



# DEVELOPMENT CONTROL COMMITTEE AGENDA

THURSDAY 16 OCTOBER 2014 AT 7:00PM

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  
Collins  
Conway  
Guest  
R Hollinghurst  
Killen

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

Substitute Members:

Councillors Mrs Bassadone, Elliot, Harris, Hearn, Peter, Organ, R Sutton and Tindall

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

## PART I

Item		Page No.
1.	Minutes	2
2.	Apologies for Absence	2
3.	Declarations of interest	2
4.	Public Participation	2
5.	Planning Applications (Index – see page 4)	5
6.	Appeals	61
7.	Exclusion of the Public	64

## PART 2

8.	Breach of Advertisement Control	65
9.	Failure to Comply with the Requirements of an Enforcement Notice	67

\* \* \*

## 1. MINUTES

The minutes of the meeting held on 25 September 2014 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
- (i) 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 Member Support on Tel: 01442 228221 or by email: [member.support@dacorum.gov.uk](mailto:member.support@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.

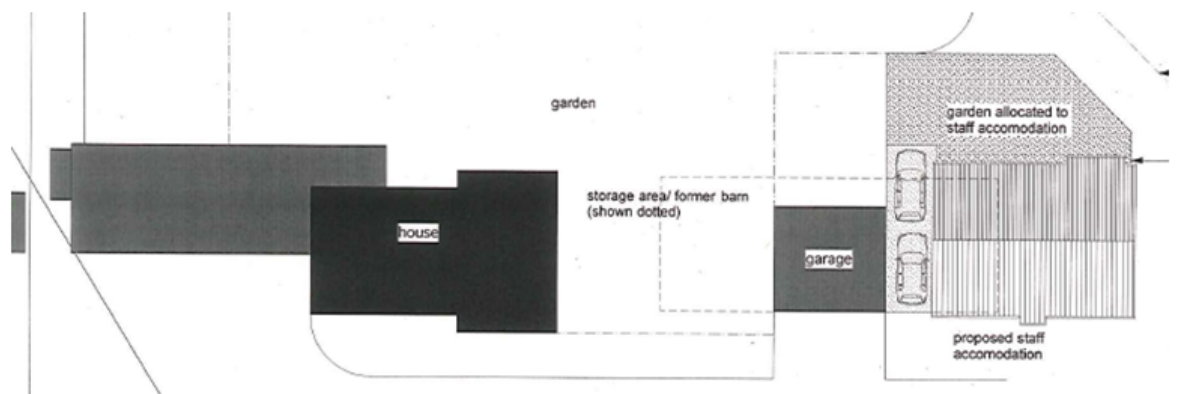
## INDEX TO PLANNING APPLICATIONS

Item No	Application No.	Description and Address	Pg no.
5.01	4/01530/14/FUL	ERECTION OF TWO BEDROOM STAFF ACCOMMODATION BUILDING HAZEL CORNER KENNELS, WINDMILL ROAD, MARKYATE, ST. ALBANS, AL3 8LP	5
5.02	4/01826/14/FUL	CHANGE OF USE OF PART OF THE SHOP (CLASS A1) TO RESIDENTIAL (CLASS C3) 48 WESTERN ROAD, TRING, HP23 4BB	14
5.03	4/02205/14/FHA	SECOND STOREY REAR EXTENSION 1 HUNTERS CLOSE, TRING, HP235PG	23
5.04	4/01838/14/FHA	TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION 123 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1JR	30
5.05	4/01432/14/ROC	VARIATION OF CONDITION 16 (APPROVED PLANS) OF PLANNING PERMISSION 4/01411/13/FUL TO PROVIDE DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 5 DWELLINGS COMPRISING TWO 3-BED, ONE 4-BED AND TWO 5 BED UNITS, WITH ASSOCIATED ACCESS AND CAR PARKING THE YARD, KINGS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9ER	37
5.06	4/02389/14/RET	CONVERSION OF GRASSED AREA TO ADDITIONAL CAR PARKING SPORTSPACE HEMEL HEMPSTEAD, PARK ROAD, HEMEL HEMPSTEAD, HP1 1JS	54

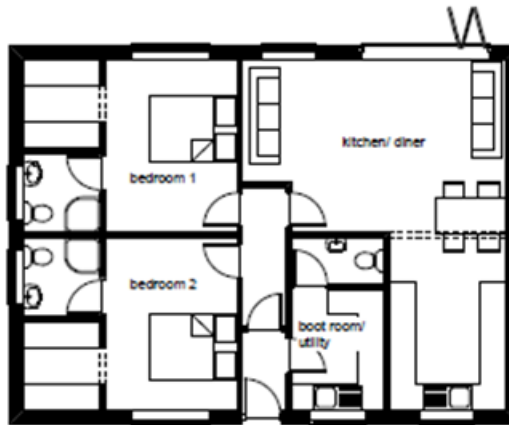
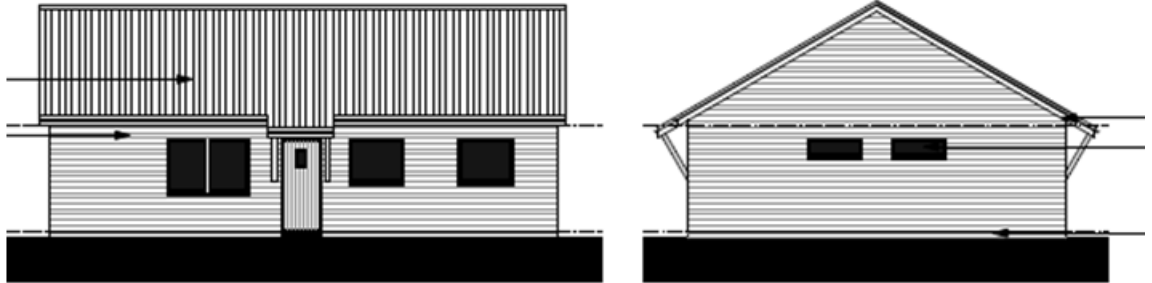
## 5. PLANNING APPLICATIONS

### ITEM 5.01

#### 4/01530/14/FUL - ERECTION OF TWO BEDROOM STAFF ACCOMMODATION BUILDING HAZEL CORNER KENNELS, WINDMILL ROAD, MARKYATE, ST. ALBANS, AL3 8LP



**4/01530/14/FUL - ERECTION OF TWO BEDROOM STAFF ACCOMMODATION BUILDING  
HAZEL CORNER KENNELS, WINDMILL ROAD, MARKYATE, ST. ALBANS, AL3 8LP**



## **5.01 PLANNING APPLICATIONS**

### **4/01530/14/FUL - ERECTION OF TWO BEDROOM STAFF ACCOMMODATION BUILDING HAZEL CORNER KENNELS, WINDMILL ROAD, MARKYATE, ST. ALBANS, AL3 8LP APPLICANT: MR & MRS P SANDIFORD**

---

[Case Officer - Jackie Ambrose]

#### **Summary**

The application is recommended for refusal.

This application is for a sizable bungalow specifically for staff employed in the commercial dog kennels in this remote Green Belt location beyond Markyate. There already exists a substantial detached house, double detached garage, office, and isolation units as well as the kennels themselves on this site and the arguments put forward for this additional building and its size are not considered to be amount to very special circumstances as to outweigh its harm upon the openness of the Green Belt. It is therefore contrary to Core Strategy policy CS5 and the NPPF.

#### **Site Description**

This application relates to long-established dog kennels business occupying an expansive flat site in a remote position within the Green Belt between Markyate and Luton. It is accessed off a narrow country lane which leads onto the A5 Trunk Road. The site is occupied by a set of low key buildings, upgraded and extended through a planning consent in 2006, which has operated as commercial boarding kennels for more than 30 years. The site also comprises a two storey detached house occupied by the owners, Mr and Mrs Sandiford, who have run the kennels for the last 20 years. There is also a single storey office building and a single storey building attached to the house for medical purposes, storage and reception area plus a detached double garage and general parking area for customers.

The site is accessed on the outer corner of the bend, via a wide gated access drive with a large gravelled area for parking and turning.

The whole site measures 2.5ha but most of this is rough grassland, all of which is bounded on two sides by established, indigenous hedgerows and is completely flat.

The site lies in the Green Belt.

#### **Proposal**

This application is for a detached single storey residential building for use by members of staff.

This building comprises two double bedrooms (both with en-suites) a boot room/utility room and an open-plan kitchen/diner and living area. It measures 11.5m by 8.5m with a pitched roof to a height of 5.5m. It is in horizontal timber cladding of oiled natural cedar under a plain tiled roof with white upvc windows. A private small garden area is shown to the rear of the building with two tandem parking spaces alongside the building. The building would occupy a position closest to the main entrance and would

be visible from the entrance.

The design and access statement and a subsequent submission from the applicants have provided the following information and justification for this application (in quotation marks).

Explanation for the need for this accommodation and its size:

*“The intention for the accommodation is to install a manager and a staff member to take over the day to day running of the business to allow the owners to semi-retire whilst still managing the business. As such it is a permanent use and so it would not be the occasional overnight stay. The residents would be employees and so would expect a reasonable amount of independence and privacy.”*

*“To maintain cover the owners are currently forced to take separate holidays and obviously any employee would expect some time off hence the need for two staff.”*

*“One manager could not be expected to be 'on call' 24/7 and so two would be needed to maintain cover - these staff may not know each other prior to employment and whilst sharing a kitchen and common living space providing separate private bedroom and bathroom facilities is desirable. Obviously this accommodation would be their 'home' and not just the occasional overnight stay. The large boot room utility is proposed as a transition between work and private to allow outside clothing etc to be stored, cleaned etc without soiling the house and the kitchen dining space sufficient so as not to have people tripping over each other. At 88sqm floor area we do not consider this excessive and anything smaller than this would not achieve the needs.”*

Explanation for why the existing buildings are not suitable for conversion or extension

*“There is no scope for conversion of the kennels as they are not suitable for conversion; would reduce the business and affect commercial viability and be an unpleasant environment being in such close proximity to the dogs.”*

*“The existing office/ reception is a small single storey brick building of 6m x 3m used for checking in/ out dogs to the facilities and includes 2 isolation kennels required by the kennel licence so as to prevent sickness amongst the remaining dogs. It is considered too small to be reused as accommodation and also serves an important customer function.”*

*“The single storey building attached to the house comprises the back office of the business, staff welfare and the utility room for the main house.”*

*“The two storey building is the owners' private house. They intend to remain on site but not take such an active part in the future as they approach retirement age”. [It is noted that this house has no legal tie with the kennels business as such].*

*“The double garage was constructed in the mid to late 90's as garaging for the owners house (the site is very windy and it is useful to be able to get cars under cover) it is believed permission was granted in conjunction with a different planning application. Its conversion would remove the garaging facility for the owners but is also considered to be too small for conversion.”* From the planning records it is noted that the garage sits on an area originally occupied by the former agricultural barn. The barn would



seem to have been removed sometime between 1995 and 1998 and the new garage erected.

*“In terms of possible extensions to these, the area around the existing reception/ office and isolation block forms the parking area which (at peak times) is insufficient in capacity already. There is no public transport to the site so all staff drive (4 members) and this area is needed for deliveries etc. Extending the building would reduce capacity further. Furthermore, this area commonly floods and as such is not an ideal site for building upon. Additionally the septic tanks that serve the site are located in this area.”*

### **Referral to Committee**

The application is referred to the Development Control Committee due to the application being called in by Councillor Bert Chapman.

### **Planning History**

- |                |  |
|----------------|--|
| 4/01813/06/FUL | DEMOLITION OF EXISTING BOARDING KENNEL (BLOCK A) AND CONSTRUCTION OF THREE SINGLE STOREY BOARDING KENNEL BLOCKS<br>Granted<br>10/10/2006 |
| 4/02094/98/4   | SINGLE STOREY REAR EXTENSION, FIRST FLOOR SIDE EXTENSION AND RAISING ROOF OVER ATTACHED KENNELS<br>Granted<br>12/02/1999                 |
| 4/01470/95/4   | SINGLE STOREY BUILDING FOR RECEPTION OFFICE AND ISOLATION BOARDING KENNELS<br>Granted<br>30/01/1996                                      |
| 4/01284/95/4   | TWO STOREY SIDE EXTENSION<br>Granted<br>22/01/1996   |
| 4/00302/95/4   | SINGLE STOREY REAR EXTENSION<br>Granted<br>10/04/1995  |

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

#### Adopted Core Strategy

NP1 - Supporting Development  
CS5 - The Green Belt  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 22

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

**Summary of Representations**

Markyate Parish Council

After a very long discussion, the Parish Council took a vote 5 for and 4 against. So we have a no objection.

Hertfordshire Highways

Does not wish to restrict the grant of permission.

Contaminated Land Officer

I recommend that a contamination condition be applied

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

No comments received.

**Considerations**

Policy and Principle

Core Strategy CS5 states:

Within the Green Belt, small-scale development will be permitted: i.e.

- (a) building for the uses defined as appropriate in national policy;
- (b) the replacement of existing buildings for the same use;
- (c) limited extensions to existing buildings;
- (d) the appropriate reuse of permanent, substantial buildings; and
- (e) the redevelopment of previously developed sites, including major developed sites which will be defined on the Proposals Map

provided that:

- i. it has no significant impact on the character and appearance of the countryside; and
- ii. it supports the rural economy and maintenance of the wider countryside.

This application does not fall into any of the above, appropriate, categories as it is for a new build for residential purposes, albeit associated with the commercial operation of

the kennels. As it is not included as one of the appropriate uses within the Green Belt it is thus inappropriate development and by definition is harmful to the Green Belt, being harmful to the openness of the Green Belt and contrary to the NPPF para 89 and Core Strategy policy CS5.

The original and more recent submissions accompanying this application have provided the owners' explanation as to why none of the existing buildings could be converted or added to and justification for the need for such a large building. These provide the very special circumstances against which this inappropriate development in the Green Belt needs to be assessed as to whether they are sufficient to outweigh the harm to the Green Belt.

### Very Special Circumstances

The submitted Design and Access Statement has provided the following information (in quotation marks).

*"The Hazel Corner Dog Hotel is long established and called a Hotel due to its outstanding facilities and is placed in high regard within the local and indeed wider area. It is a thriving business establishment. There are two issues which have led to identifying the need to provide overnight accommodation for members of staff."*

*"Firstly, after planning consent was granted for upgrading and increasing the kennel facilities, these were opened 5 years ago and now the kennels are licensed for 110 (previously 68) dogs. This thriving business has led to an increase in staffing requirements. Coupled with the fact that the owners are now nearing retirement age this has led to this application. Whilst they are keen to take an active part in the business and remain living on site they no longer are able to devote the unsocial hours to emergencies that arise. The business currently employs 3 full-time members, one permanent part-time member as well as weekend and holiday staff for peak times."*

*"Secondly, the veterinary sector has changed substantially in recent years: where previously you could call out vets at any time to visit sick animals on the premises, now, nearly all vets contract out the evening hours and weekend hours to a veterinary hospital that you have to go to with the sick dog. The owners are less able to do this and means that staff need to stay over, but there is nowhere on site that they can stay. The proposed residential building would allow for up to 2 members of staff to stay overnight."*

*"The building would respect the building line and is low key in appearance and set well back from the road and would not be clearly visible."*

In summary the supporting statement concludes that the proposed building would not be for open-market residential accommodation: it would be tied through condition to only ever be available for employees of the kennels business. Thus its function is to provide staff accommodation on site and as such is an essential requirement to allow the kennels to continue to function long term. Currently the owners provide the 24hour coverage but this is not sustainable for them in the long term. The investment made into this site is a long-term investment and to continue this thriving business is highly desirable.

### Impact on Green Belt

In consideration of this case, the kennelling of dogs is not a defined use appropriate for the Green Belt and could not be described as a rural enterprise. However, the space required for running dog kennels and their propensity to cause noise and disturbance to nearby neighbours could itself be a justification for kennels to be located in the countryside.

Given the success of this business and the number of staff employed here this is a valid reason for ensuring it continues for the long term.

Whilst it is recognised that through veterinary changes there is a need for staff members to be able to drive a dog to a vet at all hours and that the owners are increasingly reluctant to this, then permitting staff to stay on the site is a plausible solution. In this respect the principle of additional staff staying on site is accepted.

However, due to the bend in the road and the open entrance area, the location of the proposed building would be visible from outside the site. Whilst the revised change in materials from brickwork to cedar cladding would be more visually appropriate within the countryside, this in itself would not be sufficient grounds to outweigh the harm this substantial building would have upon the openness of the Green Belt.

Therefore, from weighing up the very special circumstances put forward for this scheme, it is concluded that they are not sufficient to outweigh the harm this new building would have upon the openness of the Green Belt countryside.

#### Impact on Neighbours

There would be no impact on the amenities of the only neighbouring property at Newlands.

#### Sustainability

This application has not been accompanied by a sustainability statement and as such fails to demonstrate its compliance with Core Strategy policy CS29.

#### Other Material Planning Considerations

Two staff parking spaces would be sufficient to serve the two members of staff on duty at any one time.

There would be no impact on Highway Safety.

No trees would be lost as a result of this scheme.

As this development is for staff only, then it would not have required a Unilateral Undertaking.

## **Recommendation**

That planning permission be **REFUSED** for the following reasons:

- 1 **The application site is located in the Green Belt, planning permission will only be granted for appropriate development, in accordance with national advice contained in the NPPF and Core Strategy policy CS5. The development would constitute inappropriate development in the Green Belt and is therefore by definition harmful to the openness of the Green Belt. The very special circumstances put forward in support of the scheme are not sufficient to outweigh this harm on the openness of the Green Belt. It is therefore contrary to Core Strategy policy CS5 and the NPPF.**
  
- 2 **Policy CS29 of the Dacorum Core Strategy (and saved Appendix 1 of the Local Plan) seeks to ensure that within the Borough development is carried out sustainably and meets a number of criteria set down. Policy CS29 and Para 18.22 expects developers to complete a Sustainability Statement. In accordance with the Sustainable Development Advice Note (March 2011), this should be completed online through the carbon compliance toolkit, C-Plan. Whilst noting the submitted written statement, this does not cover all the aspects of sustainability sought under the above. In addition, the criteria in Policy CS29 are not shown to be satisfied. 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.**

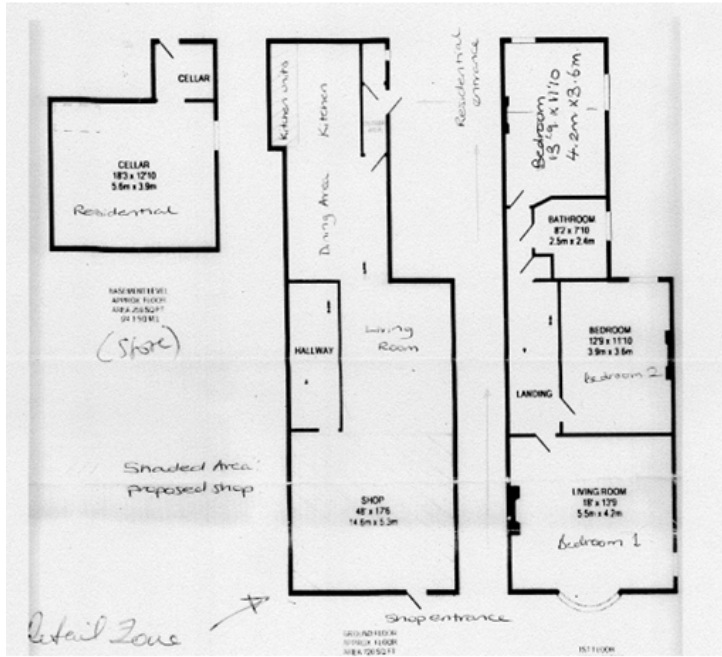
### **Article 31 Statement**

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 during this application regarding the advancement of very special circumstances to justify this development in the Green Belt against planning policies, but were insufficient to outweigh the harm to the Green Belt. 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.

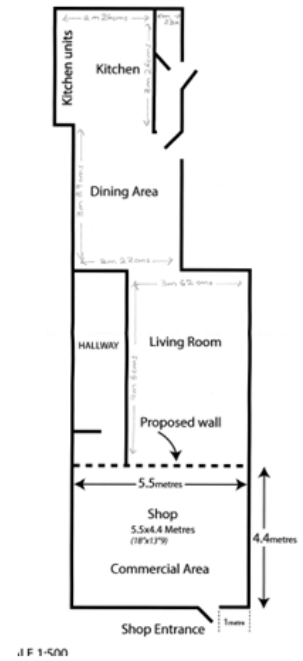
**ITEM 5.02**  
**4/01826/14/FUL - CHANGE OF USE OF PART OF THE SHOP (CLASS A1) TO**  
**RESIDENTIAL (CLASS C3)**  
**48 WESTERN ROAD, TRING, HP23 4BB**



**4/01826/14/FUL - CHANGE OF USE OF PART OF THE SHOP (CLASS A1) TO RESIDENTIAL (CLASS C3)  
48 WESTERN ROAD, TRING, HP23 4BB**



**Existing Floor Plan**



**Proposed Floor Plan**

**4/01826/14/FUL - CHANGE OF USE OF PART OF THE SHOP (CLASS A1) TO  
RESIDENTIAL (CLASS C3)  
48 WESTERN ROAD, TRING, HP23 4BB  
APPLICANT: MR.AKMAL HUSSAIN**

---

[Case Officer - Patrick Doyle]

### **Summary**

The application is recommended for approval.

### **Site Description**

48 Western Road is a semi-detached two storey plus basement property with rear garden and forecourt. The building is in a poor state of repair and the good sized rear garden is inaccessible and wildly overgrown with bramble. There is a tarmac forecourt to the front of the property. The garden slopes downhill away from the property and is enclosed by a 2m high brick wall.

The ground floor and basement would appear to be have used to serve the retail element of the building with first floor used as residential with access to the first floor provided by a ground floor entrance and internal staircase.

The property forms the end of a row of shops in the local shopping area of Western Road, Tring. The retail unit is vacant and formerly a video hire shop. The residential unit also appears in disrepair and vacant.

The character of the area is of similar properties in the local shopping centre with Edwardian residential properties across the road and a post office depot and car park immediately adjacent to the site.

### **Proposal**

The proposed development seeks to change the use of the cellar and part of the ground floor of the property from existing retail and ancillary storage to form additional residential floor space for the existing residential unit, whilst retaining part of the ground floor for retail use. The ground floor is currently all in commercial use (A1) and measures approx. 62m<sup>2</sup> (internal footprint). The proposed development would result in the loss of 37.8m<sup>2</sup> of retail floor space at the ground floor and the loss of the ancillary storage in the cellar which amounts to 21.8m<sup>2</sup>.

A wall is proposed to partition the front part of the existing retail unit from the proposed residential areas retaining a retail unit with a floor space of 24.2m<sup>2</sup>.

Access to the shop will remain from the street, while access to the residential areas of the building is from a private path to the side of the building.

No external alterations are proposed.



## Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Tring Town Council who have objected to loss of retail space making the unit unviable.

## Planning History

- 4/01351/93/4 DISPLAY OF INTERNALLY ILLUMINATED FASCIA SIGN AND INTERNALLY ILLUMINATED PROJECTING BOX SIGN  
Granted  
11/11/1993
- 4/00121/90/4 EXTERNALLY ILLUM.SHOP FASCIA SIGN,INTERNALLY ILLUM. DBL.SIDED PROJECTING SIGN,NON-ILLUM.DBL.SIDED BOX SIGN  
Refused  
02/03/1990
- 4/01705/89/4 2 ILLUM. BOX FASCIA SIGNS, 1 ILLUM.PROJECTING SIGN & 1 NON-ILLUM.DOUBLE SIDED BOX SIGN ON FENCE  
Refused  
14/12/1989
- 4/01447/89/4 CHANGE OF USE FROM RESIDENTIAL TO OFFICES (1ST FLOOR) AND TWO STOREY STAIRCASE EXTENSION  
Refused  
30/11/1989
- 4/01352/89/4 SINGLE & TWO STOREY EXTENSIONS  
Granted  
03/10/1989

## Policies

### National Policy Guidance

National Planning Policy Framework (NPPF)  
national Planning Policy Guidance (NPPG)

### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS14 - Economic Development

CS16 - Shops and Commerce  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS31 - Water Management

#### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 19, 33, 44, 58, 99.  
Appendices 3, 5 & 7

#### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area  
Energy Efficiency & Conservation (June 2006)  
Accessibility Zones for the Application of car Parking Standards (July 2002)

### **Summary of Representations**

#### Neighbours

No comments received.

#### Tring Town Council

Tring Town Council refuses this application on the grounds that the premises will be too small for any retailer.

#### Strategic Planning

The site is located off Western Road (a Secondary Distributor Road) which forms a continuation of the High Street heading in a westerly direction toward Aylesbury Road. It is therefore situated within the Miswell Lane/Western Road Local Centre and is a property included within the designated Shopping Area in a Local Centre. The retail premise is currently used as a video rental outlet.

The proposed development seeks to change the use of part of the ground floor of the property concerned, therefore subdividing it into both commercial (A1) and residential floor space (C3). The ground floor is currently all in commercial use (A1) and measures 60.06m<sup>2</sup> (internal footprint). The proposed development would result in the loss of 37.8m<sup>2</sup> of A1 floor space at the ground floor and creation of 119.66m<sup>2</sup> of C3 floor space at basement level.

There is some ambiguity as to what is being proposed within this application as the application form also describes the loss of 21.m<sup>2</sup> of B8 floor space and the creation of two 2-bedroom flats and/or maisonettes. However, the supporting documentation does not expand upon this element of the proposal.

Nevertheless, focusing on what I understand to be the proposed development, regard should be given to the Council's Retail Hierarchy and Core Strategy Policy CS16 which seeks to focus retail uses within town and local centres. In particular, emphasis is

placed upon strengthening and retaining sufficient existing shops within these centres. Additionally, for Shopping Areas with more than 8 shops, saved Local Plan Policy 43 states that the loss of a shop use will not be permitted at street level unless (a) at least 60% of the total frontage remains in shop use and an appropriate range of local shops remain.

Whilst the proposed development would result in the loss of retail floor space, the shop frontage on Western Road would remain as existing with the frontage unaffected by the proposal. However, it is recognised that the proposed development would result in a less flexible space, in terms of size and lack of storage, and could constrain future retail uses within this Local Centre.

It should also be noted that saved Local Plan Policy 33 safeguards the immediately adjacent site for the conversion employment land to housing (and other uses) and therefore you may wish to consider whether there is a need to create a further residential unit over the ground and basement levels of this property.

Consideration should also be given to saved Local Plan Policy 19, which supports the conversion of other buildings and vacant commercial premises in Local Centres to incorporate flats or houses subject to an appropriate mix and balance with other uses.

It is evident that this application lacks detail in regard to what is being proposed, which therefore makes it difficult to provide an informed view on the acceptability of the proposed change of use. Nevertheless, consideration should be given to the above-mentioned factors which indicate that the proposal is broadly in compliance with the relevant development plan policies. Furthermore, recent government consultations and mooted plans to deregulate the need for planning permission suggests that local planning authorities should take a more flexible approach to changes of use and uses within Shopping Areas including Local Centres.

## **Considerations**

### Policy and Principle

Core Strategy policy CS4 - The Town and Large Villages encourages appropriate development for a mix of uses including residential and management of shopping areas. The property forms part of a shopping area in a local centre (48-76 Western Road, Tring) and saved Local Plan policy 43 - Shopping Areas in Local Centres is also a strong consideration. The proposal would retain the shopping frontage and a shop unit and so there is no loss of a shop or the shopping frontage despite the reduction in the amount gross floor space available to the unit.

Whilst accepting the reduction of floor space may make the unit less attractive to some users conversely it can also make the unit more affordable for smaller operators and start-up businesses. Nonetheless if the proposal were that the entire unit was given over to residential purposes this too would be difficult to resist in policy terms as saved local plan policy 43 allows for conversion of shops to residential so long as 60% of the local centre is retained for retail use with an appropriate range of shops. This retail unit previously accommodated a video hire shop which does not fit within the definition of appropriate range of shops, which seeks retention of convenience stores, greengrocers, bakers, post offices etc.

The proposal is considered acceptable in principle.

#### Effects on appearance of building

The proposals would retain the shop frontage and there would be no alterations to the external appearance of the property. The proposals have no effect upon the appearance of the property.

The development accords with Core Strategy policies CS11 and CS12 in this regard.

#### Impact on Street Scene

There would be no material difference to the streetscene, the retail frontage will be retained and there are no external changes proposed.

The development accords with Core Strategy policies CS11 and CS12 in this regard.

#### Impact on Neighbours

No additional harm is considered to be caused by the change of use and internal alterations. Adequate sound insulation will be required by building regulations to ensure acceptable conditions for occupants and neighbouring properties. No additional harmful overlooking is caused by the internal alterations.

The development is considered to have an acceptable impact upon neighbouring properties in accordance with Core Strategy policies CS11, CS12 & CS19 and saved Local Plan appendices 3 & 7.

#### Impact on Highway Safety

The existing property has an upstairs two bedroom flat and retail unit with ancillary storage at ground and lower ground floor level.

Whilst the property will increase the size of the residential element of the building there will be a commensurate reduction in retail floor space.

Given the reduction in the scope of retail operations there is not considered to be any unacceptable parking provision. The increase in provision from 2 bed dwelling to a 3 bed dwelling would expect an increase in provision of 0.75 spaces (maximum parking guidance from saved local plan appendix 5 is 1.5 spaces for a 2 bed dwelling and 2.25 for a 3 bed dwelling). However there is net loss of 59.6m<sup>2</sup> from A1 retail use and appendix 5 suggests maximum parking provision for such uses to be 1 space per 30m<sup>2</sup> gross floor area. Therefore there would be an overall net loss in demand for 1.25 parking spaces.

In addition the site location is in a very sustainable location which will likely reduce demand for car journeys and use. There is immediate access to local shops and facilities and this part of Western Road is served by public transport. The area is an accessibility zone 3 although this does not directly impact upon residential developments in terms parking provision reductions it does demonstrate the site is in a higher than average sustainable location.

The proposals therefore considered to accord with CS8, CS12, saved DBLP policy 58 and appendix 5.

### Trees & Landscaping

No significant trees or landscaping would be lost by virtue of this development and is considered acceptable against saved DBLP policy 99, policy CS12.

### Sustainability

The development will be built to modern building regulations thereby improving the overall energy efficiency and sustainability of the home. It is considered the application accords with Core Strategy policy CS29.

### Other considerations

It is a strong material consideration that the government have implemented a permitted development scheme which allows the conversion of shops to residential under class IA of the general permitted development order via a prior approval system.

The residential extension will not impact upon saved Local Plan policy 33 and the designation of the adjoining land from employment to housing.

### **Recommendation**

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

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

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

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

Site location plan  
Floor plans  
Shop Plan  
Land Registry Documents

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

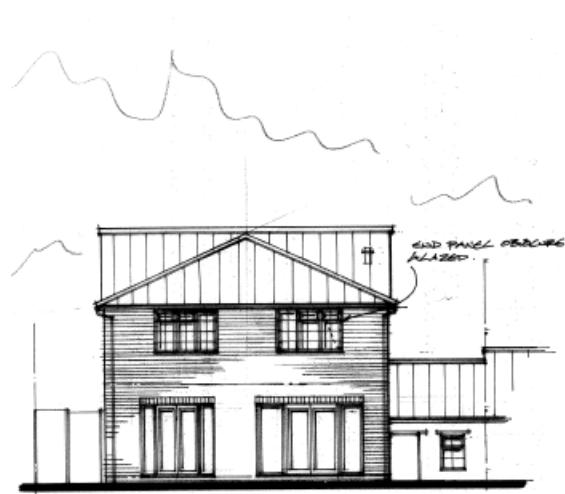
### **Article 31 Statement**

Planning permission has been granted for this proposal. The Council acted pro-actively through 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.

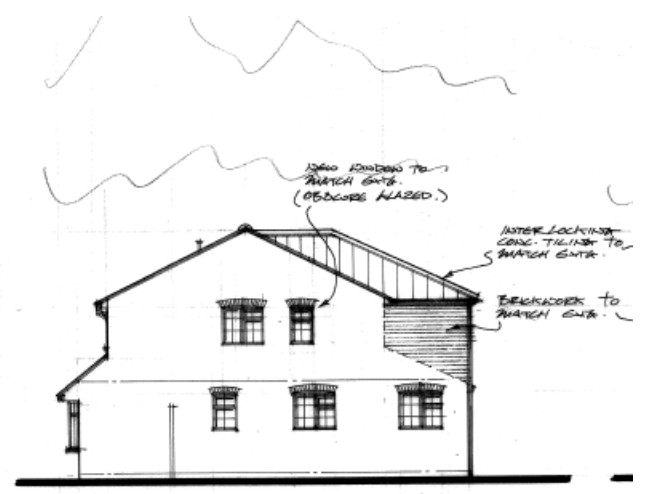
**ITEM 5.03**  
**4/02205/14/FHA - SECOND STOREY REAR EXTENSION**  
**1 HUNTERS CLOSE, TRING, HP235PG**



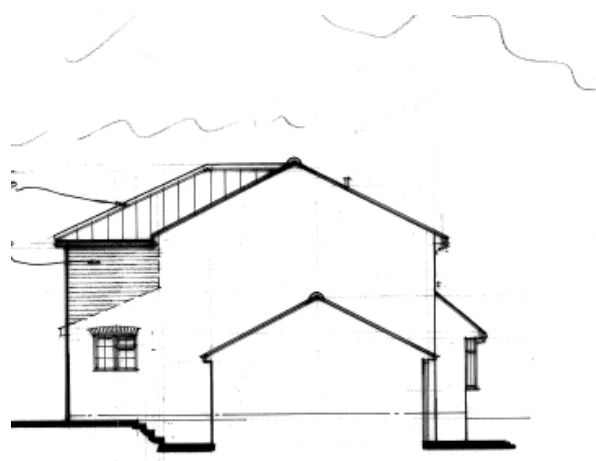
4/02205/14/FHA - SECOND STOREY REAR EXTENSION  
1 HUNTERS CLOSE, TRING, HP235PG



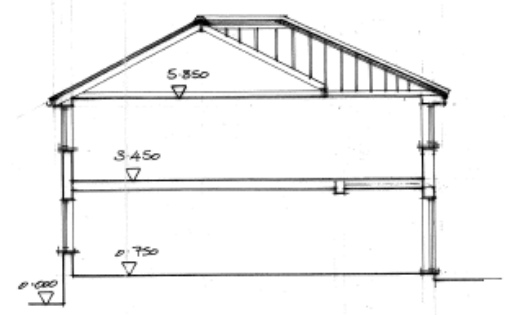
REAR ELEVATION



FLANK



RETURN FLANK



SECTION A-A



**4/02205/14/FHA - SECOND STOREY REAR EXTENSION  
1 HUNTERS CLOSE, TRING, HP235PG  
APPLICANT: MR MACBETH & MISS BRATTLE**

---

[Case Officer - Andrew Parrish]

### **Summary**

The application is recommended for approval. The extension would have an acceptable appearance and would not impact adversely on residential amenities.

### **Site Description**

No. 1 is C20th detached house in a modest plot situated on the eastern side of Hunters Close. The dwelling has a single storey addition to the rear and the rear aspect is angled towards the rear garden / patio of No. 28 Grove Gardens which sits on land at a higher level than No. 1. The surrounding area comprises an estate of similar dwellings.

### **Proposal**

Permission is sought for the erection of a first floor rear extension over the existing single storey addition.

### **Referral to Committee**

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

### **Planning History**

4/00803/14/FHA	FIRST FLOOR REAR EXTENSION Refused 10/06/2014
----------------	---

Permitted Development rights were removed following the grant of permission for the estate in 1985.

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

#### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS29 - Sustainable Design and Construction

#### Saved Policies of the Dacorum Borough Local Plan

Policies 13 and 58  
Appendices 5 and 7

#### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area TCA14: Bunyan Close

### **Summary of Representations**

#### Tring Town Council

Refuses this application on the grounds of privacy issues; virtual intrusion and loss of light.

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

*28 Grove Gardens* - Objects:

- The new application is intrinsically very similar to the previous application which was refused on grounds of overbearing and loss of privacy to our property.
- Loss of privacy - the introduction of obscure glazing to 1/3 of the window does not make any difference
- Overbearing - the introduction of a hipped roof is an improvement but it is still overbearing

### **Considerations**

#### Policy and Principle

In residential areas appropriate residential development is encouraged in accordance with Policy CS4 of the Core Strategy.

The main issues in this case relate to the impact of the extensions on the appearance of the building and on residential amenities. Policies CS10, 11, 12 and 13 are relevant.

#### Effects on appearance of building

The size and design of the extension with a hipped roof is considered acceptable and would harmonise with the existing dwelling.

Materials would match the existing.

The proposal would comply with Policy CS12.

### Impact on street scene

None.

### Impact on neighbours

The extension would not impact adversely on No. 3 Hunters Close. The new window in the flank wall facing number 3 would serve an en suite and would be obscure glazed.

A letter of objection has been received from No. 28 Grove Gardens on grounds of overlooking from first floor windows and overbearing impact. The Town Council has also objected to the proposal on the same grounds plus loss of light.

With regards to loss of light, although the extension would be to the south of No. 28, given its limited depth of 2.35 metres, its hipped roof form and its siting on ground lower than the affected property, it is not considered that there would be any material loss of light, certainly none to any habitable rooms in No. 28.

With regards to overlooking, it is clear that the extension would bring first floor windows materially closer to the rear garden of No. 28 and the orientation at an angle towards the rear of No. 28 means that this is more than just a perceived concern but an actual issue, particularly given the back to back distance of less than 15 metres that would be achieved (note: the minimum specified in saved Appendix 3 to the Dacorum Borough Local Plan 1991-2011 is 23 metres).

The applicant was advised in respect of the previous application that if the window serving bedroom 2 were re-sited further from the boundary (e.g. by reducing to a two light window with compensatory lighting if need be through a high level window in the flank wall or a roof light / sun-tube), then the situation could be considered no worse than existing and would enable a more favourable recommendation. In the event this advice was not taken up and the application was refused.

It is understood that the applicant is not keen to visually unbalance the appearance of the extension on the rear elevation. In the circumstances, the current application proposes that the light in the window serving bedroom 2 nearest the boundary with No. 28 is obscure glazed, rather than reduced in size (i.e. 1/3 of the window to bedroom 2 would be obscure glazed). As such, it is considered that this measure will have the same overall effect as a reduced and resited window and will present a scheme no worse in overlooking terms than the existing window.

With regards to overbearing impact, on the refused scheme the introduction of a gable was considered to result in a more visually overbearing appearance to the occupiers of No. 28 Grove Gardens. However, the applicant was advised that if this was changed to a hipped roof, this would both reduce the height and soften the appearance of the extension, such that it could be considered more favourably in this regard. The current proposal has introduced a hipped roof and, as such, it is considered that a refusal on grounds of overbearing impact would be difficult to substantiate on appeal, particularly given favourable ground levels.

Subject to an obscure glazing condition, the proposal is considered to comply with Policy CS12 of the Core Strategy.

## Other matters

The car parking requirement would not be affected and existing provision is considered sufficient.

A CS29 sustainability checklist has been submitted which satisfactorily demonstrates that the proposal would accord with the sustainability principles set down in Policy CS29. A compliance condition is recommended.

## **Recommendation**

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

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

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

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

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

- 3 The development hereby permitted shall be carried out in accordance with the approved Policy CS29 Sustainability Statement.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 of the Dacorum Core Strategy September 2013.

- 4 The windows at first floor level in the southern and eastern elevations of the development hereby permitted as shown on Drg. No. 1409/02A shall be non opening to a height of 1.7 metres and shall be permanently fitted with obscured glass unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

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

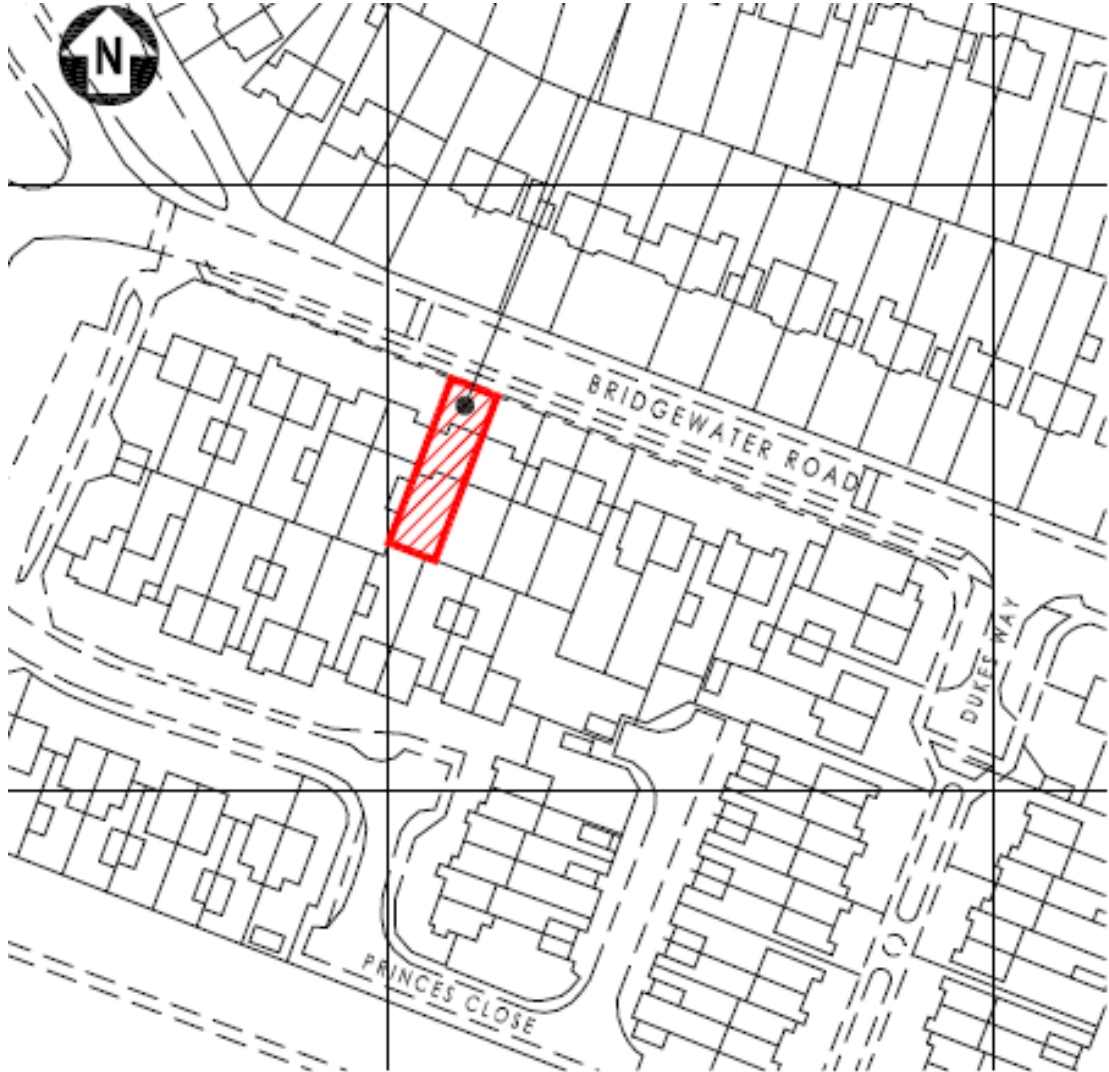
**Site Location Plan  
1409/01  
1409/02A**

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

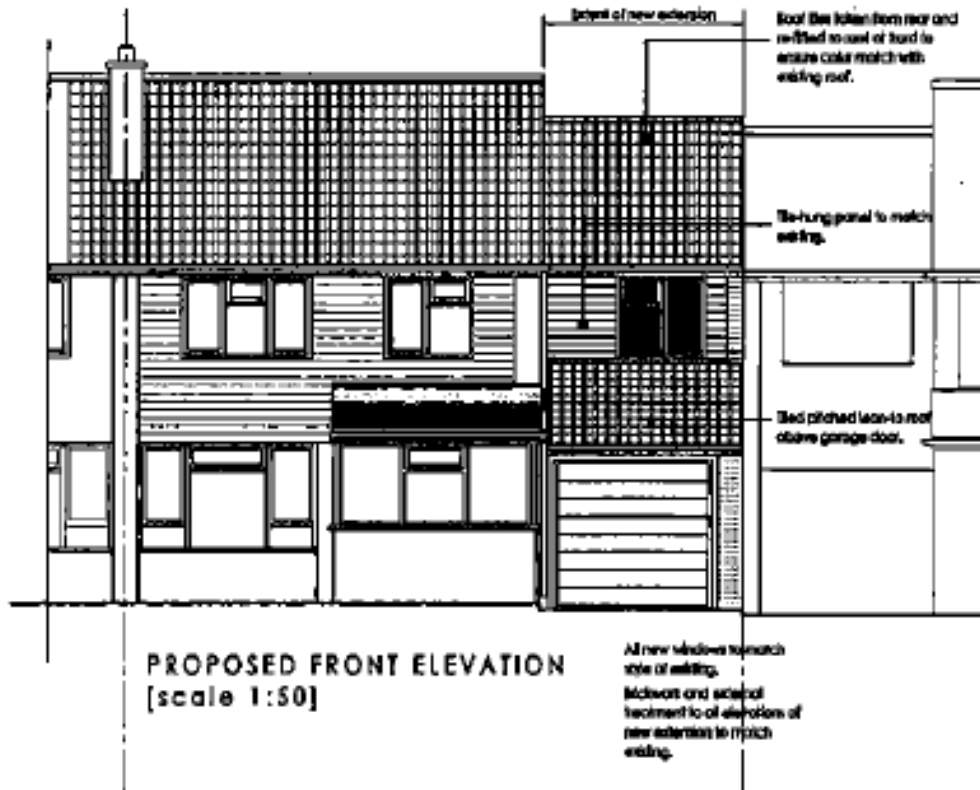
### **Article 31 Statement**

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 the submission of a CS29 Sustainability Statement. 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 5.04**  
**4/01838/14/FHA - TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR**  
**EXTENSION**  
**123 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1JR**



**4/01838/14/FHA - TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR  
EXTENSION  
123 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1JR**



**4/01838/14/FHA - TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR  
EXTENSION  
123 BRIDGEWATER ROAD, BERKHAMSTED, HP4 1JR  
APPLICANT: Mr & Mrs Pinson-Roxburgh**

---

[Case Officer - Joan Reid]

### **Summary**

The application is recommended for approval. The proposed extension would have an acceptable relationship to the adjacent neighbours and would not result in significant harm in terms of loss of light, privacy or appear visually overbearing. The design of the extension is considered acceptable. The extension would infill the spacing at first floor level however due to the set back and subservient nature of the extension, it would not significantly harm the overall character of the area. Sufficient parking is retained on the site. Overall, it is considered that the proposal accords with policies CS12 and CS29 of the adopted Core Strategy and 'saved' Appendix 7 of the Local Plan.

### **Site Description**

The application site is located to the south of Bridgewater Road, near the junction with Billet Lane, and comprises a two storey semi-detached property. There is an existing garage to the side of the property and there is parking provision for one car on the driveway. The adjacent neighbour has extended with a two storey side extension up to the boundary with the application property. The application property forms one of eight similar properties.

### **Proposal**

The application proposes a two storey side extension and single storey rear extension. The proposed two storey side extension is set back from the front elevation by 2m and it is set down from the main ridge by approximately 0.6m. The single storey rear extension extends out a depth of 3m and extends across the whole length of the property.

### **Referral to Committee**

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

### **Planning History**

None

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)



## Adopted Core Strategy

CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction

## Saved Policies of the Dacorum Borough Local Plan

Appendices 3, 5 and 7

## Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

## **Summary of Representations**

### Berkhamsted Town - Object

If approved, this extension would eliminate the gap between number 123 and 125 thus effectively converting two sets of semi detached properties into a terrace of 4 properties, when the recommended spacing is between 2m and 5m.

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

No comments received

## **Considerations**

### Policy and Principle

The application site is located within the residential area of Berkhamsted, wherein extensions to properties are considered appropriate development subject to the proposals being in accordance with the relevant policy of the Core Strategy. The primary policy of interest is Policy CS12 - Quality of Development, and Appendix 7 - Small Scale House Extension.

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

Appendix 7 of the local plan requires side extensions to retain a gap between buildings and/or side boundaries and states that in cases where an existing single storey side extension goes to the boundary, it will not normally be acceptable to build over its full area but some extension at first floor level may be feasible. This should be designed to avoid the creation of a terraced or semi-detached character and to respect the above

space standards.

Character area Appraisal - BCA 14 Chilterns Park describes the area as being mainly composed of semi-detached houses and some terraces in cul-de-sac accessed from the southern side of Bridgewater Road. Spacing is generally uniform, mainly within the medium range (2m to 5m). The character area appraisal states that extensions should normally be subordinate in terms of scale and height to the parent building.

#### Effects on appearance of building

The proposed extension is considered to be acceptable in design terms. The two storey extension would appear subservient to the parent house as it set down from the ridge and is set back from the front elevation by 2m. The plans have been amended to introduce a simple window to the front elevation which is more in keeping with the parent house.

The single storey rear extension has a uniform design and no objections are raised.

#### Impact on Street Scene

The main consideration is the impact of the extension to the character of the streetscene. Bridgewater Road is made up of a number of different house types including detached and semi-detached properties. The application property is a two storey semi-detached house forming one of a group of eight similar house types. The group of eight are conjoined by single storey garages and some have extended to the side with a two storey extension including the neighbouring property. Therefore, this proposal would result in the two extensions conjoining.

The Town Council have expressed concern that, as a result of the two neighbouring properties extending, the development would create a terracing effect. As a result of the two storey extension, the spacing between the two properties will be infilled which is not ideal however it is considered that significant harm would not result to the character of the streetscene as a result of this proposal.

Each case must be taken on its own merits. The proposed extension would sit on top of the existing garage and would be set back from the front elevation by 2m appearing subservient to the parent house and indeed to the neighbouring properties. Whilst the extension would infill the space at first floor, due to the set back and lessened height, it is considered that the extension would not give rise to the properties appearing as a group of terraced houses. The spacing at first floor level would be lost however this is not considered to cause significant harm to the overall character of the road and the occurrence of this type of infilling would be limited to the group of eight at the end of Bridgewater Road due to the different type of houses along the rest of the road.

A condition is suggested to require that the materials are to match the existing house to prevent the extension appearing incongruous within the street scene.

#### Impact on Neighbours

There would not be any significant harm to the amenities of the neighbouring properties as a result of the proposal. The side extension would align with the side extension on the neighbouring house and would not result in a loss of light or privacy to no.125

Bridgewater Road. The single storey extension extends out 3m to the rear and would not result in a significant loss of sunlight, daylight or privacy to either neighbouring house. Also it is considered that the single storey extension at 3m in depth would not appear overbearing or prominent when viewed from either 121 or 125 Bridgewater Road.

#### Impact on Trees and Landscaping

No important trees or landscaping would be harmed by the extension.

#### Impact on Highway Safety

On site car parking would be retained for 2 cars and no objection is therefore raised in terms of parking provision. The extension will create one additional bedroom resulting in a five bedroom dwelling. Appendix 5 of the local plan states that for dwellings with 4 or more bedrooms within this location, there should be a maximum of two car parking spaces. Two spaces are retained which is similar to that provided for the adjacent properties and it is considered that the proposals accord with the maximum standards.

#### Sustainability

The applicant has supplied details of how the building would comply with the sustainability objectives outlined in policy CS29 of the Core Strategy.

#### **Recommendation**

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

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

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

- 2 The 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 adopted Core Strategy.

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

**99 A  
101 A  
102 A  
103 B  
104 B  
105 B**

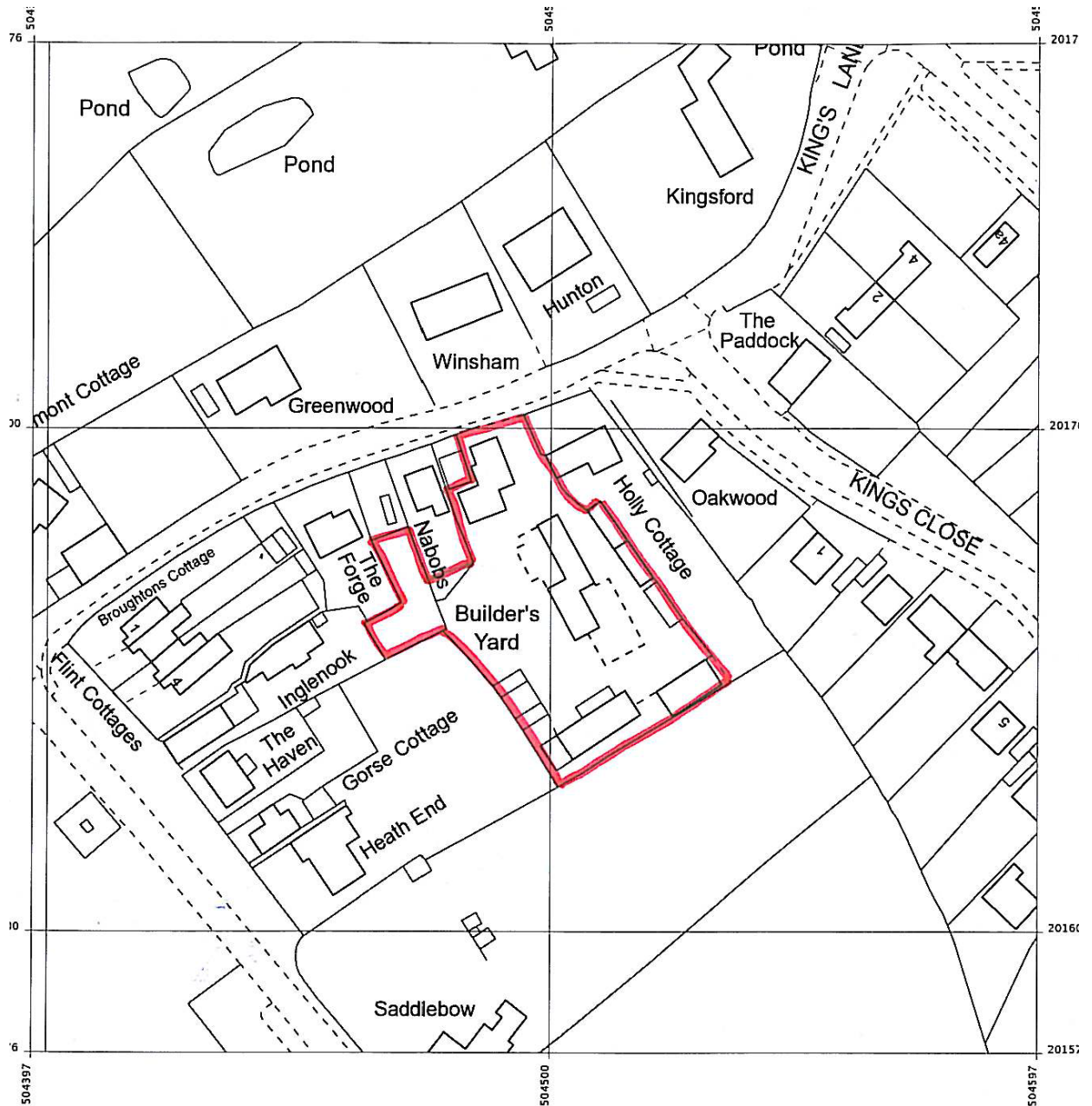
Reason: For the avoidance of doubt and in the interests of proper planning.

### **Article 31 Statement**

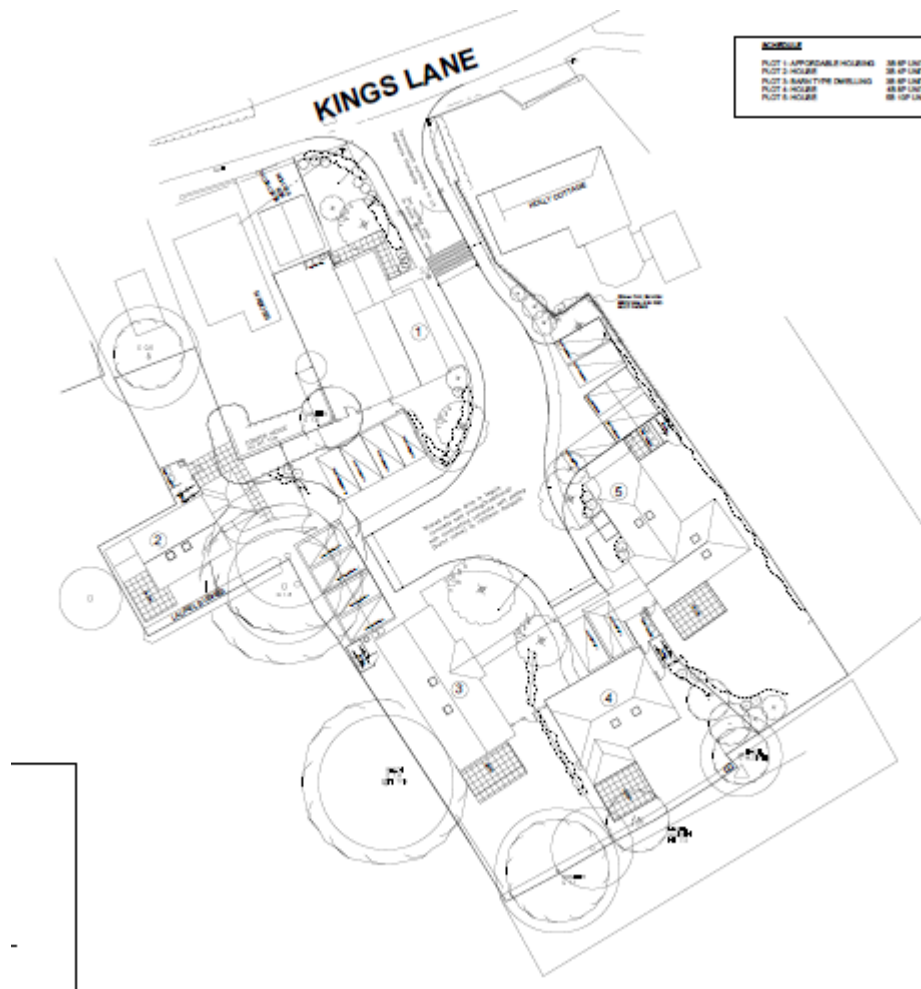
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs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

**ITEM 5.05**

**4/01432/14/ROC - VARIATION OF CONDITION 16 (APPROVED PLANS) OF PLANNING PERMISSION 4/01411/13/FUL TO PROVIDE DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 5 DWELLINGS COMPRISING TWO 3-BED, ONE 4-BED AND TWO 5 BED UNITS, WITH ASSOCIATED ACCESS AND CAR PARKING THE YARD, KINGS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9ER**



**4/01432/14/ROC - VARIATION OF CONDITION 16 (APPROVED PLANS) OF PLANNING PERMISSION 4/01411/13/FUL TO PROVIDE DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 5 DWELLINGS COMPRISING TWO 3-BED, ONE 4-BED AND TWO 5 BED UNITS, WITH ASSOCIATED ACCESS AND CAR PARKING THE YARD, KINGS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9ER**



NEW ENTRANCE GATES IN BLACK WOODGATE BOX

BRICK PIER TO MATCH MAIN FACED BRICK  
STONE STRING AND CAP TO DETAIL



**GATE DETAIL 1:50**

**4/01432/14/ROC - VARIATION OF CONDITION 16 (APPROVED PLANS) OF PLANNING PERMISSION 4/01411/13/FUL TO PROVIDE DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 5 DWELLINGS COMPRISING TWO 3-BED, ONE 4-BED AND TWO 5 BED UNITS, WITH ASSOCIATED ACCESS AND CAR PARKING  
THE YARD, KINGS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9ER  
APPLICANT: 2Mc Homes - Mr M Malski**

---

[Case Officer - Patrick Doyle]

## **Summary**

This planning application was heard at the previous committee and it was resolved 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 and subject to the discharge of any of the associated conditions that are presently being considered. Should the conditions be discharged prior to the issue of planning permission, the recommendation allowed for the Group Manager to replace affected pre-commencement conditions with compliance conditions.

The previous report is included at Appendix 1 for clarification.

## **Late item**

Additional comments were sent by Chipperfield Parish Council on the day of the committee. Unfortunately the timing of their submission meant that these comments were not before the Committee when they considered the application.

Comments received from Chipperfield Parish Council 25 September 2014 read as follows:

*The Parish Council object strongly to the variation of the approved plans:*

- *The new application increasing all the properties to four and five bedroom houses is overdevelopment of the site.*
- *The proposed extra windows will cause overlooking issues with the neighbouring properties*
- *No extra provision has been made for car parking for the extra accommodation.*
- *The proposed gates are out of keeping with a rural location and will encourage off road parking in the surrounding roads*

These late comments introduced a concern regarding the erection of entrance gates across the access into the development. Although the gates are clearly shown on the plans approved at Committee, and this part of the proposal was described in the description of the application set out in the previous report, it was only discussed in general terms in the summary paragraph and there was no explicit assessment of their impact. For this reason it is the view of the Group Manager that the application should be returned to the Committee to allow the opportunity for this concern to be considered.

## **Considerations**

The wrought iron bar entrance gate is to be approximately 2m tall, hinged on brick

piers. The entrance gate is set back approximately 9m from the roadside. A less attractive steel gate previously stood at the entrance of the site to the builder's yard.

The Council has no specific design guidance on entrance gates and therefore must be considered in more general terms of Core Strategy policies CS5, CS6, CS11, CS12 & CS27.

It is considered visually there will be little impact as views are only permissible when almost directly in front of the gates due to the significant set back and vegetation proposed either side of the entrance. The visual impact is not considered harmful.

The gates are contained in the overtly residential area of Kings Lane, Chipperfield and would not have wider impacts on the green belt or its character. There is evidence of other gated entrances in the King's Lane street scene. It is not considered therefore that gates would detract from the general character of the area and would, by virtue of their design, conserve the character and appearance of the Conservation Area. In this regard it is noted that the Council's Conservation officer has raised no objections.

### **Recommendation**

That the application be **DELEGATED** to the Group Manager, Development Management and Planning, with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and subject to the discharge of any of the associated conditions that are presently being considered. Should the conditions be discharged prior to the issue of planning permission, the recommended pre-commencement conditions shall be replaced with compliance conditions.

- 1            **The development hereby permitted shall be begun before the expiration of three years from 24th October 2013.**

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

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

- **bricks;**
- **bonding mortar colour;**
- **flint –which should be knapped and roughly coursed;**
- **timber and timber finishes for the barn;**
- **windows including openings – a 1:20 plan should be supplied;**
- **details of the timber car ports including wood stains/colours**
- **any external lighting**

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the conservation area in



accordance with policies CS12 and CS27 and saved Local Plan policy 120.

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

- **hard surfacing materials;**
- **means of enclosure, in particular the brick wall adjacent to Holly Cottage;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12.

4 **The trees shown for retention on the approved Drawing No. 14/2813/7B and Tree Protection Plan TPP/TYKLCH/010 A shall be protected during the whole period of site excavation and construction in accordance with Tree Protection Plan TPP/TYKLCH/010 A and with the Arboricultural Report prepared by David Clarke dated July 2013 (submitted in conjunction with planning approval 4/01411/13/FUL).**

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

5 **No materials, plant, soil or spoil shall be stored underneath the canopy of any tree on the site which is shown for retention on the approved Drawing No. BY/2013/001 Rev G or Tree Protection Plan TPP/TYKLCH/010 A.**

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

6 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied**

with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.

**(a) Site Characterisation**

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

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

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

**(b) Submission of Remediation Scheme**

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

**Environmental Protection Act 1990 in relation to the intended use of the land after remediation.**

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

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

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

**(d) Reporting of Unexpected Contamination**

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors in accordance with Policy CS12 of the Core Strategy.

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>

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 Policies CS1 and CS29 of the Core Strategy.

- 8 **Prior to the commencement of development, 2 no. Schwegler 1FF and 2 no. Schwegler 1FN bat boxes shall be erected in retained mature and semi-mature trees on the western and southern site boundaries. The newly-erected bat boxes must be free from light-spillage, and should be sited by a suitably qualified ecologist. The boxes shall be left in-situ, regardless of whether or not they are utilised during the works.**

The findings of the Bat Assessment report prepared by Belos Ecology and dated 29th July 2013 (and submitted in conjunction with planning approval 4/01411/13/FUL) should be adhered to. In particular, demolition works to B1, or at least the removal of tiles/slates from the roofs, should then be undertaken at a time of year when bats are less likely to be present; during early-spring (March to April) or autumn (October to November) and under supervision of an appropriately experienced and licenced bat ecologist. If individual bats are encountered during the works, they should be moved to the previously erected bat boxes by the ecologist on site.

Reason: To incorporate positive measures to support wildlife and to mitigate impact against a European protected species in accordance with Core Strategy policy CS29.

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

**Schedule 2 Part 1 Classes A, C and E**

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 openness of the Green Belt in accordance with Policies CS5, CS6 and CS12 of the Core Strategy.

- 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 windows, dormer windows, doors or other openings other than those expressly authorised by this permission shall be constructed without the prior written approval of the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy 12 of the Core Strategy.

- 11 **The windows at first floor level in the rear (east) elevation of the Plot 5 of the development shall be non opening and obscure glazed up to a height of not less than 1.6 m above internal floor level.**

**The lowest opening part of the rooflights on all plots shall be a minimum 1.6m above internal floor level.**

**The windows at first floor level in the west elevation of Plot 1 of the development shall be non opening and obscure glazed up to a height of not less than 1.6 m above internal floor level.**

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Core Strategy.

- 12 **Prior to the commencement of development, detailed drawings of the proposed access, car parking and turning areas shall be submitted to and approved by the Local Planning Authority. The development shall then be completed in accordance with the approved plans prior to the occupation of any of the dwellings and car parking and turning areas permanently marked out. The car parking and turning areas provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time.**

Reason: To ensure that the access is constructed to the current Highway Authority's specification as required by the Local Planning Authority. To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents and businesses in accordance with Policy CS12 of the Core Strategy and saved Appendix 5 of the Local Plan.

- 13 **The parking spaces shall be used for the parking of vehicles associated with the residential use of the site at all times.**

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway in accordance with Policy CS12 of the Core Strategy and saved

Appendix 5 of the Local Plan.

- 14 **Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway.**

Reason: To minimise the impact of construction vehicles and to improve the amenity of the local area and in the interests of highway safety in accordance with Policy CS12 of the Core Strategy.

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

**Site Location Plan**

**14/2813/1F**

**14/2813/2K**

**14/2813/3H**

**14/2813/4G**

**14/2813/5G**

**14/2813/7B**

**TPP/TYKLCH/010 A**

**TOPOGRAPHICAL SURVEY**

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 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.

**INFORMATIVES:**

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

To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the public highway. 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 – 'Highway design guide'. Before proceeding with the

proposed development, the applicant should contact Highways at [www.hertsdirect.org](http://www.hertsdirect.org) or telephone 0300 1234 047 for further instruction and to obtain their permission.

The Council's Conservation and Design officer has suggested windows are of a traditional opening (i.e., side hung casements flush fitting or sliding sash) and details of the glazing bars and finishes should be provided as part of the submission of details.

---

## **APPENDIX A: PREVIOUS COMMITTEE REPORT**

**Date of Meeting - 25th September 2014**

### **Summary**

The application is recommended for approval subject to the completion of a Section 106 agreement.

The principle of redeveloping the site for residential purposes has been established by the extant planning permission 4/01411/13/FUL. The changes to the previous approved scheme do not harm the openness of the Green Belt and are therefore in accordance with Core Strategy policy CS5. The scale and layout of the development remains largely as per the permitted scheme and the high quality design that reflects the local vernacular remains. The proposal is therefore in accordance with policies CS11 and CS12. The proposal includes an appropriate mix of units in accordance with Policy CS18 and the level of financial contribution in lieu of affordable housing is considered acceptable. The access and parking arrangements are adequate in line with policy CS12 and saved Local Plan policy 58 and saved Appendix 5. The proposals are acceptable in the Conservation Area in accordance with CS27 and saved Local Plan policy 120. Impact on surrounding residential properties is acceptable in line with policy CS12. The Council has acted in accordance with Policy NP1 to support sustainable development unless material considerations indicate otherwise.

It should be noted that this application can not alter the time limit of the original permission and condition 1 is worded accordingly.

### **Site Description**

The site is presently a construction site, following the grant of planning permission 4/01411/13/FUL for 5 detached dwellings (which came to committee on 17th October 2013). Previously, the application site comprised a builders yard located on the south side of Kings Lane in Chipperfield. The site is an irregular shape to approximately 0.25ha. At the frontage of the site is the access behind which the site widens. The eastern part of the site extends into two small rectangular parcels of land.

There was limited soft landscaping on the site, with the exception of a number of mature boundaries and trees, some of which are within and some of which are just outside the site. The two small rectangular parcels of land to the eastern side were partially overgrown.

The site is surrounded by residential properties and their gardens.

## Proposal

A planning permission for 5 dwellings on the site is currently being implemented. The approved scheme provided:

2 x 2 bed (one of which affordable)  
2 x 3 bed  
1 x 4 bed

This application is a minor material amendment application to vary the approved drawing numbers from the previous permission. The amended scheme proposes a number of changes as follows:

- no provision of affordable housing unit and financial contribution of £354,532.66 in lieu
- additional volume at first floor level to units 4 and 5
- alteration of roof forms to unit 2
- reconfiguration of internal layouts and addition of rooms in the attic spaces such that the scheme is now for:
  - 3 x 4 bed
  - 2 x 5 bed
- various alterations to the windows / fenestration pattern on all units
- insertion of conservation roof lights
- introduction of gates to the entrance to the development

It should be noted that, in general terms the overall design approach remains the same and the footprint of the buildings remains the same. As with the approved scheme, 15 car parking spaces are provided in total some of which will be provided in cart barn style car ports. Three spaces will be provided per dwelling.

## Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Chipperfield Parish Council who consider that the proposal would result in overdevelopment.

## Planning History

4/01411/13/FUL	DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 5 DWELLINGS COMPRISING ONE 2-BED, TWO 3-BED, ONE 4 BED AND ONE 2-BED AFFORDABLE UNIT, WITH ASSOCIATED ACCESS AND CAR PARKING Granted 24/10/2013
4/01412/13/CAC	DEMOLITION OF EXISTING BUILDINGS Granted 24/10/2013



It should be noted that, at the time of writing, there are applications to discharge pre-commencement conditions which are under consideration. Should these applications be determined prior to the committee meeting, this will be reported to Members.

## **Policies**

### National Policy Guidance

NPPF

### Dacorum Core Strategy (September 2013)

NP1, CS1, CS5, CS6, CS8, CS10, CS11, CS12, CS13, CS25, CS27, CS28, CS29, CS30, CS31, CS32

### Saved Local Plan Policies

Policies 13, 51, 58, 99 & 120  
Appendices 1, 3 & 5

### Supplementary Planning Guidance / Documents

Planning Obligations SPD  
Environmental Guidelines  
Chipperfield Village Design Statement  
Advice Note on Achieving Sustainable Development through Sustainability Statements  
Affordable Housing SPD

## **Summary of Representations**

### Chipperfield Parish Council

The Parish Council object strongly to the variation of the approved plans, the new application increasing all the properties to four and five bedroom houses is overdevelopment of the site.

The proposed extra windows will cause overlooking issues with the neighbouring properties.

No extra provision has been made for car parking for the extra accommodation.

Concerns were also expressed over the apparent removal of the affordable housing unit.

### Trees and Woodlands

I have no objection to the proposed variation of condition at The Yard, Kings Lane, Chipperfield. There are no changes to landscaping proposals from the previously approved scheme at this location.

### Housing

The applicant has agreed to make an affordable housing financial contribution of £354,532.66 in lieu of an affordable housing unit. The Council is satisfied from an Affordable Housing and Economic Viability Assessment completed by BNP Paribas Real Estate, that a larger contribution would make the scheme unviable and therefore accepts this financial contribution.

### HCC Highways

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

### Thames Water

Waste Comments:

The application does not affect Thames Water and as such we have no comments to make.

Water Comments:

No water comments

### Comments received from local residents

Two letters of objection have been received making the following points:

#### Holly Cottage

- Plot 5 has been amended from a 4-bedroom house on 2 floors to a 5-bedroom house on 3 floors. Plot 1 has now been amended from a 2-bedroom house on 2 floors to a 4-bedroom house on 3 floors.
- The amended plans propose adding a third story to many of the existing houses and additional windows overlooking Holly Cottage. In addition there are skylights and the front and side of the properties have been changed and the floor area has been expanded.
- The amended plans have windows at the first floor and second floor levels of Plot 1 and the first and second floor level on Plot 5. which does not meet conditions on previous planning permission and causes overlooking and significant invasion of privacy
- Amended plans do not include the boundary wall between the site and Holly Cottage
- Larger houses will be more visually overbearing than the houses agreed in the original application. We further object to the enlarged frontage of Plot 5 (NW elevation) since it is visually overbearing.
- The additional storey would mean that our light and sunlight would be affected by the increased size of the houses in the amended plans.
- Additional storey in all the properties since is not in keeping with the neighbouring properties which only have two floors and do not have windows in the roof. Under the design guidelines, properties should be in keeping with neighbouring properties.
- Inadequate garden sizes compared to neighbours
- Plot 1 is meant to be affordable housing but the amended plans mean that the

house would no longer be affordable.

- The increase in the size of the houses in each plot would necessitate additional parking spaces for the development which have not been provided.
- The increased size of the houses will result in an increase in the number of occupants and additional traffic and noise in the lane.
- Overall we believe that the site is not large enough for the proposed scheme.

## Nabobs

- Internal reconfiguration results in increased impact on neighbours.
- Plot 1 living kitchen space will directly overlook the kitchen area
- The cycle sheds have been relocated on the boundary affecting the light into the kitchen
- Larger, non obscure windows now facing from Plot 1 into Holly Cottage and Nabobs
- Overlooking from velux windows, light source should be from light chimneys
- Open fire in Plot 1 is unnecessary
- Positioning of plot 1 should be parallel to the site access road
- Concern regarding potential to extend the properties
- Concern regarding impact on trees on the boundary
- Inadequate car parking associated with the original scheme and this will be further exacerbated by increased occupancy of the site
- Three spaces per dwelling provides no additional car parking
- Lack of parking will encourage unsafe parking on Kings Lane and impact on children walking to school
- Lack of facilities in the village is such that the proportion of cars per household will exceed the norm.
- Drainage concerns

## Considerations

The extant permission establishes the principle of development on the site. Therefore, it is only reasonable to consider the changes to the scheme as follows:

### Scale of the Development

The proposed development alters the layouts of the units and makes use of attic spaces such as the number of bedrooms to each unit has increased as follows:

Plot 1 was 2 beds and is now 4  
Plot 2 was 2 beds and is now 3  
Plot 3 was 3 beds and is now 5  
Plot 4 was 3 beds and is now 4  
Plot 5 was 4 beds and is now 5

Although the size of the dwellings have increased in terms of the numbers of bedrooms and the intensity of use of the site could potentially therefore increase, the overall scale of the development remains largely as per the approved scheme in terms of built envelope. This is with the exception of plots 4 and 5 where a small amount of additional volume has been added at first floor levels. However, this is not considered significant. It is not considered that the openness of the Green Belt would be harmed

by these changes and visually the overall scale of the site remains very similar to the scheme already permitted.

### Design

The design approach remains very similar to that approved under the extant permission. Detailed discussions have been held with the Council's Conservation and Design team and amended plans have been received to accommodate the changes that were requested (generally around proportions and sizes of windows). One of the key changes has been to remove some of the windows in gable ends that would give the impression of the units being 3 storeys, plus alterations to the positioning and proportions of windows. Further matters of detail are currently being considered under applications to discharge pre-commencement conditions.

### Residential Amenity

Objections have been raised by the two neighbours to either side of the development site, Nabobs and Holly Cottage. A meeting has also been held with these neighbours.

As originally submitted, the drawings included windows that overlooked some of the neighbouring properties, but amended plans have been submitted to either remove certain windows, or confirm that they will be obscure glazed or high level. Where velux windows are now proposed, the bottom cill height of these windows will be 1.6m to avoid any potential for overlooking. This will be secured by condition as appropriate. The cycle store to Unit 1 has been deleted, although sufficient space still exists within this plot for the informal storage of bicycles. The wall between Holly Cottage and the site is not clearly shown on the amended site layout plan. There is still a potential overlooking issue between the kitchen space of Plot 1 and the kitchen area of Nabobs, although both windows are at ground floor level and could be separated by a 2m fence without planning permission (this was not restricted under the previous permission).

### Affordable Housing

The applicant has provided a viability assessment and letters from RSLs demonstrating that the provision of the affordable unit as previously approved is not viable. Negotiations have been held between the applicant and the Council's Strategic Housing team regarding a financial contribution in lieu of on site provision. Housing officers have, at the time of writing, informally accepted the findings of the report and agree to the financial contribution offered. This will be secured by S106 (see below).

### Highways / Parking

In terms of parking, 15 spaces are provided as per the approved scheme. This has been allocated as 3 spaces per dwelling which is as per the standards of the Local Plan requiring 3 spaces per dwelling of 4 or 5 bedrooms. The allocation of the parking spaces is not logical in terms of the location of the parking spaces to the houses which they have been allocated to. A condition is recommended to alter this layout.

HCC Highways has not objected to the scheme.

### S106

A Section 106 agreement with the following Heads of Terms is to be drafted:

Child Play Space - £8,896.00

Travel Smart - £125.00

Libraries - £1168.00

Monitoring - £611.34

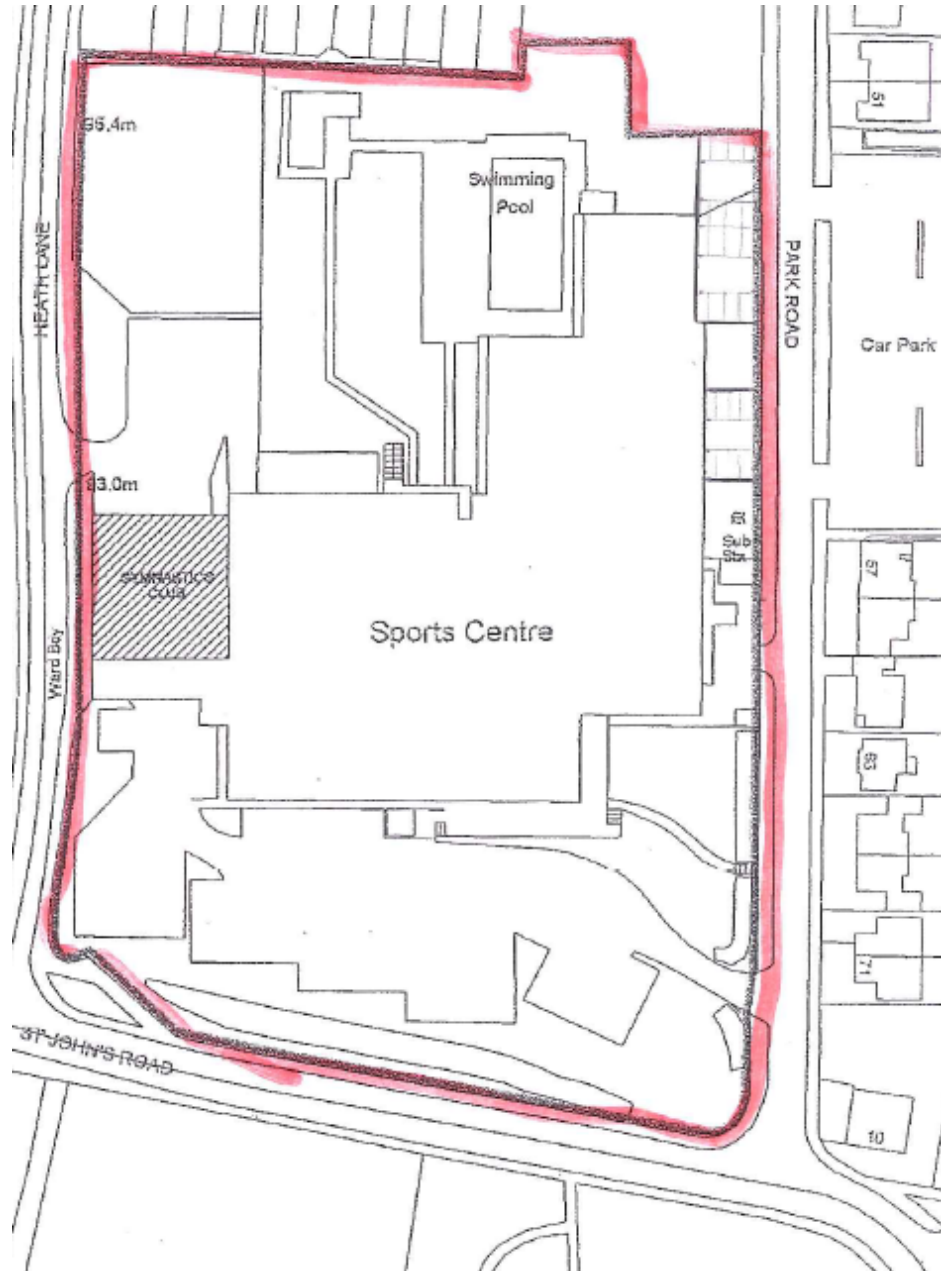
Affordable Housing - £354,532.66

### **Recommendation**

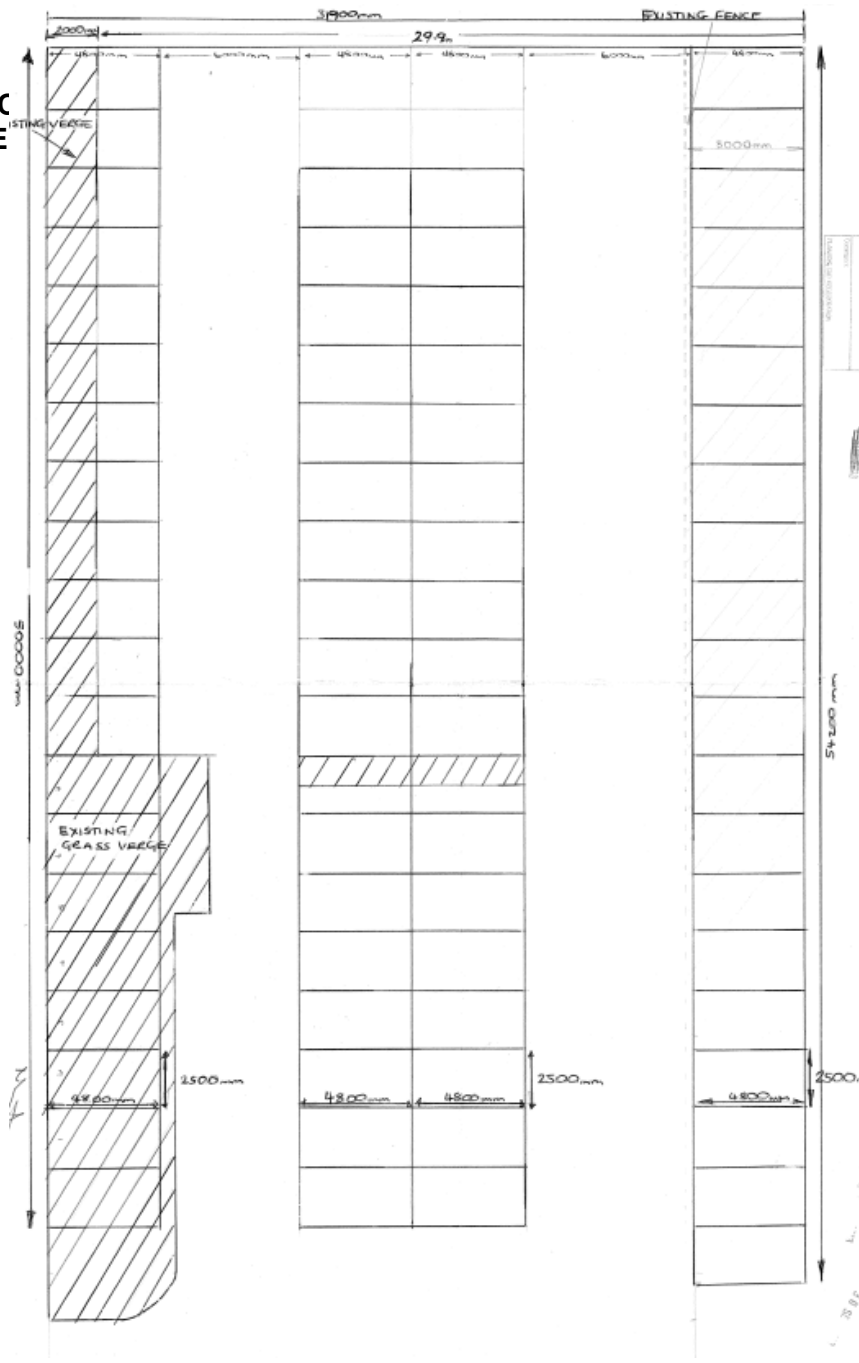
That the application be **DELEGATED** to the Group Manager, Development Management and Planning, with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and subject to the discharge of any of the associated conditions that are presently being considered. Should the conditions be discharged prior to the issue of planning permission, the recommended pre-commencement conditions shall be replaced with compliance conditions.

**ITEM 5.06**

**4/02389/14/RET - CONVERSION OF GRASSED AREA TO ADDITIONAL CAR PARKING  
SPORTSPACE HEMEL HEMPSTEAD, PARK ROAD, HEMEL HEMPSTEAD, HP1 1JS**



4/02389/14/RET - C  
SPORTSPACE HE



MARKING  
| JS

**4/02389/14/RET - CONVERSION OF GRASSED AREA TO ADDITIONAL CAR PARKING  
SPORTSPACE HEMEL HEMPSTEAD, PARK ROAD, HEMEL HEMPSTEAD, HP1 1JS  
APPLICANT: DACORUM SPORTS TRUST - NIGEL MCARTHUR**

---

[Case Officer - Joan Reid]

### **Summary**

The application is recommended for approval. The extension to the car park does not result in the significant loss in amenity space and it helps address current parking problems within the site and surrounding environs. The additional parking provision does not prejudice matters of highways safety. The scheme is therefore considered acceptable in accordance with Policies CS12 and CS8 of the adopted Core Strategy and saved Appendix 5 of the Dacorum Borough Local Plan 1991-2011.

### **Site Description**

The application site is located on the corner of Park Road and St Johns Road within the Boxmoor area of Hemel Hempstead. The site covers a large area containing the main sport centre building, gymnasium, three main car parking areas to the east, north and south of the site and an area of fenced and flood lit all weather sports pitches. The buildings and car parks occupy an elevated position above the highway. The area of extended car parking which this application relates is located to the west of Heath Lane and comprises a grass verge separating the highway from the existing car park which is accessed from Heath Lane. There is a mature tree located within this grass verge.

### **Proposal**

The application seeks planning permission to retain the widening of the existing car park which provides additional car parking adjacent to Heath Lane. The existing car park has been configured and altogether as a result of the additional spaces created from conversion of the grass verge and the reconfiguration, the development results in an additional 19 spaces. This results in a total parking provision of 91 spaces in the Heath Lane car parking and 215 car parking spaces in total serving the sports centre.

### **Referral to Committee**

The application is referred to the Development Control Committee as the land is owned by the Council.

### **Planning History**

4/01530/10/FUL	CHANGE OF USE OF AMENITY AREAS TO ADDITIONAL CAR PARKING AND CYCLE/MOTORCYCLE AREA Granted 16/11/2010
4/01091/07/FUL	EXTENSION TO FRONT AND REAR TO FORM NEW GYMNASTIC FACILITY Granted 02/08/2007



4/00295/05/ADV	TWO NON-ILLUMINATED FREE-STANDING SIGNS FRONTING ST JOHNS ROAD Granted 01/04/2005
4/02072/02/BPA	THREE ALUMINIUM WINDOWS TO SOUTH ELEVATION Granted 02/12/2002
4/01121/99/4	EXTENSION OF CAR PARK BY AN ADDITIONAL 38 PARKING SPACES AND ERECTION OF FENCING AND DEMOUNTABLE BOLLARDS Granted 09/09/1999
4/01872/98/4	ERECTION OF FENCING Granted 26/11/1998
4/01816/98/4	EXTERNAL SIGNS Granted 26/11/1998
4/00083/98/4	ERECTION OF TEMPORARY BUILDINGS TO PROVIDE FITNESS SUITE, CRECHE AND WC'S DURING REFURBISHMENT Granted 05/03/1998
4/01283/97/4	SUBMISSION OF RESERVED MATTERS PURSUANT TO CONDITIONS 3, 4, AND 5 OF PLANNING PERMISSION 4/0336/97 (SPORTS CENTRE REFURBISHMENT) Granted 10/09/1997
4/00583/97/4	RETENTION OF TWO PORTACABINS FOR USE AS TEMPORARY CHANGING ROOMS, SHOWERS AND TOILETS Granted 19/06/1997
4/00336/97/4	MODERNISATION & REFURBISHMENT OF THE EXISTING SPORTS CENTRE INCLUDING CONSTRUCTION OF A NEW LEARNER POOL, OUTDOOR POOL AND ENTRANCE LOBBY Granted 10/07/1997
4/00430/93/4	EXTENSION TO SPORTS CENTRE TO FORM GYMNASTICS HALL Granted

22/04/1993

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

### Adopted Core Strategy

CS4, CS8, CS9, CS10, CS11, CS29

### Saved Policies of the Dacorum Borough Local Plan

Appendix 5

### Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Residential Character Area HCA 10 Hammerfield North  
Accessibility Zones for the Application of car Parking Standards (July 2002)

## **Summary of Representations**

### Hertfordshire Highways

The Highway Authority does not wish to restrict the grant of permission

### Trees and Woodlands

Awaiting comments

## **Considerations**

### Policy and Principle

Policy CS12 of the adopted Core Strategy accepts the principle of development within residential areas as long as it would a) provide a safe and satisfactory means of access for all users; b) provide sufficient parking and sufficient space for servicing; c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties; d) retain important trees or replace them with suitable species if their loss is justified; e) plant trees and shrubs to help assimilate development and softly screen settlement edges; f) integrate with the streetscape character; and g) respect adjoining properties in terms of: i. layout; ii. security; iii. site coverage; iv. scale; v. height; vi. bulk; vii. materials; and viii. landscaping and amenity space.

Policy CS8 of the Core Strategy deals with sustainable transport and requires all new development will contribute to a well connected and accessible transport system. In particular (g) strengthen links to and between key facilities (bus and railway stations, hospitals, main employers and town centres); and (h) provide sufficient, safe and

convenient parking based on car parking standards: the application of those standards will take account of the accessibility of the location, promoting economic development and regeneration, supporting shopping areas, safeguarding residential amenity and ensuring highway safety.

### Parking considerations

Appendix 5 of the DBLP sets out the following maximum car parking standards for D2 (Assembly and Leisure) Use, as below:

D2 Facility	Maximum standard
Swimming pool	1 space per 15sq.m gfa
Tennis/badminton	4 spaces per court
Squash court	3 spaces per court
Fitness centre/sports club	1 space per 15sq.m
Outdoor sports grounds with football pitches	20 spaces per pitch

The sport centre has been extended quite significantly since 1993. The applicant has provided a comprehensive breakdown of the floorspace and has indicated that the floorspace of the centre (not including the car park, grass viewing area etc) is 7375sq.m. He has also provided a breakdown of each facility/use of the centre.

Based on the floorspace of the centre and the breakdown of the uses, it is considered that the resultant parking spaces are well within the maximum standards set out in appendix 5 of the local plan.

Overall, it is considered that due to the expansion of the sport centre in recent years, there is a significant need for additional car parking space. The car parking is mainly provided by three car parking areas, to the north, east and south of the site. The applicant has indicated that the centre is suffering from a lack of car parking and at present there is a shortage of available spaces during peak hours, resulting in an overspill to on-street public parking and to the nearby residential areas. The sportscentre have activitely promoted alternatives to the car for their customers and have encouraged bike use by introducing the bike to work scheme. They have consulted with bus companies to encourage them to develop a timetable that could be displayed in reception and reinstating the bus route that ran by the front of the building, however according to the applicant, the bus company was not supportive.

The sports centre have also introduced a parking management system to ensure that only users of the facility utilise the spaces rather than commuters, shoppers and local residents. Overall, it is considered that the sports centre is promoting alternative transport modes for staff and customers in accordance with policy CS8 of the Core Strategy and the additional parking provision accords with the maximum standards outlined in appendix 5 above.

### Impact on Street Scene

It is not considered that the loss of this area of amenity land results in any significant adverse effect on the visual amenity of the immediate surroundings or the general street scene. The area of land in question is relatively small and a grass verge to

separate the highway from the car parking remains.

#### Impact on Trees and Landscaping

To be confirmed

#### Impact on Highway Safety

It has been confirmed by the County Council that the spaces provided do not result in significant harm to matters of highways safety. There is adequate space in which to safely manoeuvre between the parking spaces and the public highway and the proposals therefore accord with policy CS8 of the Core Strategy.

#### Impact on Neighbours

It is not considered that any residential properties would suffer any loss of amenity as a result of the works, considering the existing parking arrangement.

### **Recommendation**

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

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

**Site Location Plan**  
**Heath Lane parking plan**

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

#### **Article 31 Statement**

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

## **6. Appeals**

**A.**

**LODGED**

4/00161/14/FUL

MR & MRS BROWN  
CONVERSION OF REDUNDANT BUILDING INTO DWELLING  
FIVE ACRES FARM, NETTLEDEN ROAD, POTTEN END,  
BERKHAMSTED, HP4 2RF  
[View online application](#)

4/00944/14/FHA

DR HELEN WATERHOUSE  
FIRST FLOOR SIDE EXTENSION AND TWO STOREY FRONT  
EXTENSION  
10 DEANS CLOSE, TRING, HP234AS  
[View online application](#)

4/01012/14/FHA

MR P JACKSON  
REPLACEMENT DOUBLE GARAGE WITH SELF CONTAINED  
ACCOMMODATION  
6 WESTWICK CLOSE, HEMEL HEMPSTEAD, HP2 4NH  
[View online application](#)

4/01201/14/FUL

The Champneys Group Ltd  
OAK TIMBER FRAMED BUILDING TO PARK VEHICLES AND FOR  
STORAGE TO BE USED WITH THE OWNER'S DWELLING AND  
BUSINESS SUITE.  
OWNERS DWELLING AND BUSINESS SUITE, CHAMPNEYS  
HEALTH RESORT, CHESHAM ROAD, WIGGINTON, TRING, HP23  
6HY  
[View online application](#)

4/01358/14/FUL

EXIMIUS DEVELOPMENTS LTD  
DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF  
TWO STOREY SEMI-DETACHED PAIR AND DETACHED  
DWELLING TO PROVIDE THREE THREE BEDROOM DWELLINGS  
AND ALTERATIONS TO EXISTING VEHICLE CROSSOVERS.  
THE PENNANT, DOCTORS COMMONS ROAD, BERKHAMSTED,  
HP4 3DW  
[View online application](#)

**B. WITHDRAWN**

None

**C. FORTHCOMING INQUIRIES**

None

**D. FORTHCOMING HEARINGS**

None

**E. DISMISSED**

None

**F. ALLOWED**

4/00024/14/FUL            BRAYBEECH HOMES LTD  
CONSTRUCTION OF FOUR SEMI-DETACHED HOUSES  
LAND AT 15 AND R/O 14, STATION ROAD, TRING, HP23 5NG  
[View online application](#)

The main issue is the effect of the proposed development on the character and appearance of the area.

The roof design follows that of the neighbouring dwelling at 18 Station Road and 17 Station Road accommodates a third storey within the roofspace. In addition, the hipped roof design would afford a sense of spaciousness, albeit less than a more conventionally designed hipped roof, and the use of rooflights would minimise the prominence of the third storey.

I acknowledge that spacing between the proposed dwellings, agreed between the main parties at the hearing as being 3m, would be fairly narrow, as would the spacing between the proposed dwellings and the side boundaries. In addition, I appreciate that inadequate space between buildings can contribute to the perceived bulk of a development. However, the Area Based Policies SPG states spacing within TCA16 varies and requires it to at least be in the medium range of 2-5m. Moreover, the detailed design of the proposed dwellings, including bay windows, would break up the elevations and assist in minimising any perceived bulk, and the narrowness of the space to the side boundaries would, to an extent, be offset by the adjacent footpath and garden to either side.

Concerns raised in respect of legal matters, such as covenants and rights of way, together with property values and the motives of the appellant, from which it is concluded that none of these concerns affects the planning merits of the proposal.

I acknowledge that the proposed dwellings would be seen from Station Road, including from the access between Nos 15 & 17 and in fairly long views from the playing fields. However, whilst backland development by its nature disrupts building lines, given the extent of the set back from the road that would be achieved, I do not consider that the building line on Station Road would be unduly disrupted.

I conclude that the proposed development would not materially harm the character and appearance of the area. As such it accords with Policy CS12 of the Core Strategy (CS), adopted September 2013, which is concerned with quality of site design and requires developments, amongst other things, to respect adjoining properties including in terms of scale, height and bulk and layout and site coverage. In addition, other than a mathematical breach of the density standard, it generally accords with the Area Based Policies SPG for TCA16 in that it provides residential development within an opportunity area, whilst maintaining a spacious, open character.

Turning to local concerns, I appreciate that the proposed development would alter the immediate environment for occupiers of nearby dwellings. However, neither the Council nor appellant share the concerns of local residents that the proposal would materially harm their living conditions in terms of outlook, privacy, light or noise and disturbance. Taking account of the distance that would be achieved between the proposed and existing dwellings, together with the garden sizes of the existing dwellings and that an access already runs to the side of No 15 providing parking to the rear, I see no reason to take a different view. With respect to concern about the proximity of the proposed refuse stores to 17 Station Road, this is intended as a collection point only, which, as discussed at the hearing, could be secured by condition.

4/01604/13/RET                      JMS AUTOS LTD  
CHANGE OF USE FROM CAR PARK TO CAR SALES AND  
INSTALLATION OF PORTACABIN AND STORAGE CONTAINER  
CAR PARK AT MAYLANDS COURT, MAYLANDS AVENUE, HEMEL  
HEMPSTEAD, HP2 4SE  
[View online application](#)

The Inspector allowed the appeal, quoting Policy CS15 which sets out that General Employment Areas are sometimes the most appropriate location for non B-class uses and that they may be permissible as an exception to policy where clear justification exists and they comply with other policies and objectives. Other factors which weighed in favour of the proposal included that the site had been vacant for 13 years and the proposal would make a very small contribution to the numbers of people employed within the area. The site was also previously a car park and the proposed use therefore would not result in a loss of employment floor space.

It was further noted that while the proposal would not accord with the Maylands Master Plan 2007, there is no evidence that suggests a temporary use of the site would prevent redevelopment, deter potential investors or affect the strategic importance of the GEA. Also, the lack of a specific timeframe for implementation of new proposals and planning permission for redevelopment of the area was seen as a significant factor in considering the appeal.

**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: Information which is likely to reveal the identity of an individual (Items 8 & 9).