



Public Document Pack
**DEVELOPMENT MANAGEMENT
AGENDA**

**THURSDAY 13 JULY 2017 AT 7.00 PM
COUNCIL CHAMBER, THE FORUM**

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.

Membership

Councillor Guest (Chairman)
Councillor Birnie
Councillor Clark
Councillor Conway
Councillor Maddern
Councillor Matthews
Councillor Riddick

Councillor Ritchie
Councillor Whitman
Councillor C Wyatt-Lowe (Vice-Chairman)
Councillor Fisher
Councillor Tindall
Councillor P Hearn
Councillor Bateman

For further information, please contact Katie Mogan or Member Support

AGENDA

1. MINUTES

To confirm the minutes of the previous meeting (these are 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 declare their interest at the beginning of the relevant agenda item and it will be noted by the Committee Clerk for inclusion in the minutes.

4. PUBLIC PARTICIPATION

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

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

You need to inform the council in advance if you wish to speak by contacting Member Support on Tel: 01442 228221 or by email: Member.support@dacorum.gov.uk

Please note the Development Management Committee will finish at 10.30pm and any unheard applications will be deferred to the next meeting.

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 Management 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.

5. INDEX TO PLANNING APPLICATIONS

- (a) 4/00738/17/FHA - TWO STOREY SIDE EXTENSION, PART TWO STOREY AND PART SINGLE STOREY REAR EXTENSION AND DEMOLITION OF GARAGE - 14 COOMBE GARDENS, BERKHAMSTED, HP4 3PA (Pages 5 - 12)
- (b) 4/00657/17/FUL - CONSTRUCTION OF A FOUR BEDROOM DETACHED DWELLING - ADJ. 4 ASHBY ROAD, NORTHCHURCH (Pages 13 - 29)
- (c) 4/00597/17/RES - SUBMISSION OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, SCALE AND LAYOUT) TO OUTLINE PLANNING PERMISSION 4/03072/15/MFA (HYBRID PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF BOURNE END MILLS INDUSTRIAL ESTATE TO PROVIDE B1 AND/OR B2 AND/OR B8 FLOORSPACE AND EXTERNAL ALTERATIONS TO THE REAR OF UNIT 28 UPPER BOURNE END LANE WITH ASSOCIATED PARKING AND SERVICE AREAS, ACCESS FROM UPPER BOURNE END LANE, LANDSCAPING AND PUBLIC OPEN SPACE AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER (DETAILS SUBMITTED IN FULL); AND RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS, ASSOCIATED POINT OF ACCESS FROM UPPER BOURNE END LANE AND WORKS TO THE PUBLIC HIGHWAY BETWEEN BOURNE END LANE AND UPPER BOURNE END LANE (DETAILS SUBMITTED IN OUTLINE) - BOURNE END MILLS, UPPER BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2UJ (Pages 30 - 59)
- (d) 4/00206/17/MFA - PROPOSED CONSTRUCTION OF MARQUEE FOR THREE YEARS COMMENCING, 1ST JANUARY 2017 AND FINISHING 1ST JANUARY 2020. MAXIMUM OF 30 EVENTS IN EACH YEAR 18 EVENTS TILL MIDNIGHT AND 12 EVENTS UNTIL 11PM. - THE WATERMILL HOTEL, LONDON ROAD, BOURNE END, HEMEL HEMPSTEAD, HP1 2RJ (Pages 60 - 83)
- (e) 4/00726/17/FUL - TWO THREE BED DETACHED DWELLINGS (AMENDED SCHEME) - LAND R/O 76-78 BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9PP (Pages 84 - 109)
- (f) 4/01099/17/FUL - CHANGE OF USE FROM B8 (WAREHOUSE AND DISTRIBUTION) TO B2 (GENERAL INDUSTRIAL) - WOODLAND WORKS, WATER END ROAD, POTTEN END, BERKHAMSTED, HP4 2SH (Pages 110 - 119)
- (g) 4/00774/17/FUL - DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF 5-BED DWELLING - LAND ADJ. 25 HALL PARK, BERKHAMSTED, HP4 2NU (Pages 120 - 130)
- (h) 4/00787/17/FUL - PROPOSED ALTERATION TO LEVELS TO PROVIDE ADDITIONAL SPACE FOR THE ADJACENT HORTICULTURAL NURSERY - LAND AT RIVER HILL, RIVER HILL, FLAMSTEAD, AL3 8BY (Pages 131 - 146)
- (i) 4/03169/16/FUL - CONVERSION OF GARAGE AND FIRST FLOOR EXTENSION TO CREATE A NEW TWO BEDROOM DWELLING - 26 HAMILTON MEAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JF (Pages 147 - 164)
- (j) 4/01183/17/FHA - HIP TO GABLE LOFT CONVERSION WITH REAR DORMER - 20 FAIRWAY, HEMEL HEMPSTEAD, HP3 9TP (Pages 165 - 169)

6. APPEALS (Pages 170 - 173)

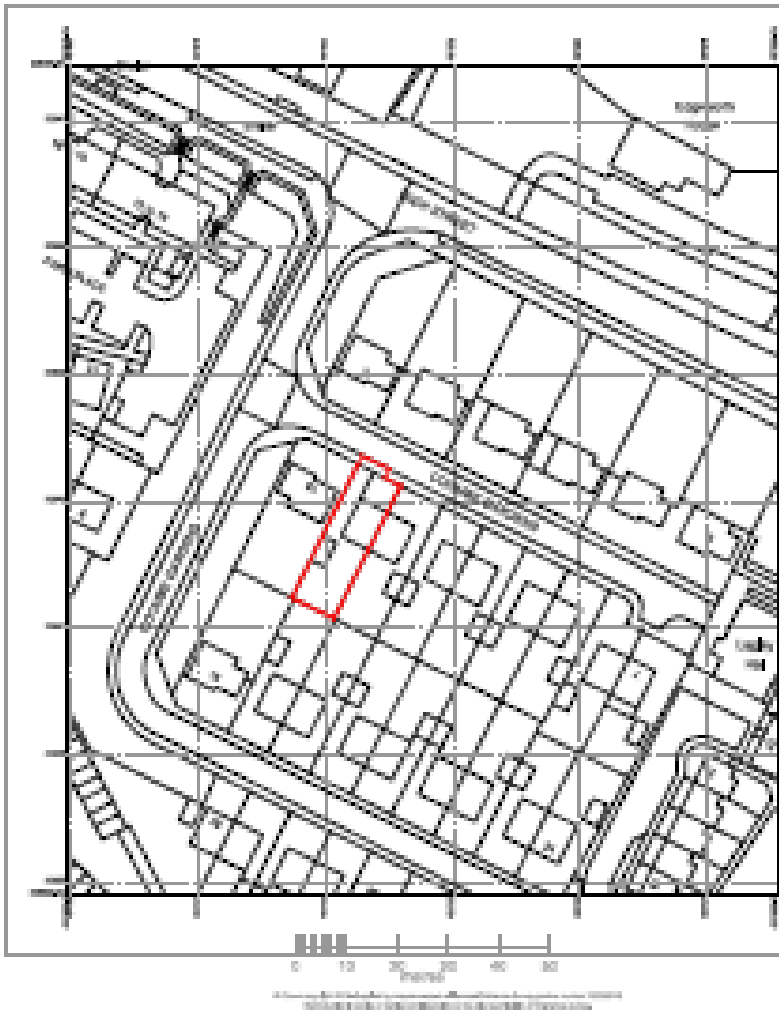
**7. PLANNING ENFORCEMENT FORMAL ACTION STATUS REPORT - QUARTERLY
UPDATE (Pages 174 - 179)**

Agenda Item 5a

Item 5a

4/00738/17/FHA – TWO STOREY SIDE EXTENSION, PART TWO STOREY AND PART SINGLE STOREY REAR EXTENSION AND DEMOLITION OF GARAGE

14 COOMBE GARDENS, BERKHAMSTED, HP4 3PA



Location Plan (1/1250)

Item 5a

4/00738/17/FHA – TWO STOREY SIDE EXTENSION, PART TWO STOREY AND PART SINGLE STOREY REAR EXTENSION AND DEMOLITION OF GARAGE

14 COOMBE GARDENS, BERKHAMSTED, HP4 3PA



**4/00738/17/FHA - TWO STOREY SIDE EXTENSION, PART TWO STOREY AND PART SINGLE STOREY REAR EXTENSION AND DEMOLITION OF GARAGE.
14 COOMBE GARDENS, BERKHAMSTED, HP4 3PA.
APPLICANT: Mr & Mrs Bartlett.**

[Case Officer - Amy Harman]

Summary

The application is recommended for approval.

Site Description

The site is currently occupied by a two storey semi-detached dwelling located on the southern side of Coombe Gardens. Coombe Gardens is elevated to the north towards Berkhamsted High Street, therefore levels are raised towards the rear of the property. Dwellings in the street share visual similarities in terms of design and external materials. Several have been extended.

Constraints

Town
BCA16 - Durrants

Proposal

The proposal is for a two storey side extension, part two storey and part single storey rear extension and demolition of garage.

Referral to Committee

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

Planning History

None found

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS31 - Water Management

Saved Policies of the Dacorum Borough Local Plan

Appendices 5, 7

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Area Based Policies (May 2004) - Residential Character Area [BCA 16: Durrants]

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Berkhamsted Town Council

The mass and bulk of these proposals would impact adversely on the amenity of neighbours by blocking their light.

CS12.

Hertfordshire Highways

Awaiting comments

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

13 and 15 Coombe Gardens - Object:

13 coombe gardens

I live at 13 Coombe gardens and am thus the owner of the adjoined semidetached house of 14 Coombe gardens and **I would like to object to the planning application and appeal against it.**

I have looked at the proposed extension and the ground floor rear extension of 3metres of living space will run along our current shared midline property boundaries. It will extend into the garden along the midline of our shared property boundary. In winter and summer this proposed extension will completely blocking early afternoon to evening light [south west and westerly light] from my main living area and will mean my current living space will be shrouded by a high wall and darkness.

I chose to live in my current house because of it aspect and access to south and westerly light I have looked on Google earth and no other semidetached house in Coombe gardens has been extended into the midline of the properties and all have been extended into the current footprint of their houses and extended sideways into empty/garage space so as not to impinge on adjoining houses-

This planning application would be contrary to the format of other extensions in Coombe Gardens and would be personally unacceptable to me for the above reasons

15 Coombe Gardens

As next door neighbours to the proposed development we are directly impacted by this proposal. I object on the following grounds:

1. There will be a significant loss of light to our patio which will now be hemmed in by the second floor extension at the rear of the property at 14 Coombe Gardens.
2. There will also be a significant loss of light to our rear single story extension by the second floor extension at the rear of the property at 14 Coombe Gardens.
3. The line of sight from our patio or single storey rear extension is made worse by the proposed second floor extension. The loss of light is not restricted to the height of the second floor but further by the height of the roof which will put our back patio

and living areas into darkness.

4. The proposed extension at the rear of the property is out of character with the rest of the properties on the road. No other property on the street has a two storey rear extension.
5. The mass, bulk and proximity of the rear elevation represents an unneighbourly form of development, detrimental to us as occupiers of the adjoining property, particularly by reason of the overbearing effect.

Considerations

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

Policy and Principle

The application site is located within a residential area, wherein the principle of a residential extension is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed extension upon the character and appearance on the existing dwelling house, immediate street scene and residential amenity of neighbouring properties.

Effects on appearance of building and the street scene

Saved Appendix 7 of the Dacorum Local Plan (1991), policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

TCA 11 relates to the Durrants Road area and identifies that extensions are required to be subordinate in scale to the parent dwelling.

The proposed side extension projects 2.32 metres from the side of the existing house and 3 metres from the existing rear elevation. The extension is set down to a maximum of 0.73 metres below the existing ridge and set back from the front elevation by at least 1 metre. A 1.24 metre gap is retained between the existing property and number 15 Coombe Gardens this is considered to be visually subservient to the existing dwelling and therefore not considered visually intrusive or harmful to the character and appearance of the dwelling or street scene; accordingly the proposed coheres with the NPPF (2012), appendix 7 of the Dacorum Local Plan (1991) and CS11, CS12 of the Core Strategy (2013).

In accordance with the submitted application the proposed extension would be of traditional design comprising facing brick walls to match existing, concrete tiled gable roof and white UPVC windows and doors; all of which would complement the existing dwellinghouse. These materials are considered acceptable for this type of extension and in-keeping with the existing dwelling house, complying with Policy CS12 of the Core Strategy (2013).

Impact on Neighbours

There have been objections from Berkhamsted Town council and both neighbours at 13 and 15 Coombe Garden that the proposals would impact their daylight / sunlight both into their properties and their amenity space.

The NPPF outlines the importance of planning in securing good standards of amenity for

existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (1991) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space. Thus, proposals should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy. Moreover, Saved Appendix 7 of the Local Plan advises that alterations should be set within a line drawn at 45 degrees from the nearest neighbouring habitable window.

The applicant has prepared a drawing showing the 45 degree angle at both levels of the proposed extension to the closest room (utility room) at 15 Coombe Gardens. This demonstrates that the two storey element of the proposed two storey extension does not impinge on it. Furthermore, due to the orientation of the gardens the sun would come around during the day to the west whereby the extension proposed would have no effect on sunlight into either the rear windows or the amenity space of 15 Coombe Gardens. As a result, it is not considered that there would be a significant loss of daylight or sunlight to neighbouring ground floor windows as a result of the proposal.

With regards to the effect of the proposed extension on the neighbour at 13 Coombe Gardens, the single storey element of the rear extension (adjacent to this neighbour) projects 3 metres from the existing rear elevation. This does not breach the 45 degree line when taken from the nearest window of 13 Coombe Gardens. Furthermore it is worth noting this element of the proposal could be undertaken without the need for planning permission.

Furthermore, no invasion of privacy would occur to neighbouring residents as the new windows on the west elevation at first floor level would be conditioned to be obscure glazed and non-opening below 1.7m.

Moreover, the proposed doors and windows to the rear elevation of the extension are appropriate in size, position and height; in-keeping with the existing fenestration's of the dwelling house. Subsequently they would not result in additional impact upon the residential amenity and privacy of neighbouring residents.

Additionally, Saved Appendix 3 of the Local Plan states that properties should have a rear garden depth of 11.5m. In this case this would be retained meeting the Saved guidance.

Thus, the proposed extension would not impact upon the residential amenity and privacy of neighbouring residents. As a result the rear extension in regards to residential amenity is acceptable in terms of the NPPF (2012), Saved Appendix 3 of the Local Plan (1991) and Policy CS12 of the Core Strategy (2013).

One objection related to a lack of similar extensions in the locality, although each planning application is considered on its own merits, it is worth noting that similar two storey side and rear extensions have been granted at 28 (4/01202/11/FHA) and 29 (4/00110/08/FHA) Coombe Gardens and a two storey rear extension was granted at 30 Coombe Gardens (4/00037/95/FHA).

Impact on Highway Safety

Highways comments;

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions / informatives.

The Council's Parking guidelines within Saved Appendix 5 of the Local Plan (1991) set out the 'maximum' parking standards. The guidance sets out that a maximum of 3 spaces should be

provided for a 4/5 bed house. The current driveway would allow for 2 cars to be parked comfortably. The existing garage, which is to be demolished, would struggle to fit a modern car and therefore the proposal does not result in the loss of parking. The standards are only set out as a maximum and in this location there are no restrictions on-street parking. On both my visits to the site, there was plenty of available car parking on street. Subsequently, it is not considered that the proposal would impact on the safety and operation of the adjacent highway. The proposal meets the requirements of policy CS12 of the Core Strategy (2013) and saved appendix 5 of the Local Plan (1991).

Other Material Planning Considerations

Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liable due to resulting in less than 100m² of additional floor space.

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 carried out in accordance with the following approved plans/documents:**

17/104.001
17/104.002
17/104.003
17/104.004
17/104.005
17/104.006
17/104.007
17/104.008

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

- 3 Prior to the commencement of the use hereby permitted the vehicular access for the existing property shall be widened to a maximum width of 5.4 metres to accord with the Hertfordshire County Council residential access construction specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.**

Reason: In the interest of highway safety and traffic movement in accordance with Adopted Core Strategy CS12

- 4 **The windows at first floor level in the western elevation of the extension hereby permitted shall be permanently fitted with obscured glass and non-opening below 1.7 metres unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Adopted Core Strategy CS12

Article 35 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Informatives:

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-
<https://www.hertfordshire.gov.uk/droppedkerbs/>

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website
<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 123404.

Agenda Item 5b

Item 5b

4/00657/17/FUL – CONSTRUCTION OF A FOUR BEDROOM DETACHED DWELLING

ADJ. 4, ASHBY ROAD, NORTHCHURCH



Item 5b

4/00657/17/FUL – CONSTRUCTION OF A FOUR BEDROOM DETACHED DWELLING

ADJ. 4, ASHBY ROAD, NORTHCHURCH



Elevations



**4/00657/17/FUL - CONSTRUCTION OF A FOUR BEDROOM DETACHED DWELLING.
ADJ. 4, ASHBY ROAD, NORTHCHURCH.
APPLICANT: MR DOUGHTY.**

[Case Officer - Aidan Wood]

Summary

The principle of residential development is considered acceptable in this location within a designated residential area. The design of the property is considered acceptable and sympathetic to the surrounding and the streetscene. The proposal will not result in significant loss of amenities to neighbouring properties. Sufficient parking and access are provided. The proposal therefore accords with the planning policies highlighted in this report and therefore the application is recommended for approval.

Site Description

The proposed site is a vacant plot adjacent to 4 Ashby Road situated in the Northchurch residential area, west of Berkhamsted.

The site lies on a slope, with a shared driveway to the Southwest of the site.

Most of the development here is from the 1940s and 1950s and consists of medium sized, two storey and bungalow dwellings.

The style of buildings is simple but angled front bays are common. It has some semi-rural qualities. Within this north western part, designs and ages are more varied and more informal in nature. The dwellings either side of the site are two storey semi-detached dwellings, while the dwellings directly across are bungalows. To the rear of the site are rear gardens and two garages accessed via the driveway to the side of the vacant plot.

Spacing is largely regular between dwellings at 2m to 5m. Siting of dwellings is conventional with gardens front and rear, and facing onto the road. Dwellings are set well back from the road, giving an open feel to the area. Enclosure of front gardens by low wall and planting is common.

Proposal

The application seeks permission for a detached two storey dwelling with an integral garage and incorporating 4 bedrooms and 2 reception rooms. The main face of the dwelling incorporates a staggered roofline and features a combination of hipped and gabled roof forms.

The dwelling also has a single storey rear element that does not run along the entirety of the rear wall and is predominantly located Western side of the dwelling. The Southwestern elevation has a side opening door, while the North-eastern elevation has a ground floor door and a first floor bathroom window. The property will be constructed of traditional brickwork with a plain tiled roof.

The site has proposed two parking spaces at the front of the dwelling in addition to the garage parking space. The site has also indicated a rear garden space measuring roughly 9.0m between the rear garden fence and the dwelling.

Referral to Committee

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

Planning History

4/01502/12/FUL	CONSTRUCTION OF DETACHED 3 BED DWELLING AND NEW VEHICULAR ACCESS GRANT 26/10/2012
4/01332/02/FUL	DETACHED DWELLING AND GARAGE GRANT 30/09/2002
4/01055/99/FUL	DETACHED DWELLING AND GARAGE REFUSED 05/10/1999

Constraints

1	A15.2	15.2M AIR DIR LIMIT
2	FLU	Former Land Use
3	HDBZ	Halton Dotted Black
4	CIL1	CIL1

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS17 - New Housing
CS18 - Mix of Housing
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 18, 21, 58 and 99
Appendices 3, 5

Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Residential Character Area BCA1 - Hall Park

Water Conservation & Sustainable Drainage (June 2005)

Energy Efficiency & Conservation (June 2006)

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

Planning Obligations (April 2011)

Affordable Housing (Jan 2013)

Summary of Representations

4 Ashby Road - Object

1. The plans and Design and Access Statement have some inaccuracies.
2. Applicant failed to supply accurate elevations, nor show the relation of the development and the North and south directions.
3. Development too big for site with the retention of the hedge and the retaining wall needed between 4 Ashby Road.
4. Loss of light/Privacy
5. Planted trees will further restrict light
6. Over development of the site which is not sympathetic to existing streetscene.
7. Development site is inappropriate for development.
8. Risk to 4 Ashby and potential damage to building during construction/long term damage due to soil.

Comments received from objector after viewing the BRE assessment

1. Report fails to consider protected trees impact on light access.
2. Fails to account for downs stairs bathroom.
3. Fails to account for window size between front and side.
4. Argues that other local examples of approved dwellings provide better examples of development for light protection (a list of 5 dwellings was provided).
5. Requests that any future application ensure a 2.0m gap between 4 Ahsby, have an eaves height difference no greater than 50cm and that the side access route be left unobstructed.

177 High Street South - Object.

1. The plans did not include measurements
2. Elevations were not supplied comparing the neighbouring properties.
3. The scale does not appear to be realistic for the site

4. Inaccurate plans
5. Side access discrepancy on plans and the ability to retain the hedge
6. Distance between proposal and neighbouring property
7. Loss of light
8. Method of construction consider the impact it will have on its surroundings

The Northchurch Parish Council- Object

1. The proposal is too large for the site, hedge retention
2. Impact residential amenities
3. Inaccuracies with plans when compared to site, no dimensions supplied
4. Bin storage
5. Loss of light and overlooking to 175 177 High Street
6. Garage not large enough
7. Sewage/piping status unknown
8. Lighting for downstairs toilet
9. Environmental sustainability and carbon footprint.

Officers response to matters raised

The site is considered an appropriate site for development as it is maximising use of urban areas and is in close proximity to services. All plans were accompanied with a scale bar, which provided consistent measurements across all the provided drawings. The site location plan also provided a North South compass. Upon conducting a site visit to compare measurements of the drawings and site it was found that the site there was no discrepancy between the two. To assess the light access impact of the proposal a BRE assessment was asked of the applicant which found the proposal would not impact the neighbouring dwelling of 4 Ashby Road. The application form states that bin storage will be located at the front and it is believed the site has an adequate amount of space at the front to house refuse bins. The garage width roughly measured at 2.5m which would adequately house a small car or bikes. Piping consideration overlaps between building control and planning; in this case however it is considered to be a BC matter. Bathrooms are not required to have a light source as they are not considered habitable rooms. Environmental officer assessed the sight and found no cause for objection and as such a carbon footprint increase is not believed to be sufficient grounds for refusal. All builds are expected to adhere to best practice during construction and governed by Building Regulations and Environmental Protection legislation (see informatives for more details). The overlooking proposed by this application will not be more imposing than that of the existing neighbouring dwellings. The distance between the proposed property and the neighbouring dwelling is considered acceptable. It is not believed the planting of trees and the size of the property will significantly inhibit the neighbouring properties access to light nor increase overshadowing to an adverse level.

Environmental Health

The site is located within the vicinity of the following potentially contaminative former land uses:

- Former landfill located approximately 180 metres to the north-northeast.
- Infilled ponds located approximately 225 metres to the southeast.

Consequently there may be land contamination issues associated with this site. I recommend that the contamination conditions be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website: (www.dacorum.gov.uk/default.aspx?page=2247).

Infrastructure Officer

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 1 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

Building Control Officer

I have taken a look at this project my only comments

- Confirmation level threshold is provided in respect to disable access.

HCC Highways Officer

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Hertfordshire County Council as Highway Authority considers that the proposal would not have an increased impact on the safety and operation of the adjoining highways and does not object to the development, subject to the conditions and informative notes below.

CONDITIONS

1. Before the accesses are brought into use the site frontage shall be kept free of all obstruction to visibility over a height of 0.6m for a distance of 0.65m to both sides of the driveway above the adjoining footpath level.

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic that is likely to use it.

2. The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.

Reason: The above condition is required to ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining Highway.

3. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside

highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

4. The development shall not be brought into use until the new vehicle crossover has been constructed to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.

5. All materials and equipment to be used during the construction shall be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.

Reason: In the interest of highway safety and free and safe flow of traffic.

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

Reason. To minimise the impact of construction vehicles and to improve the amenity of the local area.

I should be grateful if you would arrange for the following note to the applicant to be appended to any consent issued by your council:-

INFORMATIVES

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during

construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

COMMENTS

This application is for Construction Of A Four Bedroom Detached Dwelling on land adjacent to 4 Ashby Road, Northchurch.

PARKING AND ACCESS

The new property will be provided with two parking spaces on the forecourt, and another in an integral garage, accessed via a new VXO on Ashby Road, which is an unclassified local access road, subject to a 30mph speed limit. Vehicles are not required to enter and leave the highway in forward gear.

CONCLUSION

HCC as highway authority considers that the proposals would not have an unreasonable impact upon highway safety or capacity, subject to the conditions and informative notes above.

Considerations

The main issues of relevance to the consideration of this application relate to the policy and principle of development in this location, the impact on layout and the character and appearance of the street scene, the impact on neighbouring properties, and the adequacy of car parking.

1. Policy and Development

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. Similarly, Policy CS4 of the Core Strategy directs residential development to the towns including Berkhamsted (of which Northchurch is a part of) and within established residential areas, where the application site is located. Policy CS17 seeks to promote residential development to address a need for additional housing within the Borough. The provision of new dwellings is supported in principle under Policy CS18 of the Core Strategy.

It is noted that the proposal involves development of part of what is believed to have once been part of the residential garden space for 4 Ashby Rd. It is important to note that there are no specific policies which restrict development of residential gardens. Paragraph 53 of the NPPF is acknowledged, which states that local planning authorities should consider setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. There are other guidelines embedded in local policy (in particular saved Appendices of the Local Plan and Supplementary Planning Guidance) which seek to protect the character of particular areas and neighbourhoods, and to safeguard the amenity of neighbouring properties. These issues have been addressed below.

Furthermore, the National Planning Policy Framework (henceforth referred to as the NPPF) encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing land that has been previously developed. Though the application site is not considered to be previously developed (with regards to Annex 2 of the Framework) Local Plan Policy 10 seeks to optimise the use of available land within urban areas.

The application site is situated within an urban residential area of Northchurch. The site is also located within close proximity to local services and facilities.

Taking all of the above into account, the proposal would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and complies with the Council's settlement strategy. As such, and given that the development would be located in a sustainable location, the proposal is in accordance with policies NP1, CS1, CS4, CS17, CS18 and the NPPF. There is therefore no compelling objection to the principle of the proposed development.

It should be noted that the principle of development with a single dwellinghouse on this site has been approved on numerous occasions, most recently in 2012.

2. Impact on site layout, appearance of building and street scene

Core Strategy Policies CS11 and CS12 state that development within settlements should respect the typical density in the area and integrate with the streetscape character. Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

The design of the proposed dwelling is attractive, in an area that does not boast any significant design characteristics that would warrant copying. The individual materials of the two storey detached proposal will consist of facing brickwork (Facing Brick – Freshfield Lane – First quality multi) with feature brickwork (Ibstock –Berkshire orange) and plain tile roofing (Forticrete – Gemini Interlocking Autumn Plain Tile). It is considered the proposal will be sympathetic to the overall character of the area.

The roofline, window styles and single storey rear element would break up the bulk and mass of the proposal. Similarly the roofline at the front with its staggered frontage further benefits from this, creating a less imposing character than previously approved.

The one part of the proposed dwelling that would protrude further than the neighbouring dwelling of 4 Ashby by roughly 1.0m and will be approximately 4.5m from the footpath. The section with the garage will be roughly 6.5m from the footpath. The rear garden will be approximately 9.0m from the rear face of the dwelling; this is not including the single storey rear structure which measures 7.0m to the rear fence. The property will have a 2.0m separation from the dwelling at 4 Ashby and another 1.0m to the opposite side (incorporating the hedge). The total width of the dwelling will be 9.0m.

Taking the above into account, and as the proposal would be similar in scale to surrounding units, it is considered that sufficient spacing would be left about the proposed dwelling so that the unit would not appear cramped or overdeveloped upon its plot and the dwelling would not be visually intrusive or dominant within the immediate streetscene. Notwithstanding this, it is considered reasonable to remove permitted development rights for Schedule 2, Part 1, Class A (extensions and alterations) to ensure that the spacing about the unit remains acceptable.

For the above reasons it is considered the proposal will not appear cramped or constitute overdevelopment.

Though the proposal would be similar in size to its neighbouring dwelling of 4 Ashby Road; the fact that the proposal is located on a slope caused concern for neighbours and the Parish Council that proposal would be overbearing. Further details have been submitted to clarify the proposed slab levels. The proposal will include some excavations with the slab being slightly higher than Number 4 but well below that of 6 Ashby Rd.

The proposal has highlighted the desire to retain the hedge at the side of the property. Any damage to the hedge during construction would be regrettable but is not considered that this would result in significant and demonstrable harm to the character of the area to warrant a refusal on these grounds alone. Additionally, as this vegetation appears to be within the ownership of the applicant and the site is not within a Conservation Area, this vegetation may be removed without approval from the Local Planning Authority.

3. The potential impact on the living conditions of the occupants of surrounding residential units

Policy CS12 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

Some of the main concerns for the proposal is the potential effect a dwelling might have on the neighbouring dwelling of 4 Ashby Road and also the increased overlooking to the rear of the property at 177 High Street South. It is noted that in 2012 (reference number 4/01502/12/FUL) a similar size detached dwelling was approved and received this response from the parish council:

"We noted that although this new property would be very close to No. 4, the downstairs back door and garage plus the bedrooms upstairs which both have two windows so in each case one window would not be effected, by this new proposal., The site is about the same size as No 4. and has more garden at the rear. and on the southern side there is an alley way for vehicles so a decent gap between the new proposal and its southerly neighbour.."

We are therefore of the opinion that we have "No Objections to this application being Granted"

Perhaps the most contentious part of the proposal is the dwellings relation to the 4 Ashby Road. It is acknowledged that the proposal would to some degree affect the light that 4 Ashby currently receives, as the Southwestern windows benefit from some North facing light. As each proposal is assessed on its merits a BRE Daylight Sunlight assessment was asked of the applicant to show the impact on the neighbouring dwellings. The BRE concluded that:

"The detailed analysis undertaken as part of this assessment has examined the impact of the proposed development on the amount of daylight enjoyed by the neighbouring building. In line with the assessment criteria prescribed by the BRE Guideline, it has been shown that the reduction in daylighting to the windows of the neighbouring buildings is less than the value that is considered to represent a notable impact.

The assessment of the impact of the proposal of the proposed development on the sunlight enjoyed by the neighbouring buildings has also shown that whilst there will be a reduction in the number of probable sunlight hours enjoyed by these windows, this reduction is again within the limits prescribed by the BRE Guidelines as being acceptable.

In summary, the development proposals have been appraised in line with the guidelines set out in the BRE Document. When assessed against the criteria for establishing whether the proposed development will have a significant impact, it has been possible to conclude that the development will not result in a notable reduction in the amount of either daylight or sunlight enjoyed by the neighbouring buildings."

This BRE assessment provided conclusive evidence that the proposal will not impact the neighbouring property's to an unacceptable degree. In terms of overlooking to the rear, it is not believed the proposal will overlook the rear dwellings more than what they currently experience from the existing dwelling of 4 Ashby Road. It is common within urban areas to have an element

of mutual overlooking from first floor windows.

There was concern that due to the sloping nature of the site, that overshadowing impacts will be further felt from the height difference. Upon receiving the revised elevations it was found the overshadowing effect of the proposal will be mitigated by the fact that it will be almost level with 4 Ashby Road.

4. Highway Safety and Parking Provision

Policy CS12 seeks to ensure developments have sufficient parking provision. Paragraph 39 of the Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved Policies CS8, 57 and 58 (and associated Appendix 5) of the Local Plan promote an assessment based upon maximum parking standards.

The proposed unit would benefit from two onsite parking spaces and an integral garage. The number of parking spaces proposed meets the current maximum standards and the provision is therefore considered acceptable for a property of this size and in this location.

The Highway Authority raises no objection to the works stating "*the proposal would not have an increased impact on the safety and operation of the adjoining highways and does not object to the development*". It is not believed that the proposal would have a negative impact on the highway, motorised traffic or pedestrian traffic and therefore accords with the previously stated policy.

i) Former land use - Contaminated Land

Policy CS32 seeks to maintain soil quality standards and ensure any contaminated land is appropriately remediated.

Dacorum Environmental Health Department have been consulted and consider that, as the site is located within the vicinity of potentially contaminative former land uses, a standard contamination condition should be imposed. This condition would require an initial investigation and risk assessment and is phased so if no risk is identified at the desk top study stage then there is no need to proceed further and the condition can be 'discharged'.

This condition is considered reasonable and would ensure that any contaminated land at the site is appropriately dealt with.

ii) Refuse and Recycling Storage

Saved Policy 129 seeks to ensure that developments have adequate storage for refuse and recycling. The proposed dwelling would provide secure space to the front to store wheelie bins, which themselves could be presented to the highway boundary for collection when required. As such, it is considered that the development could be incorporated into the existing refuse and recycling service and therefore complies with Policy 129.

iii) Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable. The Charging Schedule clarifies that the site is in Zone 1 within which a charge of £250 per square metre is applicable to this development. The CIL is calculated on the basis of the net

increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

iv) Building Control assessment

The councils Building Control officer assessed the proposal and had requested that the Confirmation level threshold is provided in respect to disable access. This was brought to the attention of the applicant for future building control applications should approval be granted.

v) Garden size

Although the proposed garden falls slightly below the minimum garden depth of 11.5m (Appendix 3) it is considered that the garden proposed provides a functional area of amenity space compatible with the surrounding area. Appendix 3 states that "for infill developments garden depths which are below 11.5m but of equal depth to adjoining properties will be acceptable".

6. CONCLUSION

The proposal complies with the Council's settlement strategy and would be located within a sustainable location. There is therefore no compelling objection to the principle of the proposed development.

The proposed development would not have any adverse layout implications, and the proposed dwelling would be acceptable in terms of its appearance and would not detract from the street scene. The development would not have a significant detrimental impact on the amenity of neighbouring properties. The access, car parking arrangements and on other relevant material considerations are satisfactory. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with the relevant policies the adopted Local Plan and Core Strategy and the relevant Sections of the Framework.

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/forms or such other materials as may be agreed in writing by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to accord with Policy CS12 of the Core strategy.

- 3 Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further**

investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition:

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

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

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

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

- 4 All remediation or protection measures identified in the Remediation Statement referred to in Condition 3 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

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

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

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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, E,
Part 2 Classes A, B and C.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality to ensure satisfactory amenity space and amenities of neighbouring properties.

- 6 Prior to commencement of development full details of existing and proposed levels, including slab levels, sections and any retaining structures shall be submitted and approved by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: For the avoidance of doubt and to ensure a satisfactory development and to accord with Policy CS12 of the adopted Core Strategy.

- 7 Before the accesses are brought into use the site frontage shall be kept free of all obstruction to visibility over a height of 0.6m for a distance of 0.65m to both sides of the driveway above the adjoining footpath level.**

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic that is likely to use it in accordance with CS12(a).

- 8 The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. and be located on land within the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.**

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

- 9 The parking areas shall be constructed in accordance with the details specified on the approved plans/application forms. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises in accordance with CS12(a).

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

DESIGN AND ACCESS STATEMENT
ASH.PLN.101
ASH.PLN.102
ASH.PLN.103
ASH.PLN.104

SUSTAINABILITY STATEMENT

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

Article 35 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 2015.

INFORMATIVES

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:- <https://www.hertfordshire.gov.uk/droppedkerbs/>

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

4. The development shall not be brought into use until the new vehicle crossover has been constructed to the current specification of the Highway Authority and to the Local Planning Authority's satisfaction.

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use.

5. All materials and equipment to be used during the construction shall be stored

within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the development.

Reason: In the interest of highway safety and free and safe flow of traffic.

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

Reason. To minimise the impact of construction vehicles and to improve the amenity of the local area.

Item 5c

4/00597/17/RES - SUBMISSION OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, SCALE AND LAYOUT) TO OUTLINE PLANNING PERMISSION 4/03072/15/MFA (HYBRID PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF BOURNE END MILLS INDUSTRIAL ESTATE TO PROVIDE B1 AND/OR B2 AND/OR B8 FLOORSPACE AND EXTERNAL ALTERATIONS TO THE REAR OF UNIT 28 UPPER BOURNE END LANE WITH ASSOCIATED PARKING AND SERVICE AREAS, ACCESS FROM UPPER BOURNE END LANE, LANDSCAPING AND PUBLIC OPEN SPACE AND THE REALIGNMENT AND OPENING UP OF THE BOURNE END GUTTER (DETAILS SUBMITTED IN FULL); AND RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS, ASSOCIATED POINT OF ACCESS FROM UPPER BOURNE END LANE AND WORKS TO THE PUBLIC HIGHWAY BETWEEN BOURNE END LANE AND UPPER BOURNE END LANE (DETAILS SUBMITTED IN OUTLINE).

BOURNE END MILLS, UPPER BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2UJ



4/00597/17/RES - SUBMISSION OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, SCALE AND LAYOUT) TO OUTLINE PLANNING PERMISSION 4/03072/15/MFA (HYBRID PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF BOURNE END MILLS INDUSTRIAL ESTATE TO PROVIDE B1 AND/OR B2 AND/OR B8 FLOORSPACE AND EXTERNAL ALTERATIONS TO THE REAR OF UNIT 28 UPPER BOURNE END LANE WITH ASSOCIATED PARKING AND SERVICE AREAS, ACCESS FROM UPPER BOURNE END LANE, LANDSCAPING AND PUBLIC OPEN SPACE AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER (DETAILS SUBMITTED IN FULL); AND RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS, ASSOCIATED POINT OF ACCESS FROM UPPER BOURNE END LANE AND WORKS TO THE PUBLIC HIGHWAY BETWEEN BOURNE END LANE AND UPPER BOURNE END LANE (DETAILS SUBMITTED IN OUTLINE)..

**BOURNE END MILLS, UPPER BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2UJ.
APPLICANT: MEARS GROUP.**

[Case Officer - Rachel Marber]

Summary

The application is recommended for approval.

It is considered that the proposals with hybrid application (4/03072/15/MFA) brought about a substantial physical upgrade to the site and through the provision of new strategic landscaping areas, open space and sustainable urban drainage delivered significant environmental, biodiversity and ecological improvements.

The residential component subject to this Reserved Matters Application regards appearance, landscaping, scale and layout. It is considered that the proposed layout of development, quality of materials and architectural style, detailing and built form of the proposed 45 units would be sufficiently varied in character to add interest and ensure a high quality of sustainable development in addition to reflecting and assimilating with the character of adjoining Bourne End Village, Green Belt environment and surrounding AONB.

Furthermore, the proposed development would not have an undue impact upon the residential amenity of the neighbouring residents, highway safety or ecological landscape. The proposal therefore adheres with Policies 18, 51, 58, 99, 100 and Appendices 3, 5 and 6 of the Dacorum Local Plan (2004) and Policies CS10, CS11, CS12, CS13, CS25, CS26, and CS29 of the Core Strategy (2013), and the National Planning Policy Framework (2012).

Site Description

Bourne End Mills Industrial Estate is located, approximately 1 mile to the west of Hemel Hempstead, and forms an extension to the urban area of Bourne End Village to the immediate north east.

The Site is located in a valley of the Chiltern Hills, within the Metropolitan Green Belt and is therefore designated as a Major Developed Site (MDS) and Employment Area in the Green Belt.

The A41 loops around the southern part of the site connecting it to the neighbouring towns of Tring and Watford and to the M25 and M1 motorways. The site is bound to the north by Green

Belt land, to the east by the residential properties of Bourne End Village, to the south by Upper Bourne End Lane and to the south west by Stoney Lane, both of which provide direct road access onto the A41.

The site is in a valley which is drained by a culverted winterbourne, the Bourne Gutter. It occupies a relatively low profile position in the valley bottom with limited views in from the A41. However, there are views into the site from the surrounding Chilterns Area of Outstanding Natural Beauty. The application site under consideration within this application comprises the residential half of the site, granted outline consent for 45 residential properties within Hybrid application ref: 4/03072/15/MFA. Construction of the B1/B2/B8 units on the neighbouring half of the site, also granted within a Hybrid planning application ref: 4/03072/15/MFA, has been completed.

Proposal

The application is for reserved matters pursuant to outline permission 4/03072/15/MFA relating to appearance, landscaping, scale and layout for the erection of 45 dwellings, associated garages, car parking, roads and infrastructure.

Dwelling mix proposed comprise: 20 x Mansfield 4 bed, 18 x Langbourne 3 bed, 6 x Barton 2 bed 4 person and 1 x Thornberry 4 bed 4 person with 89 spaces off street parking spaces provided, averaging 2 spaces per dwelling.

History of Site

The site was originally granted permission for entirely employment generated use (2010-2013), this however failed to be delivered on the site due to the remediation costs involved in redeveloping the site and delivering the required environmental improvements; conflict between commercial market demand and concerns of local residents. Due to the failure to gain approval at reserved matters stage for an entirely commercial development, despite Outline consent having been granted, Officers underwent pre-application discussions with the applicant in an attempt to come up with a mutually acceptable solution. It was concluded that the site would be redeveloped to retain a high quality commercial use at the site, whilst simultaneously utilising half of the site to create a residential buffer between the commercial use and the existing village.

Subsequently, planning consent in March 2016 was granted for B1, B2 and B8 floor space and associated highway works including, highway improvements (upgrading of bus stops, network and associated footway) which created a new access from Upper Bourne End Lane and blocked motor vehicle access to the site from Bourne End Lane; traffic calming measures were also agreed to be introduced along Upper Bourne End Lane. A sustainable drainage system was approved which created a deculverted Bourne Gutter and introduction of new public open space and landscaping along the north west of the site. This resolved the problem of water runoff and resultant flooding of the site. These works formed the S106 agreement for the site.

The residential outline consent granted in March 2016 was for 45 dwellings up to 2.5 storeys high, varying in size from 2 to 5 bed. Further details in regards layout, scale, appearance and landscaping of the residential half of the site have been submitted under this Reserved Matters application.

Referral to Committee

This Reserved Matters application is referred to the Development Management Committee due to Outline having been granted by the Development Management Committee on the 25th February 2016.

Relevant Planning History

4/00596/17/DRC DETAILS AS REQUIRED BY CONDITIONS 8 (FLOOD RISK ASSESSMENT) AND 9 (DRAINAGE) ATTACHED TO PLANNING PERMISSION 4/03072/15/MFA (HYBRID PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF BOURNE END MILLS INDUSTRIAL ESTATE TO PROVIDE B1 AND/OR B2 AND/OR B8 FLOORSPACE AND EXTERNAL ALTERATIONS TO THE REAR OF UNIT 28 UPPER BOURNE END LANE WITH ASSOCIATED PARKING AND SERVICE AREAS, ACCESS FROM UPPER BOURNE END LANE, LANDSCAPING AND PUBLIC OPEN SPACE AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER (DETAILS SUBMITTED IN FULL); AND RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS, ASSOCIATED POINT OF ACCESS FROM UPPER BOURNE END LANE AND WORKS TO THE PUBLIC HIGHWAY BETWEEN BOURNE END LANE AND UPPER BOURNE END LANE (DETAILS SUBMITTED IN OUTLINE).)

Granted

25/05/2017

4/02570/16/DRC DETAILS AS REQUIRED BY CONDITIONS 14 (HIGHWAY IMPROVEMENT WORKS) AND 22 (SITE COMPLETION REPORT) ATTACHED TO PLANNING PERMISSION 4/03072/15/MFA (HYBRID PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF BOURNE END MILLS INDUSTRIAL ESTATE TO PROVIDE B1 AND/OR B2 AND/OR B8 FLOORSPACE AND EXTERNAL ALTERATIONS TO THE REAR OF UNIT 28 UPPER BOURNE END LANE WITH ASSOCIATED PARKING AND SERVICE AREAS, ACCESS FROM UPPER BOURNE END LANE, LANDSCAPING AND PUBLIC OPEN SPACE AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER (DETAILS SUBMITTED IN FULL); AND RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS, ASSOCIATED POINT OF ACCESS FROM UPPER BOURNE END LANE AND WORKS TO THE PUBLIC HIGHWAY BETWEEN BOURNE END LANE AND UPPER BOURNE END LANE (DETAILS SUBMITTED IN OUTLINE).

Delegated

4/02417/16/ADV ONE TOTEM SIGN AND UNIT NUMBERS TO GO ONTO BUILDINGS.

Granted

31/10/2016

4/02367/16/DRC DETAILS REQUIRED BY CONDITIONS; 11 (LANDSCAPE MANAGEMENT PLAN); 12 (FIRE HYDRANTS) 13; (OPERATIONAL

WASTE) ; 16 (INTERNAL ROAD MANAGEMENT); 20 (TRAVEL PLAN) ATTACHED TO PLANNING PERMISSION 4/03072/15/MFA (HYBRID PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF BOURNE END MILLS INDUSTRIAL ESTATE TO PROVIDE B1 AND/OR B2 AND/OR B8 FLOORSPACE AND EXTERNAL ALTERATIONS TO THE REAR OF UNIT 28 UPPER BOURNE END LANE WITH ASSOCIATED PARKING AND SERVICE AREAS, ACCESS FROM UPPER BOURNE END LANE, LANDSCAPING AND PUBLIC OPEN SPACE AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER (DETAILS SUBMITTED IN FULL); AND RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS, ASSOCIATED POINT OF ACCESS FROM UPPER BOURNE END LANE AND WORKS TO THE PUBLIC HIGHWAY BETWEEN BOURNE END LANE AND UPPER BOURNE END LANE (DETAILS SUBMITTED IN OUTLINE).
Granted
07/11/2016

4/02089/16/DRC DETAILS REQUIRED BY CONDITION 23 (FLOODLIGHTING) ATTACHED TO PLANNING PERMISSION 4/03072/15/MFA - HYBRID PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF BOURNE END MILLS INDUSTRIAL ESTATE TO PROVIDE B1 AND/OR B2 AND/OR B8 FLOORSPACE AND EXTERNAL ALTERATIONS TO THE REAR OF UNIT 28 UPPER BOURNE END LANE WITH ASSOCIATED PARKING AND SERVICE AREAS, ACCESS FROM UPPER BOURNE END LANE, LANDSCAPING AND PUBLIC OPEN SPACE AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER (DETAILS SUBMITTED IN FULL); AND RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS, ASSOCIATED POINT OF ACCESS FROM UPPER BOURNE END LANE AND WORKS TO THE PUBLIC HIGHWAY BETWEEN BOURNE END LANE AND UPPER BOURNE END LANE (DETAILS SUBMITTED IN OUTLINE).
Granted
30/11/2016

4/00979/16/NM NON MATERIAL AMENDMENT TO PLANNING PERMISSION
A 4/03072/15/MFA - HYBRID PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF BOURNE END MILLS INDUSTRIAL ESTATE TO PROVIDE B1 AND/OR B2 AND/OR B8 FLOORSPACE AND EXTERNAL ALTERATIONS TO THE REAR OF UNIT 28 UPPER BOURNE END LANE WITH ASSOCIATED PARKING AND SERVICE AREAS, ACCESS FROM UPPER BOURNE END LANE, LANDSCAPING AND PUBLIC OPEN SPACE AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER (DETAILS SUBMITTED IN FULL); AND RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS, ASSOCIATED POINT OF ACCESS FROM UPPER BOURNE END LANE AND WORKS TO THE PUBLIC HIGHWAY BETWEEN BOURNE END LANE AND UPPER BOURNE END LANE (DETAILS SUBMITTED IN OUTLINE).
Granted
09/05/2016

4/00782/16/DRC DETAILS REQUIRED BY CONDITION 5 (PHASING), 6 (EMPLOYMENT UNIT MATERIALS) , 9 (DRAINAGE SCHEME MANAGEMENT), 17 (CONSTRUCTION PARKING), 18 (CONSTRUCTION TRAFFIC MANAGEMENT PLAN) AND 19 (WHEEL CLEANING) ATTACHED TO PLANNING PERMISSION 4/03072/15/MFA - HYBRID PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF BOURNE END MILLS INDUSTRIAL ESTATE TO PROVIDE B1 AND/OR B2 AND/OR B8 FLOORSFACE AND EXTERNAL ALTERATIONS TO THE REAR OF UNIT 28 UPPER BOURNE END LANE WITH ASSOCIATED PARKING AND SERVICE AREAS, ACCESS FROM UPPER BOURNE END LANE, LANDSCAPING AND PUBLIC OPEN SPACE AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER (DETAILS SUBMITTED IN FULL); AND RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS, ASSOCIATED POINT OF ACCESS FROM UPPER BOURNE END LANE AND WORKS TO THE PUBLIC HIGHWAY BETWEEN BOURNE END LANE AND UPPER BOURNE END LANE (DETAILS SUBMITTED IN OUTLINE) - PARTIAL DISCHARGE RELATING TO PHASES 1, 2 AND 3 ONLY.

Granted

17/05/2016

4/03072/15/MFA HYBRID PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF BOURNE END MILLS INDUSTRIAL ESTATE TO PROVIDE B1 AND/OR B2 AND/OR B8 FLOORSFACE AND EXTERNAL ALTERATIONS TO THE REAR OF UNIT 28 UPPER BOURNE END LANE WITH ASSOCIATED PARKING AND SERVICE AREAS, ACCESS FROM UPPER BOURNE END LANE, LANDSCAPING AND PUBLIC OPEN SPACE AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER (DETAILS SUBMITTED IN FULL); AND RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS, ASSOCIATED POINT OF ACCESS FROM UPPER BOURNE END LANE AND WORKS TO THE PUBLIC HIGHWAY BETWEEN BOURNE END LANE AND UPPER BOURNE END LANE (DETAILS SUBMITTED IN OUTLINE).

Granted

09/03/2016

4/01944/15/SCE MIXED USE RESIDENTIAL/COMMERCIAL DEVELOPMENT

05/06/2015

4/02620/14/DRC DETAILS OF ECOLOGY AS REQUIRED BY CONDITION 33 OF PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSFACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)

Withdrawn

22/06/2015

4/01988/14/RES SUBMISSION OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) TO OUTLINE PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)

Withdrawn

14/06/2015

4/01989/14/RO
C REMOVAL OF CONDITION 18 (OPENING HOURS) AND 22 (ROOF HEIGHT/PITCH) ATTACHED TO PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)

Refused

23/12/2014

4/01982/14/DRC DETAILS OF NOISE LEVELS AS REQUIRED BY CONDITION 31 OF PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)

Withdrawn

14/06/2015

4/01983/14/DRC DETAILS OF SCHEME FOR THE OPENING UP OF THE BOURNE GUTTER AS REQUIRED BY CONDITION 24 OF PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)

Withdrawn

14/06/2015

4/01984/14/DRC DETAILS OF CONTAMINATION AND REMEDIATION AS REQUIRED BY CONDITIONS 21 AND 26 OF PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)

Withdrawn

14/06/2015

4/01985/14/DRC DETAILS OF SUSTAINABILITY AS REQUIRED BY CONDITION 20 OF PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)

Withdrawn

14/06/2015

4/01986/14/DRC DETAILS OF HARD AND SOFT LANDSCAPING, SCHEME INDICATING PROPOSED MEANS OF ENCLOSURE WITHIN AND AROUND THE SITE AND EXTERNAL BOUNDARIES, AND A LANDSCAPE MANAGEMENT PLAN AS REQUIRED BY CONDITIONS 5, 7 AND 25 OF PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)

Withdrawn

14/06/2015

4/01987/14/DRC DETAILS OF PARKING, ACCESSES AND JUNCTION ARRANGEMENTS, VISIBILITY SPLAYS, STOPPING UP OF VEHICULAR ACCESS FROM BOURNE END LANE AND PHASING PLAN AS REQUIRED BY CONDITIONS 9, 10, 11, 12, 13 AND 16 OF PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT

TO PLANNING PERMISSION 4/02524/08/MOA)
Withdrawn
14/06/2015

4/01990/14/DRC DETAILS OF MATERIALS, SLAB, FINISHED FLOOR AND RIDGE LEVELS OF PLANNING PERMISSION 4/02245/12/VOT (THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA)
Withdrawn
14/06/2015

4/02245/12/VOT THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/02524/08/MOA
Granted
23/05/2013

4/02524/08/MO A THE DEMOLITION OF EXISTING BUILDINGS AND THE REDEVELOPMENT TO PROVIDE B1c, B2 AND B8 FLOORSPACE TOTALLING APPROXIMATELY 15,500 SQ M WITH ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING WORKS AND THE REALIGNMENT AND OPENING UP OF THE BOURNE GUTTER AND CREATION OF A NEW PUBLIC SPACE AT THE WESTERN END OF BOURNE END LANE
Granted
01/04/2010

4/00970/02/OUT REDEVELOPMENT FOR OFFICE/INDUSTRIAL (CLASS B1) AND WAREHOUSE/STORAGE (CLASS B8) USE (OUTLINE)
Withdrawn
03/10/2002

Policies

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

Adopted Core Strategy (2013)

CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of the Public Realm
CS25 - Landscape Character
CS26 – Green Infrastructure
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan (2004)

Policy 18 - The Size of New Dwellings
Policy 51 - Development and Transport Impacts
Policy 58 - Private Parking Provision
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Policy 100 - Tree and Woodland Planting
Appendix 3 - Gardens and Amenity Space
Appendix 5 - Parking Provision
Appendix 6 – Open Space and Play provision

Constraints

- Major Developed Site in Green Belt
- Employment Area within Green Belt
- Area of Special Control for Adverts
- Green Belt

Summary of Representations:

Comments received from consultees:

Crime Prevention Officer

1. Layout: I thank the applicants for section 2.10 in the Design and Access Statement (DAS) and confirm I am content with the layout
2. Physical Security – ADQ and SBD:

I thank the applicants for their Proposed SBD plan. Building Regulation, Approved Document Q (ADQ) requires that dwellings are built to “Prevent Unauthorised Access”. This applies to any “dwelling and any part of a building from which access can be gained to a flat within the building”. Achieving the Secured by Design (SBD) award meets the requirements of Approved Document Q (ADQ), and there is no charge for applying for the Secured by Design award. Further details are available from Hertfordshire Police Crime Prevention Design Advisors at 01707-355226.

I would obviously be keen to see any development actually built to the physical security standards of Secured by Design which is the police approved minimum security standard, as this will reduce the potential for burglary by 50% to 75% and therefore demand on the Police as

well as achieving ADQ. I would encourage the applicants to apply for the Secured by Design award if this application is approved

I would ask that if permission is granted, the above information is passed on to the applicant by way of informative.

Herts Property Services

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 2 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

I trust the above is of assistance if you require any further information please contact me or the planning obligations team (development.services@hertfordshire.gov.uk).

Environment Agency

Thank you for consulting us on his application. However as we had no comments to make on the outline application we have no comments to make in regard to the reserved matters.

Lead Local Flood Authority

No Objection

Thank you for consulting us on the above reserved matters application for appearance, landscaping, scale and layout to outline planning permission 4/03072/15/MFA (Hybrid application for the demolition of the existing buildings and the redevelopment of Bourne End Mills Industrial Estate to provide B1 and/or B2 and/or B8 Floorspace and external alterations to the rear of unit 28 upper Bourne End Lane with associated parking and service areas, access from upper Bourne End Lane, landscaping and public open space and the realignment and opening up of the Bourne Gutter (details submitted in full); and residential development of 45 dwellings, associated point of access from Upper Bourne End Lane and works to public highway between Bourne End Lane and upper Bourne End Lane (Detailed submitted in outline).

We note a separate application has been submitted on the discharge of conditions relating to drainage, where we will provide further detailed comments in relation to surface water management and flood risk. As this application does not alter the drainage and the original FRA was already approved, we can confirm that we have no objection to this application on flood risk grounds.

Environmental Health

I have considered this development in terms of likely future nuisance.

On that basis I do not wish to make any adverse comment or suggest any conditions on the final development, but I would like to see the conditions below applied to the construction phase over the whole site.

- Building work and all related activities on the site, including deliveries and collections shall only take place between 7-30 am and 6-30 pm on weekdays (Monday to Saturday inclusive) and no work shall take place on site on Sundays or Bank Holidays.
- No waste material, wood or other material shall be burnt on site at any time

I had looked at this previously and concluded that from a purely acoustic standpoint the changes proposed to the bund would be totally insignificant from my standpoint. I would not expect any measureable differences as a result of the bund changes, so I have no objections to the revisions proposed.

Rights of Way Officer

The path (the ROW) was extinguished so no Public Right of Way now.

Herts Property Services

I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request.

Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: www.hertsdirect.org/planningobligationstoolkit

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related Policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.

DBC Conservation

In general the proposals would be acceptable. However we would recommend some minor changes to the design elements.

Proposed houses 1&2. The roof plan should match 41 & 42 and rather than rooflights the rear roof should have dormer windows. This should help create a balance gateway feature when entering the site. Plot 45 should be carefully considered design wise and the gable element

facing the main road reviewed. This is to prevent a blank 2 storey brick gable being seen on the principle approach to the site. It would also be recommended that this row of housing and plots 1&2 have chimney stacks added to enhance the interest of the roofscape.

Plot 6 and 7 design should be swapped to provide a handed composition with plots 4 and 5. The materials however could stay as currently proposed.

Within the site the principle elevation to review would be the flank wall of 38 as this dwelling is located on the principle approach into the site and in some ways provides a visual terminus between plots 1 and 41 on the approach. It may therefore be useful to consider changing the aspect of part of this proposal to take advantage of this aspect and enhance the entrance area.

In addition although we have lesser concerns Plots 26, 27 34 and 40 should be reviewed and some visual interest added to the flank elevation wall facing onto the road. This could perhaps be done through the use of materials.

Recommendation In general the proposals are acceptable and the new development would sit comfortably within its environs. However the above issues should be addressed in particular to enhance the approach and large blank flank walls within the site.

Herts Ecology

Hertfordshire Ecology has commented at the Hybrid Planning stage of this application and at the time we had no objections to the application submitted. Therefore providing that the Ecology Statement (RT-MME-117375-04) is still being followed I have no reason to believe that ecological conditions have changed in the interim. I therefore assume that ecological constraints on site have been accounted for and that all avoidance, mitigation and compensation activities as set out in previous applications are being followed. This includes the need for an EPS Licence prior to the demolition of Building 1 (as identified in the submitted bat report), adequate measures taken to ensure badgers do not get trapped on site, and that birds are safeguarded during their breeding season.

The boundary of this reserved matters application site does not include the boundary planting and Bourne Gutter restoration as set out in the overall landscape plan; however it does include a native hedge with structural trees to be planted on the eastern boundary of this reserved matters application site. The planting schedule for this area is predominately native species and those that are of more ornamental varieties are fruiting which will also contribute to enhanced biodiversity. Although I am in agreement with the strategy presented there is no information submitted regarding maintenance of these areas over the first five years after planting. This may have been overlooked at previous stages of the application process. If so I would recommend a Landscape and Ecological Management Plan (or similar) be submitted to the LPA, This can be just for the reserved matters application or apply to the entire site. I can recommend the following condition:

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement or occupation of development. The content of the LEMP shall include the following.

a) Description and evaluation of features to be managed.

- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Building Control

Confirmation of Level thresholds for disabled access to the properties to show compliance with approved document M1.

Bourne End Residents Association

As the Bourne End Village Association we write following our meeting to confirm the points made on the above.

We are supportive of these plans with the following reservations :

- the bund between the two developments was meant to be much higher and we were led to believe this would be so. This was to be a landscape feature in its own right and together with appropriate planting (shrub trees or hedging) would form a screen for the housing occupants. It would break up the wall appearance of the rear of the industrial units which otherwise is large and imposing, and contribute to the visual amenity of the site. This applies to the units at the side also.

- whilst the drawings of the development are appealing there needs to be a proper, scheduled, and appropriate planting plan which can be approved. This should incorporate species and sensible maturity of plants / trees.

- whilst the development exceeds the parking standards it will need to as the positioning and access to the development will likely drive in excess of two cars per household as a practical need. One or two extra car slots are to be applauded although cars could be parked on the external road as this is still to industrial standard.

- we spoke about the cut off for all vehicular traffic between the lanes and, whilst this is outside the development area, perhaps this can be achieved via a section 106 agreement. It is of direct

consequence to this development not to have motorbikes passing around it whilst providing pedestrian throughput.

- finally we discussed the existing dog leg in Bourne End Lane and we established from those a necessary course of action. We will petition this developer for the gift of a small amount of land for a turning head and pursue Herts County Council. This would be a useful spoil deposit for the developer if all could be achieved. We will keep you informed.

HCC Highways

Submission of reserved matters (appearance, landscaping, scale and layout) to outline planning permission 4/03072/15/mfa (hybrid planning application for the demolition of existing buildings and redevelopment of bourne end mills industrial estate to provide b1 and/or b2 and/or b8 floorspace and external alterations to the rear of unit 28 upper bourne end lane with associated parking and service areas, access from upper bourne end lane, landscaping and public open space and the realignment and opening up of the bourne gutter (details submitted in full); and residential development of up to 45 dwellings, associated point of access from upper bourne end lane and works to the public highway between bourne end lane and upper bourne end lane (details submitted in outline).

Decision

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1 The construction of the development shall not commence until details of construction vehicle movements and traffic management measures are submitted to and approved by the local planning authority.

Reason: To ensure the impact of construction vehicles on the local road network is minimised.

2 Before commencement of site works, the method of washing of vehicle wheels exiting the site shall be agreed in writing with the Planning Authority and the agreed method shall be operated at all times during the period of site works.

Reason: In the interest of highway safety and amenity.

3 .Prior to the first occupation of the development, the applicant shall provide a residential Travel Plan (there will be a Framework TP for the whole site) associated with the development to encourage the use of alternative modes of transport to the development. This Plan will be prepared and updated in accordance with HCC document 'Hertfordshire's Travel Plan Guidance for Business and Residential Development' available at <http://www.hertsdirect.org/services/transtreets/highways/highwaysinfo/hiservicesforbus/devmanagment/greentravelplans1/>. Reason: To promote sustainable transport measures for residents, visitors and staff at the new development.

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

Reason: In the interest of highway safety.

The Highway Authority recommends inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2) It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Proposal

The site is the former Bourne End Mills industrial site in Bourne End, Hemel Hempstead and has planning permission for a hybrid development covering the whole site under planning permission 4/03072/15/MFA. This application is a reserved matters application looking solely at the appearance, landscaping, internal layout and scale of the development which is for 45 dwellings. The application consists of site plans, swept path drawings, an application form and a Design and Access statement. The current proposal is the third revision after consultation with stakeholders about the site and what the development should like in appearance and layout.

Site and surrounding road network

The application site is located to the southwest of the village of Bourne End and 3.7km west of Hemel Hempstead town centre. It has an area of approximately four hectares and is bounded to the north by open fields, to east by the residential properties of Bourne End village, to the south by Upper Bourne End Lane and to the south west by Stoney Lane. The whole site lies to the northwest of Upper Bourne End Lane which connects to the A41 south of the site. The A41 is a former trunk which provides a link between Aylesbury and the M25 at junction 20. To the east of the site, Upper Bourne End Lane joins Bourne End Lane, which serves the village of Bourne End. The link between the two roads is severed in terms of vehicular access, but permits access for pedestrians, cyclists and horse riders. There are turning heads located on either side of this severed link. Bourne End Lane is a local distributor road in the HCC hierarchy. Traffic can move in both directions on it and it is subject to the national (60mph) speed limit.

A check on the last five years' collision data held by the County Council shows none on Upper Bourne End Lane and a single incident (resulting in a slight injury) at the roundabout on Stoney Lane with the hotel entrance. Parking is prevented in the turning head north of the blockage of Bourne End Lane by double yellow lines.

Access to the site

The access to the residential site will be from one of the existing accesses as shown on the submitted plans. This access was agreed as part of the MFA planning application and will be the only vehicular access into the site. Other pedestrian and cycle links forming sustainable ties to Bourne End Lane will be created and these too are depicted on the submitted plans.

Parking

Dacorum Borough Council as a local planning authority will determine the level of parking they require for the development proposal. The applicant is proposing a total of 2 parking spaces for each ¾ bedroom dwelling and 1.5 spaces per each 2 bedroom dwelling. The applicant states this will total 95 of which 8 will be for visitor.

Servicing

Computer-generated swept path plot has been provided which indicates that the internal layout has sufficient space to allow an HGV to make a three-point turn allowing it to enter and leave the site in forward gear e.g refuse vehicle.

Conclusion

The highway authority has reviewed the information submitted and is satisfied that the proposed development would not create a significant negative impact on the free and safe flow of traffic on the adjacent public highway provided that all the conditions recommended are applied. It follows that all conditions and obligations to the main full application 4/03072/15/MFA are still pertinent and will be implemented under that planning permission.

Comments received from local residents:

40 Bourne End Lane

Objection

My observations on this plan is that although it seems more parking has been offered its still not enough as on the larger properties most have a garage which makes up the second parking spot, garages this day and age are rarely used for the purpose of parking a car. Therefore these are not true parking spaces and in fact leave these large properties with just 1 parking space. I would propose a change to this plan and where its planned to build a garage instead build some sort of car port or wooden awning that looks attractive but serves the actual purpose required which is to park a further car and can't be used for storage or other such usage. Therefore i do object to it being passed on the above mentioned comment as its not going to achieve a solution to the parking problem. I also noted the visitors spaces were not evenly distributed throughout and thought the bin cupboards bizarrely placed directly out side a property which could easily be swapped with another parking space which is less intrusive and more communal and makes more sense.

D.P.C Engineering

Having looked at the housing proposal one matter does concern me. I own D.P.C. Engineering which lies adjacent to some of the new houses, in fact their gardens back onto my property. We do in fact work 24/7 on occasions with weekends as standard. I do hope that the developer informs the purchasers of these properties of this fact. We use diesel forklift trucks and our machinery can make considerable noise, not what anyone would want at night or sitting in their garden. This is NOT an objection but an observation and I would hope there we could live together happily but I envisage problems.

The Paddock, Bourne End Lane

There must be no more development on this site until the dangerous cut through routes

between Upper Bourne End Lane and Bourne End Lane itself are correctly blocked with staggered fences as before development started and/or gating of all footpaths. This is on the grounds of safety as well as amenity for both residential areas. I note the now walled entrance for vehicles to the proposed residential area, maybe a gated community is planned there but this does not secure the existing residents or the pedestrians who will have to navigate Bourne End Lane with no pavement to access bus routes.

Mississauga, Bourne End Lane

Objection

I have located the application but still cannot find any diagrams/maps of the proposed layout.

My objections are related to parking and non-residents of Bourne End Lane parking in our lane to use as a shortcut to their properties. Parking is already very difficult and causes quite a few issues as it is, without further vehicles congesting our road, and motorbikes racing up our using it as a cut through. Can you please make sure the barrier is the same as it was before building started.

Key Considerations

1. Principle of Development
2. The Quality of the Design and the Impact on the Character and Appearance of the Area
3. Impact on the Living Conditions of Future Occupants and Surrounding Residential Units
4. Impact on Parking and Access
5. Impact on Trees and Landscaping
6. Drainage
7. Sustainability
8. Ecology
9. Public Participation
10. CIL + Unilateral Undertaking
11. Consultation Response

1. Principle of Development

The principle of the redevelopment of the site to accommodate a density of 45 dwellings, comprising 2.5 storeys and ranging from 2 to 5 beds, was approved within application ref: 4/03072/15/MFA. This Reserved Matters application considers further details, namely layout, appearance, scale and landscaping only, requested within condition 2 of permission ref: 4/03072/15/MFA.

2. The Quality of the Design and the Impact on the Character and Appearance of the Area

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

In addition, paragraph 64 of the NPPF states that *'permission should be refused for developments of poor design that fail to take opportunity available for improving the character and quality of an area and the way it functions.'*

Core Strategy (2013), Policies CS10, CS11 and CS12 highlight the importance of high quality sustainable design in improving the character and quality of an area; seeking to ensure that developments are in keeping with the surrounding area in terms of size, mass, height and appearance. This guidance is reiterated in Saved Local Plan (2004) Policies of 10, 18 and Appendix 3. Policy CS25 of the Core Strategy (2013) seeks to ensure that development helps conserve and enhance Dacorum's natural and historic landscape.

The site master plan for the 45 residential units submitted closely reflects the draft layout submitted at outline stage. Careful consideration however, was given to the current site layout which proposes the following alterations to the scheme indicated at outline stage:

- Reduction in number of terraced properties, and more variation in house type. To open up the plots and provide a more open characterised environment to reflect the Green Belt location;
- Off street car-parking and garages introduced to reduce the impact of car dominated frontages;
- More tree planting has been provided to soften the appearance of the development and increase the verdant aspect character;
- Many houses re-orientated to be outward facing, providing an active street frontage to Upper Bourne End Lane and transition to Bourne End Village; and
- Removal of alleyways providing rear garden access which could give rise to opportunities for criminals and anti-social behaviour.

The development would retain a relatively classic road layout, with a central spine road and secondary roads forming cul-de-sac like formats. Properties have been repositioned and designed with consideration to visual appearance of the development from adjacent street scenes (main spine road of development, Upper Bourne End Lane and Bourne End Village). Plots 1 - 2 and 41 – 45 have been orientated to provide an active frontage and gateway feature to the development. Similarly, plots 14 – 19 and 38 – 40 would be of varied house type and design to provide a sense of place along the central spine road; chimneys have been added to house type Barton to add further interest and draw from the character of local properties within Bourne End Village. Plots 34 – 37 have been positioned outwards to provide natural surveillance to the open space provided within the development and to create a transition to Bourne Village. Plots 20 -26 would enjoy views over the Bourne Gutter and surrounding AONB.

Fenestration details have been added to side plots to prevent bland side elevations abutting the street scene. In addition, close boarded wooden fencing perpendicular to the street scene have been softened through boundary hedging. The landscaping bund has been retained with planting on top to provide a visual and acoustic buffer from the adjacent commercial site.

Vehicle parking and bin collection points have been set back off the road and screened further with landscaping to prevent the appearance of parking dominated frontages. Each unit would also be situated 3 – 8 metres back from the street scene in order to accommodate small front gardens serving every plot, adding further to the verdant aspect character. In short, sufficient detailing and consideration has been applied to the scheme to ensure a high quality public realm.

It is also considered that sufficient variation and interest has been provided to the development through the mixture of four different house types (Mansfield, Barton, Langbourne and Thornberry) in which further variation in material and fenestration detailing within each type would be introduced. Detached, semi-detached and terraced house types are proposed to add further deviation in property form with an average of 1 metre spacing between each unit. Relatively linear build lines have been proposed with property heights changing between house types reading, Mansfield 9 metres; Langbourne 8.6 metres; Barton 7.7 metres and Thornberry 8 metres.

Following discussions with the conservation Officer's the units would be constructed from the following materials:

- Marley Eternit Rivendale Fibre Cement slate roof tiles;
- Marley Eternit Old English dark red roof tiles;
- All About Bricks Spa Blend;
- All About Bricks Selstead Blend;
- White render; and
- Asset Fireline UPVC Woodgrain Windows.

Property architectural design would also include string course detailing around fenestrations to add further interest, and on occasion, to create a clean transition between change of materials (i.e. render to brick). These are considered complementary of the local palette and would assimilate into the surrounding AONB.

The DBC conservation Officer was consulted further on the proposed development and provided the following summary comments:

"In general the proposals are acceptable and the new development would sit comfortably within its environs. However the above issues should be addressed in particular to enhance the approach and large blank flank walls within the site"; all advised changes have subsequently been made.

In conclusion, it is considered that the layout of development, quality of materials and architectural detailing of house types and built form of the proposed 45 units would be sufficiently varied in character to add interest and ensure a high quality development in addition to reflecting and assimilating with the character of the adjoining Bourne End Village, Green Belt environment and surround AONB. The proposal adheres with Policies 10, 18 and Appendix 3 of the Dacorum Local Plan (2004) and Policies CS10, CS11 and CS12 of the Core Strategy (2013), and the National Planning Policy Framework (2012).

3. Impact on the Living Conditions of Future Occupants and Surrounding Residential Units

The NPPF (2012) outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact to neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

The proposed layout of the site provides some properties with a side to rear relationship. DBC have not got Policy guidance standards which require a specific separation distance between side and rear elevations. Nonetheless, all proposed units with a side to rear relationship would have an approximate 10 metre separation, which is considered more than acceptable.

Saved Appendix 3 requires a 23 metre rear-to-rear separation distance between the main rear wall of the dwelling and rear wall of another. The proposed units with a rear-to-rear relationship would meet this requirement with plots 10 - 13 and 20 -23 measuring a 33 metre (approximate) separation distance and plots 34 – 37 and plots 38 – 40 at 23 metres (approximately).

Saved Appendix 3 of the Local Plan (2004) also states that garden depths equal to adjoining properties would be acceptable with a functional proposed width, shape and size that is compatible with surrounding area. Saved Appendix 3 expands this further outlining that a dwelling house should be provided with a minimum 11.5 metre deep garden space; with a larger garden depth provided for family homes. The proposed units would accommodate the following approximate garden sizes:

- Plot 1: 30 metres
- Plots 3 – 7: 11 metres
- Plots 8 – 9: 11.5 metres
- Plots 10 – 13: 16 metres
- Plots 14 – 19: 11 metres
- Plots 20 – 23: 17 metres
- Plots 24 and 25: 11 metres
- Plot 26: 13 metres
- Plots 27 – 30: 10 metres
- Plot 30: 12 metres
- Plots 32 – 34: 11 metres
- Plot 35: 16 metres
- Plots 36 – 37: 12.5 metres
- Plots 38 – 40: 10.5 metres
- Plot 39: 9 metres
- Plots 41-45: 10 metres.

Therefore, several properties fall just shy of the 11.5 metre standard. Nonetheless, open space is provided within the development which would compensate for this marginal shortfall. This provision of open space is in accordance with Saved Appendix 6 which seeks open spaces to housing development to provide visual relief but also a recreation function where private

gardens are relatively small.

A condition for obscure glazed windows to all ground and first floor bathroom windows has been recommended to ensure the privacy of future occupiers of the development.

Due to the granted landscaping treatment bordering the site and resultant 14 metre approximate set in of the dwellings from site boundaries, the privacy and outlook of the adjacent dwellings within Bourne End Village would be preserved.

Thus, the proposed development would not detrimentally impact the residential amenity of neighbouring properties, or future occupiers, thus is considered acceptable in terms of the NPPF (2012), Saved Appendices 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

4. Impact upon Parking Provision

Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 39 of the NPPF (2012) states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Policies CS8 of the Core Strategy (2013) and saved policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

The application site is located within Accessibility Zone 4, where 75 - 100% of the maximum parking standards will be expected. The application seeks to provide 45, 2-4 bed properties which would require 112.5 off street parking spaces at maximum provision and 84 spaces at 75% provision. The application proposes on average two off street parking spaces per dwelling. This would provide a total of 89 car parking spaces for the development, of which six are for visitor parking. On street parking within the development would also be possible, providing further accommodation. This provision would meet the maximum parking provision outlined within Saved Appendix 5 of the Local Plan (2004).

Hertfordshire Highways were consulted and provided the following conclusive comments:

“The highway authority has reviewed the information submitted and is satisfied that the proposed development would not create a significant negative impact on the free and safe flow of traffic on the adjacent public highway provided that all the conditions recommended are applied. It follows that all conditions and obligations to the main full application 4/03072/15/MFA are still pertinent and will be implemented under that planning permission.”

Due to Highways raising no objection and adequate off street parking provision provided, the proposed development would not result in significant impact to the safety and operation of adjacent highway. Thus, the proposal meets the requirements of Policies CS8 and CS12 of the Core Strategy (2013) and Saved Appendix 5 of the Local Plan (2004).

5. Impact on Trees and Landscaping

Saved Policies 99 and 100 of the Dacorum Local Plan (2004) and Policy CS12 of the Core

Strategy (2013) seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

A landscaping plan has been submitted alongside the proposed scheme which accommodates provision for soft and hard landscaping on site. Tree placement and associated vegetation across the site has been situated to soften the appearance of hard standing and hard corners across the site. Bin collection points have also been proposed so that bins can be placed in neat clusters around the site on collection days as oppose to littering the street scene. Bin would be stored at all other times within the rear gardens of the dwelling.

Details of the 1.5 metre high bund separating the commercial and residential zones and associated tree planning, has also been submitted. Environmental health provided the following comments on this feature, as it has been reduced in width and height from that shown at outline stage; *“from a purely acoustic standpoint the changes proposed to the bund would be totally insignificant from my standpoint. I would not expect any measureable differences as a result of the bund changes, so I have no objections to the revisions proposed.”*

An area of open space has also been provided to the north east of the site to serve the new development but also Bourne End Village, through the creation of footpaths leading out of the site.

A change in materials of hardstanding highlight the transition between the main road and secondary distributors, which helps to break up the scheme and provide a softer residential character to the more private roads. The landscaping of the site and proposed additional tree planting is considered sufficient to retain a high quality public realm and level of residential amenity.

6. Drainage

The proposed development would utilise SUDS drainage techniques as per the information submitted within approved discharge of condition application ref: 4/00596/17/DRC.

The following documents were submitted and approved by the Lead Local Flood Authority:

- Surface Water Drainage Strategy and Floor Risk assessment Rev B dated 25.04.17
- Proposed Drainage Layout (Drawing No. 10701sk0003 Rev A)
- Drainage Details (Drawing No. 10701-0061 Rev A)
- Operation and Maintenance of the Drainage System

7. Sustainability

Policy CS29 of the Core Strategy (2013) states that new development should comply with the highest standards of sustainable design and construction possible. A sustainability checklist was submitted alongside the planning application where it has been outlined that measures such as use of sustainable materials and low-flush toilets will be used to ensure sustainable design, construction and operation of the development.

8. Ecology

The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05. Furthermore, policy CS26 of the Core Strategy (2013) states that proposals should contribute to the conservation of habitats and species.

Hertfordshire Ecology were consulted on the planning application and provided the following summary comments:

“Hertfordshire Ecology has commented at the Hybrid Planning stage of this application and at the time we had no objections to the application submitted. Therefore providing that the Ecology Statement (RT-MME-117375-04) is still being followed I have no reason to believe that ecological conditions have changed in the interim. I therefore assume that ecological constraints on site have been accounted for and that all avoidance, mitigation and compensation activities as set out in previous applications are being followed.”

A condition has also been recommended requesting a Landscape and Ecological Management Plan to ensure the maintenance of proposed landscaping within the public realm, open space and Bourne Gutter for a period of 5 years.

9. Public Participation

The hybrid application (4/03072/15/MFA) was the subject of much discussion with the local community and this engagement was maintained throughout the process of this Reserved Matters stage where a meeting with the Bourne End Residents Association was carried out prior to the submission of this application.

10. CIL and Unilateral Undertaking

All contributions towards the scheme were resolved within the Hybrid application ((4/03072/15/MFA) were the following contributions were made:

- Traffic calming measures along Upper Bourne End Land.
- New access from Upper Bourne End Lane.
- Upgrades to the two nearest bus stops (sum of £24,000).
- Calculated CIL liability of £165,000 for residential scheme.
- Blocking of motor vehicle access to Bourne End Lane

No contributions remain outstanding or are sought under this application.

11. Consultation Response

Several concerns were received as a result of the application. The main concerns are addressed below:

Height of bund: Although the height of the bund has been reduced Environmental Health have no concerns regarding this alteration from an acoustic purpose. An acoustic Statement has also

been submitted alongside the planning application which confirms that the recently built commercial unit was orientated and clad to provide a sufficient acoustic screen itself with the bund adding negligible further effect. Moreover, the feature would still form a screen between the commercial half of the site due to planting on top of the bund, please see section plan ref: 02-250 Rev A.

Cut off for all vehicular traffic to Bourne End Lane/ Find Resolution: The arrangement for blocking off traffic to Bourne End Lane was formalised and given deemed discharged within application ref: 4/02570/16/DRC . The resolution sought was to prevent motor vehicles from utilising the access but retain access for push bikes and pedestrians in order to maintain an element of connectivity and permeability to and from Bourne End Village. Complaints with this solution have arisen as motorcycles are still using the access, via the space left open for push bikes. The LPA maintain that the access cannot be completely cut off to all forms of traffic and pedestrians as it would block connections to Bourne End Village which is against the social and environmental aims of the NPPF (2012). Further to this, the LPA have no further control over the alteration of this access due to deemed discharge of Condition 14. In this regard the LPA have no mechanism to re-open discussion to alter this access or provide alternative provision under this application. It is advised that for an alternative solution to be sought utilising land within this application site, discussion will need to take place between the land owners and residents. As all unilateral undertakings and CIL payments regarding this site have already been received the LPA are not within a position to secure this arrangement on behalf of local residents under this application.

Not enough Parking: Off street parking provision within the development would meet maximum standards. Extra spaces for visitor parking has also been provided. It is prudent to note that further parking provision would also be available on the street within the development. Nonetheless, the use of the garage for car parking provision only has been recommended as a condition to the grant consent.

Noise from adjacent business: Environmental Health have raised no concern in this regard. Furthermore, a landscape barrier and close boarded wooden fence would separate the rear gardens of the plots 1-9 from the business opposite.

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 carried out in accordance with the following approved plans/documents:**

16086 - 02 - 001 Rev B
16086 - 02 - 003 Rev G
16086 - 02 - 004 Rev G
16086 - 02 - 005 Rev G
16086 - 02 - 006 Rev G
16086 - 02 - 200 Rev E
16086 - 02 - 201 Rev D
16086 - 02 - 202 Rev E
16086 - 02 - 250 Rev A
16086 - 02 - 300 Rev G

16086 - 02 - 302 Rev B
16086 - 02 - 303 Rev A
16086 - 02 - 304 Rev A
16086 - 02 - 305 Rev C
16086 - 02 - 400
16086 - 02 - 150
16086 - 02 - 151
16086 - 02 - 152
16086 - 02 - 154
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16086 - 02 - 169

ADD LANDSCAPE PLAN ONCE FINALISED

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

- 2 **Within 6 months of the date of this permission details of the materials proposed to be used on the surfaces of the roads, footpaths, patios and driveways shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

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

- 3 **The bathroom windows at ground and first floor level in the Langbourne, Barton, Mansfield and Thronberry house types hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings; in accordance with Policy CS12 of the Core Strategy (2013).

- 4 **A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement or occupation of development. The content of the LEMP shall include the following.**

a) Description and evaluation of features to be managed.

b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that protected species are adequately protected as part of the approved development.

- 5 **Within 6 months of the date of this permission a plan indicating the positions, design, materials and type of boundary treatment to be erected between properties shall have been submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and to safeguard residential amenity of the area; in accordance with Policy CS12 of the Core Strategy (2013).

- 6 **The construction of the development shall not commence until details of construction vehicle movements and traffic management and wheel washing measures are submitted to and approved by the local planning authority.**

Reason: To ensure the impact of construction vehicles on the local road network is minimised; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

- 7 **Prior to the first occupation of the development a residential Travel Plan associated with the development to encourage the use of alternative modes of transport to the development shall be submitted to and approved in writing by the local planning authority. This Plan will be prepared and updated in accordance with HCC document 'Hertfordshire's Travel Plan Guidance for Business and Residential Development' available at**

<http://www.hertsdirect.org/services/transtreets/highways/highwaysinfo/hiservicesforbus/devmanagement/greentravelplans1/>.

Reason: To promote sustainable transport measures for residents, visitors and staff

at the new development; in accordance with Policies CS8 and CS29 of The Core Strategy (2013).

- 8 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwellings and they shall not be converted or adapted to form living accommodation.**

Reason: In the interests of highway safety and maintaining off street parking provision, in accordance with Saved appendix 5 of the Local Plan (2004)

- 9 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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, E and F
Part 2 Class A**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential amenity and visual amenity of the Green Belt locality; in accordance with Policies CS5 and CS12 of the Core Strategy.

Informatives

Article 35 Statement

Planning permission consent has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Secured by Design Awards

Building Regulation, Approved Document Q (ADQ) requires that dwellings are built to "Prevent Unauthorised Access". This applies to any "dwelling and any part of a building from which access can be gained to a flat within the building". Achieving the Secured by Design (SBD) award meets the requirements of Approved Document Q (ADQ), and there is no charge for applying for the Secured by Design award. Further details are available from Hertfordshire Police Crime Prevention Design Advisors at 01707-355226.

Environmental Health

Building work and all related activities on the site, including deliveries and collections shall only take place between 7-30 am and 6-30 pm on weekdays (Monday to Saturday inclusive) and no work shall take place on site on Sundays or Bank Holidays.

No waste material, wood or other material shall be burnt on site at any time

Highways

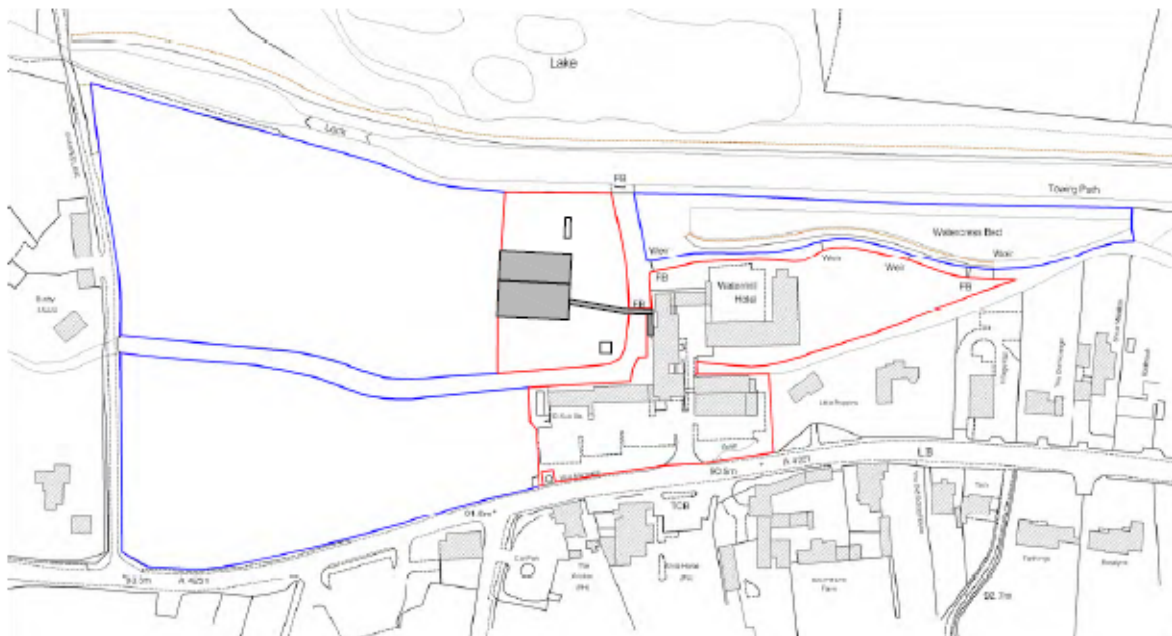
Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Item 5d

4/00206/17/MFA - PROPOSED CONSTRUCTION OF MARQUEE FOR THREE YEARS COMMENCING, 1ST JANUARY 2017 AND FINISHING 1ST JANUARY 2020. MAXIMUM OF 30 EVENTS IN EACH YEAR 18 EVENTS TILL MIDNIGHT AND 12 EVENTS UNTIL 11PM

THE WATERMILL HOTEL, LONDON ROAD, BOURNE END, HEMEL HEMPSTEAD, HP1 2RJ



4/00206/17/MFA - PROPOSED CONSTRUCTION OF MARQUEE FOR THREE YEARS COMMENCING, 1ST JANUARY 2017 AND FINISHING 1ST JANUARY 2020. MAXIMUM OF 30 EVENTS IN EACH YEAR 18 EVENTS TILL MIDNIGHT AND 12 EVENTS UNTIL 11PM. THE WATERMILL HOTEL, LONDON ROAD, BOURNE END, HEMEL HEMPSTEAD, HP1 2RJ.

APPLICANT: PEACOCK AND DOVE HOTELS LTD.

[Case Officer - Nigel Gibbs]

Summary

The application is recommended for approval.

The Watermill Hotel is a long established integral part of Bourne End village and the Borough's tourist facilities occupying a rural location in the Green Belt but close to Hemel and Berkhamsted, representing a very significant local economic asset providing many jobs. The hotel complex of buildings and car parking is previously developed land within the Green Belt focussed around a Grade 2 listed mill.

The marquee is positioned on land beyond but immediately adjoining the longstanding hotel operational built footprint. This land is not previously developed land within the Green Belt . For this reason the proposal represents inappropriate development in the Green Belt which is by definition harmful. However, it has been demonstrated that the marquee is essential to the hotel's viability based upon the submitted information. For the proposed time period there would be a temporary effect upon the openness of this part of the Green Belt.

On this basis there are very special circumstances to justify the marquee for the limited period, enabling the hotel to continue to function in the short and medium term. The timeframe will enable the consideration of the long term options in maintaining the hotel's continued viability. There is no other harm. A range of conditions are necessary.

Site Description

The Watermill is a long established hotel located on the northern side of London Road. This former motel of 1970's origins is distinguished by its elongated frontage to London Road.

The hotel footprint has been developed around a Grade 2 listed mill and associated culverted stream/weir with the buildings set back from the London Road frontage, separated by customer parking to both sides of its centralised access.

The Hotel consists of 71 bedrooms, two internal function rooms, a bar and restaurant. It employs up to 25 full time and 18 part time members of staff.

There are two substantial used areas of mown land to the immediate west of the longstanding hotel complex/ built footprint of buildings and car parks. These are separated from the narrow and rural Sharpes Lane by a fenced meadow and each other by the River Bulbourne, but connected by a footbridge. Sharpes Lane serves dwellings, local moorings and a dog training centre is linked to the London Road.

The two mown areas are as follows:

- Area 1. The southern higher part features a hedged elongated frontage (incorporating the War Memorial) to London Road to the immediate west of the south western bedroom block and car park. There is a vehicular access/ opening from the car park. The hedge fully screens Area 1 from London Road.

- Area 2. The northern part between the River Bulbourne and the Grand Union Canal. There is a strong hedged buffer dividing this land and the canal towpath and its moorings. The double marquee, subject to this application, is located within the central/northern part of this tract of land, separated from the hedge line by with a mowed area

The meadow creates a distinct physical break between the more manicured Areas 1 and 2 and the very rural narrow hedged Sharps Lane.

A range of residential and commercial buildings of various ages and designs are located opposite the Watermill buildings and car parks, Area 1 and the Meadow. These include the listed Anchor and White Horse Public Houses and the Complete Outdoors (former Little Chef Restaurant) and its car park.

Proposal

This is for temporary permission to site a combined double 810 square metre fabric marquee within Area 1. This is for the period up to 1 January 2020 for a maximum of 30 events in each year with 18 events until midnight and 12 events until 11pm. The marquee capacity/ event space can accommodate 450 people including staff.

Area 2 is available for parking to serve the marquee.

This application is on behalf of the Watermill's new management by a new planning agent.

Supporting Background Information: The Hotel Operation and the Role of the Marquee Facility as referred to in The Planning Statement

Submitted information includes:

Hotel Occupancy Levels

The Hotel consists of 71 bedrooms, two internal function rooms, two external marquees/ double marquee, a bar and restaurant. The average occupancy of rooms is around 60 -65% with the key peaks being achieved during the months when the marquee events are running. The room rates achieved during these peak periods are also notably higher. The Confidential Economic Viability Report supporting this application provides further evidence.

Hotel Market

The marquee event space has been operating since 2006 due to a financial need to sustain the viability of the hotel business. As evidenced in the accompanying Confidential Economic Viability Report, the revenue generated by the marquee venue space accounts for close to half of the Hotel's operating profit.

The hotel market locally within Hemel Hempstead and more strategically within wider Hertfordshire is continuing to see an appetite for investment, with more modern and newly refurbished venues posing even greater competition to The Watermill Hotel. Venues such as Aubrey Park Hotel (St Albans) and the Boxmoor Lodge are able to maximise their market share by offering all-year round marquee event space. Recent planning success has secured investment in the excess of £5 million at the Aubrey Park Hotel in St Albans. This will see a new purpose designed function facility within the grounds of the Green Belt and Listed heritage assets. While on the other hand, more locally, the Bobsleigh Hotel was unable to secure planning consent for an upgrade and subsequently closed in 2014.

Short, Medium and Long Term Commercial Strategy

In 2014, The Watermill Hotel lost its affiliation with the Best Western Hotel GB franchise owing to a repeated cycle of low inspection scores and the need to further invest and upgrade the existing accommodation.

The marquee element to the Hotel's offer is essential to providing the finances to secure continued improvements within the original listed building and bedroom accommodation blocks. Over the course of 2015, under a single directorship, the new management team has undertaken significant investment on external refurbishments including various minor repairs to the listed building, its render and guttering.

Extensive grounds maintenance has also taken place. This has included the clearance of previous fly tipping and the removal of portacabins. Internal upgrades in bedroom accommodation have also been undertaken with the replacement of modern fabric /additions (carpet/ re-decoration) upgraded furnishings, and replacement electricals.

Going forward, Peacock & Dove Hotels seek a longer term strategy exploring a more permanent and sympathetic solution to accommodate their business requirements and a sustainable future for the site.

In the short to medium term, the hotel's business viability depends on the security of having the venue hire marquees in place over the next 3 years. As evidenced in the Confidential Economic Viability Report the Hotel has seen steady growth in its venue hire revenue, reflecting wider growth in the wedding and event market sector. Fulfilling market demand will be critical for increasing revenue that in the medium to long term will allow for a more permanent investment proposal.

This will be an investment that will look to replace the temporary structures with a purpose designed and sited 'multifunctional' accommodation, upgrading and enhancing the corporate / hospitality facilities. This long term investment programme will be significant, and would require a comprehensive development approach of a previously developed site in the green belt. The anticipated cost associated with such an approach is estimated to be in the region of circa £3-5m. Therefore Scenarios will have to be considered and balanced against cost and income potential.

Design, Conservation and Heritage

As a listed asset, there are significant limitations in terms of adapting the current accommodation to meet market demand for wedding and corporate event space. This is evidenced through the continued decline for venue hire of the existing function rooms.

The marquee venue enables the business to sustain the hotel commercially, compete with surrounding hotels, and respond to market demand. The temporary nature of the marquees under the current economic situation of the Hotel is seen to provide a balance between the built and hard surfaced areas, and the significant grounds of retained mature landscaping.

The Hotel sustains the conservation of a listed heritage asset whilst also maintaining an active gateway into the village of Bourne End and Berkhamsted beyond, with a mature and well established evergreen frontage along London Road, the site is an established green lung within the Green Belt. Retaining The Watermill Hotel as a viable economic concern is paramount in allowing the continued enjoyment of public access to the well maintained and managed heritage asset.

Entertainment Noise Assessment and Licensing

The Applicant has provided a supporting Noise Mitigation Strategy Report (2014) which details the entertainment management system installed in the marquees.

The Report records the results of operational testing with the Councils Environmental Health Officer, and concludes the background speaker system installed in 2014 is capable of controlling all amplification within the marquees to meet the levels prescribed by the Council. Accordingly, since the operation of the new system the Applicant can report the successful delivery of entertainment noise control.

Under the Hotel's new directorship, senior management are in regular contact with the Councils Licensing Officer.

It is stressed at this point that no statutory nuisance has been formally determined since these new management arrangements have been in place. The Hotel continues to engage with the Council to help mitigate any sound disturbance arising from music and the general use of the marquees.

Relevant Recent Planning History: Summary

There is a substantial recent planning history for a marquee and other applications.

Temporary planning permissions were granted in 2009 and 2011 for a 460 square metre marquee with one withdrawn application following its unlawful stationing and an enforcement investigation. The 2011 permission expired in 2013 with the subsequent withdrawal of four applications (two for 2013 and two for 2015) for a marquee.

The permissions were for limited use each year with a requirement for the marquee's removal at the end of the permitted times and permanently removed at the end of the permission period. Permission 4/013301/11 /RET was subject to a range of conditions including::

- **The marquee hereby permitted shall be totally dismantled and permanently removed from the site on or before 30 November 2011 and not installed again until 1 April 2012.**
- **The marquee shall be totally dismantled and permanently removed from the site by 10 November 2012 and the marquee shall be thereafter installed between 1 April 2013 and 31 October 20 2013 only if an operator's report is submitted to and approved in writing by the local planning authority confirming how the marquee has been used during the period up to 31 October 2012 without causing identified environmental and traffic/parking problems.**
- **Subject to approval after 31 October 2012 The marquee shall be totally dismantled and permanently removed from the site before 5 November 2013.**

As confirmed there has also been a relatively recent change of the Hotel's management.

During this period the Planning Department has been prepared to support the temporary retention of a marquee facility at Area 1. This has been entirely based upon the ongoing major operator concerns of the previous and current management regarding the hotel's viability with significant commercial reliance upon the marquee's role. The marquee facility has changed from a single to a double with associated dismantlement.

This approach is in the context of the Councils support for maintaining the Borough's economic base and the importance of local tourism with reference to the hotel's longstanding establishment in Dacorum. This is however with full consideration of very strong resistance from some local residents, with at times serious noise complaints, resulting in the need for the LPA to respond to the local MP and the issue of a Noise Abatement Notice to the previous management.

Parallel to this there has been considerable proactive engagement of Bourne End Residents

Association with both the Council and the Hotel's previous and current management. This is set against a relatively limited number of submitted neighbour/ local objections to the various applications proportionate to the number of neighbour notification letters sent by the Council. The issue Noise Abatement Notice reflected the preparedness for the Council to address a noise problem following serious complaints. This has not been deemed necessary with the new operators/ current applicants.

The current application follows the previously four withdrawn submissions by the earlier applicant and dialogue with Bourne End Residents Association.

In dealing with the two 2015 applications 460 square metre marquees the Council was informed in March 2016 that the longstanding planning consultant could no longer act for the Watermill Hotel with a change in the Hotel's Management. This was following the Council's ongoing requests for updated information regarding the Hotel's operation regarding viability.

With the appointment of a new planning agent in April 2016 there were respective update meetings in May 2016 with the case officer and separately a representative from the Planning Department's Enterprise and Investment Team (EIT), the latter specifically considering the hotel's future viability. The planning consultant requested additional time to fully review the case which was agreed given the circumstances.

A site meeting involving the new planning agent, Hotel Management, Bourne End Residents Association was held on 19 July 2016. In summary the outcome was that a fresh submission would be made by the Watermill's planning agent under Application 4/000210/15/MFA. At that time it was understood that there were no ongoing noise issues associated with the marquee's use.

On 19 August 2016 the Council's Environmental Health Department identified unexpected noise problems associated with the use of the marquee facility. This needed to be addressed and the application was withdrawn on 19 September 2016. This was with a view to a new application being submitted with expected ongoing dialogue.

In January 2017 the EIT representative considered further submitted information regarding the planning and viability issues confirming that The Economic Viability Report showed that the Watermill Hotel would really struggle without the marquee. It was noted that the application would be for only 3 years this time, with the EIT clarifying that it would not recommend a business dependent on something so temporary as a long term plan.

Referral to Committee

This is referred to the DCC due to the Green Belt implications, public interest and longstanding background planning history, as discussed with Councillor Graham Sutton.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance

Dacorum Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS8 - Sustainable Transport

CS9 - Management of Roads
CS12 - Quality of Site Design
CS14 - Economic Development
CS25 - Landscape Character
CS26 - Green Infrastructure
CS27 - Quality of the Historic Environment
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality

Countryside Place Strategy

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 28, 51, 54, 58, 61, 62, 84, 90, 92, 99, 104 , 106, 111, 113 and 119
Appendices 1, 5 and 8.

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Landscape Character Assessment (May 2004)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Constraints

Green Belt
Former Land Use
Grade 2 Listed Building
Flood Zones 2 and 3
Grand Union (South Bank) 25m Buffer
Air Safeguarding Area
Community Infrastructure Levy Zone 2

Representations

Berkhamsted Town Council

No response.

Bourne End Residents Association

We write, formally, on behalf of the Bourne End Village Association, with respect to the above application. As you are aware we have been very involved with the whole evolution of this situation and, in principal, support it with the following provisos:

a) the amount of functions (ie 30) should be an absolute and cover all types including Temporary Events. We hope you are able to install this as a planning condition. Otherwise, as you are aware with TEN's the events could be 42. This is in the spirit of minimising the impact of occasions upon the Green Belt, neighbours etc. whilst covering the realistic usage.

b) Notwithstanding the points made about other sources of noise (the railway etc) impacting upon the ambient noise level and the overall level, there should be a condition that noise levels should not exceed 50 or 48db at the boundary, emanating from the marquees. It is perfectly possible to measure and to check the noise levels with focussed equipment in periods between other impacts e.g. trains. Again we hope you can install this as a planning condition. Otherwise it is essential that a noise abatement notice is served (or re-served).

As you know this is fundamental to the operation of the marquees in a Green Belt / rural area.

c) the landscaping associated with the marquees - the Leylandii trees- on the boundary should have a requirement that they are lopped on the main stem to prevent them reaching beyond x metres. They are already alien in the landscape and would otherwise cause excessive intrusion within the Green Belt area and to the amenity corridor of the Grand Union canal.

This would have the further advantage of causing thickening at lower levels to help their use as a sound screen.

Strategic Planning

The marquee is considered crucial to the sustainability and profitability of the hotel operation. The submitted planning statement refers to a significant amount of revenue being tied to the presence of the marquee.

Conservation and Design

The proposal has no impact on the significance of the listed building.

Building Control: Initial Response

A fire risk assessment should be carried out due to numbers within the marquee.

Access for fire-fighting might be an issue due to the flood plan & small narrow wooden bridge.

It is suggested that Hertfordshire Fire & Rescue Service is consulted.

Building Control: Response following Site Visit

General description

- Marquee constructed of Steel frame and canvass construction.
- Split into toilets, bar, Kitchen and seating area.
- Internal drapes of combustible material.
- Accommodate approx. 600.
- Fire Extinguisher and exit signage notes, general lighting
- Floodlighting provided externally
- Location within grass field adjacent to the main Water Mill (Flood plain).
- Access to marquee from main building across 1.5m wide footbridge which is canvass covered and attached to marquee.
- Assembly point notice around the boundary of the field occupied by the marquee.
- Main assembly point for the hotel is front of building in the main car park.
- Previous fire officer report attached dated 2/3/17.

Comments

- No Emergency lighting Identified BS5266.
- No compartmentation at high level between kitchen and seating area.
- Kitchen provide dishwashing and warm of food and Bar.
- Noticed Unvented hot water cylinder.
- No Smoke or alarms provided in kitchen or seating area BS5839.
- No fire Risk strategy plan to hand from hotel at time of site inspection (Evacuation plan).
- At time of inspection Fire risk assessment was not available.
- Canvass tunnel to main building is potential fire hazard.
- No fire hydrant.
- Travel distances might be an issue for fire- fighting appliance, potential access from front car park of hotel through gates into overflow car park (ramped access) and across wooden and steel bridge (Weight of Fire engine could be an issue) to marquee.
Alternative access from Sharpe's Lane but access will be an issue Metal sheeting to laid for access) . Section B5.

Conclusion

A Fire Risk Assessment & Strategy plan and evacuation required from Hotel Fire officer to visit site to assess marquee at first hand is a (fire crew from Hemel Hempstead Fire Station).

Building Control: Response following Site Inspection by Hertfordshire Fire & Rescue Service

It is noted that HFRS accept the principle. A Building Regulations Retrospective Application will be necessary to address detailed matters.

Environmental Health: Noise & Pollution

NP would not wish to object to this application in principle but given the location would want to see management systems in place to ensure that events in the marquee do not cause undue disturbance to the occupants of neighbouring properties.

With this in mind NP would like to see noise at the site boundary limited to no more than 50 dBA Leq over 5 minutes, whenever the venue is in use.

In addition NP would expect noise limiting equipment in use whenever live or recorded music is played on the site, and that equipment set at a level to the satisfaction of the Environmental Health Department as a licence condition.

Environmental Health: Food, Health & Safety

No response.

Scientific Officer

The site is located within the vicinity of potentially contaminative former land uses. However, as this is a temporary structure involving no/negligible ground-works, the SO has no comments to make in respect of contaminated land.

Licensing

It is assumed this project is subject to planning and building regulations. If so it will need to go through the proper process.

Hertfordshire County Council: Highways

Decision: Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Comments / Analysis

The application is for the construction of marquee for three years commencing, 1st January 2017 and finishing 1st January 2020 with a capacity to hold 450 patrons. It is also proposed that there will be a maximum of 30 Events in each year 18 events till midnight and 12 events until 11pm. This application follows on from previous temporary planning applications made between 2009/10 ref4/00667/09/FUL and to present day.

Access: There are no plans to alter or modify the current vehicular access arrangements onto the A4251, Bourne End. This is recorded in section 6 of the application form.

Parking & manoeuvrability: Section 10 of the application form has not been completed so there is no record made within the application of the level of existing off street parking and proposed if applicable. HCC as Highway Authority considers that the existing car parking provision is likely to be acceptable as there have been no reported incidents over a lack of off street parking space with the previous applications. It is also unlikely that the adjacent highway would suffer with displaced parking but as this is application is seeking a temporary planning permission, any displaced parking can be monitored and importantly recorded for future planning applications. The Hotel's parking spaces should adhere to the standard dimensions of 2.4m wide and a minimum 4.2m long (standard is 4.8m) as outlined in the 'MfS' Sec. 8.3.48 and that there is sufficient space to enable vehicles to turn around and egress to the highway in forward gear.

Dacorum Borough Council is the parking authority for the district and therefore should ultimately be satisfied with any parking arrangements on the site. DBC's supplementary planning document (SPG) may also be referenced against for determining the correct level of parking this development should afford be it for a temporary use such as a marquee.

Emergency vehicle access: The recommended emergency vehicle access of 45 metres from the highway to all parts of a building. This adheres to guidelines as recommended in 'MfS' and 'Roads in Hertfordshire; A Design Guide'. The site is accessed off a private driveway.

Traffic generation & impact on the adjacent highway: The proposal is for a temporary granting of planning permission which like the previous applications will give both authorities the opportunity to monitor the site and record any adverse impacts it should bring to bear ie displaced off street parking provision. New or above the normal level of traffic generation of vehicles would be considered to be low and due the limitation of use/ frequency and that it would be for advance bookings that the Hotel can manage. It follows therefore that the impact on the local highway network should not be significant or detrimental.

Conclusion

HCC as Highway Authority has considered that the proposal is of a small scale and would not have an unreasonable impact on the safety and operation of the nearest highway. The development is unlikely to result in a significant change in the number vehicles using the site. Therefore HCC has no objections or further comments on highway grounds to the proposed change of use, subject to the inclusion of the above informative.

Hertfordshire Ecology

HE holds no biological records (species of habitat) for the application site. There are areas to the north (Pix Farm) and west (Cress Farm and the Grand Union Canal) that have been identified as having potential to become Local Wildlife Sites, but to the best of HE's knowledge are under no such non-statutory or statutory protection at this time.

As the structure is temporary, although HE see from aerial photography that a structure similar to it was there in 2010, there is unlikely to be any effect on the local habitats. The only concern comes from any form of outside lighting. The site is situated with water bodies on three sides, these water bodies represent wildlife corridors that could be used by nocturnal wildlife for commuting and foraging. HE would urge that any outside lighting be designed to minimise light spill on these corridors. The use of LED lighting angled away from these features and below the horizontal would be an acceptable form of mitigation should external lighting form part of the application.

Hertfordshire Constabulary: Crime Prevention/ Security

No response.

Hertfordshire Fire & Rescue Service

After the initial standard detailed advice the Hertfordshire Fire & Rescue Officer visited the site with reference to Building Control's responses. As a result of this HFRS raise no fundamental fire access/ emergency objections.

Canal & River Trust

The Trust has reviewed the application. This is CRT's substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Based upon the information available CRT have the following general advice to offer:

CRT note that complaints were received in the summer from occupiers of the nearby canal moorings and therefore CRT welcome the measures which have been put in place to limit and control noise and disturbance during events. We would ask that the owner of the Moorings is consulted on this application, if this has not already taken place.

Environment Agency

Initial Response

The EA object in principle to the grant of planning permission because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located.

The EA recommend that the application should be refused planning permission on this basis.

The EA appreciate that it conditioned the site in March 2015 (our reference NE/2015/122433/01-L01). Since then however, the EA's flood modelling of the Gade and Bulbourne has been updated and shows the site to be at a much higher risk of flooding than previously thought.

Reasons

The Planning Practice Guidance classifies development types according to their vulnerability to

flood risk and gives guidance on which developments are appropriate in each Flood Zone.

In this case the development falls within Flood Zone 3b (highest risk of flooding) as defined by our 2016 detailed hydraulic modelling of the Gade & Bulbourne. The modelling shows the site to be in a very high flood risk area (50% chance every year).

Flood Zone 3b is the functional floodplain, defined by your Strategic Flood Risk Assessment as having a high probability of flooding. The functional floodplain is designated with the purpose of safely storing floodwater during times of flooding.

Development in the functional floodplain would therefore result in a net loss of floodplain storage and potentially increase flood risk elsewhere. The development type in the proposed application is classified as more vulnerable in line with Table 2 of the Planning Practice Guidance. Tables 1 and 3 of the Planning Practice Guidance make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted.

Overcoming the Environment Agency Objection

Unfortunately, as the entire site falls within the functional floodplain, the EA would not be able to support any development here.

Second Response

In liaising with the Flood Risk Team there appears to be no recent flooding in this area. The LPA may want to check this. The FRT is happy that the EA remove the objection, subject to:

- The applicant/owners signing up to the EA's flood warning system.
- The applicant should submit an emergency evacuation plan to the LPA which DBC as the LPA) should assess and consider if it is acceptable.

Third Response

There have been further discussions with the Flood Risk Team who have checked the EA's flood event outlines. As the LPA is aware the EA's latest modelling does show the site to be in a very high flood risk area (50% chance every year). However, there appears to be no recent cases of flooding.

In light of the above the EA believe that previous objection can be removed (ref. NE/2017/126488/01-L01, dated 28 February 2017) provided the LPA is satisfied that the type of development proposed is appropriate for the functional floodplain.

If the LPA accept that the proposed development is appropriate for this location, the LPA will need to formally consider and be satisfied with the emergency planning and rescue implications as outlined in the development's evacuation plan. This forms part of the Flood Risk Assessment. At the moment this appears to be very basic so the LPA may ask for this to be updated. The EA also request that the applicant signs up to our Floodline Warnings Service.

Informative

Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Bulbourne designated a 'main river'. From 6th April 2016, the Flood Defence Consent regime moved into the Environmental Permitting Regulations to become Flood Risk Activity Permits. The charges

for the new permits are different and some lower risk activities may be excluded or exempt from the permitting regulations.

Network Rail

No adverse comments.

EDF Energy

No response.

Response to Neighbour Notification/ Publicity

- Cress Farm

I strongly object to the above planning notice. By definition marquees are temporary buildings. THREE YEARS is being asked for therefore, the word "temporary" is a contradiction in terms. How is it safe and legal to run the main part of your business in temporary buildings? This is an hotel, not a marquee/wedding venue. The Hotel has ample space within the building for entertaining guests. As I have written MANY times there are not enough facilities for the amount of people that come to these events. The noise is unacceptable (especially at weekends, and most annoyingly on Sunday afternoons in the Summer months). The Fireworks DURING THE DAY AND in the EVENINGS at any time of year an annoyance and a danger to our pets and livestock. These applications have been submitted many times, but in the meantime the hotel seems to carry on regardless. The marquee stays up anyway. Is anyone taking note? The hotel claim they are a business in difficulty, the audited accounts prove this not to be the case. The Council agreed to look into this. Clearly they have not. There are further issues (all of which have been in previous correspondence). It is a visual eyesore, it destroys the natural beauty of the area and the land, they (the marquees - there are two) are of inappropriate size and colour to be permanent. Why does this persist? I have letters going back to 2009 and we are covering the same ground. The constant applications and withdrawals of planning permission is also something to raise concern.....why these games?

I hope these issues will be looked at.

- Neighbour/ Resident: Address Unknown

This application is for 30 events each year over 3 years until January 2020.

Whilst in principle we do not object to the hotel holding events during the evenings, over the past two years when they have held these events they have not stuck to the terms in which the application was awarded.

In our experience the hotel have not ended their events at the correct time, e.g. 11pm or Midnight. Some of these events have continued well past the Midnight finish time and this is when it becomes quite distressing. As I am sure you will appreciate that by Midnight we are all hoping to get some sleep.

As we are sure you will appreciate three years is a long time if the hotel just ignores the rules and nothing is done about it.

We look forward to hearing from you with some answers to our questions.

- 22 Bourne End Lane

The principal problem is noise pollution. This arises mainly due to the size of the Marquee and the type of wedding function being catered for.

- The marquee seats several hundred people, which in the wedding industry is not the average. Predominantly, this is used for the large scale events.
- Once you add music to the mix and with so many voices competing to be heard, it raises levels of both.
- We did discuss this one morning with a representative of BEVA, who stated that he had been advised by the Environmental Health Officer for the area, that the noise levels were within permissible range and compared quite favourably with that of the Village Hall. However, as we pointed out, the village hall is constructed of solid walls, with an insulated roof, a marquee is not. Therefore, you cannot compare the two.
- The sound system can be quite clearly heard, almost word for word for most of the day half way down Bourne End Lane, where we live, as can the drummers greeting the guests at the front of the hotel, when a wedding is being held. This starts early on and continues all day. On this particular point, clearly this constitutes music and is a breach of conditions, as the music must be contained within the confines of the marquee, they do not have an outside music licence, and should not be granted one either.
- Secondly, the term 'Events', must be amended or clarified, as number of days. Events would normally constitute 2 or more days. Therefore, suffering the noise pollution for an entire weekend is unacceptable. It would not matter what the event was, it could be a music festival for instance, the same rules should apply, one day per event, and keep the noise to a minimum, confined to the Marquee. Also, by using the term Event and not classifying as 'days' you will be allowing pretty much every weekend throughout the spring and summer to be taken up by the requested 30 Events.
- This is a small, quiet, rural village and the Hotel has chosen not to appeal to the norm of trade, that of which might frequent a small village clientele. I see no reason to support the fact that they are targeting exceptionally large weddings using both days of a weekend and ruining the ambience for everyone that lives here.
- It has always been a contentious issue, and I do not see this changing unless the hotel changes the size of the marquee to lessen the noise. They do have function rooms, which I am sure are more than large enough for events, the noise from which could not possibly be heard outside.

Considerations

The main issues are:

- The Green Belt implications.
- The economic issues regarding the hotel's future viability.
- The countryside/ heritage issues.
- The effect upon the residential / Bourne End village residential environment.
- Access, parking and highway safety.
- Flooding.

Policy and Principle: The Green Belt Implications

The application should be considered on the premise that the marquee is not in place.

As confirmed the land (Area 2) subject to the marquee is located beyond the Hotel's established built footprint/previously developed land and the immediate longstanding hotel grounds. The land is regarded as agricultural land within the Green Belt.

National Planning Policy Framework/ Context

Under para 89 a LPA should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; and
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Para 87 confirms that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para 88 explains that when considering any planning application, LPAs should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Dacorum Core Strategy Policy CS5 Green Belt

This specifies amongst a range of matters:

The Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.

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

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

provided that:

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

Dacorum Core Strategy: Strengthening Economic Prosperity and Policy CS14: Economic Development with reference to the Rural Economy and Tourism

The policy includes reference to development that supports the knowledge-based economy, the transition to a low carbon economy, the rural economy and sustainable tourism, will be particularly encouraged.

The defined Strategic Objectives include the promotion of a vibrant and prosperous economy. One identified way is to maintain commercial enterprise and employment opportunities in the market towns and large villages and to support rural enterprise.

This and the other specified objectives under para 11.8. objectives reflect the aspirations set out within the Councils regeneration plans. They are also reflected in the Economic Development Strategies Objective for both Hertfordshire and Dacorum. The Core Strategy's Table 4's HCC identified aspirations includes stimulating enterprise, innovation and inward investment and supporting tourism.

Para 11.10 explains that the diversity of the Borough is reflected within the make-up of the economy, which includes a significant rural sector that will be supported. The term 'rural economy' refers to economic activities that support employment in rural villages and sustain land uses across the rural area. This can include rural tourism.

Paras 11.17, 11.18 and 11.19 focus upon 'Supporting Tourism':

- 11.17 Although the borough is not currently a main destination for tourism, it does attract both leisure and business visitors. The tourism sector is also closely linked to the area's cultural facilities (under Section 15).
- 11.18 Many visitor destinations are currently accessed by car. The promotion of sustainable tourism aims to reduce this dependence by creating new opportunities for tourism in locations with good access to public transport; promoting access by non-car modes to existing destinations; and respecting the built and natural environment.
- 11.19 Whilst there is already a reasonable range of visitor accommodation within the borough, there is scope for this sector to grow. Facilities that support local tourism, the rural economy and those that support existing businesses, through the provision of meeting and conference facilities, will be particularly encouraged. All new tourist facilities should seek to develop strong linkages with existing visitor attractions.

This approach to tourism reinforces that of saved Policy 90 of Dacorum Borough Local Plan.

Saved Policy 92 of Dacorum Borough Local Plan: Hotels and guest houses in the Green Belt and the Rural area

This specifies amongst a range of matters that in the Green Belt, permission will not be given for new buildings to provide hotel and guest house accommodation and proposals to extend existing hotels and guest houses will not normally be permitted in the Green Belt, but elsewhere in the countryside.

The reasons for Policy 92. Hotels and guest houses are best located in the main towns of the Borough, where other requirements, such as entertainment and business services, can be satisfied. The impact of tourist accommodation on the rural environment needs to be carefully controlled, but the reuse of existing buildings and well designed extensions to existing facilities can increase the amount of accommodation provided and benefit the rural economy with little effect on the open countryside. Hotels and guest houses are not normally appropriate Green Belt uses, but there may be circumstances such as the protection of a listed building where a new use and/or a well-designed extension could be justified.

Assessment

The proposal is inappropriate development in the Green Belt. By definition it is therefore

harmful. It can only be supported if there are very special circumstances and there is no other harm.

There is strong policy support for the Borough's tourist sector. This includes the rural parts of Dacorum. The proposal will benefit the local economy reinforcing inward investment.

However, whilst The Watermill is long established saved DBLP Policy 92 is not supportive of new hotel development at new or existing Green Belt sites. This specifies a limited window of opportunity such as the protection of a listed building. The proposal will assist in the Hotel's viability with its origins based upon the listed historic mill.

The submitted supporting information clarifies that the marquee is essential to Watermill's viability. The Planning Department's EIT pre application advice confirms its role, albeit not regarded as a long term solution.

Whilst the grant of temporary permissions is not normal practice, **there are very special circumstances to support this due to viability**. It is fully recognised that there will be a resultant impact upon the Green Belt's openness for a temporary period. It has been taken into account that following the main summer season of use each year, a condition could be considered for the marquee's removal as in the case of the earlier permission. It is understood that this represents a major operational problem in terms of time to dismantle and the storage of the facility at the site with associated high costs.

It is not considered that the use of Area 1 for associated car parking adversely affects the openness of the Green Belt. The fallback position for under permitted development is that for 28 days in any one calendar year it can be used for temporary parking.

It is fully acknowledged that with time a marquee at site has become an integral part of its facilities, however this has to be weighed against the long term implications for the openness of the Green Belt. Its permanency is not before the Council- it is now a matter of requesting a further permission to enable the immediate/medium term viability of the Hotel.

As to the longer term it is not for the LPA to prejudge a more permanent solution at this stage. Clearly if approved it would be recommended the Watermill soon engages with the Council in terms of feasibility with reference to the Green Belt implications, including its existing footprint. Before doing so the priority would be to fully and separately establish the Environment Agency's position regarding the flood risk implications and reconciling this with any expected change.

Whilst there may be very special circumstances it has to be considered whether there is any other harm. The relevant material considerations are addressed below.

Effect upon the Character and Appearance of the Area/ Setting of the Listed Building

If the marquee was permanent there would be a significant impact upon this part the character and appearance on the countryside establishing a large physical encroachment. It would conflict with Dacorum Core Strategy Policy CBS 5 criteria (ii) and representing non sustainable development. It would which would not comply with the expectations of sustainable construction under Dacorum Core Strategy Policy CS29.

For a temporary period there would not be however that identified harm. There would be no adverse effect upon the setting of the listed mill or in the short term the canalside environment. Moreover, the continued investment in the Watermill is in the interests of maintaining this important heritage asset which is the public interest. In this respect the Watermill's grounds which are high quality. This guardianship of the built heritage and upkeep such a large tract of land- which represents a substantial and significant publicly visible 'green gateway' through

Bourne End- will be assured for the immediate future by the hotel's continued functioning.

Impact upon Residential Amenity

This is in the context of Dacorum Core Strategy Policy CS12 and the NPPF's paragraph 133.

It has been evident that over a substantial period at times the marquee use has attracted some very serious localised objections, culminating in the issue of a noise abatement notice involving the previous management. To those - residential and the canalside moorings -closest to the marquee facility and the grounds there has been a fundamental problem of establishing an acceptable coexistence when both are in use. This is reinforced by the Canal & River Trust's response regarding the canalside moorings. The local planning authority is also unaware of any noise problems associated with the use the temporary use of Area 1 for ' overflow car parking'.

This issue is far from straightforward. Very significantly the Environmental Health Team raises no objections to the marquee subject to the imposition of a 50db perimeter noise boundary limit and the maintenance of amplification within the marquee. The combined role of the internal and external controls are expected to be effective in limiting the impact to an acceptable level.

Also a strong material indicator in considering the effect upon the residential amenity of the locality is the level of response to neighbour notification letters and Bourne End Residents Association's overall response to the application, set against the whole background.

On this evidence base and the aforementioned noise controls there are no objections to the application based upon the residential amenity of the locality. The context is that for a substantial part of the year the marquee is not in use when the established rural/ countryside tranquility is assured.

Access/ Highway Parking Implications

There are no objections from Hertfordshire County Council Highways and Hertfordshire Fire & Rescue Service.

The single access to the hotel is long established with sight lines in both directions along this controlled 30 mph section of London Road, featuring speed cameras. There is significant capacity to provide on site parking temporary overflow parking by the use of Area 1, subject to a refused application for a car park.

There are no known local objections based upon resultant parking problems in the area when the marquee has been in use. Due the locality's highway layout/ design on street parking in London Road, Bourne End Lane and Sharpes Lane is unavailable. Also in terms of sustainability the site is accessible by the 501 bus from both Hemel and Berkhamsted Railway Stations .A green transport plan is not recommended by Hertfordshire County Council Highways.

Based upon Hertfordshire Fire & Rescue's recent comprehensive site assessment, it is understood there is no fundamental in principle fire access objection. This inspection was in the presence of the applicants, environmental health, licensing and case officers and with HFRS's representative liaising with the local HFRS officers and the applicants providing an emergency strategy to HFRS. This followed two previous recent visits by the building control/other officers. It will be expected that there is access to the edge of the aforementioned river bridge and lighting. Whilst the marquees are well in excess of the travel distance for fire tenders and the bridge is incapable of providing access to tenders (width, construction and carrying capacity) onto soft ground, there is full confidence that an emergency could be dealt

with by HFRS in accordance with Dacorum Core Strategy Policy CS12 criteria (a) and (b).

It will be essential that the fire tenders have a clear unimpeded route at all times from the existing car park through Area 1 with associated lighting including the bridge area and across to the marquee from the bridge. This is reflected by the recommended conditions.

The fundamentally important advice from HFRS needs to be fully in association with the Environment Agency's recommended Emergency Evacuation Plan, as referred in the Representations and below.

The existing hotel provides disabled parking. The Plan will need to ensure there is inclusive access.

Flooding

In assessing flood risk in vulnerable areas 3b sites the LPA is entirely reliant upon the Environment Agency's expert technical input, as the statutory consultee. In summary notwithstanding the Environment Agency's fundamental initial objection based upon the 50% chance to flood every year, this has now been withdrawn.

The initial objection was based upon the land being functional floodplain:

'Development in the functional floodplain would therefore result in a net loss of floodplain storage and potentially increase flood risk elsewhere. The development type in the proposed application is classified as more vulnerable in line with Table 2 of the Planning Practice Guidance. Tables 1 and 3 of the Planning Practice Guidance make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted.'

This was set against its no objections to the 2015 applications given the latest floodplain modelling.

In its change of approach the EA clarifies:

'If the LPA accept that the proposed development is appropriate for this location, the LPA need to formally consider and be satisfied with the emergency planning and rescue implications as outlined in the development's evacuation plan. This forms part of the Flood Risk Assessment. At the moment this appears to be very basic so the LPA may ask for this to be updated. The EA also request that the applicant signs up to our Floodline Warnings Service.'

The EA were invited but unable to attend the site visit involving HFRS following its change of response.

The provision of the Emergency Evacuation Plan will require the EA's expert technical input as the Council has no specialist knowledge. Conditions are recommended.

The Agent is currently preparing this which is subject to a recommended condition. The LPA will be unable to discharge this if the EA considers that the approach is acceptable.

Other Issues

1. Permitted Development Rights for the Land and the Fallback Position.

Under Class B there can be the Temporary use of Land:

The use of any land for any purpose for not more than 28 days in total in any calendar year, of

which not more than 14 days in total may be for the purposes of—

- (a) the holding of a market;
 - (b) motor car and motorcycle racing including trials of speed, and practising for these activities,
- and the provision on the land of any moveable structure for the purposes of the permitted use.

In this case development not permitted under B.1 if—

- (a) it would consist of development of a kind described in Class E of this Part (temporary use of land for film-making);
- (b) the land in question is a building or is within the curtilage of a building;
- (c) the use of the land is for a caravan site;
- (d) the land is, or is within, a site of special scientific interest and the use of the land is for—
 - (i) motor car and motorcycle racing including trials of speed or other motor sports, and practising for these activities;
 - (ii) clay pigeon shooting; or
 - (iii) any war game, or
- (e) the use of the land is for the display.

Based upon these rights the land at Areas 1 and 2 and the meadow can all be used for a range of purposes involving a moveable structure(s) for 28 days for purposes similar or the same as the proposal.

This fallback position/ starting point is that the collective/individual impact of the exercise of permitted development could be significant in the exercise of such rights. Recommended Condition 8 supports the use of Area 1 for just 2 days for car parking which can be carried out as permitted development.

2. Ecological Implications/ Biodiversity. There are no objections from Hertfordshire Ecology. The retention of the adjoining meadow as undeveloped/ unused has ecological benefits.

3. Contamination. There are no issues.

4. Exterior Lighting/ Light Pollution/ Visual Impact at Night . As clarified there is some need for lighting to serve the marquee for overriding safety reasons. A condition is recommended. The lighting will need to balance safety with the environmental implications, taking into account the E1 Lighting Zone and the response by ecological issues referred by Hertfordshire Ecology.

5. Crime Prevention/ Security. The LPA is unaware of any issues.

6. Sustainable Construction. As confirmed the marquee is not the most sustainable form of construction. Hence it is only appropriate to grant a temporary permission.

7. Environmental Impact Assessment. This is not necessary.

8. Building Regulation Approval. A retrospective approval is clearly required which will need to address a range of issues , including further specialist input from HFRS. An informative is accordingly recommended.

Conclusion

The application is not straightforward for Green Belt and environmental reasons.

The marquee represents inappropriate development in the Green Belt. It will serve a longstanding hotel on land beyond its long established built footprint. This footprint is previously developed land.

For the proposed period the marquee would temporarily affect the openness of this part of the Green Belt. The fundamental question is whether there are very special circumstances to justify the marquee for this period and whether there is any other harm.

It also has to be taken into account that under 'permitted development' the land for the marquee and that adjoining it can be used for 28 days in any one year for a range of purposes in conjunction with a moveable structure. These could be the same or very similar to the proposal and more. This is the fallback position in considering the application.

The context is that the Watermill is not a new development in the Green Belt . To the contrary it is a long established hotel which has expanded from its 'motel origins' when the area was entirely reliant upon the A41 as a major transport route.

Its countryside setting is key to The Watermill's character and ambience. By reason of its location and rural setting the hotel makes a very valuable contribution to the appearance of Bourne End, but so close to Hemel, in the A41 gateway to the town.

It represents a high quality destination as an alternative to Dacorum's urban based hotels but close and accessible to Hemel and Berkhamsted with an important rural and heritage context, especially with the permanent closure of The Bobsleigh.

It has been clarified that the marquee is essential to the hotel's short and medium term future providing a very important customer/ function facility providing many jobs. This is based upon the pre submission analysis by the Planning Department's Enterprise and Investment Team. At the same time the EIT recognises that there is a need to consider the long term situation whereby reliance upon the marquee is questionable.

The Hotel's current longevity and adaptability to date in a changing and challenging economic times should be fully acknowledged providing continued inward investment within the Borough , with the marquee representing a key part of maintaining its ongoing viability.

With due regard to this specialist EIT presubmission advice and the long established role of the hotel, a measure of flexibility is considered justified in supporting the marquee facility for the short / medium term as proposed. This is also with regard to the 'permitted development' rights fallback position.

The Hotel's environmental role is also a very key part of this equation. This includes the maintenance of the Grade 2 Mill and its grounds which are of the highest quality. This guardianship of the built heritage and upkeep such a large tract of land- which represents a substantial and significant publicly visible 'green gateway' through Bourne End- will be assured for the immediate future by the hotel's continued functioning.

Given the hotel's longstanding important local economic and environmental role there are very special circumstances to support the proposal with no other harm.

The proposal supports a long established hotel. This is reflected by Bourne End Residents voluntary involvement in this case in representing the local community and engaging positively and directly with the hotel is also part of the overall equation. Clearly it is recognised that there have been times when there have been reported noise/ environmental problems associated with the use of the marquee and land which does form part of its historic curtilage. With the necessary noise controls in place and no knowledge of problems with noise generated by traffic/high volumes of vehicular movements or parking problems, there is no current evidence to withhold the grant of permission for these reasons.

The reported objections need to be carefully weighted against the context of the establishment of a hotel many years ago on a very busy section of road and the local planning authority's

support for its expansion within this location. The marquee represents part of this evolving process of change to accommodate new customer requirements. It is no different similar to an institutional site / sports ground/ that needs to provide new facilities on its historic base.

With the Environment Agency's change of approach there is not a cogent reason to refuse this temporary application upon environmental grounds based upon the evidence available. The marquee will help to ensure the hotel's immediate future with the openness only affected for a short period in terms of the long term openness of the Green Belt. There are very special circumstances to support the proposal on this basis. It will give the current Hotel management the opportunity to work with the Council and the local community to achieve a long term viability plan for the future. Clearly before doing this there will be an overriding need to establish the Environment Agency's strategic flood risk position

RECOMMENDATION – That planning permission be **Delegated with a view to approval** subject to notification being sent out to the Secretary of State in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 and subject to the following conditions:

- 1 The marquee hereby permitted shall be totally dismantled and permanently removed from the site on or before 1 January 2020.**

Reason: In the interests of safeguarding the Green Belt in accordance with Policy CS5 of the Dacorum Core Strategy. The marquee represents inappropriate development in the Green Belt. Such development is by definition harmful to the Green Belt. There are very special circumstances for the local planning authority to support this inappropriate development in the Green Belt for this specified period. After 1 January 2020 there is no currently evident planning justification to substantiate marquee's further retention in the Green Belt which will affect its openness.

- 2 The marquee hereby permitted shall only be used for the holding of functions by the Watermill Hotel for a maximum of 30 events in each calendar year, with 18 events until 24.00 hours (midnight) and 12 events until 23.00 hours. There shall be no use between 24.00 hours and 9.00 hours. The number of events held for 2017 shall be calculated upon those which have taken place between 1 January 2017 and the date of this planning permission.**

Reason: To safeguard the character of this part of the Green Belt countryside and its local environment, including the residential and canalside amenity, in accordance with Policies CBS 5 (criteria ii), CS10, CS12 and CS25 of the Dacorum Core Strategy and saved Policy 106 of Dacorum Borough Local Plan.

- 3 Following the last use of the marquee subject to this planning permission the land used for the installation of the marquee shall be reinstated by re-seeding grass during the planting season starting 1 October 2020. Following this, an ecological management plan for the land the area shall be carried out fully in accordance with a scheme submitted to and approved in writing by the local planning authority.**

Reason: In the interests of safeguarding character and appearance of this part of the Green Belt and biodiversity in accordance with Policies CS5, CS25 and CS29 Of the Dacorum Core Strategy.

- 4 The noise level at the northern boundary with the Canal, Sharpes Lane and London Road shall be at no more that 50 dBA Leq over 5 minutes at any time whenever the marquee hereby permitted is in use. At all times noise limiting**

equipment, loudspeaker systems to restrict amplification of noise when live or recorded music is played within the marquee shall be used.

Reason: To safeguard the character of this part of the Green Belt countryside and its local environment, including the residential and canalside amenity, in accordance with Policies CBS 5 (criteria ii), CS12 and CBS 32 of the Dacorum Core Strategy and saved Policy 106 of Dacorum Borough Local Plan.

- 5 The marquee hereby permitted shall only be used in accordance with an approved emergency planning and rescue evacuation plan which shall include all the Environment Agency's and Hertfordshire Fire and Rescue's operational requirements.**

Reason : To ensure that in the public interest that the marquee and the associated land is only used at all times in accordance with all safety expectations of the Environment Agency and Hertfordshire Fire & Rescue Service in accordance with Policies CS8, CS9 and CS12 and saved Policies CS51 and CS54 of the Dacorum Borough Local Plan.

- 6 The plan subject to condition 5 shall include full details of the emergency access route from the existing car park to the edge of the river bridge. All of this access route shall be subject to approved emergency warning signage and at all times during the use of the marquee to be demarcated to ensure that it is free from any customer/ visitor parking.**

Reason: In the interests of ensuring that all times during the use of the marquee this emergency access route is kept clear of any obstruction to prevent access by emergency vehicles. This is to ensure that in the public interest that the marquee and the associated land is only used at all times in accordance with all the safety expectations of the Environment Agency and Hertfordshire Fire & Rescue Service in accordance with Policies CS8, CS9 and CS12 and saved Policies CS51 and CS54 of the Dacorum Borough Local Plan.

- 7 The additional exterior lighting in the interests of public safety in accordance with the requirements of Condition 5 shall be installed and maintained at all times fully in accordance with details submitted to and approved in writing by the local planning authority. All the approved lighting shall be removed permanently from the site in accordance with the requirements of Condition 1.**

Reason: To safeguard the character and appearance of the locality, the local environment, in the interests of biodiversity, road and rail safety to accord with the requirements of Policies CS5, CS12 , CS25, CS26, and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the Dacorum Borough Local Plan.

- 8 The land hatched on the approved drawing shall be used for no more than 30 times each calendar year for car parking to serve the hotel marquee hereby permitted and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2016 (Class B Temporary Uses of Land: any Order amending or re-enacting that Order with or without modification) the land crosshatched by this drawing shall not be used for any temporary purpose without the prior written approval of the local planning authority.**

Reason: In the interests of safeguarding the Green Belt and the residential amenity of the locality in accordance with Policy CS5 of the Dacorum Core Strategy.

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

Location Plan

A1 PLA 1001 A

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

NOTE 1: Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Building Regulations

An application for retrospective Building Regulations Approval is necessary.

Fire/ Flood Emergency Access

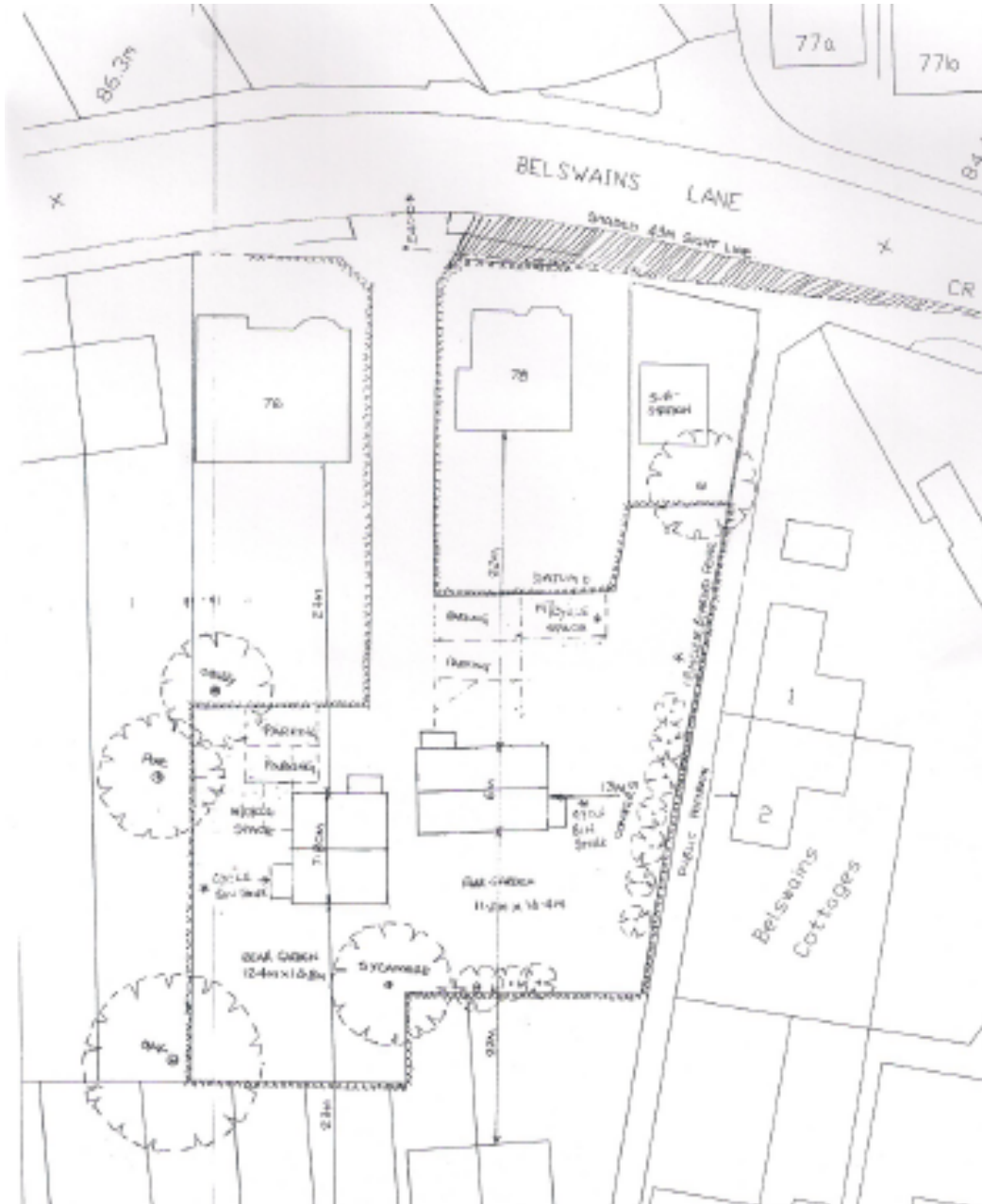
In addition to the requirements of Building Regulations and Conditions 5, 6 and 7 , based upon Hertfordshire Fire & Rescue Services recent site inspection it is essential that there is regular contact with HFRS and Environment Agency to ensure that all times the marquee's emergency evacuation plan is acceptable to both organisations.

Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Bulbourne designated a 'main river'. From 6th April 2016, the Flood Defence Consent regime moved into the Environmental Permitting Regulations to become Flood Risk Activity Permits. The charges for the new permits are different and some lower risk activities may be excluded or exempt from the permitting regulations.

Item 5e

4/00726/17/FUL - TWO THREE BED DETACHED DWELLINGS (AMENDED SCHEME)

LAND R/O 76-78, BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9PP



**4/00726/17/FUL - TWO THREE BED DETACHED DWELLINGS (AMENDED SCHEME).
LAND R/O 76-78, BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9PP.
APPLICANT: MR N. WINGROVE.**

[Case Officer - Rachel Marber]

Summary

The principle of residential development in this area is considered acceptable in accordance with policies CS1, CS4, CS17 of the Core Strategy (2013), the National Planning Policy Framework (NPPF) (2012) and Saved Policy 10 of the Local Plan (2004). The proposal has also been assessed in terms of its impact on the character of the area, on the living conditions of the occupants of surrounding units and on other relevant material considerations. It is considered that the proposal would be acceptable in these regard as it would not be overtly visible from the street scene, nor would it result in detrimental impact to neighbouring residential amenity or key landscape trees. Further, Hertfordshire County Council Highways Department consider the marginal intensification of existing site access to not have an unreasonable impact on the safety and operation of the adjacent highway. As such, the proposed 2x three bed units would comply with Policies CS1, CS4, CS10, CS11, CS13 and CS17 of the Core Strategy (2013), the NPPF (2012) and Saved Policies 10, 18, 21, 99 and 100 and Saved Appendixes 3 and 5 of the Local Plan (2004).

Site Description

The application site relates to former rear garden land of houses Nos. 76 and 78 Belswains Lane. The site is accessible via an existing site entry between these two properties. The site adjoins the rear gardens of the three storey townhouses at Nos. 203 – 211 Ebbens Road towards the south, and rear gardens of property Nos. 74 – 78 Belswains Lane to the north-west. The eastern side of the site runs parallel to a narrow public footpath immediately fronting 1 and 2 Belswains Cottages. The land slopes downwards towards Ebbens Road, at the rear.

Belswains Lane is characterised by a mix of detached and semi-detached properties of varying building line, size and architectural detailing. Ebbens Road comprises predominantly of three storey terraced town houses. The overall character of the immediate area is varied.

Proposal

The application seeks permission for an amended scheme to construct two detached 3 bed dwellinghouses. The scheme has been amended since the refusal in 2016 (4/03037/16/FUL) with the following alterations made:

1. Removal of double garages;
2. Reposting of dwelling placement, to create further separation distances between properties at Belswains Cottages and Ebbens Road; and
3. Amended layout to car parking provision in order to accommodate for root protection areas of adjacent trees.

Amendment 1 would increase separation distances to Belswains Cottages by approximately 8 metres and would in-turn half the amount of overall built form across the site, thereby addressing the following reasons for refusal:

1. The two proposed units by virtue of combined width and depth in relation to insufficient external amenity space and proximity to the boundaries of the site would result in an unacceptable amount of bulk and mass across the site and a significant erosion of the spacious character of the area. As a result, the proposed dwellings would appear cramped within its plot and would fail to maintain or enhance the quality and character of the surrounding area.
2. The proposed height of the two new dwellings in conjunction with land levels and close proximity to the southern site boundary would severely detriment the residential outlook, privacy and daylight serving neighbouring residents at Nos. 1 and 2 Belswains Cottages...
3. It is also noted that if the new dwelling was constructed, uncertainties would arise in regards to the practical welfare of future occupants of the dwellinghouse due to severe overshadowing and loss of light which would be cast on the dwelling and rear amenity space as a result of the surrounding trees. This in turn would place undue pressure to fell the adjacent trees in the future.

The repositioning of the proposed dwellings' placement would result in larger separation distances between the proposed units and properties at Ebberns Road and would in-turn increase the size of external amenity space serving Unit 2 to 11.2 metres. This amendment would therefore overcome the following reasons for refusal:

1. The two proposed units by virtue of combined width and depth in relation to insufficient external amenity space.
2. The proposed height of the two new dwellings in conjunction with land levels and close proximity to the southern site boundary would severely detriment the residential outlook, privacy and daylight serving neighbouring residents at Nos. 1 and 2 Belswains Cottages and Nos. 203- 211 Ebberns Road. The application would therefore fail to secure good standards of amenity for existing and future occupiers of land and buildings, contrary to policy CS12 of the Core Strategy (2013) and saved appendices 3 and 7 of the Local Plan (2004).

Amendment 3 to car parking layout would accommodate for the required 8.5 metre root protection zone around what are labelled the "pine and cherry" tree. This would remove the third reason for refusal as below:

3. The close proximity of the proposed unit to the northern western site boundary would result in damage to the root protection zones of both the neighbouring pine and cherry tree. It is also noted that if the new dwelling was constructed, uncertainties would arise in regards to the practical welfare of future occupants of the dwellinghouse due to severe overshadowing and loss of light which would be cast on the dwelling and rear amenity space as a result of the surrounding trees. This in turn would place undue pressure to fell the adjacent trees in the future. The proposal is therefore considered to adversely affect the landscape character of the site and surrounding area by placing undue harm on the adjacent trees; failing to adhere with policy CS12 of the Core Strategy (2013) and saved polices 99, 100, 101 of the Dacorum Local Plan (2004).

It therefore stands that the only reason for refusal outstanding is Highways reason 4:

4. The proposed intensification of the site access with insufficient forward visibility would

give rise to increased risk of collision and shall be prejudicial to highway safety. The proposal therefore fails to provide a safe and satisfactory means of access for all users, as required within policies CS8 and CS12 of the Core Strategy (2013).

Hertfordshire County Council Highways have re-assessed the planning application and concluded that insufficient balancing and weighing of factors contributed to the refusal reason of the issued in respect of the previous application and have henceforth retracted their objections; this is discussed further below.

Referral to Committee

The application is referred to the Development Control Committee due to a call in from Cllr Howard on grounds of highway safety and over-development.

Planning History

4/03037/16/FUL TWO THREE BED DETACHED DWELLINGS WITH TWIN GARAGES
Refused
03/01/2017

4/01921/11/FUL TWO DETACHED RETIREMENT BUNGALOWS (AMENDED SCHEME)
Granted
18/09/2012

4/00716/11/FUL TWO DETACHED RETIREMENT BUNGALOWS
Withdrawn
24/06/2011

4/01093/10/OUT FIVE ONE-BED DWELLINGS
Refused
21/10/2010

4/02066/01/OUT CONSTRUCTION OF DETACHED HOUSE AND GARAGE WITH
VEHICULAR ACCESS
Granted
14/06/2002

4/01766/90/FUL FOUR DETACHED DWELLINGS AND ACCESS ROAD
Withdrawn
14/01/1991

Policies

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

Adopted Core Strategy (2013)

CS1- Distribution of Development
CS2 - Selection of Development Sites
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan (2004)

Policy 10 - Optimising the Use of Urban Land
Policy 18 - The Size of New Dwellings
Policy 21 - Density of Residential Development
Policy 51 - Development and Transport Impacts
Policy 58 - Private Parking Provision
Policy 99 - Preservation of Trees, Hedgerows and Woodlands
Policy 100 - Tree and Woodland Planting
Appendix 3 - Gardens and Amenity Space
Appendix 5 - Parking Provision

Supplementary Planning Guidance (2004)

Belswains Lane (HCA18)

Constraints

Established residential area of Hemel Hempstead

Summary of Representations

Comments received from consultees:

Contaminated Land

The site is located within the vicinity of potentially contaminative former land uses. As such, consideration should be made to the potential for contamination to affect the development. Therefore I recommend that the contamination conditions be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website (www.dacorum.gov.uk/default.aspx?page=2247).

Information submitted in respect of previous application(s) indicates that a site investigation has been performed on the site that has identified no significant contamination. I would request that this report be submitted to the Council for approval. If this provides a satisfactory land contamination assessment, then the condition may not be required.

Strategic Planning

No Comment

Herts Property Services

No Comment

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 3 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

I trust the above is of assistance if you require any further information please contact me or the planning obligations team (development.services@hertfordshire.gov.uk).

Building Control

Please detail your proposals for access and facilities for the fire and rescue service vehicles (including access route specifications, road width, road capacity, etc.) in accordance with the requirements of Approved Document B Part B5, Section 11 and Table 8. There should be vehicle access for a pumped appliance to all proposed dwellings to within 45M of all points within each of the dwellings. Turning facilities will be required to any dead end route more than 20M.

Rights of Way Officer

The application site abuts Hemel Hempstead public footpath 71. There is to be no access, other than pedestrian, on to the footpath.

Depending on the species chosen, the planting of conifers abutting the public footpath will create a shady, dark area on the footpath which may discourage pedestrian use. It is likely to cause management issues too unless the owners keep them trimmed back to their boundary. Adequate space should be left between the boundary to allow the trees to grow without obstructing the path, suggest minimum of 2m.

Crime Prevention Officer

1. Physical security: I would like to raise concerns over the lack of definition around boundary treatments, 60% of burglaries occur with access being obtained from the rear of the property.
2. Alleyway at side: The drawings do not specify the width of the Alleyway to the side of the house, or any lighting provision. The concerns raised relating to the Alleyway submitted for the previous application 4/03037/16/FUL still stand.

"There is an alleyway at the side of the proposed development, which is already has a sense of enclosure from dwellings already at the side of the alleyway. The proposed

development will add to that sense of enclosure of the alleyway, and may make users have a sense of a fear of crime. I accept that the nearest proposed dwelling to the alleyway has a gable end window overlooking the alleyway, but the proposed new dwellings height will still create a sense of enclosure.”.

HCC Highways

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 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 the first occupation of the development hereby permitted the proposed on-site car and cycle parking shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking /manoeuvring area, in the interests of highway safety.

2) Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway

Reason: Reason: In the interests of highway safety.

3) Prior to commencement, revised plans showing areas for parking and turning suitable for a private vehicle, shall be submitted for approval in writing to the LPA in consultation with the Highway Authority and such parking provided prior to occupation and retained for that sole purpose thereafter.

Reason: To ensure the permanent availability of the parking /manoeuvring area, in the interests of highway safety.

I recommend inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.

AN2) It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN3) It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means

shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> by telephoning 0300 1234047.

Comments:

HCC provided comments in respect of this site previously, district reference 4/03037/16/FUL, my comments 20/12/16 refer. At such time, the Highway Authority recommendation for refusal was of refusal, given concerns over safety from the access. Subsequent to this the Highway Authority has undertaken discussions with the developer of the site, including meeting on site and provision of additional detail.

Highways concerns relate to visibility from the access, and in particular responded to concerns that the applicant had failed to consider earlier pre-application advice.

Belswains Lane is a classified C road, providing a local access function within the road hierarchy. The Highway Authority consider, on the basis of speed survey (October 2015), that 85% speeds are 30.6mph southeast bound and 32.7mph northwest bound.

The Highway Authority has had sight of evidence from the applicant that there exists proper and legal control by the applicant in respect of splays across lands fronting 76 and 78 Belswains Lane.

Attendance on site identifies that visibility from the access, is such that vehicles emerging are able to adequately see vehicles approaching from both directions. Whilst visibility to the west is constrained slightly beneath the limits set within MfS it is necessary to observe that the nature of Belswains Lane is such that it is not anticipated that oncoming vehicles would do so in the conflicting lane, despite there being no physical intervention to stop this occurring. A review of accidents local to the site identifies one serious severity accident immediately adjacent to the site (25/7/2015) however review of the details of the accident identify that the contributory factors are not a material factor in considering the safety of the access.

Parking at a level of two vehicles per dwelling is proposed, and space exists within the site sufficient that vehicles would reasonably be able to emerge onto Belswains Lane in forward gear, affording best visibility to drivers emerging from the site. Such an arrangement is at odds to the majority of local housing stock, requiring vehicles to either reverse in / out of forecourt parking, many with greatly constrained visibility over development proposals, without evidence that this activity is prejudicial to highway safety.

It is also appropriate to note that previous applications for this site include a similar level of development, but limited to retirement dwellings only, with such a scheme acceptable to the Highway Authority, but permission now expired. As previous comments, it is necessary to identify that such earlier consent was made before the introduction of the NPPF, however whilst it is accepted that the removal of restrictions on ownership may increase trips (primarily in the peaks), the quantum of development is sufficiently low that I do not consider that any impacts would be severe.

On balance, the development proposals represent an improvement over the existing situation (with vehicles using the access to the site as informal parking, being required to reverse from the site) and with greater levels of visibility than adjacent dwellings. The applicant has demonstrated to the Highway Authority that civil arrangements have been made to secure and maintain the visibility splays in perpetuity, and therefore I consider that any potential departure from visibility splays as defined in Manual for Streets would not be out of context given the local

environment and unlikely to be prejudicial to pedestrian / vehicle safety.

It is also noted that the D&A cites refuse bins shall be stored outside of the respective new dwellings. Such positioning shall result in bins being 37m from point of collection, above the maximum recommended carry distance. It is recognised however that given the width of the access as 4.1m (sufficient to accommodate 2 way flow) and mindful that vehicle usage will be reasonably low, on collection day, bins might be located to a position within the driveway within this carry distance, without undue detriment to vehicular access to the site. Access width is sufficient to enable operating space around an emergency vehicle parked within the access, such that it can get to within 45m of all points of the dwellings.

On behalf of the Highway Authority I am satisfied that the applicant has secured appropriate controls to provide maximised visibility splays, and do not consider that sufficient grounds exist to refuse the access given local speeds, hierarchy, visibility and safety records. I therefore present no objection to the proposal, subject to the above conditions.

Environmental Health

I do not wish to object to this development on environmental health grounds but I would recommend the conditions below be applied to the construction phase if this application is approved:

(1) Building work and all related activities on the site, including deliveries and collections shall only take place between 7-30 am and 6-30 pm on weekdays (Monday to Saturday inclusive) and no work shall take place on site on Sundays or Bank Holidays.

(2) No waste material, wood or other material shall be burnt on site at any time.

DBC Trees and Woodlands

Objection

I can't recommend approval due to the probable effect on trees in adjacent property.

The image directly below, copied from NB-247 22/05/17, shows a mass of parking spaces on the western boundary, overhung by what are called a 'Pine' and 'Cherry'.

In the approximate same image from a previous plan, NB-247 (undated), two parking spaces are shown on the same boundary, one in-line with the dwelling wall, the other offset.

It has been stated in relation to a similar previous scheme by an Officer of Trees & Woodlands that a root protection area (RPA) of 8.5 metres diameter is established around the 'Pine', actually a Cedar, and that development within it is restricted.

I would agree that the Cedar is aesthetically significant within the local area and that excavation within the RPA should not be approved. The majority of parking spaces in both above plans detrimentally impact upon the RPA.

It might be acceptable to install parking spaces within the RPA if the parking surface was to be raised significantly and constructed using a 'no dig' design. Details should be submitted for further assessment. If a 'no dig' methodology is not proposed, I would recommend that parking

spaces are moved away from the RPAs of the Cherry and Cedar entirely.

The positions of both proposed dwellings do not impact upon trees.

The RPAs of the Cherry and Cedar should be protected using measures (fencing or ground boards) to minimise potential damage, from general construction activity, to tree roots and surrounding soil. Again, details should be submitted for assessment.

Comments received from local residents:

213 Ebberns Road

Objection

Entry to and exit from the land is on a bend and is dangerous. To make things worse cars in Belswains Lane park half on and half off the pavement in this area making visibility even worse. In my opinion this is an accident waiting to happen.

309 Ebberns Road

Objection

Please see below objections to the proposed redevelopment of garden space to rear of 76-78 Belswains Lane ref 4/00726/17/FUL

1/ Work has already begun: On the application form the applicant states current use is gardens. This space has not resembled or been usable as a garden since the small digger and stacks of brick arrived. The Applicant also claims on the form that work has not begun on site. Since planning permission was refused on application 4/03037/16/FUL there has been regular groundwork carried out on site, as brought to Dacorum Planning's attention on April 7th 2017, shortly before this notice was issued. The improvements to the access slope, presence of digging equipment, pipe laying etc would suggest "yes" is the more accurate answer.

2/ Accuracy of plans: Last site plan 4/03037/16/FUL shows distance from rear of 78 Belswains Lane to 211 Ebberns Road as 49m (24m+6m+19m). The rejection notes from Planning noted cramped position of buildings and no adherence to minimum of 23m between new development and existing homes. With space clearly an issue previously, on this revised plan the site distance has now increased to 50m (22m+6m+22m). If a house is to be built with a 23m gap between 78 Belswains Lane and 211 Ebberns Road the dwelling should be 4m wide, not 6, based on these plans.

The site plans still omits the distance to 209 Ebberns Road (approx 18m). This is the closest property to the western plot, and the proximity – and fact that the distance was left off the plan – was objected too last year for application 4/03037/16/FUL. It is not clear in either application why this distance is not considered relevant to the application.

Scale of Development: In several directions the distance around the proposed new houses and existing homes is less than requisite 23m, a distance defined "in order to preserve neighbouring resident's outlook and privacy. The previous council ruling noted "an unacceptable amount of bulk and mass across the site and a significant erosion of the spacious character of the area. As

a result, the proposed dwellings would appear cramped within its plot and would fail to maintain or enhance the quality and character of the surrounding area". This does not appear to have changed in any way.

Future of trees : concerned that the observations of the expert on the last application, and the potential loss of the sycamore in the south western section adjacent to 209

Access: In light of the serious accident logged (25/7/15) there is ongoing concern over safe exit particularly, in either direction, between 78 and 76 due to cars parked along Belswains Lane, regardless of any improvement to visibility splay. Unclear if there is any improvement to this since the last plan and the experts doubts that it was adequate.

Light pollution: Concern over impact of car headlights on Belswains Cottages and backs of Ebbens Road properties

Parking spaces: The application suggests provision of 6 parking spaces, looks like 4, possibly 5. The western property will have cars parked under trees which was noted as a concern on the previous application. Parking is getting worse in this neighbourhood, exacerbated by ongoing development off ex-factory sites into new homes along a long cul-de-sac with no parking controls. The turning head on Ebbens Road is already used as parking with regular overspill onto the narrow public footpath linking Sainsburys and Belswains Lane. Large vehicles regularly struggle to turn round. The loss of parking along Belswains Lane could send local residents along Ebbens Road making the problem worse.

We feel that the plan remains – as the planning decision last time described -an "inappropriate development of residential gardens". The proposal would result in overdevelopment of the site and an over-intensification of built residential form within the immediate area.

205 Ebbens Road

Objection

We agree with all the points raised by the objections already submitted.

The land is not being used as gardens currently and is being used to store building materials and burn materials from other sites. Not only are bricks being stored but other building materials and equipment. A drainage pipe between 76&78 has already been laid and covered.

We also share concerns about the access of vehicles on to and off site due to the proximity to bend in the road even with improved sight lines.

However our principle objection is that the plans for two 3 bedroom dwellings is an overdevelopment of the site which will have if granted an adverse impact on the privacy and loss of light to the neighbouring properties as well as not being in keeping with the surrounding area.

203B Ebbens Road

Objection

1. Overlooking/loss of privacy

With two three bedroom dwellings directly behind our property it will be very easy for any future owners/tenants to see directly into our living area and main bedroom. We believe the gap between buildings will not be sufficient to ensure a fair amount of seclusion from neighbouring homes, especially when we can already see into multiple houses already situated on Belswain's Lane.

2. Loss of light or overshadowing

Due to the protected trees behind our property, the light that reaches into our property is already quite limited during daylight hours. This will only be impacted further with the addition of two 2-floor properties on the proposed area of land.

3. Highway safety

Belswain's Lane is an incredibly high traffic road, and despite it being restricted to 30MPH many drivers do not stick to this. The proposed entrance to Mr N. Wingrove's development will be extremely dangerous as it will not appear to be a proper road/cul-de-sac entrance. Its positioning between two pre-existing houses will make it incredibly hard to spot, turning it into what can only be described as a blind turn. We believe this will cause multiple road accidents in the future.

4. Noise and disturbance from use

Despite the distance, noise transference between us and houses opposite on Belswain's Lane is already very clear, we quite often hear parties in people's back gardens and children playing outside. As the 2 proposed properties will be even closer, the surrounding noise and disturbance will only increase – impacting our evenings and weekends.

5. Effect on listed conservation area

The land behind our property contains multiple listed trees. We believe that two new dwellings will over time greatly impact the health and look of both the protected cherry tree and Oak tree that resides behind our house. Restricted access and light will impact how both of these fair in the future and the proposed work could damage surrounding roots before the dwellings are even completed.

6. Nature conservation

With RSPB's '*The state of the UK's birds 2016*' report highlighting that the endangered red list of birds has grown substantially, with a net increase of 15, from 52 species in 2009 to 67 in 2015, we are concerned at how this building work will impact the surrounding wildlife. We believe it can only end badly and that the proposed work and dwellings will destroy surrounding habitats and potentially reduce the population of any and all surrounding animals, including birds, grey squirrels, hedgehogs and foxes.

211 Ebbw Vale Road

Objection

The previous application 4/03037/16/FUL for this site was rejected as unacceptable in principle on the following grounds:

1. Excessive size of the units relative to the size of the plot
2. Detrimental effects on the residential outlook, privacy and daylight serving neighbouring residents at Nos. 1 and 2 Belswains Cottages and Nos. 203- 211 Ebbens Road.
3. Damage to trees around the site adversely affecting the landscape character of the site
4. Insufficient forward visibility for the exit onto Belswains lane

As compared to the previous application, the size of the units has been reduced by dispensing with the double garages, and the houses have been moved slightly.

Objection 1 still holds as even without the garages it has not proved possible to position the houses so as to give a distance of more than 23 m to all of the surrounding houses. The proposed development is still excessive for the plot available. It is out of keeping with the area.

Objection 2 above still holds. There is no essential change to the detrimental effects on the amenities of the houses in Ebbens rd.

There is still insufficient distance between the house r/o 78 Belswains lane and 209 - 211 Ebbens rd. Note that the measurements on the new plan are not consistent with those on the previous application 4/03037/16/FUL as the distance between 78 Belswains lane and 211 Ebbens rd seems to have increased by 1 m. (This indicates that the plans need to be checked by an independent authority.) Note that the slope of the land increases the effective height of the new houses relative to the Ebbens Rd houses.

The distance between the house r/o 78 Belswains lane and 209 - 211 Ebbens rd is not specified but is clearly a lot less than 23 m, estimated from the plan as 18 -20 m. The new houses would be within a 45 degree line from the rear windows of 209 - 211 Ebbens rd so a minimum of 23 m should apply.

The distance from the side of the house r/o 78 Belswains lane to 2 Belswains cottages is only 13 m.

Regarding objection 3 above the new parking spaces appear to overlap the root systems of the pine and cherry trees with potential for damage.

Regarding objection 4 the problems with visibility on exiting the site still hold. The exit is on a bend and as others have pointed out there have been a number of accidents in this stretch of road. The plan appears to show only 4 car parking spaces while 6 are claimed on the form. Note that with only 2 parking spaces per house now due to removal of the garages there is no parking on site for visitors, who are likely to park on Belswains lane, potentially obstructing the exit sightlines. (There is little street parking available on Ebbens rd, due to the number of new developments with inadequate parking provision; the turning head and the footpath at the end of Ebbens rd are almost always obstructed by parked cars.)

We would also point out that the site is currently not a garden as claimed in the application but is being used by the builder as a storage and waste facility. Since the previous application was refused there has been significant activity on the site with a pipe being laid, a hard access drive laid, and bricks stored on site. Rubble and waste material from elsewhere has regularly been delivered, stored, and removed in large lorries; bonfires have been lit regularly to dispose of flammable waste including material such as clean cardboard which could and should be recycled. Bonfires have been left unattended while still burning with large flames.

2 Belswains Cottages

Objection

We object to the proposed development because the site is not suitable for development, the proposed dwellings are too close to existing houses and the exit onto Belswains Lane does not have sufficient visibility.

The proposed development is a form of backland development. Dacorum Strategic planning have previously stated that it is the Council's view that this is a generally unsatisfactory form of accommodating new housing.

The site lies within a designated Residential Area under Policy CS4: The Towns and Large Villages. Within the HCA18 Belswains character area policy statement it states under the section on Plot Amalgamation:

'Discouraged. Will not normally be permitted, with the exception of the rear garden areas in Belswains Lane that form part of the Two Waters and Apsley Proposal Sites TWA1'.

This site is not within the TWA1 proposal area, so the application should not be permitted.

Appendix 3 of the Dacorum Borough Local Plan states the following with regard to Spacing of Dwellings:

'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.'

The house to the rear of 78 Belswains Lane is only 22 m from both 78 Belswains Lane and 211 Ebbens Road. 78 Belswains Lane already has planning permission for a 3.5 m extension, which will reduce the distance to 18.5 m. The distance between the rear of the house behind 76 Belswains Lane and 209 Ebbens Road is only 18 m. This will detriment the residential outlook, privacy and daylight serving neighbouring residents. The fact that it is not possible to position houses on the plot while maintaining the minimum distance further reinforces the unsuitability of the site for development.

The Highways agency recommended that the last application on this site was refused and stated:

"The intensification of an access with insufficient forward visibility shall give rise to increased risk of collision and shall be prejudicial to highway safety."

If this proposal is approved and somebody is killed exiting onto Belswains Lane, who is going to take responsibility for ignoring the Highways agency advice?

Other issues:

The size of the plot is larger on the current plans than it was on the previous application. The distance between 78 Belswains Lane and 211 Ebbens Road has increased from 49 to 50m and the distance between 76 Belswains Lane and 207 Ebbens Road has increased from 52 to 53.8m. This makes it difficult to trust any of the measurements on the current plans.

The site currently looks like a building site with heavy machinery and building materials including enough bricks to build at least one house. In the application it is described as a garden where no development has taken place.

209 Ebbens Road

Objection

Please see below objections to the proposed redevelopment of garden space to rear of 76-78 Belswains Lane ref 4/00726/17/FUL

1/ Work has already begun: On the application form the applicant states current use is gardens. This space has not resembled or been usable as a garden since the small digger and stacks of brick arrived. The Applicant also claims on the form that work has not begun on site. Since planning permission was refused on application 4/03037/16/FUL there has been regular groundwork carried out on site, as brought to Dacorum Planning's attention on April 7th 2017, shortly before this notice was issued. The improvements to the access slope, presence of digging equipment, pipe laying etc would suggest yes is the more accurate answer.

2/ Accuracy of plans: Last site plan 4/03037/16/FUL shows distance from rear of 78 Belswains Lane to 211 Ebbens Road as 49m (24m+6m+19m). The rejection notes from Planning noted cramped position of buildings and no adherence to minimum of 23m between new development and existing homes. With space clearly an issue previously, on this revised plan the site distance has now increased to 50m (22m+6m+22m). If a house is to be built with a 23m gap between 78 Belswains Lane and 211 Ebbens Road the dwelling should be 4m wide, not 6, based on these plans.

The site plans still omits the distance to 209 Ebbens Road (approx 18m). This is the closest property to the western plot, and the proximity and fact that the distance was left off the plan was objected too last year for application 4/03037/16/FUL. It is not clear in either application why this distance is not considered relevant to the application.

Scale of Development: In several directions the distance around the proposed new houses and existing homes is less than requisite 23m, a distance defined in order to preserve neighbouring resident's outlook and privacy. The previous council ruling noted an unacceptable amount of bulk and mass across the site and a significant erosion of the spacious character of the area. As a result, the proposed dwellings would appear cramped within its plot and would fail to maintain or enhance the quality and character of the surrounding area. This does not appear to have

changed in any way.

Future of trees: concerned that the observations of the expert on the last application, and the potential loss of the sycamore in the south western section adjacent to 209

Access: In light of the serious accident logged (25/7/15) there is ongoing concern over safe exit particularly, in either direction, between 78 and 76 due to cars parked along Belswains Lane, regardless of any improvement to visibility splay. Unclear if there is any improvement to this since the last plan and the experts doubts that it was adequate.

Light pollution: Concern over impact of car headlights on Belswains Cottages and backs of Ebbens Road properties

Parking spaces: The application suggests provision of 6 parking spaces, looks like 4, possibly 5. The western property will have cars parked under trees which was noted as a concern on the previous application. Parking is getting worse in this neighbourhood, exacerbated by ongoing development off ex-factory sites into new homes along a long cul-de-sac with no parking controls. The turning head on Ebbens Road is already used as parking with regular overspill onto the narrow public footpath linking Sainsburys and Belswains Lane. Large vehicles regularly struggle to turn round. The loss of parking along Belswains Lane could send local residents along Ebbens Road making the problem worse.

We feel that the plan remains as the planning decision last time described -an inappropriate development of residential gardens. The proposal would result in overdevelopment of the site and an over-intensification of built residential form within the immediate area.

74 Belswains Lane

Objection (as summarised)

- Removing the double garages from the current design and repositioning the dwellings has not resolved the issue of privacy and daylight serving neighbouring residents at Nos. 1 and 2 Belswains Cottages and Nos. 203 – 211 Ebbens Road. The privacy to Nos. 74 – 78 Belswains Lane is also compromised because the required 23 metre spacing between dwellings (and extensions) and new dwellings is not observed.
- Removing double garages from the current design has reduced the possibility of root damage to the neighbouring pine and cherry tree. However, the applicant proposed to park cars within the 8.5 metre protected root area. The proposed westerly dwelling is also now closer to the Cherry Tree which may place undue pressure to fell the trees in the future.
- No attempt to improve access to required visibility splay. The proposed intensification of the site access with insufficient forward visibility would give rise to increased risk of collision and is prejudicial to highway safety.
- Visibility sight line below the required 2.4m x 43m.
- Who has control of the proposed fence said to be erected on neighbouring property land? Proposed fence would result in a loss of off street parking.
- Have been a number of serious incidents on Belswains Lane road. Serious concern in regards to Highway safety.

- Applicant has not control in implemented the required 2.4 m x 43m visibility line of site. Inspectors appeal for application in 1989 outlined that “there is no evidence that the land between the new fence and the highway is now under your control. If the electricity board should decide to erect anything on it, visibility to the south could be reduced to a similar unacceptable distance as that to the north.”
- Proposed units do not meet the required 23 metre separation distance between properties.
- Access road not big enough for two cars to pass.
- Proposed units would result in loss of sunlight to rear garden of No.74.
- Car manoeuvring on access road would bring noise and disturbance to rear of properties on Belswains Lane.
- Overlooking into properties on Belswains Lane.

Key Considerations

The main planning considerations in the determination of this application are:

1. The principle of the development
2. The quality of the design and impact on character and appearance of the area
3. The potential impact on the living conditions of future occupants and surrounding residential units
4. Impact on trees and landscaping
5. Highways safety and parking provision
6. Sustainability
7. Consultee responses

1. Principle of Development

Core Strategy (2013) policy CS1 states that Hemel Hempstead will be the focus for homes and policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged. As such, the infrastructure in the immediate area has been developed to provide good transport links for existing residents. There are also services and facilities available within close proximity of the site

Furthermore, the National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed. Saved policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.

Contrary to this however, the NPPF (2012) also states that Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Taking all of the above into account, the proposal would make a valuable contribution to the Borough’s existing housing stock (in accordance with Policy CS17) and complies with the Council’s settlement strategy. As such, given that the development would be located in a sustainable location the principle of development is acceptable in accordance with policies, CS1, CS4, CS17, of the Core Strategy, saved policy 10 of the Local Plan (2004) and NPPF

(2012). The assessment of the impact of the proposed development upon the character and appearance of the immediate area and residential amenity of neighbouring properties hereby follows.

2. The quality of the design and the impact on the character and appearance of the area

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

In addition, paragraph 64 of the NPPF states that *'permission should be refused for developments of poor design that fail to take opportunity available for improving the character and quality of an area and the way it functions.'*

Core Strategy (2013), Policies CS10, CS11 and CS12 highlight the importance of high quality sustainable design in improving the character and quality of an area; seeking to ensure that developments are in keeping with the surrounding area in terms of size, mass, height and appearance. This guidance is reiterated in the saved Local Plan (2004) Policies 10, 18, 21 and appendix 3.

The Area Character Appraisal for HCA18 Belswains describes the character and spatial layout of the area as, "variety throughout, although detached and semi-detached dwellings are the most common". As such, no special requirements of housing design is specified, except that new infilling and plot amalgamation development, where permitted, will be expected to be compatible with nearby and adjacent dwellings in terms of height, general size and spacing.

The proposal seeks to erect two detached dwellings. Semi-detached and detached dwelling form is considered to be appropriate within this area. There would be a two metres separation distance between both units, maintaining to some extent the generous spacing between dwellings within the street scene.

The proposed architectural form for the two units would have a gable roof and simplistic window portion and front porch design. The height of the proposed units would measure approximately 8 and 9 metres; this is considered an appropriate height for a two storey unit. Given the proposed height, decline in site level and 34 - 37 metres (approximate) set back from Belswains Lane it is not considered that the proposed units would be immediately visible from the street scene, although, limited views of the development may be glimpsed when standing directly in front of the site entrance. Due to the three storey height and terraced form of properties on Ebbens Road it is not considered the proposed units would be overtly visible from this street scene either. There would be views into the development from the narrow footpath running to the south east of the site however, these would be limited due to set back of Unit 2 of 8 metres from the footpath and 1.8 metre high close boarded wooden fence proposed to run along the boundary of the site. As such, it is not considered that the proposed architectural form of the two units would result in detrimental impact to the character and appearance of the surrounding street scenes.

Turning to build form across site, the proposed properties would be located in a relatively

central plot position; retaining an approximate 7 - 8 metre separation distance to south eastern and western site boundaries 6 – 11 metres retained to northern boundaries with Belswains Lane and 11 – 13 metres retained to southern boundaries. These distances when compared with the 7 metre depth of Unit 1 and 6 metre depth of Unit 2 would result in an appropriate level of built form to surrounding open space, in order to prevent over residential intensification of the site and retain the open suburban character of the area.

As such, the built form and positioning of the proposal would not result in a visually dominant feature within the streetscene or an unacceptable spread of bulk and mass across the site. It is therefore considered that the proposal relates to the spacious, open, character of the wider area and comply with Policies CS10, CS11 and CS12 of the Core Strategy (2013), saved Policies 10, 18 and 21 and Appendix 3 of the Local Plan (2004) and the NPPF (2012).

3. The potential impact on the living conditions of future occupants and surrounding residential units

The NPPF (2012) outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development does not result in detrimental impact to neighbouring properties and their amenity space. Thus, proposals should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

Saved Appendix 3 of the Local Plan (2003) outlines a minimum 23 metre separation distance between the main rear wall of dwelling and main wall (front or rear) of another. The proposed units would retain a 22 – 23 metre separation distance to properties Nos. 76 and 78 Belswains Lane. Given this separation distance and incline of site levels towards Ebberns Road the dominance of these properties would be reduced as to prevent loss of outlook or privacy serving these properties. It is noted that a two storey side extension with a rear projection at No.78 Belswains has recently been granted under app ref: 4/01425/16/FHA, which reduces the rear-to-rear separation distance further. Nonetheless, this side extension would not be directly opposite Unit 2 and therefore would have oblique views of the site. Moreover, as the side extension has not yet been constructed it can only be given limited weight.

The proposed units would be located 22 – 23 metres away from properties at Ebberns Road. As such, Unit 2 would fail to meet this guidance standard by 1 metre. Nonetheless, this 1 metre shortfall is considered marginal and when combined with rear elevation boundary treatment not considered reason enough to contribute to a refusal. Further, the relationship of Unit 1 with No.209 Ebberns Road would be oblique and therefore this 18 metre (approximately) separation is not of significant concern.

Unit 2 would be located 13 metres away from the front elevation windows of Belswains Cottages, this separation distance combined with the 8 metre height is considered sufficient to retain outlook to these neighbouring residents. Furthermore, this relationship would be side to front, of which DBC have no separation distances policy guidance. Taking these distances into account in conjunction with the orientation of the site in relation to the front facing windows of No.2. Belswains Cottages, it is not considered that the proposal would result in significant harm to the living conditions of the occupants in terms of overbearingness and / or loss of light.

Turning to the living conditions the proposal would afford future residents. Saved Appendix 3 of

the Local Plan (2004) states that garden depths equal to adjoining properties would be acceptable with a functional proposed width, shape and size that is compatible with surrounding area. Saved Appendix 3 expands this further outlining that a dwellinghouse should be provided with a minimum 11.5 metre deep garden space; with a larger garden depth provided for family homes. The two proposed units would meet this provision with garden depths of 12.4 and 11.2 metres respectively, in conjunction with generous widths of 15 and 16 metres.

Side facing windows proposed have been recommended as conditioned as obscure glazed in order to preserve the privacy and residential amenity of future occupiers of the dwellings and neighbouring residents.

As such, the proposed development is considered acceptable in terms of residential amenity and therefore would comply with the NPPF (2012), Saved Appendix 3 of the Local Plan (2004) and policy CS12 of the Core Strategy (2013).

4. Impact on Trees and Landscaping

Saved Policies 99 and 100 of the Dacorum Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

There is established vegetation within and immediately adjacent to the application site, although no part of the application site, or adjacent trees are subject to a Tree Preservation Order (TPO). Nonetheless, the Trees and Woodlands Officer was consulted on the key trees within Nos. 74 and 76 Belswains Lane and advised that the positions of both proposed dwellings would not impact upon trees in addition to an 8.5 metre root protection area required to be maintained around the tree labelled "Pine". This 8.5 metre root protection area has been achieved through the set in of both parking spaces serving unit 1.

The proposed scheme has the potential to provide soft and hard landscaping on site. A condition has been recommended requesting details of materials for hard landscaping and boundary treatment. In addition to a more detailed landscaping plan to ensure a sufficient screen of landscaping on the boundary between Ebberns Road and the application site.

The proposal is considered to accord with Saved Policies 99 and 100 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

5. Highway Safety and Parking Provision

Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 39 of the NPPF (2012) states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Policies CS8 of the Core Strategy (2013) and saved Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

The application seeks to provide 2x three bed dwellings which in accordance with saved Appendix 5 of the Local Plan (2004) would require a total of 4.5 off street parking spaces (2.25

per dwelling) within Zones 3-4. The proposal would provide sufficient off street parking provision to accommodate 4 domestic cars with an additional space for a further 5th car, or motorcycles, thereby meeting maximum standards.

Herts Highways were consulted on the proposal and have raised no objection subject to recommended conditions. Put simply, the considerations made which led to HCC Highways raising no objections were as follows:

- The access is existing and therefore regard is given to the intensification of use only, rather than construction against modern standards. It is not considered that the quantum of 2 dwellings (which might reasonably generate 1 to 2 movements out in the morning peak and a similar level in during the evening peak) would result in severe impact to Highway movement and thereby safety.
- The NPPF directs development should only be refused where the results are severe.
- The constraints of the existing access are retained amongst many other properties on Belswains Lane. Highway records of accident data contains no evidence that this arrangement of being unable to enter and exit in forward gear and limited visible splay (below standards) has been the cause of accidents within the area.
- The planning application improves site circumstance by providing a turning area within the site which would enable forward gear entrance and exit, in addition to wider site visible splays.
- Previous granted planning applications 4/01921/11/FUL and 4/02066/01/OUT proposed identical site access arrangements and quantum of development currently proposed. Since these applications were given approval, the NPPF has been introduced, relaxing requirements further, identifying that development may only be refused if the impacts on the network are severe.

On the grounds outlined above refusal of the planning application on highways grounds would be unreasonable. The proposed development would not result in severe impact to the safety and operation of adjacent highway. Thus, the proposal meets the requirements of Policy CS8 and CS12 of the Core Strategy (2013) and Saved Appendix 5 of the Local Plan (2004).

6. Sustainability

Policy NP1 of the Core Strategy (2013) states that Council will apply a presumption in favour of sustainable development when considering proposals. This is consistent with the 'golden thread' running through the NPPF (2012) as outlined in paragraph 14. The Framework states that there are three aspects to sustainable development; social, economic and environmental. These roles should not be undertaken in isolation, because they are mutually dependent (paras. 7-8).

Environmental

The application site is situated within an urban area in the existing town of Hemel Hempstead. As such, the infrastructure in the immediate area has been developed to provide good transport links for existing residents. There are also services and facilities available within close proximity of the site. Taking this into account, the proposal would be environmentally sustainable.

Social

The proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and complies with the Council's settlement strategy. As such, it is considered to be socially sustainable.

Economic

The proposal would also result in economic benefits during the construction of the units.

Conclusion

Overall, the proposal represents sustainable development, for which a presumption in favour applies in accordance with para.14 of the NPPF (2012).

7. Consultation responses

Several concerns were received as a result of the application. The main concerns are addressed below:

Entry to and front site being dangerous: Hertfordshire County Council have raised no objection to the scheme, further explanation of this is provided within Section 5, Highway safety and car parking provision.

Plans inaccurate in terms of measurements: It is appreciate that there is a metre discrepancy between the site plan currently submitted and previous one in 2016 application ref: 4/03037/16/FUL. Nonetheless, the site plan submitted under the current application reads accurate dimensions when scale measured. When submitting planning applications the application form requires applicants to confirm and sign that plans submitted are "true and accurate"

Works already started on site: DBC Enforcement have been notified of this and on two occasions verified that the clearance of the site does not constitute a breach of planning control.

Previous reasons for refusal: The previous reasons for refusal and how these have been overcome are addressed under the proposal section above.

Light Pollution: Due to separation distance of proposed units to neighbouring properties in conjunction with boundary landscaping it is not considered that the proposal would result in significantly further light pollution levels than existing.

Overdevelopment of site: Overdevelopment is assessed in terms of the impact of the proposed works on external amenity provision, relationship to site boundaries and number of car parking spaces. As a result of the proposed works the separation distance to neighbouring boundaries would be retained at 13 – 23 metres (approximately), meeting DBC separation distance guidance. Parking provision would be more than sufficient to accommodate 4 cars, adhering to maximum car parking standards and sufficient external amenity provision, in accordance with Saved Appendix 3 of the Local Plan (2004) would also be ensured.

Loss of privacy and light to neighbouring properties: The proposed units would adhere to the 23 metre separation distance guidelines to properties at Belswains Lane and Ebbens Road, and in-turn privacy levels would also be acceptable. Due to the orientation of the site north of Ebbens Road no loss of sunlight to neighbour residents would result. Further assessment regarding residential amenity has been outline within section 3, the potential impact on the living conditions of future occupants and surrounding residential units, above.

Noise disturbance: It is not considered that the intensification of two further dwellings on site, within a relatively dense residential area would result in a significant increase in noise levels.

Impact on protected trees: No trees within the immediate vicinity are covered by a Tree Protection Order. Nonetheless, an 8.5 metre root protection area has been maintained around the trees labelled 'Pine' and 'Cherry'.

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 carried out in accordance with the following approved plans/documents:**

NB-247 Sheet 1
NB-247 Sheet 2
NB-247 Sheet 3
NB-247 Sheet 4

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

- 3 The windows at first floor level in the side elevations of the dwellings hereby permitted shall be permanently fitted with obscured glass and non-opening below 1.7m from the floor level unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and future occupiers of the property; in accordance with Policy CS12 of the Core Strategy (2013).

- 4 No dwelling shall be occupied until 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;**
- **height and type of boundary treatment;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with**

plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;

- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area; in accordance with Policy CS12 of the Core Strategy and saved Policies 99 and 100 of the Local Plan (2004).

5

Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework, Core Strategy Policies CS9 and CS12 and Saved Policy 51 of the Dacorum Borough Local Plan.

6

No dwelling shall be occupied until revised plans showing areas for parking and turning suitable for a private vehicle, has be submitted to and approved by the LPA. Such parking will be provided prior to occupation and retained for that sole purpose thereafter.

Reason: To ensure the permanent availability of the parking /manoeuvring area, in the interests of highway safety; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

7

No development shall 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 must be submitted and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

(b) Submission of Remediation Scheme

If contaminated land is identified through condition (a), 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. 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/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/validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

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

Informatives

Article 35 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

Highways

AN1) The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> by telephoning 0300 1234047.

AN2) It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN3) It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> by telephoning 0300 1234047.

Environmental Health

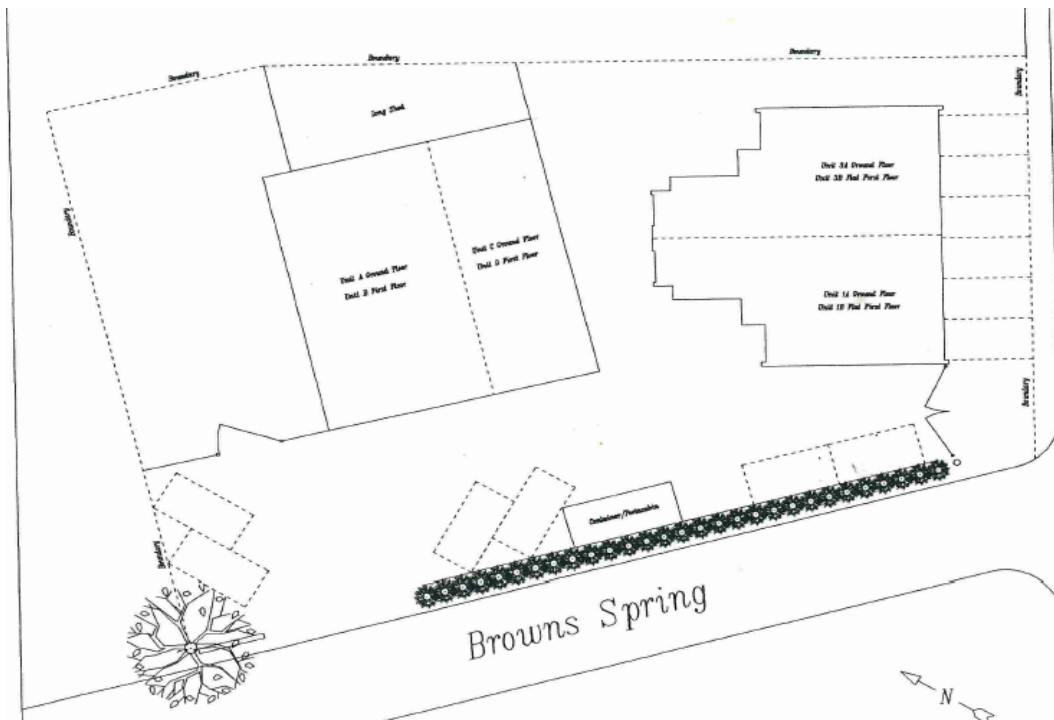
1. Building work and all related activities on the site, including deliveries and collections shall only take place between 7-30 am and 6-30 pm on weekdays (Monday to Saturday inclusive) and no work shall take place on site on Sundays or Bank Holidays.

2. No waste material, wood or other material shall be burnt on site at any time

Item 5f

4/01099/17/FUL - CHANGE OF USE FROM B8 (WAREHOUSE AND DISTRIBUTION) TO B2 (GENERAL INDUSTRIAL)

WOODLAND WORKS, WATER END ROAD, POTTEN END, BERKHAMSTED, HP4 2SH



**4/01099/17/FUL - CHANGE OF USE FROM B8 (WAREHOUSE AND DISTRIBUTION) TO B2 (GENERAL INDUSTRIAL).
WOODLAND WORKS, WATER END ROAD, POTTEN END, BERKHAMSTED, HP4 2SH.
APPLICANT: MR HARVEY.**

[Case Officer - Matt Heron]

Summary

The proposal represents small-scale employment redevelopment on an established employment generating site within a selected small village. As such, there is no compelling objection to the principle of the proposal in land use terms. Additionally, the proposal is sustainable in terms of social, economic and environmental matters.

Further, the proposed development represents the re-use of a permanent and substantial building which would preserve the openness of the Green Belt and would not contravene the purposes of including land within it. As such, it represents development which is not inappropriate within the Green Belt and is consistent with the Councils overarching local Green Belt Policy.

The impacts of the proposal have also been considered on the visual amenity of the area, on the living conditions of the occupants of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with the identified policies the adopted Local Plan and Core Strategy and the relevant Sections of the Framework.

Site Description

The application site is located within the Selected Small Village of Potten End, a settlement within the Metropolitan Green Belt. The existing lawful use of the application site is a builders' yard (associated with a trade) with a primary storage use. As such, it is considered that the existing use of the site is Use Class B8 (storage and distribution).

This application concerns Unit C – which is 86m² in floor area.

Proposal

This application seeks full planning permission for a change of use at the application site from B8 (storage and Distribution) to an MOT test station (B2 – General Industrial).

Referral to Committee

The application is referred to the Development Control Committee as Nettleden with Potten End Parish Council has objected to this proposal stating:

“The Parish Council is of the opinion that a MOT station backing onto / into a residential area is undesirable not least through noise pollution and car-parking issues. Also there does not appear to be the necessity for one with plenty of MOT stations in the area.”

Relevant History

4/00516/75/FUL ERECTION OF REPLACEMENT SINGLE STOREY BUILDING
Granted
12/08/1975

Policies

National Policy Guidance

National Planning Policy Framework (the Framework)

Adopted Core Strategy

NP1 – Supporting Development
CS1 – Distribution of Development
CS4 – The Towns and Large Villages
CS5 – Green Belt
CS6 – Selected Small Villages in the Green Belt
CS8 – Sustainable Transport
CS9 – Management of Roads
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 – Quality of the Public Realm
CS26 – Green Infrastructure
CS31 – Water Management
CS32 – Contaminated Land

Saved Policies of the Dacorum Borough Local Plan

Policy 10 – Optimising the Use of Urban Land
Policy 34 – Other Land with Establish Employment Generating Uses
Policy 51 – Development and Transport Impacts
Policy 57 – Provision and Management of Parking
Policy 58 – Private Parking Provision
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Appendix 5 – Parking Provision

Summary of Representations

Comments received from consultees:

Herefordshire County Council Transport, Programmes and Strategy – No objection.

Dacorum Environmental Health – No objection subject to relevant condition.

Comments received from local residents:

8 letters of objection have been received from surrounding addresses. Comments are summarised as:

- Increased noise pollution.

- Pollution from MOT processes affecting human health.
- Increased traffic and congestion.
- Harm in terms of highway safety.
- Insufficient parking provision.
- Detrimental impact in terms of flooding and drainage.
- Harm to living conditions in terms of loss of privacy.

It is noted that concern has also been raised with regards to the formal consultation process associated with this application. A site notice to advertise the proposal has been erected and only neighbouring addresses which adjoin the application site have received a notification letter from the Council. The application has been advertised in line with all legal and statutory requirements.

Key Considerations:

The main planning issues in the determination of this application are:

1. Principle of the Development
2. Principle of development within the Green Belt
3. The quality of the design and the impact on the character and appearance of the area
4. The potential impact on the living conditions of the occupiers of surrounding residential units
5. Highway Safety and Parking Provision
6. Social, Economic and Environmental Matters
7. Other Material Planning Considerations
 - i) Contaminated Land
 - ii) Flooding and Drainage
 - iii) Air Quality

1. Principle of the Development

Policy 34 of the Dacorum Local Plan (2004) states that small-scale employment development and redevelopment on established employment generating sites within selected small villages may be acceptable, subject to having no undesirable impact upon surrounding properties, the character of the area and the layout of the existing site. In addition, this policy also states that, within the Green Belt, there must be very special circumstances for the redevelopment of such sites. However, this element of Policy 34 is wholly inconsistent with the provisions of the Framework and an assessment in Green Belt terms will instead be performed in line with Section 9 of the Framework (see Section 2 of this report).

The proposal seeks the change of use of land to an MOT test station and would employ three full time and one part-time staff members. The proposal would involve the change of use of an existing building and there is no additional operational development required. Overall, it is considered that this proposal is 'small-scale'. As such, subject to the proposal complying with the additional criteria identified in Policy 34 (see discussions below), there would be no compelling objection to the principle of this development in land use terms.

2. Principle of development within the Green Belt

The Government attaches great importance to Green Belts. 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. In the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The main issues to consider in terms of Green Belt policy, therefore, are the appropriateness of the development; effect on the purpose of including land in the Green Belt, the effect on the openness of the Green Belt and, if it is inappropriate development, are there any very special circumstances to outweigh the harm to the Green Belt and any other harm.

Appropriateness

The proposal involves the re-use of an existing building from use class B8 (storage and distribution) to an MOT test station use class B2 (general industrial). Saved Policy CS5 states that the appropriate re-use of permanent and substantial buildings may be permitted subject to having no significant impact on the character of the area and supporting the rural economy.

However, the prevailing policy is found within Section 9 of the Framework. Paragraph 90 of the Framework states:

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.”

One such form of development is:

“The re-use of buildings provided that the buildings are of permanent and substantial construction.”

Though no information has been provided with regards to the structural integrity of the building to be 're-used', following a site visit it was clear that the building is of substantial construction and is capable of conversion. As such, subject to the proposal preserving the openness of the Green Belt and not contravening the purposes of including land within it, the development may be considered as not inappropriate within the Green Belt.

Openness

With regards to openness this is about the physical permanence at the application site and the sense of visual openness at the site. Given the proposal would not result in any additional structures, it is not considered that the built physical presence at the site would significantly alter. Further, when compared to the existing storage and distribution use at the site, it is not considered that the development would make a significant difference in terms of the visual perception of openness at the existing employment generating site. Overall, it is not considered that the development would result in harm to openness when considered in the context of the existing lawful use of the application site.

Purposes of including land in the Green Belt

It is necessary to consider whether the proposal would result in harm in terms of the five purposes of including land in the Green Belt. Paragraph 80 of The Framework states 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.

The proposal would not result in the unrestricted sprawl of a large built-up area, would not result in two towns merging into one another, would not harm the setting of any adjacent historic towns and would not make urban regeneration any less likely. Further, as the application site is within a built-up area and is indeed bound by built form, it is not considered that the proposal would fail to safeguard the countryside from encroachment. Overall, it is not considered that the development would contravene the purposes of including land within the Green Belt.

Conclusion on Green Belt

The proposed development represents the re-use of a permanent and substantial building which would preserve the openness of the Green Belt and would not contravene the purposes of including land within it. As such, it represents development which is not inappropriate within the Green Belt.

Additionally, though not strictly compatible with the identified exceptions in Policy CS6 for Selected Small Village in the Green Belt, subject to having no significant impact upon the character of the area and supporting the rural economy (see discussion below), the proposal would comply with the Council's overarching Green Belt strategy and a refusal on these grounds alone would not be reasonable.

3. The quality of the design and the impact on the character and appearance of the area

CS1 states that the rural character of the Borough should be conserved. Core Strategy Policies CS11 and CS12 state that developments should respect the typical density and layout of surrounding built form and the character of the area. Additionally, Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

The proposed development would not result in an increase in built form at the site and, given the existing use of the site for storage and distribution, would not result in a significant change to the overall character of the employment generating site. Taking this into account, it is not considered that the proposal would result in harm to the immediate streetscene and the visual interests of its surroundings and therefore complies with identified local and national policy in

this regard.

4. The potential impact on the living conditions of the occupiers of surrounding residential units

Policy CS12 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

It is acknowledged that there are residential properties within close proximity of the site. However, given the nature of the proposed change of use, it is not considered that the development would result in harm to the living conditions of the occupants of surrounding residential units, in terms of overbearing, overlooking and loss of light.

Further, on discussion with Dacorum Environmental Health Officers, it is considered that the proposed use, which would operate between the hours of 8am – 6pm Monday to Friday, 8am – 12.30pm Saturdays and not at all on Sundays, would not result in significant harm to living conditions, in terms of noise and disturbance, when compared to the existing lawful B8 use at the site.

Taking all of the above into account, with particular regard to the existing lawful use of the site, it is not considered that the proposal would result in significant harm to the living conditions of the occupants of surrounding residential units, in terms of overbearing, overlooking, loss of light and noise and disturbance, to the extent that would warrant a refusal of permission. As such, the proposal complies with the identified local and national policy in this regard.

5. Highway Safety and Parking Provision

Policy CS12 seeks to ensure developments have sufficient parking provision. Paragraph 39 of the Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved Policies CS8, 57 and 58 (and associated Appendix 5) of the Local Plan promote an assessment based upon maximum parking standards. This is not consistent with Policy CS12 and the Framework and, accordingly, more weight is given to the 'case by case' approach to parking provision prescribed in national policy and CS12.

The applicant has confirmed that the proposed use would benefit from 6 off-road parking spaces. In addition to this, there is space for several cars within the unit itself. Taking this into account, it is considered that parking provision would be acceptable.

Policies CS8, CS9 and 51 seek to ensure developments have no detrimental impacts in terms of highway safety.

The site is located at the corner plot of Water End Road and Brown Spring junction. Water End road is "C" classified local distributor road serving open farm land and isolated houses. The existing vehicular access is off Brown Spring.

On discussion with Hertfordshire County Council Transport, Programmes and Strategy (HCCTPS), when compared to the existing B8 use, it is considered that the proposed MOT test

station is likely to reduce HGV movements to and from the site. No objection has been raised from HCCTPS.

The proposal does not seek to alter the access to the site and, taking the above into account, it is considered that the development would not prejudice highway or pedestrian safety and is therefore acceptable in terms of highway safety.

6. Social, Economic and Environmental Matters

Economic

Sustainable economic growth is one of the key aspects of the current planning system. Paragraph 19 of the NPPF states:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'

Paragraph 20 of the NPPF then goes on to state:

'To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.'

The proposal would employ a total of four staff members and would support a small local business – increasing competition in the area. As such, this development represents sustainable economic development.

Social

The economic benefits outlined above would in turn provide social benefits. Job creation often promotes healthy local government budgets, improves income distribution, reduces inequality and results in decreased crime rates.

Environmental

It is likely that one would travel to and from the site by car. However, as discussed above, it is likely that the frequency of the movements of larger vehicles to and from the site would fall compared to the existing use. Further, the proposal seeks to re-use an existing structure. Overall, it is not considered that the development would be unsustainable in this regard.

Taking all of the above into account, it is considered that the development is sustainable in terms of social, economic and environmental matters. This weighs in favour of the grant of permission.

7. Other Material Planning Considerations

i) Contaminated Land

Policy CS32 seeks to maintain soil quality standards and ensure any contaminated land is appropriately remediated

On discussion with Dacorum Environmental Health, as no groundworks are proposed, it is not considered that the development would result in harm to human health in this regard.

ii) Flooding and Drainage

Policy CS31 seeks to minimise the risk of flooding. As the application site is not within Flood Zones 2 or 3, it is not considered that the proposal would be susceptible to flooding or increase the overall risk of flooding in the area. As such, the development would be acceptable in this regard.

iii) Air Quality

Policy CS32 seeks to maintain air quality standards throughout the Borough. The application site is not located within an area with identified air quality issues and, compared with the existing use, it is not considered that the change of use to an MOT test station would significantly and demonstrably harm the air quality in the area. As such, the proposal is considered acceptable in this regard.

Other Matters

It is noted that objections received have regard to the 'lack of an identified need' for the proposed Mot test station. There is no policy requirement for the applicant to demonstrate the need for this MOT test station in this regard or justify the loss of the existing B8 storage use at this site. Further, increased, appropriate, competition is required to maintain a strong economy – a key thrust of national planning policy. As such, limited weight has been afforded to this element of received objections in the determination of this application.

Conclusion

The proposal represents small-scale employment redevelopment on an established employment generating site within a selected small village. As such, there is no compelling objection to the principle of the proposal in land use terms. Additionally, the proposal is sustainable in terms of social, economic and environmental matters.

Further, the proposed development represents the re-use of a permanent and substantial building which would preserve the openness of the Green Belt and would not contravene the purposes of including land within it. As such, it represents development which is not inappropriate within the Green Belt and is consistent with the Councils overarching local Green Belt Policy.

The impacts of the proposal have also been considered on the visual amenity of the area, on the living conditions of the occupants of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with the identified policies the adopted Local Plan and Core Strategy and the relevant Sections of the Framework.

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 not be carried out other than in accordance with the following approved plans/documents: Unit C Floor Plans & Site Block Plan (scale of 1:200) & Site Location Plan (scale of 1:1250) & hours of operation identified within Section 20 of the submitted Application Form.**

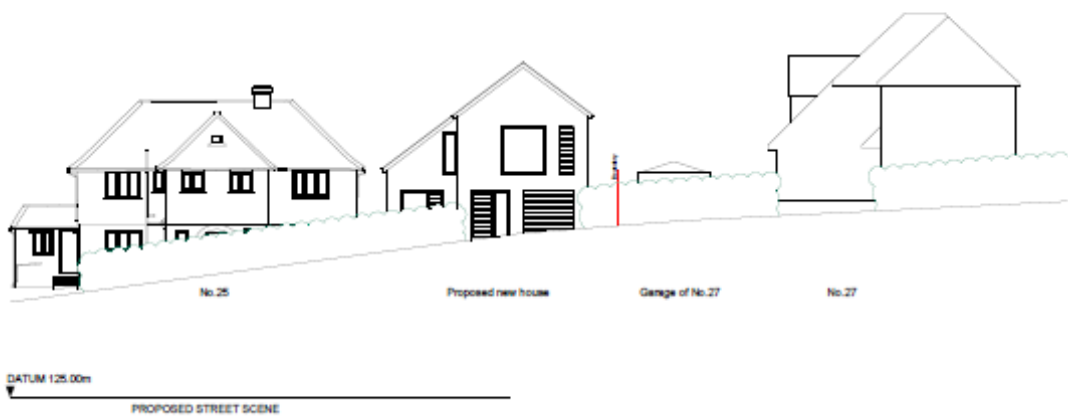
Reason: For the avoidance of doubt, in the interests of proper planning and in the interest of living conditions, in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Item 5g

4/00774/17/FUL - DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF 5-BED DWELLING

LAND ADJ. 25 HALL PARK, BERKHAMSTED, HP4 2NU



4/00774/17/FUL - DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF 5-BED DWELLING.

LAND ADJ. 25 HALL PARK, BERKHAMSTED, HP4 2NU.

APPLICANT: Mr & Mrs Devlin.

[Case Officer - Matt Heron]

Summary

The proposal would make a valuable contribution to the Borough's existing housing stock and complies with the Council's settlement strategy. As such, and given that the development would be located in a sustainable location and seeks to optimise the use of urban land, there is therefore no compelling objection to the principle of the proposed development in residential land use terms.

The impacts of the proposal have also been considered on the visual amenity of the area, on the living conditions of the occupants of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with the relevant policies the adopted Local Plan and Core Strategy and the relevant Sections of the Framework.

Site Description

The application site is located in a residential area of Berkhamsted. Surrounding units are predominately large, detached properties set in generous grounds and are constructed in a variety of architectural forms from a diverse pallet of materials.

Proposal

This application seeks full planning permission for the construction of a two storey, four bedroom, detached dwellinghouse.

Referral to Committee

The application is referred to the Development Control Committee as Berkhamsted Town Council has objected to the proposal. The Town Councils objection is as follows:

"The proposals are an excessive overdevelopment of the site and are of poor design which would detract from the street scene in contrary to BCA1. Neighbouring properties would suffer loss of amenity through overlooking and proximity. It is proposed that the remaining trees currently at the site should be made the subject of a TPO.

BCA1; CS11; CS12; Appendix 3.6 (i)."

Relevant History

4/00949/14/FHA CONSTRUCTION OF NEW DETACHED GARAGE WITH GAMES ROOM/STORAGE LOFT
Granted
08/07/2014

4/02414/13/FHA DEMOLITION OF EXISTING GARAGE AND WORKSHOP,
CONSTRUCTION OF SINGLE STOREY SIDE AND REAR EXTENSION.
Granted
18/02/2014

4/00130/00/4 CONSERVATORY
Granted
24/02/2000

Policies

National Policy Guidance

National Planning Policy Framework (the Framework)

Adopted Core Strategy

NP1 – Supporting Development
CS1 – Distribution of Development
CS4 – The Towns and Large Villages
CS8 – Sustainable Transport
CS9 – Management of Roads
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 – Quality of the Public Realm
CS17 – New Housing
CS23 – Social Infrastructure
CS25 – Landscape Character
CS26 – Green Infrastructure
CS31 – Water Management
CS32 – Contaminated Land

Saved Policies of the Dacorum Borough Local Plan

Policy 10 – Optimising the Use of Urban Land
Policy 51 – Development and Transport Impacts
Policy 57 – Provision and Management of Parking
Policy 58 – Private Parking Provision
Policy 99 – Preservation of Trees, Hedgerows and Woodlands
Policy 129 – Storage and Recycling of Waste on Development Sites
Appendix 5 – Parking Provision

Summary of Representations

Comments received from consultees:

Hertfordshire Country Council Transport, Programmes and Strategy – No objection relevant conditions.

Dacorum Environmental Health – No objection, subject to relevant condition.

Dacorum Trees and Woodland Department – No objection.

Affinity Water – No objection.

Thames Water – No objection.

Comments received from local residents:

Several objections have been received from surrounding addresses. Comments are summarised as:

- Cramped form of development and an overdevelopment of the plot.
- Design incongruous with surrounding built form.
- Harm to established vegetation.
- Proposal would be visually prominent.
- Harm to living conditions in terms of overbearing, overlooking and loss of light.
- Insufficient hardstanding to front.
- Harm in terms of vehicular and pedestrian safety.

Key Considerations:

The main planning issues are:

1. The principle of the development
2. The quality of the design and the impact on the character and appearance of the area
3. The potential impact upon the living conditions of the occupants of surrounding units and future occupants
4. Highway Safety and Parking Provision
5. Other Material Planning Considerations
 - i) Contaminated Land
 - ii) Refuse and Recycling Storage
 - iii) Flooding and Drainage

1. The principle of the development

The application site is located within Berkhamsted but is not an allocated housing site and so is considered to be a 'windfall site'. Core Strategy Policy CS1 states that Hemel Hempstead will be the focus for homes. However, Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

Furthermore, the National Planning Policy Framework (henceforth referred to as the

Framework) encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing land that has been previously developed. Though the application site is not considered to be previously developed (with regards to Annex 2 of the Framework) Local Plan Policy 10 seeks to optimise the use of available land within urban areas.

The application site is situated within an urban residential area in the existing town of Berkhamsted. As such, the infrastructure in the immediate area has been developed to provide good transport links for existing residents. There are also services and facilities available within close proximity of the site.

Taking all of the above into account, the proposal would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and complies with the Council's settlement strategy. As such, and given that the development would be located in a sustainable location, the proposal is in accordance with policies CS1, CS4, CS17, DBLP Saved Policy 10 and the 'golden thread' of the Framework. There is therefore no compelling objection to the principle of the proposed development.

2. The quality of the design and the impact on the character and appearance of the area

Core Strategy Policies CS11 and CS12 state that development within settlements should respect the typical density in the area and integrate with the streetscape character. Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

Spacing and Prominence

There would be a gap of approximately 1.4m between the proposal and the neighbouring unit to the north of the application site and a gap of approximately 1.3m between the proposed unit and the southern flank boundary of the application site. The proposal would therefore be approximately 8.5m away from the main body of the adjacent dwellinghouse to the south. Taking these distances into account, it is considered that sufficient space would be left about the proposal to ensure that the unit would not appear cramped or overdeveloped upon its plot.

The proposed unit would have a ridge height approximately 1.8m greater than that of the adjacent unit No. 25 Hall Park but this ridge height is less than that of No. 27 Hall Park. The gradient of Hall Park (and therefore the ridge height of properties within this streetscene) increases towards the junction with Upper Hall Park to the south of the site. Overall, given the scale of the proposed unit is consistent with the increase in the scale of existing properties as the gradient rises towards the identified junction, it is not considered that the proposal would appear visually prominent or dominant within the streetscene.

It is acknowledged that specific concern has been raised with regards to the impact of the proposal on the Berkhamsted Character Area BCA1. The approach for residential development in this Character Area states that:

"...infilling may be acceptable according to Development Principles..."

One such Development Principle states that spacing should be within the wide range of 5m-10m. As illustrated above, there would be a considerable gap between the proposed unit and No. 27 Hall Park (approximately 8m). Though it is acknowledged that the spacing between the proposal and No. 25 Hall Park would fall below the recommended standards for this Character Area, it should be noted that the spacing prescribed for BCA1 is guidance which supports the main body of policies within the Development Plan.

For reasons identified above, and given there are examples of properties to the south at Upper Hall Park with reduced spacing to side, it is considered that spacing left about the unit would be acceptable and the proposal would integrate with the streetscape character in this regard. As such, refusing the application on the grounds that it fails the spacing guidance prescribed within BCA1 alone would not be reasonable.

Design

Turning to the individual design of the proposed unit, it is noted that the development is of a more contemporary design than surrounding residential properties. However, it is not considered that this contemporary design would introduce such an incongruous feature into the streetscene that would warrant a refusal of permission on these grounds alone. Overall, it is considered that the proposed detached unit, constructed predominately of facing brickwork under a tiled cat slide roof, would not significantly disrupt the rhythm of adjacent built form or the spatial pattern of surrounding development.

However, in the interest of ensuring that the design of the building remains acceptable, it is considered reasonable to impose conditions requesting the submission of exact specifications of materials to be used, a Landscaping Plan (providing details of hard and soft landscaping and boundary treatments) and also removing permitted development rights under Schedule 2, Part 1, Class B (roof alterations including dormer windows).

Landscaping

Finally, with regards to landscaping, it is noted that the proposal may result in the loss of established vegetation. However, the property is not within a Conservation Area nor is any vegetation at the site protected by a Tree Preservation Order (TPO). As such, the applicant may remove any vegetation within his/her ownership without formal consent. Further, on discussion with Dacorum Trees and Woodland Officers, it is not considered that the proposal would result in any harm to vegetation that is of significant amenity value to protect. As such, it would not be reasonable to refuse this application on harm to established vegetation alone.

Taking all of the above into account, though spacing falls short of that recommended in supplementary guidance documents, the proposed development would integrate with the rhythm of properties in the streetscene which rise in scale towards the junction to the south and would not appear visually cramped upon the plot. As such, it would not result in significant harm to the character of the immediate streetscene and the visual interests of its surroundings. Subject to the imposition of identified conditions, the development would comply with the identified local and national policy in this regard.

3. The potential impact upon the living conditions of the occupants of surrounding units and future occupants

Policy CS12 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

The proposed unit would extend beyond the rear elevation of No. 25 Hall Park by approximately 3.4m and would be approximately 1.5m away from this neighbouring unit. Though the revised layout would result in boundary treatment approximately 3.3m away from the rear elevation of No. 25 Hall Park and the proposed unit would benefit from a raised terraced area to the rear, the applicant has submitted amended plans replacing retaining walls with glazed panels. Overall, on balance, it is not considered that the proposal would result in such significant levels of harm, in terms of overbearing and loss of light, to the extent that would warrant a refusal of permission.

Further, with regards to overlooking, there are no ground or second floor windows within the northern elevation of the proposed unit and rear windows would not afford direct views of private, primary external amenity space that benefits No. 25 Hall Park. It is, however, acknowledged that there would be a patio/terraced area and a first floor balcony which, given the elevated level of the proposed unit, may afford views of the rear amenity space of this neighbouring unit. However, privacy screens are proposed to prevent any views from these proposed external areas. Overall, it is considered that the privacy of No. 25 Hall Park would be preserved.

Turning to No. 27 Hall Park, the proposed unit would be approximately 8.5m away from this neighbouring unit and would be set at a lower level. Taking this into account, it is not considered that the proposal would result in harm to the living conditions of the occupants of this property, in terms of overbearing and loss of light.

With regards to the privacy of this neighbouring property, there would only be a first floor bathroom window on the southern elevation of the proposed unit and proposed rear windows would not afford direct views of private, primary, external amenity space. Further, the proposed rear balcony area would contain a privacy screen at a height of 1.8m preventing direct views from this space. Taking this into account, it is considered that the privacy of No. 27 Hall Park would be preserved.

Taking all of the above into account, and as the proposed unit would have an acceptable relationship with existing units, the proposal is considered acceptable in terms of impacts upon living conditions. It is, however, considered reasonable to remove permitted development rights under Schedule 2, Part 1, Class A (extensions and alterations) to ensure that the proposal remains acceptable in this regard. Subject to the imposition of this condition, the development complies with identified policy in this regard.

4. Highway Safety and Parking Provision

Policy CS12 seeks to ensure developments have sufficient parking provision. Paragraph 39 of the Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Policies CS8 and Saved DBLP Policies 57 and 58 (and associated Appendix 5) of the Local Plan promote an assessment based upon maximum parking standards. This is

not consistent with Policy CS12 and the Framework and, accordingly, more weight is given to the 'case by case' approach to parking provision prescribed in national policy and CS12

The proposal would afford three off-road parking spaces. This level of parking provision is considered acceptable.

Policies CS8, CS9 and Saved DBLP Policy 51 seek to ensure developments have no detrimental impacts in terms of highway safety.

On discussion with Hertfordshire County Council Transport, Programmes and Strategy (HCCTPS) it is considered that the proposal, subject to the imposition of relevant conditions, would not result in an unacceptable impact in terms of highway safety. As such, the proposal is acceptable in this regard.

Notwithstanding the above, it is noted that HCCTPS has requested additional conditions ensuring that all materials associated with construction are to be stored within the curtilage of the site and that best practice is taken to ensure that debris is not distributed upon the highway.

Given that it is an offence under highways legislation to obstruct the free flow of a highway and legal permission must be sought by the applicant to store any material on land outside of his/her ownership, the above mentioned additional conditions are not considered reasonable or necessary with regards to the tests for conditions within the Planning Practice Guidance. Informatives in this regard are considered more appropriate.

5. Other Material Planning Considerations

i) Contaminated Land

Policy CS32 seeks to maintain soil quality standards and ensure any contaminated land is appropriately remediated.

The site is located within the vicinity of an old chalk pit, situated approximately 200m to the west. This feature is on the site of 9 Upper Hall Park. Historic maps indicate the chalk pit to be present until approximately 1932/53; the dwelling was present on-site from approximately 1962/79. A review of satellite imagery does not clarify whether the pit has been infilled or if a depression is still evident.

Should this pit have been infilled with putrescible material, there is the potential for ground gas generation and migration, which could impact upon the site. As such, on discussion with Dacorum Environmental Health, it is recommended that conditions are imposed requiring the developer to incorporate basic ground gas protection measures and to keep a watching brief during ground works on the site for any potentially contaminated material, especially within the vicinity of the garage footprint (following demolition).

These conditions are considered reasonable and would ensure that any contaminated land at the site is appropriately dealt with.

ii) Refuse and Recycling Storage

Saved Policy 129 seeks to ensure that developments have adequate storage for refuse and recycling. The proposed dwelling would provide secure space to front to store wheelie bins, which themselves could be presented to the highway boundary for collection when required. As such, it is considered that the development could be incorporated into the existing refuse and recycling service and therefore complies with Policy 129.

iii) Flooding and Drainage

Policy CS31 seeks to minimise the risk of flooding. As the application site is not within Flood Zones 2 or 3, it is not considered that the proposal would be susceptible to flooding or increase the overall risk of flooding in the area. As such, the development would be acceptable in this regard.

Conclusion

The proposal would make a valuable contribution to the Borough's existing housing stock and complies with the Council's settlement strategy. As such, and given that the development would be located in a sustainable location, there is therefore no compelling objection to the principle of the proposed development in residential land use terms.

The impacts of the proposal have also been considered on the visual amenity of the area, on the living conditions of the occupants of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with the relevant policies the adopted Local Plan and Core Strategy and the relevant Sections of the Framework.

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 not be carried out other than in accordance with the following approved plans/documents: 17 506 PL03D & 17 506 PL02D & 17 506 PL01B & 17 506 PL05 & 17 506 PL04.**

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

- 3 Prior to the construction of the dwelling hereby permitted, detailed specifications of the materials to be used in the external surface of unit must be submitted to and approved in writing by the Local Planning Authority. Subsequently, development must be carried out and retained as approved.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11, CS12 and CS13 of the Dacorum Core Strategy 2013.

4 **Prior to first occupation of the dwelling hereby approved full details on a suitably scaled plan of hard landscape works must be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be in addition to those shown on the approved plans and shall be carried out and retained as approved. The landscaping details to be submitted shall include:-**

a) means of enclosure.

b) existing and proposed finished levels and finished floor levels.

c) details for all external hard surface within the site, including roads, drainage detail and car parking areas.

d) planting plans, including specifications of species, sizes, planting centres, planting method and number and percentage mix.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11, CS12 and CS13 of the Dacorum Core Strategy 2013.

5 **All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards.**

Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies 99 and 100 of the Dacorum Local Plan 2004.

6 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2017 (as amended) (or any Order amending or re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A and B shall take place.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding residential amenity and the character of the area, in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

7 **During any ground works at the site in association with the development hereby approved a Watching Brief shall be kept to monitor any potentially contaminated material. Should any such material be encountered, the development must cease immediately and the Council must be informed without delay and an appropriate course of action agreed in writing. Subsequently, the development shall continue in accordance with this agreed course of action until completed. Further, basic ground gas protection measures shall be incorporated into any ground works.**

Reason: In the interests of human health, in accordance with Policy CS32 of the Dacorum Core strategy 2013.

8 **Prior to the first occupation of the development hereby approved, the site frontage must be kept free of all obstruction to visibility over a height of 0.6m**

for a distance of 0.65m to both sides of the driveway above the adjoining footpath level. Visibility shall be remain as such for the lifetime of the development hereby approved.

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic that is likely to use it, in accordance with Policies CS8 and CS9 of the Dacorum Core strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.

- 9 **The approved car parking spaces shall have measurements of 2.4m x 4.8m min. and shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.**

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 Highway, in accordance with Policies CS8 and CS9 of the Dacorum Core strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.

- 10 **Prior to the first occupation of the development hereby approved, all on site vehicular areas shall be surfaced in accordance with details agreed under condition 4 to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises, in accordance with Policies CS8 and CS9 of the Dacorum Core strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.

- 11 **Prior to the first occupation of the development hereby approved, the new vehicle crossover shall be constructed as approved to the current specification of the Highway Authority.**

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use, in accordance with Policies CS8 and CS9 of the Dacorum Core strategy 2013 and Policy 51 of the Dacorum Local Plan 2004.

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Agenda Item 5h

Item 5h

4/00787/17/FUL - PROPOSED ALTERATION TO LEVELS TO PROVIDE ADDITIONAL SPACE FOR THE ADJACENT HORTICULTURAL NURSERY

LAND AT RIVER HILL, RIVER HILL, FLAMSTEAD, AL3 8BY



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[Case Officer - Tineke Rennie]

Summary

The application is recommended for approval. The proposal is for engineering operations to provide terraces to facilitate the expansion of the Majestic Trees horticultural nursery. No change of use is required as both the existing and proposed use fall within agriculture as defined within the Town and Country Planning Act. The proposal accords with the NPPF which seeks economic growth in rural areas through the development and diversification of agriculture and other land-based rural businesses. There would be no adverse impacts arising from the proposals in terms of the openness, character and appearance of the Green Belt, flood risk, ecology or the amenities of the nearby properties.

Site Description

The 3.0 hectare application site is a strip of land that adjoins the wider Majestic Trees horticultural nursery on its east boundary. River Hill runs along the length of the site on the west boundary. The A5 runs long the northern boundary and to the south the site narrows to a point where River Hill bends to the southwest travelling into Flamstead. Dwellings on the periphery of Flamstead are located to the south and the southwest on the opposite side of River Hill. Allotment gardens, open fields and a wooded area adjoins the site to the east with the horticultural nursery extending from the application site to Chequers Hill. The River Ver bi-sects the site at the lower level from east to west. The site steadily rises from the river 25m to the south.

The site is in pasture and is grazed by cattle. A hedgerow and wire fencing bounds much of the site. At the highest point at the southern end of the site is a public bench provided by the Countrywide Management Service, which allows the public to enjoy views down the slope towards the A5 and across the Ver Valley. The Flamstead public footpath 20 passes the bench from River Hill and travels along the southeast boundary of the site for approximately 70m before crossing the Majestic Trees site in a north east direction.

The nursery itself comprises a total of 7.95 hectares and contains rows of trees served by an irrigation system fed from the reservoirs; offices, agricultural buildings, agricultural workers houses and a parking area. The nursery also contains two reservoirs.

Proposal

The proposals relate to engineering operations to alter the ground levels to create terraces for the growing of trees as an extension to the horticultural nursery. The terraces will enable the trees to sit flat in their 'Airpot' containers.

Vehicle access will be provided from the existing nursery and a new access track will be formed around the site. Informal tracks will be created between the rows with the trees supported by two cables tensioned between telephone poles. Irrigation pipes are to be suspended on the lower cable as with the existing nursery operation.

The existing hedgerows around the perimeter of the site are to be retained with additional reinforced planting. New boundary treatment will be required on the inside of the existing vegetation for security.

Referral to Committee

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

Planning History

- 4/01718/14/AGD CONSTRUCTION OF A PRODUCTION AND STORAGE SHED
Prior approval not required
22/08/2014
- 4/00730/10/FUL EXTENSION TO OFFICE AND STORE.
Granted
01/09/2010
- 4/02063/09/AGD REAR EXTENSION TO AGRICULTURAL BUILDING
Prior approval required
20/01/2010
- 4/01945/12/FUL MOVE EXISTING ACCESS TO MAJESTIC TREES SITE AND UPGRADE
AN HISTORIC ACCESS TO WALNUT COTTAGE
Granted
20/12/2012
- 4/03067/16/FUL STORAGE BUILDING
Granted
05/01/2017
- 4/02420/16/AGD TTIMBER FRAMED BUILDING WITH THREE OPEN BAYS FOR THE
STORAGE OF GOLF BUGGIES
Refused
04/10/2016
- 4/01988/16/FHA PROPOSED SINGLE GARAGE
Refused
22/09/2016
- 4/00810/16/DRC DETAILS REQUIRED BY CONDITION 4 (HARD AND SOFT
LANDSCAPING), 5 (CONTAMINATION) AND 6 (CONTAMINATION)
ATTACHED TO PLANNING PERMISSION 4/02984/15/FUL - PROPOSED
DETACHED BUILDING CONTAINING ONE 1 BEDROOM FLAT AND
ONE TWO BEDROOM FLAT FOR RURAL WORKERS AT THE
NURSERY FOLLOWING DEMOLITION AND REPLACEMENT OF
EXISTING RURAL WORKERS UNITS AT THE SITE, TOGETHER WITH
CHANGE OF USE OF THE LAND FROM RESIDENTIAL TO
HORTICULTURAL
Granted
23/05/2016
- 4/00835/16/DRC DETAILS REQUIRED BY CONDITION 4 (HARD AND SOFT
LANDSCAPING), 5 (CONTAMINATION) AND 6 (CONTAMINATION)

ATTACHED TO PLANNING PERMISSION 4/02985/15/FUL - PROPOSED DETACHED BUILDING CONTAINING ONE 1 BEDROOM FLAT AND ONE TWO BEDROOM FLAT FOR RURAL WORKERS AT THE NURSERY FOLLOWING DEMOLITION AND REPLACEMENT OF EXISTING RURAL WORKERS UNITS AT THE SITE, TOGETHER WITH CHANGE OF USE OF THE LAND FROM RESIDENTIAL TO HORTICULTURAL

Granted
23/05/2016

4/00681/16/FUL PROPOSED CONSTRUCTION OF A SHED FOR THE ELECTRICITY GENERATOR SERVING THE NURSERY

Granted
27/05/2016

4/03258/15/FUL PROPOSED REPLACEMENT OF FRONTED AND ENCLOSED STORAGE BUILDING AND PROPOSED EXTENSION TO PROVIDE FOR ADDITIONAL OFFICE AND RECEPTION ACCOMODATION

Granted
27/11/2015

4/03257/15/AGD REPLACEMENT PUMP HOUSE BUILDING

Prior approval not required
22/10/2015

4/02984/15/FUL PROPOSED DETACHED BUILDING CONTAINING ONE 1 BEDROOM FLAT AND ONE TWO BEDROOM FLAT FOR RURAL WORKERS AT THE NURSERY FOLLOWING DEMOLITION AND REPLACEMENT OF EXISTING RURAL WORKERS UNITS AT THE SITE, TOGETHER WITH CHANGE OF USE OF THE LAND FROM RESIDENTIAL TO HORTICULTURAL

Granted
03/11/2015

4/02985/15/FUL PROPOSED DETACHED NURSERY MANAGER'S COTTAGE FOLLOWING DEMOLITION AND REPLACEMENT OF TWO EXISTING OUTBUILDINGS, TOGETHER WITH CHANGE OF USE OF LAND FROM RESIDENTIAL TO HORTICULTURAL

Granted
03/11/2015

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS5 - The Green Belt
CS6 - Selected Small Villages in the Green Belt
CS12 - Quality of Site Design
CS25 - Landscape Character
CS26 - Green Infrastructure
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 79, 99, 108, 109

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)
Energy Efficiency & Conservation (June 2006)
Landscape Character Assessment (May 2004)

Advice Notes and Appraisals

Sustainable Development Advice Note (December 2016)

Planning Policy Statement

Summary of Representations

Flamstead Parish Council:

The PC strongly objects to a move which would be a further substantial step in the already disproportionate space in the village occupied by Majestic Trees for the storage of trees in pots. The village is not sufficiently large to accommodate further land use for this purpose since it is having an increasingly adverse impact on the appearance of the landscape and as such is out of keeping. To replace the rural vista of a meadow with artificially graded terracing with hard standing, gravel and underground irrigation pipes to store tubs of trees is a fundamental change to the topography of the local environment combined with the inevitable consequences of noise disturbance from delivery and fork lift vehicles. We have significant concern that this degrades a meadow into a brownfield site which could then in future make it more vulnerable to development. Furthermore there are genuine concerns about the loss of habitat for the wildlife which thrives in and around the river Ver. We would very much hope that the planning department would reject this application. For your interest, the unique oak bench at the top of the meadow was installed at a cost of £2,000 by the River Ver Society for the purpose of enabling walkers to enjoy the views down to the river Ver

Strong objection from the PC.

Highways England:

No objection.

Environment Agency:

Thank you for consulting us on this application, having reviewed the information submitted we have no objection to the proposal and no conditions to request.

Informative This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Ver, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Countryside Access Officer:

The application site is crossed at the southern end by Flamstead public footpath 20 for a distance of approximately 70 metres.

This section of the footpath gives largely unspoilt views across the Ver Valley. To enable the public to enjoy the view a bench, provided via the Countryside Management Service, has been installed on the footpath. Clearly this proposal would have an adverse effect on any enjoyment derived from the view or using this section of the path.

If the proposal is accepted then the path will need to be afforded adequate protection from the commercial activities, this includes leaving an agreed width clear of obstructions and commercial activity. This is of particular concern as the path goes on to cross the existing Majestic operations site where it is a constant source of public complaints because the path crosses a busy area of the nursery where machinery is in constant use (a obvious public safety risk).

Given the difficulties associated with the public footpath crossing the main nursery site this could be an opportunity for the landowner to explore diverting the path to a quieter area of land thus allowing the public to enjoy using it without the need to worry about the nursery's operations.

Hertfordshire Ecology:

The application site is located within a 500 m radius of a known great crested newt breeding pond in Flamstead. The Hedge to the west of River Hill Road has been identified as of interest, although it is unlikely that the application will impact this directly. To the south of the site there is an allotment, these areas have been identified as suitable for common reptile species, therefore these may also be of concern.

The applicant has stated that they will be maintaining an 8 m boundary from the water course as recommended by the Environment Agency, they are also preserving the current hedge and infilling where necessary to provide adequate screening. No trees are to be removed as part of the application therefore I do not believe that any priority habitats will be impacted by this application.

In terms of protected species there is a possibility that great crested newts and common reptiles may be in the area, I would therefore recommend that the grass area affected is cut to at least 100 mm on a regular basis to deter great crested newts and reptiles from entering the site. I would also recommend that works (including soil strip if necessary) are started within the great crested newts breeding season when they are more likely to be in their breeding ponds. I would therefore recommend the following informative is added to any planning decision.

The area of grass around the proposed development site should be mown/strimmed as short as

possible before and during construction to ensure it remains/becomes unfavourable for great crested newts and reptiles;
Stored materials (that might act as temporary resting places) are raised off the ground eg on pallets or batons; and any rubbish is cleared away to minimise the risk of great crested newts or reptiles using the piles for shelter;
Building work should (ideally) be carried out during April-June, when great crested newts are more likely to be found in ponds and less likely to be found on site;
If great crested newts or reptiles being found, work must stop immediately and ecological advice taken on how to proceed lawfully from Natural England (0300 060 3900) or an ecological consultant.

Considering the proposed use of the site I believe that suitable habitat will remain on site if these species are present once the application has been completed.

Contamination:

The application site forms part of the wider Majestic Trees site. The Design and Access Statement, makes the following points, which are of relevance to this response:

- *The proposals relate to the alteration of the levels to provide for additional land for the growing of trees at the horticultural nursery.*
- *It is not considered that there will be any need for new buildings on the new land.*
- *A new access track around the site will be established as a buffer together with the moving of topsoil around the site to enable trees to sit flat in their 'AirPot' containers. There will be no additional material imported or exported onto the site to change the levels.*

Our records do not indicate any potentially contaminative uses of the application site itself (with the exception of the current agricultural use). No new buildings are proposed or soils to be imported, as such, I have no comments to make in respect of contamination.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

No. 1 Trowley Heights:

This is a vista of ONB. Level changes throughout the field will significantly change the landscape with rows of potted trees creating an artificial landscape. The continued expansion of this business now appears to be having a dominating effect on the village and is no longer a small village associated business which when set up it purported to be.

14 Trowley Hill Road:

I strongly object to the above application & would like to make the following comments: (I have posted my comments online but would also like you to see the photos so am sending you this document as well to support my objections)

- The proposed development is not in keeping with the existing prevailing landscape character of the area & would not serve to conserve or enhance the existing natural landscape. The site is currently a gently sloping valley down to the chalk stream, the River Ver. This open landscape continues westwards along the A5 to the Hollybush lane exit to the A5 at least. The proposed development will create an artificial landscape.
- The existing small woodland has already been adversely impacted by the current site of Majestic trees; there has been a loss of the ecologically important woodland edge habitat; also the woodland is littered by debris such as, plastic pots, plastic rubbish & hosepipes which have originated from the Majestic Trees site:

- The site is directly adjacent to the Conservation area in Flamstead. The proposed development does not serve to preserve the rural open nature surrounding the village:
- Extent of Majestic Trees in Flamstead- the area already given over to the business is significantly large in the context of the size of the village & has a significant impact on the natural landscape surrounding Flamstead – this can be seen on satellite imagery from Google or Bing maps. A further extension of this artificial landscape would only serve to further destroy the natural landscape surrounding Flamstead. Currently the site is confined to the lower part of the village leaving a gap which does preserve somewhat the rural landscape; however, if this application is approved, the business would encroach right up to the boundary of the Conservation Area in Flamstead Fundamentally ruins the natural landscape & destroys natural habitats
- Not mentioned in the application is the fact that the footpath though the site & the bench sited at the top of the field are part of the Ver Valley walk no. 2 and the bench is a viewpoint. No provision has been made to address this issue.

3 Trowley Heights:

In our view, this proposal would adversely transform the spectacular natural vista that may currently be viewed from the top of River Hill. It is an iconic vista that constitutes one of Flamstead's defining characteristics. As Flamstead residents we frequently walk down River Hill in order peacefully to take-in the view down to the River Ver from the bench provided expressly for that purpose by the Parish Council. To lose that view in its present form would be a significant loss of amenity.

Water Bailiff. Ver Valley Society

The land earmarked for alterations to levels contains one of the few stretches of the River Ver between Markyate and Flamstead that actually has any water visible during most of the year. This pleasant meadow is home to many different wild fowl and other animals. This would be yet another case of a Herfordshire wildlife environment completely disappearing for ever if this development is allowed.

Majestic Trees already occupy a huge site for their nursery, which prevents the public viewing this stretch of the river (apart from the public footpath/bridge crossing within their nursery).

The proposed additional tree growing areas will need water. The existing nursery is irrigated from Majestic Trees two reservoirs. I just hope the River Ver isn't going to be targeted to provide even more of its precious water, as south of this site the river bed is constantly dry. Just where does all this water go?

1B Singlets Lane:

I object to the proposed development.

Currently the field is an attractive view from the top adjacent to the allotments where there is a public bench down to the Ver valley. The field attracts and supports wildlife with the chalk river Ver providing water and grassland supporting a range of wildlife.

The proposed development will destroy the wildlife habitat and add absolutely nothing to the community. It will destroy an amenity that the village has enjoyed for centuries.

The river Ver is already struggling due to the state of the moor and because of the already expansive use of the adjacent area by Majestic Trees.

To support the business the land will need hard-standing for the large and heavy vehicles needed to move the tubs in which the trees will stand. This will be both noisy and unsightly. The trees will never grow to maturity so will not add to the view nor support wildlife.

A business only has a certain life and at some time will come to an end. This would leave an

exceptionally damaged area due to the hard-standing and churning of the area by vehicles. Use of the field for commercial storage of tubs with trees will have a damaging effect on the area and wildlife.

Further comments received on 21.05.2017:

The land is a village amenity providing a vista across the field to the Ver Valley and is a haven for wildlife. To have Majestic Trees extend its operations into the field would be destruction of wildlife habitat and ruin the beautiful view from the public bench at the top of the field, used by people of the village and walkers taking a rest, across the field down to the River Ver.

The field is currently used by cattle grazing and is purely set to agriculture with no buildings nor hard standing of any sort. The proposal would necessitate digging up land to create hardstanding for commercial vehicles required to move the tubs of trees around and the avenues in which the tubs will stand.

The tubs containing immature trees are very unattractive and would be an eyesore. Immature trees do not support wildlife and the constant turnaround of the tubs would create noise and the vehicle movement would destroy land.

The River Ver runs through the field and is already suffering from the commercial use of the next field currently commercially occupied by Majestic trees.

I strongly object to the extension of Majestic Trees commercial, activity into the field on the grounds it will destroy a wildlife habitat and take away the view and amenity currently enjoyed by the village.

1 The Old Lodge:

I feel the intensifying of this business with more trees on terracing this close to the village is unacceptable and spoils the view from River Hill of the river Ver and the beautiful valley. Furthermore I am concerned that by using the extra land for trees and stating more staff will be needed to service these trees that this is just an attempt to gain reasons/justification to apply for more housing on the site. i.e to facilitate the building of more mega mansions on site. As far as i'm concerned this application should be refused without hesitation.

If (and I do sincerely hope not) the application is allowed then the land in this application should be given permission only on the basis that at no time in the future will there be any buildings on this land, vehicle storage, fuel tanks reservoirs etc, (i.e trees and only trees allowed) and on the basis that no further accommodation /houses/flats will be applied for on the rest of the tree nursery's grounds. Thus preventing further residential development. This business and associated houses/ buildings will soon dwarf our beautiful village, after already changing the whole of the approach into the village from the a5 already.

Wilton Cottage, River Hill:

I am the owner of one of the properties in River Hill, Flamstead to whom you wrote advising of the above planning application to the land at River Hill. I wish to make the following comments.

My first thoughts were that it was good that a local business was planning to expand. The applicant sought to give assurances to minimise the impact on the view from my house. I have subsequently had discussions with other residents in Flamstead and I am concerned about the overall impact of the proposal ...

1. The scheme is disproportionately large for the size of the village.
2. The lovely view from the top of River Hill across the valley of the River Ver will be lost. Similarly, the view from the bottom of River Hill looking up to the village will be lost. The cattle currently grazing the meadow emphasise the value of retaining its rural character.

3. The wildlife – from the insects on the meadow, the birds that nest in the hedgerow, to the aquatic birds along the river – will be detrimentally affected by the loss of the meadow and disturbance caused by day-to-day tree nursery business.
4. The meadow will be permanently scarred – it would be very costly to restore it to its present state if the nursery business no longer required it. It would effectively become a brown-field site and hence a focus for more intrusive developments.
5. There will be on-going noise from vehicles undertaking normal day-to-day nursery business.

Although I wish to see the business flourish, this is an inappropriate location for such an expansion.

Green Hill, River Hill:

My husband and I are the owners of one of the properties on River Hill, Flamstead to whom you wrote advising of the above planning application to the land at River Hill.

Whilst we appreciate that this is a positive short term alternative to a housing development on the plot (which we would vigorously oppose given the material change to the nature of the village) and we appreciate that the applicant sought to give assurances to minimise the impact on the view from my house. I have subsequently had discussions with other residents in Flamstead and I am concerned about the overall impact of the proposal ...

6. The scheme is disproportionately large for the size of the village
7. The natural landscape view from our home at the top of River Hill across the valley of the River Ver will be lost. Similarly, the view from the bottom of River Hill looking up to the village will be lost. The cattle currently grazing the meadow emphasise the value of retaining its rural character.
8. The wildlife – from the insects on the meadow, the birds that nest in the hedgerow, to the aquatic birds along the river – will be detrimentally affected by the loss of the meadow and disturbance caused by day-to-day tree nursery business.
9. The meadow will be permanently scarred – it would be very costly to restore it to its present state if the nursery business no longer required it. It would effectively become a brown-field site and hence a focus for more intrusive developments.
10. There will be on-going noise from vehicles undertaking normal day-to-day nursery business.

Although we wish the business ongoing success and appreciate the engagement of the applicant with the local residents, we believe that this is an inappropriate location for such an expansion.

30b Parsons Close:

As an employee of a global company who was made redundant, I was given the opportunity to work at Majestic Trees and can see that the expansion of the nursery would be a bonus for the village in many ways. Not only would it provide more rural job opportunities but will assure the land remains in-keeping with the rural landscape and assured protection of the river Ver and abundant wildlife. I would rather see a valley of trees than built up housing causing a drain on village resources or unused land being commandeered as a new travellers site.

Oak House:

We live next door to Majestic Trees and have always found them to be excellent neighbours. The alterations they have made to the site already have significantly enhanced the entrance to the village, which is only marred by the appalling state of the Moor. I cannot see that the proposed extension of the nursery to River Hill is going to adversely affect the landscape. Much

comment has been made about spoiling the view over the River Ver, but I would have thought it an advantage to see trees rather than the A5 and certain commercial properties on the other side of it. Much has been made about the River being ruined by either Majestic Trees or the state of the Moor. It flows (or used to) through our garden and it has been dry for 2 years as it is through Markyate and beyond. I have made exhaustive enquiries why the River has dried up, including to the River Ver Society and also a lady seconded by Affinity Water to oversee the chalk streams in Hertfordshire, and I have been assured by everyone that the reason is the lack of water in the underground aquifers. In conclusion we fully support the application. Majestic Trees is a major employer in the village, and more opportunities can only help it.

52A Trowley Hill Road:

Having lived in Flamstead for over 40-years, I would like to express my support for this Planning Application as Majestic Trees provides much need rural employment. Further, the use of the land to plant trees is to be welcomed as it is far more preferable than having buildings on the land.

72 Trowley Hill Road:

Dear Sirs, I was amazed that the parish council have refused permission and backing for Majestic Trees planning application to use the land in River Hill to expand their business. I have on several occasions visited the site at majestic trees and was amazed at the way they run their business, everything they do is environmentally friendly, they employ mostly local people and they care what local people think. The storage of trees will not have a detrimental effect on the outlook in river hill and the local residents agree with this. I think there is a lot of jealousy in Flamstead and I can only assume this is the only reason for the refusal. I think you should reverse this decision and approve their application...

5 Vicarage Gardens:

I have lived in the village for over 10 years and fully support the planning application for Majestic Trees. The business has, over the years, provided the local community with employment opportunities and with its expansion will only continue to do so. I would much rather see green trees rather than housing developments occupy the fields that are inevitably going to be sold off around the village. The Majestic site has always been sympathetic and thoughtfully designed around the local environment so as not to have a detrimental impact on the village. Whilst there will no doubt be change to the field in question I do not feel the Majestic Trees expansion will have a negative impact on our community or local countryside.

Home Farm, Hollybush Lane:

Already unhappy with the changes this company are making to the look of the village and the fact that the river that runs through this field doesn't come out the other side of their business.

29 College Close:

Regarding the above planning application. As a resident of Flamstead since 1995, now over 20 years, I have seen the development of Majestic Trees including the latest additional changes in Chequers Hill.

In all instances, I have not been offended by any of the changes made by the proprietor and his family, but have always found them in keeping with the village 'feel'.

I understand that there has been an application to extend the nursery to the field adjacent for the inclusion of more stock. This is something that I would whole heartedly support for many

reasons list of which the attractive site of trees in all of their glory, full bloom – very picturesque. I trust the proprietor with his taste when he changes areas upon his nurse, the biggest of these (and most obvious when you enter the village) is that of the removal of the building at the bottom of Chequers Hill – tastefully changed to a selection of beautiful trees – something that is always commented by friends and family when they visit the village via this route.

- So once again, I, and my family, have no objection to the use of the field on River Hill to be used by Majestic Trees and positively support this change.

Considerations

Policy and Principle

Paragraph 28 of the National Planning Policy Framework (NPPF) requires planning policies to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This is to be achieved through promoting:

"... the development and diversification of agricultural and other land-based rural businesses." (bullet point 2)

The Core Strategy mirrors the NPPF; the Countryside Place Strategy similarly seeks to support the rural economy. Strategic Planning and Regeneration have previously made comments in relation to the Majestic Trees operation, that the retention and expansion of an established rural business in the Borough, and one that provides a unique and specialised activity would be generally supported.

The site is located within the Green Belt. The National Planning Policy Framework (NPPF) states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 90 of the NPPF sets out certain forms of development that are not considered to be inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Engineering operations is one such type of development that is not considered to be inappropriate.

The proposals seek to undertake engineering operations to create terraces on which the trees will sit within their pots and be grown and maintained. The impact on the openness of the Green Belt would be minimal as no structures are proposed. Trees are a usual feature of land within the rural landscape and Green Belt and as such are not considered to compromise its openness.

In terms of the five purposes of the Green Belt as set out in the NPPF, the proposals would continue to: check the unrestricted sprawl in large built-up areas; prevent neighbouring towns merging into one another; assist in safeguarding the countryside from encroachment; preserve the setting and special character of historic towns; and assist in urban regeneration, by encouraging the recycling of derelict and other urban land. On this basis the principle of altering the level of the land to enable the horticultural use of the site is not considered to be inappropriate development in the Green Belt and is acceptable in principle.

Section 336 of the Town and Country Planning Act sets out the definition of agriculture as including:

"horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed

accordingly

The proposed use of the application site falls within the definition above on the basis that it comprises horticulture and nursery grounds. The site is currently used for grazing of cattle which falls within the above definition of agriculture. As such both existing and proposed uses are defined as agriculture and planning permission is not required for a material change of use.

Impact on Green Belt and Landscape Character

Policy CS5 of the adopted Core Strategy states that small scale development will be permitted in the Green Belt provided it has no significant impact on the character and appearance of the countryside; and supports the rural economy and maintenance of the wider countryside.

The proposals seek to remove the topsoil to create a series of shallow terraces that rise by approximately 3.0m at each bank. The banks will be sown with wildflower seed mix to soften the appearance of the engineered topography. No hardstanding is proposed; the areas around the trees will be permeable.

The applicant has submitted additional planting will take place within the areas of hedgerow where there are gaps so that the overall landscaping around the perimeter of the site will be enhanced. Through discussion with the adjoining residents it has been proposed that smaller trees and hedging would be grown at the top of the hill that would not be higher than the existing hedgerow around the site, so as not to affect the amenity/outlook enjoyed by those residents. This will also enable views down and across the valley from the public bench positioned at the highest point of the site to remain relatively unobstructed. The bench is to be about 2m-3m higher than the next level down. Taller trees will be positioned at the lower levels consistent with this approach.

It is acknowledged that the landscape character will change from open pasture to uniform rows of trees. This uniformity is a feature of horticultural/nursery grounds use which is considered to be an appropriate use within the countryside and the Green Belt as defined in the NPPF. It would not be out of keeping with the character of the surrounding area given that the adjoining land is already in use by Majestic Trees for this purpose. Furthermore there is a mix of uses in the immediate area comprising of commercial development located to the east of the site on the northern and southern sides of the A5; the residential development on the outskirts of the village of Flamstead; open pasture; allotments; and pockets of Woodland. As such the surrounding landscape is diverse. The proposed nursery extension is therefore not considered to disrupt any predominant form of landscape or be discordant within the rural environment.

As outlined above no structures or buildings are proposed as part of the development as the existing buildings and facilities established on the Majestic Trees site will support the extended area. The impact on the openness of the Green Belt would therefore be negligible; any machinery or vehicles in use within the site will be screened from view behind the hedgerows and the trees themselves.

The nursery is the largest horticultural employer in Dacorum Borough with the existing operation involving the employment of 32 people. Employment numbers are likely to increase with the extended nursery area. The proposed expansion demonstrates the success of the existing business and its support to the rural economy. As such it is considered that there would be no significant impact on the character and appearance of the countryside and the rural economy and maintenance of the wider countryside would be supported as a result of the proposals, consistent with adopted Core Strategy Policy CS5.

Flood Risk and Impact on the River Ver

The site is located predominantly within Flood Zones 1 however a band of Flood Zone 3 runs either side of the River Ver which runs in an easterly direction in the northern part of the site.

The proposals have been designed to ensure that no ground is raised within the vicinity of the River Ver (within 60m to the south of the river and about 50m to the north) and that the existing flood storage capacity of the site is maintained. An 8.0m wide margin will be maintained free from planted trees wither side of the top of the bank of the River Ver to provide a natural river corridor. This buffer is also provided in accordance with the requirements of the Environment Agency for future maintenance.

The ground around the trees and access tracks will remain unsurfaced and as such the surface water discharge rates will remain as existing albeit slightly reduced as the trees will increase the amount of water held during intense rainfall events.

The Environment Agency has reviewed the Flood Risk Assessment submitted in support of the application and has no objection to the proposals.

Concerns have been raised by residents about the impact of the extended nursery on the water levels of the River Ver. The applicant has confirmed that all the water irrigated for the nursery comes from the two reservoirs on the site. Since Majestic Trees first moved to the site in 2001 there have been periods of both high and low water levels.

Ecology

Hertfordshire Ecology have reviewed the application and identified nearby sites as being a known great crested newt breeding pond and the allotments as habitat suitable for common reptile species. Recommendations have been made in terms of works to deter great crested newts and common reptiles from entering the site which will be included as an informative to any planning decision.

As the current hedge will be preserved and no trees are to be removed as part of the application, Hertfordshire Ecology has confirmed that they do not believe that any priority habitats will be impacted by this application. They have concluded:

Considering the proposed use of the site I believe that suitable habitat will remain on site if these species are present once the application has been completed.

Impact on Highway Safety

The proposals do not involve any direct access to the public highway as the vehicles used in the nursery operation will access the site from the adjacent Majestic Trees site. The operation is fully contained within the site and as such there will be impact on highway safety.

Public Right of Way

As outlined above the Flamstead public footpath travels along the southeast boundary of the site for approximately 70m before crossing the Majestic Trees site in a north east direction. The Countrywide Access Officer has advised that the path will need to be afforded adequate protection from the commercial activities which would include leaving an agreed width clear of obstructions and commercial activity.

The applicant has confirmed that they would protect the path and provide security for the nursery using a post and rail fence with new planting using native species. Details of this boundary protection will be required by way of condition.

Impact on Neighbours

Whilst there will be additional vehicles accessing the site over and above the existing use of the land for grazing, it is noted that the site is in agricultural use and a range of agricultural uses

could take place without planning permission that would involve greater use of vehicles and activity with associated noise. The site is located in a rural environment which is appropriate for horticultural use and therefore some form of vehicle and worker activity would be expected on a site in this use.

However, by its nature horticultural use is not excessively noisy and it also benefits from the trees themselves which serve to act as a noise buffer. The existing hedgerows will be retained and enhanced further screening the site from adjoining properties. The nearest residential properties are located on the opposite side of River Hill and are all generally well set back from the road.

It is considered that the use of the site for horticulture would not create significant noise and disturbance over and above any agricultural use typical to the countryside. As such there would be no adverse impact on their amenities of the nearby residential properties arising from the proposals.

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 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:**

- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);

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

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

- 3 No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the boundary treatment and planting to be erected adjacent to the Flamstead public footpath 20 that crosses the site. At least one metre separation between the boundary treatment and the footpath is to be maintained. Development shall be carried out in accordance with the approved details.**

Reason: To safeguard public access and ensure the safety of the users of the public footpath in accordance with saved Local Plan Policy 79.

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

**Location Plan 37055-2a;
Drawing A 37055 10C.**

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

Article 35 Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

HERTFORDSHIRE ECOLOGY INFORMATIVE:

The area of grass around the proposed development site should be mown/strimmed as short as possible before and during construction to ensure it remains/becomes unfavourable for great crested newts and reptiles;
Stored materials (that might act as temporary resting places) are raised off the ground eg on pallets or batons; and any rubbish is cleared away to minimise the risk of great crested newts or reptiles using the piles for shelter;
Building work should (ideally) be carried out during April-June, when great crested newts are more likely to be found in ponds and less likely to be found on site;
If great crested newts or reptiles being found, work must stop immediately and ecological advice taken on how to proceed lawfully from Natural England (0300 060 3900) or an ecological consultant.

ENVIRONMENT AGENCY INFORMATIVE:

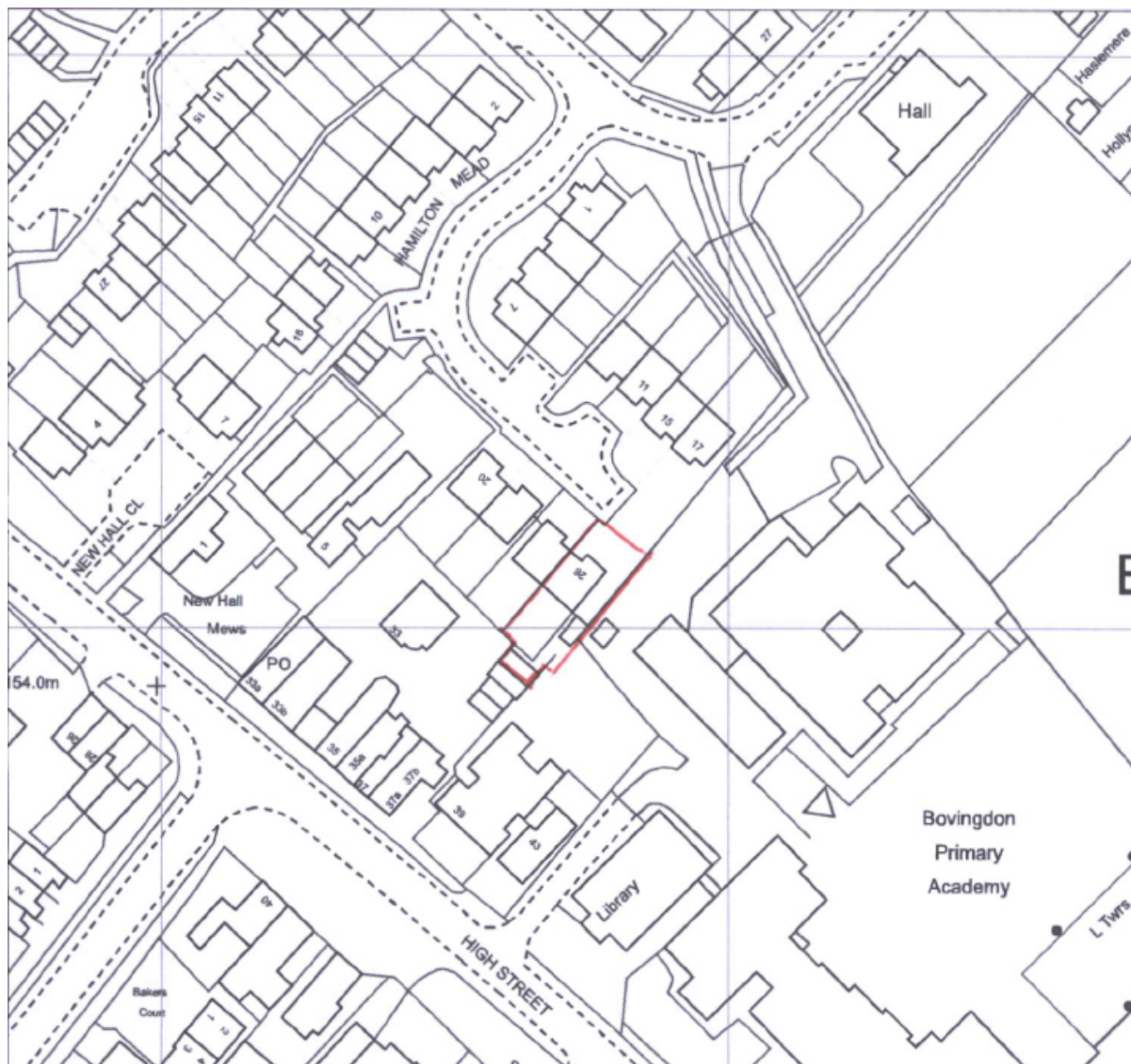
This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Ver, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Agenda Item 5i

Item 5i

4/03169/16/FUL - CONVERSION OF GARAGE AND FIRST FLOOR EXTENSION TO CREATE A NEW TWO BEDROOM DWELLING.

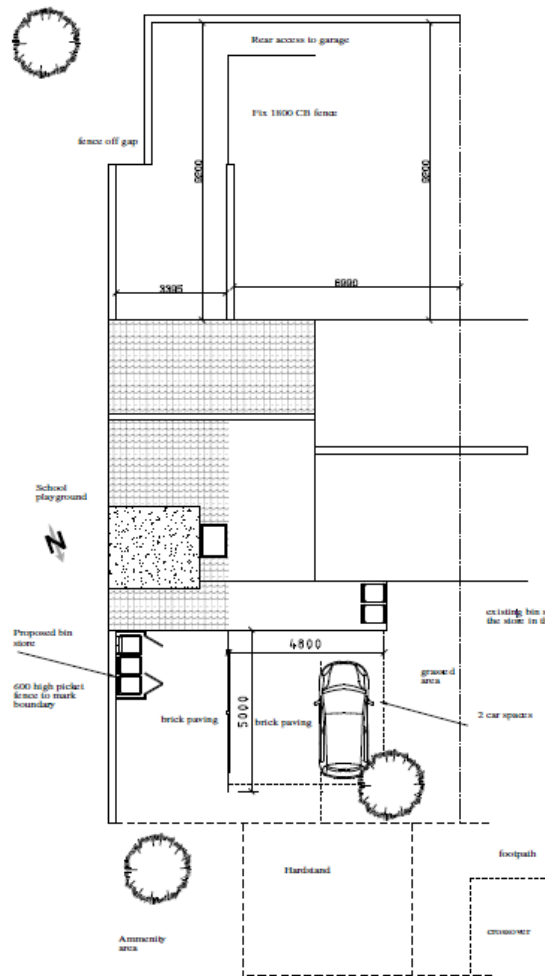
26 HAMILTON MEAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JF



Item 5j

4/03169/16/FUL - CONVERSION OF GARAGE AND FIRST FLOOR EXTENSION TO CREATE A NEW TWO BEDROOM DWELLING.

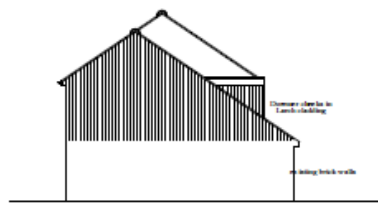
26 HAMILTON MEAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JF



Proposed



Front



Side



Rear

**4/03169/16/FUL - CONVERSION OF GARAGE AND FIRST FLOOR EXTENSION TO
CREATE A NEW TWO BEDROOM DWELLING.
26 HAMILTON MEAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JF.
APPLICANT: Mr Rickett.**

[Case Officer - Intan Keen]

Summary

This application is recommended for approval.

The site is located within the village of Bovingdon proximate to local services and facilities where there is support for the provision of housing under local and national policy.

The development of a two-bedroom end-of-terrace dwelling would not significantly compromise the character and appearance of the street scene of Hamilton Mead and would be considered acceptable with respect to the impact on the setting of the adjacent Conservation Area.

The residential amenity of neighbouring properties would not be adversely affected by the proposal.

Car parking arrangements for both the existing and proposed dwelling would be sufficient, noting the site's location within a village and proximity to the local centre. It is acknowledged that Hamilton Mead and the surrounding road network can be heavily parked, however this harm has not been evidenced by the highway authority, and would not be of significant harm to outweigh the benefit of the provision of one additional home.

The proposal is therefore acceptable in accordance with the provisions of the NPPF, Policies CS4, CS8, CS11, CS12 and CS27 of the Core Strategy and saved Policies 58 and 120 of the Local Plan.

Site Description

The application site is currently occupied by a two-storey semi-detached dwelling located on the western side of Hamilton Mead, and is the end property at the cul-de-sac. Hamilton Mead is a short and curved residential street, characterised by properties of brick construction with similar proportions and features, particularly catslide roofs with dormer windows to their principal elevations. Several are linked by garages.

The site is designated as part of the residential area within the village of Bovingdon, and sits adjacent to the Bovingdon Conservation Area to the south.

Land uses surrounding the site are mixed, with residential on Hamilton Mead to the north and east, commercial and industrial uses immediately west surrounding a courtyard and properties fronting High Street, and a school on lower ground to the south.

Proposal

Planning permission is sought for the conversion of the existing garage and construction of a first floor addition to provide a two-bedroom dwelling.

The proposed dwelling would feature day-to-day living accommodation at ground floor and two bedrooms at first floor level.

It would have a two-storey appearance to Hamilton Mead with a set down gable roof, catslide to front with dormer window and roof light.

The rear garden would be subdivided in line with the existing side wall of the dwelling.

No car parking is proposed for the new two-bedroom dwelling, however one car parking space for the existing dwelling would be provided within the forecourt.

Referral to Committee

The application has been referred to the Development Management Committee as it has been called in by Councillor Stewart Riddick.

The application has also been referred to committee due to the contrary views of Bovingdon Parish Council.

Full comments are provided within the Summary of Representations section below.

Planning History

None relevant

Policies

National Policy Guidance

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

Core Strategy

Policies NP1, CS1, CS4, CS8, CS11, CS12, CS17, CS18, CS29, CS31, CS32, CS35

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 51, 57, 58, 63, 99, 100, 101
Appendices 3 and 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Summary of Representations

24 Hamilton Mead

I firstly write to complain that I have not yet received a letter or any formal notice of this Planning Application, and have only heard about it through the grapevine with the cut-off date for the Consultation Period fast approaching. There is also no notice on display outside the property to suggest that there are any Planning Applications under consideration.

Secondly, I object to the planning application now that I have been made aware of it.

The design of the new property (28?) would change the definition of both 26 and 24 since they would subsequently form part of a terrace instead of the 2 semi-detached houses they currently are. 24 would, as a consequence, become down-classified as 'end-of-terrace'. Furthermore, one end of that resultant terrace, 28, would be disproportionately narrow compared to the other and the design and visual appearance out of keeping with the symmetrical nature of the rest of Hamilton Mead.

There is already a problem with the adequacy of parking in Hamilton Mead and always has been in the 16 or so years I have lived there. This is especially the case for those properties beyond the end of the tarmac'd road like No. 26, with cars having to overspill parking in front of both 24 and 15. An additional property beyond 26, without real access to the road except via an overlap with 26, could only exacerbate this problem as it will not be viable to park a car in front of the new property. The occupants of 26 already need to move their cars to afford access when it is necessary for a vehicle to be driven into or out of the garage currently on the site of the proposed two-bedroom house.

At certain times, the number of vehicles parked in the road is further stretched when parents drop their children off for, or pick them up from, the nearby Bovingdon School and with the road already choked with parked cars, it is easy to envisage emergency vehicles having grave difficulty reaching the end of the road. Any additional demand for parking by an extra house without any frontage on to the road will only make this situation worse.

Presumably the long-term threat to this small cul-de-sac is being taken seriously by you and your department and all objections are being investigated thoroughly.

24 Hamilton Mead further comments

Further to my comments sent to you on 23/12/2017, I now notice that a sign has finally been displayed, either today or yesterday, on the lamp-post outside of 22/24 Hamilton Mead, but that it is dated 3/1/2017 and gives a 21 day limit for when objections can be raised, which basically runs out the same day as the sign was put up as far as I know.

It also appears to contradict James Doe's (Assistant Director – Planning, Development and Regeneration) letter to Terry Bridger dated 2/1/2017 in which he stated that the latest date for comments would be 1/2/2017.

However, I write to emphasise the parking issues I referenced in my previous letter and enclose a photograph taken upon my return home from work this evening to illustrate the current situation. As you can see from the attached photo, the parking space in front of the proposed new development (behind the white car on the right) is effectively blocked off by both the tree and other parked cars from 24, 26 and 17. I also note that the Planning Application doesn't propose removing the tree.

I trust you can add this comments to the many objections you have already received.

17 Hamilton Mead

I strongly object to the above planning application on the following grounds:-

1. Hamilton Mead is a narrow road with very limited designated public parking bays which means that vehicles park on the road. Hamilton Mead is a pedestrian link for occupants living in the Mead and St Lawrence Close to the High Street. The problem is compounded when parents taking their children to and collecting them from Bovingdon Academy park in the Mead, often on the pavement which makes it very dangerous for pedestrians, who are forced to walk in the road. If this application is granted there will be the loss of one off road car parking space at 26 Hamilton Mead, also the new house being a four bedded property makes a potential for four more cars trying to park on the road. At present access is not easy for emergency vehicles to attend properties in Hamilton Mead and the prospective extra car parking in the road will make the problem even greater.

2. Also if this application is granted, the extra traffic caused in the building stages by delivery vehicles together with the contractors' vehicles working on the site will increase the car parking and safety problems.

Question 17 of the application form, the table showing "Market Housing - Proposed" is marked as two 2 bedroom houses whereas in fact it is one 2 bedroom and one 3 bedroom.

I would request that you refuse this application on the parking and safety issues and of the overdevelopment of the site.

15 Hamilton Mead

I strongly object to the above planning application on the following grounds:-

1. Hamilton Mead is a narrow road with very limited designated public parking bays which means that vehicles park on the road. Hamilton Mead is a pedestrian link for occupants living in Hamilton Mead and St Lawrence Close to the High Street. The problem is compounded when parents taking their children to and collecting them from Bovingdon Academy park in Hamilton Mead, often on the pavement which makes it very dangerous for pedestrians, who are forced to walk in the road (I do think YELLOW LINES should be put here to discourage this type of parking) If this application is granted there will be the loss of one off road car parking space at 26 Hamilton Mead, also the new house being a four bedded property makes a potential for four more cars trying to park on the road. At present access is not easy for emergency vehicles to attend properties in Hamilton Mead and the prospective extra car parking in the road will make the problem even greater.

2. Also if this application is granted, the extra traffic caused in the building stages by delivery vehicles together with the contractors' vehicles working on the site will increase the car parking and safety problems.

22 Hamilton Mead

I write to object to the above planning application.

I have lived in Hamilton Mead for over 17 years and there has always been a severe shortage of parking. This is further compounded by the fact that Hamilton Mead is very close to Bovingdon School and many parents use the street to park, when either dropping off or picking up their children. Even out of those hours it can be the case that residents have to move vehicles in order to allow neighbours to access parking.

Adding another property at the end of a cul de sac will compound what is already a major issue, in access to properties for both emergency and delivery vehicles at many times of the day. It is also a valid safety consideration to consider the volume of young children using Hamilton Mead as a thoroughfare in school hours, as well as many elderly members of the community (who live in Dudley House) and walk through Hamilton Mead; in order to access the High Street via the shortest route.

In summary, the number of vehicles already using Hamilton Mead to park already far outweighs the original planner's expectations, and with only 5 designated public parking bays available, demand for parking is at a premium. Additional traffic and restrictions to an already severely crowded road during construction would be highly chaotic, disruptive and dangerous to both householders and pedestrians, whilst the legacy of increasing the number of vehicles using Hamilton Mead will inevitably worsen A) access for emergency vehicles and B) the safety of vulnerable young and elderly community members.

Finally, please confirm whether this application is being considered by committee? With the likely further additional traffic and access restrictions it will bring, I would expect that the decision on authorising a potentially life threatening change to a small cul-de-sac would not be left to one individual planning officer by council officials. I am also certain that I will not be the only resident who would wish to attend that meeting.

22 Hamilton Mead - further comments

Further to my earlier e mail, I understand that if it is considered that a planning application may have an impact beyond its immediate locality, then Councils will usually consult over a wider area.

11 Hamilton Mead

I am writing to object to the above planning application. The creation of an additional dwelling will exacerbate the severe shortage of parking in Hamilton Mead.

As you will be aware, this is a small cul de sac and access to properties for delivery and, more particularly, emergency vehicles is already a major problem.

In addition, Hamilton Mead is in close proximity to Bovingdon School and many parents park in the street to drop off or pick up their children. More often or not outside these times, householders are moving vehicles to allow neighbours access to parking.

There is also a safety consideration in that many young children use Hamilton Mead as a thoroughfare during school hours. Many elderly people from Dudley House also use the road for access to the High Street.

Additional traffic and restrictions during construction would have a disruptive and dangerous impact on both householders and pedestrians.

The long term effect of an additional dwelling would be to increase the number of vehicles using Hamilton Mead which would ultimately impact on access for, most importantly, emergency vehicles and the safety of pedestrians particularly our young and elderly villagers. Also parking problems would be compounded as the demand for the limited space available would increase (we currently have 5 designated parking bays).

In the circumstances, I feel this application should not be determined under delegated powers but should be considered by committee. Could you please confirm whether this will be the case.

8 Hamilton Mead

I am writing to raise my concern over the above planning application to build a two bedroom house in place of the existing garage that is attached to the integral garage side of 26 Hamilton Mead.

Hamilton Mead is only a small estate of 21 properties built as a cul-de-sac, so all delivery lorries, large vans, emergency vehicles etc only have that part of the road outside 24 & 26 to attempt to turn their vehicles around. That is why any extra cars or traffic that would arise from the building of this house would only lead to making the problem worse to the extent that these large vehicles would have to try and reverse out. This situation at school starting and finishing times makes it impossible for any large vehicle to reverse out due to cars being parked all along the road.

We have already had some very large ready-mix concrete lorries attempting to reverse all the way into Hamilton Mead only a few months back when some previous work was done at this same site entrance.

I also have some points to raise regarding the above proposal, and the manner in which the public consultation has been carried out, as follows;

Public Consultation Process:

I can see from the DCC Planning Website that only 4 people in Hamilton Mead out of 20 have been contacted by the council for the purpose of public consultation. The adjacent property No 24 has not been informed which I find very unusual. All the other consultation letters have been sent to properties on Bovingdon High street that will not be directly affected by this proposal.

I would like to say that your decision to only consult with 4 properties when we live in a cul-de-sac is undemocratic and goes against what I would call Public Consultation.

As a long standing resident of Hamilton Mead I was surprised to only learn of this development from my neighbours and not directly from the Council and I also see there was no planning notice outside the site.

The health and safety of the Hamilton Mead residents should not be given a lower priority when set against the profit driven objectives of any developer.

5 Hamilton Mead

Further to the above planning application we would like to register our objection to this proposal, on the grounds that there will be insufficient off road parking.

With the inevitable increase in the number of vehicles that this development will bring, we are very concerned regarding access for emergency vehicles being compromised.

1 Hamilton Mead

I have just heard from my neighbour about the above proposal and am surprised that Dacorum Council did not let me know this proposed development was going to go to planning.

I feel it was wrong to try and go ahead with a planning application like this and to put a closing date on for the first day after a long holiday break when many people are away. It smacks of some very underhand principles when this is done and without informing the residents of nearby properties.

It appears that only four residences in Hamilton Mead were informed along with 12 properties in Bovingdon High Street (except the school) that we believe are linked directly or indirectly with the resident or owner of the proposed development.

Some foundation work must have already gone on at this site judging by the amount of ready mix concrete that was delivered to site in the latter months of last year. This is contrary to the statement in section 3 of the application.

This section also states that the proposal is "Conversion of a garage and first floor extension to provide a new two bedroom dwelling". There is no existing first floor extension, the house is similar to other properties on this estate with a third bedroom over an integral garage.

Having extra cars for this proposed development will make it more difficult for delivery vans and emergency vehicles to execute a three point turn to get back out of the estate.

I have since heard that the final date has been put back to February 1st.

Councillor Stewart Riddick

I am only 'calling for this application to be put before the DCC' if Officers intend to recommend APPROVAL.

However, if Officers will be REFUSING the application, there will be no need to put this before the DCC.

By way of background, the application as submitted is non-compliant, woefully inadequate and totally misleading.

Please see my scanned copy of the Plans and Application Form which highlights (some) of the items which are incorrect or incomplete, including no clear identification of exactly who the true Applicant is or his FULL contact details.

Other reasons for refusal:

- 1) The proposal shows a 2 BED Property...with 4 Sleeping Places. As such the (Minimum) National Requirement for such a property would need to be 79 SQ.M. This proposal is substantially smaller than this (Minimum) requirement.
- 2) There would be no additional Parking facility for this proposal. In fact, there would be even LESS space for parking, since the existing (integral) garage to number 26 would cease to be used as a Garage...as it is indicated as being for 'Storage Only'. There would also be the LOSS of the existing additional adjoining Parking space in the area which is currently an integral Car Port to number 26.
- 3) There is no provision for the storage of a (minimum) of 6 'Wheelie Bins'.
- 4) Access along Hamilton Mead is already severely restricted. No Emergency Vehicles could get through.
- 5) There would be no garden or amenity space.

In view of the obvious deficiencies and errors of this submission, please confirm how this application will now be dealt with.

Bovingdon Parish Council

Object

Inappropriate development; site too small - does not support a two bedded unit and is below National Housing Standards for a one bedded unit; loss of amenity space; would cause access problems for emergency vehicles and creates other parking issues for neighbours

Strategic Planning and Regeneration

The Application

Number 28 forms an end part of a group of semi-detached properties sited along Hamilton Mead, which is a cul-de-sac. This property is at the end of the cul-de-sac. It is joined to the north by another property and on its side to the south to Bovingdon Primary Academy perimeter fence. The proposal is to convert the garage and to extend upwards to form a new 2-bed dwelling.

The Policies

According to Core Strategy (2006-2031) Policy CS1: Distribution of Development Hemel Hempstead is identified as the focus for homes. However, the policy states that the market towns and larger villages (Bovingdon) can also accommodate new housing.

The property borders the designated Local Centre area and lies within the Residential Area. The area is zoned for appropriate residential development (Policy CS4) and, therefore, the principle of new housing is acceptable in this general location. Furthermore, the Proposal Map indicates that the Conservation Area (saved Policy 120 / Policy CS20) is some distance from Hamilton Mead and therefore should not impact on this application. The property does lie within an Area of Archaeological Importance (site 48 Bury Farm, Bovingdon). Policy 118 Important Archaeological Remains and Policy CS27 applies in this situation and the County Archaeological Group will need to be consulted.

Within the saved DBLP (1991-2011) a number of policies (and linked Appendices) are applicable to this application.

Saved DBLP Policy 18 The Size of New Dwellings (see also Core Strategy Policy CS18 Mix of Housing) encourages the provision of smaller housing units as proposed by this application. It states:

“The development of a range of dwellings in size and type will be encouraged. Regard will be paid to:

(a) The need to provide accommodation for new, small households:.....
.....Units for small households meeting 1 or 2 bedrooms will be sought”

In terms of parking, nothing has been indicated (apart from the fact that there is a loss of the garage). According to saved Appendix 5 of the Local Plan provision for a 2 bed dwelling parking should be 1.5 spaces. Will the original property have off-street parking available to it?

This application could be considered as both a conversion and an extension/new build. Saved Policy 19 Conversions and Appendix 7 Small-scale House Extensions from the Local Plan (1991-2011) should be referred to. The key questions relate to whether the development ‘fits’ in with the character of the area/street scene and what impacts it has on the neighbours. The Council would generally oppose side extensions if it leads to the ‘terracing’ effect however the proposed side extension would lie adjacent to a school perimeter fence not another dwelling.

Conclusion

The broad principle of the development is generally encouraged in policy terms. In addition, the provision of housing in Bovingdon is encouraged especially in designated Residential Areas, including the provision of smaller units. The case officer also needs to assess other normal DM considerations including design (Policy CS12g) and effects on neighbouring properties (Policy CS12). In addition provision for parking has to be established.

Conservation and Design

This is a modern house which is located at the end of a modern cul-de-sac. It is of two storeys in brick with a concrete tiled roof. It is not within the conservation area but sits adjacent to it. The building adjacent within the conservation area is the modern primary school building. It is of a single storey also constructed in brick with concrete tiled roof as is the adjacent library. To the frontage is a modern sandwich bar and shop. There is also a grade II listed house to the street frontage however it has a modern extension to the rear which is of lesser architectural interest

between the listed building and the property.

The proposed extension is outside the conservation area although adjacent to it. There is a glimpsed view from the high street but the building does not appear particularly obvious within the streetscene. The proposal would not have a detrimental impact upon this view, the adjacent modern school building or the rear of the listed dwelling. We therefore believe that the impact on the character of the conservation area by the proposal would be minimal.

When viewed within the streetscape of Hamilton Mead we do not believe that the proposed building would stand out but would sit with the other buildings within the close. The scale and design would be appropriate for the site.

Recommendation We would not object to the proposals as it would have a minimal impact on the setting of the conservation area. The design is in keeping with the scale and proportions of the surrounding buildings in Hamilton Mead. Materials subject to approval.

Hertfordshire Highways

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

This proposal is acceptable in a highways context. There won't be any alteration to the existing vehicle/pedestrian access (according to S6 of the application form). There is one onsite parking and extra means for parking on the street as well. Therefore we as Highway Authority do not wish to obstruct the grant of the permission.

Description of the Proposal: The proposal (4/03169/16/FUL) is for Conversion of Garage and First Floor Extension to Create a New Two Bedroom Dwelling. The development is located on 26 Hamilton Mead, Hemel Hempstead, which is a sustainable area with regular public transport nearby.

Conclusion: HCC as a Highway Authority does not object to the proposed development however I suggest the two advisory notes.

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Hertfordshire Highways further comments

In view of the additional information, the Highway Authority's response remains the same bearing in mind the implications of the development is not considered to be significant. There is an undercroft vehicular access from the High street (between No's 33b and 35) to the court yard to the rear of the property. The question is whether the applicant has the right to use this access. In terms of meeting the parking requirements, this is something that sits with the

planning Authority.

Contaminated Land

The site is located within the vicinity of the following potentially contaminative current and former land uses:

- Former slaughter house
- Unknown filled ground / potentially infilled pond (3no.)
- Former petrol station
- Garage
- Cemetery / graveyard
- Smithy
- Coal yard
- Bovingdon Dry Cleaners

The garage itself also represents a potential source of contamination (the potential for leaks and spills of fuels/chemicals).

I recommend that the contamination conditions be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website (www.dacorum.gov.uk/default.aspx?page=2247).

Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

Hertfordshire Fire and Rescue

We have examined the drawings and note that the access for fire appliances and provision of water supplies appears to be adequate.

Further comments will be made when we receive details of the Building Regulations application.

Hertfordshire Archaeology

In this instance I consider that the proposal is unlikely to have an impact on heritage assets of archaeological interest and I therefore have no comment to make on the application.

Thames Water

Waste Comments

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

Considerations

Policy and Principle

As described above, the site lies within an established built up residential area within the village of Bovingdon, where appropriate residential development is encouraged under Policy CS4 of the Core Strategy. Section 6 of the NPPF sets out housing applications should be considered in the context of the presumption in favour of sustainable development.

Layout and density

The proposal and associated subdivision would generally follow the regular pattern of development within Hamilton Mead. The proposed dwelling would benefit from access to the commercial yard to the rear through to Bovingdon High Street.

In density terms the proposal would be acceptable, also noting the allocated garden area to the proposed two-bedroom dwelling would be sufficient. The remaining area of garden for the existing three-bedroom dwelling would be appropriate and functional.

Although garden depths would be short of the 11.5m standard, they would be of lengths commensurate with adjacent and nearby properties on Hamilton Mead.

Concerns have been raised with respect to internal space standards of the proposed dwelling. It is noted that there are no adopted local standards. Policy 19 of the Local Plan (now superseded) sets out minimum internal areas however these are for flats. The proposal would exceed these as measured on plan and as such a reason for refusal of the application could not be supported on these grounds.

The development is therefore acceptable under Policies CS11 and CS12 of the Core Strategy.

Impact on appearance of street scene and adjacent Conservation Area

The proposed development is constrained by the width of the available space between the existing dwelling and the side boundary and has therefore taken a subservient form relative to No. 26. Although the street scene, as noted above, features dwellings with visual similarities, it is not considered the proposal would result in an unduly cramped appearance and would not unacceptably harm the character and appearance of Hamilton Mead.

It is firstly noted that whilst Hamilton Mead has a distinguished pattern of development, it is not a visually sensitive street scene and there are no guidelines or specific requirements for retention or duplication of building proportions or detailing in this particular street. The development would contribute to the character of the street by adopting some of the recurring features, including the front catslide and dormer window.

Additionally, the proposed dwelling would occupy a position at the end of the cul-de-sac, and would not have a direct relationship with Hamilton Mead (it would front an area of land at the end of the close in private ownership). Consequently, the development would not have a prominent location in the street.

It is important to note that the Conservation and Design officer has not raised any objection to the appearance of the proposed building in this street scene, or with respect to its interface with the Bovingdon Conservation Area.

It follows the proposal would not result in unacceptable harm to the street scene or the Bovingdon Conservation Area and would not compromise the objectives of Policies CS11, CS12 or CS27 of the Core Strategy or saved Policy 120 of the Local Plan.

Impact on neighbouring properties

The proposed dwelling would have two neighbouring properties on Hamilton Mead including

the existing dwelling at No. 26 Hamilton Mead and the dwelling opposite at No. 17. Directly east is Bovingdon Primary Academy and to the rear (south-west) is No. 39 High Street and the commercial yard to the rear of Bovingdon High Street. Each shall be discussed in turn.

The development would not project beyond the main front or rear walls of No. 26 Hamilton Mead and the development therefore would not compromise the residential amenity of this property in terms of visual intrusion, loss of light or overlooking.

As noted, the development would not project beyond the front wall of No. 26 and would not give rise to unreasonable levels of overlooking, visual intrusion or loss of light from the perspective of No. 17 Hamilton Mead. The distance between the front walls of No. 17 and the proposed dwelling would be commensurate with those in the street.

The development would not feature any windows facing towards the school to the east and would not result in adverse levels of overlooking. The building would have an elevated position relative to the school grounds however this would not result in unreasonable visual intrusion to windows within school buildings.

A separation of approximately 21m is proposed between the main rear walls of the proposed dwelling and the bungalow at No. 39 High Street. The rear windows limited to ground floor level at No. 39 and boundary treatments noting the oblique relationship between the two properties would be considered sufficient to mitigate negative impacts on the residential amenity of No. 39 High Street. The neighbour at No. 39 benefits from a garden of generous dimensions which would provide adequate visual relief from development on the application site.

The development would also not compromise the function of the commercial yard to the south-west or have a negative impact on surrounding properties, particularly Nos. 33, 35, 35a, 37, 37a and 37b High Street.

It follows the proposal would not have an adverse impact on the amenity of neighbouring properties in accordance with Policy CS12 of the Core Strategy.

Impact on parking and highway safety

The proposal would result in one three-bedroom dwelling (existing dwelling at No. 26) and one two-bedroom dwelling (proposed dwelling). Under local parking standards set out under saved Appendix 5 of the Local Plan, the proposal would generate an on-site total of 3.75 spaces as a maximum. The amended site layout would accommodate for two spaces allocated to the existing dwelling at No. 26 within an extended forecourt, and one space for the proposed dwelling within a garage immediately to the rear of the property, accessed via Bovingdon High Street.

Access arrangements as set out above were considered acceptable by the highway authority.

It is acknowledged that Hamilton Mead and surrounding areas of Bovingdon have experienced high demand for on-street parking, and the proposed parking arrangements and site layout offer an acceptable solution to provision of private parking for the dwellings in accordance with Policies CS8 and CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

Further, it is also important to note the benefits of the application site particularly its location proximate to the local centre of Bovingdon High Street (specifically, the new dwelling would have direct access from the rear garden through to High Street). This represents a sustainable location where less car journeys would need to be made and where flexibility could be applied with respect to parking provision.

Another factor which weighs in favour of the proposal is that many of the dwellings on Hamilton

Mead currently benefit from at least one private off-road parking space whether provided in the form of a garage or forecourt parking.

Based on the above factors, the proposal would not compromise the objectives of Policies CS8 and CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

Community Infrastructure Levy (CIL)

The application is CIL liable if it were to be approved and implemented. Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable.

The Charging Schedule clarifies that the site is in Zone 2 within which a charge of £150 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

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

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

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

- 2 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing dwelling at No. 26 Hamilton Mead, Bovingdon.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

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

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

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, to safeguard the visual character of the immediate area and to safeguard residential amenity in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 4 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development of the new dwelling hereby permitted 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 and E

Reason: In the interests of safeguarding the residential amenity of the locality and to ensure sufficient garden size and living conditions for future occupiers of the development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 5 **The development hereby permitted shall not commence before a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the local planning authority. If actual or potential contamination and / or ground gas risks are identified, further investigation shall be carried out and a Phase II Report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. If the Phase II Report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the local planning authority.**

For the purposes of this condition:

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

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

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with the National Planning Policy Framework and Policy CS32 of the Dacorum Core Strategy 2013.

- 6 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 5 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby**

permitted.

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with the National Planning Policy Framework and Policy CS32 of the Dacorum Core Strategy 2013.

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

Site Location Plan

wren naj 85b 2016

wren naj 85c 2016 (elevations only)

wren naj 85c 2016 (parking plan only)

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

Article 35

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination stage which led to improvements to the scheme. The Council has therefore acted 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) Order 2015.

Hertfordshire Highways Informative

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Contaminated Land Informative

Paragraph 121 of the National Planning Policy Framework states that all site

investigation information must be prepared by a competent person. This is defined in the framework as 'a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation'.

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.dacorum.gov.uk

Water Comments

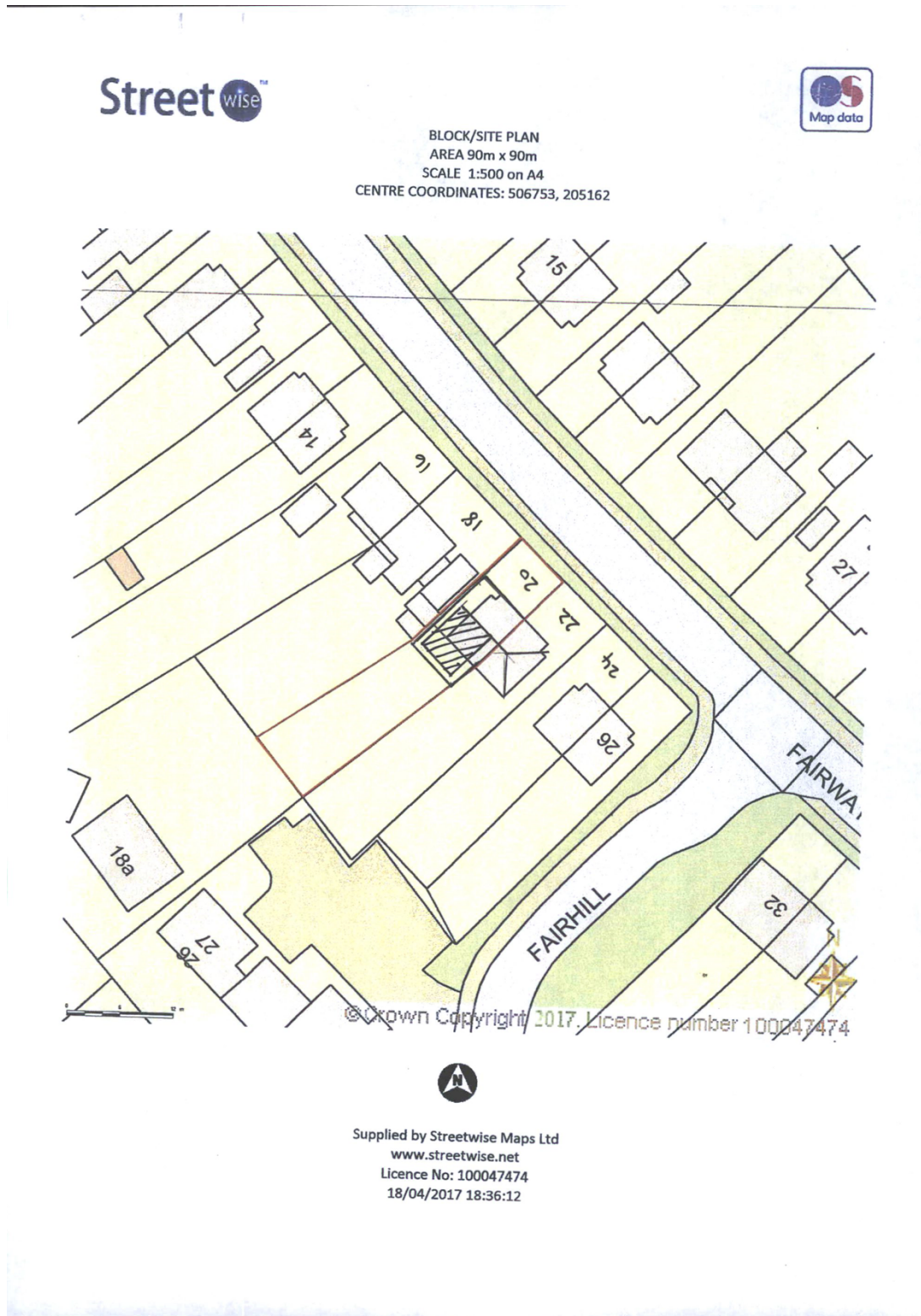
With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Agenda Item 5j

Item 5j

4/01183/17/FHA – HIP TO GABLE LOFT CONVERSION WITH REAR DORMER

20 FAIRWAY, HEMEL HEMPSTEAD, HP3 9TP



**4/01183/17/FHA - HIP TO GABLE LOFT CONVERSION WITH REAR DORMER.
20 FAIRWAY, HEMEL HEMPSTEAD, HP3 9TP.
APPLICANT: MR MARTIN BRYANT.**

[Case Officer - Sally Robbins]

Summary

The application is recommended for approval.

Site Description

The application site is located in a residential area of Hemel Hempstead. The site comprises a two storey semi-detached dwellinghouse, which has been previously extended with a two storey side and rear extension. The house is composed of facing brickwork, hanging tiles and plain roof tiles with white framed windows. The roof form is a traditional hipped roof, which mirrors the adjoining property. There is a lean to roof on the front elevation that covers the porch and integral garage. To the front of the property is a driveway that would sufficiently accommodate two cars. The application site is situated on sloping ground, with the frontage of the property set at a higher level than the rear. The garden to the rear is elongated and generously proportioned, with a distance to the rear boundary of approximately 23m.

Proposal

The application seeks full planning permission for the construction of a hip to gable loft conversion with rear dormer.

Referral to Committee

The application is referred to the Development Management Committee due to one of the applicants being a member of staff at the Council.

Planning History

4/0926/86	TWO STOREY SIDE AND REAR EXTENSION Granted 24/09/1986
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Policies

National Policy Guidance

National Planning Policy Framework (NPPF) (2012)

Adopted Core Strategy (2013)

CS8 - Sustainable Transport
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan (2004)

Saved Appendices 3, 5 & 7

Supplementary Planning Guidance / Documents

Summary of Representations

Response to Neighbour Notification

- None received

Considerations

Policy and Principle

The application site is located in a residential area of Hemel Hempstead. Core Strategy Policy CS4 states that appropriate residential development is acceptable in towns and large villages subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed extension upon the character and appearance of the parent dwelling, the streetscene and residential amenity of neighbouring properties.

Effects on Appearance of Building

Saved Appendix 7 of the Dacorum Local Plan promotes good design practice for house extensions, stating that extensions should harmonise with the existing house and the surrounding area. HCA18 relates to the Belswains Lane area and states that extensions should normally be subordinate in terms of scale and height to the parent dwelling.

The proposed hip to gable loft conversion with rear dormer would be finished in materials to match the parent dwelling, including facing brickwork, interlocking concrete roof tiles, plain hanging roof tiles to match the main roof and white uPVC double glazed windows and doors. The proposed extension, when added cumulatively to existing extensions, would result in a generously proportioned addition. However, this would only be apparent from the rear garden and therefore it will not have a significant impact upon the character and appearance of the original dwelling.

Overall, the proposed design and scale of the loft extension is considered to respect the overall design and scale of the parent dwelling. As such, the proposal complies with identified policy in this regard.

Impact on Street Scene

Core Strategy Policies CS11 and CS12 state that development within settlements should respect the typical density in the area and integrate with the streetscape character. Policy CS12 states that development should respect surrounding properties and Saved appendix 7 of the Dacorum Local Plan seeks to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height. Furthermore, chapter 7 of the NPPF emphasises the importance of good design in context and, in particular, Paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.

The surrounding area is characterised by similarly sized two storey semi-detached properties in a range of architectural styles, the majority of which have undergone some form of alteration or extension.

The hip to gable element of the proposed would alter the symmetry of the pair of semi-

detached properties. However there are examples of similar loft extensions on Fairway, including at numbers 5, 33, 37 and 38. However, it is not considered that the immediate street scene is aesthetically sensitive and therefore the proposed loft extension will not have a significant impact in this regard.

Turning to the rear dormer element of the proposed, it would add bulk and mass to the rear elevation, which has already undergone a two storey extension. However, the rear dormer would mostly be obscured from the street view. As such, it will not have significant impact upon the street scene.

The design of the proposed would harmonise with surrounding properties in terms of materials and scale, taking into consideration the architectural variety evident in the surrounding area and also the fact that many properties have undergone alteration/extension including hip to gable conversions.

Taking all of the above factors into account, it is not considered that the proposed would appear incongruous in relation to surrounding properties. As such, the proposal coheres with the NPPF and is in accordance with policies CS11 and CS12 of the Core Strategy and saved appendix 7 of the Dacorum Local Plan.

Impact on Neighbours

The proposed loft conversion includes the addition of one side-facing window on the northwest elevation. This window would serve a bathroom and would be obscure-glazed with opening parts above 1.7m only.

To the rear (southwest) elevation, the proposal includes the addition of a Juliet balcony with double doors. There would be additional overlooking arising from this window, however the separation distance of 40m between the proposed Juliet balcony and the neighbouring property at 18a Pinecroft is considered to be sufficient enough to maintain a satisfactory level of privacy.

The proposed loft extension would not have a significant impact upon the residential amenity, daylight provision or privacy of neighbouring residents. As a result the proposed extension is acceptable with regards to residential amenity and is in accordance with the NPPF, Saved Appendix 3 of the Local Plan and Policy CS12 of the Core Strategy.

Other Material Planning Considerations

Policy CS12 of the Core Strategy seeks to ensure developments have sufficient parking provision. Paragraph 39 of the NPPF states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Policies CS8 of the Core Strategy and Saved Appendix 5 of the Local Plan promote an assessment based upon maximum parking standards. As such, each application is considered on its own merits, taking factors such as the location and accessibility of the site into consideration.

The proposal includes the addition of one bedroom. However, due to the close proximity to the town centre, the accessible location and the fact that there is space for two cars on the driveway, it is not considered that the proposed would have a significant impact upon local parking provision.

Conclusions

The proposed hip to gable loft extension with rear dormer through design and scale would not

adversely impact upon the visual amenity of the existing dwellinghouse, the immediate street scene or the residential amenity of neighbouring properties. The proposal is therefore in accordance with Saved Appendices 3 and 7 of the Dacorum Local Plan, Policies CS11 and CS12 of the Core Strategy and the NPPF.

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 carried out in accordance with the following approved plans/documents:**

2017-20-01 REV A
2017-20-02 REV A
2017-20-03 REV A
2017-20-04 REV A

Reason: For the avoidance of doubt and in the interests of proper planning, in accordance with Core Strategy (2013) Policy CS12.

Article 35

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

APPEALS UPDATE

A. LODGED

4/03483/16/FHA

Mr Neal

ALTERATIONS TO AND RETENTION OF DETACHED GARAGE BLOCK
BARNES CROFT, BARNES LANE, KINGS LANGLEY, WD4 9LB

[View online application](#)

4/01641/16/FUL Banister c/o Agent

EQUINE REPRODUCTION AND REHABILITATION CENTRE - COMPRISING A MAIN
BUILDING ; BARN ; OFFICE ; HORSE BOXES ; STAFF AREA; STORAGE BARN ;
QUARANTINE BARN AND MENAGE.

LAND AT (ADJ HARESFOOT FARM), HARESFOOT PARK, CHESHAM ROAD,
BERKHAMSTED, HP4 2SU

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/01902/16/LDP

MR D COWHAM

INTERNAL ALTERATIONS TO INFILL THREE EXISTING OPENINGS WITH
GLAZING AND TIMBER PANELS

THE OLD BOATHOUSE, CASTLE WHARF, BRIDGE STREET,
BERKHAMSTED, HP4 2EB

[View online application](#)

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development for which a certificate of lawful development (LDC) is sought (set out in the fifth bullet point above) is taken from part E of the appeal form. I have adopted this wording in preference to that given on the original application form, as it gives a more precise description of the proposal. The Council has described the proposal in a similar way and I shall deal with the appeal on this

basis.

3. At the site visit, I requested the parties to confirm which drawings were before the Council when it reached its decision upon the LDC application. Clarification of the relevant drawing numbers was subsequently given in the Council's email dated 2 May 2017 – they are listed as 749/14 and 749/15 (received 15/7/2016): 749/LP1 (Location Plan); 544/07B (Original Approved Elevations); 749/08 (Existing Ground Floor). The Council says that a 1:200 site plan was also received, but not cited in the decision notice.

4. The Council also indicates the appellant's versions of drawing numbers 749/14 and 749/15 forwarded to the Inspectorate are different to those that were considered as part of the application.¹ For the avoidance of doubt, copies of the versions before the Council were attached to the email dated 2 May 2017.² The appellant's representative subsequently confirmed these are the correct versions for the purposes of this appeal.

¹ Albeit they had the same date and reference numbers

² Copies also accompanied the Council's appeal statement

5. The final submissions lodged on the appellant's behalf also confirm the notations on the drawings are incorrect insofar as they state the existing roller shutters on the building would be retained. The appellant intends to remove these shutters if the infilling of the openings is carried out. I have borne this in mind in my consideration of the appeal.

Background

6. The site known as The Old Boathouse is situated at Castle Wharf, off Bridge Street within the Berkhamsted Conservation Area. The site consists of a modern three storey house with an attached single storey boathouse upon the frontage to the Grand Union Canal. The buildings are constructed in yellow facing brickwork and were permitted as part of a boatyard redevelopment. The boathouse has large arched openings on its façade³ which are enclosed by roller shutters, with a similar opening on the side elevation to the slipway.

³ Which, in this case is the principal front elevation of the building facing the Grand Union Canal

⁴ Whilst the parties refer to 'clear' glazing, it could more properly be described as 'frameless' glazing

7. The parties have drawn my attention to the extensive planning history of the site, including the grant of planning permission in 2011 (ref. 4/01070/11/FUL) for what is described as 'Construction of new boathouse with restored slipway incorporating one dwelling and separate detached dwelling with associated parking (Amended Scheme).'

8. Condition 1 of the 2011 planning permission, in effect, removed permitted development rights for the construction of windows, dormer windows, doors or other openings (other than those authorised by the permission). Condition 2 removed further permitted development rights contained within Parts 1 and 2 of the Town and Country Planning (General Permitted Development) Order 1995. Condition 5 also required the boathouse and slipway to be used solely as a boatyard for commercial purposes. There appears to be no dispute between the parties that the 2011 planning permission was implemented.

9. The Council confirms that details required by the conditions imposed on the planning permission were discharged in 2012. During 2015 the Council refused to issue an LDC for works to the boathouse, namely 'Proposed glazing of existing window openings' (ref. 4/02036/15/LDP). However, following further legal advice, the Council issued an LDC for the works in 2016 (ref. 4/00186/16/LDP). The works involved the provision of clear glazing to the three openings existing on the elevation of the boathouse facing the canal.⁴

10. The current proposal involves the insertion of glazing and timber panels into the three openings upon the façade of the boathouse that extends along the frontage to the canal.

Main Issue

11. The main issue in this case is whether the Council's decision to refuse the application for an LDC for the development described in the fifth bullet point above was well-founded.

Reasons

12. Section 55 (2)(a) of the 1990 Act states the following operations shall not be taken for the purposes of the Act to involve development of the land:

'... the carrying out for the maintenance, improvement or other alteration of any building of works which -

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building,

and are not works for making good war damage or works begun after December 5, 1968 for the alteration of a building by providing additional space in it underground; "

13. The appellant's case was initially predicated on the argument that the works involved internal

alterations to the building because they would be behind the lowered metal shutters. However, that argument now falls away, given that the shutters are to be removed - the works involve alterations to the external appearance of the building.

14. Consequently, it is necessary to consider whether the insertion of the glazing and timber panels would materially affect the external appearance of the building. It is generally accepted that the changes in question must be visible from a number of vantage points and be material to the appearance of the building as a whole.⁵ Inevitably, a degree of subjective and aesthetic judgement will be involved in reaching a decision on this matter.

⁵ *Burroughs Day v Bristol City Council* [1996] EGCS 126

⁶ At the site visit, it was also confirmed there is no internal linkage between the buildings

15. The boathouse is a prominent structure upon this side of the Grand Union Canal. Its presence is readily apparent to the users of the canal, to users of the towpath upon the opposite side of the canal and to local residents. As I have previously indicated, the elevation affected by the works is the extensive facade of the boathouse. One of its most notable features is the existence of the three arched openings that punctuate its façade.

16. I observed the extensive linear form and simple design of the boathouse (including the general absence of glazed openings) distinguish it from the attached dwellinghouse to the rear, despite their matching yellow brickwork. The boathouse generally conveys a commercial form and character, presumably reflecting the terms of the 2011 permission.

17. In my view the insertion of glazing and timber panels into the three openings would result in a material change to the existing facade of the boathouse. The relatively intricate pattern of the glazing, mullions, glazing bars and transoms would be reminiscent of domestic-style fenestration. The simple, unadorned commercial character of the boathouse would be lost. The outcome would be a material change to the external appearance of the building as a whole. Furthermore, this would be readily apparent from the public realm.

18. The appellant derives support from Counsel's opinion obtained in relation to the Council's decision to refuse the 2015 LDC application. In effect, the provision of clear glazing was not considered to involve development - as such, it was not caught by condition 1 of the 2011 permission. In any event, Counsel also considered the Council's construction of the condition was wrong; it was intended to prevent new openings, whereas the openings already existed. The Council says the condition should not be constructed so narrowly - breaking it down, it can be read that no windows should be constructed, other than those authorised. Be that as it may, a proposal to insert glazing and timber panels was not addressed in the opinion obtained from Counsel; I must therefore give it limited weight.

19. The appellant also cites guidance from East Hampshire DC and the internet concerning non-material amendments to planning permissions, together with guidance given to householders by Leeds CC concerning the need for planning permission for house improvements. However, I do not find this guidance to be of particular assistance in this appeal, not least because of the specific facts of the case before me and the relevant planning history of the appeal site. I have given this guidance limited weight.

20. I conclude the works involve building operations that would materially affect the external appearance of the boathouse. I further conclude the works constitute development for the purposes of section 55 of the Act. They require planning permission by virtue of section 57.

21. It is therefore necessary to consider whether planning permission would be granted for the works under the provisions of section 59 of the Act and Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO).

22. The appellant alleges the boathouse is an integral part of the attached dwellinghouse. It is suggested the proposed works meet the limitations within Class A, Part 1, Schedule 2 of the GPDO (which deals with the enlargement, improvement or other alteration of a dwellinghouse). However, the evidence before me suggests otherwise.

23. Condition 5 of the 2011 planning permission required the boathouse (and slipway) to be used solely as a boatyard for commercial purposes. There is no firm evidence before me to suggest the building has been occupied in breach of this condition, or that it may lawfully be used as an 'integral part' of the dwellinghouse as alleged by the appellant.

24. A further consideration is the nature of the planning unit (which is briefly addressed in the submissions from the Council). It is not uncommon for a variety of activities to be carried out within one unit of occupation. It will often be a question of fact and degree as to whether these activities constitute one planning unit in a mixed use, or separate planning units each with an individual primary use (according to the Burdle principle.)⁷

⁷ Burdle

25. On the evidence before me, including the specific terms of the 2011 permission and the commercial nature of the building, I conclude on the balance of probability that it does not benefit from the permitted development rights available under Class A, Part 1 of the GPDO.

26. The appellant argues, in the alternative, that if the building is not part of the dwellinghouse then the works would still meet the limitations and conditions of Class H, Part 7 of the GPDO (which deals with the

erection, extension or alteration of an industrial building or warehouse). As noted earlier, the Council considers the works are caught by condition 1 of the 2011 permission. However, it seems to me that the opinion of Counsel cannot be lightly dismissed. I also note the reason for the condition is 'In the interests of the residential amenities of the occupants of the adjacent dwellings', which suggests that its main purpose is to exercise control over works affecting residents' living conditions.⁸

27. The Council argues that even if condition 1 does not bite, the works fail to comply with criterion (e) of paragraph H.1. – namely, the proposal is not permitted by Class H if 'any part of the development would be within 5 metres of any boundary of the curtilage of the premises'. The appellant's representative is given to understand that property ownership can extend to the mid-point of a canal and infers this point will be checked. However, as matters currently stand, there is no firm evidence to contradict the Council's argument.

28. Furthermore, even if it could be shown that criterion (e) of paragraph H.1 was met, condition H.2.(e) also appears to be relevant to the proposal. This condition requires that, in the case of Article 2(3) land 9, any alteration is constructed using materials which have a similar external appearance to those used for the building. In this instance, I consider the materials would not be similar and therefore the works would not comply with the condition. Any breach of the condition means the works could be vulnerable to enforcement action.

29. It is well established in planning law that the onus rests with the appellant to make out his or her case. I find that burden has not been satisfactorily discharged in this particular instance. In the circumstances, I conclude the Council's refusal to grant a certificate of lawful development was well-founded. The appeal therefore fails.

30. I have taken into account all the other matters raised in the representations, including the references to the original design of the boathouse that was permitted, but I find they do not alter or outweigh the main considerations that have led to my decision.

F. ALLOWED

4/02875/16/FUL

MR WEIR-RHODES WATTS
TWO STOREY FRONT AND SIDE EXTENSION. CONVERSION OF
PROPERTY TO FORM FOUR SELF-CONTAINED FLATS
2 BRACKNELL PLACE, HEMEL HEMPSTEAD, HP2 6BT
[View online application](#)

The proposal would deliver additional small units of residential accommodation in a sustainable location to help meet the growing number of one and two person households. It would also accord with the development plan policies relating to design and car-parking. I have given these factors significant weight in my assessment. On the other hand it would not comply with Policy 19 and Appendix 3 of the Local Plan in relation to amenity space. This conflict would be mitigated in part by the proximity of public open space. Moreover, it would be outweighed by the benefits of new housing in a sustainable location.

Grant subject to conditions

PLANNING ENFORCEMENT FORMAL ACTION STATUS REPORT (JULY 2017)

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
1	E/03/00029	Doone Brae Farm, Windmill Road, Markyate	Log Cabin and Garage	16 Mar 04	20 Apr 04	20 Aug 04	Yes, appeal dismissed		Partly Complied	Garage has been removed. The log cabin is currently in the process of being demolished.
2	E/06/00470	Land at Hatches Croft, Bradden Lane, Gaddesden Row	Stationing of a mobile home for residential purposes on the land.	12 Sep 08	20 Oct 09	20 Apr 10	No	N/A	Not complied	Successful prosecution, however mobile home remains on site and no land reinstatement has taken place.
3	E/07/00257	Gable End, Threefields, Sheethanger Lane, Felden	Construction of new dwelling and hardstanding; construction of boundary wall more than 2m high; MCU of land from agriculture to garden	26 Feb 10	09 Apr 10	09 Apr 11	Yes, appeal dismissed 01 Oct 10	01 Oct 11	Not complied	None of the requirements have been met. Prosecution proceedings have commenced (not guilty plea at initial hearing).
4	E/07/00257	Birch Cottage, Threefields, Sheethanger Lane, Felden	Construction of new dwelling and hardstanding; MCU of land from agriculture to garden	26 Feb 10	09 Apr 10	09 Apr 11	Yes, appeal dismissed 01 Oct 10	01 Oct 11	Partly complied	The dwelling has been demolished and the garden use ceased. However, the hardstanding remains. Action dependent on the result of that at Gable End.
5	E/09/00128	The Granary, 49 New Road, Wilstone	The installation of uPVC windows and doors	11 Jan 11	18 Feb 11	18 Feb 13	Yes, appeal dismissed 17 Jun 11	17 Jun 13	Not complied	Further action has not yet been taken due to health of occupiers.
6	E/08/00390	Land at Pouchen End Hall, Pouchen End Lane, Hemel Hempstead	Construction of wooden external staircase	04 Apr 11	13 May 11	10 Jun 11	Yes, appeal dismissed 28 Oct 11	28 Jan 12	Not complied	No further action taken yet – legal opinions received.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
7	E/11/00228	342a High Street, Berkhamsted	Construction of rear dormer	19 Mar 12	26 Apr 12	26 Oct 12	No	N/A	Not complied	Latest application to regularise matters (647/17) refused 09 May 17. Waiting to see if appealed.
8	E/11/00462	11 Bank Mill, Berkhamsted	Construction of two semi-detached dwellings.	10 Jul 12	17 Aug 12	17 Dec 12	Yes, as built scheme refused, alt. scheme allowed.	22 Oct 14	Partly complied	An amended scheme was granted p/p but not fully implemented. Latest application to regularise matters (2389/16) currently being considered.
9	E/12/00354	Meadow View, Threefields, Sheethanger Lane, Felden	Construction of first floor extension, dormer windows and hardstanding. MCOU of agricultural land to residential garden.	30 Jan 13	11 Mar 13	11 Mar 14	Yes, appeal dismissed	20 Jan 15	Not complied	Enforcing the works required to the building are dependant on action at Gable End. Review of other breaches needs to take place.
10	E/12/00354	April Cottage, Threefields, Sheethanger Lane, Felden	Construction of first floor extension, dormer windows and hardstanding. MCOU of agricultural land to residential garden.	30 Jan 13	11 Mar 13	11 Mar 14	Yes, appeal dismissed	20 Jan 15	Partly complied	Enforcing the works required to the building are dependant on action at Gable End. Review of other breaches needs to take place.
11	E/12/00354	Woodside, Threefields, Sheethanger Lane, Felden	Construction of first floor extension, dormer windows and hardstanding. MCOU of agricultural land to residential garden.	30 Jan 13	11 Mar 13	11 Mar 14	Yes, appeal dismissed	20 Jan 15	Not complied	Enforcing the works required to the building are dependant on action at Gable End. Review of other breaches needs to take place.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
12	E/11/00060	Land at Bovingdon Airfield, Berry Farm, Whelpley Hill	MCOU to a mixed use consisting of agriculture, private light aircraft and flight training purposes.	26 Feb 13	16 Apr 13	16 Jun 13	Yes, but withdrawn	N/A	Complied	The EN required the flight training activities to cease and for private flights to be limited to 76 movements per year. This has been met.
13	E/14/00342	Land at Cocks Head Wood, Shendish, Hemel Hempstead	MCOU of land to mixed use of woodland/residential/storage/burning of waste.	16 Feb 15	18 Mar 15	18 Jun 15 (for all steps)	Yes, appeal dismissed	07 Nov 15	Partly complied	Most structures subject to EN have been removed, as have the caravans. However, there remains residential storage and the hardcore track.
14	E/14/00494	Land at Hamberlins Farm, Hamberlins Lane, Northchurch	MCOU of land from agriculture to construction / vehicle / storage yard.	11 May15	11 Jun 15	11 Dec 15 (for all steps)	Yes, appeal dismissed	17 Dec 16	Partly complied	All vehicles, materials, machinery have been removed. Need further action if bund still there and land not restored to its previous condition.
15	E/14/00387	Land north of Home Farm, Flaunden Bottom, Latimer	Creation of terraces on the land and retaining wall at front; stationing of mobile home on the land.	07 Jul 15	07 Aug 15	07 Nov 15 (for all steps)	Yes, appeal dismissed	24 Aug 17	Partly complied	The terraces have been returned to a hillside and the mobile home has been removed. At this stage the retaining feature at the front remains and the hillside has not been re-seeded.
16	E/15/00254	Woodlands, Noake Mill Lane, Water End	Construction of two outbuildings.	23 Dec 15	26 Jan 16	26 Jul 16 (for all steps)	Yes, appeal dismissed	28 Apr 16	Partly Complied	One of the outbuildings was removed. The Council successfully prosecuted lack of compliance for 2 nd .

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
17	E/15/00226	1 Airedale, Hemel Hempstead	Conversion of 3-bed dwelling to 7 independent flats.	22 Jan 16	26 Feb 16	26 Aug 16	Yes, appeal dismissed	01 Dec 17	Not complied	Appeal decision only recently issued. At beginning of compliance period.
18	E/13/00347	4 Myrtle Cottages, Bulbourne Road, Tring	Construction of timber outbuilding and surrounding decking.	09 Mar 16	08 Apr 16	08 Jul 16	Yes, appeal dismissed	09 Jul 17	Partly Complied	The timber outbuilding has been taken down, but materials and decking remains on site.
19	E/14/00505	99 High Street, Markyate	Insertion of uPVC window and door to Listed Bdg.	11 Mar 16	11 Apr 16	11 Apr 21	No	N/A	Not complied	Still within compliance period.
20	E/14/00452	Land at Ten Acres Field, Upper Bourne End Lane, Hemel Hempstead	Siting of shipping container on land.	20 May16	20 Jun 16	20 Jul 16	No	N/A	Complied	The shipping container was removed subsequent to serving of prosecution papers.
21	E/16/00172	Land at Ten Acres Field, Upper Bourne End Lane, Hemel Hempstead	Construction of road on land.	20 May16	20 Jun 16	20 Sep 16	No	N/A	Partly complied	The land excavated for the road has been filled in, but no re-seeding. 'Not guilty' plea to prosecution initial hearing.
22	E/14/00396	Land opp. 127 Hempstead Road, Kings Langley	MCOU from overspill café car parking to motor vehicle sales and car wash operations.	29 Jun 16	29 Jul 16	29 Sep 16 (for all steps)	Yes, but withdrawn	N/A	Complied	The car wash and car sales activities have ceased. All ancillary buildings have gone. Concrete pad has been removed.
23	E/16/00173	17 Tannsfield Drive, Hemel Hempstead	Conversion of one dwelling into two dwellings; raising of roof; construction of rear dormer; and external rendering.	08 Aug 16	08 Sep 16	08 Mar 16	Yes, appeal split decision	27 Oct 17	Not complied	There is a live planning application seeking to make changes to internal layout and rear dormer to regularise matters.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
24	E/15/00301	Land at Piggery Farm, Two Ponds Lane, Northchurch	MCOU of land from agriculture to non-agricultural storage yard; MCOU of building to private motor vehicle storage; construction of raised hardsurface	15 Jul 16	15 Aug 16	15 Feb 17 (for all steps)	Yes, appeal dismissed (other than use of building)	25 Nov 17	Not complied	Appeal decision recently issued – still within compliance period.
25	E/16/00320	Land adj. The Manor Estate, Apsley, Hemel Hempstead	Breach of condition (failure to comply with construction hours).	22 Aug 16	22 Aug 16	20 Sep 16	No	N/A	Complied	Only one further complaint regarding out of hours works. Case to be closed.
26	E/16/00188	Land at Ten Acres Field, Upper Bourne End Lane, Hemel Hempstead	Erection of fencing posts around perimeter of land.	30 Aug 16	03 Oct 16	03 Jan 17	No	N/A	Complied	The fencing posts were removed subsequent to serving of prosecution papers. Hearing still proceeding.
27	E/14/00053	Land at Ten Acres Field, Upper Bourne End Lane, Hemel Hempstead	Breach of condition (failure to remove gate and reinstate grass bank).	30 Aug 16	30 Aug 16	01 Dec 16 (for all steps)	N/A	N/A	Partly complied	Gate has been taken down but not removed. 'Not guilty' plea to prosecution initial hearing.
28	E/14/00453	Land at Barnes Croft, Barnes Lane, Kings Langley	Construction of brick garage, brick link extension, and rear sun room.	17 Nov 16	19 Dec 16	19 Dec 17 (for all steps)	Yes	N/A	N/A	Appeal currently being heard.
29	E/15/00455	1 Cheverells Close, Markyate	MCOU public amenity land to private residential garden and construction of 2 metre high fencing.	14 Dec 16	16 Jan 17	16 Apr 17	Yes	N/A	N/A	Appeal currently being heard.
30	E/17/00092	Gasworks site, 365 London Road, Hemel Hempstead	Construction of foundations for a purpose-built bat wall.	08 Mar 17	06 Apr 17	06 Jun 17	Yes, but withdrawn	06 Apr 22	Not complied	EN varied to increase period for compliance to take into account site redevelopment proposals.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
31	E/16/00449	Farfield House, Chesham Road, Wigginton	Construction of side and rear extension and detached double garage.	23 Jan 17	22 Feb 17	22 Aug 17	No	N/A	Not complied	Currently in the middle of the compliance period. Planning application to seek permission for amended scheme not yet determined (844/17/FHA).
32	E/16/00052	Land at Hill&Coles Farm, London Road, Flamstead	MCOU of land to commercial compound/storage of materials and plant, & creation of earth bund.	08 Mar 17	07 Apr 17	07 Oct 17	No	N/A	Not Complied	Currently in the middle of the compliance period – no change at present.
33	E/16/00174	Cranbrook, 22 Newell Road, Hemel Hempstead	Installation of boundary fencing more than 1m in height.	08 Mar 17	06 Apr 17	06 Jun 17	Yes	N/A	N/A	Appeal currently being heard.
34	E/16/00072	Land at Bovingdon Airfield, Chesham Road, Bovingdon	Breach of Condition (failure to submit Landscaping, Litter, Traffic Plans)	23 Mar 17	23 Mar 17	23 Apr 17	N/A	N/A	Complied	Application to discharge conditions has now been submitted (1086/17/DRC).
35	E/16/00116	186 Leighton Buzzard Road, Hemel Hempstead	Untidy state of front and rear gardens; dangerous condition of boundary fencing	09 Feb 17	09 Mar 17	09 Apr 17	N/A	N/A	Not complied	Presently obtaining quotes as part of assessment into taking Direct Action.
36	E/14/00342	Land at Cocks Head Wood, Shendish, Hemel Hempstead	Untidy land (various piles of rubbish / miscellaneous items within woodland)	06 Jun 17	06 Jul 17	06 Sep 17	N/A	N/A	N/A	Notice not yet taken effect.
37	E/14/00396	Land opp. 127 Hempstead Road, Kings Langley	Untidy land (concrete spoil arising from breaking up of concrete pad).	08 Jun 17	08 Jul 17	08 Aug 17	N/A	N/A	Complied	Site visit of 26 June 2017 confirmed that concrete spoil has been removed.
38	E/17/00019	Land west of Bobsleigh Hotel, Hempstead Road, Bovingdon	Construction of area of hardstanding	14 Jun 17	13 Jul 17	13 Oct 17 (for all steps)	N/A	N/A	N/A	Notice not yet taken effect.