxes have been proposed which would seem to be appropriate for species and numbers using the site.
2. Natural England appear to be satisfied with his approach in respect of licensing.
3. On this basis I consider that the proposals are sufficient to provide compensation for the impact on the existing roost which will be lost, and consequently the LPA can proceed with determination and apply the three Habitat regulation tests.

Considerations

Policy and Principle

The proposed works relate to a series of differing elements of upgrades and improvements to the residential flat blocks.

The changes have the ability to alter the appearance of the building and shall therefore be considered against the policy of the Core Strategy and national policy with regard to the impacts on the appearance and design of the buildings and the potential for impact to the character of the surrounding area, (CS12, Character area HCA20: Highfield of the Saved Area Based Policies).

These material changes are proposed with the intention of improving the efficiency of the energy performance of the building fabric, and also provide means for renewable energy sources on site, policies of the Core Strategy and national policy support measures to improve energy efficiency and reduce energy consumption and as such these proposals are supported in principle, (CS28, CS29 and Energy Efficiency & Conservation Supplementary Planning Guidance).

CS28 notes that carbon emission reductions will be sought in the generation and use of energy, building design and construction, and the use of transport as far as possible. Policy CS29 addresses design and construction and sets principles to be followed in new development. Of particular relevance are the following sub-sections:

CS29

- (f) - Plan to minimise carbon dioxide emissions
- (g) - Maximise the energy efficiency performance of the building fabric, in accordance with the energy hierarchy set out in Figure 16;
- (i) - Minimise impacts on biodiversity and incorporate positive measures to support wildlife;
- (k) Incorporate permeable and lighter coloured surfaces within urban areas; and
- (l) Provide on-site recycling facilities for waste.

Specific Consideration of Elements of Works

External Wall Insulation

The existing buildings comprise un-insulated hanging tiles to the first and second floor elevations, with facing brickwork to the ground floor level. The hanging tiles will be removed and replaced with 90mm expanded polystyrene insulation sheets, which is then finished with a 10mm cream rendered finish to the first and second floors and acrylic brick slips on the ground floor. This will replicate an existing brick feature at ground floor level.

The existing hanging tiles are hard to maintain and are becoming a health and safety risk as they are beginning to fall off. The External Wall Insulation (EWI) will assist in reducing the demand for heating residents' homes. There is some evidence of thermal expansion at various points to all blocks and the risk of this will be substantially reduced following the installation of EWI.

These works shall accord with CS28 and CS29 (f), (g) and (k).

The visual impact of the works shall significantly change the appearance of the groups of buildings. The existing green tile hanging is a prominent feature of the existing buildings and also the wider appearance of the general area. HCA20: Highfield of the Area based policies references the distinctive elevational treatment:

“The 1970s development at and around Townsend is characterised by extensive green tile-hanging and monopitched roofs.”

Consideration was given to the replication of this feature, however, with the materials required to achieve the energy efficiencies, a similar material finish was not possible. Replicating the green finish, resulted in a poor appearance to the buildings which was not suitable for the area, the opportunity to provide a fresh, clean and modern appearance to the block of buildings is considered relevant and a more suitable proposal. The current state of the buildings, where maintenance appears to have been lacking shows a tired building, and is detrimental to the wider area; the proposed cladding to the external faces shall provide a visual improvement.

Therefore the external cladding is considered to meet the requirements of CS12, through respecting, integrating and improving the street scape character.

Other External Changes

All windows, where necessary, will be upgraded to double glazed white uPVC windows and frames and the fascias, soffits, downpipes and gutters will also be renewed/ replaced as part of these works. Composite GRP doors to be installed to all properties and together these elements will eliminate draughts and increase thermal performance.

These changes shall have a very limited impact on the appearance of the building and are considered appropriate with regards to CS12 and CS29.

The Internal communal emergency lighting and changes to balustrades are not development as they shall not cause a material change to the appearance of the building.

Solar Photovoltaic panels

These will be erected on to roofs in five arrays of 8kW systems, the electricity generated from these arrays will be fed back into the landlords supply.

The roof slopes have shallow pitches, resulting in the solar panels sitting well on the roof form, having limited visual impact from nearby viewpoints.

These features shall not have a detrimental impact on the character or appearance of the area.

They enable an opportunity to provide a renewable energy source to the buildings and are supported by parts (f) and (g) of CS29.

Biomass district heating system

This will take the form of a pre-fabricated containerised plant room housing a biomass boiler; gas back up boilers and a wood pellet fuel store. The plant room is to be situated at the south western corner of the site, adjacent a parking and drying area; the building is 12.1m in length, and approximately 2.42m in depth, with a height of 2.8m. A flue shall project from the roof of the plant room to a height of 6.4m.

This form of heating would use sustainable wood pellets and provide a clean, energy efficient form of heating to all properties. A suitable position has been identified as a location for the new boiler house, which will be timber clad. This is adjacent to an unused drying area on some overgrown/derelict land that belongs to Dacorum Borough Council.

All pipework to the properties will run underground and each dwelling will have its own meter, thermostat and heat exchanger so the residents can control their demand. This form of fuel, as well as being sustainable, also provides a viable alternative to gas.

The provision of such a facility is supported by CS28 and CS29 of the Core Strategy.

The proposed housing plant room building is positioned in a position which does not cause a loss of light or other form of detriment to neighbouring residential amenity. The nearest residential unit is to the north east; the flue of the boiler plant is positioned to the rear of the building at the southern end, wherein the distance to the nearest residential unit is at the greatest point; approximately 16m. Further information is to be ascertained with regards to the performance of the plant and the expected emissions from the flue and how this sits against national standards.

The location of the plant building also lends itself well to the required servicing, being located adjacent to the existing hard surfacing area.

Other ancillary changes / works

The shed stores which are placed at locations surrounding the flat blocks will be re-roofed, and brickwork remedial repairs and reinforcing will take place, together with replacement of the shed doors. The shed block containing sheds 1 – 3 is particularly unsafe and will need to be re-built. This will be done in like for like brickwork and moved away from the main residential block.

These works are very minor and shall be an improvement to the appearance of the area; the proposals accord with CS12.

The drying areas will be cleaned and resurfaced, drain runs will be overhauled and unblocked and new washing lines will be erected. These works do not constitute development.

The sheds and drying areas will receive new green palisade fencing with a key code lock providing residents with extra security. The fencing is restricted to suitable areas and is not to be detrimental to the appearance of the area; these works would most likely fall within part 12 of the permitted development order and therefore do not require formal planning permission.

New brick built bin stores are designed to accommodate wheelie bins for all residents and will be located a safe distance from dwellings. These minor structures would also fall within Part 12 of Permitted Development; the positioning is suitable with regards to refuse collection standards and fire safety measures. The facility increases opportunities for recycling and are therefore in accordance with CS29 (i).

Estate lighting will be improved and enhanced to provide additional security for residents; again these works would constitute permitted development under Part 12. The proposals are small scale and would not significantly alter the character of the area, but shall improve safety and security for residents.

Other Matters

With regards to Ecology matters, the existing tile hanging, due to areas where tiles have loosened or fallen from the building, provides passing roosting/foraging positions for bats. As bats are a protected species, consideration needs to be given to their habitat. The Ecology officer has agreed the mitigation measures are suitable. The removing of the tiles from the building shall be supervised by a certified consultant, therefore should bats be encountered during works taking place the consultant can advise accordingly. A license shall need to be obtained from Natural England before works can commence. The Ecology officer has confirmed that the provision of bat boxes within the area shall suitably compensate for the loss of habitat once the external faces of the building are changed.

Conclusions

The proposed works, individually and cumulatively are considered appropriate; the improvements offer positive opportunities for improved energy efficient and also for sources for renewable energy. The alterations to the building appearance, whilst removing a distinctive element from the appearance of the buildings is considered to be an improvement which on balance, along with the energy efficiency improvements outweigh the loss to the existing distinct elevational treatment of the buildings.

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

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

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

- 2 The development hereby permitted shall be constructed in accordance with the materials as submitted in samples and as specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority. These materials are as follows:**

External Cladding:

Ground Floor: Acrylic brick slip panels - manufactured by alseco - product 2643/1

Upper Floors: Cream render finish

Reason: To ensure a satisfactory appearance to the development in accordance with CS12 of the Adopted Core Strategy.

- 3 No development of the biomass plant building shall take place until details of the materials to be used in the construction of the external surfaces 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 in accordance with CS12 of the Adopted Core Strategy.

- 4 The development hereby approved shall be carried out in accordance with the details as set out in the Bat Licence Method Statement Document 1 (CSA Environment Planning, October 2013) and the Bat Mitigation Statement (CSA Environment Planning, 21st November 2013).**

Reason: In the interest of the suitable consideration of the habitats of protected species, in accordance with Policy CS 26 of the Adopted Core Strategy.

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

KTS/ -3 - Proposed Bin Areas 1, 2, 3 and 4 - Proposed Site Plan

KTS/ -4 - Proposed Bin Areas 1, and 2 - Proposed Site Plan

KTS/ -4 -Rev A Renewal of Bike Stores - Proposed Site Plan

KTS/ -5 Proposed Bin Areas 3 - Proposed Site Plan

KTS/ -6 - Proposed Bin Area 4 - Proposed Site Plan

KTS/ -6 Renewal of Bike Stores - Proposed End Elevation
KTS/ -7 - Proposed Bin Areas and 2 - Proposed Elevations and Plan
KTS/ -8 Renewal of Bike Stores - Proposed Front Elevations
KTS/ -8 - Proposed Bin Areas 3 and 4 - Proposed Elevation and Plan
KTS/ -9 Proposed External Lighting Site Plan
KTS/ -10 Renewal of Bike Stores - Proposed Elevations
KTS/ - 10 Proposed External Lighting Site Plan
KTS/ -11 Renewal of Bike Stores - Existing and Proposed Elevation
KTS/ - 13 Renewal of Bike Stores - Proposed Elevations
H-4-23718_10_0001 Revision S01
H-4-23718_02_0001 Revision S01

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

INFORMATIVE:

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

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;
Recklessly disturb bats;
Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

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

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

Contacts:

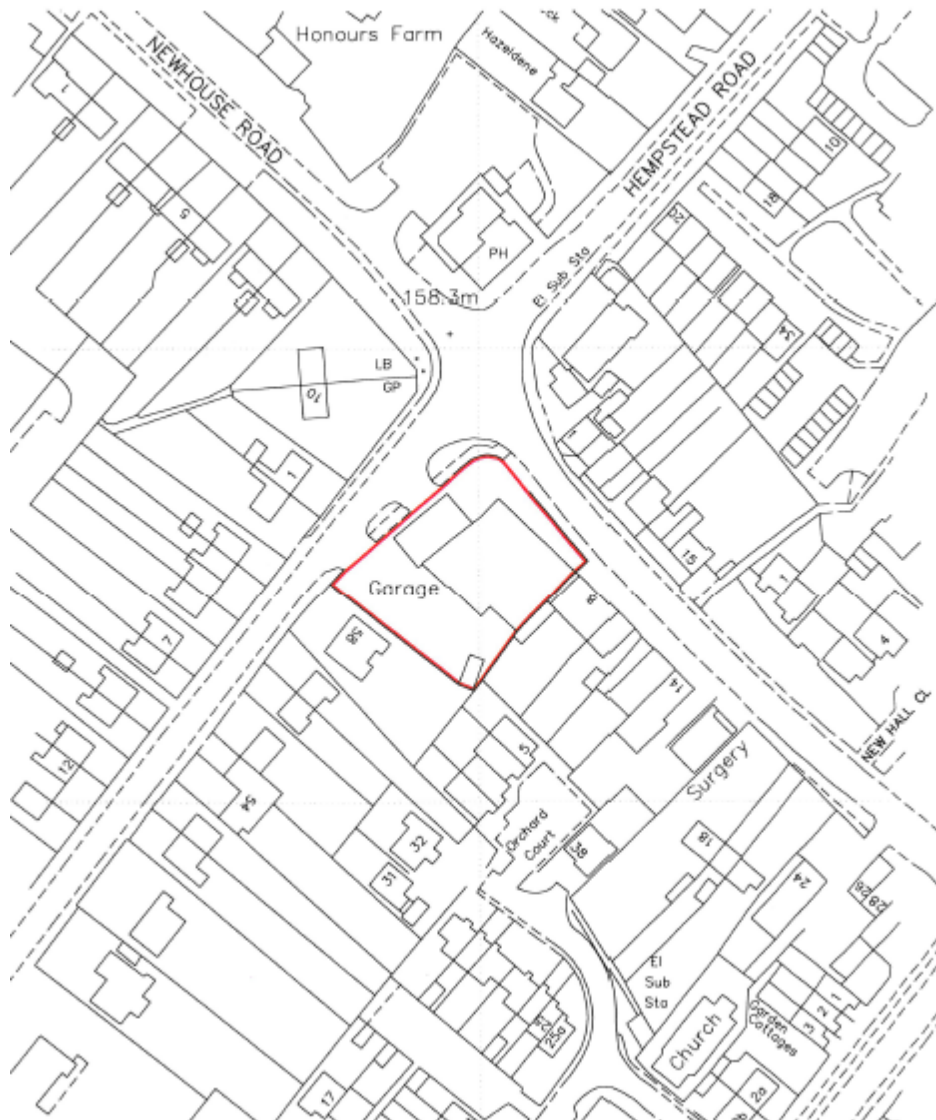
English Nature	01206 796666
UK Bat Helpline	0845 1300 228 (www.bats.org.uk)
Herts & Middlesex Bat Group	01992 581442

NOTE 1: Article 31 Statement

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

Item 5.6

4/02077/12/VOT - DEMOLITION OF CAR SHOWROOM AND GARAGE BUILDINGS, REDEVELOPMENT TO PROVIDE A MIXED USE DEVELOPMENT INCLUDING A LOCAL CONVENIENCE STORE AND EIGHT FLATS WITH ASSOCIATED PARKING PROVISION, AMENITY SPACE AND OFF-SITE ROADWORKS. VARIATION OF TIME LIMIT TO PLANNING APPLICATION 4/00595/09/FUL ALLOWED ON APPEAL APP/A1910/A/09/2108616 BOVINGDON SERVICE STATION, CHESHAM ROAD, BOVINGDON, HEMEL HEMPSTEAD



Item 5.6

4/02077/12/VOT - DEMOLITION OF CAR SHOWROOM AND GARAGE BUILDINGS, REDEVELOPMENT TO PROVIDE A MIXED USE DEVELOPMENT INCLUDING A LOCAL CONVENIENCE STORE AND EIGHT FLATS WITH ASSOCIATED PARKING PROVISION, AMENITY SPACE AND OFF-SITE ROADWORKS. VARIATION OF TIME LIMIT TO PLANNING APPLICATION 4/00595/09/FUL ALLOWED ON APPEAL APP/A1910/A/09/2108616 BOVINGDON SERVICE STATION, CHESHAM ROAD, BOVINGDON, HEMEL HEMPSTEAD



NORTH ELEVATION: HIGH STREET



WEST ELEVATION: CHESHAM ROAD

5.6 4/02077/12/VOT - DEMOLITION OF CAR SHOWROOM AND GARAGE BUILDINGS, REDEVELOPMENT TO PROVIDE A MIXED USE DEVELOPMENT INCLUDING A LOCAL CONVENIENCE STORE AND EIGHT FLATS WITH ASSOCIATED PARKING PROVISION, AMENITY SPACE AND OFF-SITE ROADWORKS. VARIATION OF TIME LIMIT TO PLANNING APPLICATION 4/00595/09/FUL ALLOWED ON APPEAL APP/A1910/A/09/2108616 BOVINGDON SERVICE STATION, CHESHAM ROAD, BOVINGDON, HEMEL HEMPSTEAD APPLICANT: TESCO STORES LIMITED

[Case Officer - Yvonne Edwards]

[Grid Ref - TL 01297 03851]

Summary

This application is for a replacement planning permission subject to a new time limit. There are policy changes as the Core Strategy has now been adopted; the key one is the requirement for 35% of the dwellings to be affordable housing as the proposal would be for more than 5 dwellings (CS19 Affordable Housing). There is now also the Planning Obligations SPD which would affect this scheme and so a new s106 agreement would be required to reflect both the new application number, the requirement for an affordable housing contribution and to amend the obligations in line with current levels of contributions.

Therefore the application is recommended to be delegated with a view to approval subject to the completion of a required variation of the previous planning obligation under s.106 of the Town and Country Planning Act 1990.

Site Description

The application site is a square plot of land with a total area of approximately 1560sqm. It is located at the north-west end of the High Street, sited on a prominent corner shared with Chesham Road and Bovington High Street. The site is currently vacant but it previously accommodated the Central Jaguar Garage. The site consists of a large redundant showroom with a couple of small storage buildings and a car wash bay to the rear. Also, a large area of hardstanding exists with a flat roof canopy projecting off the main building.

Proposal

The application is for an extension of time for the implementation of planning permission 4/00595/09/FUL for the demolition of car showroom and garage buildings, redevelopment to provide a mixed use development including a local convenience store and eight flats with associated parking provision, amenity space and off-site roadworks. This was allowed on appeal APP/A1910/A/09/2108616.

The scheme proposed an L-shaped building to be located at the north east of the site with parking for customers and residents to the south west. The servicing of the store was proposed to be on the Chesham Road frontage but with the building being set back at this point to accommodate a lay-by for deliveries. This would require on-and off-site road works including alterations to the existing cross-overs and the relocation of the existing Pelican crossing. An existing cross-over on the High Street would be relocated. Separate cycle storage areas would also be provided to serve the convenience store and the flats.

The main entrance and frontage of the store would face the High Street. Access to the two storeys of residential accommodation would be by way of a central staircase core which is accessible from the High Street and the amenity area at the rear. The residential units would have balconies and access to a private garden.

The proposal is the same as previously allowed on appeal. The applicant has endeavoured to

discharge the conditions imposed by the Inspector but as none was able to be discharged all will be reimposed.

Referral to Committee

The application is referred to the Development Control Committee due to being before the Committee when it was refused and the requirement for a planning obligation.

Planning History

4/00407/11/DRC	DETAILS OF PHASE 1 REPORT (CONTAMINATION), PARKING AREAS, HIGHWAY WORKS, NOISE ASSESSMENT, EXTERNAL LIGHTING, PROGRAMME OF ARCHAEOLOGICAL WORK AND SERVICE MANAGEMENT PLAN AS REQUIRED BY CONDITIONS, 11, 12, 17, 18, AND 27 OF APPEAL DECISION APP/A1910/A/09/2108616 ON PLANNING DECISION 4/00595/09 (DEMOLITION OF CAR SHOWROOM AND GARAGE BUILDINGS, REDEVELOPMENT TO PROVIDE A MIXED USE DEVELOPMENT INCLUDING A LOCAL CONVENIENCE STORE AND EIGHT FLATS WITH ASSOCIATED PARKING PROVISION, AMENITY SPACE AND OFF-SITE ROADWORKS) Pending (to be withdrawn)
4/00595/09/FUL	DEMOLITION OF CAR SHOWROOM AND GARAGE BUILDINGS, REDEVELOPMENT TO PROVIDE A MIXED USE DEVELOPMENT INCLUDING A LOCAL CONVENIENCE STORE AND EIGHT FLATS WITH ASSOCIATED PARKING PROVISION, AMENITY SPACE AND OFF-SITE ROADWORKS Refused 16/06/2009
4/01950/05/FUL	DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF FOURTEEN FLATS AND ASSOCIATED PARKING Granted 16/12/2005

Policies

National Policy Guidance

NPPF
Circular 11/95

Core Strategy

NP1, CS1, CS4, CS8, CS9, CS10, CS11, CS12, CS13, CS16, CS17, CS18, CS19, CS27, CS29, CS32

Dacorum Borough Local Plan (saved policies and appendices)

Policies 10, 13, 21, 43, 51, 54, 57, 58, 59, 60, 61, 63, 99
Appendices 1, 3 & 5

Supplementary Planning Guidance

Water Conservation & Sustainable Drainage
Energy Efficiency & Conservation
Advice Note on Achieving Sustainable Development through Sustainability Statements
Accessibility Zones for the Application of Parking Standards
Planning Obligations
Affordable Housing

Representations

Bovingdon Parish Council

Object to the proposed Tesco development for the same reasons as before with the following additional points:

1. Under new Government legislation regarding the effect of competition will have on the locality, we are of the view that Tesco will take sufficient trade from the other village shops so as to cause a number of them to close. This will result in the centre of Bovingdon becoming derelict.
2. The previous argument regarding traffic around the top of the High Street has become even more compelling due to the traffic increase.

Note that Tesco has asked for a number of the requirements demanded by the Inspector to be set aside. The Parish Council are of the view that this should not be allowed.

Conservation and Design

This proposal was allowed at appeal there is little point me providing you with detailed comments on this VOT.

Contaminated Land Officer

I have no objection to the application to extend the time limit of this permission.

In respect of contamination issues relating to the proposed redevelopment, to date, the Environmental Health Division has received the following reports:

- Geo-Environmental Intrusive Investigation; Delta-Simons; Reference: 06-3421.02; June 2007.
- Additional Geotechnical and Environmental Assessment; Delta-Simons; Reference: 06-3421.03; October 2010.

The June 2007 report was submitted with the original planning application (4/00595/09/FUL). This report provided a satisfactory Phase I contamination assessment of the site. As the intrusive investigation undertaken was limited, further intrusive investigation works were recommended. As such, contamination conditions were recommended and attached to the appeal decision (as Conditions 8 and 9).

The October 2010 report details the findings of additional intrusive investigation work performed at the site. Section 9.3 of this report recommended that further investigation and remedial works were required.

As further investigation and remedial works are required, I recommend that Conditions 8 and 9 remain attached should this application be granted planning permission. As a satisfactory Phase I contamination assessment of the site has been received, I recommend that Condition 8 be amended to reflect this.

Housing Development Manager

The Affordable Housing SPD required affordable housing to be provided on site for applications that contain 5 or more dwellings outside of Hemel Hempstead. The applicant provided a sound viability case that demonstrated the provision of affordable housing at this site was not viable. Officers then proceeded to negotiate with the developer to obtain an off-site commuted payment in lieu of the affordable housing on site. The viability issues have constrained the level of off-site payments available, with the maximum the development can afford being £45k (£15k in lieu of each unit that should have been affordable).

The confidential commercial evidence put forward by the applicant is strong enough to justify the reduction in Affordable Housing provision on this site. This view is backed up by the RICS viability advice note, which has been accorded weight by the Planning Inspectorate. Given the evidence put forward, the Strategic Housing Team would strongly recommend that this application is not rejected based on the lack of provision of affordable housing.

Hertfordshire Highways

Highway Authority does not wish to restrict the grant of permission subject to the planning conditions as set by the planning inspector in decision ref APP/A1910/A/09/2108616 dated 21 January 2010.

The application is for the variation of time limit to planning application 4/00595/09/FUL allowed on appeal APP/A1910/A/09/2108616. The works so permitted consist of the demolition of the existing car showroom and garage buildings, redevelopment to provide a mixed use development including a local convenience store and eight flats with associated parking provision, amenity space and off-site roadworks.

The 16 pieces of information submitted with the application and made available to consultees consists of documents, reports and drawings submitted with the original application and a copy of the inspector's decision of 21 January 2010. Planning obligations are set out in a unilateral undertaking dated 26 November 2009 and are still appropriate.

My understanding is that no work has been undertaken in conjunction with this application either on site or off-site and that nothing material has changed in respect of the conditions and obligations attached to it or its impacts on the surrounding highway and transport services and infrastructure.

In the light of the foregoing I recommend that permission is renewed under the conditions set by the inspector.

HCC Planning Obligations Officer

Based on the information to date for the development comprising 4 x one bedroom, 3 x two bedroom and 1 x 3 bedroom (study counted as a bedroom) open market flats we would seek the following financial contributions and provision, as set out within HCC's Planning Obligations Toolkit.

Financial Contributions

Primary Education	£4,212
Secondary Education	£3,197
Youth	£92
Libraries	£859

Fire hydrant provision is also sought

Archaeology Officer

The site is situated within Area of Archaeological Significance No.48, as described in the Local Plan. This notes that the settlement of Bovingdon dates from the late medieval period or earlier. I believe that the position and details of the proposed development are such, that it should be regarded as likely to have an impact on significant heritage assets.

I recommend, therefore, that the following provisions be made, should you be minded to grant consent:

- The archaeological monitoring of all groundworks, including any ground reduction, new foundation trenches and service runs
- The archaeological investigation and recording of any remains encountered during this process, and a contingency for the preservation of any remains *in situ*, if warranted.
- The analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive, and if appropriate, a publication of these results.
- Such other provisions as may be necessary to protect the archaeological interest of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within National Planning Policy Framework (policies: 135, 141 etc.), and the guidance contained in the Historic Environment Planning Practice Guide.

In this case an appropriately worded condition on any planning consent relating to these reserved matters would be sufficient to provide for the level of investigation that this proposal warrants.

Hertfordshire Biological Records Centre

No comments to date.

Hertfordshire Fire and Rescue Service

No comments to date.

Environmental Health

No comments to date.

Licensing

No comments to date.

Crime Prevention Design Advisor

I have examined the Design and Access Statement and there is no mention of crime prevention even though the dwellings have been awarded 2 points under Man4 of the Code for Sustainable Homes. I have re-examined at the application and details are required on the locks for all doors and windows, the type of glazing, intruder alarms, CCTV provision, audio access controls, the means of delineating between public and private parking space, public and private areas, and details of secure cycle storage.

Thames Water

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

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

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

1 Chesham Road - Objects:

- The Parish Council voted unanimously against the development
- The site is an eyesore and is proof that Tesco have no personal interest in Bovington
- The proposal would make a ghost town of the village
- The amount of traffic, with cars forced to use the pavement

37 Chesham Road - Objects:

- Insufficient parking provision
- Deteriorated state of the mini-roundabouts

38 Chesham Road - Objects:

- The site is an eyesore
- Uncertainty for existing shops
- Further delays to repairs to road surface

58 Chesham Road - Objects:

- The site is an eyesore attracting litter from many sources which accumulates providing a home for vermin
- Parking provided would not be sufficient to meet the requirements of both staff and customers (the majority of customers will be drivers).
- The present application is unsatisfactory as it has not addressed issues of access and poor visibility.
- The impact of a supermarket on local shops in a village should be taken account of.
- In a village where the majority of shops sell food another food outlet can only provide competition and drive local shops out of business. Already some village shops struggle to survive.

5 Church Street - Objects:

- There has been ample time to open the store and no more should be allowed
- The site is a mess so a further period is unthinkable

21 Church Street - Objects:

- Site is an eyesore
- Housing would be a better use of the site

44 Green Lane -Objects:

- Maintain original objection

Little House, Bovingdon Green

- The design is unworkable in respect of access for delivery vehicles and in regard to the poor visibility on exiting for these vehicles and from the car park. In the intervening three years the Core Strategy has been completed and must now be taken into account
- The Government Directive regarding social housing should now be applied to this development
- If this extension could be limited to less than three years this would be good.

14 Dinmore, 17 Lysander Close, 92 Green Lane, 7 Green View Close, 5 Apple Cottages & No addresses supplied - Object :

- The site has been an eyesore since acquired by Tesco. There has been lots of black plastic sacks filled with rubbish which has taken months to get removed despite requests to the applicant from our Parish Council.
- It is essential that the conditions set out by the Planning Inspector are met in full as these are to safeguard Bovingdon residents.
- The Core Strategy, which has recently been completed, be implemented and applied to this application.
- The new government directive increasing social housing to 35 per cent of new projects be implemented.
- The present application is unworkable as it requires changes necessary for access and visibility.

Considerations

This measure to extend the time limits of planning permissions was introduced in 2009 and extended to cover those schemes approved up to 1 October 2010; this approval was allowed on appeal on 21 January 2010 and so can be extended. Extensions of time can no longer occur in this manner as the measure was not continued for those applications granted permission on or after the 1 October 2010; this application was submitted in November 2012 before it expired in January 2013 and is before the Committee only now as there have been protracted negotiations to secure contributions for affordable housing.

The change in legislation made it easier for developers and LPAs to keep planning permissions alive for longer during the economic downturn rather than submitting a full application. The procedure allowed applicants to apply to their LPA for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period within which to begin development.

LPAs were advised to take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension would by definition have been judged to be acceptable in principle at an earlier date.

In assessing these applications LPAs should, in making their decisions, focus their attention on

development plan policies and other material considerations which may have changed significantly since the original grant of permission.

Policy context

The starting point for consideration of the application is the Core Strategy and the saved policies of the Dacorum Borough Local Plan 1991-2011.

Since the previous approval, the key national policy changes relate to the replacement of National Planning Policy Statements with the NPPF. The thrust of this guidance remains largely the same as before with a positive approach to the delivery of identified sustainable housing sites.

At a local level the two key changes relate to the production of the Core Strategy which was adopted in September 2013 and the adoption of an SPD on Planning Obligations in 2011.

The Core Strategy follows the Local Plan in relation to the delivery of housing. However, Policy CS19 requires affordable homes to be provided on sites of 5 dwellings or larger on sites outside Hemel Hempstead. This would result in the provision of two affordable dwellings on this site and applicant was approached with a view to agreeing to this. It is considered there are no other significant changes in policy or direction to justify objection to the scheme.

Affordable Housing

The Housing Development Manager has negotiated an off-site commuted payment in lieu of the affordable housing on site. He considers that the confidential commercial evidence put forward by the applicant is strong enough to justify the reduction in Affordable Housing provision on this site; the site requires considerable remediation to enable redevelopment which has been taken into account in the viability case.

S106

There are numerous changes to be covered by a revised S106 planning obligation. These include inter alia:

- the provision of contributions towards affordable housing;
- revised calculations for contributions (in accordance with the County's Tool Kit and the Council's SPD on Planning Obligations) which have increased due to the requirement for school contributions.

Conditions

The conditions imposed in 2010 are deemed necessary, appropriate and will ensure the development is not adverse. As such they will be reimposed. Condition 8 will not be amended to reflect the comments of the Contaminated Land Officer (see above) at the request of the agents. Therefore the submission of the October 2010 report detailing the findings of additional intrusive investigation work performed at the site will be submitted with documents to discharge the conditions.

Conclusion

The proposals are identical to those previously approved. Council policies have changed since the original consent in 2010 with the adoption of the Core Strategy, but the thrust of the policies is still the same, with the exception of lower thresholds for the provision of affordable housing. The adopted Planning Obligations SPD has informed the levels of contributions. The development is acceptable in principle with the submission of a S106 agreement.

RECOMMENDATION

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

2. That the following Heads of Terms for the planning obligation be agreed:

Financial elements (assuming no affordable dwellings)

• Primary Education	£4 212
• Secondary Education	£3 197
• Youth	£92
• Child Play Space	£8 832
• Natural Green Space	£138
• Libraries	£859
• Monitoring and Admin	£7 526
• Travel Smart	£200
• Sustainable transport	£34 900
• Bus stops	£20 000
• Challenge Deposit	£3 000
• TRO Deposit	£5 000
• Affordable Housing	£45 000

3. And subject to 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 samples of the materials proposed to be used in the construction of the external surfaces of the development hereby permitted 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 in accordance with the NPPF.

3 **No development shall take place until full details of the windows and balconies to form part of the development hereby permitted have been submitted to and approved in writing by the local planning authority. These details shall include 1:20 elevations and details of the materials, finish, method of opening and fitting. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development in accordance with the NPPF.

4 **No development shall take place until a plan showing a section of the flat roof to form part of the development hereby permitted has been submitted to and approved in writing by the local planning authority. The details shall include**

1:20 elevations and details of materials and construction methods. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in accordance with the NPPF.

- 5 **No development shall take place until full details of plant, flues, vents and other equipment to be mounted on the roof of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The plan shall demonstrate that none of the plant, flues, vents and other equipment to be mounted on the roof shall be visible from any public vantage point. Development shall be carried out in accordance with the approved details and shall be thereafter retained.**

Reason: To ensure a satisfactory appearance to the development in accordance with the NPPF.

- 6 **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 and these works shall be carried out as approved. These details shall include:**

- **proposed finished levels or contours;**
- **means of enclosure;**
- **hard surfacing materials;**
- **a schedule of trees to be retained on the site and full details of measures for their protection during the construction of the development;**
- **screening for the rear of Flat 1;**
- **a drying area; and**
- **the residents' cycle store.**

All approved soft landscaping shall be carried out in the first planting season following completion of the development; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the adopted Core Strategy (September 2013).

- 7 **Measures for the protection of any retained tree shall be undertaken in accordance with the details required by condition 6) before any demolition or construction takes place or any equipment, machinery or materials are brought on to the site for those purposes. The protection measures shall be retained until all equipment, machinery or surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be undertaken, without the consent of the local planning authority.**

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with saved Policy 99 of the Dacorum Local Plan 1991 - 2011.

- 8 **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 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 CS32 of the adopted Core Strategy (September 2013).

INFORMATIVE:

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

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

- 9 **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 in accordance with Policy CS32 of the adopted Core Strategy (September 2013).

- 10 **All structures existing on the site at the date of this permission shall be demolished and the materials arising from the demolition shall be either re-used in the construction of the development hereby permitted or removed from the site before the first occupation of the development hereby permitted.**

Reason: For the avoidance of doubt in accordance with Policy CS12 of the adopted Core Strategy (September 2013).

- 11 **No development shall take place until full details of the parking areas for both residents and customers have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the buildings hereby permitted shall not be occupied or brought into use until the approved areas have been provided in accordance with details submitted to and approved in writing by the local planning authority, and those areas shall be retained thereafter and not be used for any purpose other than the parking of vehicles.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Policies CS12 and CS13 of the adopted Core Strategy (September 2013).

- 12 **No development shall take place until full details of the highway works associated with the development hereby permitted have been submitted to and approved in writing by the local planning authority. Details shall include the layout of the front servicing bay, the form of the access to the car park, the provision of cycle racks for customers and the provision of bollards and other structures on highway land. It shall also include details of the permanent stopping up and extinguishment of the existing vehicular access to the High Street and of the measures to reinstate the highway. Development shall be carried out in accordance with the approved details and shall be completed before the buildings hereby permitted are occupied or brought into use.**

Reason: To ensure the safety of pedestrians and adequate provision of cyclist and pedestrian facilities in accordance with Policy CS8 of the adopted Core Strategy (September 2013).

- 13 **No development shall take place until full details of the crime prevention measures to be incorporated into the development hereby permitted 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 the security of the development in accordance with Policies CS11 and CS12 of the adopted Core Strategy (September 2013).

- 14 **No development shall take place until full details of the refuse storage and collection arrangements for both the residential and retail elements of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: In the interests of public health and the amenities of the occupants of neighbouring dwellings in accordance with the aims of Policy CS12 of the adopted Core Strategy (September 2013).

- 15 **No development shall take place until full details of the proposed slab, finished floor and ridge levels of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Those levels shall be related to the existing and proposed levels of the site and the surrounding land. Development shall be carried out in accordance with the approved levels.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policy CS12 of the adopted Core Strategy (September 2013).

- 16 **No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The surface water drainage system shall be a sustainable drainage system and shall provide for the appropriate interception of surface water runoff such that it does not discharge immediately into the highway water system. Development shall be carried out in accordance with the approved details and shall be so retained thereafter.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy CS29 of the adopted Core Strategy (September 2013) and adopted Supplementary Planning Guidance.

- 17 **No development shall take place until the following details shall have been submitted to and approved in writing by the local planning authority:**
(a) the results of a noise assessment survey carried out to monitor background noise and a study to establish future sources of noise or vibration which would result from the approved development to establish if noise and vibration generated from the identified sources would be in accordance with national guidance in PPG24; and
(b) a scheme for protecting the existing and approved affected dwellings from noise and vibration.

No affected dwelling shall be occupied until the works which form part of the approved scheme referred to in (b) above which relate to that specific dwelling shall have been completed and a further noise assessment carried out to ensure the levels in the noise report are being met. The approved works shall be retained thereafter.

Reason: In the interests of the amenity of adjoining residents and future residents in accordance with Policy CS12 of the adopted Core Strategy (September 2013).

- 18 **No development shall take place until full details of the external lighting of the site have been submitted to and approved in writing by the local planning authority. These details shall include type, positioning and candelas per square metre for each individual external light. Development shall be carried out in accordance with the approved details, shall be retained thereafter and there shall be no other lighting.**

Reason: In the interests of the appearance in the street scene and the amenities of the occupants of neighbouring dwellings in accordance with Policy CS12 of the adopted Core Strategy (September 2013) and saved Policy 113 of the Dacorum Borough Local Plan 1991-2011.

- 19 **No development shall take place until full details of the air conditioning and refrigeration units to be provided in association with the retail premises hereby permitted have been submitted to and approved in writing by the local planning authority. These details shall include type, positioning and operational noise levels for the units. Development shall be carried out in accordance with the approved details and shall be retained thereafter.**

Reason: In the interests of the amenity of adjoining residents and future residents in accordance with Policy CS12 of the adopted Core Strategy (September 2013).

- 20 **No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This condition shall not be discharged until a report of the archaeological investigations has been submitted and approved in writing by the local planning authority.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with the aims of Policy CS27 of the adopted Core Strategy (September 2013) and adopted Supplementary Planning Guidance.

- 21 **No development shall take place until full details of decentralised and renewable or low-carbon sources of energy to provide 10% or greater of the total required by the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, shall be retained thereafter and the approved sources shall provide energy for the development hereby permitted.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the adopted Core Strategy (September 2013) and the adopted Supplementary Planning Guidance.

- 22 **The dwellings hereby permitted shall be constructed to achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the adopted Core Strategy (September 2013) and the adopted Supplementary Planning Guidance.

- 23 **The retail store hereby permitted shall be constructed to achieve the 'very good' level of BREEAM. The store shall not be brought into use until a Certificate has been issued for it certifying that 'very good' level.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policies CS28 and CS29 of the adopted Core Strategy (September 2013) and the adopted Supplementary Planning Guidance

- 24 **Demolition or construction works shall not take place outside 0730 hours to 1800 hours Mondays to Saturdays and at no time on Sundays or Bank Holidays.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings in accordance with the aims of Policy CS12 of the adopted Core Strategy (September 2013).

- 25 **No customer shall be permitted to be on the retail premises hereby permitted outside the following times: -
0700 – 2300 hours, Mondays – Saturdays; and
0700 – 2200 hours Sundays.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings in accordance with the aims of Policy CS12 of the adopted Core Strategy (September 2013).

- 26 **The air conditioning units permitted under condition 19) shall not be operated outside the following times: -

0700 – 2300 hours, Mondays – Saturdays; and
0700 – 2200 hours Sundays.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings in accordance with the aims of Policy CS12 of the adopted Core Strategy (September 2013).

- 27 **No development shall take place until a Service Management Plan for the retail premises hereby permitted has been submitted to and approved in writing by the local planning authority. The Plan shall include details of the times when deliveries shall take place; the operation and management of the service bay; and the storage of cages and trolleys used. Development shall be carried out in accordance with the approved details and the Plan shall be adhered to during the lifetime of the development hereby permitted.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings in accordance with the aims of Policy CS12 of the adopted Core Strategy (September 2013).

- 28 **No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:
i) The loading and unloading of plant and materials;
ii) The storage of plant and materials used in constructing the development;
iii) Wheel washing facilities; and
iv) Measures to control the emission of dust and dirt and other nuisances during demolition and construction.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings in accordance with the aims of Policy CS12 of the adopted Core Strategy (September 2013).

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

**100
201L**

203
501K
502L
503K
504H

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 improvement contributions for the scheme. The Council has given weight to evidence provided by the applicant in relation to the viability of the affordable housing and 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) 4/00211/13/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
- (iv) 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
- (v) 4/00014/13/FHA Mr William Jenkins
Replacement front door
10 Shrublands Avenue, Berkhamsted

Delegated
- (vi) 4/00256/13/ROC Chipperfield Land Co.
Variation to conditions 15 and 16
The Pines, North Road, Berkhamsted

Committee
- (vii) 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

- (viii) 4/00147/13/ENA Mr S Rasa & Mr S Rasa
Two storey rear extension
54 Aycliffe Drive, Hemel Hempstead

Delegated
- (ix) 4/00896/13/LBC Mr Tim Crossley-Smith
Conservation roof light
1&2 The Red House, Little Gaddesden

Delegated
- (x) 4/00928/13/TPO Mr E Fry
Remove two trees
59 Watford Road, Kings Langley

Delegated
- (xi) 4/01054/13/FUL Mr P Cowman
Two 3-bed dwellings
11 Bank Mill, Berkhamsted, HP4 2ER

Committee
- (xii) 4/01234/13/FHA Mr S Rayner
Two Storey side extension
53 Risedale Rd, Hemel Hempstead

Delegated
- (xiii) 4/00322/13/FUL Mr S Wilbraham
Pony Stable and Tack Room
Bluebelle, Hogsbottom, Flaunden

Delegated
- (xiv) 4/01716/12/FUL Mr D Hosier
Demolition of existing Warehouse and Redevelopment with
1 x 4 bedroom House, 2 x 2 bed maisonettes and 3 x 2 bed
apartments
23 Kingsland Rd, Hemel Hempstead

Committee
- (xv) 4/01009/13/FUL Mr & Mrs Fifield and Mr & Mrs Hall
Two 4-bed detached dwellings
R/o 14 & 15 Oakwood, Berkhamsted

Delegated

- | | | |
|---------|----------------------------------|--|
| (xvi) | 4/00971/13/FHA
4/01553/13/LBC | Mr Peter Murray
Roof lights
Site at The Old Barn, Castle Hill, Berkhamsted

Delegated |
| (xvii) | 4/01573/13/FHA | Mr B Woolcott
Single storey front extension (amended)
Hatches Farm, Bradden Lane, Gaddesden Row

Delegated |
| (xviii) | 4/01419/13/FUL | E J Waterhouse and Sons Ltd
Detached dwelling
Anchor Cottage, Anchor Lane, Hemel Hempstead

Delegated |
| (xix) | 4/01727/13/FHA | Mr Carl McCormick
Two storey extension to side and rear
12 Vicarage Lane, Kings Langley

Delegated |

B WITHDRAWN

None

C FORTHCOMING INQUIRIES

None

D FORTHCOMING HEARINGS

None

E DISMISSED

- | | | |
|-----|-----------------|--|
| (i) | 4/000171/13/FUL | Mr & Mrs Gill
Detached dwelling and garage
R/o 21 Pancake Lane, Hemel Hempstead

Delegated |
|-----|-----------------|--|

Inspector agreed with previous Inspector that, due to adding to built development at the end of Lombardy Close, not being in keeping with the set back of other dwellings, appearing relatively cramped in the street scene, and failing to relate to existing two storey

buildings, the proposal would adversely affect the character and appearance of the surrounding area. He also had regard to the fact that the proposal had increased in size from before, and the relatively small area of the site.

Due to the proximity of windows to a preserved birch tree, the proposal would give rise to pressure to prune, lop or fell the tree, to the detriment of the visual amenities of the area.

Although providing a satisfactory quantum of parking, given the restricted size of the gap between buildings and the contrived access over the restructured kerb, it is likely that future residents would feel more comfortable parking outside the site with consequent additional pressure for on-street parking to the detriment of the visual and residential amenities of the area as well as affecting the safe manoeuvring of vehicles at the end of the cul de sac.

- (ii) 4/02246/12/FUL Chipperfield Land Company
Demolition of existing dwelling and construction of 3 4-bed detached dwellings
37 Ashlyns Road, Berkhamsted

Committee

The Inspector found that the development would not harm the living conditions of the occupiers of Nos 36 and 38 Ashlyns Road. She found that the absence of a planning obligation for infrastructure provision did not weigh against the development. However, these aspects did not outweigh concerns regarding the harmful effect on the character and appearance of the area and the effect on the living conditions of the occupiers of No 43 Ashlyns Road.

- (iii) 4/01034/13/FHA Paul Haezewindt
New parking space, conversion of carport to accommodation and fenestration alterations.
16 Sheldon Way, Berkhamsted

Delegated

The main issue was the effect of the proposed parking arrangements on the character and appearance of the area. The inspector considered that the Stag Lane development has been designed so that parking does not dominate on Sheldon Way. The inspector considered that the frontage of no.16 is prominent and open and the use of the proposed parking space would be particularly visible and would alter the balance between the landscaping and parking. Moreover, the use of the garden for parking together with the existing driveway, would result in parking being overly dominant. Therefore, the inspector considered that the proposed parking area would materially harm the character and appearance of the area and the appeal was dismissed.

F ALLOWED

- (i) 4/00146/13/FUL Mr S Wright-Browne
Replacement dwelling
Site at Ivycote, St Albans Hill, Hemel Hempstead

Committee

The main issues related to the impact on the character/appearance of the area and the impact on the living conditions of neighbouring occupiers of the Mosque. The Inspector concluded that the three storey dwelling would be more noticeable than the existing bungalow structure, however, she considered the proposal would respect the varied form of buildings in the area and would not be harmful to the character and appearance of the area. Although the proposal would have a shallow garden (6.7m) it would be relatively wide and provide an adequate and useful garden. The Inspector concluded that the dwelling would not appear cramped or constitute overdevelopment.

The Inspector concluded the proposal would not be significantly overbearing to occupiers of the Mosque and would avoid harmful visual intrusion.

7. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

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