



DEVELOPMENT CONTROL COMMITTEE AGENDA

THURSDAY 15 JANUARY 2015 at 7.00 PM

Council Chamber, Hemel Hempstead Civic Centre

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

Mrs G Chapman
Clark
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: Pauline Bowles, Members Support Officer on Tel: 01442 228221, E-mail Pauline.bowles@dacorum.gov.uk or visit our web-site www.dacorum.gov.uk

PART I

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1. MINUTES

The minutes of the meeting held on 18 December 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
- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

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

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

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

4. PUBLIC PARTICIPATION

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

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

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

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

- Town/Parish Council and Neighbourhood Associations;
- Objectors to an application;
- Supporters of the application.

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

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

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

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

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

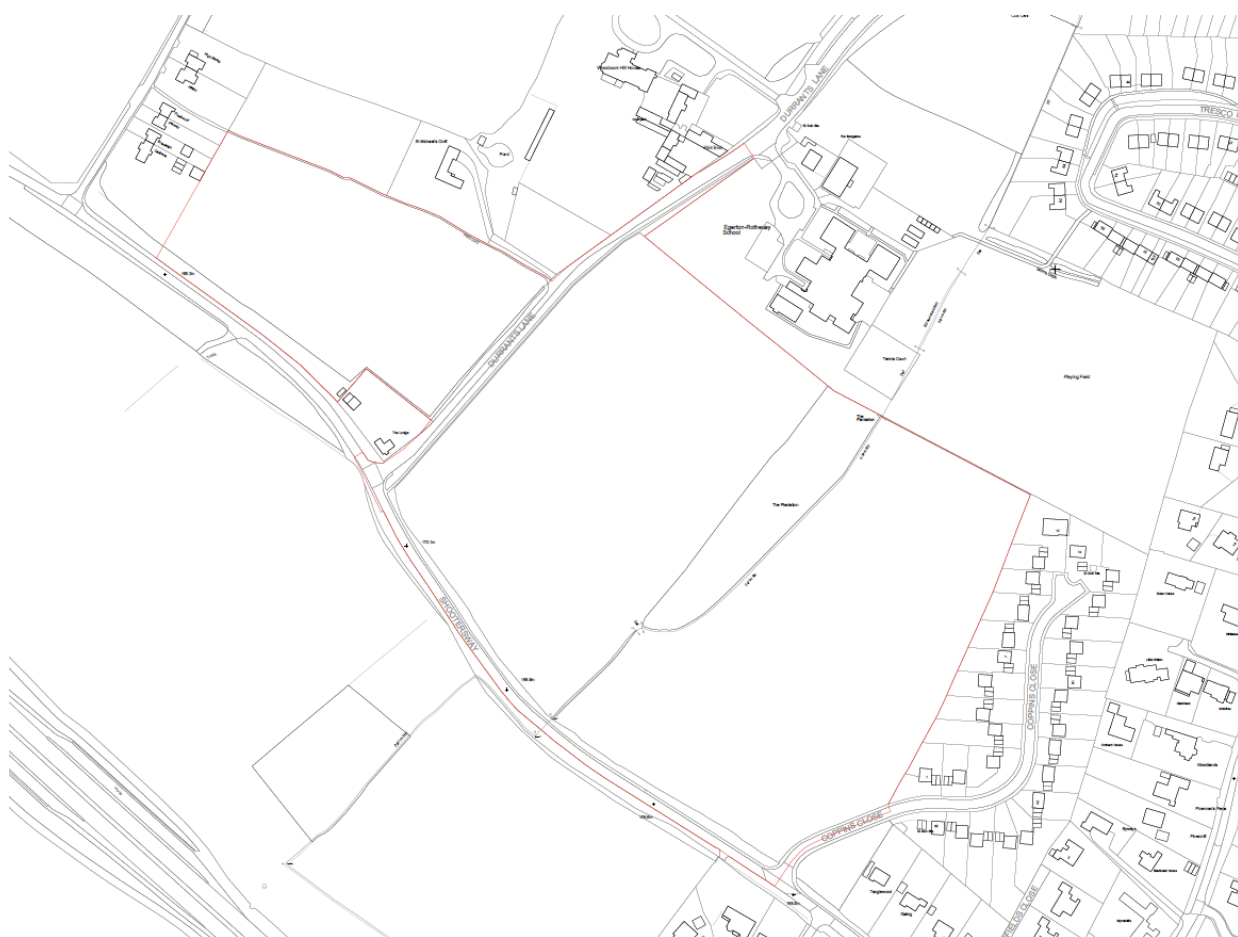
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5. PLANNING APPLICATIONS

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LAND AT JUNCTION OF DURRANTS LANE &, SHOOTERSWAY, BERKHAMSTED**



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**LAND AT JUNCTION OF DURRANTS LANE &, SHOOTERSWAY, BERKHAMSTED
APPLICANT: Taylor Wimpey (UK) Ltd.**

[Case Officer - Richard Butler]

Summary

The application site is a designated strategic housing site within the Local Planning Framework and noted as Strategic Site SS1 in the Dacorum Core Strategy; an associated Site Development Framework produced by Dacorum Borough Council provides a guideline as to how the Local Planning Authority would wish to see the housing provision delivered. The proposed development is broadly in line with the framework and where there is a divergence, this is with material reason, and these are set out in the report below.

This application follows a previous application that was refused by the Development Control Committee on 26 June 2014. There were four reasons for refusal, and the refused application was appealed to the Planning Inspectorate by the Applicants, the appeal remains undetermined by the Planning Inspectorate. Further explanations of these matters are detailed in the Planning History section of the report.

The application is recommended for approval subject to the completion of a Section 106 agreement to secure financial contributions and other arrangements in terms of transfer and management of parts of the site.

The proposal is considered satisfactory in terms of layout, design, density and landscaping and would provide an appropriate transition between the urban fringe of Berkhamsted and the surrounding Green Belt. Playing fields would be incorporated into the proposal which accords with the proposals for the site outlined in the Core Strategy.

The development would not have an adverse impact on the amenity of neighbouring properties. Additionally, car parking provision within the site is satisfactory.

Accordingly, the proposal accords with the National Planning Policy Framework, Policies CS1, CS4, CS5, CS11, CS12, CS17, CS18, CS19, CS23, CS25, CS28, CS29, CS31 and CS35 of the Dacorum Core Strategy (September 2013) and saved Policies 13, 18, 21, 58, 99, 100 and 101 of the Dacorum Borough Local Plan 1991-2011.

Site Description

The application site forms part of the SS1 housing proposal site as allocated in the Dacorum Borough Local Plan 1991-2011, in particular it forms the south-western portion as well as a parcel of agricultural land immediately opposite Durrants Lane. The site is located on the south-western edge of Berkhamsted and adjacent to Egerton Rothesay School.

The application site is irregularly shaped and comprises three open agricultural fields and straddles Durrants Lane. The main part of the site abuts Shootersway to the south-west whilst the western part of the site is separated from Shootersway by a dense narrow strip of woodland and a dwelling at The Lodge (occupying the corner site at the junction of Shootersway and Durrants Lane).

To the north-east is Egerton Rothesay School and associated playing fields included within the SS1 site, which are sited over Grim's Ditch. Also north-east (on the north-western side of Durrants Lane) is a public path, beyond which are residential properties and a small group of allotments. Immediately north-west of the site is a group of low density dwellings in a rural setting off Bell Lane.

The application site shares its south-eastern boundary with part of the street and several dwellings on Coppins Close which form part of the residential area of Berkhamsted. Levels in the surrounding area fall in a north-easterly direction (towards High Street in Berkhamsted and Northchurch), however the fall across the application site is fairly gentle.

Proposal

The application seeks planning permission for the partial development of Strategic Site 1 (SS1) of the Core Strategy. The development put forward comprises a total of 92 dwellings to the east section of the site (excluding the playing fields of Egerton Rothsay School) and shall be referred to as Phase 1 of the development of SS1. The proposal also includes two further elements: first a parking, vehicle circulation and drop off area to the south of the existing school site, and second, the allocation of a 11.14HA area of land to the west of Durrants Lane for the use as playing fields.

- Housing Development

The housing element of the scheme shall be accessed from Shootersway, approximately 50m to the west of the existing Coppins Close entrance to the site; this shall provide the single entry point for the proposed 92 dwellings (and also the housing to be provided as Phase 2).

The proposed layout is defined into grouped character areas; in summary the housing largely follows a layout dictated by the east and west boundaries of the site. The west side of the site faces dwellings onto the wooded area of the west boundary, while the east boundary, where neighbouring rear gardens back onto and abut the boundary of the site has proposed dwellings backing onto these properties to create a back to back relationship. A circulation road forms a loose loop internally within the site with dwelling groups at the north and south boundaries of the site, and smaller units within the centre.

Provision is retained for a vehicular link to the land to the north of the site where the existing playing fields for the Egerton Rothsay school are; this, as noted in the development brief for the site shall form phase 2 of SS1 and the proposal allows for a link to this land.

To summarise, the housing proposed is represented by the following schedule:

Dwelling Size	Market Sale	Social Rent	Total
2-bed	0	14	14
3-bed	18	9	27
4-bed	36	1	37
5-bed	14		14
Total	68	24	92

This differs from the previous application, where the following provision of housing was sought:

Dwelling Size	Market Sale	Social Rent	Total
2-bed	0	13	13
3-bed	16	9	25
4-bed	34	2	36
5-bed	18		18
Total	68	24	92

- School Parking, Turning and Drop-Off Area

The proposals include the provision of a School bus drop off area; turning area and 'school over flow' car park. This is to be set out to the south of the existing school site and accessed from Durrants Lane. Additional parking shall provide over flow parking for the school and also for users of sports pitches outside of school hours.

In total of 93 car parking space are provided in this area.

- Additional Sports Pitches

A section of land to the west of Durrants Lane, designated Green Belt, which is within the ownership of the applicant, is to be made available for new sports pitches. No vehicular access or buildings is proposed within this area.

Referral to Committee

The application is referred to committee due to objections raised by Berkhamsted Town Council contrary to the views of the planning officer. These objections are included within the Consultation section below. Also, as the application was previously refused by Committee, the scheme of delegation requires any application that would effectively seek permission for something previously refused by Committee, to be determined by the Committee.

Planning History

Application 4/00262/14/MFA

The previous application was recommended for approval by the planning Officer however, this recommendation was overturned by the Committee Members, and the following four reasons of refusal were given:

- 1 The application, which only covers a proportion of the site, does not provide a comprehensive form of development which would ensure the delivery of the Framework Masterplan and Delivery of housing in accordance with Strategic Site 1 of the Core Strategy (September 2013). The application presents a disjointed development with poor relationship between the proposed housing, parking areas and sports pitches giving an unacceptable form of development.
- 2 The change of use from arable or agricultural land to playing pitches, as proposed to the west of Durrants Lane, is by definition inappropriate development in the Green Belt. Very special circumstances have not been put forward to demonstrate how the harm to the Green Belt shall be outweighed by other benefits. This element of the development is therefore found to be contrary to the NPPF.
- 3 Information has not been submitted which demonstrates how consideration has been given to the specific highways issues generated by the development on important junctions of the highway surrounding the site. No account has been taken of the recent changes to the school system and the implications for highway safety including the free flow of traffic and the pedestrian routes to schools for children. The development is therefore considered to be contrary to CS8 of the Adopted Core Strategy (September 2013).
- 4 The development does not provide a satisfactory layout; this is demonstrated by the lack of a focal point within the development and insufficient informal amenity space and areas for play, leading to a poor form of development that is contrary to Policies

CS10 and CS11 of the Core Strategy (September 2013).

On receipt of the decision notice the applicants informed the Local Planning Authority of their intention to appeal the decision, wherein they would seek the Public Inquiry procedure and a full award of costs against the Council.

A number of consultee comments, including those of Berkhamsted Town Council and neighbours noted concerns with regards to the response to the appeal and the Council's position with regards to the reasons for refusal. This matter is explained below.

At a meeting between Officers and the Applicants; the applicants provided details of Counsels' opinion (professional legal view) they had commissioned regarding the reasons of refusal. These set out legal discussion of the planning matters relating to the reasons of refusal; fundamental concerns were noted with particular regard to the second reason of refusal (Green Belt).

Officers considered the legitimacy of the Council's ability to defend the reasons of refusal. The Council's legal department confirmed they were in agreement with the Counsels Opinion provided by the applicant and advised it not necessary to seek the Council's own Counsel Statement. Discussions were held with Hertfordshire Highways consultant who advised that he maintained his view as represented during the course of the application and would not be able to form a strong case to defend the reason of refusal at appeal.

Therefore in order to defend the appeal the Council would need to employ external consultees to form a case and defend at appeal as for officers to do so would prejudice their professional code of conduct, having statement their professional view point throughout the application stage.

Officers produced a Part II (in private) report to committee members to detail these concerns and furthermore the potential exposure of the Council to award of costs in favour of the applicant. It was wholly necessary for this to be conducted under the Part II procedure. The report provided details of the weaknesses in the Councils case and confidential matters included in the Counsels Opinion; to make these items public would prejudice the process; as if members had not accept the recommendations of the Part II report the reasons/discussion within the report would be a public document, which could then be used in the Public Inquiry against the Council case, thus prejudicing the members ability to make their own decision.

The Committee members noted the content of the Part II report and agreed that reasons 1, 2 and 3 would not be contested at appeal. In addition clarification was provided with regard to reason of refusal 4, wherein specific reference to the members concern of a lack a focal point in the layout of the development resulting in a poor form of development. The result of this action is that the Inspector shall consider all matters relating to the application, but the Council shall not provide a defence against the reasons 1-3; this inturn reduced the appeal to a written representations procedure, where officer were able to represent the views of the Council through written statements, dramatically reducing the cost and exposure to award of costs of the appeal procedure. This action did not prejudice the ability for any 3rd party comments to be considered against the application. There is not a procedure for publication of minutes of Part II items.

The appeal remains undecided by the Planning Inspectorate.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Adopted Core Strategy

Policies NP1, CS1, CS2, CS5, CS8, CS11, CS12, CS13, CS17, CS18, CS19, CS25, CS28, CS29, CS31 and CS35

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 18, 21, 58, 99, 100, 101 and 118
Appendices 1, 3 and 5

Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Development in Residential Areas
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Landscape Character Assessment (May 2004)
Planning Obligations (April 2011)
Affordable Housing (Jan 2013)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Berkhamsted Town Council

Councillor Mrs Warren had declared a prejudicial interest in this application.
It was RESOLVED to suspend Standing Orders to allow a member of the public to speak against the application.

Mrs Warren of Shootersway Lane objected to the amended planning application.
Mrs Warren explained that the new playing area provides a welcome focal point with a fence and some play equipment but also needs benches or picnic tables to encourage community togetherness. There has been an unacceptable change to the north-east corner where Plot 89 garages have been moved from the north to south side. This results in

- House (Style H) being closer to 12 Coppins Close and well within the 23 m limit
- The front of house 89 is lined up with the blank wall of Plot 90 and is poor design
- Plots 79, 83 and 89 are all shown to be within the 23m limit

Mrs Warren added that if this or a similar development goes ahead then there should be a condition that Permitted Development Rights are waived; and the choice of a harsh red-brick building material is often found in an industrial town and not on the edge of a market town on former green belt land.

Councillor Warren then left the room.

The meeting was reconvened.

Object

We have noted the changes in allocation of dwellings between those of different sizes and the

insertion of the amenity space. However, we do not see sufficient justification to withdraw our previous objections to this scheme; the amenity area is no more than a token gesture and inadequate for its purpose.

Additionally, we object to:

The absence of transparency by virtue of the changes to the original Development Control Committee grounds for objection not being proposed in a public meeting and being referred instead to a Part 2 agenda item at that meeting. We object also to the absence of a minute of Part 2 of that meeting, which left the Town Council and local residents unaware that the discussion had occurred or that the decision to reduce grounds for objection from four to a single issue had been made.

The apparent decision, following discussions between the Borough and Consultants for Taylor Wimpey to agree that there are now 'no outstanding technical objections to development of the site....'

This requirement for this condition is re-enforced in the latest Transport Assessment (Revision 3) conducted by Stomor, issued on 30 October 2014, which at paragraph 15.44 states:

'.. the junction is currently operating at or beyond its theoretical capacity, which confirms the classification of this junction by HCC as a 'congestion hotspot'. Improvements to the junction would need to be carried out by the highway authority in the near future to more safely accommodate pedestrians, current traffic and envisaged growth.'

We also reiterate our previous request that Permitted Development Rights be removed from this site so as to preserve two-storey roofscapes and resist the subsequent introduction of dormer windows with their associated issue of parking provision.

We also have a concern regarding the appropriateness of using red bricks in part of this development and hope this item can be given further consideration when further details of materials are submitted as a condition of development.

Councillor Warren returned to the meeting.

Spatial Planning

The previous application was refused on a number of points and this application seeks to address these matters (albeit they have also appealed against the refusal). We continue to support the proposal in delivering key components of SS1 and local housing delivery in Berkhamsted.

We note that a significant amount of technical work has been provided with the proposal, including highway matters, which is welcomed in seeking to address previous concerns raised.

We are pleased that the proposal continues to show footpath and road linkages to adjoining land thus emphasising that it is taking a comprehensive view to delivering Strategic Site SS1 as a whole. This is also important to ensure the proposal allows for ease and choice of movement. We are also pleased to see that they have amended the plans to introduce an additional play area (LAP) / focal point within the development.

The Council referred to the lack of VSC to justify the additional playing fields on the parcel of land in the Green Belt on the corner of Durrants Lane / Shootersway. This reflected emerging legal interpretation of the NPPF in suggesting that only built development that supports outdoor sports is not inappropriate development i.e. the open playing fields would require justification under VSC. This position is somewhat surprising and contradictory given para. 81 of the NPPF

clearly supports the role of the Green Belt in providing opportunities for outdoor sport and recreation.

We feel that there are VSC given the identified shortfall of open space in the town (see Open Space Study 2008) and the lack of alternative non-Green Belt sites to address this. This proposal is the only scheme at present that can contribute towards meeting some of this shortfall. In any event, the work on the Core Strategy (Proposal SS1) and supporting master plan has always made clear the role of the land as additional leisure space in the Green Belt. Furthermore, in reality, the proposed playing pitches will not have a material impact on the openness of the Green Belt.

Planning, Hertfordshire County Council

I write to make formal representations on behalf of the County Council (Property) in respect of the above Planning Application.

The context is that the County Council is the freehold owner of the land adjacent to the Application site. The County Council's land ownership is shown outlined in red on the plan below, which includes the Egerton Rothesay school playing fields (to the east of the school buildings). The County Council is also the freeholder of the woodland immediately to the north that is outside the red line boundary. Egerton Rothesay School is the freeholder of the land enclosed by the County Council's land, upon which the majority of their buildings are sited. The School is wholly owned by a registered charity (Egerton Rothesay, Registered Charity No: 1091089).

All pupils at the school have special needs. There is a wide range of needs across the school – from Dyslexia through to those on the Autistic spectrum – and often with complex needs brought about by more than one issue. Approximately 60% of the School's admissions are of children with formally assessed special needs that have been nominated by, and with fees paid by, Local Education Authorities (now 11 different authorities) with approximately 60% of these being from Hertfordshire County Council as education authority for the area and Buckinghamshire County Council as the adjacent authority.

Hertfordshire County Council and the School have worked with Taylor Wimpy over many years to assist the Local Planning Authority in bringing forward the allocation for mixed use development of these three owners' lands. To assist with delivery of the strategic allocation of these lands and the planning policies for it contained in the adopted Local Plan, the County Council envisages carrying out a land exchange with Taylor Wimpey in which the County Council transfer to Taylor Wimpy ownership of the School playing field to the east of the school buildings so that land can be developed as Phase II of the Housing Scheme and that the total housing development conforms to the planning principles contained in the policy for the site.

In return, Taylor Wimpy would transfer to the County Council a sufficient part of the land they own to the south for the School site and to the west of the existing tree belt and the proposed Phase I housing development. Within the terms for the exchange would be contained responsibilities for the development of the new access, drop-off and car parking area and for the replacement school playing fields and for the subsequent management and use of that land. This would enable the County Council to provide by way of a replacement letting, new and better located playing fields for the School, as well as the new access and parking area.

The County Council would also be prepared to receive ownership of and to arrange to manage completed new community playing fields on the west of Durrants Lane and to make them available for use by a community group such as the Berkhamsted Raiders. The County Council has a policy for making property available by lettings to community and voluntary organisations and this was reviewed in 2007 - the report and the summary lease arrangements can be seen at this link:

http://www.hertsdirect.org/your-council/civic_calendar/performrespnl/15717157/ at agenda item 7

Under this policy, lettings to these types of organisation are usually accompanied by a partnership agreement that sets out the shared community objectives. Providing the organisation meets the community or voluntary organisation status criteria and the objectives, it receives a 90% abatement of the market rent.

With that background, the County Council makes the following representations in respect of the planning application on behalf of itself as adjacent land owner and on behalf of the School.

1. Comprehensive Development

The current application was made for only part of the land allocated for development in the Local Plan owing to the then presence of an application for registration as a Town or Village Green of the rear [east] playing field used by the School. That application was refused following a Local Inquiry. It will be important that the applicant's phased approach to seeking planning permission for the lands allocated for development does not preclude comprehensive development in accordance with the planning policies for the lands as contained in the Local Plan. Whilst it is understood that the applicant has needed to bring forward a 'self-contained' phase one scheme, it will be important for the Local Planning Authority to be able to control that phase of development so that the later Phase 2 scheme can properly be added and the whole scheme achieve the planning policies. This is especially relevant when considering the detailed location of the housing at Phase 2, which owing to the outcome of the above Inquiry and the County Council's intentions for its land can be achieved on the playing fields to the rear [east] of the school with replacement school playing fields being provided on the urban open land to the south of the school buildings and west of the existing substantial tree belt. The design and implementation of the access, services and particularly the drainage scheme for Phase 1 need to be demonstrably compatible with Phase 2 housing being provided by way of a northward extension of that development and with planning conditions in place for Phase 1 to support that objective.

2. School drop-off/car park

Although Egerton Rothesay is a not for profit independent school, a significant number of pupil placements at the school are directly funded by the County Council. The County Council is therefore very supportive of any proposal that would improve the school's facilities such as the proposed drop-off/car park facility. The School and the County Council are concerned to ensure that responsibilities for management and ownership of the facility as well as the user rights and maintenance arrangements are clarified now. We suggest that planning obligations contained in the S106 agreement is the appropriate mechanism for achieving this. We also suggest it would be beneficial to the school and local residents to ensure that this facility is provided before the completion of the housing development. This could be secured by way of an appropriate planning condition.

3. Flood Risk Assessment (FRA)

With regard to the submitted FRA prepared by Stomor (February 2013; Ref ST-2271/FRA-1302; Rev 1) we note that the document sets out proposals for both foul drainage and surface water drainage.

Taking these two aspects in turn:

Foul Drainage

The indicative foul drainage strategy identifies provision of a foul pumping station in the north

west corner of the site along with a foul storage tank, which is to allow for “future development on surrounding parcels” – it is assumed that this refers to the Master plan proposal for Phase 2 development of the rear [east] school playing fields. The FRA also indicates that additional foul storage will be required at the location of the pumping station if additional units are added to the foul drainage system. It would therefore appear that the foul water drainage strategy has been designed to allow for development of the aforementioned Phase 2 land. We endorse this approach, as it facilitates the Phase 2 development of the school playing fields, which is in accordance with the Master plan Document. We suggest that provision for Phase 2 be covered by a condition.

Surface Water Drainage

The indicative surface water drainage strategy indicates that approximately 1.6ha of the site would drain southwards by gravity to the watercourse adjacent to Shootersway. The remaining 1.9ha on the northern portion of the site will drain by gravity to the public sewer in Durrants Lane. In addition, the southern and northern portions will include the use of SuDS drainage methods and certain off-site improvement works are also proposed. However, the drainage strategy does not appear to take into account the development of the rear [east] school playing fields, which is the preferred location for Phase 2 identified in the Master plan Document. We therefore conclude that the surface water drainage strategy is deficient in this respect and that the local planning authority would be advised to satisfy itself that, if implemented, the strategy does not preclude housing development of Phase 2 on the rear school playing fields.

It is acknowledged that when Taylor Wimpey’s planning application was originally submitted, the Town or Village Green application had not yet been determined. However, the Planning Inspectorate has now dismissed the application to register the County Council’s land as a Town or Village Green. As such, there is now no barrier to the development of Phase 2 on the school’s playing fields land. This lends weight to the reason for ensuring that the surface water drainage strategy takes into account the Phase 2 development. If this were not arranged and the development of Phase 1 were carried out simply in accordance with the drainage scheme as submitted the developer may need to bring forward an application for Phase 2 with the housing on the urban open land west of the tree belt rather than in accordance with the master-plan and planning policies.

4. Estate Roads

To ensure comprehensive development, it is suggested that a planning condition be imposed that requires the estate roads, which will lead to and gives access to the rear [east] School playing field, to be built to a capacity and an adoptable standard all the way up to the site boundary (i.e. the County Council’s ownership boundary), so that they can be compatible with a Phase 2 development, with housing to the north accessed through the Phase 1 housing scheme.

Hertfordshire Highways

The site is located to the southwest of Berkhamsted at the junction of Shootersway with Durrants Lane. Shootersway is a single carriageway Local Distributor road. It is subject to the national (60mph) speed limit past the site. This reduces to 30mph at the SE corner of the site just west of the junction with Coppins Close. It has footway along its eastern side. Durrants Lane is a single carriageway Local Access road. The southern section from its junction with Shootersway as far as the entrance to St Michael’s Croft is subject to the national (60mph) speed limit. From there north it has a 30mph limit. It has footway along its northern side. A 3m wide foot/ cycleway is proposed from the site access to Coppins Close along Shootersway.

The transport aspects and impacts of the proposed development are described in the original (Feb 2013) Transport Assessment report and an 8-page ‘Highways Supplementary Synopsis’

sent to the LPA on 5 January 2015. The second document addresses the reason for refusal given at DC committee on 1 July 2014 in particular the lack of specific consideration of the effects of the reorganisation of local schools.

Accessibility is relatively low given that the site is on the edge of an urban area. According to Accessibility Zones map on page 11 of the Accessibility Zones SPD of 2002, the site is outside zone 3. The size and topography of Berkhamsted are factors in this.

There are no bus stops within the 400m nationally recognised maximum walk distance limit of the site. The closest bus services run along Tresco Road/ Ridgeway, Westfield Road/ Durrants Rd and the lower part of Durrants Lane. The site is currently remote from existing bus services and diverted services need to continue to be considered in order to encourage the use of sustainable modes of transport from the site. Planning obligations derived from this development and/ or a possible second phase should it be granted permission and implementation could be used to pump prime such a provision.

The site is approximately 1.7 miles from Berkhamsted railway station. Trains are run by London Midland and Southern. London Midland services into London Euston are 4 per hour, Southern trains run hourly into London. The journey time into London is approximately 36 minutes on a limited stop service.

This revised proposal is supported by an updated Draft Residential Travel Plan. Its key components are as follows:

- Provision of a sustainable travel information pack to all residents on occupation and to be updated in years 2 and 5.
- Provision of a sustainable travel incentive to the value of £100 per household.
- Personalised travel planning advice.
- An annual budget to fund school travel plan initiatives at local schools.

The TP would be supported by the appointment of a Travel Plan Coordinator over the first 5 years following full occupation of the site. As usual, the Travel Plan will be monitored annually with results of surveys reported to HCC. In addition, the developer would pay a financial contribution towards the development of improved cycle infrastructure within Berkhamsted in accordance with Dacorum Borough Council's Planning Obligations Planning Document. This requires a contribution on a "per new house" basis towards cycle networks and towards the "Travel Smart" initiative.

In order to promote walking and cycling a network of footways and cycle routes is proposed within the site. These would have appropriate links to surrounding networks as appropriate. These would include links not only to the main points of access, but to the residential network to the north and east of the site. Shared footway/ cycleways would also be provided to enable access to the school and the community uses. One such facility could be located on part of the north side of Shootersway, where room allows within the highway, to cater for potential pupils wishing to walk to Greenway or Thomas More Schools. A further foot/ cycleway link is proposed between the northwest corner of the Phase 1 site and Durrants Lane, via the turning/ parking facility just to the south of the Egerton Rothesay School. This would allow cyclists and pedestrians to follow a direct route from the development to access the Westfield First School or High Street to the north. It would also enable pedestrians to directly access any future bus service, should one be implemented in the future.

In order to allow safe pedestrian access from the proposed new school parking and circulation facility to the proposed football pitches and kickabout area to the west of Durrants Lane an uncontrolled pedestrian crossing is proposed. A controlled crossing was considered but ruled out and the proposal is for a more location-sensitive uncontrolled crossing with appropriate visibility, road markings and signs.

The response to the first part of question 6 in the application form indicates that new vehicle and pedestrian access points would be created were this development to be implemented. Vehicular access into the residential part of the site would be taken from Shootersway. In connection with the creation of this new access it is proposed to move the speed limit change extending the 30mph stretch to the junction with Durrants Lane. This will need to be implemented in accordance with the County Council's Speed Management Strategy (<http://www.hertsdirect.org/services/transtreets/ltplive/supporting/speed/>).

A second entrance with access to the new Egerton Rothesay school car park and turning facility would be provided from Durrants Lane, approximately 100m south west of the existing staff and coach parking access. This would result in improved provision for staff and coach parking, and include safe pick-up and drop-off points for school pupils. In order to construct these new connections the developer would need to engage with HCC Highways to enter into a Section 278 agreement.

The response to the third part of question 6 in the application form indicates that new public highway would be created were this development to be implemented. The extent of these should be agreed in advance with the highway authority. This matter does not appear to be discussed in the Transport Assessment. The principal that will be applied is that roads to be maintained at public expense should have demonstrable 'public utility'. The short cul-de-sac within the main loop road would not, therefore, be considered. In order to construct these new roads the developer would need to engage with HCC Highways to enter into a Section 38 agreement.

Traffic generation and the local road network Full classified traffic counts were carried out at the junctions along Durrants Lane May 2012 when the traffic study was instigated. Full traffic growth has been calculated from the base year of 2012 to the horizon year of 2021 using the industry-standard software Temproware version 6.2 Eastern Region for Berkhamsted Area 26UC3. This allows for full growth since the traffic counts were undertaken in 2012, up to the horizon year in which the various links and junctions have been tested. It is therefore considered that this data is completely suitable as a basis for analysis in the TA.

The Temproware growth data takes account of the likely growth in traffic in the area due to general development and other factors relating to the area being considered. We would expect this to include an element of likely traffic generation from the Durrants Lane/ Shootersway development and the Hanbury development to the southeast of the site. In order to be robust the calculated traffic generation arising specifically from these development sites have been added in to the projections.

The data on traffic distribution is taken from the 2001 Census rather than the 2011 data. The applicant consulted the Office for National Statistics who advised them that the 2001 data should still be used as the recent survey data had not been issued. In any event, this data is only used in order to provide a reasonable estimate of the likely development traffic distribution/ routing to and from the site, not the volume of traffic. I therefore consider that the traffic distribution used in the TA is robust.

There are no plans to expand Egerton Rothesay School so no additional trips are envisaged. The car parking and drop off and turning facility proposals for the school will be designed to eliminate the current on-street parking in Durrants Lane in the vicinity of the existing site entrance thereby improving safety at the school.

Traffic count data in the original (February 2013) Transport Assessment (TA) report were based on counts taken in 2012. Concern was expressed by the DC committee that these were not current enough to reflect the effects of changes in schools in the town and therefore travel patterns thereto. The 'Highways Supplementary Synopsis' records that traffic counts were carried out on 16th July 2014 straight after the application was rejected. As the figures

collected were considered unrepresentative as some pupils would have been on examination leave further surveys were conducted at the start of the autumn term. These were carried out on 7th September 2014. The September 2014 results were generally higher than the July 2014 figures, so the later, more robust data was used in the TA.

The September 2014 counts were then compared with the 2012 counts. This showed that 88% of the 2014 flows were actually less than, or very similar to, the 2012 flows used in the full TA. I concur with the conclusion that the 2012 flows are representative of the existing situation including any changes following the reorganisation of the schools.

The classified counts show that Shootersway and Durrants Lane currently operate within their capacity. The TA confirms that significant amounts of traffic use the Durrants Lane/ High Street and Kingshill Road/ Shootersway junctions. The report quantifies the traffic flows and existing/ future queuing at the Durrants Lane/ High Street junction, and identifies/ recommends means of improvement which may be necessary. Works at this junction will include introduction of traffic signals. This is due to be carried out by HCC during 2015/16 subject to the confirmation of funding.

The DC committee are concerned about the impact of the proposed development on the junction of Shootersway with the A416 Kings Road/ Kingshill Way. Additional analysis was carried out and is summarised in the 'Highways Supplementary Synopsis'. This points out that this junction is already on the highway authority's list of 'congestion hotspots' with a remedial scheme set out in outline in the Tring, Northchurch and Berkhamsted Urban Transport Plan. Analysis shows that the junction would operate at or close to capacity in the future year without development traffic so is expected to trigger HCC intervention. The development traffic would be expected to increase queuing at the junction so a contribution to the improvement works should be sought from the developers.

I note that Kingshill Way is estimated to be running beyond capacity one way in the morning peak hour by 2021 (on page 24 of Transport Assessment). This is relative to the estimated theoretical capacity which is based on a percentage of HGVs in traffic of 15%, which is extremely robust compared with the much lower proportions observed. I support the view set out in the TA that in practice Kingshill Way would cater for flows in excess of the assessed flows at Year 2021 and probably beyond.

It is proposed that Durrants Lane is modified and widened as appropriate to a maximum of 5.5m to eliminate the 4m wide pinch point to allow the larger coach vehicles to safely negotiate the road up to the proposed access point. A 3m wide foot/ cycleway is proposed from the site access to Coppins Close along Shootersway.

Parking Car parking provision for the 92 units would be in accordance with the Dacorum BC recommended parking level in Zone 4. An equivalent level of provision would be made for future phases of development at this site. Use of the playing fields is expected to occur outside the morning and afternoon peak hours in the week and at weekends when flows tend to be lower.

Planning obligations It is the policy of the County and Borough Councils to seek planning obligations to mitigate the effects of development. HCC's requirements in respect of highways and transport are set out in section 11 of the document 'Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements)'. This can be read and downloaded from <http://www.hertsdirect.org/your-council/hcc/resandperf/hertsprop/planningobs/>.

In accordance with the Toolkit I recommend a 'first strand' contribution of £75,000 towards improvements to traffic management and pedestrian facilities at the Shootersway/ Kings Road/ Kingshill Way junction.

I recommend a pooled 'second strand' contribution calculated in accordance with Table 1 of the Toolkit of £117,375 index-linked from July 2006. This is based on the accommodation mix given in the tables in question 17 of the application form. This element can be reduced by the amount of any TravelSmart contribution sought by the local planning authority. Planning obligations so derived would be used as a contribution towards introducing traffic light control and pedestrian facilities at the junction of Shootersway with Kings Road and Kingshill Way, subsidies towards a possible bus route along Durrants Lane and/ or other measures identified in the Tring, Northchurch and Berkhamsted Urban Transport Plan. This Plan can be read/ downloaded at <http://www.hertsdirect.org/services/transtreets/tranpan/tcatp/tnbutp/>.

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

English Heritage

The application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

Conservation and Design

I have no further comments to add on the design of this proposed development since I have negotiated this scheme with the architects and I am satisfied that the design quality has improved significantly with place-making qualities including a new focal space.

If you are minded to approve this scheme please will you condition:

- All materials, including sample panels of brick work and flint work for approval
- Details of windows and doors to scale (I am particularly concerned to achieve traditional sliding sash windows for the classical buildings; flush casements with rendered units; all windows to have hidden trickle vents)
- Detailed drawings for porches, window hoods, chimneys
- Hard and soft landscaping, including plot by plot boundary treatments plan, highway materials. If possible it would be prudent to condition replacement landscaping for 5 years following completion of the development.
- Details of lighting, including street lighting
- Metal rainwater goods
- Avoidance of extractors, flues and vents on elevations prominent from public views
- Location of bin storage for each unit and any communal collection points

Historic Environment Advisor - Herts CC - Archaeology

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

As part of a previous application for development on this site (4/00262/14) an archaeological trial trench evaluation was undertaken, funded by the developer. The investigation identified a number of areas of significant archaeological survival, including a possible burnt mound of prehistoric date.

The main foci of the archaeology occupy three distinct areas across the development site. A date range of middle Bronze-Age to later Iron-Age is represented by the features and finds identified.

I believe that the position and details of the proposed development are such, that it should be regarded as likely to have an impact on significant heritage assets with archaeological interest

that will require mitigation through the planning process. I recommend, therefore, that the following provisions be made, should you be minded to grant consent:

- the archaeological open-area excavation across the three main concentrations of archaeology identified during the field evaluation. These areas should include a substantial buffer zone.
- additional archaeological monitoring of the groundworks of the development
- the analysis of the results of the archaeological work and the production of a report, archive, and publication.
- such other provisions as may be necessary to protect the archaeological interest of the site.

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

In this case two appropriately worded conditions on any planning consent relating to these reserved matters would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

Condition A

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

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

Condition B

- i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).
- ii) Each phase of the development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A). The final phase of development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

Strategic Housing

To meet the affordable housing policy requirements 35% of the dwellings should be agreed for

affordable housing. The proposal is in line with this, providing 26 affordable rented properties, and for a commuted sum towards off-site provision to make up the proportion of shared ownership properties. The payment of £1,042,173.91 in lieu of eight shared ownership units was previously agreed.

Hertfordshire County Council - Minerals and Waste Planning

Should the Borough Council be mindful of permitting this application, a number of detailed matters should be given careful consideration. The County Council seeks to promote the sustainable management of waste in the county and encourages Districts and Boroughs to have regard to the potential for minimising waste generated by development. The Department for Communities and Local Government highlights the need for Local Planning Authorities 'to help to contribute to delivering the waste hierarchy' in the Guidance for Local Planning Authorities on implementing planning requirements of the European Union Waste Framework Directive (2008/98/EC).

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

SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the borough council.

Crime Prevention Design Advisor, Hertfordshire Constabulary

I am writing in regarding planning application 4/03241/14/MFA at land at junction of Durrants Lane &, Shootersway, Berkhamsted for proposed development of land at Durrants Lane / Shootersway, Berkhamsted to provide for 92 dwellings together with access from Shootersway, associated highway works, formal sports pitch provision, school drop off area, car park, amenity space and landscaping (amended scheme)

Comments

Alleyways: There are a couple of alleyways shown between dwellings. If these are kept, then they should be straight, with no recess areas. Also where an alleyway exits there should be a dwelling opposite (other side of the roadway) with an active room that can see down the full length of the alleyway. This creates natural surveillance down the alleyway and makes it safer for users and limits the scope for anti-social behaviour and crime.

Dwelling End Gable Walls: Proposed views 6 & 8 in the DAS, show end gable walls with ground floor windows next to a public footpath. There is no defensible space in front of these windows, which means occupiers will fit blinds / curtains which will be permanently shut / closed to stop members of the public looking in. I would ask that some form of defensible space is provided to these ground floor windows, which will then help create natural surveillance of the public realm from the active ground floor windows in end gable walls.

I hope the above is of use to you in your deliberations and will help the development achieve that aims of the National Planning Policy Framework (NPPF).

17 – re high quality design

58 – re function for the lifetime of the development as well as designing against crime and fear of crime.

69 – re safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

& Dacorum Core Strategy policies:

CS12 – re safe access, layout and security

CS13 – re pedestrian friendly, shared spaces in appropriate places

However, in the meantime, if you or the applicants have any queries about crime prevention design in relation to the proposals then please feel free to contact me.

Thames Water

Waste Comments:

Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker.

No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

Water Comments:

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

Supplementary Comments:

Sewer Impact Study (X4503 - 454, SMG 1173 - PROPOSED CONNECTION AT DURRANTS LANE, BERKHAMSTED, FOUL AND SURFACE WATER SYSTEM. Dated May 2013) concluded that the existing network has insufficient spare capacity to accommodate the proposed development. The developer is requested to contact Thames Water Developer Services on 0845 850 2777 to discuss the required sewer reinforcements to ensure that the foul and surface water flow increase from the proposed development does not result in increased foul flood volumes, it is vital that the developer agrees the necessary sewer upgrades with Thames Water.

Thames Water would like the following 'Grampian Style' condition imposed "No discharge of foul flow from the site shall be accepted into the public system until the drainage works referred to in Sewer Impact Study X4503 - 454, SMG 1173 - PROPOSED CONNECTION AT DURRANTS LANE, BERKHAMSTED, FOUL AND SURFACE WATER SYSTEM have been completed".

Any variation on the proposed discharge rates, or locations, will require further investigation and review by Thames Water, whereupon the developer will be required to fund an additional study.

Affinity Water -Asset Sustainability

You should be aware that the site is located within the groundwater Source Protection Zone (SPZ) corresponding to Berkhamsted Pumping Station. This is a public water supply comprising a number of chalk boreholes operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby

significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Environment Agency

Thank you for consulting us on this application. The proposed development will only meet the National Planning Policy Framework (NPPF) policy to ensure flood risk is not increased elsewhere if the following planning condition is included. Condition The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (FRA) prepared by Stomor Ref: ST-2271/FRA-1302 Rev 2 dated 24 October 2014 has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

This condition is in line with your local policy CS31: Water Management.

Advice to applicant on surface water condition:

In order to discharge the surface water condition, the following information must be provided based on the agreed drainage strategy:

- a) A clearly labelled drainage layout plan showing pipe networks and any attenuation areas or storage locations. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- b) Confirmation of the critical storm duration.
- c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
- d) Where on site attenuation is achieved through ponds, swales, geocellular storage or other similar methods, calculations showing the volume of these are also required.
- e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
- f) Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the 'Planning Practice Guidance: Flood Risk and Coastal Change'. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.

Advice for LPA/Applicant:

We are located within an area of 'serious' water stress. This means there is a high population with high water demands and limited water availability – it does not reflect water companies' ability to supply water. In fact there is less water available per person in the South East than Sudan or Syria. The applicant should investigate the use of water efficiency measures to achieve a minimum of 105 litres/head/day (l/h/d), equivalent to level 3/4 for water within the Code for Sustainable Homes.

Achieving a water efficiency standard of 105l/h/d within new homes can be accomplished at very little extra cost. Typically this only involves low/dual flush toilets, low flow/aerated taps and showerheads and efficient appliances. It does not require more expensive rain or greywater technologies. More information about water efficiency can be found on our website <https://www.gov.uk/government/publications/the-water-efficiency-calculator-for-new-dwellings>

Herts and Middlesex Wildlife Trust

Previous comments on this application by HMWT made some recommendations, some of which have been included. Further measures should be included in this application to maximise the ecological enhancements.

8 properties on the south west and south east periphery of the development should incorporate integrated bat boxes e.g. Habitat. These should be situated at gable apexes which face S/SE/SW. Details of the model and location should be provided by a condition attached to the decision e.g. No development shall take place until details of 8 integrated bat boxes have been provided and approved in writing by the LA. These shall be fully installed and retained thereafter. Reason: To ensure biodiversity is conserved and enhanced in accordance with NPPF 118.

Swift boxes should be similarly installed on 8 properties with a N/NE/NW facing gable on the NE and NW periphery of the development. These should be arranged in groups of 2 to each property because Swifts are communal nesters. Ecosurv Swift boxes are an appropriate design. A condition similar to that above should be used to secure this provision.

Only native trees of appropriate size should be used in the proposed tree planting scheme. The species selected in point 5 of landscape drawing CSa/1074/152 e.g. Norway Maple and Turkish Hazel provide minimal benefits for wildlife. More suitable species are, Rowan, Whitebeam, Silver Birch, Goat Willow, Wild Cherry, Small-leaved Lime (not a variety), Wild Cherry, and varieties of fruit trees for gardens.

Sport England

The site is not considered to form part of, or constitute a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184), therefore Sport England has considered this a non-statutory consultation.

In terms of the status of the playing fields that are proposed as part of the current planning application, it has been clarified by the applicant that they would represent new playing fields for community use. This is because playing fields to replace Egerton Rothesay School's existing playing fields (that are proposed for residential in the 2012 Framework Masterplan) are proposed to the east of Durrants Lane. While the land to the east of Durrants Lane is within the control of the applicant it does not form part of the current planning application and can be progressed independently as part of a wider later phase scheme for the Durrants Lane/Shootersway 'Strategic Site'. It is therefore accepted that the playing fields proposed in the current application would not represent replacement playing fields and therefore they have been assessed as new playing fields.

Principle of the Development

Sport England has assessed the application in the light of its Planning for Sport Aims and Objectives Guide (2013) www.sportengland.org/facilities-planning/planning-for-sport/aims-and-objectives/ which is consistent with the NPPF. Objective 3 of this guide relates to ensuring that the provision of facilities and opportunities for sport and recreation meets the needs of the local community which includes new facilities.

The proposal is to provide new playing fields for community use to meet the needs of the proposed residential development and the needs of the wider community because the provision of three football pitches on a site of around 1.7 hectares in size would significantly exceed the level of on-site playing field provision that would usually be expected for meeting just the needs of a residential development of 92 dwellings. An outdoor leisure facilities study

is currently being prepared by Dacorum Borough Council which is assessing playing pitch needs across the Borough in detail. While this study has not yet been published, the draft assessment showed that additional football pitches were required for meeting future community needs and possibly existing needs. In principle, the provision of additional football pitches at Durrants Lane would offer potential to help meet these needs therefore.

The proposal is therefore considered to offer potential to meet Sport England's planning policy objective. I can therefore confirm that Sport England supports the principle of this application.

Playing Pitch Quality

In order to assess the suitability of the site to accommodate pitches, it will be important that the ground conditions and pitch specification to prepare the site as a playing field are given careful consideration due to the need to understand the implications of topography, soils, drainage, surface preparation etc. and to ensure the pitches are fit for purpose. Without this there is a risk that playing pitches will not meet needs because they will suffer from problems such as waterlogging and uneven surfaces. Consideration also needs to be given to matters such as soils, seeding, water supply depending on the ground conditions, the standard of pitch to be provided and the pitch layouts.

In response, the applicant has commissioned the preparation of an agronomist's feasibility report (the TGMS report) which has been supplemented by information provided by Peter Brett Associates from a geo-environmental desk study and ground investigation. These studies have assessed the ground conditions of the site and made outline proposals for preparing the site for playing field use. In summary, it is recommended in the study that to create a well-drained uniform playing surface, consideration should be given to re-grading the site and the installation of a land drainage scheme followed by an intensive initial maintenance programme. I have undertaken an initial assessment of the TGMS and Peter Brett Associates reports and they would appear to be technically sound as they are undertaken by suitable specialists. The ground conditions survey is considered to be comprehensive and the proposed recommendations for preparing the site for playing fields would appear to be appropriate for ensuring that suitable quality football pitches will be provided.

If the Council is minded to approve the planning application it is requested that a planning condition is imposed which requires the submission and approval of a specification for the playing pitch construction scheme, including an implementation programme, in accordance with the recommendations set out in the submitted agronomist's (TGMS) report. This is necessary because the agronomist's study only sets out outline recommendations for preparing the site for the playing pitches. A detailed specification will need to be prepared to ensure that an appropriate scheme is implemented in practice in response to the recommendations in the study. Without this, there is no certainty that the playing fields would be prepared as proposed in practice and an inappropriate specification could result in the quality of the playing fields being unsuitable for meeting the needs of the community. The specification would need to be supported by the actual proposed implementation programme in order to demonstrate that this is appropriate as the study only includes a recommended indicative programme. It is advocated that the specification is informed by specialist advice from a suitable consultant (such as TGMS).

A condition that Sport England recommends, which I have adapted for these proposals, is as follows:

"No development of the playing field hereby approved shall commence until a detailed playing field specification (including a playing pitch implementation programme), prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The approved specification shall be complied with in full prior to the completion of the development unless otherwise agreed with the Local Planning Authority."
Reason: To ensure provision of an adequate quality playing field" Ancillary Pavilion Facilities

There are no pavilion facilities proposed in the current planning application to support the use of the playing field by the community. However, the applicant has advised that changing facilities would be provided as part of the proposed dual use playing fields to the east of Durrants Lane which would form part of a separate planning application. These facilities would serve the playing fields on both sides of Durrants Lane. The provision of changing, toilet and refreshment facilities, sports equipment storage and pitch maintenance storage to support both playing fields would be essential for the playing fields to be fit for purpose. The availability and quality of playing field ancillary facilities (especially changing facilities) in general terms is an important factor in determining whether people will participate in sport especially groups that are under-represented such as women and disabled groups. The FA have advised that a pavilion will be essential so that the site can be sustainably managed in the future.

While Sport England is satisfied in principle with ancillary facilities being provided to the east of Durrants Lane to serve the proposed playing fields on both sides of the road, details of these facilities would need to be submitted and approved to ensure that they are acceptable in practice for supporting the use of the proposed playing fields. At this stage, there is no certainty that a separate planning application for the proposed playing fields to the east of Durrants Lane would be submitted, approved and implemented within a timescale that would ensure that the ancillary facilities would be available for use by the time the playing fields in the current planning application are ready for community use. To address a potential scenario where acceptable ancillary facilities are not completed and operational by the time the playing fields (that are proposed in this application) are ready for use it is requested that a planning condition be imposed requiring details of ancillary playing field facilities (including changing, refreshment and sports/maintenance equipment storage) and an implementation programme be submitted and approved prior to first occupation of the playing field. If a future planning application covering land to the east of Durrants Lane (including detailed proposals for ancillary playing field facilities) is subsequently approved this could be used as a basis for the submission of the details to discharge such a condition.

Car Parking

In terms of car parking, a new public car park is proposed to the east of Durrants Lane that would serve the playing field which is welcomed. The adequacy of car parking is an issue for the local planning authority to consider. However, if the proposed car park is intended to serve a potential dual use playing field to the east of Durrants Lane (provided in a later phase) as well as the playing fields to the west of Durrants Lane proposed in the current planning application, the level of provision proposed may not be adequate to meet community needs during peak periods. This matter should be considered by the Council and the car park should be designed to allow potential expansion to serve additional playing fields if necessary.

Consideration should also be given to providing some disabled parking spaces and parking for maintenance vehicles adjoining the emergency access road to the proposed playing field (to the west of Durrants Lane) in order to provide convenient and practical parking arrangements for these users.

Pedestrian Access

There would be a need to cross Durrants Lane to access the playing field from the proposed car park. It is proposed that an uncontrolled pedestrian crossing will be provided. It is understood that a controlled crossing has been considered by the applicant but it was concluded that a properly constructed crossing with appropriate visibility, road markings and signs would be appropriate in this case. Sport England is not in a position to provide advice on the acceptability of the proposed crossing. However, when assessing the safety of the crossing, the Borough Council are requested to account for the fact that the majority of users of the crossing will be children and young people and that during peak periods of use of the

playing fields there will be a high volume of such users attempting to cross at this point.

Facility Management

Unless consideration is given to the management of a new playing field as part of a planning application, situations can arise where the playing fields can become inaccessible, unusable or unsustainable. It is noted that Core Strategy Proposal SS1 requires the scheme to ensure the long term management of the formal leisure space and this is also stated in the 2012 Framework Masterplan. The applicant has advised that the playing fields will be put into the ownership of a community group (with funding for ongoing maintenance for a defined period) or would be controlled by a management company. The FA have advised that offering Berkhamsted Raiders FC a long term lease would be an obvious solution in principle as they have a proven track record of successfully managing football facilities in the area although the proposals in the scheme would need to meet their facility needs and it would need to be viable to maintain if the club was to manage the facility.

While the suggestions for potential management options are welcomed in principle, at this stage the proposed option has not been confirmed and there are no details available. It is therefore requested that a planning condition be imposed requiring a maintenance and management scheme for the playing field to be submitted and approved prior to first occupation of the playing field. Condition 19 of our schedule of model planning conditions may be of assistance in this regard www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/. Alternatively, provision for management/maintenance should be secured through a section 106 agreement. Football Association Comments

I have consulted the Football Association for their views on the proposed development especially in relation to the suitability of the proposed scheme for meeting community football needs in the Berkhamsted area. The FA have advised that Berkhamsted Raiders Football Club (the principal community football club in Berkhamsted and one of the largest in the country) have been in discussion with the applicant for some time about the proposal but have concluded that the current proposal would not meet their needs because it would not offer added enhancement/value for the club and may not be a viable proposal for the club to operate. The club's preference for playing field provision on the overall Durrants Lane/Shootersway site which is supported by the FA would be as follows:

- A County Standard senior football pitch
- 3G surface 9v9 sized artificial grass pitch- no floodlights, for match use and training use (also marked as 2 x 7v7).
- Changing rooms meeting FA standards

The club have advised that a County Standard venue in Berkhamsted has been sought for some time to support the development of football in the older age groups and proposed U21s. As options for achieving this on other sites are very limited, this development would provide the opportunity to make it happen. The club have advised that changing rooms would be an essential requirement and that this should be funded by the development. The club are also seeking investment for a 3G surfaced artificial grass pitch/training facility alongside the main pitch which should be principally funded by the development. The FA are supportive of the club's views in the context of the high demand in the area. 3G pitches are ideal for mini soccer because of the number of games they can take. The FA would prefer to see it floodlit but in this instance would accept it without floodlights as long as the club could apply for floodlighting once it was built.

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grant funding.

We would be grateful if you would advise us of the outcome of the application by sending a copy of the decision notice. If you would like any further information or advice please contact the undersigned at the address below.

We are writing to you as the Head and Governing Body of Greenway Primary and Nursery School situated at the end of Crossways, Berkhamsted.

We believe that when considering the application for planning permission for 92 properties at Durrants Lane the following matters are a material consideration for the decision makers:

- Future provision of school places within the Town
- Highway issues

We are aware that the original application for planning permission 4/00262/14/MFA was refused. Refusal 3 included the reason that “No account (had) been taken of the recent changes to the schools system and the implications for highway safety including the free flow of traffic and the pedestrian routes to schools for children”.

We have noted from the Supporting Planning Statement from Taylor Wimpey dated 11.11.14 that in their view the proposed development is acceptable in transport terms and in particular at paragraph 2.10 that the local road links “.....have the capacity to cater for the envisaged flows including growth and further development”.

1. Future provision of school places within the Town:

We note that there are several references within the documentation supporting the fresh application for planning permission to the four schools adjacent to the proposed development.

We are unclear as to what extent those determining the application for planning permission have to take into account education provision for local children but, as the Governing Body of one of the schools likely to be effected, believe this to be of real significance and a material consideration for those determining the application for planning permission.

In particular, we have seen no reference anywhere within the documentation disclosed as to the school numbers forecast in the coming years by the local authority for the local state schools within the Town and as to whether these forecasts include children from the proposed development. We had understood that the children from the proposed development had not been included within these forecasts as planning permission for the development had not yet been granted. We are seeking clarification from the local authority in this respect.

We feel that within the documentation filed in support of the application for planning permission, there continues to be scant regard to the fact that Egerton Rothesay is a small private school many of whose children have a large range of learning needs and who travel to the school on a daily basis from a great distance.

Equally no account appears to be taken of the fact that St Thomas Moore RC Primary School is a faith school and has its own admissions criteria.

Within their updated Transport Assessment updated 30.10.14, Stomor note that there are four schools within 1km of the proposed development site albeit that they later state that there are three local primary schools within 750m of the centre of the proposed development. We believe these to be Greenway, St Thomas Moore RC Primary School and Westfield Primary School. They make reference to children walking from the development to these three schools and state that as a result of the four schools local to the development “this is likely to have the effect of downward pressure on the trip rates for the development”.

No account appears to have been taken of the fact that these three local schools are full; that one of these three schools is a faith school and has its own very specific admissions criteria; and there is no reference to any discussions held with the Schools Planning team at the Local Authority as to future forecasting of numbers (see above).

We are surprised to note that within this updated Transport Assessment there is a section devoted to Westfield Primary School (confusingly also referred to as Westfield First School) yet there is no corresponding reference to Greenway Primary and Nursery School or St Thomas Moore RC Primary School.

There is no reference within the supporting documentation to a separate application for planning permission that may be made for 40 houses at Hanburys just off Shootersway – Greenway will be the closest local Primary school – and as to how this will impact on school numbers and traffic.

It should be clear to those dealing with the application for planning permission that the education provision within the Town has recently changed over the course of the last two years from a three tier to a two tier system. The impact upon all schools (staff, pupils and parents) has been immense and everyone involved is still dealing with the transition to a two tier system. No acknowledgement has been made by the developers of this and we believe that it is a material consideration to be taken into account by those determining the application for planning permission.

The documentation in support of the application appears a little confused in parts as to the education provision within the Town, and in particular the updated Transport Assessment from Stomor dated 30.10.14 which refers to both first schools and primary provision within the Town. As such this does not give us a great deal of confidence in what else has been said within the document.

There is very little mention made within the application of what contribution will be made by the developers towards education provision for local school aged children other than within the Statement of Community Involvement that "...it is acknowledged that the demand which is expected to arise from the proposed development means that the additional school places are likely to be required". A comment is made that ... "a financial contribution will be made by Taylor Wimpey towards local primary and secondary education as well as nursery education and childcare via a section 106 payment".

We have noted from a Planning Statement dated 6.11.14 from Woolf Bond that reference is made to what will be incorporated in any s.106 payment. Although there is reference to a payment for "community infrastructure" there is no reference specifically to education provision.

We are also surprised to note from the document entitled Draft Travel Plan prepared by Angela Smith dated 17.10.14 that a table showing distances to key destinations within the Town makes no reference to those three schools identified by Stomor as being the schools to which children from the proposed development would be likely to attend (leaving aside the fact that these schools are currently full and one is a faith school).

We wish to make clear Greenway's position that should any change be required of the school this should take place in a co-ordinated and strategic fashion as opposed to matters being dealt with on a piecemeal basis. Inevitably we would want to ensure that in the event that planning permission for the proposed development is granted whatever financial contributions are made by the developers will benefit those schools directly affected, one of which may presumably be Greenway.

2. Highway Issues:

We note that pursuant to Policy 51 within the Dacorum Borough Local Plan the acceptability of development proposals will be assessed against the impacts on the highways and transport network and that the Stomor Transport Assessment “confirms the acceptability of the development in this regard”.

We wish to stress that in 2011 when it was suggested that Greenway be expanded to become three form entry, the Local Authority commissioned a detailed transport survey from Stomor – they have also undertaken the transport assessment for this proposed development. Within that report Stomor concluded that the local road network was already at saturation point and that they did not consider that there was “...capacity within the existing highway network to accommodate the likely increase in vehicles associated with expansion”.

Greenway did not become a three form entry first school and this was, amongst other reasons, partly due to the constraints of the local road network.

Whilst we appreciate that the school is not being expanded to three form entry, the amount of traffic that will be generated from the proposed development (and the potential development at Hanburys) will be far in excess of that generated by the proposed expansion to Greenway to three form entry. The two Stomor reports seem to be somewhat contradictory. We believe this to be a material consideration that should be taken into account when determining the application for planning permission.

The vast majority of traffic from the proposed development will pass along Shootersway not least to access the A41. No account has been taken of the possible development at Hanburys and the traffic that will flow from this impacting on the traffic along Shootersway.

We note that you have carried out traffic count surveys at four “key” junctions in the vicinity of the site. Critically Stomor have failed to carry out any form of survey at the junction of Shootersway/Crossways. Currently traffic already backs up to the mini roundabout at the top of Cross Oak Road during peak times. Shootersway is not particularly wide and has little or no scope for widening. The pavements are narrow and already traffic passes far too close to pedestrians. We have concerns about how Greenway pupils will be able to safely access their school site.

We have seen from the Statement of Community Involvement that “...it is considered that the majority of existing roads and junctions have sufficient capacity to accommodate (a) modest increase without any material impact on their operation or safety, taking into account any changes to local traffic flow which may result of the reorganisation of local schools to two tier system”. We do not understand this comment as the reorganisation has taken place. What has not been factored in is what additional movement of traffic there will be if parents have to transport their children greater distances to school if the existing provision highlighted is at capacity or will not take the children if they do not meet the admissions criteria.

Angela Smith has asserted within the draft travel plan prepared by her that a travel plan coordinator would identify where links could be made to school travel plans. However, there appears to have been no thought given to the fact that children approaching Greenway (or St Thomas Moore RC Primary School) from the proposed development would be unlikely to use Shootersway (even though it is a signed cycle way) due to their age and the number of cars that would be passing along it. We have concerns that the pavement is narrow and that children could be placed in danger walking along it to school with the inevitable increase in traffic resulting from the development. The road is not wide and therefore we are unclear as to what traffic calming measures are envisaged to counteract this.

These comments were also supported by Steve and Charlotte Woollett

Westfield Primary School

We are writing to you as the Governing Body of Westfield First School, which is situated on Durrants Lane, just down the hill towards the High Street from your proposed development. Our Headteacher visited your exhibition on 26 March, but with the Easter Holiday break, we regret that we were unable to get the information to the governing body in time for the deadline of 9th April. We hope nevertheless that you will consider our views.

Amongst our concerns about the proposed development are:

1. School Places:

I am sure you are aware that the Town is in the middle of a huge re-organisation, which came about partly to address the lack of school places in the town.

Although it is mentioned that your development will directly benefit Egerton Rothesay School (which incidentally is an independent school), it is unclear how it will benefit the existing local community schools, some of which will be expected to bear the burden of the additional places needed. These schools will have coped with a significant amount of change already, and any further changes to accommodate additional pupils created by the development, will have to be carefully and rigorously thought through, and fully financed.

The building of a new primary / first school has been considered on several occasions over the years, and has been rejected so far as there is simply no physical capacity in the Town to accommodate another school building.

2. Traffic and Highways:

In 2011 Westfield First School and Greenway First School underwent consultations to expand. As part of this, a company called Stomor (on behalf of Herts Highways) carried out a survey to establish whether the local roads could cope with increased demand generated by the extra pupil numbers.

The conclusion of these surveys at the time was that they could not. Westfield school's own Travel Forum also wrote a report responding to Stomor's survey as they felt that it did not go far enough in investigating the complex highways issues around the school. (I would be happy to forward this document if you would like further information).

We assume that the traffic generated by the new development will be far more than the anticipated increase of traffic in the proposed expansion of these schools, and we are concerned that not enough thought has gone into the probable impact on the traffic around the local area.

We were pleased to see that your proposal does include plans to encourage more sustainable methods of transport (cycling, walking etc) although it does not take sufficient account of the gradient of the site, which is at the top of a very steep hill. Westfield Travel Forum has done much in recent years to promote sustainable modes of transport to school, and we have learnt that in order for these to be taken up, the routes need to be perceived as safe for pedestrians and cyclists. We would expect, if the development were to go ahead, significant funding towards improving the road safety of the area. We would also hope that consideration will be given to funding services and facilities which will reduce the number of car journeys from the new development (eg. a commuter bus service to/from the station, community facilities on site (GP/ shop).

Our primary concern is the safety of the parents and children attending the school, and we know that there are already considerable threats to this. Any increase in traffic along Durrants Lane will inevitably add to these concerns.

We hope that you will give our comments serious consideration when making decisions about this proposed development.

Comments from Neighbouring residents

Received from the following addresses:

6 Blegburry Gardens
 Hazelridge, Ballintrae and Willow House – Shootersway
 10 and 6 – Coppins Close
 Oak Bank and Hill Top – Bell Lane
 South Lodge, Tanglewood and Wentworth – Shootersway Lane
 3 Chalet Close
 Little Corner Cross Oak Road
 19 Castle Hill
 3 Marlin End
 6 Oakwood
 4 residents whom did not provide addresses

Objection	Frequency
Concern over existing congestion at Shootersway /Kings Road	12
Green Belt – Erosion, no v.special circumstances	8
Loss in value of personal property	1
Concerns over removal of reasons of refusal of previous application at appeal	7
Development is car dependant and lack of sustainable transport options	9
Need for Comprehensive development proposal	7
Screening and planting needed to boundaries	2
Impact on infrastructure / Current infrastructure not sufficient	5
Impact of changes to School intake (not considered)	6
Amenity land not sufficient	6
Poor pedestrian / cycle access along Shootersway	8
Safety of access to new playing pitches	1
Lack of a focal point	4
Traffic data out of date	3
Development too dense	3
Noise and disturbance to residents	1
Height greater than 2 storey	1
Increase in traffic / congestion	9
Drainage infrastructure issues	3

Considerations

Policy and Principle

In summary, the principle of the development of this green field site has been confirmed through the local plan process; initially as Proposal H37 of the Local Plan (1991-2011, adopted 2004) together with Proposals C1/L1 and recently in the adoption of the Core Strategy in 2013 as SS1.

The designation has effectively secured the release of the land from Green Belt designation and the development in accordance with the principles set out in the development brief provides the vehicle for the provision of housing on the site.

Paragraph 12 of the NPPF provides the following direction; *“This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.”*

Paragraph 47 requires the Local Planning Authority to boost significantly the supply of housing and identify a five year supply of deliverable housing land with an additional 5% buffer to ensure choice and competition in the market for land. The land in this application forms part of the 5 year housing supply, hence the delivering of housing on this site is an important element of achieving a maintaining the supply of housing for the borough.

The current application represents Phase 1 of the overall mixed use scheme, and includes the provision of 92 dwellings, formal and informal leisure space, and car parking facilities which will support the future works to the existing school. The details of the proposal also clearly set out how phase 2 of the development can come forward unimpeded by the phase 1 development, providing reassurance that the identified housing objective of SS1 of the Core Strategy can be realised. Land to the west of Durrants Lane is to be used to provide playing pitches to the community, this is in accordance with the designation in the Core Strategy; on the same day as the Council published the Core Strategy, it adopted a document entitled “Proposals Map Update – Summary of Changes”. Page 3 of the document described it as containing “updates made to the Local Plan Proposals Map, arising from the adoption of the Core Strategy (September 2013)”. Map 3 is Strategic Site SS1. The western field within the Site is surrounded by a dashed blue line, in respect of which the legend reads: “Community playing field and additional open space to be provided alongside SS1”. This point reinforces the exact action which designated the use of the land in question for use as playing pitches.

The proposal therefore conforms with the strategic policies relevant to the site; more detailed elements of the scheme / brief requirements shall be assessed under sections later in this report.

The proposals are considered to be in accordance with NP1 and CS1 of the Adopted Core Strategy as well as the NPPF and NPPG.

Impact on Green Belt

The designation of the site as a housing site through the Local Plan procedure has removed the green field land from Green Belt designation. However, consideration shall need to be given to the newly formed urban edge boundary and the relationship with the wider Green Belt. Durrants Lane shall form the new boundary of the Green Belt designation; this is considered to be a more appropriate boundary; notwithstanding this, the built development at Phase 1 shall be located to the east of the wooded area known as ‘The Plantation’; this provides a soft boundary edge to the development, and along with the open space buffer created by the land to the south of the Egerton Rothsay School site, the openness of the Green Belt shall be retained; and the impact of the built form shall be reasonably controlled and restricted.

The southern boundary shall also form a boundary to the Green Belt. There is limited development which addresses this boundary with retained vegetation buffer maintaining a softer edge along this boundary. Again the openness of the Green Belt is not considered to be compromised by this development, and the edges of the urban area remain buffered by strong vegetation boundaries.

Consideration is also given to phase 2 of the development, where, as detailed in the details of the brief, the housing development shall take on the current playing fields of the Egerton Rothsay School. This parcel of land would be enclosed on all sides by built development; therefore concern would not be raised with regards to impact on the Green Belt as a result of this.

With regards to the proposed community use playing pitches to the west of Durrants Lane; the land shall remain within a Green Belt designation; however, the outdoor recreation use would be an appropriate use. This matter was raised as a concern to the previous application and formed the basis of reason of refusal 2. The concern was attributed to an item of case law published in the Journal of Planning Law, wherein a judge had ruled against the decision to allow the redevelopment of green belt land; *Fordent Holdings Limited v Secretary of State for Communities and Local Government* [2013] EWHC 2844 (Admin). The case reference considered the change of use of agricultural land use to use as a caravan and camping site together with the construction of a shop, reception, and office buildings and three amenity blocks. This is considered to be quite different from the proposal in this application of, a number of formal and informal pitches laid out and marked, with goal posts, along with emergency access provision.

The case law concluded by making the distinction that the NPPF has brought about a change in national policy with regards to Green Belt development. The former, Planning Policy Guidance 2 document approach “was that a material change of use was inappropriate unless it maintained openness and did not conflict with the purpose of including land within the Green Belt.” The NPPF approach is to attempt to define “what is capable of being ‘not inappropriate’ development within the Green Belt. Reference to paragraphs 87, 89 and 90 of the NPPF note that ‘all development in the Green Belt is inappropriate (and thus can be permitted only in very special circumstances) unless it is either development falling within one or more of the categories set out in paragraph 90 or is the construction of a new building or buildings that comes, or potentially comes, within one of the exceptions referred to in paragraph 89.”

In the case of the provision of sports pitches of the land to the west of Durrants Lane, there are a number of factors that deem the development to be not inappropriate:

1. Paragraph 12 of the NPPF provides the following direction; “*This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved...*” The provision of sports pitches in this location is in accordance with the Core Strategy; the Core Strategy was adopted post adoption of the NPPF.
2. The action of preparing the land for use as a sports pitch and associated activity, would constitute an engineering operation; such activity (engineering operations) is deemed not inappropriate in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
3. In regard to point 2 above, consideration shall need to be given to whether the development preserves openness and whether the action shall conflict with the purposes of including land within the Green Belt. Paragraph 81 of the NPPF instructs Local Authorities to plan positively to enhance the beneficial use of the Green Belt, such as; to provide opportunities for outdoor sport and recreation. Therefore the use is one that is compatible with the purpose of including land within the Green Belt; furthermore, the impact on openness shall be minimal. The land may need to be worked to provide a level surface with drainage measures, however, once these works have been completed, the land shall remain visually open, and the openness of the Green Belt shall be maintained, save for the inclusion of goal posts and associated emergency access, which are of little consequence, and the impact of these is outweighed by the provision of facilities for the community.

The development is therefore considered, in this regard to be in accordance with the NPPF, CS1, CS4, CS5 of the Adopted Core Strategy.

Quantum of Development

The proposal puts forward a scheme which can deliver 92 dwellings. This contrasts to some extent the earlier expectations of housing delivery of the site. Early iterations of the development brief sought housing delivery within the region of 250-280 dwelling units. Through the consultation process the Strategic Planning department has reacted to concerns raised by local interest groups and the general public and lowered the designated figure to an overall expectation of 180 dwellings. It is noted that there remains some significant local opposition to these figures, however, this has been tested at Examination of the Core Strategy and has been confirmed as a sustainable, realistic and most importantly, 'sound' allocation of the land in question, by the Inspectorate when the Core Strategy was assessed prior to adoption.

The proposal represents Phase 1 of the wider site allocation; the figure of 92 dwellings gives an early indication that 180 housing units may not be achievable on the site as the development land in this application represents a large proportion of the housing land allocation, and provides just over 50% of the allocation target.

Consideration is needed with regards to the details of the brief and the allocation within the Core Strategy, as well as Saved Policy 10 of the Local Plan which seeks optimisation of uses of urban land; in general, is efficient use being made of the reallocation of Green Belt land for development.

The applicants have reacted to a number of constraints with regards to the forming of the development proposals; one particular issue is the existence of a covenant on the land which prevents development other than for substantial detached dwellings. Whilst covenants are not a planning issue, and there is not a restriction from granting planning permission that would contravene a covenant; consideration is needed with regards to the delivery of housing on the site. Would the permission be able to be delivered if the covenant would prevent implementation? Likely not. It is understood that removal of the covenant would pose considerable technical difficulties and while the County Council may be able to overcome such matters through using their procedural actions gifted to them, this is not an option for the current applicants.

Refusal of the application on the basis of under provision of housing against the development brief would be counteracted by arguments in favour of housing delivery, programme aspirations and requirements.

In addition, there remains opposition from the Town Council, and general public as well as other bodies to the quantum of development being proposed. A development comprising detached dwellings only is one that would assimilate most well into the character of the surrounding area with regards to built form. Reference is drawn to Coppins Close, an estate of detached dwellings to the east of the site. The aerial layout drawings of the scheme offer a development that would follow the pattern of development. Further discussion on layout and character of the area is continued below.

With regards to justification of the quantum of development; there is not sufficient reason to object to the level of housing provided falling below the policy level due to the matters raised above. With regards to overdevelopment which has been referenced by many commentators of the development, this shall be considered with reference to other elements of the scheme; over development is a product of the following items, which shall be addressed in turn:

- Spacing between dwellings and overall layout spaciousness;

- Sufficient turning and manoeuvring space for vehicles;
- Appropriate levels of amenity space, both public and private;
- Impact on surrounding infrastructure such as roads, schools and other facilities; and
- Impact on neighbouring sites, residents.

The proposed development is considered to suitably address Policies CS11, CS12, CS17 and CS18 of the Core Strategy and saved Policies 18 and 21 of the Local Plan.

Phasing of Development (Wider Policy Designation)

As noted above, the application represents Phase 1 of the wider designation; many comments received against the application have sought deferral or withdrawal until a comprehensive scheme can be submitted and indeed this was one of the previous reasons for refusal.

Reasons for these suggestions include the requirements to make an assessment of the impacts of the whole development; the ability to consider the design of the scheme with regards to a consistent complementing elements; and to ensure both elements can be delivered as intended by the brief. These are all valid comments. The County Council makes a very pertinent point regarding the capacity and design of the surface water and foul water drainage solutions, which could compromise the development of the existing school playing fields and result in phase 2 of the site needing to take an alternative form.

The proposed layout does not compromise the development of the land to the north of the site; vehicular access is reserved and ensured. The drainage studies make consideration for the development of the land to the north and the location of the pumping station close to the north boundary of the phase 1 housing area, and immediately to the south of the phase 2 area gives indication that future planning for the development of the land to the north are noted in the design of the scheme.

Whilst it may be preferable for the development to be presented as a complete proposal, there is no material evidence to suggest that the development cannot come forward in the manner set out in the framework masterplan; there is no aspect of the development that would prejudice or preclude the provision of housing on site in this matter. For these reasons there is not valid justification to refuse the application on the basis that it does not provide a comprehensive development of the site. The assessment of the application should be on the information submitted, i.e. whether the proposal and all related material considerations are acceptable; the refusal for lack of comprehensive approach would be valid if there were concerns that the later phases of development could not come forward due to a feature of the application in this case.

Layout

The proposed development has been designed with the physical and circumstantial constraints applicable to the site in consideration; these being the existing boundaries to the site and the nature of them (such as woodland, highway, or urban/green belt edge) and the constraints applied by the development brief, covenants and neighbouring development. The original layout design sought to create a development based on 4 character zones within the development:

Character Zone 1: Gateway

This marks the entrance to the site, and forms a gateway into the development area. The access is proposed directly from Shootersway, with the mature vegetation of the southern boundary retained; the bell mouth opening shall be enclosed on either side with built form, with two dwellings. This character area is completed with a large dwelling addressing and terminating the view from the site entrance.

Character Zone 2: Suburban Edge

This area is along the western edge of the development site; 'The Plantation Area' forms the boundary at this point and the proposed dwellings have been orientated to face this vegetated boundary with the internal estate road running between. This element of the layout makes best use of the western boundary, with dwellings facing this aspect and integrating the public realm with the vegetated area, rather than having development backing onto this area (potentially with rear garden fences) and restricting the interaction with this asset.

Character Zone 3: Urban Clusters

The centre of the site is characterised with a more dense urban grain, with small groups, and mews of dwellings providing an efficient use of space of the site, while retaining the outer edges of the development with less dense urban form.

Character Zone 4: Urban Edge

The eastern boundary of the site marks the boundary with the existing urban edge of Berkhamsted, the dwellings of Coppins Close are large scale detached dwellings with a very low density. Back to back relationships are established along this boundary, with rear gardens of the proposed dwellings backing onto the rear gardens of the existing dwellings; this increasing the spacing between these units, following privacy standards of the policy, while efficiently developing the site. The boundary dwellings face an internal shared surface road which has detached dwellings facing onto it on either side.

The fourth reason of refusal against the previous application related to the layout of the development and the lack of a focal point. To address this matter the applicants undertook a workshop with Committee Members and local Councillors to understand the concerns raised and also demonstrate some aspects of the development that were perhaps not immediately obvious with the presentation of the previous application.

The primary matter was the use of the woodland area, 'the plantation' located to the immediate west of the residential development. The proposed dwellings along the western access road are orientated to face onto the woodland area, and the access road is open on the western side (along with pedestrian/cycle path); the intention was to create a focal point of the Plantation, moreover, increasing access into the Plantation.

At present the plantation is overgrown with self-planted low level vegetation; a management plan for the plantation area is proposed to clear areas of the vegetation to allow more significant trees to further develop; the clearance would also enable a network of paths to be directed through the area to increase access into the area. Further discussion of this aspect of the development is noted in the amenity section below.

In brief, the Plantation area forms a significant focal point for the development.

Following the clarification of this point, the Members and Councillors maintained a concern that the provision of a focal amenity area that could provide for young families was absent from the development. The applicants noted that is expected an equipped area of play would be provided within phase 2 of the development and also highlighted the open space provision in the land to the south of the school that is proposed. Notwithstanding this, the applicants have amended the layout to provide an area of 175sqm within the central area of the site, which is noted as a local area of play 'LAP'. The location and size of the amenity space was agreed as the preferred option at the workshop.

In practice the proposed amendment to the layout results in a modest area of open space that is overlooked by the front elevation of a number of properties; the location is situated at the end of a vehicular and pedestrian routes and is therefore considered to be a focal point.

The treatment of the east and west boundaries, as explained above sets the form of the development, with the internal access roads dictated by the development onto these boundaries. The access onto the Shootersway is well positioned and creates a suitable gateway into the development. At the north boundary of the site, the layout makes provision for an access route into the parcel of land to the north. The area retained is suitable.

Other features of the layout include a pumping station and balancing pond at the north west corner of the site and integrated swales at the southern (west) access road edge.

The proposal provides an overall layout that responds to surrounding development, has identified character zones, provides sufficient spacing between dwellings, and suitable considers the provision open space, areas of amenity land and interlinking routes between them. The proposal is therefore considered to be in accordance with CS10 and CS11 of the adopted Core Strategy.

All homes have a private garden space with provision for refuse and cycle storage. Manoeuvrability within the site shall be suitable and appropriate for the scale of the development and the spacing between units have been provided in such a way as not to result in a cramped layout and poor urban space. These aspects indicate a viable and appropriate layout has been proposed for this development.

In terms of back-to-back spacing it is noted that a number of pairs fall slightly short of the minimum 23m standard between first floor windows. This involves Plots (1-4), (68-20&21), (24-66) and (47&48-53). This is considered acceptable given that in these instances the angles are most often at a non-direct relationship, therefore privacy concerns and poor relationship between the dwellings shall not be as significant and all distances are generally above 21m. The alterations required to achieve the minimum distances would have significant layout and design implications and this aspect of the proposal is considered satisfactory in accordance with Policies CS11 and CS12 of the Core Strategy.

Design / Appearance

The proposal is for predominately two storey dwellings in keeping with the adjacent housing on Coppins Close. Where appropriate 2½ storey house types are used with these being located at strategic points where the slightly increased height would be create a termination of a view, or landmark (to a degree) building. The constraints of the covenant have restricted the ability to create variation in building height and layouts to create an interesting focal point or design statement within the development. In normal circumstances a mix of semi-detached, terrace and blocks of flats can provide rhythm, landmarks and enclosed spaces which define an area; however, the restriction to detached dwellings of a particular scale limits the pallet of design freedom. However, through the amendments to the layout and also with the work that has been directed to the individual unit types a well presented development has been achieved.

Generally the buildings are constructed in a palette of materials including Ibstock Parham Red Stock brick, Parkhouse new Cavendish Stock, Ibstock Parkhouse Weston Red multi-stock, smooth chalk render, black weather boarding and knapped flint. Flint is used as to enhance strategic views such as the entrance to the site and to create a focal point on a vista. Brick details will be created using Ibstock Parham Red Stock.

Flint is also used in the construction of garden walls in specific locations such as the entrance into the central urban clusters in Zone 3. The adjacent photographs illustrate the character of the walls intended for these areas.

Roofs are generally a steeper pitch, typically 40° to 42° with a variety of roofing materials including Cambrian slate, (slate grey), Rosemary plain tiles (light mixed brindle and medium mixed brindle) and Breckland brown plain tile.

Access, Movement and Parking

A new access will be formed from Shooters Way and will incorporate a section of widening of either side of the new access. Corners radius and visibility splays are detailed in the Transport Assessment.

A vehicle tracking exercise has been undertaken to ensure adequate access and manoeuvring space is provided for vehicles entering and leaving the site.

All properties are designed to comply with Part M of the Building Regulations providing disabled access from the plot curtilage into the dwelling and within the ground floor. Properties have been located and orientated where site topography allows for ramped access into dwellings and where there are steeper plot gradients Part M compliant steps will be applied.

Accessibility:

The response by the Highways officer (HCC) has noted the application site scores relatively low with regards to accessibility, given that the site is on the edge of an urban area, and the site falls within accessibility zone 4. There are no bus stops within 400m of the site (the nationally recognised maximum walk distance), and is approximately 1.7 miles from Berkhamsted station.

Impact on Surrounding Road Network:

This matter was one of the main concerns noted in the previous application refusal. Particular concern was noted against the impact of increased traffic on the surrounding highway network, leading to congestion, particularly at the junction of Shootersway with Kings Road, in the context of the change to the school intake at the Secondary School, Ashlyns. Due to the sites location, concerns were noted that the majority of the trips from the site would be by car.

The Highways officer has confirmed the studies conducted with regards to traffic counts and trip generation from the site as completely suitable for analysis in the Transport Assessment. Of most significant concern raised by residents and local members is the impact to the junction of Kingshill Road with Shootersway and Kings Road which already experiences periods of traffic congestion; the solution proposed by HCC in this instance is traffic signals.

The traffic count data from the original application has been supplemented with further counts, in July and in September of 2014. The September 2014 results were generally higher than the July 2014 figures, so the later, more robust data was used in the TA. The September 2014 counts were then compared with the 2012 counts. This showed that 88% of the 2014 flows were actually less than, or very similar to, the 2012 flows used in the full TA. The Highways Officer concurred with the conclusion that the 2012 flows are representative of the existing situation including any changes following the reorganisation of the schools.

The evidence collected showed that Shootersway and Durrants Lane currently operate within their capacity. The TA confirms that significant amounts of traffic use the Durrants Lane/ High Street and Kingshill Road/ Shootersway junctions. The report notes improvement works shall be necessary and would include introduction of traffic signals. This is due to be carried out by HCC during 2015/16 subject to the confirmation of funding.

At the time of the previous application the committee members were concerned about the impact of the proposed development on the junction of Shootersway with the A416 Kings Road/ Kingshill Way. Additional analysis was carried out and is summarised in the 'Highways Supplementary Synopsis'. This points out that this junction is already on the highway authority's list of 'congestion hotspots' with a remedial scheme set out in outline in the Tring,

Northchurch and Berkhamsted Urban Transport Plan. Analysis shows that the junction would operate at or close to capacity in the future year without development traffic so is expected to trigger HCC intervention. The development traffic would be expected to increase queuing at the junction so a contribution to the improvement works should be sought from the developers.

Further improvements proposed to the surrounding road network are the modification and widening (to a maximum of 5.5m to eliminate the 4m pinch point); contributions shall also be made to these in the Section 106. This shall allow larger coach vehicles to safely access the new drop off area as proposed as part of this application.

A 3m wide footway and cycle way is proposed to connect the site access to Coppins Close along Shootersway.

With consideration to the assessment made of the existing road network, and the strategic planning of the Highways Authority who have modelled the expected development and the traffic implications of these developments, the surrounding roads shall have capacity to support the development, save for the junction of Shootersway with the A416 Kings Road/ Kingshill Way where the junction is likely to meet capacity regardless of the development. Specific road junctions have been identified for improvements with signalling and Durrants Lane shall be widened to support the larger vehicles accesses the school drop off zone. The proposed development is therefore considered to be deliverable without compromise to the flow of traffic on the surrounding highway network and this view is support by the Highway Authority. The proposed development is therefore considered to accord with CS8 of the Adopted Core Strategy. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Of the evidence collected of the existing traffic flows in the area, the expected trip generation of the development and the capacity of the road network, there is not any qualitative evidence to suggest the impact of the development would be severe. Measures have been taken to promote sustainable means of transport through commitment to a Green Travel Plan.

Parking:

The Policy requirement for parking provision is represented as follows:

- 2 bed dwelling - maximum of 1.5 spaces
- 3 bed dwelling - maximum of 2.25 spaces
- 4 bed dwelling - maximum of 3 spaces
- 5 bed dwelling - maximum of 3 spaces

The above maximum requirements would yield a maximum parking provision across the site of 231 spaces.

The proposal provides a total of 245 parking spaces (either through garage, driveways or parking bay), equating to an excess of 14 spaces across the development. However, the allocation of spaces requires closer assessment.

The following is noted with regard to parking provision:

- Six of the dwelling plots have an under provision of parking by one full space. At present this shortfall has 5no. 4-bed dwellings and 1no. 5-bed dwelling with 2 available parking spaces, however, in five of these plots, an additional space could be achieved by repositioning the garage back into the site to afford a greater level of driveway parking and thus the plots would be policy compliant. These alterations shall be sought through the later stages of the application and are amendments that are minor in nature. The remaining plot is a 4-bed dwelling with 2 parking spaces, this is within the policy maximum.

- Six plots have an under provision of parking by 0.5 spaces; however, all are 2-bed dwellings that have access to a single parking bay and also some additional unallocated bays.
- Thirty of the dwelling plots have a slight over provision of parking.
- The majority of the plots have a parking provision close to the maximum policy requirement.

The amendments suggested would resolve the parking matters in most cases across the development, there shall be a satisfactory level of parking provided across the site.

If planning permission is granted it would be reasonable to attach a condition restricting garages and associated driveway or hard standing areas for vehicle parking for this purpose to avoid placing undue stress on the surrounding road network and in the interests of highway safety.

Refuse Storage / Collection

Refuse and recycling has been considered during the development of this proposal. As a result, each property will be provided with a hard standing area within the rear garden of the property, to site 3no bins in accordance with the Councils approved refuse strategy.

Additionally all plots will have a lockable self-gated access route from the rear garden areas to the highway at the front of the property to enable the bins to be left out on collection day.

Where houses are situated without frontage to the public highway, bin collection areas are provided within easy access of the rear garden areas. The house holder in this situation would be required to move their bins to this area on the appropriate day and return them to their property following collection.

Affordable Housing

Policy CS19 of the Core Strategy requires the provision of 35% affordable housing on the site. The proposal is in line with this, providing 24 affordable rented properties, and for a commuted sum towards off-site provision to make up the proportion of shared ownership (the contribution has not yet been determined however this will form part of the Section 106 agreement).

However, the Development Brief for the site states around 40% affordable housing.

The proposed provision has been accepted by Strategic Housing Officers and is considered to be acceptable.

Comments received from Berkhamsted Town Council have requested that affordable dwellings on site and the shared ownership dwellings off site would be reserved for local Berkhamsted residents. No justification has been submitted for making such an exception to this particular site. However, allocations for occupancy of these properties shall be carried out under the statutory provisions of the Housing Act 1996.

Shared ownership units are not provided within the development and the provision is met through a commuted sum payment in lieu. This is because the model of shared ownership would not transpose the development in question. Due to factors of the prevailing land value and value of properties in the area, as well as the covenant requirement for detached dwellings only the shared ownership qualification requirements could not be met; the stipulation for a requirement of purchase of upwards of 50% of the value of the property and also be have a household income of less than £60,000 drastically conflict with each other. As such the financial contribution for provision off-site is most appropriate.

The figure required to meet the equivalent of the 8 shared ownership units equates to £1,042,173.91.

The off-site contribution along with the provision of 24 affordable rent units onsite is in accordance with the requirements of CS19 of the Adopted Core Strategy.

Impact on Surrounding Residential Dwellings

The application site directly abuts Nos. 1, 4, 5, 6, 7, 8, 9, 10, 11 and 12 Coppins Close which are located immediately south-east.

Due to the staggered nature of dwellings on Coppins Close and the proposed development, the relationship between neighbouring residential properties and the proposed development varies along the site's south-eastern boundary.

Information submitted in support of the application show a 23m distance from the rear walls of all dwellings that would directly face an adjoining property on Coppins Close. All proposed dwellings which would share a boundary with existing dwellings on Coppins Close would exceed the 23m back-to-back standard from first floor windows to avoid an unreasonable level of overlooking. Some specific instances are referenced below where proposed buildings would be sited proximate to the nearer residential properties on Coppins Close.

There is a satisfactory relationship between Plot 79 and No. 1 Coppins Close. No. 1 has its rear elevation and private amenity space oriented to the north whilst Plot 79 is orientated due west. The windows between No. 1 and Plot 79 would not be directly facing and it is not considered that there would be unreasonable effects in terms of overlooking or visual intrusion.

No. 1 Coppins Close appears to have first floor windows within the side gable. The first floor side-facing windows within the rear projection of Plot 79 would not have a direct view into these windows or the garden area beside the dwelling and would achieve a distance of 19m from the side of No. 1. It is not considered that this would result in an adverse level of overlooking into habitable rooms.

Whilst dwellings at Nos. 5 and 6 Coppins Close are situated closer to their rear boundaries however the proposed dwellings particularly on Plots 82 and 83 would not have an adverse impact on their residential amenity. No. 82 is angled slightly in a southerly direction so that there is no direct view towards No. 5 Coppins Close. Plot 83 is located opposite No. 6 as well as No. 7 Coppins Close and a distance of over 23m would be achieved between the rear projection of Plot 83 and the first floor rear window of No. 6.

It is noted that Plot 83 could be extended under permitted development at first floor (or two-storey) level that would result in back-to-back distances of less than 23m. To prevent an unreasonable level of overlooking it is considered necessary to remove permitted development rights for extensions under Class A to these plots by condition in the interests of residential amenity to adjoining dwellings to the east (rear).

The distance between Plot 88 and No. 11 Coppins Close exceeds the 23m back-to-back standard.

Plot 89 does not feature any main habitable room windows which face east towards the directly adjacent properties at Nos. 11 and 12 Coppins Close. The private garden and main habitable room windows to Plot 89 is oriented in a northerly direction. There would be no unreasonable levels of overlooking between Plot 89 and Nos. 11 and 12 Coppins Close.

It is noted that guidance in saved Appendix 3 of the Local Plan and Development in

Residential Areas Supplementary Planning Guidance do not apply specific standards for overlooking into garden areas. However, given the distance of the proposed dwellings to the shared boundaries with properties on Coppins Close, it is not considered that there would be an adverse level of overlooking into private garden areas.

Given the minimum distances between the development and the main elevations of neighbouring properties on Coppins Close, it is considered that the proposal would not be visually intrusive from the perspective of adjoining dwellings.

In addition, the distances between the dwellings would ensure that no parts of the development would lead to an adverse loss of light to main habitable room windows to neighbouring properties.

Concern has been raised with respect to the proximity of proposed playing pitches to dwellings and specifically disturbance from noise. The siting of the sports pitches is considered acceptable noting it is a compatible use in the Green Belt and adjacent to neighbouring properties. The use of the playing pitches would likely be restricted within hours of daylight and noisy activities are unlikely to regularly encroach into the sensitive night time hours. Details with regards to boundary treatment, screening and security shall be sought by condition, and shall be assessed with regards to the protection of amenity of neighbouring residents.

It follows that the proposal is in accordance with Policy CS12 (c) of the Core Strategy. Permitted development rights for extensions under Class A of the General Permitted Development Order (as amended) shall be removed from Plot 83 by condition to safeguard the residential amenity of directly adjoining dwellings on Coppins Close.

Impact on Trees and Landscaping and Ecology

An arboricultural report was carried out by Ian Keen Limited on 3 July 2013 to assess the condition of the trees and the potential conflict with the proposed development. The trees within the site are predominantly found along the boundaries of the field, with islands also found within the field containing trees. A tree survey carried, showed the trees within the field range from high quality and value in regards to age, and also young and less valuable trees.

The proposals require the removal of trees but include the planting of replacement trees to maintain the character of the area in the long term.

The assessment carried out would show the impact on the trees by implementing the proposals, and the impact on the proposals from the trees.

There are a number of young trees proposed to be removed in order to accommodate dwellings or garden areas, however they are not considered to have an adverse impact as new tree replanting is proposed.

The layout of the proposals in relationship to the trees has been considered so that the need to prune or remove trees in the future is kept to a minimum and no more than any other urban environment.

Two swales are proposed within the site to the west of W1 and W2. The first swale west of W1 would abut the root protection but this can be shaped to avoid harm to any trees and the second swale west of W2 would be designed to avoid the root protection area however would require the removal of a low grade tree.(43)

The playing fields are sited in an area of arable land, and distant from the root protection areas and hence would not have a significant impact upon the trees. No drainage is shown for the

sports pitches.

Although the proposal requires removal of trees, new tree planting opportunities are also provided. The removal of the trees has been considered greatly in regards to public views and visual amenity and the new trees would be planted to maximise the ecosystem services and support of bio diversity.

There was no evidence of bats found in the trees, although several mature trees are suitable to support roosting bats. No badger setts are in current use however a badger hole was found and agree the site could provide potential for foraging opportunities for badgers. The site does have the potential to be used by birds and therefore any removal of scrubs and trees should be carried outside the bird nesting season September – February.

Any lighting should be designed to minimise light spillage after foraging and commuting habitat were found.

A woodland management plan has been submitted with regards to the proposed works to the Plantation, these have been agreed with the Trees and Woodlands department prior to submission of the application.

Sustainability

A sustainability checklist has been submitted to address the criteria of Policy CS29 of the Core Strategy. The submission also included an Energy Statement which addresses relevant provisions of Policy CS29.

The Energy Statement indicates the proposal could achieve a 13.5% reduction in regulated carbon emissions against Building Regulations Part L 2010 / Code for Sustainable Homes Level 3, by adopting guidance noted within the Energy Statement. This guidance outlines measures associated with the building fabric (ground floors, walls, roof, thermal bridging and glazing and roof lights).

Information submitted in support of the application also provides responses to all criteria under Policy CS29 of the Core Strategy. In addition to the above information on building fabric, the only other details that have been provided to meet the requirements of this policy include fittings to limit residential indoor water consumption to 105 litres per person per day. Planting shall also exceed the requirements of Policy CS29. Each property shall be provided with a dedicated internal recycling bin to be fitted within each kitchen, as well as provision of composting bins for each property.

Reference is made to mandatory requirements under the Code for Sustainable Homes, and that it is intended to provide a compliant site waste management plan. Calculations to be carried out by a suitably qualified engineer as to how an adequate means of water supply, surface water and foul drainage shall be provided.

The proposal is therefore considered acceptable in terms of meeting policy objectives for sustainable design and construction, energy efficiency and water conservation and sustainable drainage.

If planning permission is granted it would be reasonable to attach a condition requiring the development to be carried out in accordance with the Energy Statement and Policy CS29 checklist and for certification to be produced in accordance with Policies CS28, CS29 and CS31 of the Core Strategy.

Flood Risk

The site lies within Flood Zone 1 with a less than 1 in 1000 annual probability of flooding from a fluvial source and well outside any flood plain associated with a main river.

The existing drainage records show there is public sewer and foul water sewers in the majority of the roads to the east of the site, and in Durrants Lane and to the north. The majority of the site is green field, and there is no existing drainage infrastructure on the site, however a public foul sewer can be found in the southern corner of Shootersway.

No part of the proposed development site drains to the public sewer network to the north of the site. The results from the boreholes tests show the chalk strata is potentially suitable for the disposal of surface water. The EA confirmed the use of deep bore soakaways may be acceptable subject to the bottom of the soakage pipe being at least 5m above the water table.

Sustainable Drainage Systems will be utilised, to include ponds, ditches, swales and porous paving, these are likely to be maintained by a management company created to oversee the ongoing operation of the systems. Surface water will be drained into an existing ditch system to the south and also into the public sewer system to the north.

A new pumping station will be installed, which will connect to the existing mains foul drainage system.

The applicants paid Thames Water to carry out a drainage study of the local foul and surface water sewer network in connection with the proposed development. The resultant Sewer Impact Study identified a lack of capacity in both foul water and surface water networks; however, this study identified an appropriate set of proposals to overcome this issues. These were as follows:

Foul Water

- Install a new on-site pumping station controlled by a suitable telemetry arrangement. Pumping rate 5 litres/second.
- Provide associated on-site storage to serve the development during storm conditions.
- The telemetry system would only allow flows to exit the site to the public sewer during dry weather flow conditions or when the downstream network could accept flows.
- Install a suitable rising main to connect from the pumping station to the nearest public sewer manhole Number 4502 in Shootersway.

Surface Water

- Restrict surface water runoff from the site to a maximum of 5 litres/sec by a flow control device.
- Connect surface water pipework from the site to public surface water manhole 7353 located to the north of the site.
- Upsize existing 300mm dia. pipework to 375mm pipework downstream of the connection. (MH's 8451-8551)
- Lay new 300mm dia. pipe from MH 8551-8552 downstream.

As required by TWU, as much of the surface water as possible will be drained to local watercourses to the south of the site. However, a portion of the site has to drain north. The above recommendations have been incorporated into the submitted foul drainage strategy, as shown on Drawing ST-2271-11-C, which is included in the Flood Risk Assessment. The detailed design will be carried out and will be subject to a condition to be imposed upon the grant of planning which matters will require subsequent approval by the planning authority with consultation with Thames Water in due course. The surface water recommendations have been incorporated into the submitted surface water drainage strategy, which information is shown on Drawings ST-2271-11-C and ST-2271-29. Again, these are included in the Flood Risk Assessment. Surface water will also be subject to a condition upon the grant of planning permission which matters will also require subsequent approval by the

planning authority with consultation with Thames Water.

Archaeology

A Heritage Asset Impact Assessment was been submitted in support of the application which notes the site's proximity to Grim's Ditch (immediately north of the application site). It is noted that the application site is not located within the Area of Archaeological Significance.

The County Archaeologist acknowledges that the application site has the potential for the presence of heritage assets of archaeological interest (dating from the later prehistoric, Roman and medieval / post-medieval periods) due to the proximity of Grim's Ditch.

An Archaeological Evaluation was carried out in October 2014. Sixty seven archaeological evaluation trenches were excavated on the site and revealed evidence of features dating to the Middle/late Bronze Age and the Iron Age in the form of ditches, pits, a possible cremation urn and a fire pit.

Updated comments from Hertfordshire County Council advisor are awaited.

Geotechnical

On 4 January 2014, a total of 8 exploratory holes were undertaken (2 rotary boreholes and 6 trial pits) to a maximum depth of 15m below ground level.

The following ground conditions were encountered:

- Topsoil
- Clay-With-Flints Formation (Superficial Deposits)
- Lewes Nodular Chalk and Seaford Chalk formations (undifferentiated) (Solid Strata)

The fieldwork did not reveal any potential hazards, receptors or sources that were not identified during the desk study.

Sport England

Sport England does not consider the application to form part of or constitute an existing playing field, and therefore consider it as a non-statutory consultation.

The playing fields proposed are considered to represent new playing fields for community use, as opposed to replacing the existing playing fields to the east of Durrants Lane.

The proposed size of 1.7 hectares is considered to exceed the level of on-site playing field provision usually required for the residential development of 92 dwellings. The assessment of the proposed football pitches showed the pitches were required to meet future and existing needs, and that the provision of additional pitches would be supported by Sport England as it would meet Sport England's planning policy objective.

Sport England commented on the quality of the playing pitches required and agree with the findings of the agronomists feasibility report carried out by Peter Brett Associates, and feel the findings show that the playing fields would be appropriate to ensure quality football pitches. After considering the ancillary facilities such as changing rooms, pedestrian access, and management of the of playing pitches, Sport England had suggested imposing conditions to control the management of the site if approved and raised no objection.

Planning Obligations

A Section 106 agreement is being prepared to ensure delivery of the planning requirements set

out in the Development Brief and contributions required by Policy CS35 of the Core Strategy, saved Policy 13 of the Local Plan, saved Planning Obligations Supplementary Planning Guidance and Hertfordshire County Council's Toolkit.

The following Heads of Terms are to be agreed:

Herts CC Toolkit

Primary Education	£TBC
Secondary Education	£TBC
Nursery Education	£TBC
Childcare	£TBC
Youth Facilities	£TBC
Library	£18,797
Police	£6,808

Sustainable Transport£192,375

DBC Planning Obligations Tool kit

Outdoor pitches	Through provision
Cycles	£20,175
Child play space	£151,424
Natural green space	£2,366
Travel Smart	£2,300
Affordable Housing	Provision of 24 social rent dwellings
Affordable Housing	£1,042,173.91 in lieu of 8 shared ownership dwellings

Total contributions of running at £1,446,418.91

Monitoring and Administration fee of £10,000

The Heads of Terms would also include the following:

- Transfer of playing fields to Hertfordshire County Council
- Management of car parking and turning area associated with Egerton Rothesay School
- Management of public open spaces and SuDs infrastructure

Conclusions

The report detailed above provides a summary of the matters considered in the assessment and evaluation of the proposed development. The input from consultee responses has been essential in clarifying the suitability of the proposals, especially with regard to the impact on the highways network and the drainage of the site from a foul water and surface water aspect. These matters shall be addressed through the use of legal agreements and conditions to the satisfaction of the external consultees.

The design of the proposed development has undergone the scrutiny of the Conservation and Design department and significant improvements have been made to the individual design detail of the units, as well as minor specific alterations to the layout to address the relationship with existing neighbouring development.

It has been confirmed that the impact to the Green Belt has been fully and correctly considered, and that the Phased approach to the wider housing allocation does not prejudice or preclude the full development coming forward in the future in the manner set out in the strategic documents.

The proposal meets the detailed requirements of the development brief and the Strategic Site 1 of the Core Strategy.

Recommendation

The recommendation is to delegate the decision to the Group Manager of Development Management & Planning (or nominated substitute) with a view to approval subject to the completion of the Section 106 agreement in accordance with the details referenced above and the conditions listed.

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

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

Compulsory Purchase Act 2004.

2 No development shall take place until details or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. These details shall include the following items:

- All materials, including sample panels of brick work and flint work.
- Details of windows and doors to scale (traditional sliding sash windows for the classical buildings; flush casements for rendered units; all windows to have hidden trickle vents).
- Detailed drawings for porches, window hoods, chimneys
- Stone work detailing on bays of classical house types.

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

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

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

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

The landscaping scheme shall include:

- planting of supplementary native species-rich hedgerow species to strengthen the existing boundary vegetation;
- plants of known wildlife value and specifically include fruit trees, mahonia Mahonia spp., honeysuckle Lonicera sp., snowdrops and other nectar-rich plants; and
- areas of wildflower grassland ideally to be linked to retained habitats.

These details shall include a landscape phasing plan for implementation to be submitted and approved in writing by the Local Planning Authority. The approved landscape works shall be carried out in accordance with the

approved landscape phasing plan.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12 and CS25 of the Dacorum Core Strategy (September 2013) and saved Policies 99, 100 and 101 of the Dacorum Borough Local Plan 1991-2011 and to provide ecological enhancement of the site in accordance with Policies CS26 and CS30 of the Dacorum Core Strategy (September 2013).

- 4 **In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of [1 year] from the date of the occupation of the building for its permitted use.**

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 1989 Recommendations for Tree Work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12 and CS25 of the Dacorum Core Strategy (September 2013) and saved Policies 99, 100 and 101 of the Dacorum Borough Local Plan 1991-2011.

- 5 **There shall be no occupation of the playing field hereby approved until details of any necessary ancillary playing field facilities (including possibly changing, refreshment and sports / maintenance equipment storage) and an implementation programme has been submitted to and approved in writing by the local planning authority.**

Reason: To ensure adequate provision of facilities in accordance with Policy CS23 of the Dacorum Core Strategy (September 2013).

- 6 **No development of the playing field hereby approved shall commence until a detailed playing field specification (including a playing pitch implementation programme), prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The approved specification shall be complied with in full prior to the completion of the development unless otherwise agreed with the Local Planning Authority.**

Reason: To ensure provision of an adequate quality playing field in accordance with Policy CS23 of the Dacorum Core Strategy (September 2013).

- 7 **No development shall commence until details of the disposal of surface water from the new access and parking areas have been submitted to and approved in writing by the local planning authority. The access shall not be brought into use until the works for the disposal of surface water have been constructed in accordance with the approved details.**

Reason: To minimise danger, obstruction and inconvenience to highway users in accordance with CS8 and CS12 of the Adopted Core Strategy.

- 8 **Occupation of the residential development or the parking and turning area hereby permitted shall not commence until the corresponding site access has been constructed and completed to the specification of the Highways Authority in accordance with any required S278 works agreement.**

Reason: In the interests of highway safety and free and safe flow of traffic in accordance with CS8 and CS12 of the Adopted Core Strategy.

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

Reason: In the interest of highway safety and efficiency in accordance with CS8 of the Adopted Core Strategy.

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

Reason: To ensure that the internal roads and other layouts are built to required / adoptable standards in accordance with CS12 of the Adopted Core Strategy.

- 11 **No discharge of foul or surface water from the site shall be accepted into the public system until the agreed off-site drainage works and agreed appropriate on-site flow controls and pumping station referred to in the strategy have been completed in full.**

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 01923 898072) prior to the Planning Application approval in accordance with the NPPF and CS29 of the Adopted Core Strategy.

- 12 **The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (Stomor, Ref: ST-2271/FRA-1302 Rev 1, dated 4 February 2014) has been submitted to and approved in writing by the local planning authority.**

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity in line with Policies CS29 and CS31, the National Planning Policy Framework and the Thames River Basin Management Plan.

- 13 **The development hereby permitted shall be carried out in accordance with measures recommended in the approved Ecological Appraisal by CSa Environmental Planning dated September 2013 reference CSa/1074/008, which include:**

- **planting in accordance with details provided under Condition 3;**
- **landscape details approved under Condition 3 shall be managed;**
- **provide twenty (20) new bat roosting opportunities at the site;**
- **erect twenty (20) bird boxes;**
- **ways to encourage certain small mammals (S41 priority species list) including the use of garden fencing which allows access into interconnecting gardens to be used on at least 50% of plots; and**
- **attach a range of insect nesting boxes to retained trees and hedgerows.**

Reason: To meet national targets for this S41 priority habitat, to maximise the value to wildlife and to provide ecological enhancements and safeguard long-term ecology on the site in accordance with the National Planning Policy Framework and Policies CS26 and CS30 of the Dacorum Core Strategy (September 2013).

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

- **the programme and methodology of site investigation and recording;**
- **the programme for post-investigation assessment;**
- **provision to be made for analysis of the site investigation and recording;**
- **provision to be made for publication and dissemination of the analysis and records of the site investigation;**
- **provision to be made for archive deposition of the analysis and records of the site investigation; and**
- **nomination of a competent person or persons / organisation to undertake the works set out within the Written Scheme of Investigation.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with the National Planning Policy Framework, Policy CS27 of the Dacorum Core Strategy (September 2013) and saved Policy 118 of the Dacorum Borough Local Plan 1991-2011.

- 15 **Demolition / development shall be carried out in accordance with the Written Scheme of Investigation approved under Condition 14.**

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under

Condition 14 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with the National Planning Policy Framework, Policy CS27 of the Dacorum Core Strategy (September 2013) and saved Policy 118 of the Dacorum Borough Local Plan 1991-2011

- 16 **Prior to the occupation of any dwelling unit hereby approved, the parking, turning and drop off area (including the access onto Durrants Lane) shall be constructed in accordance with the details hereby approved; and be provided in a state fit for use by the Egerton Rothesay School, and thereafter retained for their use, unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure delivery of development in accordance with the principles of Strategic Site 1 of the Dacorum Core Strategy (September 2013).

- 17 **Two months prior to the first occupation of the development hereby permitted, the revised and updated Travel Plan shall be implemented and a Travel Plan Coordinator shall be nominated with the object of reducing the number of residents travelling to the development by private car which shall be first submitted to and approved in writing by the local planning authority.**

Reason: To promote a sustainable development in accordance with Policy CS8 of the Dacorum Core Strategy (September 2013) and saved Policy 58 of the Dacorum

- 18 **Every year following first occupation until the fifth year, results of the annual Travel Plan monitoring survey and a report on any necessary corrective actions will be reported to the local planning authority.**

Reason: To promote a sustainable development in accordance with Policy CS8 of the Dacorum Core Strategy (September 2013) and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

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

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

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

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

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

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

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

- 21 **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 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.

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

- 22 **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 18 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 19, 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 20.

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

- 23 **The development hereby permitted shall be carried out in accordance with the approved Energy Statement by Energist UK Version 1 dated February 2014 and the approved Policy CS29 sustainability checklist.**

Within three (3) months of occupation of the 25th, 50th and 90th residential units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified assessor) to demonstrate full compliance with the approved Energy Statement.

Reason: To ensure the sustainable development of the site in accordance with Policies CS28, CS29 and CS31 of the Dacorum Core Strategy (September 2013).

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

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

- 25 **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 to Plots 1, 4, 29, 30, 31, 32, 37, 38, 46, 60, 63 and 83 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 Class A.

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential amenity of neighbouring properties and the residential amenity of dwellings within the site in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

- 26 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the garage and driveway areas hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwelling and shall not be**

converted or adapted to form living accommodation without the prior written approval of the local planning authority.

Reason: To secure sufficient on-site parking provision for future residents and in the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 58 of the Dacorum Core Strategy (September 2013).

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with CS25 of the Adopted Core Strategy.

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

**DR-A-1001 Revision A (site location plan and topographical survey);
DR-A-1000 / P2 (proposed site layout);
DR-A-3027 / P2 (Site Plan Ground Floor);
DR-A-001 / P1 (House Type Plan)
DR-A-002 / P1 (Type A Frontage)
DR-A-003 / P1 (Type A Plans and Elevations)
DR-A-004 / P1 (Type B Frontage)
DR-A-005 / P1 (Type B Plans and Elevations)
DR-A-006 / P1 (Type B Render Options: Frontage)
DR-A-007 / P1 (Type B: Render Options: Plans and Elevations)
DR-A-008 / P1 (Type C Frontage)
DR-A-009 / P1 (Type C Plans and Elevations)
DR-A-010 / P1 (Type D Frontage)
DR-A-011 / P1 (Type D Plans and Elevations)
DR-A-012 / P1 (Type E Frontage)
DR-A-013 / P1 (Type E Plans and Elevations)
DR-A-014 / P1 (Type E1 Frontage)
DR-A-015 / P1 (Type E1 Plans and Elevations)
DR-A-016 / P1 (Type F Frontage)
DR-A-017 / P1 (Type F Plans and Elevations)
DR-A-018 / P1 (Type G Frontage)
DR-A-019 / P1 (Type G Plans and Elevations)
DR-A-020 / P1 (Type G1 Frontage)
DR-A-021 / P1 (Type G1 Plans and Elevations)
DR-A-022 / P1 (Type H Frontage)
DR-A-023 / P1 (Type H Plans and Elevations)
DR-A-024 / P1 (Type J Frontage)
DR-A-025 / P1 (Type J Plans and Elevations)
DR-A-026 / P1 (Type J1 Frontage)
DR-A-027 / P1 (Type J1 Plans and Elevations)
DR-A-028 / P1 (Type K Frontage)
DR-A-029 / P1 (Type K Plans and Elevations)
DR-A-030 / P1 (Type K1 Frontage)**

DR-A-031 / P1 (Type K1 Plans and Elevations)
DR-A-032 / P1 (Type L Frontage)
DR-A-033 / P1 (Type L Plans and Elevations)
DR-A-034 / P1 (Type L1 Frontage)
DR-A-035 / P1 (Type L1 Plans and Elevations)
DR-A-036 / P1 (Type M Frontage)
DR-A-037 / P1 (Type M Plans and Elevations)
DR-A-038 / P1 (Type N Frontage)
DR-A-039 / P1 (Type N Plans and Elevations)
DR-A-040 / P1 (Type R Frontage)
DR-A-041 / P1 (Type R Plans and Elevations)

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 proactively through positive engagement with the applicant during the pre-application stage and throughout the course of the application which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

HERTFORDSHIRE HIGHWAYS INFORMATIVE:

Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain i) their permission/ requirements regarding access for vehicles involved in the construction of the new roads; ii) a condition survey of any adjacent highways which may be affected by construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.

Works to be undertaken on the adjoining Highway will require an Agreement with the highway authority. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain their permission and requirements. This is to ensure that any works undertaken in the highway are constructed in accordance with the specification of the highway authority and by a contractor who is authorised to work in the public highway.

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 to not emit dust or deposit mud, slurry or other debris on the highway, in particular (but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site.

All areas of parking and storage and delivery of materials associated with the construction of this development shall be provided within the site on land which is not public highway and the use of such areas must not interfere with the use of the public highway.

ENVIRONMENT AGENCY INFORMATIVE:

In order for the Environment Agency to recommend the discharge of the condition

the following information will need to be provided:

- A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, swales, temporary basins or soakaways. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- Confirmation of the critical storm duration.
- Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations in accordance with BRE digest 365.
- Where on site attenuation is to be achieved through attenuation ponds, swales or temporary basins calculations showing the volume of these.
- Where an outfall discharge control device is used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of the discharge stated.
- Calculations to demonstrate how the system operates during a 1 in 100 year critical duration storm event. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths.

CONTAMINATED LAND 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>

HERTFORDSHIRE FIRE AND RESCUE INFORMATIVE:

Access and Facilities

1. Access for fire fighting vehicles should be in accordance with The Building Regulations 2000 Approved Document B (ADB), section B5, sub-section 16.
2. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.
3. Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.
4. For your information, the dimensions of a Scania pumping appliance are as follows:
 - a. Width: 2.5m Length:8.1m
 - b. Height:3.3m Weight:17.8 tonnes
 - c. Minimum clearance height: 3.7m

Water Supplies

1. Water supplies should be provided in accordance with BS 9999.
2. This authority would consider the following hydrant provision adequate:
 - Not more than 60m from an entry to any building on the site.
 - Not more than 120m apart for residential developments or 90m apart for commercial developments.
 - Preferably immediately adjacent to roadways or hard-standing facilities provided for the service appliances.
 - Not less than 6m from the building or risk so that they remain usable during a fire.

- Hydrants should be provided in accordance with National Guidance documents.
- Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol 2, Section B5; Sub-section 15.8.

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

THAMES WATER INFORMATIVE:

Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Surface Water Drainage

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

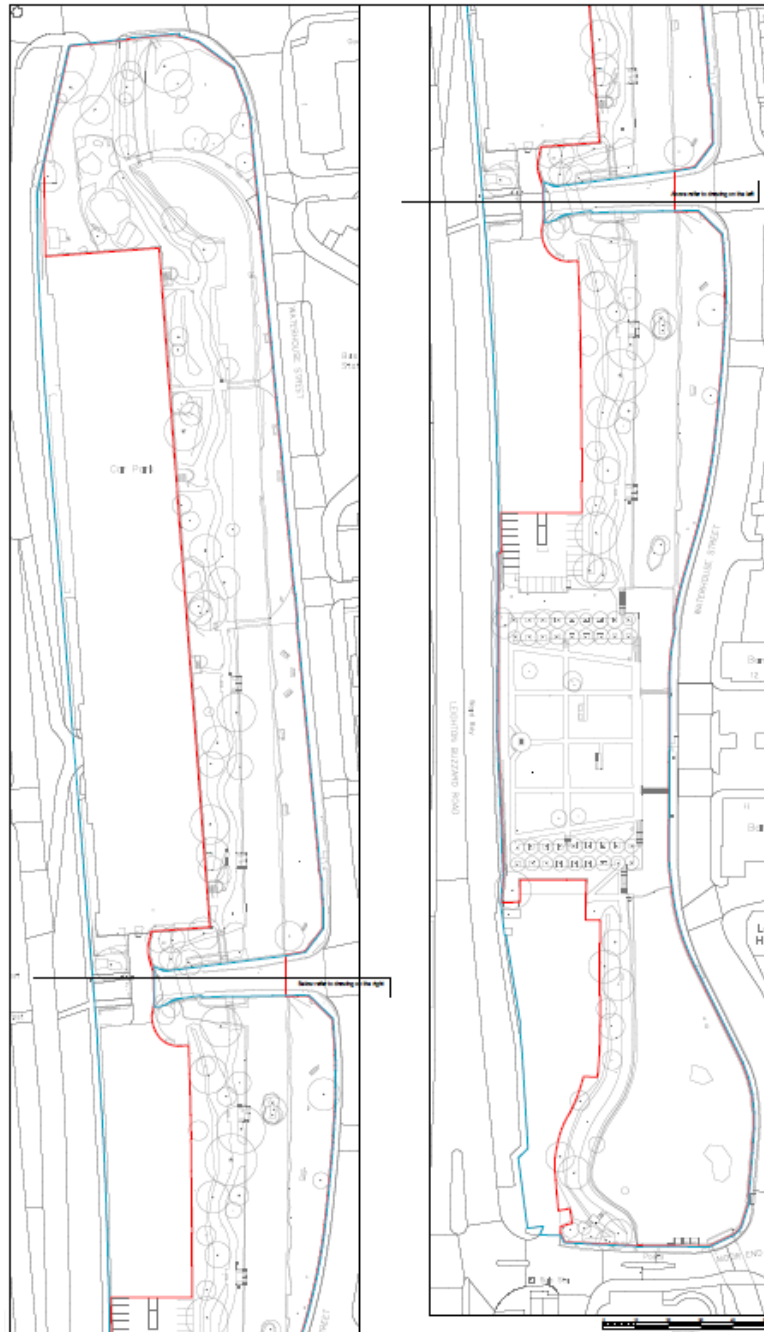
Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

ITEM 5.02

4/03321/14/MFA - RESTORATION WORKS TO REVITALISE JELLCOE'S WATER GARDENS TO INCLUDE NEW PLAY SPACE; NEW BUILDING TO PROVIDE FACILITIES FOR GARDENER, FRIENDS AND VOLUNTEERS AND MAINTENANCE AND TRAINING; NEW STORAGE COMPOUND; SITING OF MOBILE CAFÉ KIOSK ON FLOWER GARDEN TERRACE; NEW CONCRETE FLAT BRIDGE; FISH PASSES; GREEN SCREEN TO MITIGATE VISUAL IMPACT OF THE TWO STOREY CAR PARK ON THE GARDENS, AND NEW LIGHTING.

WATER GARDENS, WATERHOUSE STREET, HEMEL HEMPSTEAD, HP1



4/03321/14/MFA - RESTORATION WORKS TO REVITALISE JELlicOE'S WATER GARDENS TO INCLUDE NEW PLAY SPACE; NEW BUILDING TO PROVIDE FACILITIES FOR GARDENER, FRIENDS AND VOLUNTEERS AND MAINTENANCE AND TRAINING; NEW STORAGE COMPOUND; SITING OF MOBILE CAFÉ KIOSK ON FLOWER GARDEN TERRACE; NEW CONCRETE FLAT BRIDGE; FISH PASSES; GREEN SCREEN TO MITIGATE VISUAL IMPACT OF THE TWO STOREY CAR PARK ON THE GARDENS, AND NEW LIGHTING.

WATER GARDENS, WATERHOUSE STREET, HEMEL HEMPSTEAD, HP1



5.02 4/03321/14/MFA - RESTORATION WORKS TO REVITALISE JELlicOE'S WATER GARDENS TO INCLUDE NEW PLAY SPACE; NEW BUILDING TO PROVIDE FACILITIES FOR GARDENER, FRIENDS AND VOLUNTEERS AND MAINTENANCE AND TRAINING; NEW STORAGE COMPOUND; SITING OF MOBILE CAFÉ KIOSK ON FLOWER GARDEN TERRACE; NEW CONCRETE FLAT BRIDGE; FISH PASSES; GREEN SCREEN TO MITIGATE VISUAL IMPACT OF THE TWO STOREY CAR PARK ON THE GARDENS, AND NEW LIGHTING.
WATER GARDENS, WATERHOUSE STREET, HEMEL HEMPSTEAD, HP1
APPLICANT: Dacorum Borough Council

[Case Officer - Andrew Parrish]

Summary

The application is recommended for approval. The application seeks permission for proposals to restore Jellicoe's Water Gardens to create an outstanding public space for local residents and visitors to use whilst preserving the Grade II Registered Park and Garden and removing it from the at Risk Register.

Permission is sought for a number of new works and change of use including construction of a single storey welfare building for the gardener, friends and volunteers, relocation of the play area to the refurbished Flower Gardens, introduction of mobile cafe kiosk to the Flower Gardens terrace, new concrete bridge, erection of green screen to the decked car park, provision of fish passes, etc. As part of the works, extensive hard and soft landscape improvements and restoration works to the structure of the Water Gardens will reflect the original design intentions of its creator and preserve the character and appearance of the registered park and garden - a highly significant example of mid-twentieth century design. The proposals are considered acceptable in layout, appearance, landscaping and amenity terms.

Site Description

The application site comprises an area of open space in a linear form straddling the River Gade. It is bounded by Combe Street to the north, Waterhouse Street to the east, Moor End Road to the south and Leighton Buzzard Road (A4146) to the west.

The application site is known as the Jellicoe Water Gardens and runs parallel to the Marlowes and pedestrianised shopping precinct to the east. Directly adjacent to the Water Gardens are three car parks to the west. Immediately south of the application site is the Riverside development.

The site comprises a landscaped area containing a number of mature trees with a pedestrian path along the western side of the River Gade, a number of crossing bridges and other associated fencing and street furniture.

Proposal

Planning permission is sought for various new interventions and structural works to restore and enhance the use of the Jellicoe Water Gardens, all of which can be summarised as follows:

- Demolition of existing single storey 'Clean, Safe & Green' brick building (17.2 sq m) and creation of new storage compound and container for 'Clean, Safe & Green';
- Construction of a new single storey building to provide 38 sq m of internal storage and welfare facilities for the gardener and volunteers;
- Relocation of play area to refurbished flower garden;

- Siting of mobile cafe kiosk and seating on Flower Garden terrace;
- New 2.5 metre wide concrete flat bridge to replace existing timber bridge;
- Creation of fish passes within the River Gade weirs;
- Introduction of green screen to car park;
- Lighting strategy.

Hard and soft landscape works, including shrub and tree clearance and various repair works and refurbishments of the banks, weirs, paths, street furniture, etc., will comprise an integral part of the proposals to restore the gardens, albeit not considered to require planning permission in themselves.

The erection of signage and interpretation boards is also proposed, but will be subject to separate advertisement consent.

Referral to Committee

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

Planning History

Completed 1962 - The Water Gardens were conceived as an integral part of the Hemel Hempstead New Town Masterplan and were designed by the foremost 20th Century British landscape architect, Geoffrey Jellicoe, who also influenced the design of the residential neighbourhoods with the Water Gardens being his final contribution to the design of Hemel Hempstead.

The design of the Water Gardens was based around a serpent concept with excavations from the canal used to conceal a car park and create both the sloping flower gardens and the narrow 'lovers walk'. The canal was to be dammed and crossed by elegant little bridges to give access to the town centre. The southern end was to comprise the monster's head with its single fountain as the eye whilst the underbelly would curve almost imperceptibly towards its tail which pressed against the sides of a small hill. The flower garden would act as a 'howdah' strapped to the serpent's back.

Policies

National Policy Guidance

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

Dacorum Core Strategy

Policies NP1, CS1, CS2, CS3, CS4, CS8, CS10, CS11, CS12, CS13, CS23, CS25, CS26, CS27, CS29, CS31, CS32 and CS33

Dacorum Borough Local Plan (saved policies)

Policies 57, 58, 99, 100, 101
Appendices 5 and 8

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Water Conservation & Sustainable Drainage (June 2005)

Accessibility Zones for the Application of Car Parking Standards (July 2002)

Landscape Character Assessment (May 2004)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Strategic Planning (in summary)

No objection.

Principle:

The site is located within the designated Town Centre of Hemel Hempstead. As such the principle of the development should be judged against Core Strategy Policy CS1, which seeks to retain the town's identity and enhance vitality and attractiveness; and Core Strategy Policy CS33 which outlines principles to guide development within Hemel Hempstead Town Centre. Specifically, Core Strategy Policy CS33 identifies the restoration of the Water Gardens as a key development principle. Within the Core Strategy, the Hemel Hempstead Place Strategy also identifies a vision for the town centre which includes the aim of restoring the Water Gardens so that it becomes a feature to be admired and a site to promote public art.

This vision is expanded upon within the Hemel Hempstead Town Centre Masterplan (adopted by the Council in January 2013) identifying the desire for heritage-focused restoration proposals which seek to reinforce the historical significance of the Water Gardens, create an inviting public open space, improve pedestrian flows and movement through this part of the town, improve lighting, enhance the ecological value of the River Gade, and encourage an enhanced evening economy within the town centre.

It is evident that the policy environment exists to support the proposed development and the evidence submitted with the planning application appears to align with the above mentioned vision and objectives for the Water Gardens set out within the Core Strategy and supporting Town Centre Masterplan.

Site Design & Public Realm:

As well as other structural elements, the proposed development incorporates the demolition of an existing single storey building and construction of a replacement building to be utilised as storage and welfare facilities for staff and volunteers which would lead to a net gain of 20.8m². Consideration should therefore be given to Core Strategy Policy CS4 which states that compatible leisure, social and community facilities are encouraged within town centres. Core Strategy Policy CS23 also supports the provision of social infrastructure, particularly that which would allow the opportunity for different activities. The proposed development would be located within the heart of the town centre and create a rejuvenated public garden area. Furthermore, it is intended for the proposed facility to be utilised as a community hub and provide training opportunities for budding horticulturalists as well as providing a functional purpose as a storage and welfare facility for staff. It is therefore considered that the proposed development is in compliance with Core Strategy Policies CS4 and CS23.

More generally, the proposed development should be considered against Core Strategy Policies CS12 and CS13 in respect of site design and the public realm. Specifically, the proposal should (d) retain important trees, (e) plant trees and shrubs to help assimilate development and screen edges and (f) integrate with the streetscape character; as well as, promote pedestrian friendly shared spaces in appropriate places, include an interactive stimulating realm with public art and appropriate lighting, and incorporate living walls and soft landscaping.

The principle objective of the proposed development is to restore the Jellicoe Water Gardens within the town centre in order to create an inviting public and green space, rejuvenated landscape planting reflective of the heritage of the site, and to provide a valuable community facility for gardeners, friends and volunteers. Therefore, with the provision of new hedgerows, marginal and submerged planting, retention of key trees, installation of green screens to minimise the visual impact of the adjacent car park, and provision of a new play space, the proposed development is considered to be in compliance with Core Strategy Policies CS12 and CS13.

Parking:

Although the benefits of the proposed development are evident, the proposal would result in the loss of 14 car parking spaces within the existing decked car park between Moor End Road and Combe Street. In accordance with the Accessibility Zones for the Application of Car Parking Standards SPD (2002), sites within the town centre should provide 0-25% of the maximum demand-based standard. Consideration should therefore be given to saved Local Plan Policies 57 & 58, as well as the associated Appendix 5 to the Local Plan, in regard to whether this would have an adverse impact upon the level of parking provision within the town centre.

Flooding and Water Management:

As a result of the River Gade traversing through the Water Gardens, part of the site is located within Flood Risk Zone 3. As such consideration should be given to Core Strategy Policy CS31 and the NPPF (and associated Planning Practice Guidance), which, read together, state that only water-compatible development should take place within this flood zone, flood risk should not be increased elsewhere as a result of the development and that the development is appropriately resilient and resistant to future flooding. Having considered Table 3 under paragraph 067 of the PPG, the proposed development is considered to fall under the category of 'water-compatible' development insofar as it relates to redevelopment of an existing amenity open space and nature conservation. These uses are therefore acceptable within Flood Risk Zone 3. According to the applicant's Flood Risk Assessment, the proposed gardeners, volunteers and friends welfare facility building would be situated within an area of the site that falls within Flood Risk Zone 1. Therefore, subject to you being satisfied that the proposed development offers sufficient mitigation and secures appropriate biodiversity enhancements, the application is considered to be in compliance with Core Strategy Policy CS31. Nevertheless, advice should be sought from the Environment Agency who has the statutory responsibility for flooding within England.

Historic Environment:

Hemel Hempstead is a Mark One New Town designed by Geoffrey Jellicoe in the 1940s and the Water Gardens, also constructed by Jellicoe, is proposed to be designated as a Grade II Registered Historic Park and Garden, as set out within the Pre-submission Site Allocations DPD, in recognition of this heritage. Consideration should therefore be given to Core Strategy Policy CS27 which states that all development will favour the conservation of heritage assets. As aforementioned, the principle of the proposed development is to restore the Jellicoe Water Gardens in line with what Jellicoe had originally intended for this area of Hemel Hempstead when the New Town was created. Therefore, the premise of the proposal accords

wholeheartedly with Core Strategy Policy CS27 as it seeks to preserve and enhance this designated heritage asset so that it becomes an active, inviting public open space.

Conservation and Design

The restoration of the Registered Park and Garden is to be welcomed since the site is a nationally designated heritage asset.

Requests that the following be conditioned:

- Detailed repair specification for all concrete repairs including the bank edges, bridges and weirs;
- Detailed specification for metal work repairs, including bridges;
- Detailed planting plans;
- Details of new seating, bins and railings;
- Detailed lighting strategy, including fixtures and fitting and level of illumination;
- Details of all hard and soft landscaping, including path surfaces and edgings;
- Details of any proposed signage, including pedestrian posts and interpretation panels; and
- Details of green screen to car park including fixing.

(Subsequent comments)

- Detailed repair specification for all concrete repairs including the bank edges, bridges, weirs. I remain concerned about the need for a condition requiring a detailed repair specification from the contractor for carrying out the works. This is emphasised in a number of places in the method statement by the wording "Contractor to submit proposals". I also wish to know the experience and background of the contractor who is proposed to carrying out the historic concrete repairs (contractor or sub-contractor). In addition we need to see concrete sample panels on site for the bridge repairs and bank repairs in order to approve and act as quality control
- Detailed specification for metal work repairs, including bridges - Acceptable
- Detailed planting plans - Acceptable
- Details of new seating, bins, railings - Acceptable
- Detailed lighting strategy, including fixtures and fitting and level of illumination - Acceptable. I would however appreciate it being noted that I remain concerned that the proposed low level lighting (LUCENT i-Cementi Cento3Cento IC0101.1) will be subject to recurrent costly vandalism.
- Details of all hard and soft landscaping, including path surfaces and edgings - Acceptable
- Details of any proposed signage, including pedestrian posts and interpretation panels - Acceptable in principle as a strategy however details of all products are required in ADV Consent.
- Details of green screen to car park including fixing - Acceptable

English Heritage

Supports the application which accords with the NPPF in proposing works that should see the Gardens removed from the Heritage at Risk Register. Recommends approval subject to further details relating to the height of the proposed play equipment within the context of the Gardens and clarification of Jellicoe's design intent for surfacing on the footbridges.

Conditions are also recommended relating to legibility and lighting details. Requests that an update is provided regarding timing and methodology for de-silting the canal.

The Water Gardens is a Grade II Registered Park and Garden that formed part of the post-war Hemel Hempstead New Town Masterplan; the Gardens have been on the Heritage at Risk Register since 2012. The proposals have been subject to extensive pre-application advice and site meetings with English Heritage, in conjunction with bids for HLF funding, and are considered to be of a quality sufficient to remove the Gardens from the Heritage at Risk Register; if delivered well the proposals should rejuvenate and enhance the significance of this important mid-20 century urban landscape.

A summary of the advice is noted below:

The extensive use of concrete in Jellicoe's design is a defining feature and the repair and restoration of a number of key structures is welcomed. The principal structures are the boarded concrete walls, river weirs and islands, viewing platforms and bridges, and the base of the canal. All except the latter are subject of this application.

Alterations to the original concrete weirs are proposed to accommodate the Environment Agency's standards. This seeks to bring the River Gade up to 'good ecological status'. The alterations are considered to be justifiable in planning terms and would not detract from the significance of the gardens; being built into the west banks for the canal and below the water surface level. It is understood they will not affect the role of the weirs and would, to some extent, be further softened by planting.

It is understood that the four footbridges and road bridge are in poor structural condition and all showing signs of movement. Proposed works are welcomed including the timely opportunity to maintain, repair and re-finish the bridges in situ and repair structures on a like-for-like basis with metalwork brought back to its original finish (i.e. white painted steel) only replacing historic fabric when it is beyond reasonable repair.

No objection is raised to the removal of the post Jellicoe, level, timber bridge to the north of the gardens and replacement with a fully accessible bridge is appropriate, given the access limitations of the arched footbridges. No objection is raised to the change of material with an anti-slip bonded gravel given the original surface has been entirely removed.

Supports the proposed refurbishment of Jellicoe's balconies, including surfacing in reclaimed imperial PCC slabs, as originally designed, with refinished balustrades. It is proposed to accommodate a model boat launch balcony which is acceptable, given the public benefits of reinstating the original terrace proportions and footpath alignment.

Resurfacing of the Lovers Walk with resin bound gravel is an acceptable modern solution to achieving the effect of the gravel paths Jellicoe originally detailed; reinstatement of the original alignment is welcomed. Porous gravel surface would be reinstated on the 'Howdah' around the pleached limes which would be beneficial and installation of granite setts to accommodate desire lines is acceptable.

The proposed soft works programme is welcomed and the proposed contemporary planting palette is acceptable. This schedule of works would reinstate designed views into, from and across the Gardens; the removal of the Discobolus statue and wall will also repair the view from Bank Court, through the gardens, to Leighton Buzzard Road.

No objections are raised to the principle or design of a new community building within the Gardens on the site of the existing playground. It would be appropriate that further information is provided relating to the height of the proposed new play structures within the context of the wider site.

It is desirable to remove the unfortunate late 20 century decked car park to the west of the Gardens in the long-term, however the proposed green screen would be an appropriate way of

mitigating some of the structure's impact in the short term.

No objections are raised to outline legibility and lighting proposals, however further details would be welcomed in due course by condition or application for advertisement consent.

Reinstatement of original seating plans is welcomed.

Proposals to de-silt the canal and weirs is welcome, but recommends that this is subject to a further planning application as it is important that further damage to the base of the canal is prevented due to its significance.

Hertfordshire Highways (in summary)

No objection subject to informatives.

The highway and transport impacts of the scheme would be small. No new or altered vehicle access is proposed. However pedestrian facilities would be improved within the Gardens. Connections with footways around the Gardens that are maintained by the highway authority are shown on the General Arrangement drawings. Any work on these pavement areas should be carried out in accordance with the highway authority's design guide *Roads in Hertfordshire*.

One of the 'key ambitions' for the scheme set out in the Planning Statement is to '5. Improve accessibility, north-south and east-west connections'. This is amplified in section 3.2.4 'Town Centre Connection' of the Design & Access Statement which says that 'The key objective for this area is to revitalise access from the eastern side of the Gardens, reinstating the connection between them and town centre so that shops and cafés are motivated to positively address the open space.'. The principal route for pedestrians would be via Bank Court in which it is planned to create a shared surface linking the town centre and Water Gardens as part of the town centre enhancements.

The Design & Access Statement sets out in section 5.1 'Town centre connections' that 'in order to achieve these objectives improved crossing points will be required to the adopted highway at Combe Street, Bridge Street, Waterhouse Street (opposite Market Square) and at Moor End Road'. It then goes on to say that 'These will need to be explored with HCC'. They do not appear to form part of the scheme currently being considered as they are shown as 'New formal/ enhanced crossing (outside scope of project)' on the drawing 'Proposed Access' on page 61.

Under a separate project the southernmost car park at Moor End Road is being enhanced. This will provide 10 additional spaces within that car park within close proximity to those being lost. This will mitigate the loss of the 14 existing car parking spaces which would result from the regeneration and restoration of the Jellicoe Water Gardens.

Environment Agency (in summary)

Pleased to be able to work together with officers, English Heritage and the Heritage Lottery Fund to ensure vital environmental improvements are included in the restoration project.

No objection, subject to informatives and conditions requiring a scheme for provision and management of a buffer zone along the River Gade, and silt containment plan to be submitted for approval.

Boxmoor Trust on behalf of local 'Access All Areas group'

Welcomes the restoration works but only as a result of the Group's persistence that the accessibility issues received appropriate consideration. EH has produced its own guidance

"Easy access to Historic Landscapes" and it is puzzling why it should remain obdurate over the gradients presented by the bridges, ramps and steps. On a positive note the Group do particularly welcome the section on Inclusive Access and welcome the interventions and look forward to their implementation. Concerns have been expressed on a number of occasions about the ambitions for 'Shared Surfaces' (viz. Bank Court and Market Square) and note that such a design can pose significant problems for partially sighted and needs careful consideration and consultation with that section of the community.

Garden History Society

Support this application for restoration of the waterway, hard landscaping and additional amenities of playground and gardeners' building. It is understood, additionally, that the weirs and brick islands will be repaired during restoration work, which we also support. Look forward to receiving detailed planting plans in due course.

Trees and Woodlands

Since its opening in 1962, the Jellicoe Water Gardens has been added to by a number of individuals who without reference to the original design, planted many new trees, most notably on the Waterhouse Street side of the Watercourse.

These new additions are maturing and when added to by natural re-generation (mainly to the west side of the Water Gardens) has turned the site from an open area with trees to a linear woodland. Where there are walkways and seating the areas have become sunless, dank and cold, in other parts the lawns (assisted by the geese) have become bare and muddy as a result of the shading.

The success of the lottery bid to restore the Water Gardens and return it to how Jellicoe envisaged was dependant on removing many trees especially on the Waterhouse Street side. The removals include some A and B rated trees and will cause a major change to the streetscape.

The benefit will be that the Grade 2 listed gardens, considered by English Heritage as nationally important in the context of New Town developments, will be fully restored to its former glory; however there will be bulk tree loss.

Parks and Open Spaces

No objection. A very well thought out scheme that will restore the Water Gardens to their former design.

Contaminated Land

Notes the submitted report on Silt Sampling and Chemical Composition. Advises that the site is located within the vicinity of a number of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site, which may pose a potential risk to future site users. Recommends the standard contamination condition be attached.

Crime Prevention Advisor

Previous comments regarding this application are included in the Design and Access Statement with which I am content. I would urge an alarm for the Friends and Volunteers Facility.

Previous comments during pre-application stage were included at Appendix F of the Design

and Access Statement as follows:

The crime risk for the garden building is: criminal damage, burglary, theft. Part of this risk could be caused by the street drinkers that use the area. Evidence for unsocial behaviour in the park at present are:

- a. Empty cans of drink around the statue area and behind the wall behind the statue
- b. On the southern end of the gardens where behind a gap in hedging is a padlocked metal door there is graffiti and again empty cans of drink

I am pleased to see that generally in the landscaping for the area the plan is that lower crowns of trees will be 108m to 2m high, creating a visual window under the tree branches. Also that shrubbery and ground planting will be about 1m high or less so that again it helps create good natural surveillance over the landscape and makes it hard for offenders to do things without being easily seen.

Garden Building

The boundary for the garden to the immediate west of the building is shown as 1.8m hedging with lower 1.2m gates. Ideally the boundary treatment for this rear garden area should be either:

- a. 1.8, hedging with 1.8m gates, which can be secured with a padlock. or
- b. 1.2m to 1.5m high hedging, with gates to the same height as the hedge and the gate able to be secured with a padlock.

I am happy with either solution. One provides a line of security in that it makes it difficult to get into the rear garden area, but hinders natural surveillance from passing vehicles entering and exiting the car park at the rear. The other provides a boundary that allows for good natural surveillance, but is not so secure.

A number of detailed recommendations are made with regards to building security - alarm, sliding doors, external doors, roof lights.

Town Centre Manager

Any comments received will be reported at the meeting.

Hertfordshire Environmental Records Centre

Any comments received will be reported at the meeting.

Hertfordshire and Middlesex Wildlife Trust

Any comments received will be reported at the meeting.

Royal Society for the Protection of Birds

Any comments received will be reported at the meeting.

National Trust

Any comments received will be reported at the meeting.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

None

Considerations

Policy and Principle

The site falls within Hemel Hempstead town centre where, under Policy CS4, a mix of uses is encouraged including compatible leisure, social and community facilities. Core Strategy Policy CS23 also supports the provision of social infrastructure, particularly that which would allow the opportunity for different activities. Furthermore, in accordance with Policy CS1 of the Core Strategy, Hemel Hempstead will be the focus for jobs, homes and strategic services with an emphasis on, inter alia, retaining the town's identity, enhancing the vitality and attractiveness of the town centre in accordance with Policy CS33, and making best use of existing green infrastructure.

Specifically, Core Strategy Policy CS33 identifies the restoration of the Water Gardens as a key development principle. Within the Core Strategy, the Hemel Hempstead Place Strategy also identifies a vision for the town centre which includes the aim of restoring the Water Gardens so that it becomes a feature to be admired and a site to promote public art.

This vision is expanded upon within the Hemel Hempstead Town Centre Masterplan (adopted by the Council in January 2013) which identifies the desire for heritage-focused restoration proposals which seek to reinforce the historical significance of the Water Gardens, create an inviting public open space, improve pedestrian flows and movement through this part of the town, improve lighting, enhance the ecological value of the River Gade, and encourage an enhanced evening economy within the town centre.

In accordance with the above, the proposed development would be supported in principle as the planning application aligns with the above mentioned vision and objectives for the Water Gardens set out within the Core Strategy and supporting Town Centre Masterplan.

The key issues with this proposal relate to its impact on the special interest of the historic park and garden, the effect of the proposals on the general street scene and visual amenities of the area, the impact on highway safety, flood risk, and the effect on the water environment and ecological interests.

Impact on Historic Park and Garden

The site comprises a Grade II Historic Park and Garden which was registered on 1st February 2010. As a national designated heritage asset, its integrity, setting and distinctiveness will be protected, conserved and if appropriate enhanced in accordance with Policy CS27 of the Core Strategy.

A number of issues and problems have been identified with the Water Gardens since their completion in 1962. These are summarised as follows:

- Consultation - the Gardens are perceived by many of the local residents to be neglected and unsafe and that whilst many people walk through the park on their way to the town centre, active use remains low.
- Play area - constructed in 1966 at northern end of car parks, it is poorly overlooked, offers limited play value and its use is low.
- Two storey car park - Constructed in late 1970's, the footprint has encroached on the western side of the gardens.

- Canal edgings - these have degraded over time.
- Bridges - these have spalled over time with inappropriate repairs detracting from their appearance.
- Trees - trees were planted on the eastern banks during the 1980's and in 1983 Jellicoe cautioned that this would harm the original concept. Trees planted in the late 1960's on the Flower garden terrace have grown to block long views from Bank Court to the school to the west.
- Vegetation - intensely overgrown in places especially on western banks, detrimental to sense of security.
- Ponds - these have become heavily silted up reducing the depth, speed and quality of the water from an ecology viewpoint.
- Lawns - these have become worn as a result of overshadowing and wildfowl.
- Flower Gardens - few original plants remain.
- Terrace - surface materials have gradually been replaced by tarmac since 2003.
- Southern lake - Two islands created in the 1980's from dredgings have spoiled the original concept of the serpent's head and of uninterrupted views.
- Materials and furniture - the original simple palette of materials and furniture have been changed over time which detracts from the aesthetic. Railings have been painted green rather than the original white which was intended to work with the white window surrounds of the adjacent buildings.

Based on the above, the key aims of the Water Gardens project were identified as follows:

1. To conserve, protect and restore the character of the Water Gardens.
2. To diversify audiences, increase use and encourage people to spend more time in the Gardens.
3. To improve opportunities for volunteering, training and learning.
4. To promote awareness of the Gardens and their heritage.
5. To ensure the long term sustainable management of the Water Gardens.
6. To reinstate the connections between the Water Gardens and the town centre.
7. To strengthen visual, walking and cycling connections to the wider green infrastructure network.
8. To improve the biodiversity of the Water Gardens.

These aims, funded by the Heritage Lottery Fund, are translated into the detailed restoration proposals as follows:

- Removal of trees on the east bank that were not intended as part of Jellicoe's scheme and reinstatement of the grassed banks so that the Water Gardens become an integral part of the town centre.
- reinstatement of long vistas by removal of two islands from southern pool, removal of trees and vegetation from east bank, and removal of trees from the Flower Gardens.
- Modernist structure of the gardens revealed through attention to edge definitions and reinstatement of curves of Jellicoe's scheme.
- Concrete structures, weirs, bridges, revetments cleaned and repaired / replaced and metal work painted in historically correct colours.
- Timber bridge to northern end of site replaced with matching concrete bridge.
- Flower Gardens restored so that the 'Howdah on the serpent's back' once again appears.
- Planting to western bank and Lover's Walk renewed.
- Surfacing, edgings and furniture replaced with historically correct palette.
- Signage and furniture located so as not to disrupt key views.
- Marginal planting reintroduced where appropriate to original design.

In addition to the above, new interventions are proposed as follows:

- Relocate play area to Flower Gardens and introduce a mobile cafe kiosk on the terrace in order to focus communal activity more centrally.
- New building at the northern end of the site providing facilities for the gardener, friends and volunteers to facilitate maintenance and training. A mural located on a low wall adjacent to the building will showcase the history of the Gardens and Hemel Hempstead.
- New storage compound to north of above building for DBC's 'Clean Safe & Green'.
- Green screen to the multi-storey car park.
- Introduction of 4 fish passes.
- Formation of model boating platform by the southern lake.
- Introduction of two new accessible paths.
- Lighting replaced and enhanced.
- New interpretation to aid understanding of the key elements of the gardens thereby enhancing the community's appreciation of the heritage asset.

The application is supported by a Heritage Statement.

The proposed development should be considered against Core Strategy Policies CS12 and 13 in respect of site design and the public realm. Specifically, the proposal should (d) retain important trees, (e) plant trees and shrubs to help assimilate development and screen edges and (f) integrate with the streetscape character; as well as (c) promote pedestrian friendly shared spaces in appropriate places, (e) include an interactive stimulating realm with public art and appropriate lighting, and (f) incorporate living walls and soft landscaping.

The principle objective of the proposed development is to restore the lost character of Jellicoe's Water Gardens in order to create a revitalised, well-used and busy park that serves the town centre. It will conserve, protect and restore the Water Gardens so that once again they become the town centre's principal civic open space. In addition to the restoration of the historic features in the Water Gardens, a new layer of contemporary interventions is proposed which will provide valuable ecological enhancements and community facilities to increase use of and encourage people to stay in the Gardens for longer periods. These include a new play space which will be unique within Hemel Hempstead, a new community building to provide facilities for the gardener, friends and volunteers and facilitate maintenance and training, and the introduction of amenity lighting and visitor interpretation facilities. In addition, the introduction of a series of fish passes will allow for improved biodiversity, along with de-silting works, restoration of bank edges, upgrading of surfaces and restoration of the bridges. In addition, the proposals include the removal of the majority of trees from the east bank in order to open up long vistas, and remove shading problems, whilst retaining key trees to the west bank and introducing green screens to the multi-storey car park.

It is considered that the new interventions will be relatively small scale, will be of sympathetic design and appearance and will not adversely impact on the historic interest of the Water Gardens or the character and appearance of the wider area.

The proposals as a whole are considered to be in accordance with the Core Strategy vision for the area, would comply with Policies CS12 and CS13 as well as other policies of the Development Plan and would accord with NPPF in relation to conservation of Heritage aspects.

The Assistant Team Leader Design and Conservation, who has been closely involved in the detailed proposals for the restoration of the Registered Park & Garden for a number of months, welcomes the proposals which she considers acceptable in most respects.

English Heritage also supports the proposals which would see the gardens removed from the

Heritage at Risk Register, although clarification is sought over Jellicoe's design intent for surfacing on the footbridges (see below).

Concrete Structures, Weirs, Bridges, Revetments

The proposals include repairs to the existing concrete arched bridges, weirs, canal edgings etc. These in themselves are not considered to require planning permission but are essential to restoring the original character of Jellicoe's Water Gardens design.

The Assistant Team Leader Design and Conservation has raised concerns about the detailed specification for the concrete repairs and in respect of the credentials and experience of the contractor. In addition, sample panels are requested by condition.

Whilst noting the above, it is considered that this detail is outside the scope of the planning permission as the works are of repair and maintenance, not new development. Furthermore, it is understood that control will remain with the Assistant Team Leader Design and Conservation to set such specifications through the tender process.

English Heritage has sought clarification over surface materials for the footbridges. These are shown on the plans to be gravel dressed path on macadam base which the Assistant Team Leader Design and Conservation considers acceptable.

On the above basis, conditions are not deemed necessary.

Green Screen

The addition of the decked car park has been identified as presenting an unattractive edge to the Gardens, whilst the introduction of planting makes Lover's Walk dark and uninviting.

The application therefore includes proposals to install a 'green screen' against the eastern elevation of the decked car park comprising a 3 metre high Ivy covered fence together with a 1.8 metre high blank extension panel above, all supported by 80 x 80 mm box section posts, with secondary fixings to the car park brickwork. Planting in front would be reduced in height and thinned.

These proposals will help mitigate the impact of the decked car park on the appearance of the Water Gardens and are considered to be visually acceptable, and to accord with Policies CS12 and 13.

Play Area and Kiosk

The existing play area to the north of the decked car park would be removed and a new play area introduced to the north of the Flower Gardens. The play area would cover an area 20 metres square. The play area would provide a stimulating and exciting play experience which will be unique within Hemel Hempstead. Together with proposals to introduce a mobile kiosk in this area, these facilities would help centralise activity whilst improving connectivity between Bank Court and the Water Gardens.

The Parks and Open Spaces Officer has raised no objections.

English Heritage has requested further details on the height of play equipment. However, sufficient details are shown on the submitted plans which indicate the maximum height to be around 4 metres.

These small scale uses are considered acceptable in this location and would accord with Policies CS4 and CS23 of the Core Strategy.

Gardener's, Friends' and Volunteers' Building

With the removal of the existing play area, it is proposed to locate new welfare facilities and storage for the gardener. A new single storey building would be erected together with an associated storage compound. The new building would measure approximately 8 metres wide x 5.5 metres deep with a metal deck flat roof over and standing seam profile draining to a central gutter. Walls would be a combination of fixed and sliding bronze perforated panels covering sliding glazed panels with finished board to PFC web face and bronze flashing. It's modernist design would be in keeping with the vision of the Grade II Park and Garden, adding value to the heritage asset.

A new gardener's resource compound to the east of the building measuring 10 metres x 27 metres would be enclosed by the existing hedging which is indicated to be enhanced. To the north of this, a new 'Clean, Safe & Green' compound with storage container would measure 10 metres square and would be enclosed by 1.8 m high weldmesh fencing. The existing brick building opposite would be removed.

Subject to control over the colour of the weldmesh fencing, the proposals are considered acceptable in terms of Policies CS12 and 13 and will not adversely impact on the wider area.

Impact of Lighting

The only lighting originally conceived by Jellicoe was to the fountain. However, whilst lighting to the fountain was installed (30 luminaires) it was quickly broken by wildfowl and not replaced. Since the completion of the Water Gardens, column mounted lighting has been installed to the main path network, and ongoing park maintenance has led to the introduction of various types of lantern.

It is proposed to reinstate lighting to the fountain, light the pleached limes within the Flower Gardens by LED in ground uplighters, light the Gardener's building, remove the lighting columns from Lover's Walk and introduce low level LED bollard lighting, supplemented with building mounted lighting at the car park entrances, along the internal footpath network. Retained column lighting will be replaced by 6 metre high lanterns matching the building mounted lanterns.

LUX diagrams have been provided in relation to the bollard lighting. Given the majority of the lighting will be low level ground positioned lighting, it is not considered that there would be any significant harm to visual amenities through general light pollution or glare. The bollard lighting would be unidirectional. Provided the column and building mounted luminaires are orientated horizontally (parallel to the ground) there should be no undue glare or light pollution. However, no isolux contours have been provided, nor any information on orientation. Further details on the building and pole mounted lighting is awaited.

English Heritage has requested further details of lighting by condition. However, subject to the above, the details submitted are considered to be satisfactory.

The potential impact on ecology is also a consideration and the Environment Agency has requested further details on orientation of the lighting in order to assess the impact. Any further comments received will be reported at the meeting.

Subject to this, the details are considered acceptable in visual terms and would accord with Appendix 8 of the Borough Plan and Policy CS12 of the Core Strategy.

Impact of signage

The proposals include an interpretation strategy through signage which will provide information on the location and directions to nearby places of cultural interest and green infrastructure in order to facilitate a greater understanding of the Gardens and their heritage value. Signage will be the subject of a separate advertisement application.

English Heritage has raised no objections to the outline legibility proposals subject to further details in due course.

Impact on Highway Safety

No new or altered vehicular access is proposed. However, the restoration proposals will require the removal of 14 parking spaces within the car park adjacent to the site in order to create the new play space.

As part of a separate project, the southernmost car park at Moor End Road is being enhanced. This will provide 10 additional spaces within that car park within close proximity to those being lost. As such, the loss of 4 spaces is considered marginal but is in any event considered to be offset by the enhancements to the town centre and activity that would be brought about by these proposals. As such, the proposals are considered to accord with saved Policies 57 and 59.

The Highway Authority raises no objections subject to informatives covering the requirement for appropriate permissions from the Highway Authority.

Flood Risk

The site falls mainly within Flood Risk Zone 3 'High Probability' (greater than 1 in 100 (1%) annual probability of river flooding)

The proposed works consist of the restoration of 'Water Compatible' development which is considered appropriate within Flood Zone 3 and does not require the Exception Test (NPPF) to be satisfied. The new community facilities building is classed as 'Less Vulnerable' development and is located in Flood Zone 1 'Low Probability', where all forms of development are considered appropriate.

Based on the above, together with appropriate mitigation of flood risk by siting the new community facilities building 300 mm above the predicted 1 in 100 (plus climate change) level, provision of continuous safe access arrangements to the building, no impact on flood storage capacity up to the predicted 1 in 100 (plus climate change) level, and no increase in surface water runoff as a result of the development, the submitted Flood Risk Assessment confirms that the development is safe, it does not increase flood risk and does not detrimentally affect third parties, in accordance with the objectives of the NPPF.

The Environment Agency raises no objection subject to conditions requiring the provision of a buffer zone alongside the River Gade and a silt containment plan. It has subsequently agreed that the latter can be dealt with under the flood defence consent.

The proposal would accord with Policy CS31.

Watercourse Enhancements (including fish passes) and Impact on Ecology

Policy CS31 requires applicant's to minimise water runoff, reducing the cause and impact of flooding, and secure opportunities to conserve and enhance biodiversity.

The EU Water Framework Directive (WFD) applies to all UK main rivers such as the River Gade and requires all river basins to achieve good ecological and chemical status by 2015.

Currently the River Gade is ranked as moderate ecological status.

The measures incorporated within the Water Gardens restoration project has been shaped by the WFD objective of achieving Good Ecological Status. One of the key structural interventions will include the incorporation of fish ladders to each of the four weirs which is a significant engineering operation. However, the passes would not appear visually intrusive and indeed would add an element of interest for visitors to the Water Gardens.

Other interventions involve removal of silt from the watercourse, removal of select trees, reduction in geese number, introduction of marginal and submerged aquatic planting, restoration of the flowers gardens to attract invertebrates, and greening of the decked car park (see above).

A number of studies have been carried out to inform the proposals, including a fish survey, water quality scoping assessment, a topographic survey, a structural condition survey, and an ecological appraisal. Following completion of these surveys, a Fish Pass Appraisal Report and a WFD Compliance Statement has been prepared which both the Environment Agency and English Heritage have accepted.

The Ecological Appraisal identifies the site to have the potential for foraging and nesting habitat for common species of birds, badgers and bats. Recommendations are made in regards to further scoping work to identify trees likely to support bat roosts. However, a Bat Survey & Evaluation Report did not find any evidence of bats roosting in trees, maintenance building or other structures within the Water Gardens, although common pipistrelle and Brown long eared bats were observed in small numbers, but are typical of urban areas. Precautionary measures are recommended during tree works.

Further recommendations are made in regards to a Water Vole check, control of Geese, control of invasive species including Japanese Knotweed, dredging, provision of bat boxes, avoidance of tree work during the nesting season, supervision of scrub clearance to ensure protection of any badger setts, avoidance of disturbance to hedgehogs during the hibernation period.

A Water Vole Survey did not find any evidence of water voles, and therefore there will be no impact on this species from the development of the site.

A condition is recommended with regards to compliance with the recommendations in the above reports / surveys.

The proposals would comply with Policy CS31 and the Water Framework Directive.

Crime Prevention

Consultation has shown that the Water Gardens are perceived as neglected and unsafe, although actual recorded incidences are low. Issues revolve around the balconies being occupied by day time drinkers, empty cans around the discobulus statue in the Flower Gardens, large trees and shrubs creating dark areas and restricting sightlines, poor lighting, the decked car park which has many openings and result in visitors feeling insecure. The introduction of call points further contributes to the negative perception of the gardens.

Crime prevention measures to be included in the proposals include removal of select trees and vegetation, crown lifting of others to improve sightlines from within and outside the Water Gardens, installation of vertical green screen to the decked car park which will restrict the number of openings, removal of the Discobulus statue and backing wall within the Flower Gardens, improved lighting, employment of a full time gardener on site to provide increased Council presence, encouraging greater activity to increase natural surveillance, encouraging

increased use of the northern end of the Gardens through the erection of the Gardener's, Friends' and Volunteers' building which will be suitably protected by metal screens when not in use.

The Crime Prevention Advisor has been involved in pre-application discussions and has made a number of recommendations regarding the security of the Gardener's building, the majority of which will be incorporated.

The proposals would comply with Policy CS11.

Impact on Trees and Landscaping

One of the key structural changes to the appearance of the Water Gardens relates to the proposal to remove some 36 trees from the eastern banks of the Gade. In addition, a number of existing trees along the western banks will be thinned out / crown lifted, including the removal of some 20 Yew, Western Red Cedar and Cherry to the western boundary of the Flower Gardens.

Saved Policy 99 and Core Strategy Policy CS12 seek wherever possible the retention of visually important trees in new development.

The removal of mature trees, many classed as category B or higher, is regrettable and will cause a major change to the streetscape. However, it must be recognised that many of these trees were not part of Jellicoe's original design for the Water Gardens wherein it envisaged the east bank comprising gently sloping lawns with few if any trees. Since its completion in 1962, the Jellicoe Water Gardens has been added to by a number of individuals without reference to the original design, most notably on the east bank. This is recognised by the Team Leader Trees and Woodlands, in his comments.

"These new additions are maturing and when added to by natural re-generation (mainly to the west side of the Water Gardens) has turned the site from an open area with trees to linear woodland. Where there are walkways and seating the areas have become sunless, dank and cold, in other parts the lawns (assisted by geese) have become bare and muddy as a result of the shading."

It is understood that the success of the Heritage Lottery Fund bid to restore the Water Gardens is dependent on removing these trees which will open up long vistas, both east-west and north-south, visually reconnect the river to the town centre, and ensure the restoration of the lawns. The benefit will be that the Grade II listed gardens will be fully restored to their former glory.

The Garden History Society welcomes the proposals and says that it looks forward to receiving detailed planting plans in due course. However, detailed structural planting plans and specifications have been submitted as part of the application which is considered acceptable. A landscape implementation condition is recommended including submission of timescales for implementation.

Contamination

The site is located within the vicinity of a number of potentially contaminative former land uses which may pose a risk to potential future users of the site. As such the Scientific Officer has recommended the standard contamination condition be imposed.

Sustainability

A C-Plan sustainability statement has not been submitted as required by Policy CS29 and Para

18.22 of the Core Strategy. A statement has been requested and an update will be provided at the meeting.

Some information has been provided in the DAS with regards to Sustainable Urban Drainage which indicates that improvements to water drainage will be carried out as follows:

- Soil compaction will be relieved and the site fully planted thereby improving interception and infiltration of water.
- Area of existing car park broken out and replaced by permeable surfacing to the play area with gullies to provide ponding during periods of heavy rain discharging to car park drainage.
- Flower Garden and Northern Garden hard surfacing to drain into surrounding planted beds with linear drain at base of slopes to intercept water runoff and discharge to River Gade.
- Lover's Walk paths to drain into adjacent soft planted beds.
- The new compound for Clean, Safe & Green' will drain into adjacent planting.

Conclusion

The proposed development benefits from established policies within the adopted Core Strategy, including associated Place Strategy for Hemel Hempstead, and Town Centre Masterplan which supports the restoration of the Jellicoe Water Gardens to identify and highlight its heritage and to improve the public realm and open space within the context of other improvement works throughout the town centre. The proposal accords with the vision, aim and objectives of these policies. The proposals would be acceptable in layout, appearance, landscaping and amenity terms, and would have no impact on flood risk or highway safety, would improve biodiversity interests and crime prevention and would comply with sustainability criteria.

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 shall be carried out in accordance with the submitted details of hard and soft landscaping and in accordance with a programme of works (including a timescale for implementation) to be submitted to and approved in writing by the local planning authority.**

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the heritage asset and the immediate area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy (September 2013).

- 3 The development shall be carried out in accordance with the lighting details shown on Drg. Nos. DBC-JWG HTA-L XX-00-DR 9500. The floodlights shall at all times be directed as indicated on the submitted plans. At no time shall the**

lights be directed so as to create light spill beyond the boundaries of the site.

Reason: To ensure a satisfactory appearance to the development, to safeguard the visual character of the heritage asset and the immediate area and to prevent visual intrusion in the surrounding area in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy (September 2013).

- 4 **No development shall take place (unless otherwise agreed in writing by the local planning authority) until a scheme for the provision and management of a buffer zone alongside the River Gade has been submitted to and approved in writing by the local planning authority.**

The scheme shall include:

- **details of all marginal and aquatic planting;**
- **details demonstrating how the buffer zone will be protected during development and managed / maintained over the longer term; and**
- **details of any proposed new lighting which will impact the river corridor.**

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

Reason: To increase the ecological value of the riverbank in line with the National Planning Policy Framework, National Planning Practice Guidance and the Thames River Basin Management Plan.

- 5 **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 5 to 8 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 8 has been complied with in relation to that contamination.**

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

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

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

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

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

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

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

- 7 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.

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

- 8 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 5 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 6, 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 7.

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

- 9 **The development hereby permitted shall be carried out in accordance with the approved C-Plan and CS29 Sustainability Statements, together with details of Sustainable Urban Drainage contained within the submitted Design and Access Statement.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 and CS31 of the Dacorum Core Strategy September 2013.

- 10 **The development shall be carried out in accordance with the recommendations contained in the Ecological Appraisal prepared by BSG Ecology and Bat Survey and Evaluation Report prepared by SLR (reference 408.00374.00002).**

Reason: In the interests of ecology in accordance with Policies CS12, CS26, CS29 and CS30 of the Dacorum Core Strategy (September 2013).

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

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 has acted proactively through positive engagement with the applicant during informal pre-application and determination stages which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Informatives

Hertfordshire Highways

1. Before commencing the development the applicant shall contact Hertfordshire County Council Highways (0300 123 4047) to obtain:

- i) their permission / requirements regarding access for vehicles involved in the construction of the new features in the Gardens;
- ii) a condition survey of any adjacent highways which may be affected by

construction vehicles together with an agreement with the highway authority that the developer will bear all costs in reinstating any damage to the highway.

2. Works to be undertaken on the adjoining highway will require a legal agreement with the highway authority. Before commencing the development the applicant shall contact the Hertfordshire County Council Highways (0300 123 4047) to obtain their permission and requirements. This is to ensure that any works undertaken in the highway are constructed in accordance with the specification of the highway authority and by a contractor who is authorised to work in the public highway. This full application seeks permission for restoration works to revitalise Jellicoe's Water Gardens to include new play space; new building to provide facilities for gardener, friends and volunteers and maintenance and training; fish passes and green screen to mitigate visual impact of the two-storey car park on the gardens.

Environment Agency

Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within eight metres of the River Gade. This includes the use of herbicides.

General advice

The current draft of the Thames River Basin Management Plan (RBMP) contains the following draft actions for the Gade waterbody:

- a) Planform restoration through Jellicoe Gardens. Remove weirs and concrete bed and banks.
- b) Remove weirs 'a, b and c' and Jellicoe Park.
- c) Enable fish passage through screen on bridge, u/s of Jellicoe Park.

I would like to stress that these are draft actions and where there are situations when these cannot be achieved they can be removed from the plan. However, when the Water Framework Directive compliance assessment is submitted for the purpose of Flood Defence Consent it should be amended slightly so that reference is made to the above actions. The following measures should also be amended to maintenance rather than mitigation:

(iii)wildfowl control;

- sediment removal;
- removal of overhang vegetation.

Should you wish to obtain a copy of all draft actions relevant to your borough you can do so by contacting HNLinquiries@environment-agency.gov.uk . You can also comment on the draft Thames RBMP via https://consult.environment-agency.gov.uk/portal/ho/wfd/draft_plans/consult .

Contamination

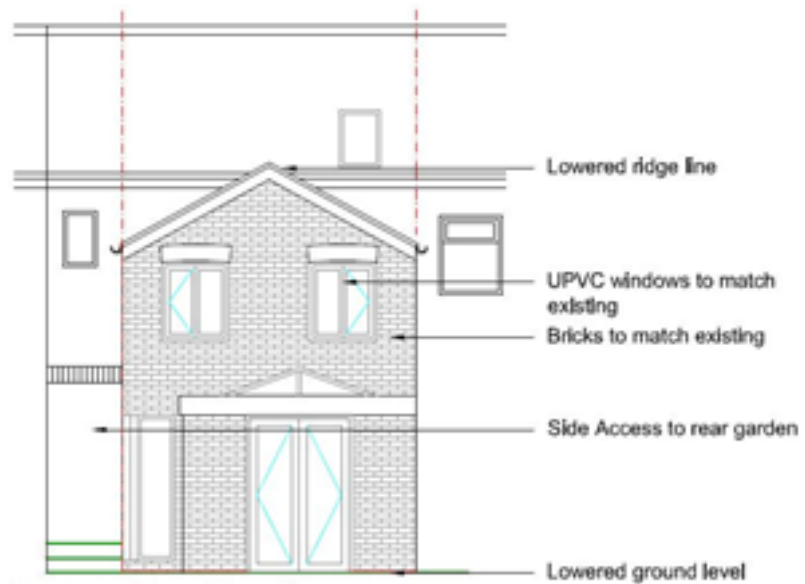
The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

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

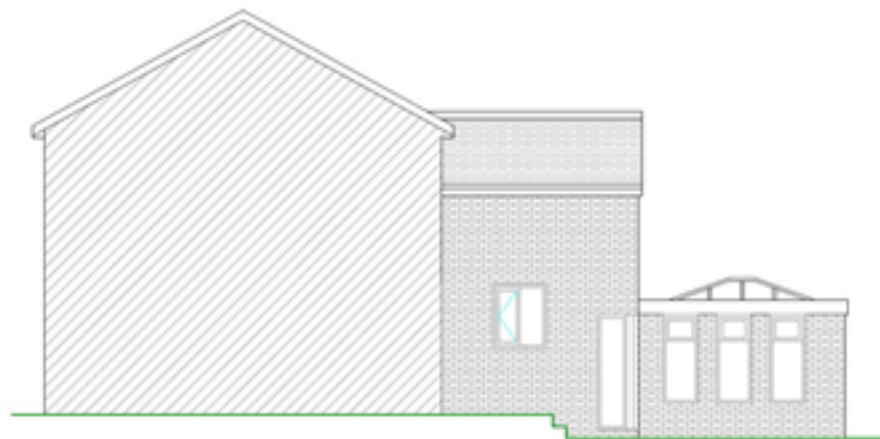
ITEM 5.03
4/03318/14/FHA - DEMOLITION OF EXISTING SINGLE STOREY EXTENSION AND
CONSTRUCTION OF NEW TWO STOREY EXTENSION AND SINGLE STOREY GARDEN
ROOM
71 GEORGE STREET, BERKHAMSTED, HP4 2EQ



**4/03318/14/FHA - DEMOLITION OF EXISTING SINGLE STOREY EXTENSION AND
CONSTRUCTION OF NEW TWO STOREY EXTENSION AND SINGLE STOREY GARDEN
ROOM
71 GEORGE STREET, BERKHAMSTED, HP4 2EQ**



**Proposed Rear Elevation
Scale 1:100**



5.03 4/03318/14/FHA - DEMOLITION OF EXISTING SINGLE STOREY EXTENSION AND CONSTRUCTION OF NEW TWO STOREY EXTENSION AND SINGLE STOREY GARDEN ROOM

71 GEORGE STREET, BERKHAMSTED, HP4 2EQ

APPLICANT: Mr Mojsak

[Case Officer - Emily Whittredge]

Summary

The application is recommended for approval.

Site and surroundings

The application site is occupied by a two storey Victorian terraced dwelling located within the Berkhamsted Conservation Area, which forms part of its early development of two up two down dwellings on narrow plots. House sizes in this area are principally 2-bedroom with some 3-bedroom dwellings.

The plots in George Street and the surrounding area are highly variable in size and many of the terraced dwellings have been extended due to development pressures in the area. A number of houses in the terrace and adjoining terraces have two storey flat roofed extensions constructed in the last half century, several extending the full width of the dwelling.

The adjoining dwelling No. 73 has a two storey flat roofed rear extension, while the other adjoining neighbour at No. 69 has a single storey extension 3 metres deep built under permitted development rights. The ground level at 69 is approximately 0.3 m higher than the application site and the gardens in the terrace slope upwardly to the rear.

Proposal

The application seeks to replace an existing single storey rear extension with a part two storey part single storey rear extension.

The two storey extension would be full width, 3.3 m deep (in line with the two storey extension at No. 73) and would have a subservient pitched roof slightly higher than the eaves height of the parent dwelling. The ground level would be lowered by approximately 0.75 m to accommodate a narrower single storey garden room 3.5 m deep and 2.3 m high at the parapet, with a roof lantern an additional 0.4 m high.

Referral to Committee

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

Relevant history

4/01621/14/FHA	DEMOLITION OF SINGLE-STOREY REAR EXTENSION AND CONSTRUCTION OF TWO-STOREY REAR EXTENSION Withdrawn 22/08/2014
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Relevant Policy

National Policy Guidance

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

Adopted Core Strategy

Policy NP1 - Supporting Development
Policy CS1 - Distribution of Development
Policy CS4 - The Towns and Large Villages
Policy CS12 - Quality of Site Design
Policy CS27 – Quality of the Historic Environment

Saved Policies of the Dacorum Borough Local Plan

Policy 58 - Private Parking Provision
Policy 120 – Development in Conservation Areas
Appendix 5 - Parking Provision
Appendix 7 - Small-scale House Extensions

Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Residential Character Area BCA3 - Bank Mill
Accessibility Zones for the Application of Car Parking Standards (July 2002)

Summary of Representations

Berkhamsted Town Council

Object.

The scale, mass and bulk of the proposal is excessive and detrimental to the Conservation Area, where the rear of properties is of the same significance as the front. If approved, the proposal would leave a rear garden depth of 8.5m, which is unacceptable in this locality.

Contrary to Core Strategy Policies CS 12 and CS 27 and Saved Local Plan Policies 120, Appendix 3 and Appendix 7.

Conservation and Design

Number 71 George Street forms part of a terrace of artisan cottages which unfortunately have been allowed to be extended at the rear with full width extensions that double the original footprint - hardly ideal from an architectural aspect.

The scheme for Number 71 is for exactly the same approach, though the scheme is relieved by a pitch roof adding some appropriate architectural detailing the intent is to further push the boundaries of development by adding a single storey extension.

I cannot see any point in adding or quoting any of either central government or local authority policies as what has been carried out and I presume approved of with neighbouring properties blows these out of the water as they say. However, this is the least offensive scheme compared to what has already been allowed locally; my only comment would be to include a parapetted roof on the single storey extension which is a more traditional form rather than the unidentified finish that is proposed.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

None.

Considerations

Effect on appearance of building and Street Scene and Impact on the Character and Appearance of the Conservation Area

Similar dwellings in the immediate area that have been granted two storey flat roofed full-width extensions in the past half century include Nos. 73, 75 (5.3 m deep), 67 and 57. The proposed extension would have a full-width two storey element, which is not ideal but the proposal adjoins a side passage that forms a gap with the adjoining two storey extension. The proposal is more sensitively designed than many others on George Street, being subservient to the parent dwelling and incorporating a pitched roof and traditional window detailing. The eastern corner of the living room would have a modern glazed corner detail. The proposed garden room would be constructed at a lowered ground level, resulting in a roof height lower than both the eaves of adjoining single storey extension and the existing boundary treatment between No. 69 and the application site. The proposed roof lantern would be approximately the height of the trellis at the top of the boundary fence.

Although there would be slight visibility of the top of the two storey extension from the bottom of the New Road cul-de-sac, views would largely be concealed by the high boundary wall at the end of the road and trees beyond, and the extension would only be seen from a very limited position and at an angle. Gabled extensions of this form can be found on Victorian terraces, although less common than the party wall type, and so would not appear foreign to the terrace character. The small amount of the development that would be visible from New Road would be sympathetic to the character of the Victorian terrace and so would positively conserve and enhance the character of the Conservation Area. The application therefore meets the requirements of Policy CS27 of the Core Strategy. A condition will be imposed requiring brick samples to ensure that the new development will blend with the original brick of the terrace.

Effect on Amenity of Neighbours

The adjoining property No. 69 has been extended 3 m to the rear at the ground floor, so light to this room would not be substantially affected by the proposed development, which would project 0.3 m beyond this. A bedroom at the first floor level would also maintain sufficient light levels, as the eaves of the proposed extension would be no higher than the mid-point of the window and a 45 degree line of clearance would be maintained.

The eaves of the proposed ground floor extension would be no higher than the existing boundary treatment and would therefore have no impact on the amenity of neighbours. No. 73 has been extended two storeys 3.3 m to the rear and the proposed extension would be in line with this development, but with a subservient roof form. There would be no detrimental effect on the amenity of the occupiers of No. 73.

Other Considerations

The proposal would result in a remaining garden depth of 8.7 metres, which has been raised as a concern by the Town Council. Appendix 3 of the Local Plan specifies a minimum average of 11.5 metres garden depth, and the gardens of similar terraces within the local area vary from several times that for 2-bedroom dwellings to under 5 metres for 3-bedroom dwellings. The proposed development would result in a dwelling of two bedrooms, which is not by definition a large family house and it is considered that the resulting garden would

provide sufficient amenity space for a dwelling of this size and more than larger dwellings in the vicinity. The site is also located 56 metres from the George Street Play Area, which provides further local amenity space.

Recommendation

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

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

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

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

Reason: In the interests of the visual amenities of the Conservation Area in accordance with Policy CS27 of the Dacorum Core Strategy 2013 and saved Policy 120 of the Dacorum Local Plan.

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

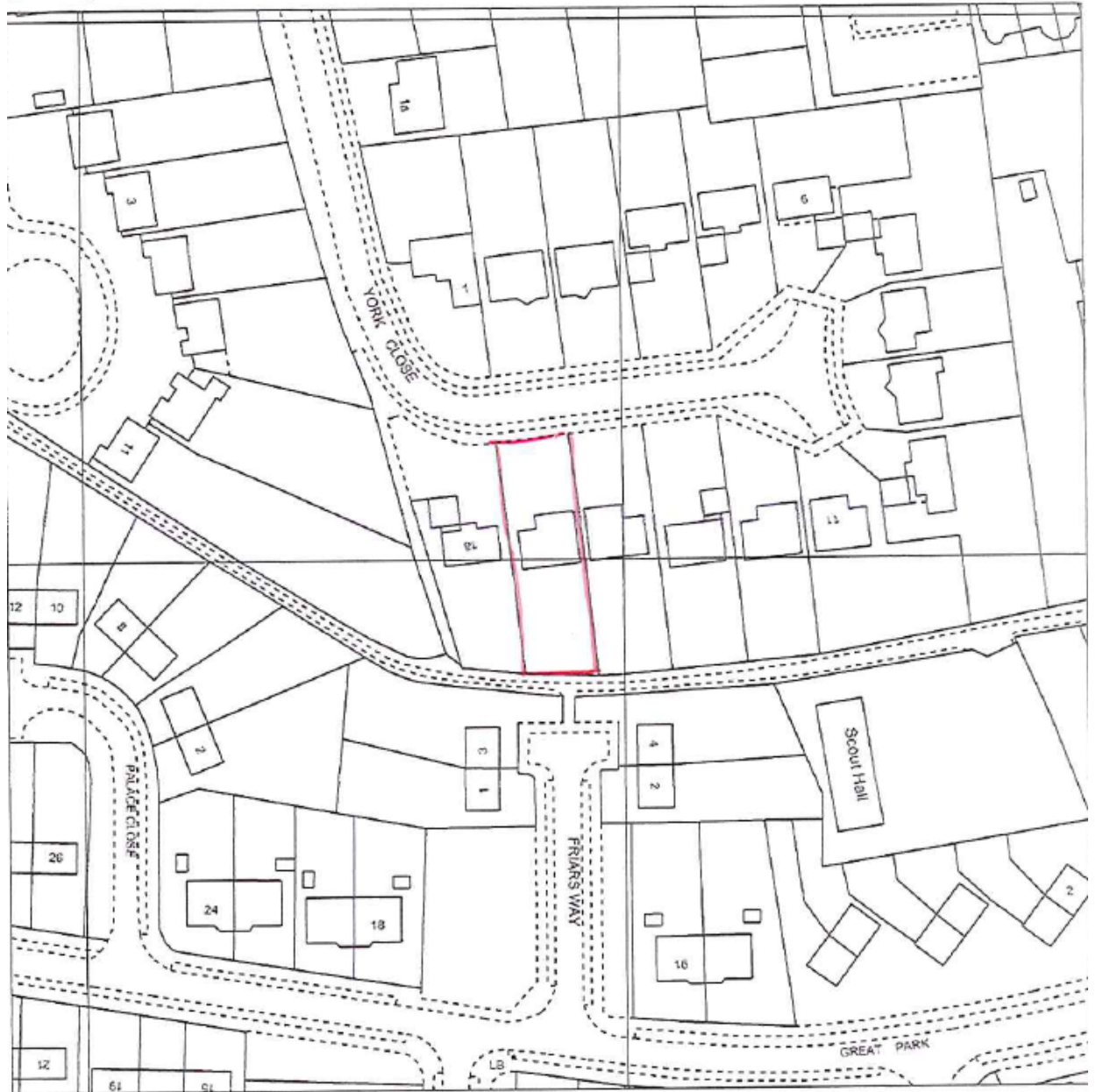
3267-PL-1.01
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3267-PL-2.03

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

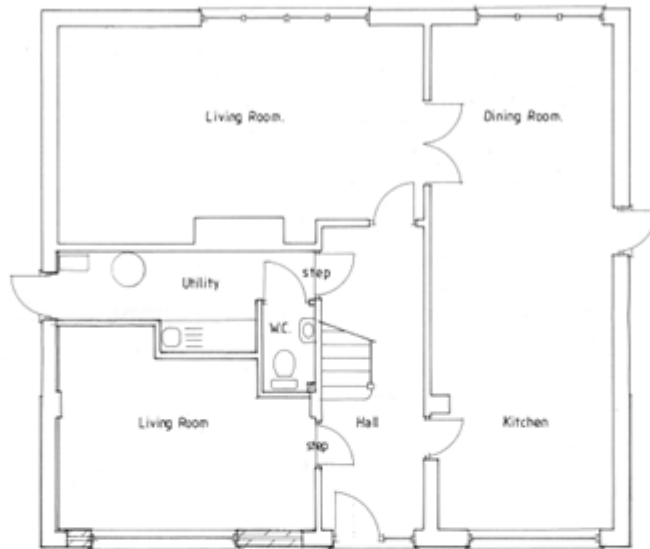
Article 31 Statement

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 5.04
4/03398/14/FHA - CONVERSION OF GARAGE TO HABITABLE ROOM AND CLADDING
TO FRONT, PART SIDE ELEVATIONS.
15 YORK CLOSE, KINGS LANGLEY, WD4 9HX



**4/03398/14/FHA - CONVERSION OF GARAGE TO HABITABLE ROOM AND CLADDING TO FRONT, PART SIDE ELEVATIONS.
15 YORK CLOSE, KINGS LANGLEY, WD4 9HX**



**5.04 4/03398/14/FHA - CONVERSION OF GARAGE TO HABITABLE ROOM AND CLADDING TO FRONT, PART SIDE ELEVATIONS.
15 YORK CLOSE, KINGS LANGLEY, WD4 9HX
APPLICANT: MR AND MRS HITCHCOCK**

[Case Officer - Intan Keen]

Summary

The application is recommended for approval. The proposed alterations would be satisfactory and would not have an adverse impact on the appearance of the building, the street scene or the visual group of dwellings on York Close. The proposed development would not have an adverse impact on the amenity of neighbouring properties. The car parking arrangements are sufficient. The proposal is therefore in accordance with Policy CS12 of the Core Strategy.

Site Description

The application site is currently occupied by a two-storey detached dwelling located on the southern side of York Close. The dwelling forms part of a visual group of detached dwellings of similar design and form, specifically unified by their gable roofs and wide frontages. The immediate street scene comprises a mix of external materials including red and pale facing brickwork with areas of tile hanging and cladding. It appears properties of similar style on York Close have retained their integral garages.

Proposal

Planning permission is sought for external alterations associated with a garage conversion and the application of cladding to the front and part of the side elevations of the dwelling.

The garage would be fully converted to create a second living room with on-site car parking located within the existing forecourt and driveway. A window would be inserted in the place of the existing garage door.

Oiled cedar cladding would be applied to the upper floor of the front elevation, and the sides of the existing two-storey front projection. The cladding would replace the existing pale yellow timber cladding.

An e-mail was received from the agent on 2 January 2015 stating that the cladding is an uncoated natural cedar in ochre brown weathering to a silk grey. It was also confirmed by e-mail from the agent that from the site survey the existing area of hardstanding to the front of the dwelling measured over 5m wide by 13m long.

Referral to Committee

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

Planning History

No relevant history.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Dacorum Core Strategy

Policies NP1, CS1, CS4, CS12 and CS29

Dacorum Borough Local Plan (saved policies)

Policies 58 and 99
Appendices 3, 5 and 7

Summary of Representations

Neighbours

Nos. 1, 2, 3, 14 and 16 York Close and Nos. 3 and 4 Friars Way were notified on 26 November 2014.

Items of correspondence were received from Nos. 1, 14, 16 York Close, objecting to the proposal on the following grounds:

- Dwellings in York Close are grouped visually and the proposed timber cladding would not be in keeping with the existing dwelling designs in the street;
- Cladding would be unsympathetic feature in street having a strong and irregular visual impact;
- Proposed cladding would detract from presently attractive setting of street;
- Cladding would deteriorate over time;
- Red cedar wood is not suited to existing residential properties;
- Colour of new powder coated aluminium windows has not been specified;
- Proposed design offers an uncoordinated mix of materials;
- Conversion of garage will result in inadequate parking provision under the required standard of saved Appendix 5 of the Local Plan;
- Query how rain water run-off will be handled following garage conversion and new driveway noting neighbouring properties located on lower ground.

Kings Langley Parish Council

The Parish Council objects to this application on the basis that the proposed development, in particular, the materials proposed, are inappropriate and out of keeping with the street scene. The Council is also concerned that the provision for parking will be reduced but there would be a corresponding increase in demand.

Considerations

The main issues of relevance to the consideration of this application relate to the impact of the proposed development on the character and appearance of the original building and the street scene, the impact on neighbouring properties, and the impact on car parking.

Impact on appearance of original building and street scene

The application site is located within the large village of Kings Langley for which there are no residential character areas or guidelines for individual neighbourhoods. However, in this instance and as noted above, York Close comprises detached dwellings, most of which share visual similarities in terms of main building form and wide frontages facing the street.

The resultant dwelling would retain the overall form, proportions and fenestration of the existing and that of others of similar design in the street.

The proposed garage conversion including the insertion of a front window would not raise any design concerns.

In terms of the impact on the appearance of the street scene, of relevance is Section A3.5 of saved Appendix 3 of the Local Plan which encourages the design of buildings respect the overall street scene, and the finishing materials are be in keeping with those of the surrounding area.

The application site forms part of the southern street scene of York Close, were there are unifying features to dwellings, however there are no repetitive characteristics in terms of external materials. Most dwellings in York Close are constructed of pale facing brickwork with areas of tile hanging, this is not the case for the application site (or the adjacent dwelling at No. 14 and others at Nos. 4, 7 and 10 York Close) which are constructed of a red brick.

It is also noted that the dwellings at Nos. 4, 7 and 10 York Close feature dark stained timber cladding. The selected colour for the proposed cladding on the application site of ochre brown weathering to a silk grey would be relatively neutral and would not result in an unacceptable contrast or clash of materials. The existing dwelling with pale yellow painted sections (cladding and garage door) is already different from other dwellings in the street. On this basis it would not be reasonable to refuse the application on the grounds that its exterior would not exactly match those of nearby properties.

The proposed cladding therefore would not have an adverse impact on the appearance of the street scene and would not unduly detract from the group of dwellings within York Close.

It is noted that the proposed area of hardstanding to the existing forecourt would remain unchanged.

It follows that the proposal is acceptable in terms of the appearance of the resultant building and the street scene in accordance with Policy CS12 of the Core Strategy.

Impact on neighbouring properties

The proposed alterations would not project significantly beyond the existing external walls of the dwelling. Therefore, the development would not have an adverse impact on neighbouring dwellings in terms of visual intrusion or loss of light.

No new openings would be created that would result in unreasonable levels of overlooking to neighbouring properties.

It follows the proposal accords with Policy CS12 (c) of the Core Strategy.

Impact on car parking

The proposed site layout would provide sufficient area to accommodate at least three cars within the extended area of hardstanding within the front garden. This would meet the maximum parking standard for a single dwelling. The car parking arrangements for the existing four-bedroom dwelling on the application site are therefore acceptable under Policy CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

Sustainability

The proposed development would not change the footprint of the existing building. The proposed works would be relatively minor so that they would not have an adverse impact on the biodiversity of the surrounding area or significant landscape features. As such, the proposal would not conflict with the objectives of 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 development hereby permitted shall be constructed in accordance with the materials specified on the application form or such other materials as may be agreed in writing by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development 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 following approved plans:**

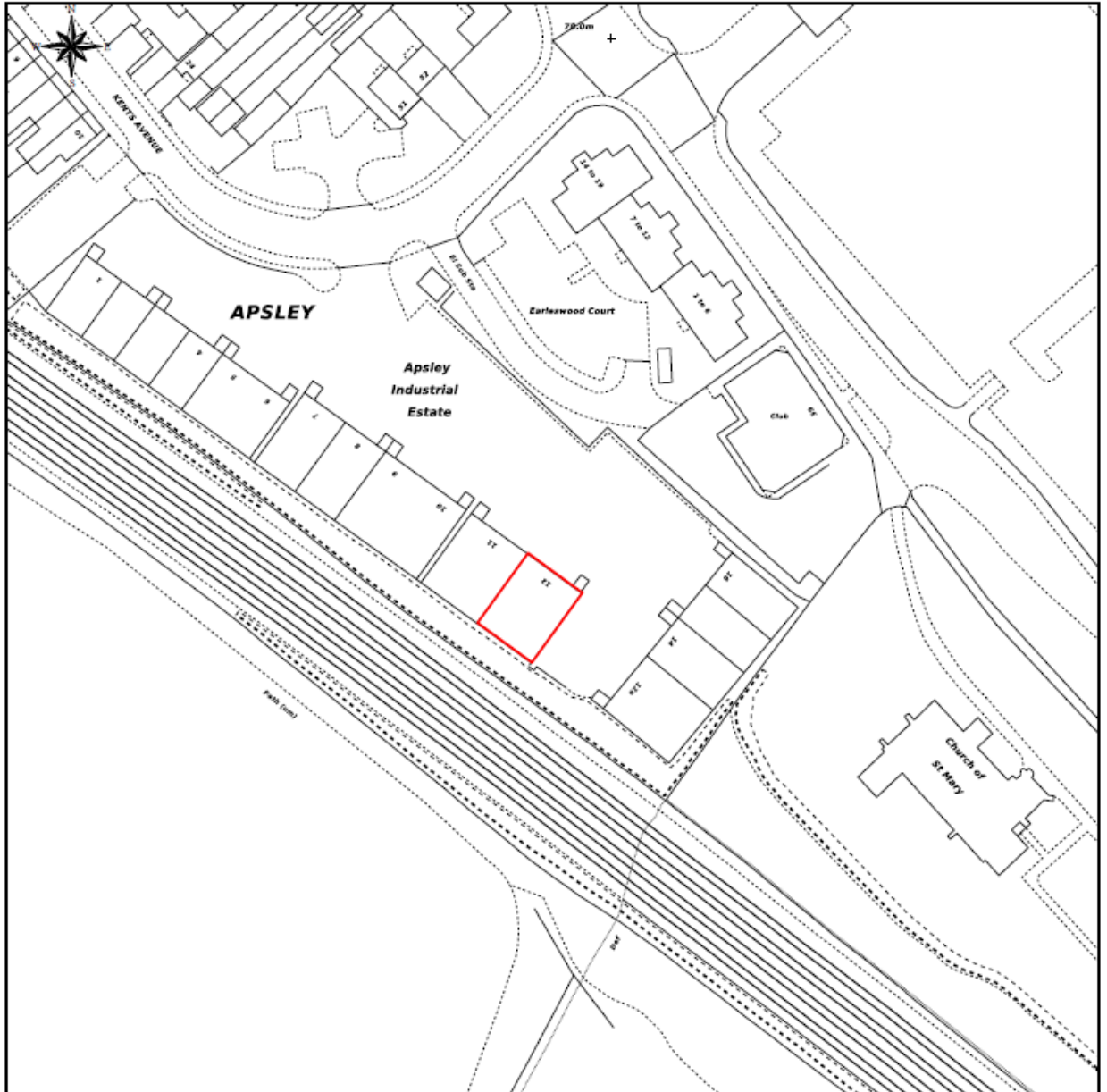
**Site Location Plan (no reference);
DBC/14/6/01 (existing and proposed block plan, existing floor plan and elevations);
DBC/14/6/02 (proposed floor plans and elevations); and
E-mail from agent dated 2 January 2015.**

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

Article 31 Statement

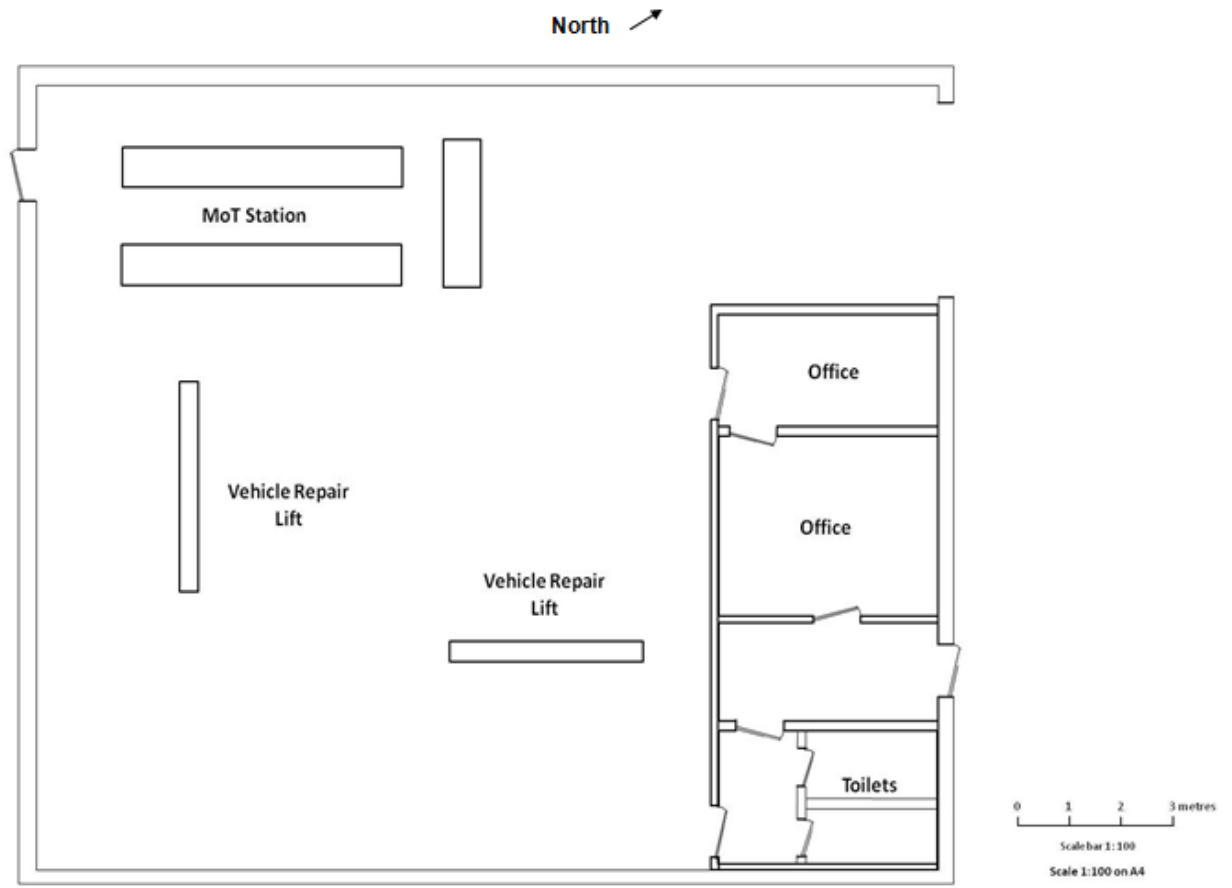
Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination stage which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs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

ITEM 5.05
4/02847/14/FUL - CHANGE OF USE OF BUILDING TO VEHICLE REPAIR AND MOT
STATION
UNIT 12, KENTS AVENUE, HEMEL HEMPSTEAD, HP3 9XH



**4/02847/14/FUL - CHANGE OF USE OF BUILDING TO VEHICLE REPAIR AND MOT STATION
UNIT 12, KENTS AVENUE, HEMEL HEMPSTEAD, HP3 9XH**

INTERNAL PLAN: UNIT 12, APSLEY TRADING ESTATE AFTER INSTALLATION OF MoT TESTING STATION



**5.05 4/02847/14/FUL - CHANGE OF USE OF BUILDING TO VEHICLE REPAIR AND MOT STATION
UNIT 12, KENTS AVENUE, HEMEL HEMPSTEAD, HP3 9XH
APPLICANT: Mechanix Direct**

[Case Officer - Intan Keen]

Summary

The application is recommended for approval. The proposed use of the site for car repairs (Class B2) and MOT testing (Sui Generis) is acceptable in principle in the Apsley General Employment Area. The proposed use would not have an adverse impact on the appearance of the building or the street scene. The proposed use would not have a detrimental effect on residential amenity. The car parking arrangements are satisfactory. The proposal is therefore in accordance with Policies CS12 and CS15 of the Core Strategy and saved Policies 31 and 58 of the Local Plan.

Site Description

The application site is currently occupied by an attached single-storey industrial unit occupied by a vehicle repair business, located within the south-eastern portion of the industrial estate on the southern side of the bend of Kents Avenue. The application site lies within the Apsley General Employment Area which consists of a row of single-storey warehouse and industrial buildings fronting a shared open car park accessed via a double crossover off Kents Avenue.

Surrounding land uses include car repairs, warehouses and other industrial uses (welding and other engineering operations).

The nearest dwellings to the application site are at Earleswood Court over 48m to the north-west; separated by the industrial estate car park, the residential road and the open residential car park beyond. The industrial unit is located on a raised terrace relative to the dwellings on Earleswood Court, and is elevated relative to a day nursery to the west and a church to the south-east. The estate also abuts the mainland rail line on its south-western side.

Proposal

Planning permission is sought for the use of the premises for the purpose of car repairs (Class B2) and to include MOT testing (Sui Generis).

The application form states the proposed use would specifically include car repairs and servicing, MOT testing, with associated machinery. The existing two vehicle repair lifts would be relocated internally to provide area for one MOT station. Two ancillary offices and amenity areas including toilets would remain.

No external changes to the building are proposed.

There would be no changes in car parking provision, three marked car parking spaces located immediately in front of the unit would be retained.

There would be no change in the number of employees on the site, specifically the proposed use would employ three full-time members of staff.

Referral to Committee

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

Planning History

No relevant history.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Dacorum Core Strategy

Policies NP1, CS1, CS4, CS8, CS12 and CS15

Dacorum Borough Local Plan (saved policies)

Policies 31 and 58
Appendix 5

Summary of Representations

Neighbours

No representations received.

Hertfordshire Highways

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

Highway Note: The proposals are not considered to result in any adverse impact on the public highway and are considered acceptable to the Highway Authority.

Environmental Health

My only concern is that there is a block of flats directly opposite. I think that putting in the MOT testing area will increase the number of vehicles visiting the unit and therefore the noise levels from works in the unit. The unit is likely to be of a metal construction which could enhance any noise issues through refraction and reflection of noise from the vehicle works.

There have not been any complaints to date regarding this premises and the background levels are likely to be high with the railway to the rear of the unit and the road to the front of the flats. I do not believe it will cause a substantial level of increased noise levels however if there are complaints received then the premises will have to put measures in place to reduce noise levels.

Contaminated Land

The site has a potentially contaminative land use and is located within the vicinity of other potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. However, due to the nature of the application (internal changes only), no comments are required regarding contamination.

Network Rail

No comments to make.

Considerations

The main issues of relevance to the consideration of this application relate to the policy and principle justification for the proposed general industrial (Class B2) use and MOT testing station, the impact of the proposal on the character and appearance of the original building and the street scene, the impact on neighbouring properties, and the impact on car parking.

Policy and principle

The application site forms part of the Apsley General Employment Area which is identified for industrial uses under saved Policy 31 of the Local Plan. This policy also states that the General Employment Area consists of small units, which are not to be amalgamated.

Policy CS15 of the Core Strategy is also relevant and seeks to identify and retain land for B-class uses, including within General Employment Areas. It is further noted that in addition to securing office floor space, the stock of floor space for industry and storage and distribution should remain broadly unchanged.

The proposal would retain the site's general industrial use (Class B2 car repairs) and the introduction of a single MOT testing station (Sui Generis use) is not considered to prevent the use of the site for B-class uses, which the above policies seek to retain. On this basis, the proposal would not conflict with the objectives for the Apsley General Employment Area under Policy CS15 of the Core Strategy and saved Policy 31 of the Local Plan and the proposed use is therefore acceptable in principle.

Impact on appearance of original building and street scene

There are no external changes proposed to the building. The external layout including open car parking areas within the Apsley Industrial Estate would remain unchanged as a result of the proposal. It follows that the development would not have an adverse impact with respect to the appearance of the original building or the street scene, in accordance with Policy CS12 of the Core Strategy.

Impact on neighbouring properties

The nearest sensitive uses to the site include nearby residential dwellings to the west at Earleswood Court. The application site does not directly border any residential properties, the nearest dwellings are located a minimum of 48m from the application site. This separation would be acceptable to ensure that these dwellings would not be adversely affected in terms of noise or air pollution from the proposed activities, also noting that the application site's current use is for vehicle repairs.

The proposed use would be subject to opening hours outlined above. These operating times would be generally during day time hours and would not extend into the sensitive night time periods, which is considered to be acceptable. If planning permission is granted, it would be reasonable to attach a condition setting out operating hours associated with the proposed use.

It would also be necessary to restrict the activities associated with the proposed use to be inside the building and to also restrict outdoor (external) storage, to avoid adverse impacts on nearby residential properties in terms of noise and fumes.

The application site only has one directly adjoining building at Unit 11 Kents Avenue, which is also located on the Apsley Industrial Estate and is occupied by a warehouse (fencing materials). To the south-east are two other industrial units at Units 12a and 14 Kents Avenue, occupied by cleaning manufacturers and warehouse respectively. The proposed car repair use and MOT testing station would not have an adverse impact on the immediately surrounding land uses.

The proposal is therefore in accordance with Policy CS12 (c) of the Core Strategy.

Impact on access and car parking

The change of use of the site for the purposes of car repairs (general industrial - Class B2) including an MOT testing station is not considered to result in a significant increase in trips to and from the site given the site area and the area designated for car repairs and MOT testing (excluding proposed ancillary office and amenity areas within the building).

The car parking requirements for general industrial (Class B2) use is applied at a maximum of one space per 50m² of gross floor area under saved Appendix 5 of the Local Plan. There is no parking standard for MOT testing and as there is only one MOT station proposed it would be reasonable to apply the standard for Class B2 uses.

The gross floor area as noted on the application form is 250m², where five on-site car parking spaces would be required. The application site would maintain the existing parking provision at three car parking spaces, resulting in a shortfall of two spaces. It is noted that the current vehicle repair (Class B2) use also has a shortfall of two spaces. As the floor area remains unchanged this shortfall would not place undue stress on the surrounding road network.

It is important to note that the highway authority has raised no objections with respect to car parking. It follows that the car parking arrangements are sufficient.

Cycle parking provision requires one short-term space per 500m² of gross floor area and one long-term space per ten employees under saved Appendix 5 of the Local Plan. The site would incorporate storage areas which would appear sufficient for at least one cycle parking space for employees in accordance with this standard.

The proposal therefore would accord with Policies CS8 and CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

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 **Activities associated with the general industrial (Class B2) use and MOT testing (Sui Generis) use hereby permitted shall only take place within the building as shown on Drawing Nos. Site Location Plan (no reference), Proposed Block Plan (no reference) and Proposed Floor Plan (no reference).**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings and nearby residential development in accordance with Policy CS12 of the

Dacorum Core Strategy (September 2013).

- 3 **The premises shall only be open to customers between 8:30 am and 5:30 pm on Mondays to Fridays; and 8:30 am to 12:00 pm on Saturdays; and shall be closed on Sundays, Bank Holidays and Public Holidays.**

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

- 4 **No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times of 8:30 am and 5:30 pm on Mondays to Fridays; and 8:30 am to 12:00 pm on Saturdays; nor at any time on Sundays, Bank or Public Holidays.**

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

- 5 **There shall be no external storage outside of the building on the application site outlined in red associated with the use hereby permitted.**

Reason: In the interests of the amenities of the occupants of neighbouring dwellings and nearby residential development and visual amenity in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013).

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

**Site Location Plan (no reference);
Proposed Block Plan (no reference); and
Proposed Floor Plan (no reference).**

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 proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

INFORMATION ITEM

CHANGES TO NATIONAL POLICY ON THE USE OF SECTION 106 PLANNING OBLIGATIONS

Report from the Group Manager: Alex Chrusciak

Background

A written Ministerial Statement on 28 November 2014 (House of Commons Written Statement - reference HCWS50) sets out proposed changes to national policy with regard to Section 106 planning obligations.

This resulted in an amendment to the National Planning Practice Guidance (NPPG), in relation to planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended). These changes are now material planning considerations.

The NPPG makes it clear that contributions for affordable housing and tariff style planning obligations should not be sought in the following scenarios:

- Where developments comprise 10 units or less and which have a maximum combined gross floor area of no more than 1000 sq.m
- Where development is located in a designated rural area and comprises 5 units or less under the discretion of the local planning authority
- Where development consists of the construction of a residential annex or extension.

It further explains that in designated rural areas where the reduced threshold is introduced affordable housing and tariff style contributions should be sought from developments of between 6 and 10 units in the form of cash payments which are commuted until after completion of units within the development.

Links to the Ministerial Statement and NPPG are provided at Appendix 1.

Implications

The basis upon which the Council secures affordable housing and contributions towards infrastructure will fundamentally alter as a result of this statement.

It is current Council policy to secure financial contributions towards infrastructure including affordable housing from residential schemes comprising of a single dwelling or greater in accordance with Policies CS19 and CS35 of the Core Strategy 2006-2031. In the case of affordable housing contributions these may be waived for small scale schemes in accordance with the Affordable Housing Supplementary Planning Document (SPD). These contributions are normally sought prior to the commencement of development.

The ministerial statement does not prevent the Council seeking to secure site specific obligations where the requirements meet Regulation 122 of the CIL Regulations (as amended) as confirmed by the NPPG.

These changes do not affect CIL which is due to be considered for adoption by the Council at the Cabinet meeting to be held on the 10 February 2015.

Purpose of this Report

The purpose of this report is to highlight to members that the Council will no longer be applying our own Planning Obligations SPD, or the County Council's Planning Obligations toolkits, for schemes of 10 residential units or less and with 1000 square metres of floor area.

The authority will no longer seek to secure affordable housing either directly or in kind from schemes of 10 units or less within the key settlements within the Borough.

A lower threshold of 5 units will be used for rural areas and areas in the Area of Outstanding Natural Beauty (AONB). A plan detailing these locations is set out at Appendix 2. This lower threshold reflects the Council's policy in relation to the direct provision of affordable homes in the majority of settlements (except Hemel Hempstead) as set out within CS19 of the Core Strategy and will enable the Council greater flexibility to secure provision of affordable housing and supporting infrastructure in rural locations.

Implications for undetermined applications

It is common for applications to be presented to the Development Control Committee (DCC) with a recommendation for powers to be delegated to the Group Manager, Development Management and Planning, to be approved subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

As a consequence of these changes, there are a number of undetermined applications for developments for which the DCC has resolved to grant planning permission subject to securing a planning obligation for affordable housing or tariff style planning obligations. These applications will be returned to the Committee to seek a revised resolution to proceed without these elements which are now contrary to national guidance.

Recommendation

This report is for information only. It is recommended that the contents of this report are noted to inform the Committee's future decision making.

Appendix 1

Hyperlink to House of Commons Written Statement - reference HCWS50:

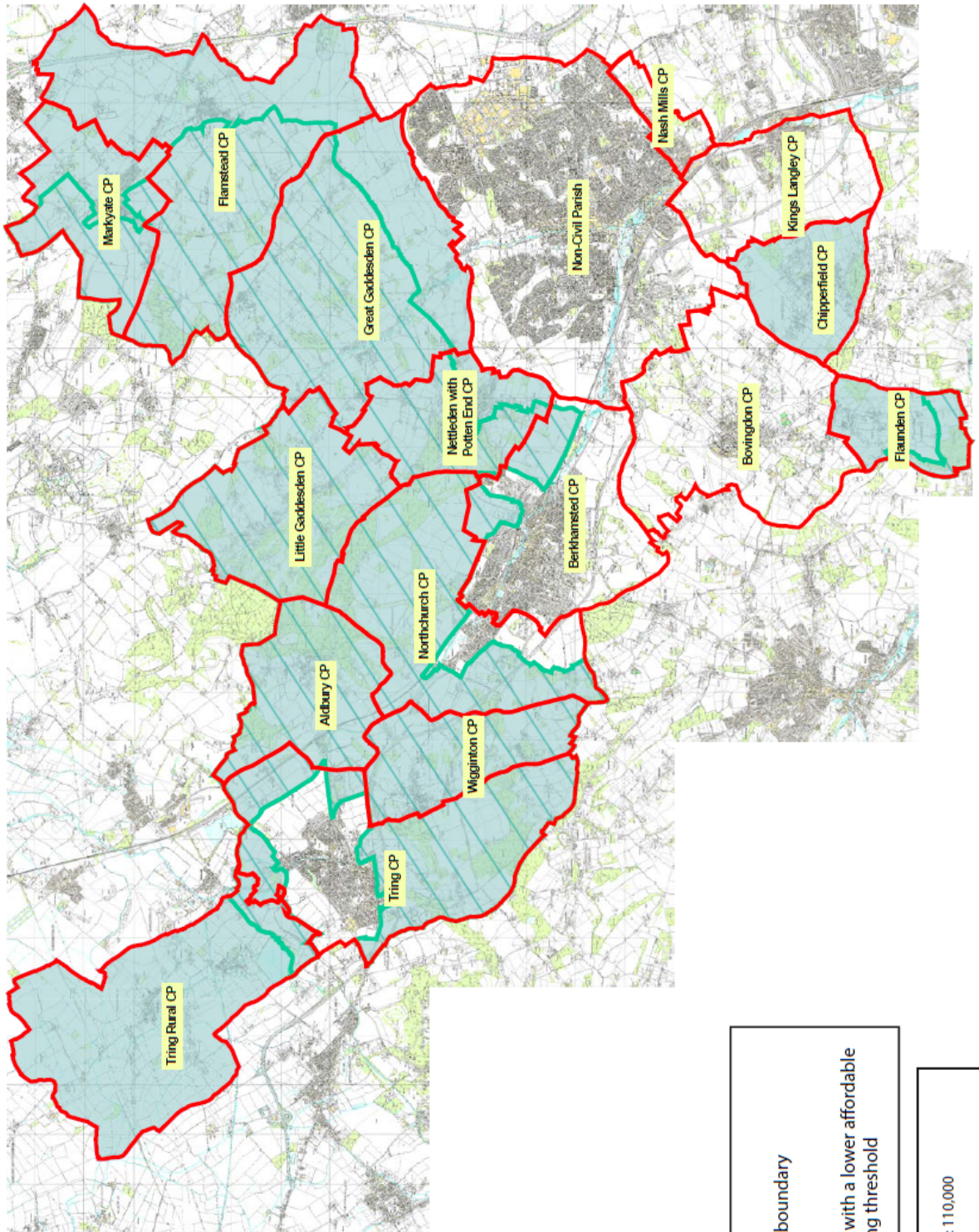
<http://bit.ly/1KebUxk>

Hyperlink to National Planning Practice Guidance (NPPG), in relation to planning obligations:

<http://planningguidance.planningportal.gov.uk/blog/guidance/planning-obligations/planning-obligations-guidance/>

Appendix 2

Defined 'Rural Areas' for the application of affordable housing waivers



KEY

- Parish boundary
- AONB
- Parish with a lower affordable housing threshold

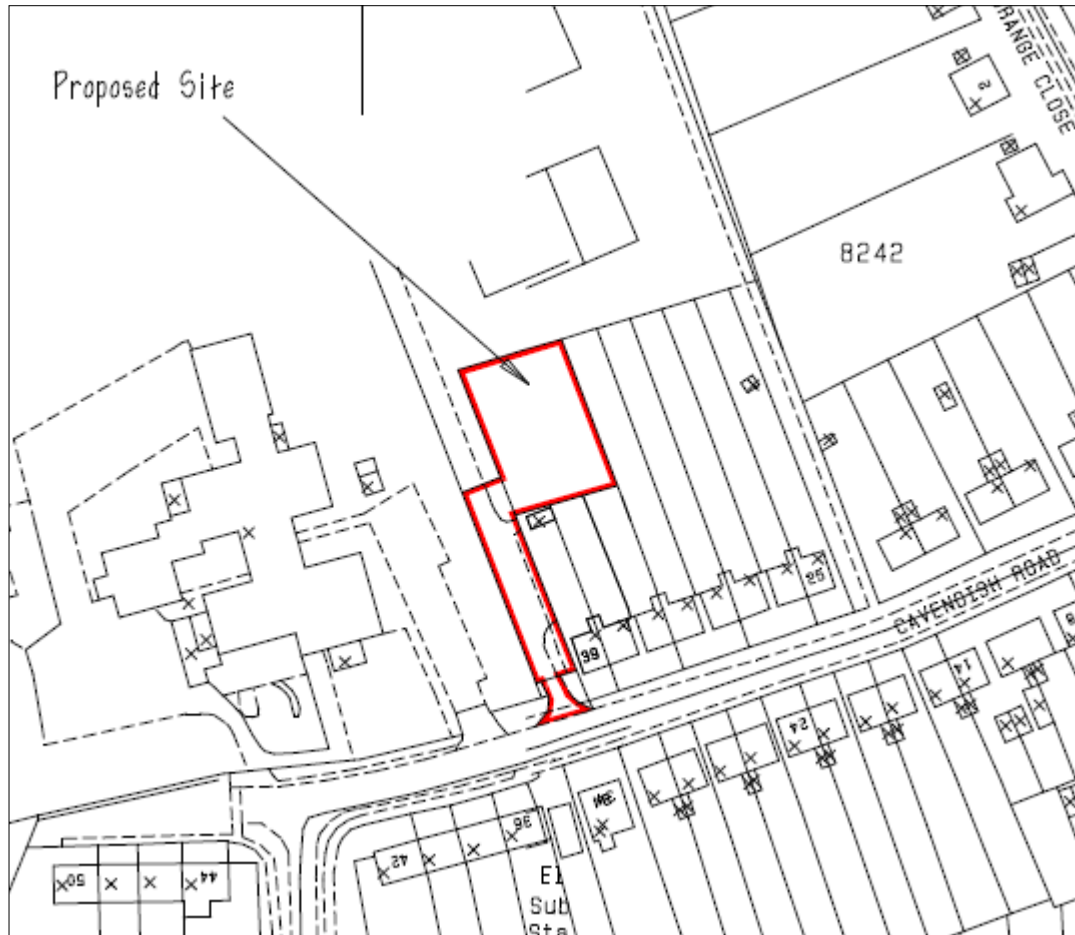
Scale 1: 110,000
@ A4

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ITEM 5.06

4/01627/14/OUT - DEMOLITION OF SINGLE-STOREY OUTBUILDING, CONSTRUCTION OF TWO TWO-BEDROOM SEMI-DETACHED DWELLINGS AND ONE DETACHED THREE-BEDROOM DWELLING (ACCESS, LAYOUT AND SCALE SOUGHT)

REAR OF 35-39, CAVENDISH ROAD, MARKYATE, ST. ALBANS, AL3 8PT



4/01627/14/OUT - DEMOLITION OF SINGLE-STOREY OUTBUILDING, CONSTRUCTION OF TWO TWO-BEDROOM SEMI-DETACHED DWELLINGS AND ONE DETACHED THREE-BEDROOM DWELLING (ACCESS, LAYOUT AND SCALE SOUGHT) REAR OF 35-39, CAVENDISH ROAD, MARKYATE, ST. ALBANS, AL3 8PT



5.06 4/01627/14/OUT - DEMOLITION OF SINGLE-STOREY OUTBUILDING, CONSTRUCTION OF TWO TWO-BEDROOM SEMI-DETACHED DWELLINGS AND ONE DETACHED THREE-BEDROOM DWELLING (ACCESS, LAYOUT AND SCALE SOUGHT) REAR OF 35-39, CAVENDISH ROAD, MARKYATE, ST. ALBANS, AL3 8PT APPLICANT: BURGUNDY DEVELOPMENTS LTD

[Case Officer - Intan Keen]

Referral to Development Control Committee

The planning application was heard at the Development Control Committee (DCC) of 4 September 2014, where 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, subject to conditions.

Following recently amended national guidance (details provided below), the recommendation has been amended to grant subject to conditions.

The conditions have not been amended since the previous DCC.

Considerations

The planning obligation has not been completed, however since this DCC, there have been relevant changes to national guidance regarding Section 106 tariff style contributions.

A written Ministerial Statement on 28 November 2014 (House of Commons Written Statement - reference HCWS50) sets out the proposed changes to national policy with regard to Section 106 planning obligations, and has resulted in an amendment to the National Planning Practice Guidance (NPPG), paragraph 012 of Planning Obligations notes the following:

'There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.'

The NPPF goes on to state that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000m².

This ministerial guidance and note within the NPPF are considered to represent significant weight as material considerations to be balanced against the requirements of Policy CS35 of the Core Strategy, saved Policy 13 of the Local Plan and Planning Obligations Supplementary Planning Document which aim to secure planning obligations to offset the impact of new residential development upon local services and infrastructure. The commitment of the Government to revise the Section 106 process indicates that the existing policies of the Development Plan are out-of-date with the current Government guidance. In line with Policy NP1 of the Core Strategy, it is therefore proposed to apply more weight to the revised guidance in the NPPF.

It is noted that the proposal falls beneath the threshold of ten dwellings and a gross floor space of 1000m² where the exemption from Section 106 affordable housing contributions and tariff style contributions apply. On this basis it is not justified to seek Section 106 contributions for this proposal.

Amendment to recommendation

That the application be GRANTED subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

- 7 **Notwithstanding any details submitted as part of the planning application, prior to the commencement of the development hereby permitted, plans and details showing how the development will best meet Code Level 4 (or equivalent) and meet the objectives of Policy CS29 shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

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

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

BURCAV/21406/PLANNING1 (site location plan, proposed block plan, floor plans and front site section) received 4 July 2014.

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

THAMES WATER INFORMATIVE

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

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

Article 31 Statement

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

APPENDIX A:

Hyperlinks to previous reports

Development Control Committee agenda 4 September 2014:
<http://bit.ly/1w0VDBg>

Addendum:
<http://bit.ly/1KI00lj>

Development Control Committee Minutes 4 September 2014:
<http://bit.ly/140imXr>

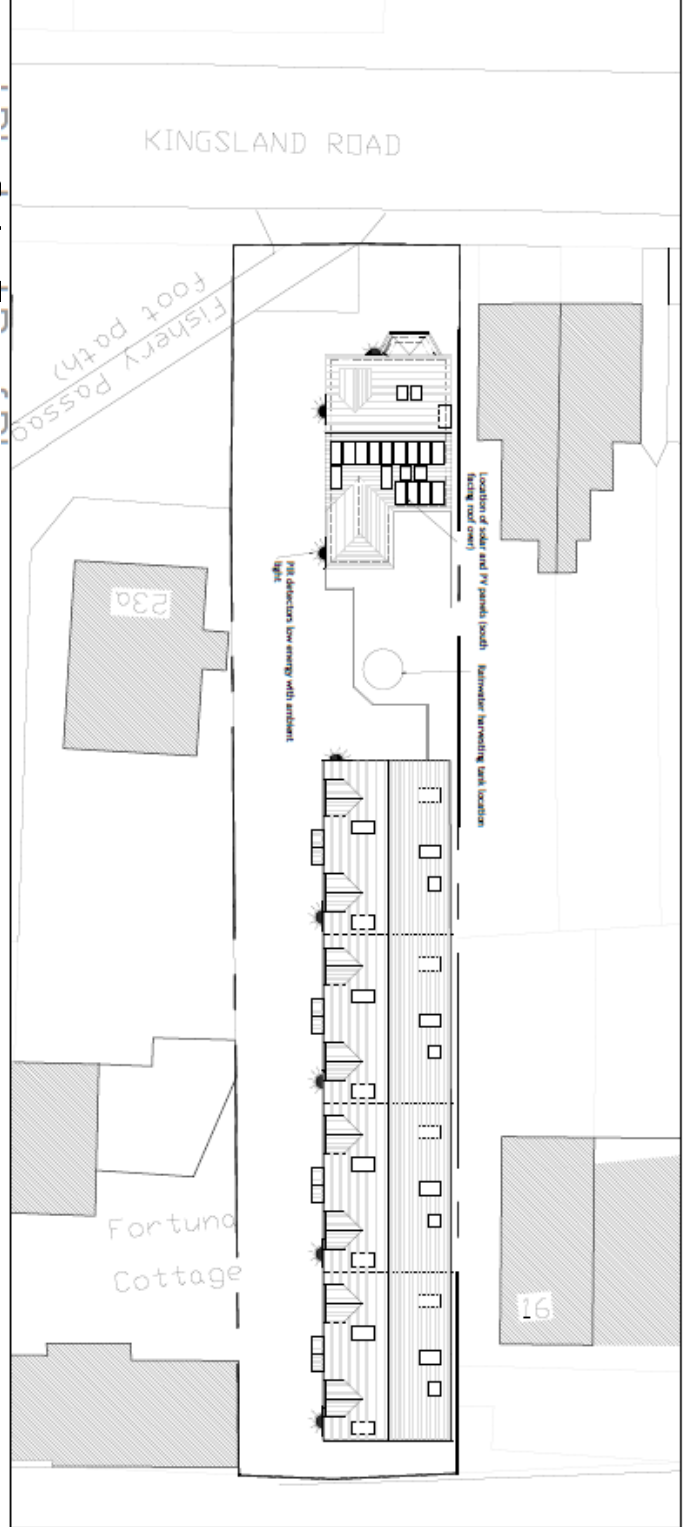
ITEM 5.07

4/02465/14/FUL - DEMOLITION OF EXISTING WAREHOUSE AND REDEVELOPMENT CREATING 1 X 4 BED HOUSE AND 4 X 2 BED COTTAGES WITH PARKING AND ANCILLARY WORKS.

23 KINGSLAND ROAD, HEMEL HEMPSTEAD, HP1 1QD



4/02465/14/FUL - DEMOLITION OF EXISTING BUILDING AND
CREATING 1 X 4 BED HOUSE AND 4
ANCILLARY WORKS.
23 KINGSLAND ROAD, HEMEL HEMPSTEAD



5.07 4/02465/14/FUL - DEMOLITION OF EXISTING WAREHOUSE AND REDEVELOPMENT CREATING 1 X 4 BED HOUSE AND 4 X 2 BED COTTAGES WITH PARKING AND ANCILLARY WORKS.

23 KINGSLAND ROAD, HEMEL HEMPSTEAD, HP1 1QD

APPLICANT: Hertfordshire Managing Agents Ltd

[Case Officer - Richard Butler]

Referral to Development Control Committee

The planning application was heard at the Development Control Committee (DCC) of 6 November 2014, where it was resolved:

1. That the decision be delegated to the Group Manager of Development Management and Planning, with a view to approval subject to the completion of a Unilateral Undertaking in accordance with the Heads of Terms Listed below and the conditions listed.

*Primary Education £6,985
Secondary Education £6,199
Nursery Education £1,239
Childcare £427
Youth facilities £134
Libraries £757
Sustainable Transport £4,500
Allotments £260
Outdoor Pitches £1892
Cycles £281
Child Play Space £6,592
Natural Green Space £103
Travel Smart £125
Monitoring £1769.64
Affordable Housing £56,448*

2. If following the receipt of a Viability Assessment of the proposed development and financial feasibility of the development, the Local Planning Authority, in consultation with the Strategic Housing department agree that the development is not viable if a full contribution of off-site Affordable Housing is made. The decision is delegated to the Group Manager - Development Management and Planning with a view to approval subject to the completion of a Unilateral Undertaking in accordance with the Heads of Terms Listed in point 1 above, save for the amendment to the Affordable Housing contribution in accordance with the agreed Viability Assessment and the conditions listed.

3. In the absence of agreement between the LPA and the applicant over (1) or (2) above, at any time prior to the target determination date, or any agreed extension thereto, the Group Manager – Development Management and Planning be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:

The proposed development provides five new dwellings within the residential area of Hemel Hempstead and with regard to CS19 of the Adopted Core Strategy and the Affordable Housing Supplementary Planning Document, adopted in tandem with the Core Strategy; the development should contribute to the provision of affordable housing within the Borough through an off-site contribution in lieu of on-site provision. The development fails to make such a contribution and suitable justification for why the development should not make such a contribution has not been received. For this reason the proposed development does not accord with CS19 of the Core Strategy or the Affordable Housing SPD, adopted September 2013.

Following recently amended national guidance (details provided below), the recommendation has been amended to grant subject to conditions.

The conditions have not been amended since the previous DCC.

Considerations

The planning obligation has not been completed, however since this DCC, there have been relevant changes to national guidance regarding Section 106 tariff style contributions.

A written Ministerial Statement on 28 November 2014 (House of Commons Written Statement - reference HCWS50) sets out the proposed changes to national policy with regard to Section 106 planning obligations, and has resulted in an amendment to the National Planning Practice Guidance (NPPG), paragraph 012 of Planning Obligations notes the following:

'There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.'

The NPPF goes on to state that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000m².

This ministerial guidance and note within the NPPF are considered to represent significant weight as material considerations to be balanced against the requirements of Policy CS35 of the Core Strategy, saved Policy 13 of the Local Plan and Planning Obligations Supplementary Planning Document which aim to secure planning obligations to offset the impact of new residential development upon local services and infrastructure. The commitment of the Government to revise the Section 106 process indicates that the existing policies of the Development Plan are out-of-date with the current Government guidance. In line with Policy NP1 of the Core Strategy, it is therefore proposed to apply more weight to the revised guidance in the NPPF.

It is noted that the proposal falls beneath the threshold of ten dwellings and a gross floor space of 1000m² where the exemption from Section 106 affordable housing contributions and tariff style contributions apply. On this basis it is not justified to seek affordable housing or Section 106 contributions for this proposal.

Amendment to recommendation

That the application be GRANTED subject to the conditions set out in the DCC minutes of 6 November 2014 as follows:

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

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

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

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

with CS12 of the Adopted Core Strategy.

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

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **Details of areas retained for turning vehicles and details of how this shall be delineated to ensure the area is kept clear for the turning of vehicles;**
- **Details of informative or directional signage within the site.**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**

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

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

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

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

5 The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation shown on Drawing No. PL01 Rev A and PL04a Rev A shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with CS8 and CS12 of the Adopted Core Strategy.

6 The development hereby permitted shall not be occupied until the turning space shown on Drawing No. PL04a Rev A shall have been provided and shall not be used thereafter for any purpose other than the turning of vehicles.

Reason: To ensure that vehicles may enter and leave the site in forward gear in accordance with CS8 and CS12 of the Adopted Core Strategy.

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

Reason: In the interests of highways safety in accordance with CS8 and CS12 of the Adopted Core Strategy.

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

Reason: In the interests of highway safety and the visual appearance of the development in accordance with CS8 and CS12 of the Adopted Core Strategy..

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

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

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

Reason: To ensure the sustainable development of the site in accordance with the aims of CS29 of the Adopted Core Strategy.

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

(a) Site Characterisation

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

- **a survey of the extent, scale and nature of contamination;**

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

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

(b) Submission of Remediation Scheme

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Guidance and CS32 of the Adopted 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>

- 12 **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.**

(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 12 (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 12 (b), which is subject to the approval in writing of the Local Planning Authority.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Guidance and CS32 of the Adopted 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>

- 13 **The development hereby approved shall not be occupied until a means of pedestrian access, has been provided at southern boundary of the site. This pedestrian access shall only be made available for emergency services and used in the case of emergency only. The associated gate shall be permanently locked save for when breached by the emergency services in cases of emergency. Should the installation of the pedestrian gate not be possible, details of alternative means for the access by the emergency services shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details.**

Reason: In the interest of Fire Safety and emergency access in accordance with CS8 of the Adopted Core Strategy.

NOTE: It is required that any submission for the discharge of this condition is referred to the Chairman and Vice Chairman of Development Control Committee prior to determination.

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

PL01 Rev A (Ground & 1st Floor Plans, Internal Street Elevation)
PL04a Rev A (Block & Roof Plan, Swept paths, Road Junction Detail)
PL02 Rev A (2nd Floor Plan, Elevations & Sections)

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

Informative:

Ecology:

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

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;

Recklessly disturb bats;

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

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

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

Contacts:

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

Water:

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

Surface Water Drainage:

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that

storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

APPENDIX A:

Hyperlinks to previous reports

Development Control Committee agenda 6 November 2014:

<http://bit.ly/1KlcucN>

Development Control Committee addendum 6 November 2014:

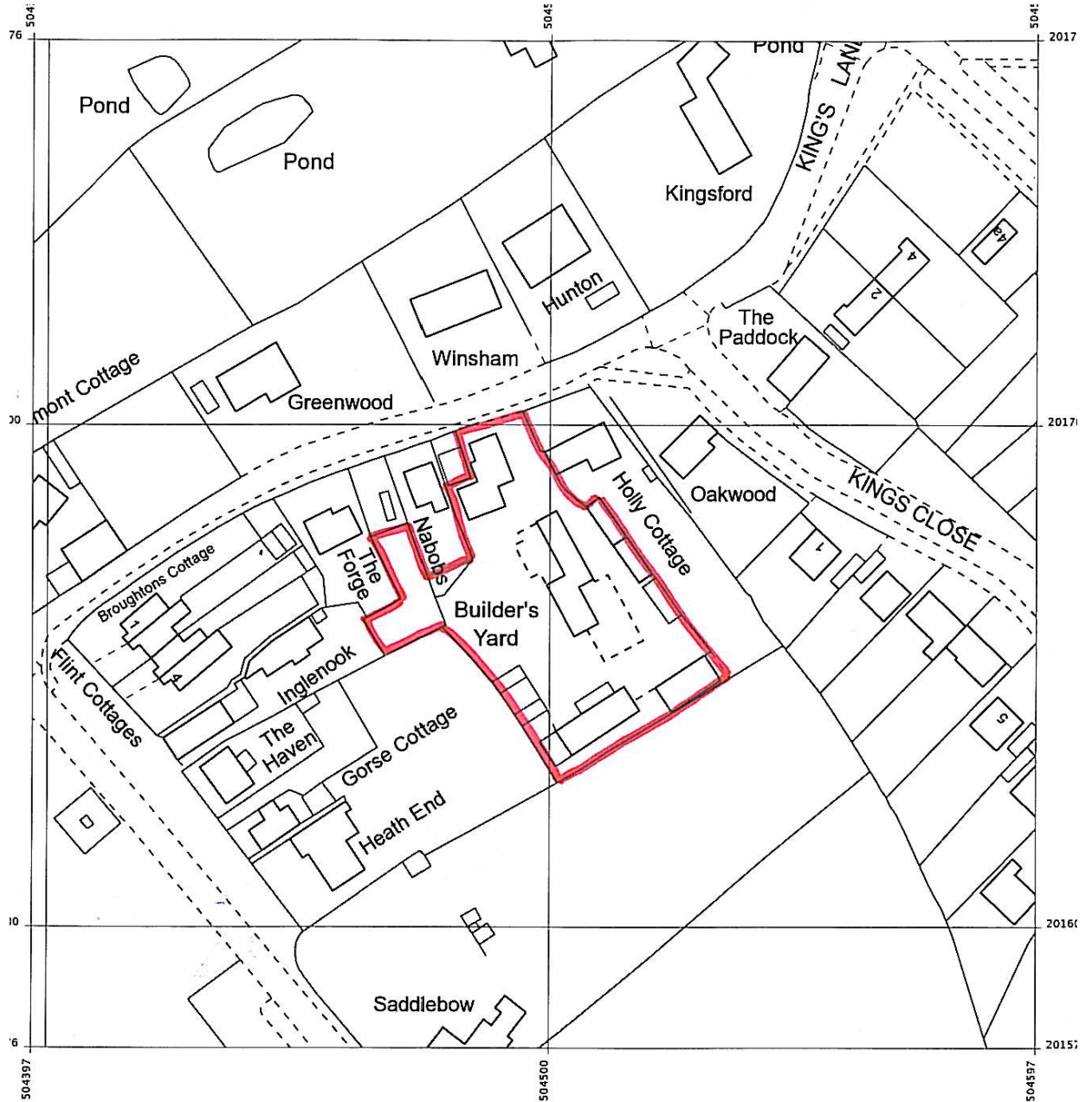
<http://bit.ly/1AqE05p>

Development Control Committee minutes 6 November 2014:

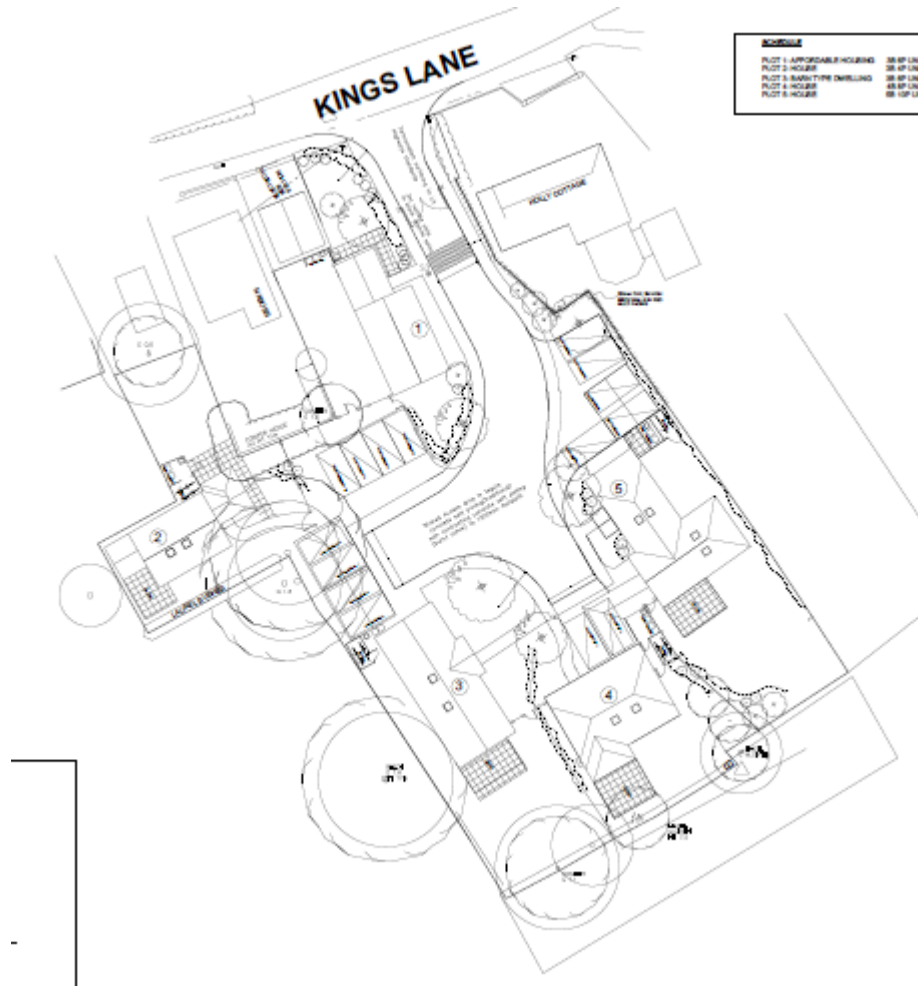
<http://bit.ly/1tOfJVk>

ITEM 5.08

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



5.08 **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 application was heard previously at committees dates 25 September 2014 and 16 October 2014 and was approved both times with the determination as follows:

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.

Subsequently the government has issued a written ministerial statement on 28 November 2014 (House of Commons Written Statement - reference HCWS50) which sets out proposed changes to national policy with regard to Section 106 planning obligations, and has resulted in an amendment to the National Planning Practice Guidance (NPPG), paragraph 012 of Planning Obligations notes the following:

'There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.'

The NPPG goes on to state that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

This ministerial guidance and note within the NPPG are considered to represent significant weight as material considerations to be balanced against the requirements of Policy CS35 of the Core Strategy, saved Policy 13 of the Local Plan and Planning Obligations Supplementary Planning Document which aim to secure planning obligations to offset the impact of new residential development upon local services and infrastructure. The commitment of the Government to revise the s106 process indicates that the existing policies of the Development Plan are out-of-date with the current Government guidance. In line with Policy NP1 of the Core Strategy, it is therefore proposed to apply more weight to the revised guidance in the NPPG.

It is noted that the proposal falls beneath the threshold of ten dwellings and would also have a gross floor space of less than 1000m² and would therefore fall beneath the threshold where the exemption from Section 106 affordable housing contributions and tariff style contributions applies. On this basis it is not justified to seek Section 106 contributions for this proposal. However as the previous determination required the completion of a s106 agreement the development requires consideration of the committee again before it can be determined as a s106 agreement is no longer considered necessary in light of the governments new position.

Recommendation

That the application be **DELEGATED** to the Group Manager, Development Management and Planning (or nominated substitute), with a view to approval 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:

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

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

(b) Submission of Remediation Scheme

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

(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:

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

Reason: To ensure the sustainable development of the site in accordance with the aims of 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 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:

Hyperlinks to previous reports

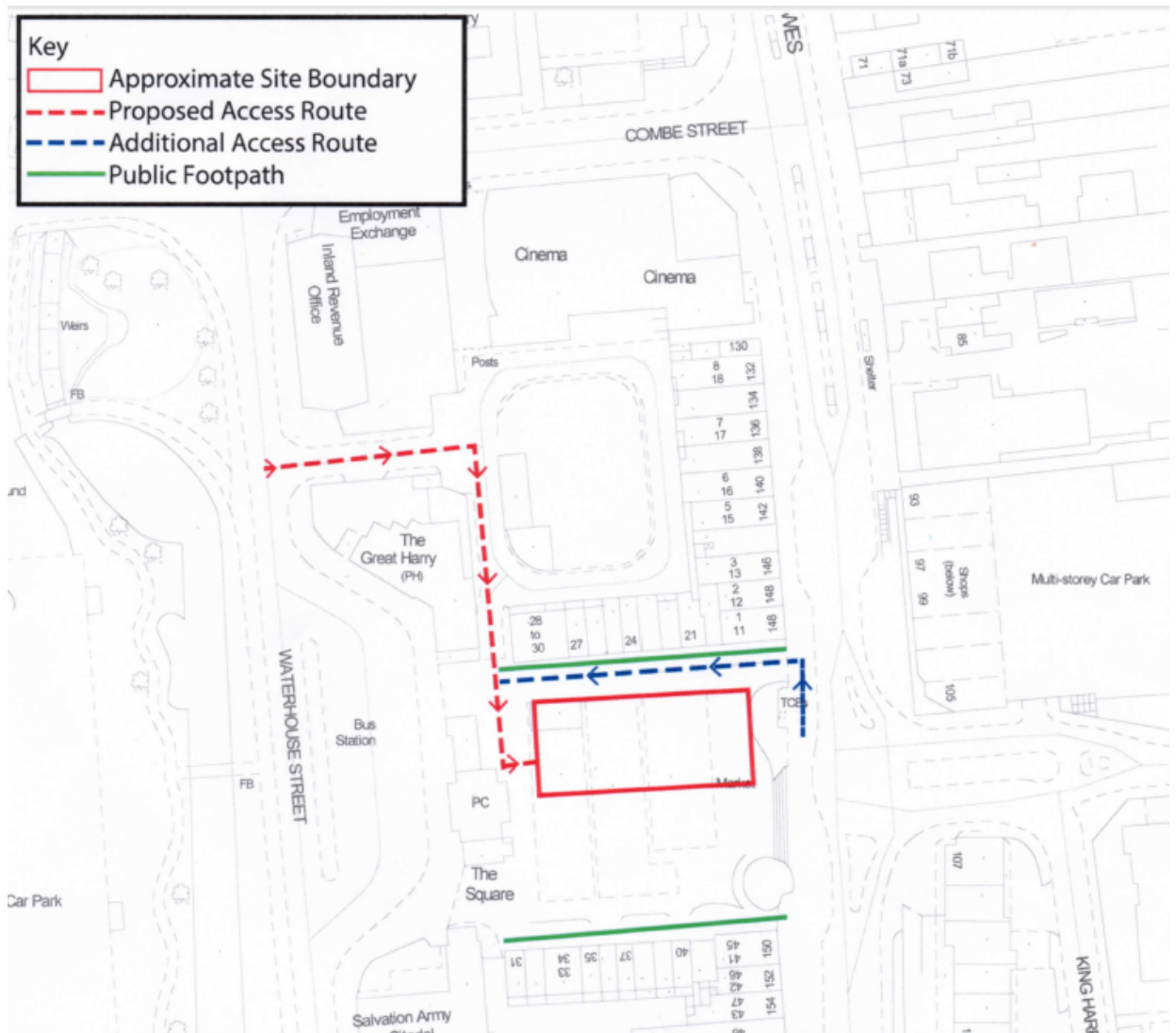
Development Control Committee agenda 16 October 2014:
<http://bit.ly/1Dk27E8>

Development Control Committee addendum 16 October 2014:
<http://bit.ly/1wpsJvM>

Development Control Committee minutes 16 October 2014:
<http://bit.ly/1tJ2qj6>

ITEM 5.09

4/03244/14/FUL - CHANGE OF USE OF OPEN SPACE ON THE SQUARE FROM MARKET TRADE TO A CONTRACTORS COMPOUND FOR WORKS UNDERWAY ON THE MARLOWES SHOPPING ZONE AND BANK COURT IMPROVEMENTS. THE SQUARE, MARLOWES, HEMEL HEMPSTEAD, HP1



5.09 4/03244/14/FUL - CHANGE OF USE OF OPEN SPACE ON THE SQUARE FROM MARKET TRADE TO A CONTRACTORS COMPOUND FOR WORKS UNDERWAY ON THE MARLOWES SHOPPING ZONE AND BANK COURT IMPROVEMENTS. THE SQUARE, MARLOWES, HEMEL HEMPSTEAD, HP1
APPLICANT: Ms Jayasinghe

[Case Officer - Andrew Parrish]

Summary

The application is recommended for approval. The compound is for a temporary period and would have no significant adverse effect on the street scene, residential amenities or highway safety. The proposal would be in association with works to improve the town centre.

Site Description

The site extends to 0.4 hectare and comprises a pedestrianised area located to the west side of the Marlowes, opposite the NCP multi storey car park within the town centre, and to the east of the Bus Station off Waterhouse Street. It sits on a lower terrace between retail units that front The Square to the north and south.

Proposal

Permission is sought to change the use of the site for a temporary period from an outdoor market to a compound for the storage of materials and machinery in association with works to the town centre.

Referral to Committee

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

Planning History

None.

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
CS16 - Shops and Commerce
CS33 - Hemel Hempstead Town Centre
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 51, 61, 62, 63, 129

Summary of Representations

Highway Authority

Any comments received will be reported at the meeting.

Environmental Health

Any comments received will be reported at the meeting.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

None

Considerations

Policy and Principle

The Market Square falls within Hemel Hempstead town centre where, under Policy CS4, a mix of uses is encouraged. There are no specific policies to cover this type of temporary proposal.

Generally, the reasoning for the compound is to support the programmed improvements to the pedestrianized area of the Marlowes sought through the Hemel Hempstead Town Centre Master Plan and associated projects. A range of public realm improvements will take place (and are currently being implemented) with the aim of encouraging more shoppers and visitors, and ultimately wider investment in the town centre.

The proposed compound would therefore support proposals that seek to enhance the vitality and attractiveness of the town centre in accordance with Policy CS33.

The key issues with the proposal relate to the visual appearance of the compound, the impact on existing market traders and the impact on the safety of shoppers and pedestrians.

Effects on appearance of street scene

The compound is of rectangular footprint and would be enclosed by 2.4 m high white painted timber perimeter hoardings fixed to timber baulks sitting on the paving.

The compound would house 2.4 metre high steel cabins, finished Oxford Blue, together with 2 x steel storage skips 1.5 metres high of unknown colour.

Given the proposed 2.4 m high hoarding surrounding the site, the proposed cabins and skips would be largely concealed from view, and would not therefore have any significant disruptive visual effect and the white finish would provide an unobtrusive appearance to the compound.

The proposal would comply with Policies CS11, 12 and 13.

Impact on Existing Market Traders

The Market Square is regularly used as a "Flea Market". The main concern is to ensure the continuation of the regular market activities that will be displaced during the siting of the compound. It is understood that an alternative location has been secured within the

pedestrianized area at the southern end of the Marlowes. On this basis, there is no reason to consider that the existing market activities will be significantly disrupted or inconvenienced.

Impact on Highway Safety

An important concern is to ensure the compound does not give rise to any safety conflicts with the visitors to the small shop units that surround the square and pedestrians travelling to and from the bus station/Water Gardens car park. It appears the compound will be accessed from the rear via Combe Street (off Waterhouse Street) rather than directly across the front of the square, although an additional access is indicated to run in front of the parade of shops on the northern side of The Square from The Marlowes. However, public footpath access to the shops is shown to be maintained, and there appears to be ample margins around the compound for pedestrian circulation.

The Highway Authority has been asked for its views and any comments received will be reported at the meeting.

Impact on Neighbours

It is not considered that there would be any significant impact on neighbours given the town centre location. However, any comments from Environmental Health will be reported at the meeting.

Sustainability

A sustainability statement has not been submitted as required by Policy CS29 and Para 18.22 of the Core Strategy. However, given the temporary nature of the compound, and given that materials in its construction would be reusable or recyclable, and that one of the skips will be used for the collection of recyclable waste materials, it is considered that the proposal would comply with Policy CS29.

Recommendation

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

- 1 **The use hereby permitted shall cease and any associated plant, materials, equipment and hoarding shall be removed and any necessary works of reinstatement in accordance with a scheme which has been submitted to and approved in writing by the local planning authority, shall be carried out on or before 30/09/15.**

Reason: The proposed use in the long term would be detrimental to the appearance of the locality and intended use of the site, and the local planning authority wishes to have the opportunity to review the development in the light of current circumstances.

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

Site Plan received 21/11/14

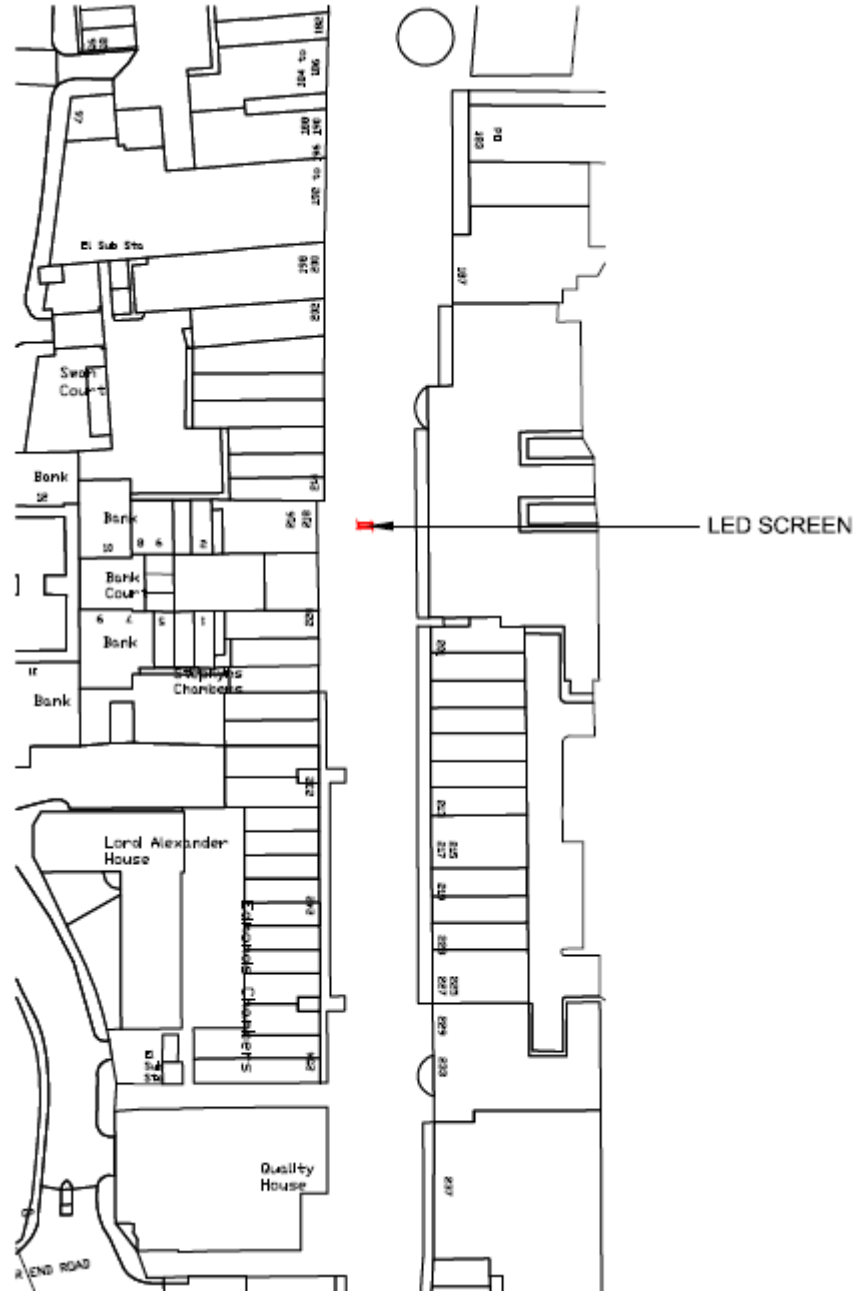
Reason: For the avoidance of doubt and in the interests of proper planning.

Article 31 Statement

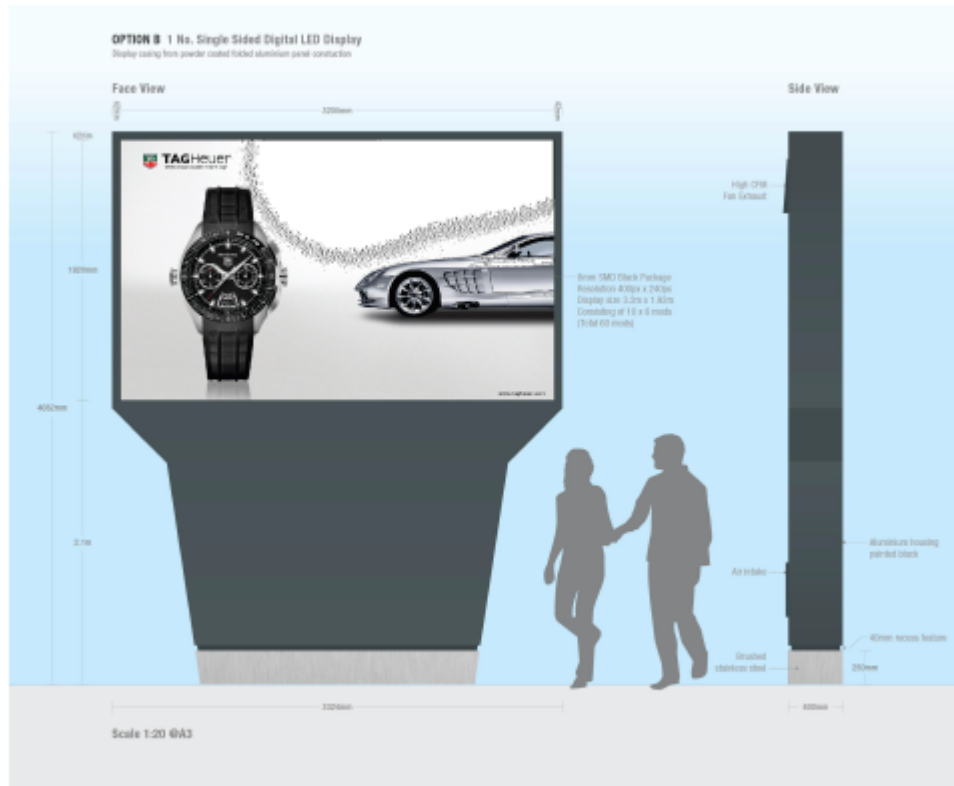
Planning permission has been granted for this proposal. The Council acted pro-

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 5.10
4/03316/14/FUL - VISUAL LED PUBLIC DISPLAY SCREEN AND PEDESTAL
PEDESTRIANISED AREA, MARLOWES, HEMEL HEMPSTEAD



**4/03316/14/FUL - VISUAL LED PUBLIC DISPLAY SCREEN AND PEDESTAL
PEDESTRIANISED AREA, MARLOWES, HEMEL HEMPSTEAD**



01 TYPICAL LED SCREEN ELEVATIONS - TOWN SQUARE

Scale: 1:20

5.10 4/03316/14/FUL - VISUAL LED PUBLIC DISPLAY SCREEN AND PEDESTAL PEDESTRIANISED AREA, MARLOWES, HEMEL HEMPSTEAD APPLICANT: Ms Jayasinghe

[Case Officer - Andrew Parrish]

Summary

The application is recommended for approval. The LED screen comprises part of the works to improve the town centre sought under the Hemel Hempstead Town Centre Master Plan. The screen would be in keeping with the modern town centre location in appearance, scale and design and would cause no harm to neighbouring residential amenities.

Site Description

The site is within the Marlowes Shopping Zone (MSZ) located opposite Bank Court, outside 216-218 Marlowes, and facing south into the proposed new town square. It would occupy part of an existing raised planter which is itself to be reconfigured in accordance with other associated improvement works to the MSZ.

Proposal

Permission is sought to erect a LED screen measuring 3.2 metres wide x 1.92 m high contained within a structure measuring 4.082 m high x 0.4 m deep with the base tapering down to approximately 2 metres wide. Facing materials would comprise black painted aluminium over a plinth of brushed stainless steel. The screen will contain an audio system.

The LED Screen is to be used for displaying Council information, projection of visual content (TV, Film, in built web cam footage etc – subject to licence) and advertising.

It will be controlled and operated via a PC by Dacorum Borough Council (DBC) who it is anticipated will enter into an agreement with a media partner.

Referral to Committee

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

Planning History

- | | |
|----------------|--|
| 4/03496/14/TEL | RE-SITING OF BT TELEPHONE KIOSKS.
Delegated |
| 4/03497/14/TEL | RE-SITING OF BT PAYPHONE KIOSK.
Delegated |
| 4/03486/14/ADV | BT PAYPHONE KIOSK WITH COMBINED INTERNALLY ILLUMINATED ADVERTISING. ONE SIDE WILL DISPLAY A BT PAYPHONE AND THE REVERSE SIDE WILL HOLD A SCROLLING ADVERTISING PANEL.
Delegated |
| 4/03494/14/ADV | BT PAYPHONE KIOSK WITH COMBINED INTERNALLY ILLUMINATED ADVERTISING. ONE SIDE WILL DISPLAY A BT PAYPHONE AND THE REVERSE SIDE WILL HOLD A SCROLLING ADVERTISING PANEL. |

Delegated

4/00567/12/ROC	VARIATION OF CONDITION 2 (DETAILS OF NUMBER, SITING AND EXTERNAL APPEARANCE OF MARKET STALLS) OF PLANNING PERMISSION 4/02763/06 (RELOCATION OF MARKET STALLS FROM THE MARKET SQUARE) Granted 04/07/2012
4/02763/06/FUL	RELOCATION OF MARKET STALLS FROM THE MARKET SQUARE Granted 31/05/2007

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
CS16 - Shops and Commerce
CS33 - Hemel Hempstead Town Centre
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 51, 61, 62, 63, 129

Summary of Representations

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

None

Considerations

Policy and Principle

The site falls within Hemel Hempstead town centre where, under Policy CS4, a mix of uses is encouraged. In addition, in accordance with Policy CS1 of the Core Strategy, Hemel Hempstead will be the focus for jobs, homes and strategic services with an emphasis on, inter alia, retaining the town's identity, enhancing the vitality and attractiveness of the town centre in accordance with Policy CS33, and making best use of existing green infrastructure.

Specifically, Core Strategy Policy CS33 identifies the creation of public spaces as a key development principle.

The LED screen is part of a package of programmed improvements to the pedestrianized area of the Marlowes sought through the Hemel Hempstead Town Centre Master Plan and associated projects. A range of public realm improvements will take place (and are currently being implemented) with the aim of encouraging more shoppers and visitors, and ultimately wider investment in the town centre.

The proposed LED screen will form part of an events area and new town square opposite Bank Court which seek to enhance the vitality and attractiveness of the town centre in accordance with Policy CS33.

The key issues with the proposal relate to the visual appearance of the structure, the impact on existing market traders and the impact on residential amenities.

Effects on appearance of street scene

According to the applicants, the scale and location of the screen has been carefully considered so as to minimise impact on the surrounding properties. The screen would be positioned on a raised platform forming part of a larger landscaped planter, 450mm above adjacent ground level.

The proposals are considered to be of a moderate scale and suitable to the size and proportions of the street.

The design and facing materials, comprising black painted aluminium and brushed stainless steel for the plinth are considered appropriate to this town centre location.

The proposal would sit comfortably in the context of the surrounding hard and soft landscape improvements and would be partially screened and softened by the retained and new tree planting along the Marlowes.

The proposal would comply with Policies CS10, 11, 12 and 13.

Impact on Existing Market Traders.

The MSZ is used as a regular open air market. However the siting and design of the LED screen / structure and associated works has been considered in the context of this ongoing use. An application in 2012 (4/00567/12/ROC) permitted a variation to the number, siting and external appearance of market stalls to that originally granted in 2006 (4/02763/06) in anticipation of these proposals. Therefore, it is considered that the proposals will not disrupt or inconvenience existing market holders beyond that already planned.

Impact on Neighbours

Operating times are anticipated to be 9am – 6pm. Given the town centre location and subject to the hours being conditioned, it is not considered that there would be any significant impact on neighbours. However, any comments from Environmental Health will be reported at the meeting.

The proposals would comply with Policy CS12.

Sustainability

A sustainability statement has not been submitted as required by Policy CS29 and Para 18.22 of the Core Strategy. A statement has been requested and an update will be provided at the meeting. However, at this stage, given that LED's are inherently energy efficient, and materials used in the construction of the structure would be largely reusable or recyclable, it is

considered that the proposal would be able to comply with Policy CS29.

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 **Amplified sound in association with the LED screen hereby permitted shall only be played between the hours of 9am and 6pm on any day.**

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

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

**L-90-516
L-90-105
L-90-101
L-90-502**

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.

6. APPEALS

A. LODGED

4/01757/14/FHA MS T CLARIDGE
NEW VEHICLE CROSSOVER AND HARDSTANDING TO FRONT
(AMENDED SCHEME)
27 VICARAGE LANE, KINGS LANGLEY, WD4 9HS
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

4/01388/14/FUL Mr T Senior
ERECTION OF BOUNDARY TREATMENT IN ACCORDANCE WITH
AGRICULTURAL USE
LAND AT UPPER BOURNE END LANE AND OPPOSITE DRIVING
RANGE, BOURNE END LANE, HEMEL HEMPSTEAD, HP1
[View online application](#)

E. DISMISSED

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](#)

F. ALLOWED

4/00014/13/FHA MR W JENKINS
REPLACEMENT FRONT DOOR
10 SHRUBLANDS AVENUE, BERKHAMSTED, HP4 3JH
[View online application](#)

The appeal was in relation to a condition which was imposed requiring the replacement door to be constructed of solid timber.

The key consideration was the effect on the character and appearance of the host dwelling, Shrublands Avenue and the Berkhamsted Conservation Area if the replacement front door was constructed of a composite material rather than solid timber.

The Inspector gave weight to the fact that the existing door to be replaced was not traditional

and detracted from the character of the dwelling. In addition the Inspector noted that the LPA had accepted the proposed style of the door but not the material.

The Inspector stated:-

'In abstract the most appropriate door would be a timber door of Edwardian design. However, in this case where the original door has been lost and the replacement is not in keeping with the dwelling or the street scene, a balance needs to be struck between the benefits of a traditional material and achieving a replacement that is sympathetic in appearance, energy efficient and reasonable in cost.'

'In my view the proposed door, notwithstanding the use of a composite material, would be more in keeping with the host dwelling than the existing door. From the street it would reinforce the Edwardian qualities of the dwelling and enhance the uniformity of the street scene and the proposed finish would be almost indistinguishable from the finish on a painted wooden door. On inspection it would be apparent that it was not solid timber but I consider that this would be acceptable given the overall enhancement that would be achieved.'

The Inspector concluded on the main issue that there would be no materially detrimental effect on the character or appearance of the host dwelling or Shrublands Avenue, and that the character and appearance of the Berkhamsted Conservation Area would be preserved or enhanced if the approved replacement front door was constructed of the proposed composite material rather than of solid wood.

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: