



# DEVELOPMENT CONTROL COMMITTEE AGENDA

**WEDNESDAY 29 APRIL 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](mailto:Pauline.bowles@dacorum.gov.uk) or visit our web-site [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

## **PART I**

<b>Item</b>		<b>Page No.</b>
1.	Minutes	2
2.	Apologies for Absence	2
3.	Declarations of interest	2
4.	Public Participation	2
5.	Planning Applications (Index – see page 4)	5
6.	Appeals	92
7.	Exclusion of the Public	93

## **PART 2**

8.	Failure To Comply With An Enforcement Notice	94
----	--	----

\* \* \*

**1. MINUTES**

The minutes of the meeting held on 9 April 2015 will be circulated separately.

**2. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**3. DECLARATIONS OF INTEREST**

To receive any declarations of interest

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

(i) must disclose the interest at the start of the meeting or when the interest becomes apparent and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial

(ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

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

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

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

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

**4. PUBLIC PARTICIPATION**

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

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

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

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

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

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

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

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

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

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

## INDEX TO PLANNING APPLICATIONS

<b>Item No</b>	<b>Application No.</b>	<b>Description and Address</b>	
5.01	4/01019/15/VAR	VARIATION OF S106 LEGAL AGREEMENT DATED 12 APRIL 2010 ATTACHED TO PLANNING PERMISSION 4/02419/04/FUL. LAND ADJ. THE MANOR ESTATE, APSLEY, HEMEL HEMPSTEAD, HP3 9SE	5
5.02	4/03584/14/MOA	OUTLINE APPLICATION FOR THE CONSTRUCTION OF 50 ONE BEDROOM FLATS WITH CAR PARKING AND VEHICULAR ACCESS. LAND AT APSLEY MILLS ADJ. THE COTTAGE, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD	12
5.03	4/00371/14/FUL	DEMOLITION OF EXISTING GARAGE AND WORKSHOP BUILDINGS AND CONSTRUCTION OF 1 NO. 4 BEDROOM DWELLING, DETACHED CAR PORT AND BIN STORE AND ASSOCIATED HARD AND SOFT LANDSCAPING. R/O 114-138, PICCOTTS END, HEMEL HEMPSTEAD, HP1	33
5.04	4/00723/15/FHA	GARAGE CONVERSION WITH FIRST-FLOOR EXTENSION ABOVE 5 THE OLD FORGE, TRING ROAD, LONG MARSTON, TRING, HP234RL	63
5.05	4/00463/15/FUL	CHANGE OF USE FROM MARKET SQUARE TO CONTRACTOR'S COMPOUND FOR THE DURATION OF WORKS ON THE MARLOWES, BRIDGE STREET AND WATERHOUSE STREET. THE SQUARE, MARLOWES, HEMEL HEMPSTEAD,HERTS	72
5.06	4/01076/15/FUL	INSTALLATION OF EXTERNAL BRICK CLAD LIFT SHAFT TO ACCESS EXISTING BLOCK OF FLATS. LOCATED ON NORTH ELEVATION DUDLEY HOUSE, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0NR	78
5.07	4/01482/15/FUL	CONSTRUCTION OF TICKET/ INFORMATION OFFICE AND TWO PUBLIC TOILETS (AMENDED SCHEME) LAND ADJ. DACORUM INFORMATION CENTRE, MARLOWES, HEMEL HEMPSTEAD, HP1 1DT	84



## 5. PLANNING APPLICATIONS

### 5.1 4/01019/15/VAR - VARIATION OF S106 LEGAL AGREEMENT DATED 12 APRIL 2010 ATTACHED TO PLANNING PERMISSION 4/02419/04/FUL. LAND ADJ. THE MANOR ESTATE, APSLEY, HEMEL HEMPSTEAD, HP3 9SE APPLICANT: BOVIS HOMES LTD

---

[Case Officer - Andrew Parrish]

#### PURPOSE OF REPORT

To seek approval for a voluntary Deed of Variation of the Section 106 Agreement dated the 12<sup>th</sup> April 2010 to vary the amount of affordable housing provision, to delete financial contributions to various community facilities, and to defer lead-in times for the Bridge works.

#### IMPLICATIONS

#### Key Policies, General Policies and Financial

##### National Policy Guidance

NPPF (paras. 173, 188 and 205)  
NPPG  
TCPA 1990 (s106A and s106B)  
Growth and Infrastructure Act 2013

##### Adopted Core Strategy

CS19 - Affordable Housing  
CS35 - Infrastructure and Developer Contributions

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

Policy 13 - Planning Conditions and Planning Obligations

Providing affordable housing is one of the Council's key corporate priorities and this will be retained under the Deed of Variation, albeit at a reduced number.

Various financial contributions towards community facilities negotiated as part of the completed s106 agreement will fall away. However, contributions already paid by the developer and other community benefits in kind will be unaffected.

Provision of the second bridge over the railway line to serve the Manor Estate will ultimately be enabled, which was a key part of the decision to grant planning permission.

The proposals will provide a competitive return to the developer in the form of a viable scheme to ensure delivery.

#### BACKGROUND AND PROPOSAL

1. On 11 May 2010 Planning Permission was granted under reference 4/02419/04/FUL for Residential development of 325 dwellings, provision of open space, landscaping, footpath links and associated highway improvement works including new railway crossings (vehicular and pedestrian). The applicant was Bloor Homes Ltd.
2. The site was allocated for residential development within the Dacorum Borough Local Plan 1991-2011 and, together with the Manor Estate Development Brief, required improvements to the current access arrangements including construction of a new bridge, improvement of

an existing footbridge and other junction improvements around the site and London Road.

3. An s106 agreement was completed to secure these access improvements together with a package of other community benefits and financial contributions as follows:

<b>Provision of Community Benefits:</b>	<b>Financial Contributions towards:</b>
Affordable Housing (35%) - 114 units	Community Planting - £3,000
Play Equipment Schemes	Community Facilities - £150,000
Open Space Areas	Local Medical Facilities - £115,000
Home Wood	Local Shop Subsidy - 5,000 / annum for 1st 5 yrs
Off Site Tree Planting	Public Art - £7,500
Snickets Improvements	Libraries - £58,825
Bridge Works	Education - £50,000
Green Corridor Public Rights of Way	School Mini-bus Service - £300,000
General Highway Works	Bus Service - £50,000 / annum for 1st 5 yrs
Kents Avenue Footbridge	

4. The bridge was considered key to unlocking the full development of the site above 200 residential units, being a requirement under the s106 agreement to be provided before that number of occupations.
5. The site was acquired by Bovis Homes Ltd in June 2010.
6. As part of the acquisition Bovis Homes analysed the requirement to provide a new bridge based upon an outline design of the bridge. However, during the subsequent detailed design of the bridge a re-costing exercise was undertaken when it became evident that the construction of the bridge had become substantially more complicated and time consuming than was originally envisaged. This has resulted in an increase in the cost of the bridge.
7. At the same time inflationary market forces from significantly increased material costs and a lack of contractor competition have, it is understood, compounded the overall increase in costs.
8. The cost estimate of the bridge, based at December 2011, is £8,110,975. This sum is understood to be generated by the following items:
  - Preliminaries (e.g. site overheads) – Detailed costs have been received that are based upon an extended duration of the works with a more complex scope of works.
  - Highway and Bridge Works – A significant increase in the inflation of materials (particularly pre-cast concrete and steel). There is a lack of competition between contractors available whilst the temporary works required are more complicated and therefore more expensive.
  - Utility Diversions – More detailed design has uncovered the need for higher costs of diversions.
  - Supervision Fees – Supervision Fees have increased due to extended duration of works.
  - Commuted Sum – The commuted sum which is based upon a percentage of the physical construction cost has subsequently increased significantly. Technical Fees – As the scheme has become more complicated associated Technical Fees have increased.

It is noted that the applicant will also incur the burden of similar inflating costs to the bridge

from December 2011 to the present day.

- As a result of the above, the cost of the bridge is understood to have increased by approximately £4 m which has had the effect of making the development unviable for Bovis Homes, if all other requirements under the s106 agreement were to remain in place.
9. In the circumstances in accordance with Para. 188 of the NPPF the applicants have engaged in pre-application discussions with officers of the Planning and Housing services at Dacorum Borough Council and of the Highway Authority at Hertfordshire County Council.
  10. The discussions with the Council have informed the proposals in the Deed of Variation. Through these discussions the Council's priorities have been established and the applicant is keen to facilitate these.
  11. During the discussions the option of providing new permanent traffic lights to the existing bridge in order to improve the flow of traffic was tabled. However, a traffic light scheme was considered by officers to be sub-optimal in a number of respects. The provision of an additional bridge as originally intended and approved by the Development Control Committee on 26 March 2009 was the preferred option.
  12. As a result of the above, the provision of the bridge is being prioritised above the provision of other financial contributions. However, officers were also keen to prioritise the provision of some affordable housing on site. Therefore, whilst this has been reduced in order to make the provision of the bridge possible, as much affordable housing as possible has been retained.
  13. There are three options for varying s106 Agreements.
  14. Voluntary negotiations where the signatories simply agree to a Deed of Variation.
    - Formal application through s106A and s106B after 5 years from date of signing the agreement on the basis the agreement no longer serves a useful purpose.
    - Formal application through s106BA, which was introduced by the Growth and Infrastructure Act 2013 to allow s106 obligations to be modified in respect of the affordable housing obligations where this was deemed to be making the development unviable (s106BA and s106BC)
  - The two formal methods to apply via s106 of the TCPA 1990 also give the applicants the right to appeal.
  15. Neither of the two formal methods are being followed in this case and, instead, the applicant is applying for a voluntary Deed of Variation.
  16. Based on its discussions with Dacorum Borough Council officers the following variations to the s106 agreement are being proposed for agreement:

<b>Clause:</b>	<b>Proposal:</b>
3.3/3.4 - Affordable Housing	Reduction of AH by 33 units (from 114 to 81 units in total) to comprise 20 affordable rent units, 24 shared ownership and 37 'Help to Buy' or similar shared equity model units. Addition of affordable rent definition
3.6 - Community Planting Payment	Delete payment
3.7 - Community Facilities Payment	Delete payment



3.8 - Local Medical Facilities	Delete payment
3.0 - Local Shop Subsidy	Delete payment
3.10 - Public Art Payment	Delete payment
3.17 - Library Contribution	Delete payment
3.18 - Bus Service Contribution	Delete all payments
3.19 - Bridge Works	Defer lead-in timings due to delays (NB. the ultimate obligation to deliver the bridge by 200 occupations is retained)
3.20 - General Highway Works	Defer lead-in timings due to delays

17. Relevant and affected parties have been consulted including the Manor Estate Residents Association (see below).

## REPRESENTATIONS

### **Strategic Housing**

Confirms that the proposed affordable housing provision is acceptable. The scheme will provide 81 affordable housing units.

### **Highway Authority**

Pleased that the bridge element has been retained. Formal comments awaited.

### **Network Rail**

No comment.

### **Manor Estate Residents Association**

Any comments received will be reported at the Meeting.

### **Valuation and Estates**

Any comments received will be reported at the Meeting.

### **Strategic Planning (SPAR)**

Any comments received will be reported at the Meeting.

### **HCC Planning Obligations Officer**

Any comments received will be reported at the Meeting.

### **75 Shearwater Road**

Notes that the proposed variation in the table (para 6.3 of planning statement) does not show how much the contributions would have been. Also, they are not explained in detail. Is particularly interested to know whether the Community Facilities and Local Medical Facilities were purely financial contributions or not.

## CONSIDERATIONS

The NPPF states that planning obligations should be set at a level which is flexible and which does not result in developments being stalled. It also makes it clear that it is a legitimate part of planning that developers and landowners should be able to achieve competitive returns in

order to ensure viability, and ultimately deliverability.

The increased cost of the bridge has been exposed during the detailed design phase. This increased cost has threatened the deliverability of the bridge. This potentially has a knock-on effect to the delivery of the rest of the development as the delivery of the bridge is tied into the s106 Agreement, without which development could not go beyond 200 dwelling units.

The resultant impact of the bridge costs upon the development viability would mean that the bridge in its consented form would not be built and the delivery of homes on the site would be halted at 200 units. This is not considered to be in the best interests of housing provision in Dacorum, as the shortfall would need to be made up elsewhere, possibly on green field land, nor in the interests of existing and would-be residents who would not be able to benefit from the provision of an improved two way bridge.

In pre-application discussions, alternative options to maintain the current affordable housing obligation were explored by Bovis in the form of a permanent 'traffic light' solution to the current bridge that would negate the need for a new additional bridge and thereby reduce costs. However, officers (including those at the Highway Authority) have considered this option to be unacceptable and advised that this would not be supported.

It is noted that certain obligations and associated costs have been committed to (for example Education contribution, Featherbed Lane access and London Road improvement works) that have reduced the opportunity for alternative cost savings. However in order to mitigate against a significant further reduction in affordable housing, other contributions are proposed to be omitted (see para. 14 above).

The viability issue with the scheme has been the subject of extensive negotiation between the applicant and DBC Planning / Housing and HCC Highways over the last 12 to 18 months. At the end of the day it has come down to a matter of priorities. The provision of the bridge was a key part of the decision to grant permission, having been identified within the Dacorum Borough Local Plan (adopted 2004) and included within the subsequent Manor Estate Development Brief and planning applications. It was also identified by the Local Plan Inspector as a key constraint to unlocking the site to residential development pre-2004 when he was considering the various merits of housing sites being put forward at that time.

As a result of the above, the provision of the bridge is being prioritised above the provision of other financial contributions. However, officers were also keen to prioritise the provision of some affordable housing on site, being one of the Council's key corporate priorities. Therefore, whilst this has been reduced to 81 units in order to make the provision of the bridge possible, as much affordable housing as possible has been retained. Whilst the reduction in affordable housing provision and loss of other financial contributions is regrettable, contributions already paid by the developer and other community benefits in kind negotiated as part of the s106 agreement will remain unaffected.

It is clear that without a compromise the scheme with the bridge would not be delivered. It is considered important that the Council and residents should have the scheme delivered but it is also important to Bovis Homes that it is able to provide a viable development in order to complete the works.

Based on the above, and from the information received in support, including a detailed viability assessment, it is considered reasonable in this instance to allow a variation to the legal agreement as tabled. It is noted that no major objections from consultees or residents have been received, although an update will be provided at the meeting.

To further safeguard the Council's position, it is proposed that the varied s016 agreement should include an 'unwinding clause' in the event that the developer (for whatever reason)

decides not to progress the additional bridge and seek an alternative traffic management solution.

Bovis is happy with this arrangement and have also confirmed that it is its intention to provide the bridge as planned.

To elaborate, should a situation arise whereby the bridge is not progressed (for example if the land were sold to another developer), the unwinding clause would have given the Council the ability to claw back from the developer contributions equivalent to the value of the bridge works (less any alternative traffic management solution) to help meet the infrastructure needs that are being set aside (as in the table above), probably mainly the lost affordable housing. Members should note that Officers have obtained specialist legal advice to confirm that this is both a necessary and valid course of action.

It should be noted that if the application for a voluntary Deed of Variation with the Council was not to be supported, Bovis Homes would be unable to provide a viable development in accordance with the NPPF. In such circumstances, the applicant would have two options: Either to submit an application under s106A with a potential to appeal under s106B. Alternatively, it may submit an application under s106BA wherein the only element that can be reduced is the affordable housing, with the potential to appeal under s106BC. Given the cost of the bridge it is therefore likely that the affordable housing would be reduced much further under the latter scenario.

#### RECOMMENDATION

That authority be given for a deed of variation to the Section 106 Agreement dated 12<sup>th</sup> April 2010 to vary the agreement such that the number of affordable units is reduced, financial contributions to various community facilities are deleted and consequential lead-in times for the Bridge works and other highway works are amended.





**5.02 4/03584/14/MOA - OUTLINE APPLICATION FOR THE CONSTRUCTION OF 50 ONE BEDROOM FLATS WITH CAR PARKING AND VEHICULAR ACCESS. LAND AT APSLEY MILLS ADJ. THE COTTAGE, LONDON ROAD, APSLEY, HEMEL HEMPSTEAD APPLICANT: MR. NEVILLE SPIERS**

---

[Case Officer - Joan Reid]

### **Summary**

The application is recommended for refusal. The site is located within Flood zones 1, 2 and 3 and the proposal is identified as being more vulnerable in the NPPF. As such the Environment Agency has raised objection to the scheme until such a time that it is demonstrated that the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework and policy CS31 of the adopted Core Strategy are satisfied. Also in accordance with policy CS12 and CS27 of the adopted Core Strategy and policy 119 of the saved local plan, the scheme fails to demonstrate an acceptable relationship can be achieved in the built form that would not harm the character and setting of the adjacent listed building. Finally, the scheme fails to demonstrate that an acceptable relationship in terms of adequate privacy can be achieved for future occupiers in accordance with policy CS12 of the adopted Core Strategy.

### **Site Description**

The application site comprises a long strip of land extending from the London Road to the canal, adjacent Home Base and the Apsely Paper Mill Pub. The site lies adjacent to a Grade II listed building and is located within Flood Risk Zones 2 and 3 and contains due to culverts which have been filled in. The site formerly contained large warehouse buildings forming part of the John Dickinson Site and has remained undeveloped for some time.

### **Proposal**

The application seeks planning permission for outline planning permission for 50 one bedroom residential units together with 67 parking spaces and landscaping. The development comprises three separate blocks extending to a height of 4 storeys and 3 storeys fronting onto the London Road. The proposal is to be served with access off an existing vehicular access running alongside the Paper Mill Public House. The proposal is for outline permission with all matters reserved except access.

### **Referral to Committee**

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

### **Planning History**

#### **Policies**

##### National Policy Guidance

National Planning Policy Framework (NPPF)  
NPPG

##### Adopted Core Strategy

CS1 - Distribution of Development  
CS2 - Selection of Development Sites

CS3 - Managing Selected Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS14 - Economic Development  
CS17 - New Housing  
CS19 - Affordable Housing  
CS27 - Quality of the Historic Environment  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS30 - Sustainability Offset Fund  
CS31 - Water Management  
CS35 - Infrastructure and Developer Contributions

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

Policies 10, 13, 21, 31, 33, 58, 106, 111, 119, 129  
Appendices 3, 5 and 6

#### Supplementary Planning Guidance / Documents

Affordable Housing (Jan 2013)

### **Summary of Representations**

#### Environment Agency

Thank you for consulting us on the above planning application. I spoke to Chris at Maze Planning on the 19th about the plans being unclear in relation to the deculverting and was told that further information would follow. As we also have concerns with the submitted Flood Risk Assessment (FRA) I thought it best to raise our **objection** now so that the applicant has time to address both.

**Objection** The FRA submitted with this application does not comply with the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework or your policy CS31. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the FRA fails to:

1. Adequately assess the impact of Flood Zones 3b, 3a and 2 on the development as it is incorrectly assumed that the site is all effectively in Flood Zone 1 (Section 4.9).
2. Assess the implication of a breach failure of the Canal wall.
3. Assess the impact of loss of flood storage.
4. Assess the impact of flooding in the Lower Ground Floor car parking area.
5. Demonstrate whether the section of culvert crossing the site near to the Canal will be opened up.
6. Adequately consider the range of options for sustainable drainage on site.

**Resolution** The applicant can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application.

### Further response from EA following modelling information being sent

Thank you for confirming you have received the modelling files for this site and are accepting them as part of the formal planning application. As I explained over the phone, these files will be reviewed by our external consultants who are unlikely to get back to me by the 28<sup>th</sup>. Please therefore let the applicant know that while I am happy to respond prior to the site going to committee this is likely to be with an objection

### Conservation and Design

This prominent site is located on a main route into the town and is located adjacent to a Grade II Listed Building. As such the design quality of any scheme is a significant factor in assessing the suitability of a proposal within the setting of this designated heritage asset.

Given the preapplication advice that has been provided for this site I am surprised at the design approach that has been adopted since the scale, bulk and massing of this proposal is out of context with the heritage asset and would cause significant harm to the setting of the listed building.

Whilst historically the site may have supported larger scale building forms in this locality, these were demolished prior to the listing of the building and these demolished structures do not provide the today's context. I therefore dispute they hold any relevance.

In principle I support the townscape concept of three blocks of development - one providing frontage onto London Road, one onto the canal and one to terminate the access into the development, it is the scale, bulk and massing of the blocks which cause me concern. Although the warehouse block occupied by Homebase is neighbouring the site and detracts from much of the recent development in the area, I can see no reason to justify the height of the current proposal and/or the unrelieved facades.

I am particularly concerned about the design approach for the block onto London Road, both in scale bulk and massing as well as the architectural treatment. The proposed building would be unduly dominate the listed building and would swamp its modest scale. The size of the gable end of the proposed scheme is very assertive and dominant and the odd roof dormers and window design are an inappropriate pastiche design for a 'warehouse' building.

I would need convincing as to the visual impact of the use of 'tables' to elevate the buildings above the ground height of surrounding development/built forms.

### Further comments from conservation and design following comments from agent

Disagree with comments put forward and retain objection

### Strategic Planning

This site has been subject to early pre-app discussions and we refer you to these in terms of policy background as these remain relevant. However, some elements of the policy have moved on since then. The site has now been formally identified as a housing allocation (Proposal H/10) in the Pre-Submission Site Allocations DPD (September 2014). The site is seen as delivering between 25-35 units and the planning requirements refer to:

“High density housing acceptable. Access from London Road. Careful design and landscaping required to ensure a satisfactory relationship with adjoining commercial uses. Flood risk assessment required.”

Given the above, the broad principle of delivering housing through a proposal on this site is



now supported. We acknowledge that this would deliver a high density development and that flood risk is being considered as part of the application.

While the principle is supported, the current proposal does run contrary to the H/10 allocation in terms of its indicative capacity. The capacity reflected the early discussions on the allocation with the Strategic Housing team who are ultimately seeking to deliver an affordable housing scheme on the site as part of the Council's New Build housing programme. We accept that the indicative capacity could be exceeded, but this would need to be fully justified in terms of design, layout, general amenities, and parking, etc. We would therefore need to be satisfied that the quantum of development could be satisfactorily accommodated on the site. This is an important issue given the constrained and elongate nature of the site and its location close to bulky, large footprint retail units.

We have previously raised concerns over the higher density of development proposed and these issues are well documented in the earlier comments we have made to you. We continue to raise this issue given the indicative bulk and height of buildings (4/5 storeys with basement parking), the extent of development across the site, the limited availability of amenity space/landscaping, and the proximity of buildings to the nearby retail warehouses. You will need to assess whether these factors provide for a satisfactory residential environment for the new residents and quality of site design (Policy CS12).

In terms of affordable housing, Policy CS19 would apply and therefore we would be seeking a 35% on-site contribution. This would be a lower contribution than that proposed to be delivered through the New Build programme. Please contact the Strategic Housing team for their views on the appropriate tenure mix and size of the properties.

We are unclear as to the potential size of the apartments, but saved Appendix 5 of the DBLP will provide you with appropriate car parking standards against which to assess the proposal. The normal expectation would be 1.25 spaces for a 1-bed unit and 1.5 spaces for a 2-bed unit. The views of the local Highway Authority should be sought on this issue.

### Hertfordshire Highways

#### Initial Comments

A colleague has reviewed this outline application and they have come back to me with the following requests for further information and clarification. As you will see there are four points that require justification but I do not see any of them being show stoppers but none the less they do need to be answered.

- A multi-modal assessment – in a sustainable location I do not think this development will have a significant impact but they need to provide this assessment for completeness and to ensure contributions are not required;
- Junction Modelling – the 2024 base plus development scenario sees a decrease, I spoke to our in-house LINSIG Modeller and whilst it is likely to be due to the optimisation they did think it was strange that the same scenario did not occur in the 2014 base plus development scenario. Therefore, further justification is sought;
- Personal Injury Accident Data – this has not been included, whilst I have quickly looked on crashmap and there isn't anything majorly worrying an assessment ought to be included; and
- Finally, the displacement of parking – the site is currently used for car parking but there is no explanation as to where this will be relocated to. I think we just need to ensure that this can be accommodated elsewhere.

#### Further comments

Looks suitable in principle – the right-turn lane dimensioning will need some work. Site would not be considered for adoption'

'The tactile paving arrangements are wrong but they can be sorted as part of the detail design.'

Can the new traffic island be positioned as close to the access without it creating an obstruction for traffic turning from the development. The closer it is, the more likely it is to be used by pedestrians travelling to and from the development.

Overall we ( the HA) are happy in principle with the changes.

#### Trees and Woodlands

None

#### Canal and River Trust

After due consideration of the application details, the Canal & River Trust has **no objections** to the proposed development, **subject to** the imposition of suitably worded **conditions** and, if necessary after further discussions, a **legal agreement**.

#### Design and layout

The proposal is located adjacent to the listed lock but the illustrative layout drawings show the erection of a high boundary wall to act as a flood barrier. Not only will this prevent many of the future occupiers taking advantage of the waterside location but will present an unsatisfactory backdrop to the listed lock structure.

We would therefore request that a lower wall is provided to replace the existing boundary wall, allowing views into and out of the site. However, the lock landing adjacent to the site should remain inaccessible to occupiers however to prevent the lock gates being used as a shortcut from the site onto the towpath. The Trust do not encourage lock gates crossings to be used by the general public for safety reasons and these are only provided to allow operation of the lock gates by boaters.

#### Structural stability

The applicants should discuss the proposal with the Trust prior to submitted detailed layout plans to ensure that the scheme and any associated landscaping does not result in structural instability of the canal or any related infrastructure.

#### Drainage

The flood risk assessment states: "Surface water discharge should be directed into the GUC via the 900mm pipe/culvert which crosses through the site" this will need further with the Canal & River Trust and will be subject to a commercial agreement.

#### Accessibility

The site is located adjacent to the Grand Union Canal, with the nearest towpath access point approximately 100 metres away. The canal towpath provides a sustainable transport link between the site and other facilities within the town as well as proving a quiet and safe off road walking and cycling route for recreational purposes. The towpath is a recognised Sustrans cycle route.

The value of the towpath in improving the connectivity and accessibility in the area has been recognised by Dacorum Council. The Canal & River Trust support the Hemel Hempstead Urban Transport Plan which has identified the need for wide ranging improvements such as improved signage and seating, and improvements particularly for cyclists such as widening the towpath and providing access points at certain locations.

The nearest access point to the towpath is close to the site where an iconic bridge provides access onto the towpath to the east of the site.

The Trust feels that the provision of housing on this site will result the possible increased usage of the canal towpath as a sustainable transport route. Without suitable mitigation measures this could result in increased degradation of the towpath surface, not just in the immediate location of the site but also elsewhere in Hemel Hempstead. General canal towpath improvements such as widening and resurfacing are needed to cope with additional usage and to ensure that the Councils aspirations for u improving cycling throughout the town are met.

The Trust can provide numerous examples of similar situations where developers have made accessibility improvements as a form of mitigation to offset additional usage of the towpath to either reach a site, or to link from a site to other facilities as a sustainable, traffic-free green transport route. The council have recently sought S106 money elsewhere in Hemel to help fund accessibility improvements.

The Trust is currently working with both Dacorum and Hertfordshire County Council to seek the upgrading of the towpath and the County Council have recently made a bid to the Herts LEP to upgrade the towpath from Hemel Railway Station eastward to Apsley Basin.

The section between Durrants Hill Road and the Marina is currently one of the worst stretches of towpath on the Canal and we would wish to ultimately see this upgraded to a bound surface.

We therefore request that the proposal makes a contribution towards the upgrading of the Grand Union Canal Towpath as it runs through Hemel Hempstead.

### **Justification for the request**

With reference to the approach to developer contributions contained in the Community Infrastructure Levy Regulations 2010 (CIL), we consider that a case can be made that a contribution is both necessary and directly related to the proposed development. The nature of the works to be covered by the contribution is improvements to allow safer, more sustainable access to the site for the additional users likely to be attracted by the proposal, and therefore we believe it is appropriate in kind.

#### Policy Support for our request

##### National Policy

Paragraphs 29 to 41 of the National Planning Policy Framework (NPPF) is committed to promoting sustainable transport and states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice as to how they wish to travel. TCPA Policy Advice Note: 'Unlocking the potential and securing the future of the Inland Waterways through the Planning System' (2009) not only supports the use of the towpath in this way but estimates that 100 tonnes of carbon dioxide are saved per kilometre of towpath upgraded. The Design and Access Statement assumes that residents will use the canal towpath as a sustainable travel route but has not considered how residents will safely reach the towpath or the additional costs of maintenance as a result of the increase in usage.

##### Local Policy

The Council are supportive of requirements to improve accessibility by sustainable transport means and has adopted an SPD requiring S106 contributions to that effect.

The canal towpath can offer a sustainable, traffic-free route for pedestrians and cyclists to

reach the site for formal leisure or shopping purposes or for residents to access other parts of the town or the open countryside for more informal leisure purposes. Policy CS8 of the adopted Core Strategy requires the creation of a safer and continuous footpath and cycle link, particularly in towns such as Hemel Hempstead. The Grand Union Canal Towpath already provides a good pedestrian link but it is recognised that improvements to width and surfacing are needed to improve it as a cycling route. The Canal & River Trust believe that a request for a financial contribution is in line with the aims of this policy.

The canal is recognised in the adopted Core Strategy as Key Green Infrastructure. Core Strategy Policy CS26 requires that development create better public access and links through green space. Again, the Trust believes that our request for a financial contribution to improve the towpath and access to it is in line with this policy.

We are aware that the County Council may require S106 contributions under their Planning Obligations Guidance- toolkit for Hertfordshire. This document requires contributions to be made for direct impact of development, and for more cumulative impacts such the mitigation of increased usage of the towpath as a result of residential development within the town. The County Council may request a contribution to be spent on implementing sustainable transport measures identified in the Hemel Hempstead Urban Transport Plan.

The Canal & River Trust are aware of the particular constraints of this site and the desire to provide as great a proportion of affordable housing as possible. We recognise that this proposal is unlikely to be able to provide a contribution to towpath upgrading to solely fund a particular project or stretch of improvement.

However it is acknowledged that the Council aim to pool contributions to allow a meaningful improvement to be carried out. The Canal & River Trust therefore fully support this method and wish to request that a suitable sum is identified as provided for a towpath improvement project as identified within the UTP if, given the particular constraints of this site, the council wish to seek contributions. We would wish to discuss this matter further with the council to identify a suitable level of contribution if necessary, and the details of a suitable recipient project.

## **Conclusion**

In conclusion the Canal & River Trust would request that a contribution is provided to create accessibility and connectivity improvements along the towpath of the Grand Union Canal in the vicinity of the site and we would welcome the opportunity to discuss this further.

If the council are minded to grant permission we would request that the following conditions and informative are imposed.

## **Conditions**

18. Prior to the first occupation of the dwellings, details of the proposed boundary treatment (showing height, specification and materials and/or planting) shall first have been submitted to and agreed in writing by Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

*Reason: To ensure that the external appearance of the development is satisfactory. The boundaries adjacent waterside developments should provide an attractive façade and poor design can affect how the waterway is perceived. The construction of foundations for walling or fencing has the potential to impact on the integrity of the waterway therefore development approved should prevent damage to the waterway structure and protect users on the towpath.*

1. If surface/ground water run-off is proposed to drain into the waterway or to a soakaway,

full details shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

*Reason: To comply with paragraph 120 of the National Planning Policy Framework and given the proposed use there is the potential for pollution of the waterway and the Canal & River Trust will need reassurance that only clean surface water run-off will be allowed to discharge into the waterway, and, if necessary, that interceptors and other measures will be included to prevent pollution.*

2. Details of the proposed protective fencing to be erected to safeguard the waterway infrastructure during construction of the development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

*Reason: To comply with paragraph 120 of the National Planning Policy framework as the ecological environment in this location is sensitive and should be protected from disturbance, dust, run off, waste etc. entering the canal and to assess the impact on the integrity of the waterway infrastructure.*

3. prior to the commencement of development details of the proposed lighting for the development including details of foundations shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

*Reason: To comply with paragraph 125 of the National planning policy Framework as lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect*

## **Informative**

If the Council is minded to grant planning permission, it is requested that the following informative is attached to the decision notice:

“The applicant/developer is advised to contact Osi Ivowi on 01908 301 591 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.

In addition, in order for the Canal & River Trust to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

## **Secure By Design**

### **Comments**

I note at this stage that the application only concerns access, with layout, landscaping appearance and scale to be dealt with at reserved matters stage. I make the following comments which concern access but also will be for future consideration if this application is successful.

1. Undercroft Parking: This is described at part 5.9 of the Transport Statement as a ‘private undercroft parking area...’ yet it is shown as open and if it were to remain open, I would wish to formally object, as security for the development would be compromised, and customers of the nearby public house may use it and cause annoyance to the

residents. Undercroft / basement car parking will be problematic if not adequately secured and users will feel vulnerable. Any incident of crime, damage or anti-social behaviour in hidden parking will quickly result in residents avoiding the facility.

4. A barrier arm would not be sufficient and the entrance exit should be controlled by a visually permeable roller shutter or similar. The bottom metre of the shutter could be solid laths to prevent litter and leaves being blown into the parking area, whilst above this it could be visually permeable. The shutters should start to close within 5 seconds of vehicles leaving or entering the parking area, so as to prevent unauthorised persons tailgating into the parking area or on foot sneaking into the parking area when a vehicle leaves. The sensor that detects motion to close the gate should also be mounted on the inside of the gates to prevent tampering by offenders.
  - I note that there is an area where it is unclear what any boundary / enclosure treatment is on the Lower Ground Floor Plan 0634\_PL\_031, in the area which says 'No Build Culvert Zone'. This area is parking bays 46 to 51. This appears as an open area. If it is a no build area then it could still be secured with Weldmesh fencing panels, to help secure the parking area?
  - Painting the walls and ceiling white of the underground car parking area can greatly aid the use of CCTV and provide good even lighting which reduces the fear of crime. Lighting levels should be to the appropriate British Standard.
  - Because of the lack of natural surveillance of the parking area, the underground parking should be covered by CCTV. This CCTV must be recorded in case of any incidents, so as to assist with any police investigation, post incident. If not monitored it could be linked through to the residents so they can check on a spare channel of their TV if the car parking area is OK (if they so wished).
  - Stair cores from the parking area to the residential blocks should be secure with doors to BS Pas 24:2012 with access control so only residents can use these doors to gain access. This is to prevent offenders forcing open these doors if they are able to tailgate their way into the undercroft parking area, and then breaking into flats whilst residents are at work.
  - There is an open stairway between the ground floor amenity area (between the blocks of flats), and the lower ground floor parking area. This if left as it is would provide open access to the undercroft parking area and if it needs to be kept must be secured with appropriate access control.
2. Open staircase in North East Corner: What is the function of this staircase? It appears to give open access from the open culvert side of the development at lower ground floor level, up to the ground floor open amenity area. Is this a fire exit and is it needed?
3. Secured by Design part 2 physical security: To alleviate my concerns regarding security for the proposed development, I would look for the development to be built to the physical security of Secured by Design part 2, which is the police approved minimum security standard. This would involve all exterior doors to have been tested to BS PAS 24:2012 or STS 202 BR2  
As regards individual front doors to flats these should be to BS Pas 24:2012, (this is entry level security of the Secured by Design standard). Reason: To prevent visitors or other residents breaking into other residents flats.  
Ground level (easily accessible) exterior windows to BS Pas 24:2012. All glazing in the exterior doors, and ground floor (easily accessible) windows to include laminated glass as one of the panes of glass. Building to the physical security of Secured by Design, which is the police approved minimum security standard, will reduce the potential for burglary by 50% to 75%. I would encourage the applicants to seek Secured by Design certification to this standard when it is built.
4. Entry Control: Part 8.7 of the Design and Access Statement (DAS) says this will be "entry phones and bells...". Where there are 10 or more flats served off a communal access

door then it should also include visual verification. Communal door entry systems prevent casual intrusion by offenders into the block, where they can break into unoccupied flats during the day without being seen, and act as a line of defence against bogus callers.

5. Cycle storage: I am pleased that in the 'Transport Statement' it says that the two cycle stores will be secure and lit. Hopefully to the Secured by Design standard?
6. Bin store:
  - There are shown two bin stores on site accessed from within the undercoft private parking area? How will the waste collection be done if the lower ground parking area
  - One of the bin stores is shown as having a storeroom at the side accessed off the bin store. Yet the store room door is blocked by the waste bins?
7. Postal access: Because the Post Office have amended the hours to which they require access to deliver mail (7am to 2pm winter and summer), a Tradesman's Button would not be acceptable. Postal delivery needs to be planned for: with external post boxes either free standing outside blocks (with good surveillance over from the residents it serves); or in the external walls near the main entry; or an airlock system where the internal door has electronic access only so as to deter distraction burglaries or unauthorised entry in to the block. The local post office may accept having an access fob to allow them entry to deliver the mail? This needs to be planned for.
8. Lighting: Part 8.10 of the DAS says about lighting being designed for wayfinding. This causes me some concern, in that wayfinding is generally done by bollard lighting, and if not supplemented with additional lighting can cause a fear of crime. Bollard lighting is not compliant with BS5489:2013, because it does not project sufficient light at the right height to aid facial recognition and reduce fear of crime. Hopefully lighting for the public areas will be consistent and even?

#### Hertfordshire Biological Records Centre

We do not have any known biological (habitats or species) records for the application site. We have no reason to disagree with the findings of the Ecological Survey carried out by Phillip Irving, dated June 2014. We do not consider further ecological surveys to be required. Therefore, the application can be determined accordingly.

The following Informatives should be added to any permission granted:

"Demolition of the buildings should proceed with caution and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from one of the following: a bat consultant, the UK Bat Helpline: 0845 1300228, Natural England: 0845 6014523, or the Herts & Middlesex Bat Group website: [www.hmbg.org.uk](http://www.hmbg.org.uk) "

"Site clearance should be undertaken outside the bird nesting season, typically March to September inclusive), to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the area should be made by a suitably experienced ecologist and if active nests are found, then clearance must be delayed until the nesting period has finished."

"If any lighting of the development is required, this should be directed away from the adjacent watercourse to eliminate any potential disturbance to species using this feature (such as foraging and commuting bats)".

#### Thames Water

##### Waste Comments

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk

Management Team by telephoning 020 8507 4890 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality). Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

#### 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 - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

#### Contaminated Land Officer

#### Awaiting Comments

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

None

#### Comments from Agent on mix of the development

Firstly, it seems to me that the relevant local policy context is in the main, Policy 10 and 18 from the 'saved' Local Plan and Policy CS18 in the 2013 Core Strategy. They all deal to one degree or another with the optimisation and mix of a residential development.

I have reviewed all three and would make the following points:

Firstly, Policy 10 of the Local Plan explicitly requires that each site's development is optimised to the full, taking environmental and other constraints into account. It is our view that 50 no 1 bed units represents that optimised capacity for this site, without any harm being caused to any interest or to the amenity of other existing residential developments or to the good running and servicing of adjacent and nearby employment sites and businesses. It is telling that there have been no objections from any businesses or residents to these proposals.

Secondly, Policy 18 of the Local Plan does not specify what the mix of a residential development such as this should be. It leaves it to being based upon what needs and priorities have been evidenced through Housing Needs Surveys; Strategic Housing Market Assessments and/or Housing Needs Assessments. However Policy 18 actually encourages explicitly the provision of units for small households by requiring the provision of some 1 and 2 bedroom units. That is what we are proposing. It is left however to the discretion of the developer as to what proportion should be 1 or 2 bed roomed.

The Council might like to see a mix of 1, 2 and 3 bed flats here, but I cannot see in practice how Policy 18 actually requires that mix, or what that mix should be. Part of the Policy advises



that there should be the provision of some 1 and 2 bedroom units, but it does not preclude the provision of residential development made up of one unit size only.

Policy CS18 in the Core Strategy advises that new housing development will provide a choice of homes which will comprise a range of housing types and sizes and tenure.

It also advises that decisions on the appropriate type of mix of homes within developments will be guided by strategic housing market assessments and housing needs surveys etc etc.

I am of the view that our mix can also be justified in the above context. Firstly, this is a strategic policy and one can see the Apsley Mills site in that strategic context as part of the Council's drive to increase significantly, the density and scale of residential development in Apsley itself, in order to help meet the Borough's wider housing needs and provide priority housing and affordable housing for young people, singles, the elderly, and homeless etc etc.

If one places the site here in that context one can see that the provision of 50no 1 bed flats would not unbalance the mix of units in the wider Apsley, area especially in relation those developments approved already on London Road in particular, but would actually help to redress the balance.

As evidence of this, I have researched other recent major residential planning permissions on London Road in Apsley, and have found that out of the 4 major planning permissions for residential developments here, all were for flats and they totalled 157 units, of which only 57 were 1 bed roomed. The majority of those flats were 2 bed roomed.

If one adds the 50 units here to that total, then 207 flats would result, of which 107 would be 1 bed units, still only 50% or so of the total no of flats which would have been approved.

The latest 2012 Housing Needs and Market Assessment Update advises in para 7.9.3 that the requirement to address priority household need, means that there is a need for smaller properties. 1 bed flats are a key form of provision which can help meet that expressed priority household need.

Para 5.1.10 also advises that the waiting list for 1 bed units contains many younger households who are not in priority need and who are unlikely to be offered a property by the Council. Therefore if these units were for market housing and not for social rent then they would also be meeting an identified need in a different way. This paragraph also advises that a similar context and requirement arises for older households who have also registered for homes with the Council but whose needs are not immediate but longer term. They could also trade down to this small 1 bed unit in the future as well, thus relieving the Council of having to try to find accommodation for them, until they really need it.

Para 5.1 12 advises that there is a demand for 2 bed units, as opposed to need, and advises that in order to meet the growth in households provision should be mainly 2 bedroom units. I would say however that that demand for 2 bed units is already being met through the approval of the other developments in Apsley and elsewhere in the Borough where 2 bed units predominate, and that our 50no 1 bed units would be able to provide instead for the needs of those who have registered with the Council and who are a priority to accommodate, or who would want to buy a small flat here to get onto the housing ladder (ie the younger households who are identified above in para 5.1.10).

It is my view that these paragraphs are not conflicting.

In conclusion, I consider that on the above basis it would be entirely in order for you to be able to recommend approval to the proposed mix, and that this could be seen as being in compliance with your local policies, redress the balance locally in terms of the mix of wider

developments overall in Apsley, and show that an identified need is being addressed, as well as being able to meet the need for priority households.

#### Comments from Strategic Planning on mix of units

My views are as follows, but have you taken advice from Strategic Housing, as they are the experts on local need that we turn to for advice such as this? ( I have cc'd Sarah Pickering in to this email).

- I have spoken to the agent on this matter and he is fully aware of what our policies require. I advised him to speak direct to Sarah (and her team) and that if he wished to move away from the policy position then he would need to provide clear justification based on local needs etc. I will leave Sarah to advise if his justification is robust or not. My view from a planning perspective is that he is placing too much emphasis upon maximising the use of the land, when our policies aren't just about getting the highest possible numbers of units, but ensuring these units meet the needs of the population and helping deliver mixed and balanced communities. Whilst there may well be a need for 1 bed units, is it right to have a whole development of this size?
- It is also not true that it is left to the discretion of developers to decide on the appropriate mix. Policy CS18 clearly lists the things that need to take account of when making the decision: it is a planning decision made by the Council and informed by appropriate technical and site-specific considerations.
- Re his comment re 1 bed units help redress existing unit size balance in Apsley, is it not the case that there haven't been a vast number of 1 bed units provided on other developments as they were not considered appropriate in meeting local needs? Again, Sarah may be able to advise, or perhaps check the report done for schemes such as Sally's development along the road from this site?
- A final point – are the affordable 1 bed units big enough to meet requirement of a housing association? We have had issues on a few sites previously where they haven't been. That is ok if they are 2 bed units, as they can change them to 1 bedders – but you can't reduce bedroom numbers in this instance.

I am not comfortable with what is proposed as it seems far from ideal. However, I think it would be hard to refuse the application solely on the basis of unit size unless Sarah or a colleague has provided clear guidance that this won't meet local needs.

#### Comments from Strategic Housing on Mix of Units

The affordable housing spd states:

"There should be a mix of housing sizes and type provided on site". As mentioned in Laura's email policy CS18 states new housing development should provide a range of housing sizes.

Decisions on the appropriate type of mix of homes within development proposals will be guided by strategic housing market assessments and housing needs surveys, and informed by other housing market intelligence and site-specific considerations. The Strategic Housing Market Assessment completed in 2012 identified a requirement for smaller properties. Due to the demand and flexibility of 2 bedroom units, small units provision could mainly be from 2 bedroom units. Therefore although there is a demand for one bedroom units in the Borough, on a site of this size a mixture of 1,2 and potentially 3 bedroom units would be desirable.

#### **Considerations**

## **Reserved Matters**

As stated above this is an outline application with all matters reserved except access. Illustrative plans have been submitted, which are detailed, however at this stage this can only be taken as an indication of the development that can be achieved on this site. Nevertheless, for the outline application to be found acceptable for 50 one bedroom units, it must be demonstrated that the density and principle is acceptable, and the scheme can be delivered meeting all policies of the adopted plans at reserved matters stage.

## **Policy and Principle**

### **Land Use**

The site falls within a general employment area as covered by Policy 31, but also within the specific proposal site TWA7. Policy 31 seeks to prevent the loss of employment floorspace within GEAs. Under site allocation TWA7, the wider site was identified for visitor centre and related development for a mix of uses creating local employment. It continues that the mix of uses could include offices, hotel, restaurant with a small number of residential units. A Masterplan was also produced (September 1999) which stated that there should be a "limited" amount of residential on the site.

Spatial planning, in its consultation response, has indicated that some elements of the policy have moved on since its allocation by Policy 31 and TWA7. The site has now been formally identified as a housing allocation (Proposal H/10) in the Pre-Submission Site Allocations DPD (September 2014). The site is seen as delivering between 25-35 units and the planning requirements refer to:

"High density housing acceptable. Access from London Road. Careful design and landscaping required to ensure a satisfactory relationship with adjoining commercial uses. Flood risk assessment required."

Given the above, the broad principle of delivering housing through a proposal on this site is now supported.

### **Affordable Housing**

Policy CS19 of the adopted Core Strategy states that affordable homes will be provided: on sites of a minimum size 0.3ha or 10 dwellings (and larger) in Hemel Hempstead. 35% of the new dwellings should be affordable homes. Higher levels may be sought on sites which are specified by the Council in a development plan document, provided development would be viable and need is evident.

A minimum of 75% of the affordable housing units provided should be for rent.

Judgements about the level, mix and tenure of affordable homes will have regard to: (a) the Council's Housing Strategy, identified housing need and other relevant evidence (see Policy CS18); (b) the potential to enlarge the site; (c) the overall viability of the scheme and any abnormal costs; and (d) arrangements to ensure that the benefit of all affordable housing units passes from the initial occupiers of the property to successive occupiers.

The scheme proposes 100% affordable housing provision and as such the Council is supportive of this approach. Should the Council be minded to grant planning permission, a suitably worded S106 will need to be entered into to ensure delivery of the level, and tenure of the affordable housing provision.

### **Density and Layout and mix**

The illustrative plans show three distinct blocks of residential units. Policy CS18 states that "New housing development will provide a choice of homes. This will comprise: (a) a range of housing types, sizes and tenure; (b) housing for those with special needs; and (c) affordable housing in accordance with Policy CS19. Decisions on the appropriate type of mix of homes within development proposals will be guided by strategic housing market assessments and housing needs surveys, and informed by other housing market intelligence and site-specific considerations.

The scheme proposes 50 one bedroom units which equates to a density of approximately 150 units per ha. Concern has been raised regarding the mix of 50 units only comprising one bedroom units and the agent has argued that the proposed mix could be seen as being in compliance with local policies, redress the balance locally in terms of the mix of wider developments overall in Apsley, and show that an identified need is being addressed, as well as being able to meet the need for priority households. Further advice on this matter has been sought from colleagues in Strategic Planning and Housing teams who are of the opinion that providing a development of 50 one bedroom units is not ideal and they have indicated that decisions on the appropriate type of mix of homes within development proposals should be guided by strategic housing market assessments and housing needs surveys, and informed by other housing market intelligence and site-specific considerations. Furthermore paragraph 50 of the NPPF states that "to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should: plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

The Strategic Housing Market Assessment completed in 2012 identified a requirement for smaller properties. Due to the demand and flexibility of 2 bedroom units, small units provision could mainly be from 2 bedroom units. Therefore although there is a demand for one bedroom units in the Borough, on a site of this size a mixture of 1,2 and potentially 3 bedroom units would be desirable.

Whilst, the scheme for only one bedroom units is considered difficult argue that it is contrary to planning policy as the Strategic Housing Market Assessments identifies a requirement for smaller properties, so too, policy CS18 seeks a mix of bedroom sizes across developments. The proposal fails to provide a mix across the development. The agent has indicated that he has researched other recent major residential planning permissions on London Road in Apsley, and he found that out of the 4 major planning permissions for residential developments here, all were for flats and they totalled 157 units, of which only 57 were 1 bed roomed. The majority of those flats were 2 bed roomed. The agent goes on to say that "if one adds the 50 units here to that total, then 207 flats would result, of which 107 would be 1 bed units, still only 50% or so of the total no of flats which would have been approved".

Having regard to the point put across by the agent above, it is still not considered ideal that the large development comprising 50 residential units only comprises one bedroom units and the lack of two bedroom units which are still considered as small properties, lends itself to a scheme which does not cater for a choice of homes. The agent notes that the other development that he has researched comprise both one and two bedroom units which is considered a better option than a development solely comprising only one bedroom units.

#### Design and Impact to Historic Assets

The site lies adjacent to a Grade II listed building and as such specific consideration is given to how the development impacts on its setting. Whilst the plans are indicative, and alterations

can be made at reserved matters stage, it is required to ensure that the scheme for 50 units can be delivered and as such particular consideration needs to be given to the bulk, scale and mass of the development. The conservation officer has indicated that the proposal appears too bulky and of a scale which is harmful to the setting of the Grade II listed building adjacent. The agent has considered these comments and indicates that the proposal takes influence from the former warehousing buildings that have since been demolished. The applicant has put forward that the scheme has not been designed to increase density here but the design as proposed proposes scale and mass adjacent the Cottage to retain a sense of what this place once was. Indeed, it is not disputed that the site previously contained a warehouse building, however, it is still the view of the conservation officer that the proposal would swamp the setting of the listed building and would appear overly bulky and dominant in the context of the listed building. Whilst it is recognised that the application is for outline permission only, it needs to be demonstrated at outline stage that the principle and density proposed can be delivered at reserved matters stage and it is considered that the scheme has not been able to demonstrate that the block nearest the London Road would sit comfortably with the adjacent listed building. The conservation officer has considered the points put forward by the agent outlined above however, she is still of the view that the proposal would not be sympathetic to the setting of listed building.

The proposed layout is considered acceptable in design terms and the scale and height of the two buildings within the site are considered acceptable.

#### Quality of Accommodation

Whilst the proposal is for outline permission with layout, design, scale to be considered at reserved matters stage, it is important to consider whether the density proposed is capable of complying with adopted policies to ensure sufficient privacy and good quality accommodation can be achieved. Indicative plans have been submitted and these have been assessed. Policy CS12 of the adopted Core Strategy states that "On each site development should: a) provide a safe and satisfactory means of access for all users; b) provide sufficient parking and sufficient space for servicing; c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties; d) retain important trees or replace them with suitable species if their loss is justified; e) plant trees and shrubs to help assimilate development and softly screen settlement edges; f) integrate with the streetscape character; and g) respect adjoining properties in terms of: i. layout; ii. security; iii. site coverage; iv. scale; v. height; vi. bulk; vii. materials; and viii. landscaping and amenity space".

#### Appendix 3 of the local plan - Layout and Design of Residential Areas

Spacing of Dwellings - There should be sufficient space around residential buildings to avoid a cramped layout and maintain residential character, to ensure privacy and to enable movement around the building for maintenance and other purposes. The minimum distances of 23 m between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy. This distance may be increased depending on character, level and other factors.

Privacy - Residential development should be designed and laid out so that the privacy of existing and new residents is achieved. A good standard can be achieved by attention to detailed design, e.g. staggered building lines, careful grouping and orientation of dwellings, different sizes and positions of windows and doors and the erection of screen walls, fencing and planting. Buildings should at least maintain the distances with their neighbours given under (ii) and (iii) below. Exceptions may be possible in individual circumstances depending upon the particular topography, character of the area and nature of adjoining land uses.

It has not been demonstrated that the proposal can achieve a satisfactory level of spacing and

privacy distances to ensure that the proposed new dwellings achieve sufficient levels of privacy and do not overlook each other. Appendix 3 of the local plan seeks a minimum distance of 23m between rear wall of a dwelling to another and whilst the scheme is for flatted development, these contain balconies which require adequate distances to ensure privacy therefore could be provided. Amended plans have been submitted to demonstrate that adequate privacy distances between the balconies can be achieved, however, it is considered that the amended plans still to show that there is a still a relationship of balconies located approximately 18m from each other and it is still considered that the proposal represents overdevelopment which does not satisfactorily demonstrate that adequate privacy can be achieved for future occupiers.

#### Parking and Highway Implications

Provision is made for 67 car parking spaces in an undercroft car park with access through from the vehicular access off London Road. The provision of 67 car parking spaces serving 50 one bedroom units equates to a ratio of 1:1.25 spaces. Appendix 5 of the local plan sets out a maximum car parking standard of 1.25 spaces for a one bedroom unit and as such the amount of car parking proposed is considered consistent with appendix 5 of the local plan.

Access is proposed via the existing vehicular access running alongside the Apsley Paper Mill Pub and notice has been served to Fullers (owners of the pub). Hertfordshire Highways have been consulted on the proposal and following additional information provided by the agent, raise no objection to the proposal. Full details of the layout are required at reserved matters stage.

#### Flood Risk and De-culverting

The Environment Agency identified the site as being located within Flood Risk Areas 2 and 3 and as such an Flood Risk Assessment has been submitted with the scheme. As such, an objection from the EA still stands until such time that the modelling works have been considered.

The NPPF states that (para 102) "If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed: it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted. Paragraph 103 of the NPPF goes on to say that "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment<sup>20</sup> following the Sequential Test, and if required the Exception Test, it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems

A summary of the submitted FRA sets out:

- The proposed residential development is located in Flood Zones 1, 2 and 3 as identified on the Environment Agency Flood map.

- The proposed development is considered 'more vulnerable' in accordance with NPPF.
- The principal source of potential flooding at this site is fluvial flooding from the GUC, River Gade and River Bulbourne. Hydraulic modelling undertaken by Waterco shows that the site is flood free during all events up to and including the 1% AEP + CCA event.
- Approximately 25% of the site is shown to be at flood risk during the extreme 0.1% AEP event, with flood depths ranging between 0.1m and 0.45m. The maximum water level during this event is 76.4m AOD.
- A residual risk arises during a breach event of the GUC embankment and masonry wall.
- Approximately 35% of the site is shown to be at flood risk during a breach of these structures, with flood depths ranging between 0.1m and 0.85m.
- The effect of deculverting a canal overspill structure which crosses through the north-eastern extent of the site has been investigated. The results show that opening the culvert causes flooding to the site and to neighbouring properties. Deculverting is therefore not recommended.
- A safe access/egress route is available via the site access off London Road. London Road and the western extent of the site are shown to be flood free during all events up to and including the 0.1% AEP event and during a breach of the GUC embankment and masonry wall.

The scheme seeks alternatives to deculverting which has not yet been found acceptable by the EA nor has the results of the updated FRA and as such, the LPA are not in a position to recommend approval for the scheme.

#### Impact on surrounding properties

The site abuts the boundary with Home Base and its service yard and consideration is therefore given to ensuring that the proposal for residential units in close proximity to an existing retail use would not give rise to an unsatisfactory relationship. The indicate plans show that no habitable windows would face onto the yard and a noise survey has been submitted. No objection is raised.

#### Impact on Trees and Landscaping

No objection is raised with regard to any important trees or landscaping. Should permission be granted, a condition should be imposed requiring full details of landscaping proposals.

#### Sustainability

A sustainability Checklist has been submitted as part of the supporting documents. No objection is raised.

#### Secure by Design

A number of objectives have been set out by the secure by design officer and should outline planning permission be granted for this scheme, it would be recommended that these objectives are submitted at detailed planning stage.

#### S106

The application is recommended for refusal, however should the members be mindful to recommend approval, it is advised that this is subject to the agreement of a S106 agreement. The S106 should include:

- affordable housing provision and tenure;
- contributions to highways

- contributions in accordance with the adopted planning obligations SPD and County Council toolkit to be agreed by the developers and the Council

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

- 1 **The site is located within Flood zones 1, 2 and 3 and the proposal is identified as being more vulnerable in the NPPF. It is considered the detail submitted do not demonstrate that the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework are met . The proposal does not therefore accord with policy CS31 of the Core Strategy or the NPPF in terms of flood risk and impact.**
- 2 **In accordance with policy CS12 and CS27 of the adopted Core Strategy and policy 119 of the local plan, the scheme fails to demonstrate an acceptable relationship can be achieved in the built form that would not harm the character and setting of the adjacent listed building.**
- 3 **The scheme fails to demonstrate that an acceptable relationship in terms of adequate privacy can be achieved for future occupiers in accordance with policy CS12 of the adopted Core Strategy and saved Appendix 3 of the saved DBLP 1991-2011.**







**5.03 4/00371/14/FUL - DEMOLITION OF EXISTING GARAGE AND WORKSHOP BUILDINGS AND CONSTRUCTION OF 1 NO. 4 BEDROOM DWELLING, DETACHED CAR PORT AND BIN STORE AND ASSOCIATED HARD AND SOFT LANDSCAPING.  
R/O 114-138, PICCOTTS END, HEMEL HEMPSTEAD, HP1  
APPLICANT: BELGRAVE PROPERTY DEVELOPMENTS LTD**

---

[Case Officer - Joan Reid]

### **Summary**

The application is recommended for approval. The application site is located within the Metropolitan Green Belt and is considered to be inappropriate development. It is considered that there are sufficient 'very special circumstances' to justify the proposal.

### **Site Description**

The applicant site is located to the north-east of Piccotts End Road, to the rear of the cottages fronting the road comprising No's 114-138 and occupies an elevated position with levels falling to the south-west. The site comprises of an open grassed area in a poor state with a poor quality storage building in the northern corner. The site is located within the Piccott's End Conservation Area and is adjacent to a number of listed cottages fronting Piccotts End road. The site is also located within an Area of Archaeological Significance and is contained within the footprint of the former 'Old Infirmary Yard' and adjacent to the former Cottage Hospital site.

Surrounding properties comprise of a builder's store, offices and yard to the south with historic cottages to the north-west, west and south-west fronting the road, including the listed No's 130-136 and 112. There is a pair of more modern semi-detached dwellings to the north of the site.

The site is bounded by an historic red brick wall along the north-eastern boundary and close-boarded fencing along the other boundaries. The site is accessed via a narrow gravel access track which runs between No's 118 and 130, which also serves the garage block to the rear of No's 118-114.

### **Proposal**

The application seeks planning permission for a two storey detached dwelling comprising 4 bedrooms and ancillary garage/store building.

### **Referral to Committee**

The application is referred to the Development Control Committee as it has been called in by Cllr Douris.

### **Planning History**

4/00311/09/FUL Demolition of existing building and construction of single storey dwelling  
Refused- 17/08/2009  
Three Reasons for refusal: a) inappropriate development in the Green Belt and no very special circumstances provided; b) failed to preserve or enhance established character of area and the design (as barn conversion style) would be out of character with the two storey properties adjacent including the listed buildings; c) lack of archaeological evaluation.

4/01677/04/FUL FIVE DWELLINGS WITH GARAGES  
Refused- 06/09/2004

Five reasons for refusal including Green Belt, width of access and highway visibility, lack of archaeological evaluation, harm to character of the conservation area and listed buildings and impact to residential amenities.

## **Policies**

### National Policy Guidance

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

### Adopted Core Strategy

CS5 - The Green Belt  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS27 - Quality of the Historic Environment  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS30 - Sustainability Offset Fund  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 13, 58, 119 and 120  
Appendices 5 and 7

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

## **Summary of Representations**

### Conservation and Design - Further Comments on amended design

This latest scheme is a much more appropriate building for the location and in design terms and is acceptable in principle.

I have a few comments to make however, but most of the points I believe can be dealt with by condition.

- Chimney needs to be more robust; higher and corbelled with a 2<sup>nd</sup> chimney introduced to the gable end to follow through the design process adopted.
- The ridge height should not exceed those of the cottages that were the basis of this design.
- The upper floor windows should be 4 over 8 and not 4 over four. The individual panes to both first and second should match in dimensions. All windows must be timber sliding sashes. (Fire doors FD 20 standard not self-closing will eliminate the need for the windows to form a means of escape).
- The solar panels should be removed

- Remove PD
- Slate roof
- Timber doors ledged braced and not framed
- Garage weatherboarded stained dark brown black shingles of the pitch won't take clay
- 1:20 details of gauged headers
- Cast aluminium RWG's.
- Step for exterior doors stone (can be composite)
- Rooflights conservation type flush fitting metal with vertical emphasis should align with the double window and have central glazing bar

Condition all materials including roof tiles, RWG's, bricks, brick bond, mortar colour, windows (timber and historically opening sliding sashes in all cases with the exception of the lean-to windows which should be simplified: side hung flush fitting casement with single horizontal glazing bar)

### Conservation and Design - Original Comments

Piccotts End is a small hamlet located on the north-west outskirts of Hemel Hempstead town centre. Linear n form Piccotts End is the location for some of the most important listed buildings within DBC. The historic centre of the hamlet is contained within a conservation area, and is also situated within Green Belt.

The scheme seeks to demolish the existing buildings and garage and construct one 4 bedroom dwelling with detached carport.

The site lies within the Piccotts End Conservation Area which is also within Green Belt. The character of the Conservation Area is derived in part by its unplanned nature of its development, the historic street pattern, and the mixture of buildings and materials and also by the spaces around and between buildings. The grain of the development varies across the Conservation Area and there are some rather unfortunate 20<sup>th</sup> century dwelling houses that have been allowed in the past, though some of these occupy backland development. The locality also has its fair share of listed structures. The openness is not only derived from the way that the area has developed historically and the nature of that development – clusters of buildings broken by large open areas and buildings set back from the roadside indicating the unplanned growth of the settlement - but also from the surrounding Green Belt.

The site has historically had dwelling houses on it and also an assortment of uses including that as the old infirmary yard and more recently cottages. At present the land contains a workshop and store. Access to the site is via a narrow unmettled strip between No 118 and No 130, which is a statutory listed building. This narrow road between these two buildings also has parking and garages situated just before the site re this application which is=t is presumed are used by these houses.

The site has been the location for a number of buildings over many years details of which appear in the Historic Buildings Assessment supplied with this application so I will not elaborate further.

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

Because of the limitations of the site I consider that proposing one building is acceptable. I do not consider that the loss of openness is a fair argument due to the historic evidence of the sites mixed and varied use over a considerable period of time. The re-use of the site for this type of development does not in my opinion represent a significant loss of openness as the

location of the site allows it to remain hidden from general public view - the loss is marginal and restricted to dwellinghouses within the locality. The location of the site allows it to remain hidden from general public view.

My concern is the nature of the development on this site. Whatever is proposed must aim to preserve and enhance the character of the Conservation Area. What needs to be achieved is a design and style of dwelling that would be in keeping with the character of other buildings in the area. Although the area has developed in an 'ad hoc' way historically, this does not justify any form of new development. There is no doubt that the character and appearance of the Conservation Area has not always been respected in new development, however, any new development proposals must be considered against current local planning policy and national guidance.

The Core Strategy, 2006 – 2031, states that the quality of the historic environment is sensitive to change from development and that all development will favour the conservation of heritage assets. The National Planning Policy Framework paragraph 137 states: Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve these elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. It also states that development should make a positive contribution to local character and distinctiveness and that development should preserve or better reveal the significance of the heritage assets or their setting.

I do not consider that the design and style of the building will be in keeping with the character of other buildings within the vicinity – several of which are listed, nor with local character or distinctiveness. I do not consider that the proposal will achieve the above aims and consequently is contrary to local and national policies and advice, and therefore I recommend this for refusal.

#### Hertfordshire County Council Highways

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

1. Prior to first occupation of the proposed dwelling, the parking spaces shall be provided as shown on the submitted plan. The parking spaces shall be retained thereafter for the use of non-commercial vehicles only. The spaces shall be made available to the occupiers of the development unless the Local Planning Authority otherwise agrees in writing.
2. Prior to the first use of the access a properly consolidated and surfaced turning space for cars shall be provided within the curtilage of the site as identified on the submitted plan. The turning space should be free from obstruction and available for use at all times. Reason: To allow vehicles to enter and leave the site in forward gear, in the interests of highway safety.

#### Highway Comment

This amended application is for a revised internal layout with the dwelling appearing to have a smaller footprint and positioned more to the east of the site. The car port has also been moved to the south eastern edge of the site. This is shown on the plan numbered 4026-501 rev A dated January 2015. As with the previous application, the applicant still proposes the demolition of an existing buildings /workshop and construction of one detached dwelling. The site is located at the end of a private track, which takes access from Piccotts End, which is a local distributor road with 30 mph speed limit. At the top of the track, there are four purpose built garages. They appear to have sufficient space in front of the garage doors to park and turn around on. As part of this latest application, the private track has now been accurately

surveyed. The width at the pinch point is now recorded as being 2.48m wide. This is a metre smaller than previously quoted by the applicant. This may mean that only motor cars can access this track with any ease which clearly they do at present as there is a block of four garages at the top of the site. Currently a vehicle wanting to access the site has to wait on the public highway to allow a vehicle already on the track to leave the site. The Highway Authority has considered that whilst the proposed development would increase the number of vehicles using this track, the likelihood of vehicles having to wait on the public highway to allow an oncoming vehicle to exit the site would increase but not significantly with one dwelling. Vehicle to vehicle inter-visibility in both directions from the existing access remains acceptable for the speed and hierarchy of the road. The applicant has indicated that there will be off street parking spaces provided as part of the proposed development. This should accord with the local planning authority's parking policy

The highway authority is aware of the neighbour concerns about intensifying the use of the track and have read the comments from the emergency services about access and the use of sprinklers systems should permission be granted. The fact remains that this is an existing access that already enjoys vehicular access and that one dwelling would not lead to conditions that would warrant highway capacity concerns

However, the highway authority is concerned with how this site will actually be developed. Whilst not recommending refusal to the LPA on the previous applications it was on the understanding that the track had sufficient width to allow delivery vehicles to access the top of the site. This is now not the case and has been brought to the applicants attention. The applicant has now submitted a construction management plan. The plan states how the site will be accessed and what measures will be put in place to mitigate concerns raised about the construction of this house.

Hertfordshire County Council as Highway Authority has considered that the proposal in highway safety capacity terms and considers that this proposal would not have an unreasonable impact on the safety and operation of the adjoining public highway with the inclusion of the above planning conditions.

#### Trees and Woodlands

No objection

#### Affordable Housing Team

The site will be exempt from the financial contribution in respect of the affordable housing as less than five units are to be developed.

#### Archaeologist Comments

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. The site lies within Area of Archaeological Significance No.59. This notes that there has been a settlement at Piccotts End since the late medieval period. An archaeological field evaluation and historic building recording were completed on behalf of the applicant during summer 2012. The results of these investigations are detailed in two reports submitted as part of the application. The Historic Building Recording describes the structure which would be subject to demolition under this application. This structure has been shown to date from the mid-20th century, is much altered and of low historic value. In light of this no further archaeological work is necessary in relation to this structure.

Of more interest is rear north-east boundary wall. "The fabric used is consistent with a late 18th or early 19th century date, and it may be suggested that the range was constructed in the early 19th century as part of the complex of buildings associated with the cottage hospital created by Astley Cooper" (2012, Collins, Stoakley & Henry). This feature is a significant

heritage asset, and should ideally be retained and protected. The archaeological field evaluation did not identify any archaeological features within the limited area sampled, although demolition debris, probably relating to the hospital complex was visible in the topsoil. The stratigraphy visible in the trenches suggests that the site was possibly levelled at/ or after the time the hospital complex was demolished, and that this levelling has significantly reduced the potential for survival of below ground heritage assets of archaeological interest. Given this, I believe that in this instance only a low level of archaeological mitigation is appropriate should you be minded to grant consent.

Standard Archaeological condition therefore recommended.

#### Hertfordshire Biological Records Centre

1. The bat survey updated and further informed previous survey information which indicated some bat use of the buildings. Further inspection and activity surveys were undertaken in August 2013. The results of these were negative and it was considered that the buildings were not being used for roosting by bats.

2. I have no reason to question this conclusion given the surveys followed best practice. However this report is becoming old and if works have not commenced during the active season 2015, it may be necessary to undertake a repeat survey or obtain further advice, as bats do move between different roost sites and there is some evidence of past use by bats in the past.

3. However, at present there is no reason to suspect a roost will be affected and as such I consider that the LPA may determine the Application having taken bats properly into account. No mitigation or compensation is required.

4. Maydencroft does provide guidance in the form of 5.3 Proposed Mitigation Measures which appear to require an ecologist inspecting the site immediately prior to demolition. I consider this approach to be reasonable given the previous evidence. Consequently it would be prudent to attach an Informative to any approval to the effect that:

*“Works should proceed with caution, consistent with the recommended approach outlined in Section 5.3 of the Bat Report, October 2013. In the event of bats or evidence of them being found during the course of further works, work must stop immediately and advice taken on how to proceed lawfully from one of the following: a bat consultant, the UK Bat Helpline: 0845 1300228, Natural England: 0845 6014523, or the Herts & Middlesex Bat Group website: [www.hmbg.org.uk](http://www.hmbg.org.uk)”*

5. The site supports disturbed open habitats and ruderal vegetation of potential use by reptiles and consequently surveys were undertaken to assess this issue.

6. Surveys in August 2013 followed best practice and were found to be negative. It was concluded that reptiles were likely to be absent from this site, and I have no reason to disagree with this. No mitigation or compensation is required.

7. Given the lack of reptile evidence on the site, the LPA can proceed with determination of the application in knowledge that reptiles are not likely to represent an ecological constraint.

8. Consequently on the basis of the above I consider the LPA can proceed with determination with reasonable knowledge that EPS or other protected species are unlikely to be affected by the proposals.

9. I have no reason to consider there are any other ecological issues associated with this proposal.



## Strategic Planning Comments

The subject site lies within the Green Belt (Policy 4 and Policy CS5) and partly within a Conservation Area (Policy 120 /CS 27) and within an Area of Archaeological Significance (No. 59) Policy 120/121.

As the site is in the Green Belt, residential development is considered to be inappropriate development with the Green Belt under Policy 4 of the Local Plan, as it does not fall within one of the appropriate uses set out within the policy. Inappropriate development will only be allowed where it can be demonstrated that very special circumstances exist which clearly outweigh the harm to the green belt.

It is noted that the applicant makes reference to 4 Victorian cottages that were on site and were demolished in the 1970s. As the buildings have been long removed they have no real bearing on the consideration of the current scheme.

The NPPF states that inappropriate development is, by definition harmful to the Green Belt and should not be approved except on very special circumstances (Para 89). In relation to the current query the NPPF supports the redevelopment of PDL in Green Belt areas, subject to its impact on the Green Belt. Policy CS5 has been amended to reflect this partial relaxation of the GB policy.

In addition to this, the NPPF defines previously developed land (PDL) as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.

Under Policy 118, the site is within an area that is designated as an Area of Archaeological Significance (no.59)

*Policy 120: There is a presumption against the demolition of any building that contributes to the character of a conservation area. Consent to demolish will not be granted unless it can be proved that the building or structure is incapable of satisfactory repair to ensure a continued and viable use and that replacement which satisfactorily contributes to the character of the conservation area is secured.*

History - Previous developments on the site have been refused under reference numbers 4/00311/09 and 4/01677/04 (permission was sought for 5 dwellings), as such the applicant would be required to overcome the reasons for refusal under the previous schemes submitted. Reasons for refusal included failure to comply with National and Local GB Policy (Policy 4), failure to preserve or enhance the character of the Conservation Area (Policy 120), poor design (Policy 11), and lack of detailed information with regards to important archaeological remain (Policy 118).

### The current application

- The applicant seeks permission for the demolition of a derelict workshop that measures a floor area of 86 sqm. The proposed scheme is significantly smaller in scale to that proposed under 4/0311/09 but still needs to be carefully assessed against the footprint and scale of the existing workshop.
- The applicant seeks permission for erection of a new 2 storey dwelling set to the rear of

an existing row of dwellings. Access would be via an existing laneway. The proposed development would be considered to be infill development.

- The applicant states that informal discussions were held with the Conservation Officer with the view to submitting an application. The applicant has submitted an “Archaeological Evaluation” and “Historic Building Record” along with the application on the advice of the Conservation Officer.
- Under Green Belt Policy the applicant would be required to demonstrate exceptional circumstances. It is noted that the applicant has engaged in pre application discussions with the Conservation team with regards to design of the proposed new scheme. The onus is on the applicant to demonstrate exceptional circumstances for such a development within the Green Belt. The applicant appears to be arguing that there are benefits stemming from the removal of the existing derelict structure with better designed and more sensitive buildings.
- Consideration should be given to the status of the site under the NPPF’s definition of previously developed land. We are concerned that the proposed dwellings by virtue of their location / height / mass / scale / footprint are going to have a greater impact on the openness of the Green Belt than the modest structure they seek to replace.
- Consideration should be given to the design of the proposed scheme and its impact on the Conservation Area as well as its impact on the Area of Archaeological Significance. While visual improvements to the Conservation Area are supported in principle this approach does not override the need to preserve the openness of the GB.
- As with all applications the proposal will be assessed in accordance with the Council’s policies in relation to design, residential amenity, amenity space, landscaping, parking etc.
- While we support improvements within Conservation Areas , there are concerns that the proposed development will have a greater impact on the openness of Green Belt than what is there already.

#### Contaminated Land Officer

The submitted information with this application states that an open fronted derelict workshop/store is present on-site. Information submitted with a previous application (4/00311/09/FUL) states that the site has previously been used as a dye works, for motor repairs and as a builder’s store/yard. Consequently there may be land contamination issues associated with this site. I recommend that the standard contamination condition be applied to this development should permission be granted.

I note from the site plans that the existing building’s roof is constructed from asbestos. Appropriate health and safety precautions will need to be taken during removal of this material. The asbestos will need to be disposed of by a licensed contractor to a licensed waste management facility.

#### Hertfordshire Fire and Rescue Service

We have examined the application and make the following comments:

- We understand there is an acceptance on the developer's part that as access is not possible to the site for fire appliances they will install a domestic sprinkler system as a compensatory feature. This should be designed, installed and maintained to BS 9251:2005.
- It is not clear where the nearest fire hydrant is from the plans.

#### Access and Facilities

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

#### Water supplies

- Water supplies should be provided in accordance with BS 9999.
- This authority would consider the following hydrant provision adequate:
  - Not more than 60m from an entry to any building on the site.
  - Not more than 120m apart for residential developments or 90m apart for commercial developments.
  - Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances.
  - Not less than 6m from the building or risk so that they remain usable during a fire.
  - Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.
  - Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol 2, Section B5, Sub section 15.8.

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

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

#### Thames Water

##### Waste Comments

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.

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

#### 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.

#### Affinity Water

Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

You should be aware that the site is located within the groundwater Source Protection Zone (SPZ) corresponding to Piccotts End 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".

#### Response to Neighbour Notification

##### Neighbouring Property (Former director of Belgrave Property Developments)

I would like to object to this planning application. I own land immediately abutting the site so will be directly affected by it.

Furthermore I used to be a director and shareholder of the company now making the application, Belgrave Property Developments Limited and of the former owners Red Oak Properties Limited. Additionally, through my company Red Oak Estates Limited I owned the Grade 1 cottages at 132 – 136 Piccotts End and formerly lived at 138 Piccotts End. To this end I have knowledge of the full history of this site and the adjoining properties, and have documents going back to 1921.

Whilst I fully understand that this application can only be refused on legitimate planning grounds which are covered later, some of the history of this site and agreements made should be taken into account. It is my belief that the application before you is full of mistakes, incorrect statements and misleading site history, whether this is wilful or incompetent is up to the Planning Department to decide.

#### History

The garage/workshop formed part of a dye works (DW) operating from the mid 19<sup>th</sup> to early 20<sup>th</sup> Centuries. It was partially demolished around 1985 when two houses – The Field House & Wyndhurst were built. This was always part of 138 Piccotts End until 2003. It was never part of the Old Infirmary Yard. This is coloured blue on the attached plan.

The workshops were virtually unused from the time of the closure of the petrol filling station and there were no vehicle movements at all from around 1970 until I, through my company acquired the site in 2003. Indeed the only vehicle on the site was an abandoned Morris Minor.

Old Infirmary Yard (OIY) is a separate site and was developed as part of the cottage hospital, but the buildings on the site were demolished in the 1950's. Since that time no building has stood on the site, although some of the walls were retained purely as boundary walls. This is coloured green on the attached plan.

From 2003 until I lost control of both DW and OIY in 2009 the garage/workshops had been used only for storing materials for the restoration of the three cottages and the proposed restoration of 138 Piccotts End. Vehicle movements during this time were probably less than ONE a week.

Whilst the garage/workshops were used for storage the remainder of the site was used to create a specialist wildlife habitat by bringing in tree roots making a stumpery and other organic material specifically for newts and other amphibians. The grasses and wild flowers were of importance to butterflies and moths and were important feeding areas for the great number of bats roosting in various buildings nearby. Unfortunately the applicant appears to have vandalised what was created and removed the specialist habitat created.

#### Material facts

The applicant states that he has no details of the application to build 5 town houses under reference 4/01677/04/FUL. However this is clearly untrue as the architect now acting (Ponsford King) drew up the plans and Mr Palmer was a director of the company making the application.

In the previous application (4/01752/12/FUL) which was withdrawn the applicant clearly tried to pull the wool over the eyes of Highways and the Planning Officers by mis-stating the width of the access at its narrowest. They have now admitted this is just 2.48m wide. The track has access to the rear of 3 houses with 4 garages and to numbers 126 and 128 Piccotts End. Furthermore there is potential access to the rear of 132 Piccotts End which is technically still a museum/office which may need rear access.

#### Previous Planning Applications

4/0826/83: this relates to the partial demolition of DW and the building of two houses.

- A Section 52 Agreement was included in the negotiation of this application that no further development would take place within the site.

4/01677/04/FUL: There are 5 reasons for refusal of this application, but in summary:

- inappropriate development within Green Belt
- area of Archaeological significance
- within Piccotts End Conservation Area – poor standard of development
- loss of privacy
- access is unsuitable with insufficient width and visibility

4/00311/09/FUL: There are 3 reasons for refusal of this application, but in summary:

- inappropriate development within the Green Belt
- the proposed development is considered to be contrary to Local Plan policies 11 and 120.
- area of Archaeological significance

4/01752/12/FUL: this was withdrawn, so no decision was made and no conclusions can be made from this.

### Specific comments about this application

#### Maydenscroft survey – October 2013 – Final Reptile Survey.

- this survey concluded that there were no reptiles present. It is not surprising as the applicant had cleared the site of all their habitats.
- No survey has been carried out for amphibians. It is known that there were many newts on the site and it needs to be clarified if these were Great Crested Newts.

#### Maydenscroft survey – October 2-13 – Final Bat Survey

- the survey concluded that there were bats present on the site but predominantly used as a feeding ground rather than permanent roosts. The destruction of the wildlife habitat by the applicant and the change of use from wild unkempt land to manicured garden will mean less flying insects and loss of feeding areas for bats which are known to roost in the cottages at 132 – 136 Piccotts End.
- If permission were to be granted then bat friendly facilities such as areas of wild garden and bat boxes incorporated into the garages should be a condition

#### URPS. Design Access & Planning Statement – February 2014.

- 1.16 This is incorrect. See above.
- 2.12 Correction: the buildings linking 138 Piccotts End (now described as garage/workshop) was a dye works, not linked to the Cottage Hospital
- 2.13 Correction: the Cottage Hospital moved around 1840, not 1935
- 3.1 It is stated that parking will be provided for 4 vehicles. At present the access road is used by 4 garages so will be doubling the potential use.
- 4.3 Policy NP1 in the new CS does not apply here as the location of the proposed dwelling within the site has no 'previously developed' status as defined in NPPF Annex 2: Glossary – Page 55. All the buildings were demolished some 63 years ago and as defined in Annex 2 there has to be buildings above ground. These are clearly buried. Therefore NP1 does not apply as it is outside the guidelines otherwise it could be argued that a buried Roman Villa was 'previously developed' – which is clearly unreasonable.
- 4.5 See above
- 5.7 Whilst the access track has provided vehicle access in the past to the site, as clarified in 'History' above vehicle movements were considerably less than for a new 4 bedroom house with 4 parking spaces. It is clear that access of just 2.48 metres wide cannot accommodate movements of 8 parking areas and the pedestrian safety access to 126 and 128 must be considered.

### Other considerations

- There is a borehole to the rear of 132 Piccotts End and any development should ensure no contamination takes place.
- The roof of the garage/workshop is made of asbestos and should be dealt with accordingly. Additionally there was a substantial amount of asbestos on the site from previous demolitions that now appear to have disappeared. The Planning Authority & Environmental Department should ensure that this was removed taking all necessary safety procedures and that no contamination subsists.
- The access is not wide enough to allow construction vehicles onto the site (skip lorries, delivery trucks etc), so all materials would have to be unloaded on the very narrow Piccotts End Road running through the village causing chaos.
- The applicant has been offered the freehold of the access lane between 110 and 112 Piccotts End (shown Red on the attached plan) which would alleviate many of the

issues with this application. The garaging could then be sited on the area hatched on the attached plan, which is in the ownership of the applicant.

#### Reasons for Refusal

- There may be a Section 52 Agreement relating to the DW part of the site
- the proposed development is considered to be contrary to Local Plan policies 11 and 120.
- It is still inappropriate development in the Green Belt as the siting of the proposed building is not on 'previously developed land' (NPPF Guidelines).
- Planning Minister Nick Boles only stated this month that "It has always been the case that a local authority could adjust a Green Belt boundary through a review of the Local Plan. This site has NOT been identified in the Local Plan. The access is still the same in the refusal of application 4/01677/04/FUL, so refusal should still be made for this reason.  
No survey has been carried out to ascertain whether Great Crested Newts are present on the site

#### Summary

If any development is to take place it should only be on the DW site (highlighted Blue on the attached plan) and access should only be via the access road between 110 & 112 Piccotts End (highlighted Red).

Should this application be heard by Planning Committee I would like to speak to re-state the reasons why this application should be Refused.

#### 2. Wyndhurst

##### Further comments

We provide below our comments on the latest submission by applicant related to the referenced application. I also attach aerial photos of the plot from the 1950s and 1970s clearly showing the open nature of the plot and mature trees.

##### Original Comments

We oppose granting of permission to build on Land R/O 114-138 because no special reasons for development on Green Belt have been demonstrated. The land has been open for at least the last 70 years. Any lack of amenity value is down to Red Oak who removed mature trees, razed the undergrowth, and generally allowed the site to deteriorate.

Alternative legitimate use: The applicant suggests traffic levels, after completion of the dwelling, should be compared with traffic levels generated by "an alternative legitimate use". It would be interesting to know what this use might be. As we understand it, the right to use the land for commercial purposes was relinquished when permission to build Wyndhurst and Field Cottage was granted back in the 1980s. Subsequently, for many years, the land was used for domestic purposes (including the storage of chattels) with most access being pedestrian through the garden of No 138. On acquisition by Red Oak, the land was used for the storage of materials related to renovation of the cottages with occasional pedestrian and vehicular access. We are not aware of the granting of any change of use, so assume that the current legitimate use of the land is just domestic garden.

Greenlea Appeal: It is very strange that the applicant thinks it is up to us to identify similarities with the GreenLea Appeal. He introduced the Greenlea Appeal to this application, not us, and it's up to him to identify the similarities and use those as a justification. We do not think he did this in the original Application and he does not do so now. Although both developments

impinge on Green Belt, otherwise the two cases seem quite different. The original para 5.27 highlights the 'rounding off', which he now says is 'hardly decisive'. Being a difference between the two cases, and 'hardly decisive', we suggest the original para 5.27 be deleted from the application.

As we stated in our original submission, other important factors are (a) that the villagers supported the Greenlea development which is not the case in the current application and (b) that the Inspector said the Greenlea Appeal should not be used as a precedent. In fact the Inspector said that the Greenlea development was damaging to the Green Belt in several ways. The applicant now seems to agree with (a) - because there were no villagers close by - and goes on to cite other differences between the two cases. It seems the applicant now agrees that there is little commonality between the two cases, so we maintain that all mention of the Greenlea Appeal be disregarded or deleted. In citing these differences, the applicant acknowledges the land in question is quite special. In fact he suggests that it is more important than the Greenlea site, but does not say why it is a special case for development.

Green Belt : As the land lies in the Green Belt, we understand openness should be preserved and development is only permitted in special circumstances. We do not agree it has a "present open, vacant appearance now appearing quite at odds in this location". In 1987, when we moved into Wyndhurst, the land in question was the stumping ground of Charles the donkey; part of the outbuildings was Charles' shelter. We understood the land (including the former garage workshop) was for non-commercial use and this had been agreed with the Council of the time. After Charles went to a donkey sanctuary, and later passed on, Mr. Lindley maintained the land in good order until its sale. Since ownership of the land by the Red Oak group of companies, the land and the outbuildings were used for storing material. Red Oak also razed the pasture and removed much of the flora, trees, and wildlife, and much of the fencing was allowed to fall. It's hard to divine what are the special circumstances that justify building on the plot. The applicant does not say. Perhaps he sees a planning gain, but it seems ingenuous for the applicant to now use the dilapidated state of the land, caused by his companies, as an excuse for its development. For our family, the requirement for "openness and permanence" suggests that the land should remain undeveloped and open (as can be seen on the [1950s aerial photo](#)) rather than choosing some arbitrary point on the past to mirror in some mysterious, nostalgic way.

Wyndhurst and Field Cottage: We can understand that it is tempting to refer to Wyndhurst and Field Cottage to justify a new development. However it should be noted that (a) these houses are on the footprint of the original garage workshop and the same height and visibility from the road (as can be seen on [1950s](#) and [1970s](#) photos); the garage workshop was two-storey with pitched roof as are the two houses. We understand there was a 'planning gain' as existing commercial buildings were converted to residential properties and commercial license was rescinded. Until Red Oak felled existing trees on the plot in question, the only properties overlooked by these new houses were owned by the Lindleys (who sold the land to the Mr. Pearce the builder). Even now they can only be seen from the road by looking straight up No 138's driveway and this limited view is somewhat blocked by trees and shrubs. Also mature trees blocked view of the outbuildings and Wyndhurst until felled by Red Oak, as can be seen on [aerial photos from the 1990s](#).

Special: We think we can all agree that the location, including the plot in question, is quite special. The applicant clearly states this, but does not really say why it's special enough to build over.

### 3. 107 Piccotts End

I am against this planning application for Old Infirmary Yard and oppose it for the following reasons below.

The main road near to this site is very narrow and there are regular problems for vehicles



trying to pass at that point of Piccotts End. The narrow track, less than 2.5m, was originally made as a walkway between houses and not for heavy loads.

#### 4. Neighbouring Property (No address given)

I'd welcome your view on the proposal. It strikes me that despite trying very hard with a deal of legal input to try and justify the proposal within the green belt policy, a substantial four-bed house on the site does not constitute a very special reason to enable development on the green belt. It is not affordable housing, but the reverse, and Piccotts End is awash with large properties and they take a long time to sell (one current four-bed on the market for 6 months and a previous one on for over a year). Do you feel this is housing of great need to the Dacorum area sufficient to justify the 'very special' requirement?

Also they have just cited one decision that was successful on appeal, but with very different circumstances to this case, where there would be a large building encroaching so close to the only grade 1 listed cottages in Dacorum – formerly one of the great medieval Hall Houses of England with exceptional religious and Elizabethan murals of national significance.

Also, Bernard's team haven't responded to the special conditions in the excellent Dacorum Borough Council's *Landscape Character Assessment – High Gade Valley 100018935 2004* and the proposal is contrary to every good principal of conservation laid out in this scholarly document. It sets out very particular circumstances for allowing any development in this area as you will know.

You also kindly corresponded with me last time to confirm that they would have to honour our legal right of way over that plot of land to allow us all access (including vehicular) to our garden which adjoins this site. These plans have totally failed to take account of this. Would this mean they would be turned down on these grounds alone?

I have also contacted conservation officers, as last time it was not a whole team decision and I know that Fiona and Sally-Ann have been very concerned to take full team decisions on all work with impact on the mural cottages as they are so significant. If you feel there is a likelihood that the plans will go through this time, I will also contact John Neale, Director of Historic Buildings at English Heritage as he knows the mural cottages well and I have no doubt he will have a strong view on that key planning consideration in this case 'effect on listed building and conservation area.' Being grade 1 listed, this is an exceptionally important listed building.

Your balanced and professional approach on this was much appreciated by all the Piccotts End residents affected by the last planning application, so any response you feel able to provide at this stage will be much appreciated.

#### 5. 134 and 136 Piccotts End

I wish to object to the above planning proposal for the following reasons, and I would be grateful if you would post these on the website:

1) Given that developers have only now explained that large delivery lorries will need to transfer all the building materials to vans to transport their contents up the narrow Infirmary Lane, I feel the Highways Authority should revisit the site to assess the feasibility of this. The only place this can be done is on Piccotts End Road itself, causing major disruption to residents, particularly to Piccotts End farm and all houses beyond. This is a bus route and works of this kind over several months will cause significant disruption.

2) The developers have still not presented any case as to why the green belt/grade 1 designated land should be built on. A very special reason is required and this has simply not

been argued.

3) Any case studies cited by DBC or developers to support the overturning of green belt designated land must be comparable with this case. I.e. on grade 1 listed land close to an exceptional grade 1 listed building.

4) All local residents at the Piccotts End Residents' Association AGM in 2014 rejected the idea of any development of this land, and local people's view should be heard.

5) I am very concerned about the damage that might be done to the mural cottages and Toad Cottage, as these are of fragile oak frame and wattle and daub construction. It is essential that an assessment is made of the impact on the delicate and fragile murals.

4) Have English Heritage been consulted on this proposal? I feel this is essential given the grade 1 listed designation.

5) What building materials are to be used? These need to be clearly identified.

## 6. Old Bakery

Thank you for the alert about "new information".

The applicant's agent asserts that "it can be strongly contended that the circumstances in the present application can be regarded as very special": ie that some very special circumstances exist which justify building within the Green Belt. However, he fails to enumerate them. The changes in design and location of the proposed building within the site, placing it higher up the sloping site, would make it even more obvious, from the frontal aspect at street level, as new-build close to Grade 1 listed 16th-century.

There remain concerns about the proposed method of construction: essentially, using the carriageway of Piccotts End itself as an extension to the building site as an unloading area for construction materials including pre-cast concrete floor beams and a stand for concrete-mixing vehicles. Materials, it is suggested, would be transferred to dumper trucks or similar and run up and down the narrow track, and the pinch-point would be "protected" with a plywood panel.

In short: nothing has changed my belief that this proposal should be rejected:

because no very special circumstances have been adduced to justify a new building in the Green Belt, especially one so far behind the building line. Unlike others nearby, for which consent was granted as a quid-pro-quo for the closure of a garage/petrol station business, there is no planning benefit deriving from this proposal;

because of the visual impact from the frontal aspect at street level, of new-build close to Grade 1 listed 16th-century buildings;

because of overlooking of the rear of adjacent properties;

because the local community would be substantially disadvantaged during construction. I realise that the impact of construction work is not always a planning consideration, but this proposed scheme would use the footway and carriageway of Piccotts End itself as an extension to the building site, as an unloading area for construction materials including bricks, sand and pre-cast concrete floor beams, and as a stand for concrete-mixing vehicles.

Just a point: comments have to be made within 14 days of the date of your letter: it was dated 23 January but not postmarked by DBC's franking machine until 27th January; it was received

28th. January - some attention perhaps needed to discover why 4 days-worth of consultation time seems to have been lost within DBC.

### Further comments

I object to this application, on the grounds that it is for construction of a single, new, isolated dwelling within the Metropolitan Green Belt and thus runs counter to policy to protect and preserve the Green Belt as set out in the NPPF and as subsequently reiterated by the Planning Minister.

This application, the latest of a series, despite the special pleading in the Design and Access statement, stretches beyond breaking-point the definition of "previously developed/brownfield land" referred to in the NPPF. Most of the structures which may have existed were cleared from the site more than 60 years ago. Prying-in-aid the NPPF's definition of "previously developed/brownfield land as set out in Annex 2 of the NPPF" is inappropriate. It also attempts to obtain leverage from an element of Dacorum's Core Strategy: "to ensure the effective use of existing land and previously developed sites", but this element of the CS does not imply that any proposal for use of such sites would automatically be acceptable.

It is claimed that there are might be "very special circumstances" sufficient to justify the grant of permission in this case, yet those quoted are, in effect, suggestions that the site, which is virtually invisible to anyone outside its curtilage by any means other than aerial observation, would be tidier were the remaining structures removed. This points to the irrelevance, in the Design and Access Statement and elsewhere, of the "Greenlea Cottage" appeal, one of whose grounds for grant was "support from the local community for the proposal and a general desire to improve the appearance of this part of the village."

It is also stated that "given the separating distances between the site and the listed buildings fronting Piccotts End the LPA did not identify any harmful impact on the setting of these buildings arising from the previous two development proposals for the site." This seeks to suggest that there would be no harmful impact whatsoever on those buildings, and their occupants, in the immediate vicinity. However, such a structure would tower over the backs of the surrounding dwellings (130-138 Piccotts End), the more so because of the upward sloping nature of the site. Elements of its roof would be clearly visible above the roofs of the listed buildings. The supporting documents do not permit analysis of the risk of overlooking at their rear, whether through windows or over the rear gardens, but a substantial loss of privacy and amenity would seem an inevitable consequence were the application to be approved.

There is also reference to the existing relatively modern "backland development" in the immediate vicinity. Much of this, however, arose through a notional "planning gain" to DBC when, as a quid pro quo for the removal from the Conservation Area of the garage and filling-station which had been operated by the then owner of the entire complex (130-138 Piccotts End and Old Infirmary Yard), permission was granted for new-build backland dwellings. This application embodies no equivalent planning gain.

Though "disruption during Building" is something which may not be taken into consideration, safety on the highway IS a matter to be considered, and the "pinch-point" in the access track would appear to prevent access for construction vehicles of normal size. There thus appears to be a risk of vehicles standing on the highway while off-loading to a dumper-truck or equivalent, and of spillage of materials into footway and highway.

### 7. 138 Piccotts End

Thanks for extending the period of objections on this proposal. Please find my objection letter attached. I'd be grateful if you would upload it to the site. There are three key issues for us in planning terms, but a whole load of other important points that have not been properly

considered. The main ones include complete disregard of the Dacorum Borough Council's *Landscape Character Assessment – High Gade Valley 100018935 2004*. Surely it is essential that a robust case is made in relation to this key borough assessment as it specifically asserts: restrict further built development within the valley and develop a strategy for mitigating existing impacts

I'd be grateful if you could get back to me on that, and I really do feel it is essential that English Heritage (John Neale) are consulted on this, as it will have a permanent adverse effect on the only grade 1 listed residential building in Dacorum. Please consider this seriously, as once this development is there, the damage will have been done forever.

The three key objections:

Objections – No adequate site plan has been submitted

These plans contain no adequate site (block) plan showing the proposed development in relation to neighbouring buildings. This was a reason for refusal of permission in 2012 and is still applicable, especially so as 130-138 comprises the only grade 1 listed residential building in the Dacorum district. The adverse effect on the setting of this exceptional listed building cannot therefore be properly evaluated.

Objections – adverse effect of the development on the setting of the Listed Building.

The listed buildings adversely affected by this proposed development are of the highest (grade 1) designation. They are described in Pevsner, and originally formed one of the great medieval hall-houses of England. The extensive medieval wall paintings, Elizabethan painted room, red-oak scheme and priest hole, make them buildings of national significance. There are very few grade 1 listed residential buildings in Hertfordshire, an example would be Hatfield House, and the erection of an estate-type home in close proximity of Hatfield House would be inconceivable as it must be in this equivalent case.

The new out-of-character home would be directly visible from Piccotts Road in the site-line of Infirmary Lane. As such it would appear visually right next to no 130 Piccotts End, part of the original grade 1 listed medieval Hall House. As such it would be discordant and inappropriate development. It is essential to consult English Heritage for prior approval of such a dramatic change to the environ of this truly exceptional building.

The open, attractive setting to the rear of the listed buildings will also be very adversely effected by this development.

Objections – Adverse effect of the development on the character and appearance of the Conservation Area and designated Landscape Character Area/Area of Outstanding Natural Beauty

Piccotts End lies within the High Gade Valley, which falls under the following landscape related designations:

AONB (upper reaches)

Landscape Conservation Area (lower reaches)

Conservation Area

Area of Archaeological Significance

(Source: Dacorum Borough Council's *Landscape Character Assessment – High Gade Valley 100018935 2004*)

The assessment asserts the following in relation to the management and possible

development within the High Gade Valley as applicable to this proposed scheme:

## STRATEGY AND GUIDELINES FOR MANAGING CHANGE: CONSERVE AND STRENGTHEN

promote awareness and consideration of the setting of the AONB, and views to and from it, when considering development and land use change proposals on sites adjacent to or within the AONB

restrict further built development within the valley and develop a strategy for mitigating existing impacts

- all areas of existing unimproved chalk grassland should be managed for nature conservation
- conserve and enhance the distinctive character of traditional settlements and individual buildings by promoting the conservation of important buildings and high standards of new building or alterations to existing properties, all with the consistent use of locally traditional materials and designed to reflect the traditional character

## Considerations

### Policy and Principle

The main considerations are the impact of the proposal to the openness of the Green Belt, the impact on highway safety, impact to the neighbouring amenities and impact on the character and setting of the conservation area and neighbouring listed buildings.

### Impact on Green Belt

The NPPF indicates that, unless there are special circumstances, new isolated homes within the countryside should be avoided. In both the NPPF and policy CS5 of the adopted Core Strategy, there are also significant restrictions placed upon new development within the Green Belt. A new dwelling such as this, whether isolated or not, is inappropriate development as it does not fully accord with any of the acceptable categories referred to within the Framework or the relevant policies. Although, there are some existing structures on the site, albeit there had been larger buildings which have since been removed, it is considered that the proposed new dwelling would result in a larger building on the site than currently exists and little weight can be afforded to the previous structures and buildings which have since been removed, and as such it is considered that the proposal still constitutes inappropriate development within the Green Belt. It is, therefore harmful by definition to the Green Belt.

The existing workshop range has a footprint of 86 sq.m and a volume of around 283 cu.m. The proposed dwelling has a slightly larger footprint area of around 95 sq. m, total floor area; 190 sq.m, volume 610 cu.m. Height to eaves is between 4.6m-5.0m and overall height between 7.6m-8.0m. The proposed car port has a footprint of 38 sq.m and a volume of 101 cu.m.

It is therefore necessary to consider whether very special circumstances exist which allow this development within the Green Belt. The NPPF indicates that such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. It is considered that the proposed dwelling is harmful by definition in that it is inappropriate and that some harm would be caused to the openness of this part of the Green Belt. The site is clearly previously developed land and whilst little remains on the site presently with the exception of a structure in the north western corner of the site, it is obvious from historical maps that substantial buildings once were present on the site. It is evident that the site formed part of the clutter of historical buildings within the part of the Piccotts End settlement. It is also evident that, following demolition of the previous

buildings that the site became untidy and now detracts from the character and appearance of this part of the settlement.

It is also considered necessary to consider paragraph 70 and 80 of the NPPF which states that "the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 80 goes on to say that the Green Belt serves five purposes: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Having regard to the NPPF and the objectives of the Green Belt, it is considered that the proposal whilst considered inappropriate development, would not result in unrestricted sprawl of large built up areas, as it would be contained within the settlement boundary and is surrounded by the existing boundary walls of the site. It is noted here that there is dwellings extended outwards beyond the site. Due to the previous use and derelict nature of the site which remained in a poor state for several years, it is considered that the proposal would put to good use an untidy site for additional housing and it is also considered that the scheme would not seriously affect, the main aims of safeguarding the countryside from encroachment again due to the development of an unattractive, previously developed site which is contained within the historical settlement boundary.

Overall, whilst it is considered that the proposal represents inappropriate development in the Green Belt, it is considered that very special circumstances exist which outweigh the harm by inappropriateness to the openness of the Green Belt and that the proposal would not conflict with the main objectives of the Green Belt as highlighted in paragraph 80 of the NPPF.

#### Design and layout of the scheme

The proposal has seen quite substantial revisions and now it is proposed for one new two storey dwelling, which takes design influence from the cottages along Piccotts End. Following significant discussions with the conservation officers, it is considered that the design and layout of the scheme would represent a scheme which satisfactorily addresses the character and setting of the conservation area. The conservation officers are now supportive of the proposal subject to the imposition of conditions relating to materials, windows etc.

#### Impact on conservation area and setting of listed buildings

The conservation officer is satisfied that the proposal would not result in harm to the character of the conservation area and the setting of the listed buildings adjacent which includes a Grade I listed building. The proposal is sited on a disused piece of land which previously incorporated buildings and sufficient distance from the listed buildings to ensure that their setting would not be harmed. It is considered that the proposal, when taking account the state of the site presently would result in an enhanced improvement to the character of the conservation area in accordance with policy CS27 of the adopted Core Strategy which seeks development to conserve and enhance the appearance and character of conservation areas. Policy CS27 goes on to state that negative features and problems identified in conservation area appraisals will be ameliorated or removed.

English Heritage has been consulted on the proposal and their comments will be updated to the members before the committee meeting.

#### Impact on Trees and Landscaping

No objection is raised within regards to trees or landscaping. The site is presently in a poor

state and as such it is not considered to result in harm to any important trees or landscaping.

### Impact on Highway Safety and Parking

A key consideration of this application is the impact that it would have on highway safety. The proposed access to the site is via an existing track leading up from Piccotts End Road. This track currently serves a number of properties to allow access for parking at the rear of the property, albeit it is generally a quiet and underused track. HCC Highways have been involved with the consideration of this proposal and have raised no objection. The main concern is whether the narrow width of the track is sufficient for access to the property and whether it would result in harm to overall highway safety. HCC consider that "that whilst the proposed development would increase the number of vehicles using this track, the likelihood of vehicles having to wait on the public highway to allow an oncoming vehicle to exit the site would increase but not significantly with one dwelling. Vehicle to vehicle inter-visibility in both directions from the existing access remains acceptable for the speed and hierarchy of the road. The highway authority is aware of the neighbour concerns about intensifying the use of the track and have read the comments from the emergency services about access and the use of sprinklers systems should permission be granted. The fact remains that this is an existing access that already enjoys vehicular access and that one dwelling would not lead to conditions that would warrant highway capacity concerns". However, the highway authority is concerned with how this site will actually be developed. Whilst not recommending refusal to the LPA on the previous applications it was on the understanding that the track had sufficient width to allow delivery vehicles to access the top of the site. This is now not the case and has been brought to the applicants attention. The applicant has now submitted a construction management plan. The plan states how the site will be accessed and what measures will be put in place to mitigate concerns raised about the construction of this house.

Construction phase - the developer has submitted a construction management plan to demonstrate how if granted planning permission the site can be developed without harm to the safety of road users having regard to the narrowness of the access track. The construction management plan sets out the following points:

*Enabling Works - The potentially vulnerable pinch point formed by the front corner of No. 118 Piccotts End can be protected by a shallow hoarding (plywood sheeting) sited on the applicants land (within the access track) and can be painted in a contrasting colour with a dimension stating the available width clearly marked upon it. The small reduction in width this will occasion, will not prevent access by typical builder's vans-see later. During deliveries marshals would control movement.*

*Contractor Parking - A maximum of 4 number contractor vehicles are expected at any one time. These can easily be accommodated on site, and there is no need for parking along Piccotts End Road. Typical Ford transit vans used by contractors vary between 1.8m and 2.0m wide.*

*Working and delivery times - Working times on site will be restricted to 8.00am and 18.00pm during weekdays, and between 8.00am and 13.00pm on Saturdays. Material deliveries will be restricted to weekdays between 9.00am and 16.00pm.*

*Demolition - Bricks/blocks from the small outbuilding on site will be re-used as hardcore for the garage floor slab. Other light weight materials such as timber, glass and roofing sheets will be removed from site within the contractors vans.*

*Excavations - The site is well drained with good soil conditions. The foundations will therefore be shallow strip requiring the minimum excavation.*

*Soil will be retained on site and be either spread or used as low level banking. A small digger (1.2m wide) would have sufficient reach to accomplish all construction works.*

*Concrete works - Concrete works on site would be kept to a minimum due to shallow strip foundations and use of a pre-cast concrete beam and block flooring system. Concrete for foundations and the garage floor would be either mixed on site or transported on a 1.5 metre wide dumper truck between the site and a mix lorry parked for a short period on Piccotts End Road. Sand will be transported by dumper truck in bags.*

*Deliveries of building materials - Delivery of bricks, blocks and roof tiles will be on pallets and transported to the site by the contractors dumper truck or fork lift truck. All other materials such as timber, windows, kitchen units, sanitaryware etc will be delivered in vans direct to the site. The site access width restriction will be notified to all suppliers during the process of ordering materials, fixtures, fittings etc. The proposal is for one dwelling house, which will not require large vehicles to access the site or take long periods for off-loading.*

The Highway Authority is satisfied that sufficient provision has been made through the construction management plan to ensure that during the course of construction, there would not be a significant detriment to highway safety.

It is considered that sufficient number and provision for parking is provided on the site in accordance with appendix 5 of the local plan which requires 3 car parking spaces for the dwelling. This is provided in the proposed car port and within the curtilage of the proposed dwelling.

#### Impact on Neighbours

The proposed dwelling has been carefully designed to allow sufficient distance from its frontage to the rear of Number 118. A distance in excess of 23m is retained to ensure that privacy is not impeded. It is not considered that the proposal would result in a loss of light or would appear overbearing to any neighbouring property.

Consideration has also been given to the impact of additional traffic on the trackway/access which passes in close proximity of neighbouring windows and doorways. Whilst this arrangement is not ideal, it is noted that the access currently serves dwellings for access to their parking areas and as such, the track already has vehicle movements up and down. The proposal which is not for additional dwelling would result in more cars using this track however it is considered that the intensification of the use and additional car movements associated with one dwelling would not be such that there would be a significant material increase resulting in significant harm to the amenities of the neighbouring properties.

#### Ecology

The bat survey updated and further informed previous survey information which indicated some bat use of the buildings. Further inspection and activity surveys were undertaken in August 2013. The results of these were negative and it was considered that the buildings were not being used for roosting by bats. The county ecologist has been consulted on the proposal and he has indicated that there is no reason to question this conclusion given the surveys followed best practice. However this report is becoming old and if works have not commenced during the active season 2015, and he indicates that it may be necessary to undertake a repeat survey or obtain further advice, as bats do move between different roost sites and there is some evidence of past use by bats in the past. However, at present there is no reason to suspect a roost will be affected and as such the ecologist considers that the LPA may determine the Application having taken bats properly into account. No mitigation or compensation is required subject to an informative being imposed.

The site supports disturbed open habitats and ruderal vegetation of potential use by reptiles and consequently surveys were undertaken to assess this issue. Surveys in August 2013 followed best practice and were found to be negative. It was concluded that reptiles were likely



to be absent from this site, and the county ecologist has indicated that he has no reason to disagree with this. No mitigation or compensation is required. It is the advice of the ecologist, that given the lack of reptile evidence on the site, the LPA can proceed with determination of the application in knowledge that reptiles are not likely to represent an ecological constraint.

### Archaeology

In response to the NPPF requirement, good practice guidance and in accordance with saved Policy 118 of the DBC Local Plan, the applicant has had an archaeological assessment carried out and the report on findings accompanies the application. The evaluation, consisting of the excavation of 3 No. trenches each of 15m length and 1.6m depth, was undertaken in accordance with the advice and approval of HCC Historic Environment Unit. There is the potential in this area for medieval and post-medieval archaeological remains but in the event, no more was found than demolished foundations of 19th century buildings as would be consistent with the known later history of development of the site. It is unlikely therefore that the proposed development would result in the disturbance of important earlier remains or artefacts. The proposal would not therefore conflict with the provisions of saved policy 118. The county archaeologist has requested that the standard archaeological conditions be imposed.

### Sustainability

A C-Plan has been submitted with the scheme and this addresses the sustainability provisions proposed. In addition to this a condition will be imposed requiring details of sustainability measures to ensure that the proposal adheres with policy CS29 of the adopted Core Strategy.

The application is accompanied by sustainability and energy statements submitted via the C-Plan carbon compliance tool. In order to reflect the recommendations within the tool, the proposed dwelling incorporates 6 sq.m of PV solar panels comprised in 3 units.

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

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

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

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

**Details shall include:**

**window and doors details;  
details of solar panels;  
roofing materials;  
Details of materials for garage;  
1:20 details of gauged headers;  
rainwater goods;  
rooflights;  
Brick details;**

**brick bond and mortar.**

**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 adopted Core Strategy.

- 3 Prior to first occupation of the proposed dwelling, the parking spaces shall be provided as shown on the submitted plan. The parking spaces shall be retained thereafter for the use of non-commercial vehicles only. The spaces shall be made available to the occupiers of the development unless the Local Planning Authority otherwise agrees in writing.**

Reason: To ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining public highway in accordance with policy CS8 of the adopted Core Strategy.

- 4 Prior to the first use of the access a properly consolidated and surfaced turning space for cars shall be provided within the curtilage of the site as identified on the submitted plan. The turning space should be free from obstruction and available for use at all times.**

Reason: To allow vehicles to enter and leave the site in forward gear, in the interests of highway safety in accordance with policy CS8 of the adopted Core Strategy.

- 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;**
- **proposed finished levels or contours;**  
**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 conservation area in accordance with policy CS12 and CS27 of the adopted Core Strategy.

- 6 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.**

Reason: In the interests of preserving archaeological remains in accordance with the NPPF and policy CS27 of the Core Strategy.

- 7 **i) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (6).**

**ii) 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 (6) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: In the interests of preserving archaeological remains in accordance with the NPPF and policy CS27 of the Core Strategy.

- 8 **No development shall commence on site until a scheme has been submitted to, and agreed by the Council in consultation with Hertfordshire County Council, for the provision of a fire hydrant no dwelling shall be occupied until the hydrant serving the property or group of properties has been provided to the satisfaction of the Council.**

Reason : To provide for a safe means of access for fire and emergency vehicles in accordance with policy CS12 of the adopted Core Strategy.

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

**(a) Site Characterisation**

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

- **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 offsite receptors in accordance with Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

INFORMATIVE:

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

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

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

**Schedule 2 Part 1 Classes A, B, C, D, E**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the openness of the green belt. The dwelling has been permitted on the basis of very special circumstances in the Green Belt. Any further enlargement of the property would result in further harm to the openness of the Green Belt in accordance with policy CS5 of the core strategy and could result in harm to the character and setting of the conservation area in accordance with policy CS17 of the adopted Core Strategy and policy 120 of the local plan.

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

**4026-501**

**4026-502**

**Construction Management Plan**

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

Informative 1

You should be aware that the site is located within the groundwater Source Protection Zone (SPZ) corresponding to Piccotts End 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".

### Thames Water

#### Waste Comments

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.

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

#### 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.

### Informative 3 - Ecology

*“Works should proceed with caution, consistent with the recommended approach outlined in Section 5.3 of the Bat Report, October 2013. In the event of bats or evidence of them being found during the course of further works, work must stop immediately and advice taken on how to proceed lawfully from one of the following: a bat consultant, the UK Bat Helpline: 0845 1300228, Natural England: 0845 6014523, or the Herts & Middlesex Bat Group website: [www.hmbg.org.uk](http://www.hmbg.org.uk) ”*







**5.04 4/00723/15/FHA - GARAGE CONVERSION WITH FIRST-FLOOR EXTENSION ABOVE  
5 THE OLD FORGE, TRING ROAD, LONG MARSTON, TRING, HP234RL  
APPLICANT: MR & MRS G NEWCOMBE**

---

[Case Officer - Martin Stickley]

### **Summary**

The application is recommended for approval.

The principle of residential development is considered acceptable in the sites location within a residential area. The original scheme conflicted with the aims of the Long Marston Conservation Area (Policy CS27 of the Dacorum Core Strategy (September 2013) and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011 (DBLP)). However, after several amendments, the scheme is now considered acceptable.

The proposed works would not have any adverse impact on the appearance of the dwelling and would not significantly detract from the street scene. The development would not have a detrimental impact on the amenity of neighbouring properties. The access and car parking is deemed satisfactory. Therefore, the proposal is acceptable in accordance with the aims of the National Planning Policy Framework; Policies CS4, CS11, CS12 and CS27 of the Core Strategy and saved Policies 58 and 120, and saved Appendices 5 and 7 of the DBLP.

### **Site and Surroundings**

The Old Forge is a late 20<sup>th</sup> century development comprising a two-storey range of properties on a prominent corner plot, on the corner of Tring Road and Astrope Lane. The site lies within the Long Marston Conservation Area. The Old Forge has been designed to be sensitive to its conservation area location, is of red brick construction with render and various hipped/half-hipped clay tile roofs which step down in height on Astrope Lane to avoid an overbearing impact upon the small scale Victorian terraced cottages adjacent.

### **Proposal**

The application seeks planning permission for a first-floor extension, which projects over an existing garage to provide one additional bedroom to the property. The proposed extension includes a hipped-roof and a rear-facing dormer. A garage conversion also forms part of this proposal, extending the existing ground floor kitchen area.

### **Referral to Committee**

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

### **Planning History**

None.

### **Relevant Policy**

#### National Planning Policy Guidance

National Planning Policy Framework (NPPF)

## Dacorum Core Strategy 2006-2031

NP1 - Supporting Development  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS27 - Quality of the Historic Environment  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality

## Dacorum Borough Local Plan 1991-2011

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

### **Summary of Representations**

#### Neighbouring Properties

1 Marston Court (26-Feb-15), 1 The Old Forge (26-Feb-15), 2 The Old Forge (26-Feb-15), 4 The Old Forge (26-Feb-15), 1 Astrope Court (26-Feb-15), 2 Astrope Court (31-Mar-15)

1 Astrope Lane (26-Feb-15)

The overhang of the first floor element and especially the proposed bay window at ground level will only be a short distance from our boundary, overlooking our small front garden and front door, as such will lead to an invasion of our privacy.

We would also imagine that the reason for the garages position originally being set back from the building line of no 5 The Old Forge was to afford our property enough light at the front. Given the already overbearing height and bulk of the Old Forge on the front of our cottage allowing the overhang to the first floor would only add to its already overbearing and claustrophobic presence on our cottage and reducing our light even further.

If this front elevation proposal is acceptable in its current form would it not set a precedent and allow others to do likewise. The garage abutting no 5 The Old Forge is within 700mm of our side boundary and 1.900mm to our windows at the front.

Where would the loss of a car parking space be replaced if this proposal goes ahead. Cars already park tight on the boundary fence to our back garden and home causing noise and pollution especially during the winter months when cars parked so close to us leave their engines idling to defrost windows etc. On the site map of the Old Forge Development the residents parking arrangements are shown as being adjacent to their own properties with the exception of one allocated parking space and not on the boundary with us. Even more cars parked in such a close proximity to us will impact on the peaceful enjoyment of our home and garden.

14 Marston Court

I feel 'The Old Forge' is already a very large building especially its height compared to other properties within its vicinity including many character properties; towering above and engulfing them. Increasing its size could further its over bearing presence and be detrimental to the

appearance of the very centre of our village, allowing it to become more prominent and visually intrusive to neighbouring homes. The front element of the proposed 2 storey extension will be fully visible from the public highway impacting on the street scene and as I understand it is proposed to be extended even closer to the road than the garage's already terribly close position.

May I question the available amenities for all the properties at the 'The Old Forge' if the level of available occupancy is weighed up against its available parking, storage of refuse bins and open space etc? I believe these are already limited and would be put them under further pressure if its level of occupancy is able to be increased?

I understand that each property has a designated parking space to the rear which is for one car per property. The properties I believe have three bedrooms with maybe the exception of one. Most homes of this size would generally have more than one vehicle per household especially due to our rural location. I would then anticipate that any additional vehicles may have to be parked on the public highway which could create further safety and congestion concerns on what are already busy roads in the village.

There are currently many wheelie bins left out permanently on a small piece of unkept land to the front of 'The Old Forge' in Astrope Lane particularly the area around of the proposed planning application. Why are the unsightly bins left out in this manner? Is it because there is insufficient space to accommodate them neatly, safely and securely at the rear of the property? If the garage is converted and window installed to the front will the bins remain there? Is there not a fire risk storing bins so close to doors and windows? I am aware of occasions (not in this area luckily) where wheelie bins left in the street have been set on fire either as deliberate act or by accident.

If one property at 'The Old Forge' converts and extends their garage would other home owners also want do likewise? If this were to happen it could completely over power the area and reduce the already very limited open space around 'The Old Forge'.

The proposed planning application plan seems to show a full size window to the 2<sup>nd</sup> storey at the rear, currently all other windows on the second storey to the rear of 'The Old Forge' have high level windows or obscure glass windows. This proposed rear window doesn't seem follow this design. Maybe originally when the property was built the high level and or obscure windows were to allow for light but to also offer each other and close surrounding buildings an element of privacy. If this property is allowed to have a full sized non obscure window to the rear would other home owners at 'The Old Forge' again follow and want to change their window design?

3 The Old Forge (31-Mar-15)

I am writing to formally object to the current planning proposal on the following points:

1. The boundary between our properties is shown incorrectly in favour of the applicant.
2. The proposed first floor building crosses over our boundary.
3. In the event that planning proposal is passed we would seek a legally binding agreement to protect our garage roof from leaks as a result of the disturbance that build works may cause.

Tring Rural Parish Council

We would like to object to the above application on the grounds of overdevelopment and believe that there would be a negative effect on the immediate infrastructure, density, means of access and car parking. Residents have also expressed their concerns via the Parish Council.

## Conservation & Design

The garage conversion is acceptable as it is not considered to impact upon the conservation area however I have concerns regarding the proposed first floor extension above the garage. The extension seems rather squashed in and would feature a gable end which is at odds with the established roof form featuring the series of hipped roofs which step down in height when viewed from Astrope Lane. As such I consider the first floor extension to be out of character with the established design of The Old Forge and that the proposal will detract from the character and appearance of the Long Marston Conservation Area. Recommend refusal.

### Further comments

I would advise that a first floor extension that incorporates a hipped roof would be considered more in character with the existing property and its roof form – however, I presume this will not give the required amount of space at first floor level for a bedroom. In my opinion I am not convinced a first floor extension is feasible in any form and the applicants should omit this from their proposals.

### Further comments

The extension seems rather squashed in and whilst subservient in scale the projection of the first floor over the ground floor and tile hanging is at odds with the design and detailing of the existing development. The half hipped roof is an improvement but I suggest the front roof light is omitted if this scheme is to be supported.

Whilst I consider the first floor extension to be somewhat out of character with the established design of 'The Old Forge', it is recognised that the property forms part of a modern building of limited architectural interest and as such the overall impact upon the character and appearance of the Long Marston Conservation Area is reasonably neutral.

## **Considerations**

The main issues of relevance to the consideration of this application relate to the impact of the works upon the character and appearance of the dwelling and the Long Marston Conservation area in accordance with Policies CS12, CS13 and CS27 of Dacorum's Core Strategy. Other issues of relevance relate to the impact of the proposed additions and alterations on the character and appearance of the street scene, the impact on neighbouring properties and the impact on car parking.

### Effect on Appearance of Building, Street Scene and Conservation Area

An assessment of the impact of the proposed works has considered the impact on the appearance of the building. There will be particular consideration to the collective role that the appearance of the dwelling serves in the character of the conservation area. It should be noted that there have been a series of amended plans submitted, which have altered the design and dimensions of the proposed extension.

An early objection from a Conservation raised concerns regarding the design of the proposal and particularly the proposed gable end, which differed from the established roof form. The architect was contacted and it was agreed that the form would be changed to a hipped roof to better suit the existing building. No concerns were raised by Conservation regarding the garage conversion.

The amended scheme was received (19-Mar-15), altering the roof form in line with the comments from Conservation. Further comments from Conservation stated that "the half-hipped roof is an improvement but I suggest the front roof light is omitted if this scheme is to be

supported". The architect was approached and he agreed to remove the roof light. The amended plan was received on the 13th April.

Saved Policy 120 of the Dacorum Borough Local Plan (DBLP) states that development within Conservation Areas should be of a scale and proportion which is sympathetic to the scale, form, height and overall character of the surrounding area. The Old Forge is a large, bulky development that is located on a corner plot between Tring Road and Astrope Lane. Given the large size and predominant location of the existing development, and the small-scale, subservient nature of the proposed first-floor extension, it is felt that this element of the application would not significantly detract from the appearance of the building or character of the street scene in accordance with Policies CS12 and CS13 of the Core Strategy and saved Policy 120 of the Local Plan.

Saved Appendix 7 of the DBLP states that side extensions can often upset the balance of the front elevation if the house and therefore may need to be set back from the front wall. The proposed extension would be set back approximately one metre from the front elevation and therefore complying with saved Appendix 7 of the Local Plan.

The final comments from Conservation noted "whilst I consider the first floor extension to be somewhat out of character with the established design of 'The Old Forge', it is recognised that the property forms part of a modern building of limited architectural interest and as such the overall impact upon the character and appearance of the Long Marston Conservation Area is reasonably neutral".

Policy CS27 of the Core Strategy and saved Policy 120 of the Local Plan state that Development within a Conservation Area is permitted provided it is carried out in a manner which preserves or enhances the established character or appearance of the area.

In terms of materials and design used, the rear dormer would not exceed above the ridge of the existing roof and would be clad in materials similar in appearance to the roof. The proposed extension would also match the existing dwelling and surrounding area in terms of materials in accordance with saved Policy 120 and saved Appendix 7 of the DBLP, and Policies CS12, CS27 of the Core Strategy.

In conclusion, it is felt that the scheme, after a considerable amount of amendments, has reached an acceptable outcome in line with the guidance set out in saved Policy 120 and saved Appendix 7 of the DBLP, and Policies CS12, CS13 and CS27 of the Core Strategy.

#### Effect on Amenity of Neighbours and Car Parking

Consideration has been given to the impact that the proposed extension would have on the adjoining neighbours. Policy CS12 states that regarding the effect on the amenity of neighbours, development should avoid visual intrusion, loss of light and loss of privacy.

The application site currently has one directly adjoining neighbour, 3 The Old Forge. This neighbour objected to the original plans, which incorrectly represented the curtilage boundary. The amended plan altered the boundary line. However, the neighbour was still concerned that the boundary was incorrect. The applicant was advised to discuss this issue with the neighbour.

An email from the architect (dated 20-Apr-15) stated "we have been contacted this morning by the applicants who advised us that they had a meeting with the adjoining owner who has now, we understand, accepted that the boundary between the two garages/properties is indeed the centre line of the block wall. They apparently opened both garage doors and carried out measurements which confirmed the internal widths as virtually equal. We are not sure if there will be any documentation forwarded to us to confirm this, but we understand all parties were

happy with the outcome".

Two other neighbours objected to the application (1 Astrope Lane and 14 Marston Court). The main issues of concern are as follows:

- Overlooking and loss of privacy

Comments were made regarding overlooking and a lack of privacy that may result from the proposed rear dormer. The proposed dormer would overlook a shared tarmac area, which is accessible from Tring Road and has no specific need for privacy. The views into the rear gardens along Astrope Lane would be generally obscured by the bulk of 1 Astrope Lane and the vegetation along the garden boundaries adds further screening. For these reasons it is considered grounds for refusal could not be sustained.

- Visually overbearing

As previously mentioned, The Old Forge is a large, bulky development that is visually predominant on from both Tring Road and Astrope Lane. The neighbour at 14 Marston Court raised concerns stating "increasing its size could further its overbearing presence". However, although the proposal will increase the size and bulk of the dwelling it is considered the proposed extension is extremely modest and proportionate in comparison to the existing dwelling and it is felt that the scale of the proposed first-floor extension has been kept to the minimum (projecting just 2.22m from the flank wall). Bearing in mind the scale and location of the of the alterations it is considered the proposals will not appear so overbearing to neighbours to justify refusal.

- Overdevelopment

The resident at 14 Martson Court, along with Tring Rural Parish Council both objected with regards to overdevelopment, stating that "there would be a negative effect on the immediate infrastructure, density, means of access and car parking". However, the applicant informed that "The loss of the garage space would have absolutely no consequence with regards to parking in the area, as the garages are too small to park any modern vehicle in. You could get a car in the garage but you certainly wouldn't be able to get the doors open to get out of the car once parked".

The minimum standard for car parking spaces, as set out in saved Appendix 5 of the DBLP, is 2.4m x 4.8m. The existing garage measures 2.35m x 4.55m. Therefore, as stated by the applicant, the existing garage is too small for any modern vehicle and therefore does not qualify as a parking space.

However, the need for and ability to provide additional off-street parking should be taken into account when considering proposals for extra bedroom accommodation. The resultant building would contain four bedrooms, requiring a maximum of three on-site spaces under saved Appendix 5 of the Local Plan. It should be noted that the site is located proximate (walking distance) to the local centre within Long Marston and therefore it is not considered that the addition of an extra bedroom will result in significant intensification of the site or result in significant additional undue stress on the surrounding road network. It follows that the parking arrangements are considered acceptable in accordance with Policy CS12 of the Core Strategy and saved Policy 58 and saved Appendix 5 of the Local Plan.

- Loss of light

During an initial site visit it was noted that a daylight/sunlight assessment would be required to ensure that the neighbours (especially 1 Astrope Lane), would not be negatively impacted with regards to loss of light. An objection from 1 Astrope Lane also raised concerns regarding this.

Using the assessment criteria set out in saved Appendix 7 of the DBLP, the proposal would not intrude into a 45° line from the midpoint of any neighbouring windows. Furthermore, the objectors property lies to the south-west of the extension and with the amended roof form would be unaffected any loss of light. Therefore, the works would not result in an unreasonable loss of daylight/sunlight to either of the neighbouring properties in accordance with saved Appendix 7 of the Local Plan.

In conclusion, there would be no significant harm to the residential amenities of the neighbouring properties as a result of this proposal. The proposed extension would not impact the immediate neighbouring properties in terms of visual intrusion, loss of light and loss of privacy in accordance with Policy CS12 of the Core Strategy and saved Appendix 7 of the DBLP.

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

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

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

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

**2394/1/GA1(D)**

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

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

Reason: In the interests of the visual amenities of the Conservation Area in accordance with Policy CS27 of the Core Strategy.

#### **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.







**5.05 4/00463/15/FUL - CHANGE OF USE FROM MARKET SQUARE TO CONTRACTOR'S COMPOUND FOR THE DURATION OF WORKS ON THE MARLOWES, BRIDGE STREET AND WATERHOUSE STREET.  
THE SQUARE, MARLOWES, HEMEL HEMPSTEAD,HERTS  
APPLICANT: DACORUM BOROUGH COUNCIL - MS.JO DEACON**

---

[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 0.075 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 Bus Interchange and associated works in Waterhouse Street.

### **Referral to Committee**

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

### **Planning History**

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.  
Granted  
23/01/2015

### **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.

##### Trees and Woodlands

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 Bus Interchange 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 measuring 20 m x 36 m and would be enclosed by 2.m high weldmesh Heras fencing weighted with sandbags with vented Mono Flex sheeting displaying Contractor's logo.

The compound would house up to 2.4 metre high steel and plastic cabins, finished white and yellow. The applicant has indicated that the accommodation block is currently housed outside the compound so that it is accessible as an information office to members of the public. The

applicant has subsequently indicated that the steel cabins would be finished in a muted duck egg blue.

Given the proposed 2.0 m high hoarding surrounding only part of the site, the proposed cabins would be partially visible and would be likely to have a visually disruptive effect in public views, especially compared to the existing consented scheme alongside which has a more robust 2.4 m high wooden hoarding. However, given the whole of the market square is now given over to contractors' compounds and the wider needs of the Marlowes regeneration works, a refusal would be difficult to justify especially given the temporary nature of the use.

The proposal would therefore 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) similar to the recently permitted compound, rather than directly across the front of the square. Public footpath access to the shops would therefore be maintained as there would remain ample margins around the compound for pedestrian circulation and access across Waterhouse Street to the car parks.

It is indicated that provision will be made for the parking of up to 2 cars and 3 light good vehicles on the site.

The Highway Authority has been asked for its comments and any views expressed will be reported at the meeting.

#### Trees

There are existing pot planted trees on the site that will be repositioned to accommodate the compound.

#### 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, it is considered that the proposal would comply with Policy CS29. A separate area, skips and containers is said would be provided to maximise waste recycling.

## 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 31/12/15.**

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:**

**Location Plan  
Hemel Hempstead Bus Interchange  
Aerial View showing access**

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.

HIGHWAY INFORMATIVE:

The Highway Authority would advise that the proposed Red access route which starts from Waterhouse Street and runs past the Function Rooms before entering what used to be the market square to be the most favourable access route.

However, the Highway Authority would advise that a pre-condition survey of the road at the rear of the Function Room is recorded prior to commencement due to its poor surface condition.

The second shorter route, marked in blue on the plan and recorded as 'additional access' should be avoided as this is fraught with danger.





**5.06 4/01076/15/FUL - INSTALLATION OF EXTERNAL BRICK CLAD LIFT SHAFT TO ACCESS EXISTING BLOCK OF FLATS. LOCATED ON NORTH ELEVATION DUDLEY HOUSE, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0NR  
APPLICANT: DACORUM BOROUGH COUNCIL - PROPERTY AND PLACE DEPARTMENT**

[Case Officer - Andrew Parrish]

**Summary**

The application is recommended for approval. The proposed lift shaft would be modest in size and have an acceptable design and appearance. There would be no significant impact on adjoining residential amenities in terms of noise, privacy, loss of light, visual impact. The proposals are considered acceptable for approval in accordance with Policies CS11, CS12 and CS13 of the Core Strategy.

**Site Description**

Dudley House is a Council owned housing development comprising some 38 flats on 2 stories. The H shaped block sits within a residential area with road frontages to Dudley Close and St Lawrence Close in the large village of Bovington. It also has a frontage to a public footpath which links the aforementioned roads. The front boundary here is defined by a 2m high hedge with pedestrian access via a secure gate.

The surrounding area comprises a mix of post war two storey semi-detached and terraced dwellings.

**Proposal**

Permission is sought for an external lift on the north east elevation fronting the footpath. The lift shaft would be approximately two and a half stories high and measure 2.42 m wide x 2.16 m deep with face brickwork to match the existing building and dummy glazed windows to the front and sides. The shaft would be sited midway along the section of the building linking the north west wing with the south east wing.

**Referral to Committee**

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

**Planning History**

4/01941/13/FUL INSTALLATION OF EXTERNAL SINGLE PERSON LIFT ON NORTH ELEVATION AND ALTERATIONS TO EXISTING PITCHED ROOF TO ACCOMMODATE EXIT FROM LIFT  
Granted  
04/12/2013

**Policies**

National Policy Guidance

NPPF  
NPPG

Core Strategy



Policies CS1, 4, 8, 10, 11, 12, 13, 29, 31, 32 and 35

Dacorum Borough Local Plan (saved policies)

Policies 1, 9, 11, 13, 58 and 100  
Appendices 1, 5 and 7

Supplementary Planning Guidance

Environmental Guidelines  
Water Conservation & Sustainable Drainage  
Energy Efficiency & Conservation  
Accessibility Zones for the Application of Parking Standards

Advice Notes

Sustainable Development Advice Note (March 2011)  
Advice Note on Achieving Sustainable Development through Sustainability Statements

## **Representations**

Bovingdon Parish Council

Supports

Building Control

Any comments received will be reported at the meeting.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

None

## **Considerations**

Background

Permission was granted in 2013 for a glass passenger lift. However, this was found unsuitable for the elderly residents.

Policy and Principle

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

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

Effects on appearance of building

The lift shaft would be sited against an existing small projecting element of the building which has a catslide roof over. As the lift shaft would be substantially higher than the eaves of this element (in order to accommodate the lifting beam), a small gabled pitched roof would be introduced to visually encapsulate the shaft and to reflect the pitched tiled design of the main building. Tile hanging would be introduced on the cheeks below this roof.

In order to help break up the rather imposing structure, dummy windows will be introduced.

The proposed lift shaft would be relatively modest in size and scale and its design and appearance would harmonise with the existing building.

The proposal would comply with Policy CS12.

#### Impact on Street Scene

There would be no adverse effects on the street scene. The lift shaft would be concealed from most angles by the projecting wings of the building and only visible in close quarter views from the public footpath. No significant trees or shrubs would need to be removed. As the site is well screened by an existing hedgerow alongside the footpath, and conifer planting within the site, further planting is not considered necessary to screen or soften the development.

The proposal would comply with Policy CS11, 12 and 13 and saved Policy 100.

#### Impact on Neighbours

The lift shaft would be sited in a semi-public area some 8.5 m from facing windows of flats in the same development. Given that these windows are already open to view from passing residents, it is not considered that there would be any material loss of privacy to these flats.

The lift shaft would be sited on an elevation which serves as a corridor on both the ground and first floors. Therefore, it is not considered that there would be any material loss of privacy or loss of light to this elevation.

The proposal would therefore accord with Policy CS12.

#### Sustainability

A CS29 sustainability checklist has been submitted which is considered to satisfactorily demonstrate compliance with the criteria set down in Policy CS29 of the Core Strategy.

A Waste Management and Re-cycling Statement has also been submitted which is welcomed and considered acceptable.

A compliance condition is recommended.

#### Other Material Planning Considerations

Car parking would not be affected by the development and therefore would comply with saved Policy 58.

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

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

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

- 2 The development hereby permitted shall be constructed in accordance with**

**the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

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

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

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

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

**Site Location Plan  
13107/01 Rev C**

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 pre-application 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.





**4/01482/15/FUL - CONSTRUCTION OF TICKET/ INFORMATION OFFICE AND TWO PUBLIC TOILETS (AMENDED SCHEME)  
LAND ADJ. DACORUM INFORMATION CENTRE, MARLOWES, HEMEL HEMPSTEAD, HP1 1DT  
APPLICANT: DACORUM BOROUGH COUNCIL C/O MS JO DEACON**

---

[Case Officer - Emily Whittredge]

### **Summary**

The application is recommended for approval.

### **Site Description**

The application site is located in Hemel Hempstead town centre on the pedestrianised area of the Marlowes near the junction with Bridge Street. The site lies between the Volunteer Centre (Roundhouse) and two food kiosks and would be sited directly opposite 180 Marlowes.

### **Proposal**

This application follows a proposal refused by the Development Control Committee last month, and responds to objections raised on design grounds through a change of materials. In addition, further information on the design of the building and its role in the Town Centre Masterplan has been provided.

The application seeks to construct a new modular building to provide two public toilets and a ticketing office in relation to the new Bus Interchange at Marlowes/Bridge Street. The public toilets would be free of charge with the option of charging an entrance fee in future. One of the two toilets would be DDA compliant and contain baby change facilities.

The proposed building would measure 7.81 metres long by 3.27 metres wide, with a flat overhanging roof measuring 2.78 metres high. The building comprises two distinct parts defined by contrasting cladding: the ticketing office would occupy the west end of the building and would be clad in aqua marine coloured tempered glass cladding, while the east side of the building comprising public toilets would be clad in horizontal timber with a stainless steel parapet and stainless steel doors. Lighting would be provided by LEDs from beneath the roof overhang.

The ticketing office would be accessed via tempered glass double doors facing the principle pedestrian route, while the toilet entrance doors would face the Volunteer Centre.

### **Referral to Committee**

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

### **Planning History**

None relevant.

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS4 - The Towns and Large Villages  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS14 - Economic Development  
CS15 - Office, Research, Industry, Storage and Distribution  
CS16 - Shops and Commerce  
CS23 - Social Infrastructure  
CS26 - Green Infrastructure  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS33 - Hemel Hempstead Urban Design Principles

### Saved Policies of the Dacorum Borough Local Plan

Policies 42, 63, 64 & 99

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)  
Pre-Submission Site Allocations Development Plan Document  
Hemel Hempstead Town Centre Master Plan (Gade Zone and Marlowes Shopping Zone) /  
Gade Zone Planning Statement).

### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

### **Summary of Representations**

#### Hertfordshire Highways

No comments received at time of writing.

#### Trees and Woodlands

No comments received at time of writing.

#### Estates

No comments received at time of writing.

#### Town Centres Manager

No comments received at time of writing.

### Contaminated Land Officer

The site is located within the vicinity of potentially contaminative former land uses. There exists the slight possibility that this activity may have affected the application site with potentially contaminated material. Therefore I recommend that the developer be advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

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

None received at the time of writing.

## **Considerations**

### Background

As part of the implementation of the Hemel Hempstead Town Centre Masterplan, Dacorum Borough Council is investing approximately £30 million to regenerate Hemel Hempstead town centre. Ongoing and proposed regeneration includes improvements to the Marlowes pedestrianised shopping area, the creation of a new bus interchange on Marlowes/Bridge Street and proposals to develop Market Square/old Bus Station to provide a commercial leisure facility. The provision of the new ticketing and toilet facility at the proposed location in the Marlowes will allow the Market Square/ old Bus Station to be assembled in one site promptly, so that the anticipated regeneration for commercial leisure purposes can be brought forward.

The current bus station is served by public toilets located in Market Square. These public toilets will no longer be available for bus and coach users once the bus station is moved to the new Bus Interchange and Market Square is made available for redevelopment. Therefore there is a need to provide replacement facilities in an appropriate location.

The existing bus station is currently leased by Arriva. The lease is due to expire in 2017 but DBC would like Arriva to relinquish the lease early to release Market Square for redevelopment. Arriva is agreeable to this subject to the provision of an alternative unit for their ticketing facility and six months' notice. If the ticketing facility is no longer required by Arriva in the future this space could be converted to an additional toilet, retail space or storage space as deemed appropriate at the time. The Council's proposed lease arrangements with Arriva for the new ticketing facility allow for this.

### Policy and Principle

The site falls within the designated town centre (Policy CS4) wherein a mix of uses is encouraged. While the proposed uses are not expressly referred to in the policy they are part of the wider activities that support the functioning of the shopping area. It is vital that these facilities are replaced in a timely manner to allow the land in and around the bus station to be eventually redeveloped. This will make way for the potential delivery of new leisure facilities and to support the relocation of the bus station along the Marlowes under the bus interchange project.

The new building is needed to allow key corporate regeneration projects in the town centre to come forward that are identified under a number of policy documents including the Core Strategy (Hemel Hempstead Place Strategy -Town Centre), the Pre Submission Site Allocations DPD and the Hemel Hempstead Town Centre Master Plan.

The Hemel Hempstead Place Strategy aims to refresh and maintain the role of the centre as a



hub of commerce and public transport.

Core Strategy Policy CS33 of the states that new development will contribute fully to the achievement of town centre uses, movement and design principles; and meet relevant opportunities for character zones within the town centre.

New development should secure an integrated transport hub and circulation within the centre and should use high quality materials to complement the existing palette of materials and features.

The Pre Submission Site Allocations Development Plan Document identifies the redevelopment of Market Square/bus station under Leisure Proposal L/1 and the bus interchange facilities under linked Transport proposals T/1 and T/2. The regeneration of the town centre aims to strengthen its role as a community hub and its provision of local goods and services.

As outlined in the Hemel Hempstead Town Centre Master Plan (Gade Zone and Marlowes Shopping Zone) / Gade Zone Planning Statement), a major ambition of the Masterplan is to improve the evening offer in the town centre and increase vibrancy. The new kiosk and toilet facilities would support the relocated bus station as a key part of this objective and contribute to town centre regeneration as a whole.

#### Impact on Street Scene

The location would be between the Volunteer Centre building (The Roundhouse) and two food kiosks at the north end of the Marlowes pedestrianised area. The site was chosen as it is adjacent to the Bus Interchange and has the benefit of being able to visually 'cluster' the new toilet and ticketing facility with existing buildings, and would be visible but unobtrusive to minimise likelihood of vandalism and maximise usage and footfall.

The use of the flat roof is considered appropriate. The typical roof form in Marlowes is flat; particularly the buildings on its eastern side; the food court kiosks to the north of the proposed facility are flat. To the south, the Roundhouse has a conical roof, but this is a rather unique type of building and was originally designed to be prominent given its original role as a public information centre. Introducing some different form of roof structure to the new toilet and ticketing facility such as a pitched or oversail type roof would be incongruous with the character of the town centre, and could introduce confusion to the look and feel of the area.

The flat roof of the building would minimise interference with sight lines for CCTV monitoring, which was highlighted as a priority for local businesses. Members' attention is drawn to the views of the CCTV Manager in the Design and Access Statement that accompanies the application who advises against a pitched roof in this location for these reasons.

The proposed materials were selected to align with the materials palette in the Hemel Hempstead Town Centre Masterplan and to meet Arriva's requirements to relinquish their lease on the existing building. The high quality materials chosen (coloured glass, Iroko hardwood timber and stainless steel) are extremely hard wearing and resilient to vandalism. The proposed facility would contribute to the current shopping zone public realm improvements and would have a positive impact on the street scene in accordance with Policy CS13 of the Core Strategy.

#### Impact on Trees and Landscaping

There are no trees on the proposal site.

### Impact on Highway Safety

The proposed building would be located within the pedestrianized area and would adjoin the vehicular access from Bridge Street used by market stallholders. The building would not encroach on the vehicular access and would have no impact on highway safety. The site was previously occupied by a large planter, and the proposed building would occupy a smaller footprint than this, providing a larger area of circulation space for pedestrians. There would be sufficient space between the buildings to allow pedestrians to pass.

### Impact on Neighbours

The proposal would be integrated with the existing structures and would have no material impact on adjoining occupiers. No representations have been received in response to neighbour notification letters.

### Sustainability

Issues of sustainability have been considered as part of the application and are outlined in the Design and Access Statement provided. The toilets incorporate a variety of sustainability measures including the use of natural lighting, semi-automatic functions and longevity of materials. A CS29 sustainability checklist has been submitted with the proposals.

### **Conclusions**

The proposed public toilets and ticketing kiosk would uplift the appearance of this part of the Marlowes as well as provide much-needed facilities that would play an important role in meeting the objectives of the Hemel Hempstead town centre strategy.

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

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

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

- 2 **The development hereby permitted shall be constructed in accordance with the materials 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 and Policy CS13 of the Dacorum Core Strategy 2013.

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

**HM-DBC-HH-11 Revision 04  
HM-DBC-HH-12 Revision 05  
HM-DBC-HH-15 Revision 04  
HM-DBC-HH-16 Revision 04  
HM-DBC-HH-17 Revision 04  
HM-DBC-HH-18**

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

## CONTAMINATED LAND INFORMATIVE

The site is located within the vicinity of potentially contaminative former land uses. There exists the slight possibility that this activity may have affected the application site with potentially contaminated material. The developer is advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

## 6. APPEALS

### A. LODGED

4/01369/14/OUT Peplow  
DEMOLITION OF SIDE EXTENSION TO NUMBER 20 AND  
CONSTRUCTION OF DETACHED FAMILY DWELLING AND  
PEDESTRIAN ACCESS - OUTLINE APPLICATION (INCLUDING  
ACCESS, APPEARANCE, LAYOUT AND SCALE) WITH CAR PARKING  
IN AREA OF DEMOLISHED GARAGE AND PEDESTRIAN PATH ONLY  
TO DWELLING.  
LAND TO REAR 18 & 20 MILLFIELD, BERKHAMSTED, HP4 2PB  
[View online application](#)

### B. WITHDRAWN

None

### C. FORTHCOMING INQUIRIES

None

### D. FORTHCOMING HEARINGS

None

### E. DISMISSED

4/00647/14/RET MR & MRS LUCAS  
RETENTION OF ANCILLARY OUTBUILDING  
4 MYRTLE COTTAGES, BULBOURNE ROAD, BULBOURNE,  
TRING, HP23 5QE  
[View online application](#)

The cabin building is inappropriate development in the Green Belt. Substantial weight has to be attached to any harm to the Green Belt. There would be no harm to the AONB and, with a suitable condition, the harm to the living conditions of neighbouring occupiers would be mitigated. However even when taken together, the other considerations reviewed above do not clearly outweigh the principal objection. The very special circumstances required to justify the development do not exist and the development is contrary to Policy CS5 OF THE Core Strategy. Therefore for the reasons given I conclude that the appeal should fail.

### F. ALLOWED

None

**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 proposed action by the council in connection with the investigation and prosecution of a crime (item 8):

(LGA 1972 Schedule 12A Part 1 Paragraph 7 as amended by The Local Government (Access to Information) (Variation) Order 2006