



# Public Document Pack

# DEVELOPMENT MANAGEMENT

# AGENDA

**THURSDAY 17 AUGUST 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 Ritchie
Councillor Birnie	Councillor Whitman
Councillor Clark	Councillor C Wyatt-Lowe (Vice-Chairman)
Councillor Conway	Councillor Fisher
Councillor Maddern	Councillor Tindall
Councillor Matthews	Councillor P Hearn
Councillor Riddick	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](mailto: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) 4/02539/16/MOA - OUTLINE PLANNING APPLICATION TO INCLUDE UP TO 600 DWELLINGS (C3), LAND FOR PRIMARY SCHOOL (D1), LAND FOR LOCAL CENTRE USES (A1,A3,A4,A5,D1,D2), LAND FOR UP TO 7,500 SQUARE METRES OF EMPLOYMENT USES (B1,B2,B8), LANDSCAPING, OPEN SPACE AND PLAY AREAS, ASSOCIATED INFRASTRUCTURE DRAINAGE AND ANCILLARY WORKS, NEW ROUNDABOUT ACCESS OFF THREE CHERRY TREES LANE, NEW PRIORITY JUNCTION OFF THREE CHERRY TREES LANE, NEW VEHICULAR ACCESS TO SPENCER'S PARK PHASE 1 AND AN EMERGENCY ACCESS TO THE EMPLOYMENT LAND OFF CHERRY TREE LANE. DETAILED APPROVAL IS SOUGHT FOR ACCESS ARRANGEMENT ONLY, WITH ALL OTHER MATTERS RESERVED (CROSS-BOUNDARY APPLICATION FALLING WITHIN DACORUM BOROUGH COUNCIL AND ST ALBANS CITY AND DISTRICT ADMINISTRATIVE AREAS) - SPENCER'S PARK PHASE 2, LAND BETWEEN THREE CHERRY TREES LANE AND CHERRY TREE LANE, HEMEL HEMPSTEAD (Pages 6 - 93)
- (b) 4/02389/16/FUL - RETENTION OF TWO THREE BED DWELLINGS (RETROSPECTIVE) - 11 BANK MILL, BERKHAMSTED, HP4 2ER (Pages 94 - 109)
- (c) 4/00726/17/FUL - TWO THREE BED DETACHED DWELLINGS (AMENDED SCHEME) - LAND R/O 76-78 BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9PP (Pages 110 - 139)
- (d) 4/00416/17/FHA - SINGLE STOREY REAR EXTENSION. EXTENDED FLAT ROOF DORMER. PITCHED ROOF DORMERS TO FRONT. SINGLE STOREY EXTENSION TO SIDE WITH ROOMS IN ROOF SPACE - 10 DAMMERSEY CLOSE, MARKYATE, ST ALBANS, AL3 8JS (Pages 140 - 148)
- (e) 4/00438/17/FHA - PROPOSED FLANK AND REAR EXTENSION - 13 CHAMBERSBURY LANE, HEMEL HEMPSTEAD, HP3 8AY (Pages 149 - 157)
- (f) 4/00918/17/FUL - CONSTRUCTION OF NEW DWELLING (AMENDED SCHEME) - 28 MERLING CROFT, NORTHCHURCH, BERKHAMSTED, HP4 3XB (Pages 158 - 173)
- (g) 4/01019/17/FUL - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO SEMI DETACHED DWELLINGS (AMENDED SCHEME) - 15 CHESTNUT DRIVE, BERKHAMSTED, HP4 2JL (Pages 174 - 192)
- (h) 4/00937/16/FUL - CONSTRUCTION OF ONE 3-BED DWELLING AND TWO-STOREY REAR EXTENSION - 3 HILLSIDE COTTAGES, LEVERSTOCK GREEN ROAD, HEMEL HEMPSTEAD, HP3 8QB (Pages 193 - 206)
- (i) 4/01198/17/FUL - CONSTRUCTION OF 2 NO. TWO BEDROOM FLATS - 92 VICARAGE LANE, KINGS LANGLEY, WD4 9HR (Pages 207 - 220)
- (j) 4/01335/17/FUL - DEMOLITION OF EXISTING HOUSE AND GARAGE. CONSTRUCTION OF 2 NO. 4 BEDROOM HOUSES AND EXTERNAL WORKS - 17 TRING ROAD, WILSTONE, TRING, HP23 4NU (Pages 221 - 235)
- (k) 4/01389/17/FUL - PROPOSED RETENTION OF A SHED FOR THE ELECTRICITY GENERATOR SERVING THE NURSERY (AMENDED SCHEME) - CHEQUERS MEADOW NURSERIES, CHEQUERS HILL, FLAMSTEAD, ST ALBANS, AL3 8ET (Pages 236 - 241)



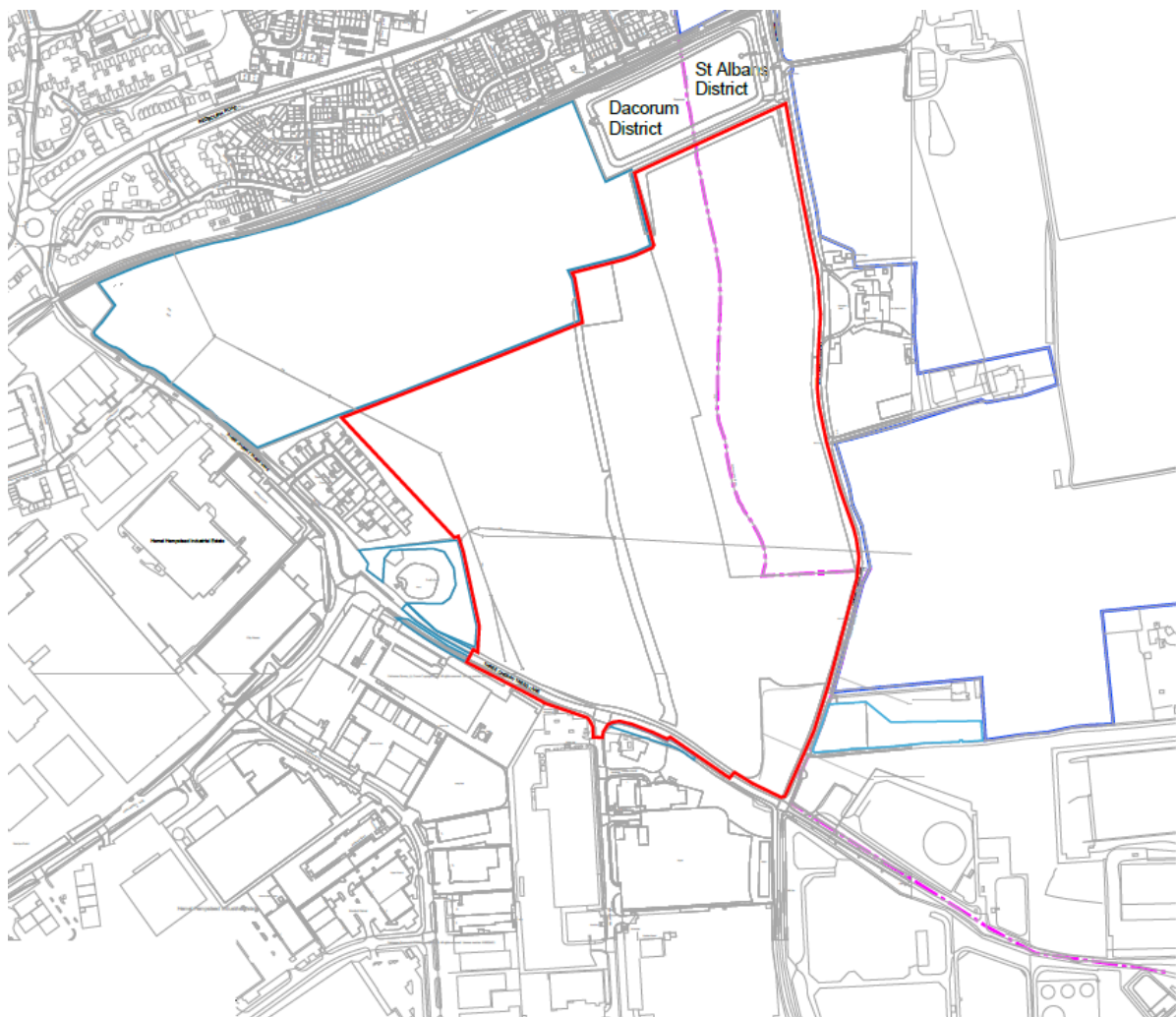
**6. APPEALS** (Pages 242 - 246)

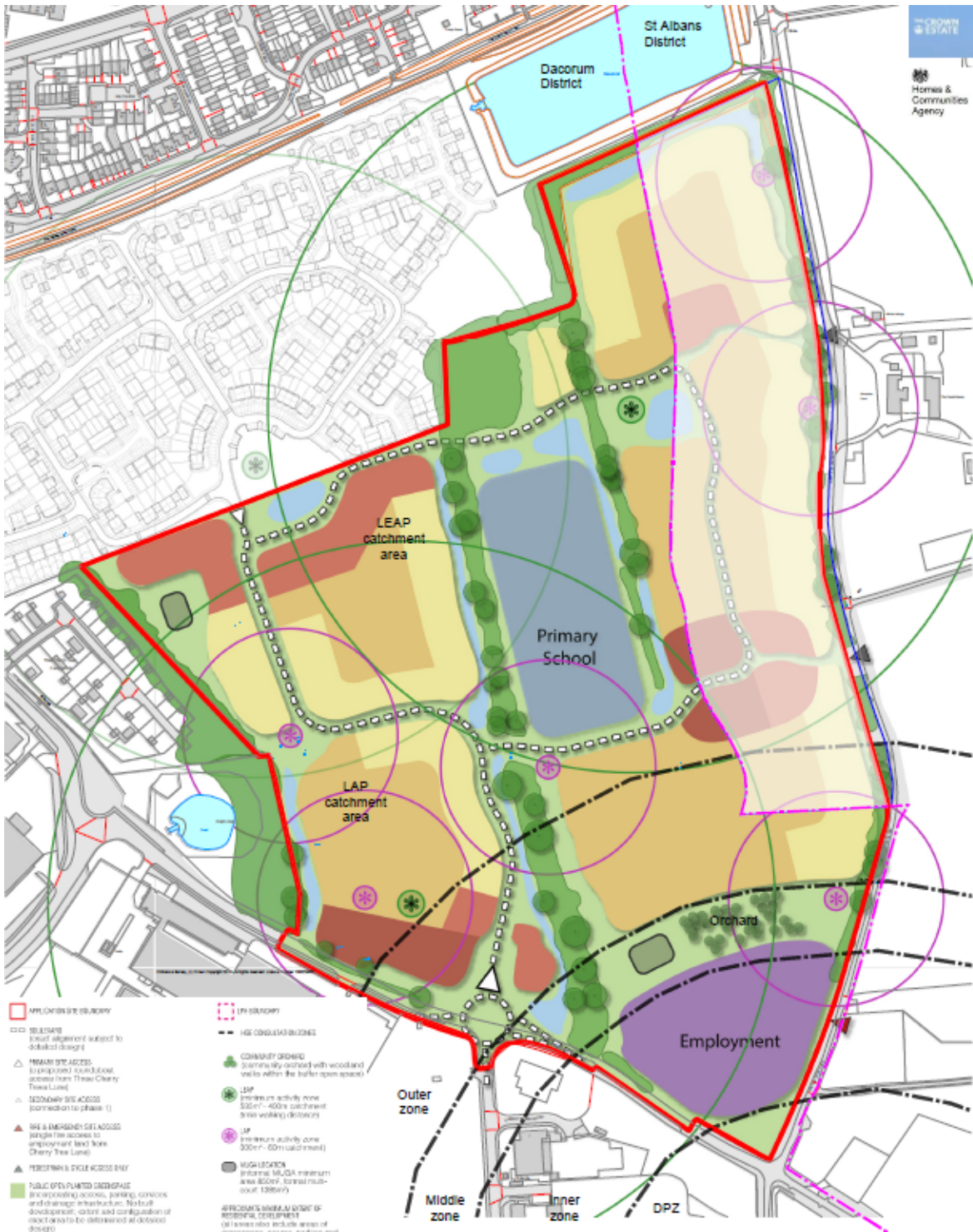
# Agenda Item 5a

## Item 5a

**4/02539/16/MOA – OUTLINE PLANNING APPLICATION TO INCLUDE UP TO 600 DWELLINGS (C3), LAND FOR PRIMARY SCHOOL (D1), LAND FOR LOCAL CENTRE USES (A1,A3,A4,A5,D1,D2), LAND FOR UP TO 7,500 SQUARE METRES OF EMPLOYMENT USES (B1,B2,B8), LANDSCAPING, OPEN SPACE AND PLAY AREAS, ASSOCIATED INFRASTRUCTURE, DRAINAGE AND ANCILLARY WORKS, NEW ROUNDABOUT ACCESS OFF THREE CHERRY TREES LANE, NEW PRIORITY JUNCTION OFF THREE CHERRY TREES LANE, NEW VEHICULAR ACCESS TO SPENCER'S PARK PHASE 1 AND AN EMERGENCY ACCESS TO THE EMPLOYMENT LAND OFF CHERRY TREE LANE. DETAILED APPROVAL IS SOUGHT FOR ACCESS ARRANGEMENT ONLY, WITH ALL OTHER MATTERS RESERVED (CROSS-BOUNDARY APPLICATION FALLING WITHIN DACORUM BOROUGH COUNCIL AND ST ALBANS CITY AND DISTRICT ADMINISTRATIVE AREAS)**

**SPENCER'S PARK PHASE 2, LAND BETWEEN THREE CHERRY TREES LANE AND CHERRY TREE LANE, HEMEL HEMPSTEAD**







Figured dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand.  
 © Scott Brownrigg Ltd

**SCOTT  
 BROWNRIGG**



Homes & Communities Agency



- Application Red Line Boundary
- Local Authority Boundary Line

Note: This masterplan is for illustrative purposes only, for reference to supporting documents within the Outline Application for Spencers Park, to demonstrate how the framework masterplan could be brought forward.

### Illustrative Masterplan

08 September 2016 • SK 005 003  
 SCALE 1 : 2500 @ A3  
 © Scott Brownrigg Ltd





**4/02539/16/MOA - OUTLINE PLANNING APPLICATION TO INCLUDE UP TO 600 DWELLINGS (C3), LAND FOR PRIMARY SCHOOL (D1), LAND FOR LOCAL CENTRE USES (A1,A3,A4,A5,D1,D2), LAND FOR UP TO 7,500 SQUARE METRES OF EMPLOYMENT USES (B1,B2,B8), LANDSCAPING, OPEN SPACE AND PLAY AREAS, ASSOCIATED INFRASTRUCTURE, DRAINAGE AND ANCILLARY WORKS, NEW ROUNDABOUT ACCESS OFF THREE CHERRY TREES LANE, NEW PRIORITY JUNCTION OFF THREE CHERRY TREES LANE, NEW VEHICULAR ACCESS TO SPENCER'S PARK PHASE 1 AND AN EMERGENCY ACCESS TO THE EMPLOYMENT LAND OFF CHERRY TREE LANE. DETAILED APPROVAL IS SOUGHT FOR ACCESS ARRANGEMENT ONLY, WITH ALL OTHER MATTERS RESERVED (CROSS-BOUNDARY APPLICATION FALLING WITHIN DACORUM BOROUGH COUNCIL AND ST ALBANS CITY AND DISTRICT ADMINISTRATIVE AREAS).**

**SPENCER'S PARK PHASE 2, LAND BETWEEN THREE CHERRY TREES LANE AND CHERRY TREE LANE, HEMEL HEMPSTEAD.**

**APPLICANT: HOMES AND COMMUNITIES AGENCY AND THE CROWN ESTATE.**

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[Case Officer - Ross Herbert]

## **Summary**

The application is recommended for Delegate with a View to Approval, subject to the completion of a S106 agreement and notification being sent to the Secretary of State, due to the objections from Sport England.

The applicant and their agents have engaged pro-actively with both DBC and SADC through an in depth pre-application submission. This process has helped to inform the masterplanning of the site and has helped to guide the proposals so that they are able to meet the aspirations of the applicants, along with both Local Planning Authorities. The outline planning application is supported by a Statement of Community Involvement (SCI) setting out how consultation has informed the scheme. In addition a suite of technical assessments have been submitted, including an Environmental Statement, demonstrating that no adverse impacts would arise from the development.

The proposed development accords with the Dacorum Borough Council Development Plan as the Core Strategy identifies the site as being suitable for development. In terms of the planning balance, the benefits of the proposed development clearly outweigh any adverse impacts. The only limited adverse impact identified is the loss of a small amount of agricultural land.

There are significant benefits associated with the scheme. The proposed development will assist both local planning authorities in meeting their housing requirements in a sustainable new neighbourhood where employment, a primary school, play areas and small scale local facilities are being provided. The scheme has been designed to incorporate new footways and cycleways to encourage walking and cycling.

An assessment of relevant Development Plan policies demonstrates that the proposals are in accordance with the Core Strategy and the saved policies of the DBLP. The proposals would deliver a high quality, sustainable development of the site, subject to details being submitted at Reserved Matters stage (other than access details).

## **Site Description**

The site comprises of the Spencer's Park Phase 2 site between Three Cherry Trees Lane and Cherry Tree Lane in north east Hemel Hempstead. The site is located immediately to the south of the Spencer's Park Phase 1 development, which is currently being built out by David Wilson Homes. The site is located within the built up area of Hemel Hempstead, within the Maylands General Employment Area (GEA). The site currently comprises of arable fields, with

field access points off both Three Cherry Trees and Cherry Tree Lanes.

The site crosses the administrative boundaries of Dacorum and St Albans City and District Council's and is owned by the Crown Estate and The Homes and Communities Agency. The red line site including some highway land extends to around 24.4 hectares, and includes land in Dacorum Borough Council (DBC) and in St. Albans City and District Council (SADC). The boundary between the districts is not defined by any physical boundary on the ground. Around 18.7 hectares (76.7%) of the site is within DBC and around 5.7 hectares (23.3%) is within SADC. The land within DBC includes highway land. Two identical outline planning applications have been submitted: one to DBC and one to SADC. Each Local Planning Authority (LPA) will determine the extent of the proposed development that falls within its administrative area.

The site is bounded by Three Cherry Trees Lane to the west, Cherry Tree Lane to the East and the Phase 1 development site and the Thames Water reservoir to the north. A variety of employment uses are located to the west and south of the site within the Maylands General Employment Area, including with Buncefield Oil Depot site to the south of the site. Arable fields are located to the east. A Gypsy and Traveller site (Cherry Tree Caravan Park) is located to the west of the site. The open countryside to the east of the site forms part of a draft allocation for a new sustainable growth location in the draft St. Albans Strategic Local Plan (Land East of Hemel Hempstead).

The site is currently designated for employment use under Policy E4 of the saved Dacorum Borough Local Plan, although it has long been an objective of the Council to see this site developed for residential use. This is reflected in the Council's Core Strategy, which identifies north-east Hemel Hempstead for housing growth. It should be noted that the site is not designated for housing under the Council's Site Allocations DPD, as Maylands and north-east Hemel Hempstead are covered by a separate Area Action Plan.

The site has been promoted through the local planning system for a number of years by both the HCA and The Crown Estate. The site was originally allocated for Employment uses in the Dacorum Local Plan (1991 – 2011) and the St. Albans District Local Plan (1994). The Crown Estate and HCA considered the site to be more suitable for mixed uses, predominantly residential use, consistent with Phase 1 of Spencer's Park. The site has since been allocated in the Dacorum Core Strategy as a site that is suitable for residential development. The southern part of the site is still proposed for employment uses as part of this mixed use proposal.

## **Proposal**

The proposal comprises of an outline planning application for a mixed use development to include up to 600 dwellings (C3), land for primary school (D1), land for local centre uses (A1,A3,A4,A5,D1,D2), land for up to 7,500 square metres of employment uses (B1,B2,B8), landscaping, open space and play areas, associated infrastructure, drainage and ancillary works, new roundabout access off Three Cherry Trees Lane, new priority junction off Three Cherry Trees Lane, new vehicular access to Spencer's Park Phase 1 and an emergency access to the employment land off Cherry Tree Lane. Detailed approval is sought for access arrangement only, with all other matters reserved (cross-boundary application falling within Dacorum Borough Council and St Albans City and District administrative areas).

The description of development given above is for the entire development that falls within both DBC and SADC's administrative areas. It should be noted that the school, local centre and employment uses all fall within DBC's administrative area along with the site accesses, including emergency access. Uses proposed in SADC are residential, open space, drainage and ancillary works.

The proposal follows an in depth pre-application phase where the applicants worked pro

actively with both Dacorum Borough Council and St Albans City and District Council to inform the indicative masterplan and wider development proposals. The pre-application and application phases have been the subject of a Planning Performance Agreement (PPA).

The site is owned by HCA and The Crown Estate. The two organisations have both signed a Memorandum of Understanding and have worked together to prepare the outline planning application for the site to ensure that the site is developed in a comprehensive manner. The applicants are not the developers of the site, and the site will either be sold to one or more developers or a building licence will be provided to one or more developers for the site. The developer(s) will then submit reserved matters applications for development of the site.

The following plans have been submitted in support of this outline application for determination. All other plans are submitted for illustrative purposes only.

- Location plan – reference TP 001;
- Application Red Line Boundary Plan – reference TP 002;
- Main Development Access – reference 131121A/A/12;
- Employment Access – reference 131121A/A/13;
- Emergency Access Employment - reference 131121A/A/14;
- Framework Parameter Plan for DBC – reference TP 003; and
- Framework Parameter Plan for SADC – reference TP 004.

A sketch illustrative masterplan (reference SK 005) is also included in the DAS. As the title suggests this is for illustrative purposes only and is submitted to demonstrate how the design approach could be interpreted at the reserved matters stage to create a high quality and sustainable scheme.

### **Referral to Committee**

The application is referred to the Development Management Committee due to the application being a large scale major development for which approval would be subject to a S106 agreement.

### **Planning History**

4/00275/16/PRE UP TO 600 NEW DWELLINGS AROUND 2HA OF EMPLOYMENT LAND FOR PRIMARY SCHOOL AND ANCILLARY USES.

#### *Related History - Spencer's Park Phase 1*

4/01972/16/NM NON MATERIAL AMENDMENT ( ALTERNATIVE BRICKS) TO  
A OUTLINE PLANNING PERMISSION 4/01477/09/MOA (RESIDENTIAL  
DEVELOPMENT OF 357 DWELLINGS (OUTLINE) WITH ASSOCIATED  
AMENITY SPACE, VEHICULAR ACCESS, PEDESTRIAN ACCESS  
FROM NICKEY LINE AND EMERGENCY ACCESS. COMMUNITY  
FACILITIES INCLUDING LOCAL PARK, SOCIAL/COMMUNITY  
BUILDING AND SMALL RETAIL BUILDING (AMENDED SCHEME))  
Granted  
22/09/2016

4/03376/15/NM NON MATERIAL AMENDMENT TO PLANNING PERMISSION



- A 4/02351/13/RES FOR PLOTS 2, 3, 38, 39, 41 AND 42 (SUBMISSION OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) PURSUANT TO OUTLINE PLANNING PERMISSION 4/01477/09/MOA (RESIDENTIAL DEVELOPMENT OF 357 DWELLINGS (OUTLINE) WITH ASSOCIATED AMENITY SPACE, VEHICULAR ACCESS, PEDESTRIAN ACCESS FROM NICKEY LINE AND EMERGENCY ACCESS. COMMUNITY FACILITIES INCLUDING LOCAL PARK, SOCIAL/COMMUNITY BUILDING AND SMALL RETAIL BUILDING (AMENDED SCHEME))  
Granted  
11/11/2015
- 4/02793/15/RES AMENDMENT TO MATERIALS PREVIOUSLY APPROVED ON OUTLINE PLANNING PERMISSION 4/01477/09/MOA CONDITION 5 (b).  
Granted  
07/10/2015
- 4/02351/13/RES SUBMISSION OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) PURSUANT TO OUTLINE PLANNING PERMISSION 4/01477/09/MOA (RESIDENTIAL DEVELOPMENT OF 357 DWELLINGS (OUTLINE) WITH ASSOCIATED AMENITY SPACE, VEHICULAR ACCESS, PEDESTRIAN ACCESS FROM NICKEY LINE AND EMERGENCY ACCESS. COMMUNITY FACILITIES INCLUDING LOCAL PARK, SOCIAL/COMMUNITY BUILDING AND SMALL RETAIL BUILDING (AMENDED SCHEME))  
Granted  
26/06/2015
- 4/01477/09/MO A RESIDENTIAL DEVELOPMENT OF 357 DWELLINGS (OUTLINE) WITH ASSOCIATED AMENITY SPACE, VEHICULAR ACCESS, PEDESTRIAN ACCESS FROM NICKY LINE AND EMERGENCY ACCESS. COMMUNITY FACILITIES INCLUDING LOCAL PARK, SOCIAL/COMMUNITY BUILDING AND SMALL RETAIL BUILDING (AMENDED SCHEME)  
Granted  
29/10/2012

## **Policies**

### National Policy Guidance

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

### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS3 - Managing Selected Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport

CS9 - Management of Roads  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS14 - Economic Development  
CS15 - Office, Research, Industry, Storage and Distribution  
CS16 - Shops and Commerce  
CS17 - New Housing  
CS19 - Affordable Housing  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS27 - Quality of the Historic Environment  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS33 - Hemel Hempstead Urban Design Principles  
CS34 - Maylands Business Park  
CS35 - Infrastructure and Developer Contributions

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

Policies 10, 12, 13, 15, 18, 19, 21, 31, 37, 51, 54, 55, 57, 58, 59, 61, 62, 63, 64, 69, 73, 76, 79, 99, 100, 101, 102, 103, 111, 113, 118, 125, 129  
Appendices 1, 2, 3, 4, 5

#### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area [ BCA 3:Bank Mill ]  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)  
Accessibility Zones for the Application of car Parking Standards (July 2002)  
Landscape Character Assessment (May 2004)  
Planning Obligations (April 2011)  
Affordable Housing (Jan 2013)

### **Summary of Representations**

#### Strategic Housing

Strategic Housing comments are as follows in response to the proposal below:

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

Therefore, 210 units should be provided for affordable housing. We would ask the provision to consist of 90 one bed units, 90 two bed units and 30 three bed units. We would also stipulate a handful of three bed units to be adapted for full wheelchair access.

We would specify that the tenure mix of the affordable housing provision is 75% affordable rented and 25% shared ownership in line with our Affordable housing SPD.

#### Strategic Policy

## 1. Introduction

The comments below focus on the broad principles of the proposal rather than on detailed site considerations. The response also includes comments from the Infrastructure Officer regarding infrastructure contributions and the Enterprise and Investment team concerning the employment element of the scheme.

This proposal will be one of the principal mixed use development schemes in the Borough over the coming years. It is a key site in terms of future housing supply for Dacorum (c.415 homes) and in ensuring the Council continues to make good progress in meeting its housing target (Policy CS17) and 5-year housing land supply requirements. The scheme is also important in relation to securing new mixed use employment floorspace (7,500 sqm) and on-site primary school provision.

The scheme is complicated in that it:

- straddles the Borough boundary into St Albans district;
- is not identified as a formal housing allocation with any associated planning requirements;
- does not benefit from an adopted development brief as per the first phase of this overall development (<http://web.dacorum.gov.uk/docs/default-source/planning-development/h18landatthreecherrytreeslaneddevelopmentbriefadopted-websiteversion.pdf?Status=Master&sfvrsn=0> ) (i.e. saved DBLP Proposals H18 and L9).

The policy position is explained below. That is not to say that the current policy arrangement provided through the saved DBLP and Core Strategy does provide adequate advice and guidance in terms of determining the application.

## 2. Policy Position

The policy position on this land has changed significantly over time from that in the saved DBLP. Policy 35 originally stated that the land would be allocated for a new General Employment Area at North East Hemel Hempstead. Priority would have been given to development for specialised technological activities and other activities which are in the national or regional interest. The employment element of the scheme was to have been brought forward through Employment Proposal E4. There was an equivalent policy in the St Albans Local Plan (Policy 26) covering that portion of Spencer's Park in their district. For completeness, Policy 35 is no longer in operation as it has been superseded by Core Strategy Policies CS1, CS14, CS15 and CS34.

The associated DBLP Area Based SPG (Land for Development at North East Hemel Hempstead) elaborated on Policy 35. It identified the land as a "key site" for employment-led development (Proposal E4): [http://web.dacorum.gov.uk/docs/default-source/planning-development/areabasedpolicies\\_f04\\_landfordevelopment\\_nehemel.pdf?sfvrsn=0](http://web.dacorum.gov.uk/docs/default-source/planning-development/areabasedpolicies_f04_landfordevelopment_nehemel.pdf?sfvrsn=0) At the time the land was needed to meet an identified county-wide need for specialised technological industries, but could have included other ancillary uses such as offices, and hotel with conference facilities. There was no reference to residential being an appropriate use on the site.

The policy approach first began to evolve with the publication of the Maylands Master Plan: The Gateway to a Greener Future – Planning Policy Statement (September 2007) (<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/aa10-maylands-master-plan-september-2007-low-res.pdf> ). The master plan divided up the business park into a number of character areas in order to guide appropriate forms of development to different parts of Maylands. It identified an area fronting the A414 as the Maylands Gateway. This sought a range of building sizes suitable for key tenants in landmark buildings, including a higher

education presence, HQ offices, and conference and hotel facilities.

This implied that the function of the Maylands Gateway would begin to change from open land to a high-tech office park (c. 130,000 sqm). The Gateway area is the subject of an adopted Development Brief (2009) (<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/aa8-ehaap-sa-scoping-doc---march-2009.pdf> ). This was later updated in 2013 (<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/aa1-maylands-gateway-development-brief-may-2013.pdf>) to reflect changing market conditions over that originally envisaged, in favour of warehousing/industrial rather than office floorspace. We understand that there is current active interest in commercial development of the land.

This Character Area was important as the Gateway development would involve the relocation of Employment Proposal E4 in the DBLP and the reserved land covered by Policy 26 of the St. Albans Local Plan. The Master Plan recognised that the release of the land would also free Spencer's Park (E4 and Policy 26 site) for alternative uses. However, it only acknowledged in any detail the potential for residential for the first phase of Spencer's Park and at the Heart of Maylands.

The initial Issues and Options consultation on the East Hemel Hempstead Area Action Plan approach during June-August 2009 (AAP) (<http://www.dacorum.gov.uk/docs/default-source/planning-development/spatialplanning-09-07-07-aap16thjune.pdf?Status=Master&sfvrsn=0>) presented the Council with a formal opportunity to test the revised approach to Maylands and Proposal E4 set out in the Master Plan. Spencer's Park fell within the boundary of the AAP. The consultation document acknowledged that the relocation of employment proposal E4 and Policy 26 site to the Gateway allowed the Council to explore other uses on the original site. It suggested the land could be suitable for a mix of housing, open space and social and community uses, subject to their safe distance from Buncefield and the advice of the HSE.

The broad suitability of the land for housing was tested through the 2008 SHLAA (<http://www.dacorum.gov.uk/docs/default-source/planning-development/shlaavolume3a-adeyfieldeast.pdf?Status=Master&sfvrsn=0>). The document accepted that the site was appropriate for housing in identifying the land as housing site AE44. A notional housing capacity of 537 homes was given to the site. However, the SHLAA was a technical document only and it was not its role to formally allocate the land as a housing proposal.

The Core Strategy recognises residential opportunities at Spencer's Park, although it does not identify the location as a formal allocation. The plan assumed that the AAP would elaborate on the policy for Maylands and designate development sites together with their planning requirements. As a consequence, the vision diagram for the town excludes the AAP area in Figure 19. However, the housing programme under Tables 7 and 8 assume a contribution from both Phases 1 and 2 at Spencer's Park (the latter under the contribution from East Hemel Hempstead). The AMRs continue to acknowledge its contribution towards the Council's 5-year housing supply and Core Strategy housing programme.

This housing contribution from Spencer's Park was further expanded upon in the Hemel Hempstead Place Strategy ([http://www.dacorum.gov.uk/docs/default-source/strategic-planning/chapter-20-hemel-hempstead-place-strategy-\(pdf-2-05mb\).pdf?sfvrsn=0](http://www.dacorum.gov.uk/docs/default-source/strategic-planning/chapter-20-hemel-hempstead-place-strategy-(pdf-2-05mb).pdf?sfvrsn=0)). Under the East Hemel Hempstead vision it states:

"...Spencers Park is a new residential neighbourhood with its own services and Facilities."

Figure 18 refers to Spencer's Park as follows:

"Spencer's Park – lies south of Hunters Oak and north west of Buncefield. The land is currently greenfield and extends into St Albans District. This area is prime land for residential

development. A new primary school and other facilities will serve the area. Development on greenfield land also offers opportunities for decentralised heating systems or CHP.”

Policy CS34 sets out the policy approach for the Maylands Business Park. It does not expressly mention residential development at Spencer’s Park as detailed policy and allocations were to be deferred to the AAP. However, the location was identified on the AAP vision diagram under Figure 22.

The Site Allocations DPD also assumed that progress would be made on the AAP and thus detailed allocations would be set out in that document.

<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/site-allocations-written-statement---pre-sub-inc-foc-changes---jan-2016.pdf?sfvrsn=0>). This position is set out in paragraph 6.12. The paragraph explains that key sites in the AAP are listed in Table 2 (Spencer’s Park is specifically referred to) and that they are accounted for in the housing programme under Table 3.

The 2008 SHLAA has now been updated (2016 SHLAA (April 2016)

<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/dacorum-shlaa-2016-volume-2-site-schedules.pdf?sfvrsn=0>). The latest SHLAA continues to see the original site AE44 as being a developable housing site.

While both the Core Strategy and Site Allocations DPD envisaged that the AAP would eventually form part of the Local Plan, limited progress has been made in preparing the document. A new timetable to the Local Development Scheme (LDS) was agreed at Cabinet on 13<sup>th</sup> December 2016. It now proposes that the new LDS timetable no longer includes a detailed programme for production of the East Hemel Hempstead Area Action Plan (AAP). This is due to uncertainties regarding St Albans’ plan-making programme and the fact that good progress has been made on a landowner-led masterplan for the Gorhambury land, which is likely to mean that an AAP for the whole area is no longer required. Whilst there remains reference to the joint AAP within St Albans’ own LDS, this document remains similarly un-programmed. Appropriate policies for the Maylands area can be included as appropriate within the new single Local Plan for the Borough.

Therefore, given the above points, policy does make it clear that housing development is now the preferred approach to bringing forward land at Spencer’s Park.

### 3. Master Plan

While a development brief has been adopted to guide Phase 1 of Spencer’s Park (Land at North East Hemel Hempstead / Three Cherry Trees Lane Development Brief (December 2006)), no brief has been adopted by Dacorum and St Albans Councils for Phase 2. Despite its absence, that is not to say that the current policy framework provided through the saved DBLP and Core Strategy cannot provide adequate advice and guidance in terms of determining the present outline application.

However, officers have worked closely with the applicants agents (Amec Foster Wheeler) at the pre-application stage in terms of inputting into their informal master plan to guide this latest phase. While the applicants master plan has no formal status as a policy document, as it has not been adopted by either Council, it does take on board comments from officers and does broadly reflect the approach set out in policy. It clearly provides a detailed and structured framework for the development.

Furthermore, we consider that it is reasonable to use the approved Phase 1 development as a broad template for assessing the appropriateness of the second phase. We would expect the two schemes to dovetail to achieve a comprehensive form of development for this part of the town (Policy CS11).

#### 4. Assessment of the proposal

We note that the proposal is supported by a Planning Statement and detailed Design and Access Statement (DAS) (what was the master plan at the pre-application stage). These documents are also supported by a number of technical studies. These are all welcomed in terms of assessing the suitability of the development in policy terms.

##### (i) Mix of housing/affordable housing

While the scheme is in outline form only, the site is large enough to support a mix of housing types, sizes and tenures (Policy CS18). This is welcomed in terms of meeting the wider housing needs of the community and, in particular, providing opportunities for affordable housing and family homes.

Policy CS19 would anticipate affordable housing being provided at 35% of the total number of units. We note that across the two parts of the current scheme, 210 of the 600 homes are to be affordable. This equates to an affordable housing contribution of 35%. In addition, the split would be 158 social rent homes and 52 intermediate homes (i.e. a 75:25 split). Both the overall proportion and tenure split are in general accordance with the policy.

We acknowledge that the Government is due to shortly introduce a new approach to affordable housing with the Starter Homes initiative. This is likely to impact on the future mix of housing when a detailed scheme(s) is eventually submitted. Given that local authorities have not yet received confirmation as to how this initiative will operate, in the interim the current approach is considered reasonable.

However, you should seek the views of the Strategic Housing team regarding this matter.

##### (ii) Employment Land

As stated above, the current policy approach accepts that there will be a loss of the original employment proposal E4. It also accepts that this would be made up by alternative employment provision at the Maylands Gateway (see Core Strategy Figure 18 and Policy CS34 (Maylands Business Park)).

The Maylands Gateway is Dacorum's principal proposed employment development site. Core Strategy Figure 18 states that Maylands Gateway offers around 29.7 ha. of developable land and uses suited to the area and will be primarily HQ offices, conference facilities and a hotel, but there may be opportunities for other development that accords with its high status and green character.

The Maylands Gateway Development Brief (revised May 2013) gives more flexibility for different types of B-class use. It is now estimated that this site will accommodate 28,000 sqm of offices and 60,000 sqm of industrial, storage and distribution space. Current indications are that the market will deliver mainly warehousing there i.e. the scale of office development on the Maylands Gateway site is now expected to be far lower than envisaged when the Core Strategy was produced (whilst warehousing development will probably be much higher).

In addition, this proposal will deliver a potential mix of B-class uses (7,500 sqm) on 1.77ha of land. This will ensure that the scheme continues to contribute towards employment floorspace in the Borough (Policies CS14 and CS15) and overall local job creation (albeit in a reduced scale to that originally intended under Proposal E4).

The Enterprise and Investment team are supportive of the principles of this approach in that it will meet a local demand for small-mid range flexible commercial units. However, the site falls

within the Enterprise Zone which will come into effect from 1<sup>st</sup> April 2017. Thereafter, there will be incentives to encourage green/environmental businesses to locate there. This issue could be pursued when a detailed application is submitted.

#### (iii) Highways/Access/Parking

Proposal E4 originally intended that access would be secured by two separate junctions on Three Cherry Trees Lane, with phased road improvements to facilitate the North East Relief Road (then proposal T7) and other off-site improvements.

The relief road has now been incorporated into the joint DBC/HCC/LEP work on the Maylands Growth Corridor. The Growth Corridor considers the impact of new development in and around the Maylands Business Park, including Spencer's Park and potential new development on the eastern side of Hemel Hempstead (Gorhambury) in the St Albans district. This will be an important context for the assessment of the scheme's transport impact.

The scheme was subject to separate pre application discussions with the County Council as the local Highway Authority.

A Transport Assessment (TA) accompanies the outline application. It sets out full details of the proposed mitigation measures chiefly based on capacity improvements through two key proposals:

- improvements to the Redbourn Road/Three Cherry Trees Lane roundabout; and
- signalisation of the junction of Swallowdale Lane and Three Cherry Trees.

The planning statement also refers to the proposed access into the site, including a new roundabout main site access from Three Cherry Trees Lane, access through Spencer's Park Phase 1 to the north and a separate access to the employment site, south of the main roundabout access on Three Cherry Trees Lane. An emergency access is proposed to the employment land from Cherry Tree Lane to the east.

The scheme should provide sufficient car and cycle parking (Policies CS8(h) and CS12b)) to accommodate the different proposed residential, community and commercial uses. The applicant states that commercial and residential car parking is proposed in accordance with DBC and SADC's adopted standards (saved Appendix 5). The exact number of spaces is to be determined at the reserved matters stage once the exact number / mix of different dwelling types and sizes are known.

According to the DAS, 900 spaces will be provided overall that equates to 1.5 spaces per dwelling. This appears a reasonable overall quantum of parking. However, no detailed figures are provided although the applicant is confident that these can be secured to standard.

We note that a Green Travel Plan has been developed to support the application in order to encourage a modal shift away from car-travel (Policy CS8(a)). There is also scope to route an existing bus service through the site along the new spine road serving the development (Policy CS8(c)). Both measures are welcomed in terms of reducing the impact of traffic on the local roads.

The views of the local Highway Authority should be sought on transport matters.

#### (iv) Open Space/Leisure Space

This issue was considered in detail at the pre application stage. We also note that the play space is essentially geared towards informal leisure use. The best opportunity for formal pitch-based sports is through the dual-use of the primary school's playing fields, although this will

ultimately be dependent on entering into an arrangement with the operator of the school (Policy CS23).

We have based the response on the standards set out in the saved DBLP. We would stress from the outset that these are not straightforward to apply as there are a number of separate standards for open space as a whole, and for formal and informal leisure space. Furthermore, for simplicity, we have applied the standards across the site as a whole (i.e. including that in St Albans), as we see the open space as meeting the needs of the development as a whole.

We note that the development will provide for a total of 5.4 ha of open space of all types which forms a significant area of the scheme as a whole. We think it would also be reasonable to take into account that already provided by the first phase given the inter-relationship between the two phases.

Saved DBLP Policy 73 sets out the standard of leisure space on a town-wide basis based on the NPFA standard of a minimum of 2.8ha per 1,000 population. Only larger schemes are expected to contribute to this full standard. Given the scale of the development, we consider the proposal would justify some provision in the form of on or off-site towards adult/youth play (i.e. at a rate of 1.6 ha per 1,000 population). If we applied the full standards to the Spencer's Park development and assuming this was all met on-site, based on 600 homes and a household size of 2.4 persons then this would generate a need for c.4ha of leisure space (i.e.  $600 \times 2.4 = 1,400$  residents, then  $1.4 \times 2.8 = 4$  ha). The policy (point (b)) emphasises that such land should reflect the needs of the local population and be accessible i.e. be within a reasonable walking distance of 400m. We note that the second phase would provide for a total open space of 5.4 ha if all spaces are accounted for and thus exceed the 2.8ha standard.

Saved DBLP Policy 76 refers to leisure space in new residential developments. This states that for larger developments (i.e. of 25 homes or more) leisure space should be provided on a standard of at least 1.2 ha per 1,000 population or 5% of the development area, whichever is greater. This is the standard that most development is expected to achieve and principally seeks to secure the children's play provision element of the NPFA standard. We have assumed a total residential site area of 19.4ha (i.e. total area (24ha) – employment area (2.2ha) – school site (2.4ha) = 19.4 ha). On this basis, we would anticipate the development should provide 1.7ha (i.e. population  $\times$  1.2ha =  $1.4 \times 1.2 = 1.7$ ha). This compares to 1ha when measured against the developable area (i.e.  $19.4 \times 5\% = c.1$ ha).

Saved DBLP Appendix 6 elaborates on how these standards should in theory be applied. The NPFA standard does not include school playing fields, or other large areas of woodlands, commons and verges. Therefore, these will need to be excluded from any of the calculations.

The 1.2ha standard under Policy 73 is chiefly for younger play space (at 0.8ha per 1,000 population) and other areas (at 0.4 ha per 1,000 population). The former would equate to very generous levels of provision at c.1ha and should include provision for LAPs (minimum area each of 100sqm) and LEAPs (minimum area each of 400sqm). Appendix 6 explains that where family and starter homes are provided then this will require general open space and play space for children and toddlers. They should be readily located from the areas they serve i.e. 200m for toddlers and 400m for older children.

We note that the illustrative layout will provide for a hierarchy of formal (0.59ha) and informal (2.1ha) areas of open space:

- 2 x MUGA (2,235 sqm)
- 2 x LEAPs (1,070 sqm)
- 6 x LAPs (1,800 sqm)
- 8 x Doorstep LAPs (800 sqm)
- Youth park (200 sqm)



Taking a pragmatic view of the standards, we note that very generous levels of open space of all types are envisaged to be provided in a structured approach across the development. This is welcomed. They will make important contributions towards greening the development and in providing opportunities for play space. These spaces will also form part of the SuDS and key landscaping features across the development.

While no exact standards are provided in the DBLP for the number of LAPs and LEAPs to be provided, we note that a good range and spread of child play spaces is to be secured as listed above. Furthermore, space would also be provided to meet the needs of older children including dual use of the school playing fields, MUGA area, and a small youth park. (The exact provision of MUGAs needs to be confirmed by the applicant as we understood the southern MUGA was to be removed in favour of a more informal play area/community orchard.) We are therefore satisfied that the overall provision makes a good contribution under the NPFA standards. However, the views of the Clean, Safe and Green team should be sought regarding the type, amount and management of the play space.

We understand that there is a general demand for allotment in the town (are the Clean, Safe and Green team able to quantify this e.g. in terms of any local waiting list?). Is there scope to provide this type of facility within the development (saved Policy77)? This will ensure the open space meets other wider leisure needs.

Our main concern with the application is that the open space/play space is properly funded and managed which we understand is likely to be through some form of management arrangement (rather than being adopted by the Council).

We note that Sports England have objected to the proposal, essentially due to the lack of contribution the scheme makes to local sports facilities. This issue is covered in detail in the section below. We would generally comment that:

- the development will contribute towards meeting locally generated informal leisure needs through the play space provided and through potential dual use of the school playing fields (albeit the latter arrangement may not satisfy the aspirations of Sports England);
- we acknowledge the complication arising from the fact that the proposal is zero CIL rated and what can legitimately be secured through a planning obligation (while avoiding funding conflicts with the Regulation 123 list);
- funding through developer contributions is not the sole source of delivering new facilities;
- there is a generally poor geographical link between the proposal and priority schemes identified in the Playing Pitch Strategy and Action Plan – update (2015) (<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/playing-pitch-strategy-action-plan---june-2015.pdf?sfvrsn=0>) (Astley Copper School being the closest); and
- the primary source for funding sports facilities is through the CIL.

It is also fundamental that we can be satisfied that any contribution meets the statutory tests as set out in the CIL Regulations 2010.

#### (v) Community facilities

The applicant has been aware of the requirement to provide for a 2 form entry primary school to address the need for future school places generated by the development. 2.4ha of land has been set aside for this. The school is to be secured under the s.106 arrangement. We also acknowledge that there is scope for the provision of a small shop and community building within the first phase of Spencer's Park which could be shared across the wider development.

#### (v) Infrastructure

The Council has undertaken a series of high level assessment of the infrastructure required to support the development of Spencer's Park as part of its evidence in support of its CIL Charging Schedule and through its annual review of its Infrastructure Delivery Plan. The evidence provided in support of the Council's CIL Charging Schedule included an assessment of the viability of a number of strategic sites required to support the delivery of the core strategy including the formal Strategic Sites and Local Allocations identified in the plan and strategic housing proposals identified for the town centre of Hemel Hempstead and Spencer's Park (the later originally intended to be pursued through an Area Action Plan for the East of Hemel Hempstead and through a master planning process) This assessment of strategic sites was used to establish a zero CIL rating for the site and to set out a number of items to be excluded from the Council's Regulation 123 list. These items should be secured under a Section 106 agreement in relation to the site.

The primary objective of the S106 is to secure the delivery of a new 2 form entry primary school upon the application site in order to meet the needs arising for primary education facilities within the NE Hemel Hempstead quadrant. It is understood from the County Council that current child yield forecasts do not equate to the delivery of a full two forms and therefore a mechanism for off-setting any over provision will need to be established by the County Council.

The site is to be considered as a strategic allocation (as per the testing for the CIL examination) and exemptions in the Regulation 123 list allow for the Council to secure contributions towards the following items of infrastructure:

- Early years education (these should be provided alongside the new primary school)
- GP facilities  
NHS England and the Herts Valley Clinical Commissioning group calculates the scale of contribution to be applied to the development on the basis of a national tariff and you may need to establish where such funds will be targeted to satisfy the tests in Regulations 123 and 124 of the CIL Regulations 2010 (as amended)
- Community space and facilities (youth facilities and libraries)  
Although the County Council have suggested that a contribution should be provided towards activities operated by 'youth connexions' officers are aware of a pressing need to carry out improvements to and extensions to the nearby adventure playground. It is our view that such improvements should be prioritised given the geographical relationship with the application site and given the number of youths utilising the site.
- Direct access measures
- Highway improvements resulting from the TA.
- Sustainable transport measures
- Provision and maintenance of public open spaces  
Officers would encourage the dual use of outdoor and indoor sports facilities associated with the provision of a new school on the application site and would request that such matters are added to the planning conditions associated with the site.

The Council are not able to enter into an agreement for the provision of secondary education and such matters should be subject to a side agreement with St. Albans City and District Council (as established in the legal advice from Hertfordshire County Council)

## 5. Conclusion

We are supportive of the scheme as a whole given its potential contribution to housing supply, employment land and community facilities. As a result of the early pre-application engagement we are satisfied that much of the scheme is in broad conformity with policy. However, we acknowledge that there are a range of detailed matters that still need to be resolved through discussion with the applicant and a number of agencies.

#### Herts and Middlesex Wildlife Trust

Objection: The principle of development on this site is not contested, but at present the Trust does not consider that enough compensation has been provided to achieve no net loss or net gain to biodiversity. It is therefore not yet consistent with the aims of NPPF.

The ecological assessment makes sound subjective assessments by using the CIEEM EIA guidelines. However this mechanism does not quantify the relative value of existing and compensatory habitats. The development proposals need to employ an objective ecological assessment mechanism to demonstrate net gains to biodiversity as required by NPPF and to be consistent with BS 42020.

NPPF, paras 109 and 118 state:

109 "the planning system should contribute to and enhance the natural and local environment by:

- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures."

118 "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- opportunities to incorporate biodiversity in and around developments should be encouraged."

In order to objectively assess the ecological value of the land proposed for development a consistent and fair methodology should be employed. It is not sufficient to subjectively state that no net loss will be achieved, this must be measured. The implementation of an acceptable methodology should ensure appropriate mitigation or compensation is provided to achieve the aims of NPPF. It is recommended that the biodiversity impact calculator (BIC Environment Bank 2015) is employed to assess the pre and post development ecological value of this development. The calculator has been devised for this purpose by DEFRA and upheld in a number of planning decisions as a suitable mechanism to assess net gain.

HMWT has applied the calculator to this development site using the figures provided in the ecological report. These figures reveal a biodiversity shortfall of -7.29 ecological units or a 10.7% site biodiversity loss. In addition it reveals a deficit of 720 m of required compensatory hedgerow planting to offset that shown to be lost.

This is clearly not as neutral a development as is being claimed by using the CIEEM guidelines. The objectivity and measurability of the calculator reveal that ecological impacts have not been accurately assessed or quantified and demonstrates that it does not achieve net gains in biodiversity or even no net loss.

The applicant needs to address this by providing a revised assessment of the development using the BIC. Additional compensation measures will then be required to generate a neutral or positive ecological unit score. The proposals should not be approved until it has been demonstrated that a neutral to positive ecological unit score can be generated by the development.

No specific detail has been provided on any habitat creation or management. It is critical that it is clearly understood exactly what will be delivered (e.g. species and establishment regimes) and how it will be managed in perpetuity in order to secure permanent ecological compensation for the permanent losses. BS 42020 states that ecological reports must be definitive in stating what WILL be delivered. The measures put forward in outline in the ecological report are acceptable but not yet definitive.

The LPA should either require that this detail is provided before making a decision on this application or place a robust condition for the production of an Ecological Design Strategy which must be supplied before development can commence. A suitable condition can be adapted from BS 42020:

'No development shall take place until an ecological design strategy (EDS) addressing has been submitted to and approved in writing by the local planning authority. The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.
- k) A demonstration that the development achieves a neutral or positive ecological unit score (BIC 2015 or as amended)

The EDS shall be based on the measures outlined in the approved ecological report. It shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.'

If you wish to discuss any of these comments please do not hesitate to get in touch.

#### *Further comments*

Thank you for sending this through. Regarding the hedgerow point, I have checked figure 10.5. It is an illustrative masterplan and does not specify how much or where 621 m of new hedge will be planted. The suggested location in the Wardell Armstrong response for the 621 m of hedge planting is the southern boundary of Three Cherry Trees Lane. This already has a hedgerow along it, albeit broken and varied in structure. I do not think their 621 m assurance is definitive enough. What I think is required is a definitive location and composition of compensatory hedgerow planting sufficient to offset that being lost. The amount required should not be left to the subjective judgement of the ecological consultant but determined by the DEFRA biodiversity impact calculator. This metric was developed by DEFRA and NE precisely for this purpose and has been upheld by the Secretary of State and the Inspector in planning appeals as a suitable mechanism to gauge no net loss to biodiversity and net gain consistent with NPPF (e.g. APP/E3715/V/12/2179915 APPLICATION BY WILLIAM KENDRICK & SONS LIMITED – LAND AT STRETTON CROFT, BURBAGE LE10 3JB: APPLICATION REF: R11/0239 ). The attached calculation shows the required compensation to be 720m – which is still 99m more than the 621m. Therefore more hedgerow compensation will be required in addition to the 621m and definitively marked on maps. This is consistent with BS 42020, which seeks definitive measures to be presented in ecological reports. This

application does not do this yet and so is not compliant with BS 42020 which states:

'6.6.2 An ecological report should avoid language that suggests that recommended actions "may" or "might" or "could" be carried out by the applicant/developer (e.g. when describing proposed mitigation, compensation or enhancement measures). Instead, the report should be written such that it is clear and unambiguous as to whether a recommended course of action is necessary and is to be followed or implemented by the applicant.'

Regarding the second point, it is not disputed that arable land is of less value than other habitats. The important consideration is that it is not without value – as evidenced by the ecological report itself which found it to be used by a wide range of farmland bird species in particular. It should not be merely dismissed as not 'significant' (significant is not defined anywhere in govt. guidance or NPPF). This must be quantified. The DEFRA metric has been endorsed as a being compliant with the aims of NPPF:

(from the above planning ruling ) '12. For the reasons given in IR8.76-8.77, the Secretary of State agrees with the Inspector that the proposal, together with the proposed ecological mitigation, would comply with the policies in the Framework'

HMWT assert that it is entirely reasonable for ecological impacts to be properly assessed using the metric, which is compliant with NPPF according to the Secretary of State, to determine no net loss.

Finally NPPF does not just aim to reduce significant harm. The theme of net gain and no net loss runs through the document e.g.

Paragraph 9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, **natural** and historic environment, as well as in people's quality of life, including (but not limited to):

- **moving from a net loss of bio-diversity to achieving net gains for nature**

Paragraph 109 "*the planning system should contribute to and enhance the natural and local environment by:*

- *recognising the wider benefits of ecosystem services;*
- ***minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.***

Even the quoted paragraph 118 primarily seeks to **conserve and enhance biodiversity**. If biodiversity value is not quantified it cannot be stated that net gains to biodiversity can be achieved. It is subjective to dismiss the impacts of this scheme as not being significant without an empirical measure of those impacts – as provided by the biodiversity calculator. It is a legitimate and fair mechanism to ensure objective and consistent outcomes, it accords with the NPPF requirement to provide net gains in biodiversity where possible, and it will ensure a level playing field for developers.

Therefore I do not consider that the response from Wardell Armstrong adequately addresses my objection yet. If the calculator is applied and the necessary shortfall of habitat is incorporated into the development or offsite, then the objection will be withdrawn.

Herts Ecology

Thank you for consulting Hertfordshire Ecology on this outline application.

We do not hold any biological data (species or habitats) for this application site. There is a

single Local Wildlife Site (LWS) located 100 m to the north; however the Environmental Statement (ES) has considered any direct, indirect and cumulative effects the development might have on this LWS and scoped it out. The neighbouring development is already implementing mitigation strategies to reduce the effect on this site, which should also account for this current application.

The ES has considered all relevant ecological constraints and analysed all possible effects during construction and operational phases. Due to the scale of the development the ES has mentioned the production of a Construction Environmental Management Plan (CEMP) that will inform how the construction process will avoid and mitigate possible effects on ecological receptors. I would recommend that this is Conditioned within any planning decision. I can suggest that the following wording is used.

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- A) Risk assessment of potentially damaging construction activities.
- B) Identification of "biodiversity protection zones".
- C) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- D) The location and timings of sensitive works to avoid harm to biodiversity features.
- E) The times during which construction when specialist ecologists need to be present on site to oversee works.
- F) Responsible persons and lines of communication.
- G) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- H) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be ahead to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

The ES has stipulated avoidance strategies with respect to bats and breeding birds; however possible foraging and commuting badgers have been overlooked. There is evidence of past use of the site by badgers and therefore the possibility of them returning remains. I would therefore add a note of caution in terms of the following Condition, or suggest that the applicant includes precautions for badgers within the CEMP.

No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe culverts are submitted to and approved in writing by the local planning authority. The measures may include:

- a) Creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day.
- b) Open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

The ES has set out a clear vision of habitat enhancement within the landscape of the development with an emphasis on the use of locally significant native species, enhancing and protecting hedgerows and woodland, and replacing any hedgerows or woodland that are to be removed. This strategy is in-line with the NPPF and will help to enhance the area for wildlife and biodiversity. I would therefore recommend that the applicants produce a Landscape and Ecological Management Plan (LEMP) through Condition which will set out the aims and

objectives of the landscape plan, detail management prescriptions, and set out a clear timetable of activities. It will also state who will be responsible for the management of the landscape and how it will be funded post construction. I can suggest the following wording is used.

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.

Lastly due to the presence of foraging and commuting bats; I would also caution against inappropriate lighting which could discourage bats from their current flight-lines. I would therefore include the following Informative within any planning condition.

Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

I trust these comments are of assistance.

*Further comments following review of position in light of HMWT response*

I have considered the position regarding Spencer's Park Phase 2 and the issues raised regarding the above, for which I would like to make the following comments:

1. There are several principle ecological issues which are linked:

The extent to which the development proposals will impact upon biodiversity interests on the site;

The extent to which biodiversity losses are compensated or also enhanced, providing the no net loss and net gains sought by Govt;

The use of a Biodiversity Impact Assessment Calculator to determine these issues objectively;

The justification to refuse the application if a calculator is not used to demonstrate the extent to which net gain has been achieved.

2. I will deal with these issues thus:

## 2.1 Impact of the proposals.

The existing site is largely intensive arable with hedgerows and a small area of rough grassland in the southern corner. Ecological surveys have been undertaken and these seem reasonably thorough. Clearly currently open countryside, this will be wholly lost given the development required to provide new housing and a school.

**Hedges.** The most intrinsically valuable features described are the surviving hedgerows (and shelter belt) in the middle of the site which are ecologically important under the hedgerow Regs. These are also old features being shown on the 1843 Tithe map and subsequent maps - along with the larger shelter belt. Cherry Trees Lane hedgerow has not been recorded but this will not be directly affected. Whilst most sections of these features will remain, other sections will be removed in the middle of the site and along Three Cherry Trees Lane, amounting to 360m. There are no plans to replace these lengths of hedgerow with similar features in terms of size and structure. In this respect there will be a net loss of original high quality hedgerow.

**Wooded blocks / belt.** The existing woodland block to the north within the site will remain, as will the wooded shelter belt feature running N-S though the site. Although not described as such, this is also an historic feature - possibly with a part-hedgerow origin given that it is also shown on the Tithe map. However, this will be fragmented by the access road across the middle of the site. Consequently this feature will be degraded by the proposals.

**Rough grassland.** There is a small area of rough grassland and scrub in the southern corner of the site. Whilst this has little intrinsic interest as grassland, its presence does provide an additional undisturbed habitat within the site. It has been considered as of negligible value; whilst I do not consider it represents any form of constraint, it is not reasonable to dismiss this area as such given that it clearly exists and will be wholly lost. The replacement of 'natural grasslands' within the development will not recreate the conditions currently present. In this respect this ecological diversity will be lost.

**Arable margins.** Arable crops appear to be close to the edge of the fields with little or no headlands or weed strips. There is nothing to suggest the fields themselves have any significant intrinsic ecological value. Consequently the loss of arable land is of negligible consequence and there is little or no expectation of compensation, or proposals for enhancements elsewhere.

**Farmland birds.** Breeding farmland birds have been recorded, typical of arable land with hedges. Some species are of significance; it is most unlikely these will be retained given the complete change in nature of the site. Wintering farmland birds did not suggest species of particular interest were using the site, other than more common hedgerow species. However the net impact will be a loss of at least some farmland birds from the site.

## 2.2 Compensation and enhancements

**Hedges:** It is considered by the ecological consultants that 620m of new hedgerow will be planted, as shown on Fig 10.5., to compensate for the loss of 320m of existing hedgerow (part 1, 2, 3 and 4 in hedgerow report). Whilst this more-than provides for the length of hedgerow, it seems that all of the replacement hedging will be smaller hedgerows provided along many of the proposed property boundaries. These will be formal and severely limited in size in comparison with the existing resources. In themselves these will not compensate for the existing resources to be lost as shown within the photos of Hedgerows 1, 2 and 3 or field evidence of 4 if still present. Furthermore the surviving elements of hedges will be further fragmented by new roads within the development. The net impact of this cannot realistically be regarded as insignificant, as it has been. Existing boundary vegetation will be enhanced through management and complementary planting, although I do not consider this will necessarily compensate for the loss of existing important hedgerow resource. I am not clear as



to what is meant by understorey planting as this is unlikely to be successful if the feature is already casting significant shade.

Consequently I do not consider the hedgerow resource has been sufficiently compensated given the losses; the solution would be to provide a number of lengths of more ecologically significant hedgerows across the site where appropriate. These may best be associated with SUDS and the original roadside features, otherwise an offsite solution in the local area may need to be found. Residential dwelling and other roadside hedgerows would then provide a level of enhancement within the site, commensurate with the nature of the new urban area.

Wooded blocks / belt / trees. Existing vegetation to be enhanced through management and complementary planting. Although not described in detail, I consider this may enhance the feature to the extent that overall there will be compensation for the loss of habitat, although the impact of fragmentation cannot be directly compensated. However the proposed community orchard is supported and will provide a valuable ecological and cultural feature of the site. Specimen trees will also provide additional ecological features. These will represent an enhancement of the ecological diversity and resource currently present.

Rough grassland. Areas of proposed amenity grass will have negligible ecological interest. However the proposed natural /meadow grass could have ecological benefits if management can maintain a beneficial structure and species composition. All such areas will be subject to considerable disturbance either directly or indirectly in contrast with the current area of rough grassland. These are also largely associated with SUDS features and may develop a different character to that expected of natural / meadow grassland if affected by inundation or managed to ensure maximum SUDS efficiency. However on balance I consider that the overall provision of such grassland will broadly compensate for the loss of undisturbed rough grassland.

Wetland features. It is not clear whether these are expected to provide permanent wetland pond features - in which case their SUDS performance / efficiency will be reduced - or whether they will hold water only in periods of need. In any event the provision of grassed or wetland open spaces will create some habitat resources across the site not currently present.

Arable land. Loss of this resource cannot readily be compensated elsewhere, unless additional arable land is created or existing arable land can be enhanced for farmland ecology. Clearly the loss of the existing intensive arable farmland ecology cannot be compensated anywhere on-site, along with associated bird interest, given the nature of the development. I acknowledge there is no expectation to re-create arable land elsewhere, although appropriate enhancements would be beneficial.

On balance, landscaping does seek to provide new ecological features to compensate for the losses and provide some enhancement. Whilst I acknowledge this, I consider some further ecologically significant hedgerow planting is required to demonstrate this has successfully been achieved, given the species rich / historically significant hedgerows which will be lost. Given the future development of the features if managed appropriately to provide herb-rich grasslands, blossom, wetlands and new trees across the site, there will be local enhancements to these resources compared with the existing arable land.

### Biodiversity Offsetting

Placing compensation and enhancement value on land previously considered to be of little or no ecological interest is also a step change in approach, currently not linked to any formal planning process which is likely to succeed in Hertfordshire at the present time. However, any additional enhancements could be provided offsite as part of a Biodiversity Offsetting exercise. Whilst this would provide another or alternative solution, the issues I consider pertinent are:

- Whether this is justified in any case for a site with little or no ecological interest other than the features recognised already which are common and widespread and will largely be

retained as part of the development.

- Whether any such offsetting can be provided locally;
- The length of time expected for such gains to be provided - the current expectation is for 25-30 years;

Clearly impact on the proposals site should be limited as far as possible in order to protect on existing features, whilst landscaping should seek to provide compensation or enhancements. This follows the approach taken over many years for large and small developments. I consider this will have been moderately achieved if additional hedgerow planting is secured. .

### 2.3 Biodiversity Impact Assessment Calculator

Use of a formal calculator was developed to enable Biodiversity Offsetting to be applied in an objective manner. I acknowledge there is merit in this approach, although the process can be rather complicated. It seeks to score all features on a site of whatever quality, taking into account their nature and condition, provide a measure of what is required for compensation to be provided, and also factors-in enhancements to provide a net gain. Where compensation and enhancement measures are proposed, these are themselves scored to enable comparisons and net gains to be demonstrated. Ultimately, if these cannot be delivered on site, they should be delivered offsite to ensure a net gain in biodiversity.

However, at present there is no policy or best practice guidance that requires the use of Biodiversity Offsetting and /or consequently, use of a calculator. The relatively new process has been tested nationally and remains a valuable tool where necessary to demonstrate there is no net loss and ideally a net gain, but DEFRA have not formally endorsed this approach as a planning requirement, despite its application in a number of planning cases. Nevertheless, although it is still aspirational, this does reflect the approach LPAs are expected to secure when determining applications.

In turn, whilst more subjective, I consider there remains scope for making professional value judgements based upon an understanding of the application site, the impact of the proposals and assessments of biodiversity compensation and enhancements directly or indirectly as part of landscaping proposals. This has been reviewed in 2.2 above, and detailed within the Environmental Statement, which I consider is acceptable with some provisos.

Depending on the nature and scale of development, there will always be potentially significant changes to ecology. These cannot possibly be addressed without access to sufficient opportunities within the application site or elsewhere, which require both suitably available land and receptive landowners. Currently neither formally exist sufficiently in Dacorum or Hertfordshire to achieve this. Caution also must be taken in respect of enhancements to existing ecologically valuable sites, where very significant improvements would be required to justify such an approach to offsetting.

At Spencer's Park there will clearly be a loss of some biodiversity and a significant change in character; but there will be gains in other aspects as the development evolves over time and overall biomass may increase to favour more urban wildlife tolerant of or able to exploit such change. Currently, offsetting calculations take no account of species interests, although the provision of appropriate habitat resources is clearly the most significant factor in respect of biodiversity.

On this basis, I consider the views 2.2 above are broadly sufficient to summarise the key impacts on this site, taking into account the existing ecological quality of the land and the potential within the site. This is achieved without applying a calculator although this approach may confirm the position. So much will also depend upon the future management of the areas of proposed ecological benefit; although these should also have been assessed within the calculator, they can also be adequately addressed by reviewing proposals for habitat

management which will be needed anyway, ensuring they are appropriate to deliver the biodiversity benefits claimed.

On this basis, there is no compelling reason to apply the calculator, particularly where low quality sites are concerned and where the need to demonstrate compensation and enhancement in this way may not be so high.

#### 2.4 Application refusal.

The application position would appear thus:

- Given the nature of the existing site which is of overall low biodiversity value, no ecological objections have been made to the development proposals. This follows the NPPF guidance in seeking to develop land of least [relative] environmental value.
- There will be a net loss of ecologically valuable hedgerow as identified under the hedgerow regulations and some fragmentation of what remains; rough grassland - of local importance to the site - will also be lost but areas of new natural grassland are proposed, often associated with swales, along with an orchard and potential wetland features. With additional hedgerow planting yet to be agreed, the net loss of this biodiversity resource would be reduced, whilst the habitat creation proposals are considered to restore some parity of existing biodiversity resource, but this will inevitably be very different from the current site.
- I consider any ecological net gain to be low, at least in the short term, whilst any improvements will in any event depend upon long-term management.
- The lack of policy expectation to apply biodiversity offsetting or the calculator, given the ecological judgements outlined above, are in my opinion insufficient to justify a refusal on the basis that such a formal approach has not been taken.

The extent to which such proposals should also result in clear biodiversity gain through biodiversity offsetting is clearly a valuable aspiration but whether a lack of such delivery justifies a refusal does not appear to be currently supported. Furthermore the practical delivery of this approach is not likely to be possible at the present time given the relative land values and aspirations of landowners in Hertfordshire. This must be a consideration when if a refusal is considered given that this should be both reasonable and proportionate to the circumstances.

#### 3. Local authority position.

Given that currently there is no mandatory or policy requirement to achieve biodiversity offsetting or apply the biodiversity calculator, I consider it is unreasonable to refuse an otherwise ecologically acceptable application on the grounds that this particular approach to demonstrating the delivery of desired compensation or enhancements has not been followed. Furthermore, if some aspects of enhancements are likely to be undeliverable anyway, the ecological justification for otherwise refusing the application would need to be strong - and this is not the case.

On this basis I consider that the proposals are currently sufficient to be determined without any formal biodiversity offsetting or application of biodiversity calculator. However I am of the opinion that additional hedgerow planting of sound ecological value should be provided, as well as detailed specifications for long term management and maintenance of the grasslands and orchard. These can be addressed with the details submitted for a full application.

#### 4. Previous Hertfordshire Ecology comments to DBC.

I have attached our previous comments to Dacorum for information. These highlight the production of a CEMP (Construction Environment Management Plan), measures to protect

badgers if entering the site during development, the production of a LEMP (Landscape and Ecological Management Plan) and proposals to limit light pollution, all of which I endorse although I am less convinced they reflected the impacts of hedgerow loss as highlighted by HMWT and now considered accordingly in more detail above. I consider that:

- CEMPs and badger protection (as well as other environmental considerations such as root protection zones etc.) should in any event follow best practice as part of a development of this scale. They can be Conditioned as appropriate;
- The basic landscaping principles should be a requirement prior to any approval given they will affect overall layout and functionality of the development. Further details (species, cultivars etc.) and how they are managed can be conditioned as part of a LEMP;
- An appropriate lighting scheme should also be presented as part of the detailed proposals to be determined by the LPA. Lighting is an integral part of the overall development particularly where adjacent to open countryside.

I trust these comments reflect our position in respect of the issues being considered.

#### *Latest comments on amended plans/information*

The ES states:

2.7.31 The GI to be provided as part of the Proposed Development retains existing and provides new buffers to existing woodland and retained hedgerow habitats, thereby providing enhanced ecological connectivity and habitat value for wildlife across the Site that are associated with this habitat. In addition, new native hedgerow planting will be provided throughout the development, as shown on Drawing number 01771.00006.29.006.1 Hedgerow Provision. A total length of 1,521 m of new native hedgerows will be planted and maintained to a minimum width of 2m and a minimum height of 2.5m in order to maximise their value to wildlife. These will be located adjacent to public open space and alongside the frontage to Three Cherry Trees Lane. These are considered to adequately mitigate for the effect of the loss of the lengths of hedgerow elsewhere within the Site.

#### Significance of Residual Effects

2.7.32 Through the retention and buffering of much of the existing linear habitat features, coupled with the proposed new planting of native hedgerows throughout the Proposed Development, residual effects during construction would be insignificant at the local (study zone) scale.

3. Whilst I acknowledge the extent of new planting, I remain unconvinced that the residual effect will be insignificant, at least locally at the site level. The photos within the recent transport document amendments show the nature of existing roadside hedgerow features within the existing rural environment as well as similar locations within the adjacent urban environment. Whilst I recognise the current mature hedgerows are essentially unmanaged and would immediately change their character if laid or heavily trimmed, I remain to be convinced that their long term overall ecology will remain unaltered given the very different nature of the developed areas and its features. Despite the expectations outlined above, landscape management will in the long term tend to tidy the hedgerows as part of regular management, whilst they will also be subject to a wholly changed urban environment with increased noise, lighting, human disturbance, cat and dog predation / effects, as well as litter and other adjacent altered habitat characteristics. This, however, is the inevitable consequence of developing a greenfield site and cannot possibly be avoided if such retained / proposed features are integral to the development itself. The alternative is to replicate the former environment elsewhere and I have not considered this form of offsetting to be justified for development on what is largely land of limited environmental value, consistent with NPPF guidance.

4. That said, I am of the opinion that the extent of new planting and proposed management will provide additional habitat resources not present currently. Along with the retained habitats, this will serve to provide an improved local urban environment with respect to biodiversity in addition to contributing to the visual amenity of the area.

5. Consequently I acknowledge and support the amendments provide and encourage the application of management as proposed. I consider this approach to be acceptable. This will need to be outlined within an suitable Ecology / Landscape management plan acceptable to the LPA and secured with an appropriate mechanism to ensure delivery, such as a S106 Agreement.

## HSE

### *Proposed development and major hazard site*

The proposed site is located within the HSE consultation distance of Buncefield Oil Terminal. The site has hazardous substances consent and HSE uses the information contained in the consent to establish a consultation distance (CD) around the installation. This usually comprises three zones or risk contour areas. The CD is based on the maximum quantity of hazardous substance(s) the site is entitled to have under its consent which in this case, includes petrol.

HSE's land use planning zones for petrol storage sites and the Buncefield incident  
In December 2005, a large release of petrol from an overfill event at one of the storage tanks at the Buncefield Oil Terminal led to a devastating vapour cloud explosion and subsequent fire.

### *HSE Research and Public Consultation*

Following the Buncefield Incident, HSE commissioned research (RR511) to assist it in reviewing its approach to providing land use planning (LUP) advice in the vicinity of the terminal and similar installations. This research enabled us to publish a Consultation Document CD211 early in 2007 to seek the public's views on greater control of development around those sites similar to Buncefield, known as Large Scale Petrol Storage Sites (LSPSS). The consultation document made particular reference to ways of strengthening development control procedures in the areas closest to the site perimeter.

### *Outcome of the 2007 public consultation*

The responses to the CD supported HSE's view that much more cautious advice should be given and the arrangements to implement this advice have been in place since 2008. These arrangements meant a more than doubling of the previous consultation distance to 400m along with much tighter controls on development within 150m of the tank storage area.

### *Development Types and Sensitivity Levels for the proposed development*

HSE's Planning Advice Web App determines HSE's advice for a consultation by generating the advice for each development type separately and then using this to determine HSE's advice for the consultation as a whole. Therefore because this proposal is made up of different development types, we need to look individually at each development type that falls within the HSE consultation distance.

Housing – The proposed development at Spencer's Park consists of a large housing development, with approximately 145 dwelling units located within the outer zone. Within HSE's methodology, more than 30 dwelling units in any development area is sensitivity level (SL) 3 development. HSE does not advise (DAA) against any SL3 developments in the outer zone.

Tennis Courts/ The 3 tennis courts would be classified as 'Outdoor Use by the Public' development type and are located within the middle zone. As long as no more than 100 people will gather at the facilities at any one time, then this would be classified as a sensitivity level (SL) 2 development. HSE does not advise (DAA) against any SL2 developments in the middle zone.

Commercial Units – The commercial units would be classified as 'Workplaces' within the HSE methodology, and are located within the inner zone. As long as the workplaces provide for less than 100 occupants in each building and are less than 3 occupied storeys, then this would be classified as a sensitivity level (SL) 1 development. HSE does not advise against (DAA) any SL1 developments in the inner zone.

Development Proximity Zone (DPZ)

The DPZ is a new land use planning consultation zone, being the zone closest to the boundary of the Hazardous Installation. Within the DPZ, only development which are not normally occupied will attract a Does not Advise against (DAA) advice from HSE. The layout shown in the map marked 'Illustrative Masterplan, 6 September 2016' indicates that only car parking for the commercial units will be within the DPZ. Therefore, HSE does not advise against the location of this car parking within the DPZ. Therefore, looking at the individual decisions for each of the development types, overall HSE Does not Advise Against (DAA), on safety grounds, against the granting of planning permission in this case

#### Trees and Woodlands

I've been through submitted documentation for the site that relates to trees and have provided comment below. If you think I've missed anything, please let me know.

#### The Boulevard

If this design feature is installed properly with carefully chosen species it could provide great visual character to the development. It is important to ensure that trees are planted far enough away from the highway to avoid root / surface / kerb conflict, and also issues for high sided vehicles. Where vehicles are likely to park near to trees, the fall of debris should be considered.

#### Village Greens

Again, a good design feature if trees are chosen and located well. Indicative drawings (Spencer's Park Phase 2, Design p74) show trees a bit too close to the highway surface / structure.

#### Rural Edges

The proposed link between urban development and rural landscape is welcomed, mixing retained trees with new planting stock.

#### Landscape Strategy

It is recognised by the Trees & Woodlands team that an amount of existing vegetation will need to be removed to facilitate the layout of the new development. The level of proposed mitigation planting is very good and of a varied nature that will create aesthetic interest throughout the site.

The performance of SuDs can be improved through the addition of vegetation so it is important that this link is fully developed.

The provision of a linear park, tree buffer zones and village greens will add greatly to the development and the lives of its residents. The mix of retained and new vegetation within those features will provide year round visual and amenity value.

#### Landscape Approach

Well considered principle to retain high quality trees and existing woodland, and to enhance these with new habitats and green features. Incorporating the ability for residents to link to the Nickey Line is important, bringing greater access to an established linear woodland leading to the town centre to the west and rural landscape to the east.

The planting of native tree species on the site perimeter and adjacent to wildlife corridors is vitally important to local ecology. The provision of a broad mix of indigenous species will maximise the ability of wildlife to use and travel through the site. The use of semi-ornamental and street tree species along internal highways could provide exciting focal features and frame views, as stated. Wherever possible, the inclusion of varieties of native species bred for urban use would be desirable.

#### Community Orchard

The provision of a community orchard is a fantastic design feature and links with Trees & Woodlands existing work in other urban areas, providing residents with locally grown produce and an opportunity to forage within their immediate environment. Again, species selection will be important, both for culinary and pollination purposes.

#### Southern Entrance

Such a major transport intersection requires bold landscaping, giving the entrance to the development a strong visual statement.

#### BS58337 Arboricultural Constraints Survey

A high percentage of existing trees have been categorised as 'A' or 'B', recognising their quality as individuals or groups. The retention of these trees is desirable, whereas the removal of lower classification 'C' and 'U' trees is not opposed.

#### Tree protection measures

A detailed plan should be submitted showing proposed tree protection measures for each individual tree or tree group, conforming with BS5837:2012. The protection of tree root zones is vital to the successful development of the site and its long term visual integrity. Any infringement of protected zones, especially when ground conditions are wet, could compromise tree health and detrimentally affect the visual impact of the retained landscape.

The installation of tree protection measures prior to any other ground works is of utmost importance and would warrant an inspection site visit to confirm that proper installation and placement has been carried out.

#### Tree species

A detailed inventory of tree species proposed, planting location and specification, and maintenance regime should be submitted for assessment. Conformance with relevant British Standards would be expected, as would the supply of high quality tree stock.

#### Clean, Safe and Green

A few comments about the above planning proposal, nothing too onerous.

- There seems to be plenty of play space provided for the site, 2 LEAPS, 6 LAPS and 8 doorstep LAPS. It will be interesting to see the designs for these once they are completed. Plus you have the MUGA at the top corner of the development, which are always popular with kids of all ages. It is a good thing that it is not a managed site, otherwise its use would be limited to evenings and weekends and its main users would more than likely be football clubs etc.
- The open space provided at the bottom of the development, that provides a buffer between the employment area, is an interesting idea. On page 89 of the design and access statement it indicates an orchard and a picnic area in a natural grassland setting. As long as there is some kind of management plan for this area it should work. The fruit trees need proper care as they simply cannot be left to their own devices, they need a proper maintenance schedule. The drawings also indicate that the MUGA and tennis courts are to be retained, I was under the impression that they were no longer in the plan?
- The sports pitches that are part of the school I presume they will be open access for the wider community to use?
- Good to see that a large majority of the existing hedging is being kept, which will help retain the old character of the area as well as providing good habitat for birds and other wildlife.
- It may be worth getting someone who knows about drainage etc to look at the Swales as a separate issue( Or would this be the EA? Which if it is I'm sure it will all be in hand!)
- I think as the new estate is near the adventure playground, a 106 contribution should be considered.

#### Environmental Health - Air Quality

Chapter 6 of the 'Environmental Statement Volume 1: Main Text' reports the likely significant effects of the Proposed development in terms of air quality in the context of the Site and surrounding area. In particular, it considers the likely significant effects of dust and fine particulate matter associated with the construction phase of the Proposed Development and road traffic emissions associated with the operational phase of the Proposed Development.

The Environmental Scoping Report (Volume 2 Technical Appendix) submitted to the Council in January 2016, included a description of the scope of works to be considered in the air quality assessment, as follows:

- A qualitative assessment in order to consider the potential effects associated with the construction phase of the Proposed Development; and
- Air dispersion modelling in order to assess the potential effects associated with the operation of the Proposed Development.

The significance of the overall effects of the Proposed Development has been assessed in accordance with the EPUK/IAQM guidance. This assessment is based on professional judgement and takes into account a number of factors, including:

- Baseline pollutant concentrations are below the relevant annual mean objectives at all nine existing sensitive receptor locations considered;
- The assessment predicts a negligible impact on NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations at all nine existing sensitive receptor locations, with the Proposed Development in place; and
- The assessment predicts that pollutant concentrations at all six proposed sensitive receptor locations will be well below the relevant AQO.



Based on these factors, the overall effect of the Proposed Development on human health is considered to be not significant, in accordance with the EPUK/IAQM guidance.

The sensitivity of the receptors considered is high (due to their residential nature) and the magnitude of change, prior to mitigation, is low. Therefore, prior to the implementation of mitigation measures, there is likely to be a direct, permanent, long-term effect on receptors that is not significant.

Whilst the effect of the Proposed Development at existing sensitive receptor locations is not significant (hence no mitigation measures are deemed necessary), the effect could be further reduced with the implementation of various mitigation strategies. For example, it is understood that a Travel Plan will be put in place to promote the use of more sustainable forms of transport as part of the operational phase of the Proposed Development.

An assessment of cumulative effects has been made. In terms of the construction phase, the committed residential development at Land at Hemel Hempstead, Three Cherry Trees Lane (Ref: 4/02351/13/RES) is located immediately to the north of the Proposed Development. The timescales for the construction of this development is not known at this stage. However, given the scale of the Proposed Development, for the purposes of this assessment, it is assumed that there will be some overlap in the construction phases and so there is the potential for cumulative effects. The existing receptors that are most likely to be affected by cumulative effects as a result of construction activities associated with both the Proposed Development and

the committed development are the Cherry Tree Lane Caravan Park and those properties located along Hunter's Oak. Assuming that consent is granted for the Proposed Development, there will be a requirement for the appointed Principal Contractor to develop and implement a Dust Management Plan as part of the CEMP. This will include details of the measures that will be put in place to mitigate effects for nearby sensitive receptors. With the implementation of mitigation measures during the construction phase of the Proposed Development, and the associated measures incorporated at the nearby committed/proposed developments, the potential for cumulative effects is considered to be not significant.

In terms of the operational phase, there is the potential for cumulative air quality effects associated with traffic from the Proposed Development and a number of relevant nearby committed developments, as vehicles associated with these developments are likely to use the same sections of the road network. Three additional model scenarios (i.e. scenarios 3, 4 and 5) have, therefore, been considered to assess the potential cumulative effects associated with the Proposed Development and committed developments. These include:

- The consideration of committed developments in the 2015 Base Year
- The consideration of general traffic growth and the Proposed Development in the 2024 Future Year; and
- The consideration of general traffic growth, the Proposed Development and committed developments in the 2024 Future Year.

For each scenario, two approaches have been adopted. First, an assessment has been undertaken that uses 2024 background pollutant concentrations and vehicle emission factors. Second, a sensitivity analysis has been undertaken that uses 2015 background pollutant concentrations and vehicle emission factors (see Appendix 4/6.8 for the full detailed results of both the cumulative assessment and the sensitivity analysis). The results of both the assessment and sensitivity analysis indicate that, for the majority of existing sensitive receptor locations, the cumulative impacts will be negligible. The only exceptions are for NO<sub>2</sub> when all committed developments are taken into account alongside general traffic growth and traffic associated with the Proposed Development. When the committed developments are taken into account in the 2015 Base Year, a slight adverse impact is predicted at ESR 3 (i.e. 30 Hunter's

Oak). When the committed developments and general traffic growth are taken into account in the 2024 Future Year, a slight adverse effect is predicted at ESR 3 in the assessment and ESR 3 and ESR 9 (i.e. Breakspears, Green Lane) in the sensitivity analysis. The slight adverse impacts on NO<sub>2</sub> concentrations are predicted due to:

- The change in traffic on the closest roads to ESR 3; and
- Existing elevated NO<sub>2</sub> concentrations at ESR 9 that currently exceed the annual mean NO<sub>2</sub> objective.

It should be noted, however, that this presents a worst case approach in that it is assumed there will be no improvement in air quality by 2024. Also, with regards to the exceedance of the annual mean NO<sub>2</sub> objective that is predicted within the sensitivity analysis at ESR 9, this is an existing exceedance and is not a result of the Proposed Development. All impacts on PM<sub>10</sub> and PM<sub>2.5</sub> concentrations, at all existing sensitive receptor locations in all scenarios considered, are predicted to be negligible. In addition, all predicted pollutant concentrations are below the relevant annual mean AQO at the six proposed sensitive receptor locations considered when committed developments are taken into account alongside general traffic growth and the Proposed Development. Taking all of this into account, the overall cumulative effect of the Proposed Development and the nearby committed/proposed developments is considered to be not significant.

#### Comments:

In general, I am in agreement with the findings of the air quality assessment. The resulting Dust Mitigation Plan should be submitted for review when this becomes available.

With regards to the 2015 diffusion tube data, due to my sickness absence during the summer of 2015, the diffusion tubes were left exposed from 10 July until the 4 September 2015. As a result, Defra has since advised that the result for this period be omitted from the annual mean calculation. This omission alters the annual mean calculation for both the Wood Lane End and St Agnells Lane monitoring sites for 2015. Furthermore, the local bias adjustment factor has also been altered as a result, see below:

#### Previously provided data:

Diffusion tube 1: Wood Lane End

- Raw mean: 26.6
- Bias adjusted (using the National BAF 0.81): 21.5
- Bias adjusted (using the Local BAF 0.85): 22.6

Diffusion tube 2: St Agnells Lane

- Raw mean: 33.3
- Bias adjusted (using the National BAF 0.81): 26.9
- Bias adjusted (using the Local BAF 0.85): 28.3

#### Updated data:

Diffusion tube 1: Wood Lane End

- Raw mean: 27.3
- Bias adjusted (using the National BAF 0.81): 22.1
- Bias adjusted (using the Local BAF 0.84): 22.9

Diffusion tube 2: St Agnells Lane

- Raw mean: 34.3

- Bias adjusted (using the National BAF 0.81): 27.8
- Bias adjusted (using the Local BAF 0.84): 28.8

Whilst I am confident that these amendments will not alter the outcome of the assessment, I would ask for completeness, that the model be re-run utilising the updated figures and a covering letter provided as an addendum stating the outcome of this update.

#### Environmental Health - Contaminated Land

Chapter 9 of the 'Environmental Statement Volume 1: Main Text' is entitled 'Ground Conditions and Contaminated Land'. The chapter summarises the findings of the following report included within Environmental Statement Volume 2: Technical Appendices':

- Preliminary Ground Conditions Assessment; Job No. ST14699; Report Number: 04; Wardell Armstrong; July 2016

The report details the findings of a desk study and preliminary site investigation undertaken at the site.

I am in agreement with the recommendations for further investigation prior to redevelopment as detailed with the report. The further investigation should take into account the proposed end use and site layout if available.

It would appear that the application has not been formally decided; as such I recommend that the contamination conditions be applied should planning permission be granted in order to ensure that the recommended further investigative works (and any resulting remedial works) are undertaken.

#### Environmental Health - Noise

I have no adverse comments to make concerning this proposed development as it is presented in the drawings supplied. I have noted that the potential blast affected area in relation to the Buncefield Depot has been taken into account by the siting of small low occupancy commercial units and also recreational land between the Depot and the proposed new housing.

Regarding other planning matters I would want to see the construction phased to ensure residents moving into completed homes are not unnecessarily disturbed by ongoing construction in their immediate neighbourhood.

#### Refuse

Houses should have sufficient space to store at least 3 wheeled bins and a kerbside caddy and space to present them outside their boundary nearest the road (normally the front of the property) on collection day.

Flats where space is limited there should be sufficient storage space for shared containers 1 X 1100ltr per 5 residences or maybe 6 if there are 1 bed properties on a weekly collection and the same again for co-mingled recycling when it is introduced there should also be space for 1 X 140ltr wheeled bin for food waste shared between 6 residences on a fortnightly collection. There should be no steps between the storage area and the collection vehicle and any doors should be suitably robust.

It is difficult to know the waste requirements for a business but it would be prudent to allow space for 2 X 1100ltr containers, 1 for residual and 1 for recyclables that may be collected in the future. There should be no steps between the storage area and the collection vehicle and any doors should be suitably robust.

Our collection vehicles are currently 26ton rigid freighters so consideration should be given to its size, weight and manoeuvrability.

### Sport England

Summary: An objection is made to the proposals for community sports facility provision to meet the needs of the proposed development in its current form due to the lack of confirmed provision. This position would be reviewed if it was proposed that appropriate financial contributions would be made towards off-site indoor and outdoor sports facility provision, secured through a section 106 agreement, as set out in this response. Comments are also made about the considerations that need to be accounted for when determining whether to provide the proposed Multi-Use Games Areas and what type of facility should be provided. A planning condition is also requested in relation to the design of the formal MUGA.

Comments are also made about how consideration should be given to Sport England's Active Design guidance when preparing the masterplan and detailed proposals for the development and if applicable the need to secure community access to the facilities provided in the proposed primary school.

### Design Out Crime Officer

Thank you for consulting me with regard to planning application 4/02539/16/MOA - Spencer's Park Phase 2, Land Between Three Cherry Trees Lane And Cherry Tree Lane, Hemel Hempstead for outline planning application to include up to 600 dwellings (C3), land for primary school (D1), land for local centre uses (A1,A3,A4,A5,D1,D2), land for up to 7,500 square metres of employment uses (B1,B2,B8), landscaping, open space and play areas, associated infrastructure, drainage and ancillary works, new roundabout access off Three Cherry Trees Lane, new priority junction off Three Cherry Trees Lane, new vehicular access to Spencer's Park Phase 1 and an emergency access to the employment land off Cherry Tree Lane. detailed approval is sought for access arrangement only, with all other matters reserved (cross-boundary application falling within Dacorum Borough Council and St Albans City and District administrative areas).

### Comments

- **Outline Application:** As regards this outline application regarding access only with all other matters reserved, I have no comment.

- 1. Illustrative Masterplan:** As regards the illustrative master plan, at the present time I am content with the proposed layout (subject to more detailed layout plans).

I am pleased to see that

1. There are no proposed rear parking courts, which are often hidden away and become areas for anti-social Behaviour to occur.
- a. Block format is proposed, and appears to follow the format as recommended in manual for Streets (MfS)
  - a. Page 45, para 4.5.2 - The principle of integrated access and movement means that the perimeter block is usually an effective structure for residential neighbourhoods. A block structure works in terms of providing direct, convenient, populated and overlooked routes. In addition, it makes efficient use of land, offers opportunities for enclosed private or communal gardens, and is a tried and tested way of creating quality places.

- Page 18, para 2.3.8 – Providing frontages that are directly accessible on

foot and that are overlooked from the street is highly desirable in most circumstances as this helps to ensure that streets are lively and active places.

- Page 56, para 5.6.1 - In general, it is recommended that streets are designed with the backs and fronts of houses and other buildings being treated differently. The basic tenet is 'public fronts and private backs'. Ideally, and certainly in terms of crime prevention, back gardens should adjoin other back gardens or a secure communal space. Front doors should open onto front gardens, small areas in front of the property, or streets.

- **Physical Security – ADQ and SBD – Informative:**

For the information of the applicants, all developments granted planning permission after 1<sup>st</sup> October 2016 have to comply with building Regulation 'Approved Document Q: Security' 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". Performance requirements apply to easily accessible doors and windows that provide access in any of the following circumstances:

1. Into a dwelling from outside
1. Into parts of a building containing flats from outside
  - a. Into a flat from the common parts of 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 ask the above information is passed on to the applicant by way of informative.

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

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

& the National Planning Practice Guidance (NPPG) – Design section

- a. 010 – re Sec 17 of the Crime and Disorder Act 1998 – to prevent crime & disorder.

- 011 – re taking proportionate security measures being a central consideration to the planning and delivery of new developments and substantive retrofits.

& Dacorum Core Strategy policies:

- CS12 – re safe access, layout and security
- CS13 – re pedestrian friendly, shared spaces in appropriate places

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

St Albans City and District Council District Archaeologist

RECOMMENDATION

Approve with an archaeological recording condition

## ADVICE/COMMENTS

The application is not in a nationally or locally designated area of archaeological significance. However, previous work associated with the M1 widening and the new development immediately to the west (Spencers Park Phase 1) suggests that this site has archaeological potential and interest as defined by the National Planning Policy Framework (Annex 2). Onsite pre-application works have taken place comprising a geophysical survey and a 2% trial trenching evaluation based on this survey. Accompanying the application are the results of this work. This is good practice and compliant with the National Planning Policy Framework (Paragraph 128, p.30).

In isolation, the results of the fieldwork suggest that the application area generally can be best described as apparently unfocussed landscape features which may range in date from the Bronze Age to the medieval and later periods. Most of the features uncovered appear to relate to field boundaries and therefore field systems. The fact that the majority of the features in Area 1 ((largely St Albans District: Wardle and Armstrong, June 2016, Land at Spencer's Park (Phase 2) Hemel Hempstead, Hertfordshire, Archaeological Evaluation Report, Figure 27: Trenches 12, 15, 16 and 18) did not show up in the Geophysical Survey results may be significant and will have a bearing on risk management for the development and for mitigation.

Work on Phase 1 to the west, the M1 widening project and a partial geophysical survey to the south, would suggest that the application area is between landscape elements which themselves are foci (Late Iron Age/Roman and medieval farmsteads/settlements). Therefore, although superficially the ditches may appear to be of little significance, they potentially bind together culturally significant nodes in the landscape. Furthermore, the ditch ([1803], (1804)) in Trench 18 had four sherds of pottery and a saddle quern stone fragment in its fill. These were mainly dated to the Bronze Age/Iron Age (ibid, 5.2.2, 5.2.4 and 5.4.2, p.26). Pottery of this date is generally poorly fired and does not survive well in anything but a buried environment, implying a lack of substantive movement from their original point of breakage. If these artefacts are of this early date, they are of at least regional significance due to rarity and their ability to meaningfully add to our understanding of the area; a later date would imply only a local significance, at this stage. Whatever their importance, the proposed development will have a significant impact (excavation, compaction, deformation) on any buried remains where the two coincide; therefore mitigation is required to protect the interests of the Historic Environment. The results from this work suggests that there is the potential for significant archaeology, albeit in localised areas, and that the currently undated ditches may have a significant function in the landscape, that of linking foci. In consequence, more work is required to further elicit the evidence so far presented. Overall, there needs to be an understanding of the general development of the landscape before its loss and to pick up other localised areas of interest for further work. Specifically in Area 1, additional work is necessary to understand the features scattered in and around Trenches 10 to 16.

## CONDITIONS

### 1. Archaeological Investigation

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

- i. The programme and methodology of site investigation and recording.
- ii. Provision to be made for analysis of the site investigation and recording for post-investigation assessment and report writing.
- iii. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- iv. Provision to be made for archive deposition of the analysis and records of the site investigation.
- v. Nomination of a competent person or persons/organisation to undertake the works set

out within the Archaeological Written Scheme of Investigation

Reason

To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with the National Planning Policy Framework. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

## 2. Post-Fieldwork

The development shall take place in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under Condition 1 and shall include the site investigation and completed and formal agreed provision made for post-investigation assessment and analysis, archiving and publication.

Reason

To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with the National Planning Policy Framework. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

### Lead Local Flood Authority

Thank you for consulting us on the above outline application to include up to 600 dwellings (C3), land for primary school (D1), land for local centres uses (A1,A3,A4,A5,D1,D2), land for up to 7500square metres of employment uses (B1, B2, B8), landscaping, open space and play areas and associated infrastructure, drainage and ancillary works, new roundabout access off Three Cherry Trees Lane, New priority junction off Three Cherry Trees Lane, new vehicular access to Spencer's Phase 1 and an emergency access to the employment land off Cherry Tree Lane. Detailed approval sought for access arrangement only, with all other matters reserved (cross-boundary application falling within Dacorum Borough Council and St Albans City and District administrative areas).

Following a review of the information submitted in support of the above application, we can confirm we have no objection in principle on flood risk grounds and advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.

The proposed drainage strategy is based upon attenuation and discharge into Thames surface water sewer. Infiltration tests have been carried out and show that infiltration is not a feasible mechanism and there are no watercourses within the vicinity of the site. We note that the applicant has been in contact with Thames Water and are carrying out an impact study.

We note that the proposed design has accommodated a 30% for climate change allowance and tested against 40%. Under the new climate change allowances, the approach we are currently taking is looking at worst case scenario and we are asking for 40% for the drainage design.

As the proposed scheme has yet to provide the final detail and in order to secure the principles of the current proposed scheme we recommend the following planning condition to the LPA should planning permission be granted:

LLFA position

We consider that outline planning permission could be granted to the proposed development if the following planning condition is included as set out below.

Condition

No development approved by this planning permission shall take place until a detailed surface

water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Wardell Armstrong reference ST14699/07 dated August 2016.

The surface water drainage scheme should include;

- Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
  - Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event
1. Implementing the appropriate drainage strategy based on attenuation and discharge, using appropriate SuDS measures.
  1. Details of how the scheme shall be maintained and managed after completion.
  2. Detailed engineered drawings of the proposed SuDS measures

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future users.

Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk.

Environment Agency

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment.

Condition 1

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

To protect groundwater in line with your policies CS31 and CS32, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework.



Condition 2 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details

**Reason**

To protect groundwater in line with your policies CS31 and CS32, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework.

**Condition 3**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

**Reason**

To protect groundwater in line with your policies CS31 and CS32, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework.

HCC Rights of Way

Please note that the verge of Cherry Trees Lane is registered common land (CL33). The Commons Act 2006 makes it an offence to resurface common land without Defra's consent. If the access road across the common is to be surfaced consent must be sought. More information can be found at <https://www.gov.uk/guidance/carrying-out-works-on-common-land>.

Highway Authority

*Initial response*

Objection - lack of information - see full response on Anite.

*Latest response*

Objection withdrawn. 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 a number of conditions and S106 Heads of Terms - see full response on Anite.

Highways England

*Initial holding response*

Our formal response to this application has been complicated due to it affecting two of our operational regions. For this reason we require additional time to fully assess the proposed development. We therefore recommend the application be not determined before 9 December 2016. If we are in a position to respond earlier than this we will withdraw this recommendation accordingly.

*Full response*

Formal notice is hereby given that Highways England's formal recommendation is that we: recommend that planning permission not be granted for a specific period (Annex A - further

assessment required).

HIGHWAYS ENGLAND (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to 4/02539/16/MOA and has been prepared by Penny Mould.

Following review of the Transport Assessment associated with the proposed mixed use development at Spencer’s Park, Hemel Hempstead. Highways England has a number of concerns. The primary concern is the lack of assessment of the impact of the proposed development on the strategic road network where the development may result in a number of additional trips at Junction 8 of the M1.

Highways England Planning Response (HEPR 16-01) January 2016

It is recommended that assessment is undertaken of the impact of the proposed development on the M1 Junction 8 including the preparation of capacity and operational assessments where deemed appropriate. In addition it is recommended that the impact of the proposed development including the preparation of capacity and operational assessments of the A414/Breakspear Way/Green Lane junction is also undertaken as the operation of this junction could impact on the operation of SRN. It is also recommended that where an adverse impact is predicated that mitigation measures are given consideration.

Therefore it is requested that the applicant provide a revised TA that fully assesses the impact of the proposed development on the operation of the strategic road network and that the applicant is given until 9th February 2017 to provide this update information.

*Further holding response*

Our formal response to this application has been complicated due to it affecting two of our operational regions. For this reason we require additional time to fully assess the proposed development. We therefore recommend the application be not determined before 7th April 2017. If we are in a position to respond earlier than this we will withdraw this recommendation accordingly.

*Further holding response*

Our formal response to this application requires review of the Transport Assessment that is currently being undertaken. For this reason we require additional time to fully assess the proposed development. We therefore recommend the application be not determined before 30th April 2017. If we are in a position to respond earlier than this we will withdraw this recommendation accordingly.

*Further holding response*

Our formal response to this application requires review of the Transport Assessment that is currently being undertaken. For this reason we require additional time to fully assess the proposed development. We therefore recommend the application be not determined before 7th June 2017. If we are in a position to respond earlier than this we will withdraw this recommendation accordingly.

*Latest response*

The proposed development is located close to the M1 motorway. Highways England are concerned with the impact of the application on the Breakspear Way / A414 / Green Lane roundabout, which causes queuing onto the northern slip road at junction 8 of the M1. Queuing has a risk of safety for users of the motorway. Therefore, it is requested that the following condition is included in the S106 for the site.

#### Proposed Condition

The applicant will contribute £250,000 towards an improvement scheme at the junction of Breakspear Way / A414 / Green Lane roundabout. The contribution will be used towards the wider planned improvements at the junction which includes, but is not limited to:

1. Redesign of the junction to form a staggered signalised junction;
1. Realignment and widening of both Green Lane Approaches (North and South);
  - Widening of Breakspear Way and A414; and
  - Introduction of traffic signals on all arms.
  - Or to deliver an alternative design as agreed with both Hertfordshire County Council and Highways England.

#### Reason

To ensure M1 motorway will continue to fulfil its purpose as part of the Strategic Road Network in accordance with the Highways Act 1980, Circular 02/2013, The Strategic Road Network and the Delivery of Sustainable Development, the National Planning Policy Framework and Planning Practice Guidance.

#### HCC Planning Obligations Officer

I refer to the above mentioned application. I am writing in respect of planning obligations sought towards education, youth, library and fire and rescue services to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information to date for a development of up to 554 dwellings we would seek the following financial contributions and provision.

This site falls into one for the CIL £0 areas of Dacorum Borough Council's CIL Charging Schedule. Accordingly, planning obligations in their restricted form are the only route to address the impact of this development. HCC's standard approach is to request a table (setting out the contribution figures by type, size and tenure of individual dwelling) is referred to and included within any Section 106 (index linked as specified). This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to amend the dwelling mix if required and the financial contribution to be calculated accordingly. This ensures the contributions remain appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010: "fairly and reasonably related in scale and kind to the development".

#### Financial Contributions:

Primary Education : Amount to be calculated based on the Table below index linked to BCIS 3Q2016, to be used towards the provision of a new 2FE primary school with nursery provision on the development site.

Nursery Education : Nursery provision will be required as a result of this proposal but is currently included within the primary school provision and contribution.

Childcare: Childcare provision will be required to address the needs of this development accordingly, provision should be based on or adjacent to the new primary school. The details

of the obligations towards this service are to be confirmed

Secondary Education: Amount to be calculated based on the Table below, index linked to PUBSEC 175, to be used towards the expansion of secondary school places at one of the existing schools, the school will be identified following further assessment however currently initial indications are this project will be based at the Adeyfield secondary school.

Library Services : Amount to be calculated based on the Table below, index linked to PUBSEC 175, to be used towards increasing ICT provision to meet increased demand from additional residents at the new Hemel Hempstead Library.

Youth Services: Amount to be calculated based on the Table below, index linked to PUBSEC 175, to be used towards the developing resources for outreach work based at the XC.

#### Provision

Primary Education - provision of a suitable, serviced site sufficient to provide a 2FE primary school with nursery provision. Further discussions will be needed regarding the location of the school within the site and the development of a Master Plan. In addition, it is understood further work will be needed in respect of SuDs. (A specification has previous been provided previously)

Nursery Education: Nursery provision will be required as a result of this proposal but is currently included within the primary school provision and contribution.

Childcare: Childcare provision will be required to address the needs of this development accordingly, provision should be based on or adjacent to the new primary school. The details of the obligations towards this service are to be confirmed

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

All dwellings 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 for Hertfordshire, 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](http://www.hertsdirect.org/planningobligationstoolkit) at paragraph 12.33 and 12.34 (page 22). In practice, the need for 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.

The Section 106 template documents appended to the Toolkit include the standard planning obligation clauses. However, since this document was published this wording has been amended as set out in the attached document.

#### Justification

The above figures have been calculated using the amounts and 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](http://www.hertsdirect.org/planningobligationstoolkit)

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 planning obligations 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). In addition, for education requirements, paragraph 72 of Section 8 of the NPPF states "The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education."

The development plan background supports provision of planning contributions. Policy CS35 of the Core Strategy adopted September 2013 covers the requirement for development to provide or contribute to the provision of on-site, local and strategic infrastructure required to support the development though in-kind or financial contributions.

(ii) Directly related to the development;

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants. Only those fire hydrants required to provide the necessary water supplies for fire-fighting purposes to serve the buildings comprising this proposed at this site 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.

The above financial contributions are calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield). 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.

Please note, financial contributions and provisions are requested based on current service information for the local area however these may change over time, for example, as a result of school forecast information being updated. Accordingly, future applications on this site will be reassessed at the time of submission and the requirements may differ from those identified above.

I trust the above is of assistance if you require any further information please contact me.

HCC Herts Fire and Rescue Service

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.

#### NHS Herts Valleys CCG

NHS England and East & North Herts Clinical Commissioning Group have now had an opportunity to review the impact of this proposed development on local health provision.

Should this development of up to 600 residential units go ahead it will create circa 1,440 new patient registrations.

The current situation in the area is there two GP Surgeries closest to the development site in Hemel Hempstead that will be affected by the proposed developments that, in the opinion of NHS England, do not have the capacity to absorb the additional requirement for general medical services (GMS) should this application be successful.

Despite premises constraints GP Practices are not allowed to close their lists to new registrations without consultation with, and permission from, the Commissioning Team of NHS England. Even when surgeries are significantly constrained NHS England would not wish an individual patient to be denied access to their nearest GP surgery. Patient lists are therefore only closed in exceptional circumstances. However, when a large number of new dwellings and registrations is planned the preferred option is to try and find a way to absorb those significant demands upon surgeries by providing additional resources, e.g. re-configuring, extending or relocating the practice to provide sufficient space to increase clinical human resources and clinical services and thus keeping the patient lists open. A developer contribution under these circumstances is considered fair and reasonable.

'Constrained' means a practice working to over-capacity for the size of their premises and the clinical space available to provide the required services to their patients. A Practice in this situation would usually need to be re-configured, extended or even relocated to absorb a significant number of new registrations.

Patients are at liberty to choose which GP practice to register with and NHS England cannot prescribe which surgery patients should attend. However the majority of patients choose to register with the surgery closest and/or most easily accessible to their home for the following reasons; quickest journey, non-car dependent (public transport or walking distance), parking provision if a car journey is necessary, easy access during surgery hours, especially for families with young children and for older adults.

For the above reasons a S106 contribution is requested to make this scheme favourable to NHS England.

Please note that our calculations below are based purely on the impact of this development, based on the number of dwellings proposed and do not take into account other development proposals in the area.

Below is the calculation of the contribution sought based on the number of dwellings proposed, for GMS provision:

4/02539/16/MOA - Up to 600 dwellings x 2.4 = 1,440 new patients  
1400/2000 = 0.72 of a GP \*GP based on ratio of 2,000 patients per 1 GP and 199m2 as set out in the NHS England "Premises Principles of Best Practice Part 1 Procurement & Development"  
0.72 x 199 = 143.28m2 additional space required  
143.28 x £2,600\* = 372,528\* (\*Build cost; includes fit out and fees)  
372,528/600 = 620.88 (rounded to £621 per dwelling)

Therefore we would be grateful if you would ask for a contribution relative to this development of £372,528 for the primary care GMS element.

As well as the importance of a s106 contribution for the primary care GP provided General Medical Services (GMS), it is also vital to consider the impact of developments and additional residents on community, mental and acute healthcare. Following consultation with the CCG community, mental health and acute services providers it is requested the comments below are taken into account.

Comments received from Hertfordshire Partnership Foundation Trust (HPFT - mental health services provider) raise concerns around the impact that this development will have on mental health services in Hemel Hempstead and would like to request a s106 contribution to support outreach appointments for mental health at Coleridge House Medical Centre, Woodhall Farm, Highfield and Grove Hill Surgeries. The development will have a similar impact on community and acute services and a s106 contribution is also requested for these providers. Based on recent cost impact forecasting calculations that have previously been shared by the CCG with East Herts District Council, the potential cost impact of these developments going ahead on community, acute and mental healthcare could be as follows:

Mental Health costs:

600 dwellings x £201.75 = £121,050

Acute costs:

600 dwellings x 2609.58 = £1,565,748

Community healthcare costs:

600 dwellings x £272.30 = £163,380

Total mental health, acute and community costs requested for development = £1,850,178

Therefore we would be grateful if you would ask for the above GMS, community, mental health and acute contributions relative to this planning application. We trust this information is sufficient for you to proceed.

## HCC Historic Environment Advisor

Thank you for consulting this office on the above application. My apologies for the delay in responding.

The following advice is based on the policies contained in National Planning Policy Framework (NPPF).

Pre-application archaeological investigations comprising a geophysical survey and an archaeological trial trench evaluation were carried out at the site in October 2015 and April 2016, respectively, and reports on the results of these investigations accompany the application. These works were recommended by this office at pre-application stage with regard to 4/00275/16/PRE, in accordance with NPPF paras 128 and 139.

The site is immediately adjacent to Spencers Park Phase I, where archaeological investigations have revealed high quality archaeological remains (heritage assets) representing Late Iron Age and Romano-British domestic, industrial, ritual and agricultural activities, dating from the mid 1st century to the late 2nd century, and of regional and potentially, national significance. It is also close to the M1, where archaeological investigations carried out during road widening in the 1990s and in 2006 identified significant archaeological remains of Bronze Age, Iron Age, Roman and medieval date.

The evaluation identified archaeological features which while fairly dispersed across the site, do appear to show that activity may be more concentrated on the higher ground. The majority of these features were ditches, but there were also pits, and two possible small enclosures. These features are likely to relate to field boundaries in the main, but the survival of the small quantity of Bronze Age/Early Iron Age pottery recovered from features in three trenches (Trenches 18, 35 and 55) may indicate some settlement activity (pottery of this early date is generally poorly fired and does not survive well unless present in a buried feature rather than in ploughsoil). The majority of the features were undated, and may therefore range in date from the Bronze Age to the medieval and later periods. It should also be noted that the majority of the features identified in Area 1 were not identified by the geophysical survey carried out in 2015, and conversely, several features identified by the survey in Areas 2 and 3, were not present in the evaluation trenches targeting these features. This also is relevant to the formulation of an appropriate mitigation strategy for the development.

The results of the evaluation suggest that there is the potential for archaeological remains (heritage assets) to be present on the site, on which the development will have a significant impact. Therefore an appropriate mitigation strategy will be required. This is likely to involve further evaluation of the site via trial trenches, targeted areas of open area excavation, and a programme of post-excavation analysis, leading to publication of the results, and the deposition of the archive from the site.

I recommend, therefore, that the impact of the proposed development on the historic environment should be mitigated in line with para 141 of the National Planning Policy Framework (NPPF), and that the following provisions be made for a programme of archaeological works secured by a negative condition, should you be minded to grant consent:

1. A programme of further archaeological evaluation (in the form of trial trenches) of the proposed development site, prior to the commencement of any development.
2. And such appropriate mitigation measures indicated as necessary evaluation, prior to the commencement of any development.

These may include:



warranted; a) the preservation of any archaeological remains in situ, if

b) the appropriate archaeological excavation of any remains before any development commences on the site

3. The archaeological monitoring and recording of the ground works of the development as appropriate (and also including a contingency for the preservation or further investigation of any remains then encountered)

4. The analysis of the results of the archaeological work with provisions for subsequent production of report and an archive, and the publication of the results, as appropriate;

5. Such other provisions as may be necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 141, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

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

#### Condition A

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

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

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#### Condition B

i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).

ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

If planning consent is granted, this office can provide detailed advice as to the requirements for the investigation and information on professionally accredited archaeological contractors who may be able to carry out the necessary work.

I hope that you will be able to accommodate the above recommendations. Please do not

hesitate to contact me should you require any further information or clarification.

### HCC Public Health

#### Recommendation:

That the Planning Authority sets out a clear expectation to the applicant of the need to maximise the impact the development can make in promoting good physical health and mental wellbeing. This should have regard to the necessary infrastructure to encourage physical exercise, healthy lifestyles, behaviours and choices. Further details on this can be made available through signposting to the Hertfordshire Health, Wellbeing and Planning guidance, and would be a positive reflection of Chapter 8 of the NPPF.

#### Recommendation:

That the Planning Authority sets out an expectation for positive and sensitively planned development which adopts a design-led approach in the consideration of air quality, given the location of the proposal.

### Thames Water

#### Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit [thameswater.co.uk/buildover](http://thameswater.co.uk/buildover)

#### 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.

#### Supplementary Comments

Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. It is therefore recommended that a surface water impact study for the development is carried out to confirm the extent of any network reinforcement required. We are aware that relevant impact study is being carrying out now but we request for the condition not to be removed until the outcome of the impact study is be known, implemented and approved by, the local planning authority in consultation with the sewerage undertaker.

### Affinity Water

No objections.

### National Grid

Please be advised national grid haven't responded to your planning application as there are no assets affecting the planning application boundary.

### **Comments received from local residents:**

#### Southfield House, Lily Lane

Objection - highways impact of further residential development at NE Hemel Hempstead (including Spencer's Park and SADC proposals) on local road network.

#### The Lodge, Lily Lane

Objection - highways impact of further residential development at NE Hemel Hempstead (including Spencer's Park and SADC proposals) on local road network. New housing and school so close to Buncefield should be avoided.

### **Comments received from local businesses:**

#### ITAB, Swallowdale Lane (via transport consultants i-transport)

#### *Comments on additional transport information*

Thank for your correspondence and information on this application to date. We have now been through the additional transport information submitted by the Applicant's transport consultants and have liaised with our client (ITAB) and have the following questions:

1. Whilst the Applicant has presented a percentage impact assessment of the Green Lane / A414 Breakspear Way roundabout in the additional information and that it was agreed with HCC that an assessment of this roundabout wasn't required, there doesn't seem to be justification from HCC or the Applicant as to why it was omitted from a full assessment - please could the Applicant/HCC clarify why it was omitted and why it wasn't required to be assessed; and
2. Has the Applicant undertaken vehicle tracking of the Swallowdale Lane / Three Cherry Trees Lane junction for articulated HGVs making all movements? In particular, given ITABs proximity to this junction with vehicle accesses either side it would appear that there is a need for articulated vehicles to be tested routing through the proposed junction mitigation as well as in/out of ITABs site.

I hope the above questions make sense. If it would be easier to discuss these issues directly with the highways officer or the Applicant's transport consultant I'm more than happy to do so. If so, please could you provide me with their contact details?

### **Considerations**

#### Pre-application and Community Engagement

##### *Pre-application*

The applicant and their agents have engaged pro actively with both DBC and SADC through an in depth pre-application submission. This process has helped to inform the masterplanning

of the site and has helped to guide the proposals so that they are able to meet the aspirations of the applicants, along with both Local Planning Authorities.

An early pre-application inception meeting was held with DBC and SADC in October 2015 to discuss the overall approach to the masterplanning process and the pre-application process. A series of regular pre-application meetings was held since then and a Planning Performance Agreement (PPA) was signed by the applicants, DBC and SADC. This agreed the approach to joint working between DBC and SADC, as well as the approach and timing of the pre-application and the planning application. It agreed the pre-application schedule of meetings, along with submission and determination dates of the planning application. Case officers from DBC and SADC agreed a joint policy framework for the assessment of the proposals as part of the pre-application process.

The schedule of pre-application meetings included a programme of masterplanning meetings, along with meetings covering the S106 and technical aspects of the proposed development. These meetings included officers from both DBC and SADC, and included officers from departments including Policy, Landscape, Open Spaces, Environmental Health and Legal. Discussions have also been held with other key stakeholders such as officers at Hertfordshire County Council (HCC), including Highways, Education, Archaeology, Ecology, the S106 team and the Lead Local Flood Authority. The applicants engaged with these key stakeholders directly through their own pre-application procedures where required, in combination with DBC and SADC. Other stakeholders have also been consulted including the Health and Safety Executive, Highways England and the Environment Agency.

#### *Public Consultation*

A Public Consultation event was held on the 26th February 2016 at the Woodhall Farm Community Centre in Hemel Hempstead. The purpose of the consultation event was to gain views from the local community about proposed mixed use development on the site. The event was well attended by both the business community and local residents, along with local councillors.

The accompanying Statement of Community Involvement sets out in detail the community engagement undertaken for the proposed development. The application proposals have been designed to take into account feedback received from the pre-application meetings and consultation events and feedback has also been incorporated into the technical work.

#### *Environmental Impact Assessment EIA*

The HCA and The Crown Estate considered the development to be Environmental Impact Assessment development in accordance with the Town & Country Planning (Environmental Impact Assessment (EIA)) Regulations 2011 No. 1824 (as amended 2015). This was agreed with both Local Planning Authorities at pre-application stage. In accordance with Part 4, Regulation 13 of the Regulations, a formal Scoping Opinion was sought from both Local Planning Authorities and statutory consultees on 28th January 2016. An Environment Statement has been prepared for the scheme, taking into account the comments received from the Scoping exercise. This has been submitted in support of the application.

#### *HSE Consultation Zone*

The southern part of the site falls within the Health and Safety Executive (HSE) Consultation Zones (associated with the Buncefield Oil Depot), within which HSE must be consulted on planning applications. Early consultation has taken place with HSE at pre-application stage, with the following criteria being discussed:

- Development Proximity Zone (DPZ) - only parking and landscaping;

- Inner Zone – employment acceptable if no more than 2 storey, less than 100 employed and general working population (not involving high number of disabled people or lengthy visits from members of the public).
- As the application is an outline with illustrative masterplan only, HSE would specify conditions in addition to their usual advice of ‘don’t advise against’ or ‘advise against’.
- Middle zone – acceptable if not playing pitches that would attract more than 100 people at a time, so tennis courts and MUGA fine (as long as it is not a tennis club with clubhouse etc).
- Outer zone – the school size would fall under sensitivity level 4, which would be to advise against in outer zone. School building and associated pitches/playing fields need to be outside outer zone. However, housing is acceptable in this zone.

The discussions with the HSE has indicated that the land uses shown on the sketch Illustrative Masterplan within the consultation zone are acceptable. Formal consultation at application stage has resulted in the standard HSE response requiring a PAHDI Assessment to be undertaken. This is not in line with their pre-application advice, as the presence of the DPZ requires a direct advice from the HSE (as has indeed been confirmed by the PAHDI Assessment). At the time of writing we are still awaiting a formal response. Given the pre-application advice, officers are however confident that the scheme has been carefully designed in line with the guidance from the HSE.

#### Principle of Development

##### *Policy Position - suitability of the site for proposed development*

The Spencer's Park site has some history which needs to be clarified in order to understand the current policy context.

The Spencer's Park site was originally identified as an employment site as part of a larger allocation at North East Hemel Hempstead. It was identified as a Key Employment Site for Specialised Technological Activities through Policy 15 of the County's Structure Plan 1991 to 2011 (adopted in April 1998).

Despite this allocation, with no suitable employment uses identified, DBC reviewed the potential of the site and the Dacorum Borough Local Plan (Adopted April 2004) subsequently allocated the land to the north of the site (known as Spencer's Park Phase 1 or Land at North East Hemel Hempstead) for residential development. Planning permission has been granted for Spencer's Park Phase 1 and development of the site is underway.

The Dacorum Borough Local Plan retained an employment allocation on the land that is the subject of this planning application - Proposal Site E4 in the Schedule of Employment Proposal Sites. Policy 35 of the Local Plan (Land at North East Hemel Hempstead) sets out the policy for this employment allocation, centred on specialised technological activities. The St. Albans Local Plan (1994) allocated the part of the site that fell within SADC for employment development at Policy 26. For completeness, Policy 35 is no longer in operation as it has been superseded by Core Strategy Policies CS1, CS14, CS15 and CS34.

Despite the southern section of the Spencer's Park site (the application site - Spencer's Park Phase 2), being allocated for employment, the site has long been identified as being acceptable for residential based mixed use development. Following the adoption of the Dacorum Borough Local Plan, given the above context, it was decided that this employment allocation would effectively be transferred to the Maylands Gateway site. This has been

confirmed by the Strategic Policy Team.

The Dacorum Core Strategy (September 2013) identified the potential for around 1,000 dwellings at this location (including the 350 that were subsequently permitted at Spencer's Park Phase 1). The Hemel Hempstead Place Strategy includes visions for the town as a whole and 'East Hemel Hempstead'. The 'Local Objectives' for East Hemel Hempstead makes reference to 1000 homes being provided in this location. The East Hemel Hempstead Character Zones and Development Opportunities set out in Figure 18 of the Core Strategy identifies Spencer's Park as 'prime land for residential development'.

The Council's intention was that further detailed requirements relating to the site would be included in the East Hemel Hempstead Area Action Plan (AAP), which was due to be prepared jointly with SADC. There are numerous references to the AAP in the adopted Core Strategy, particularly in the Place Strategy for East Hemel Hempstead referenced above. The site is not included in the Council's Site Allocations DPD for this reason.

This position is clarified further in the response from the Council's Strategic Policy team:

*'The initial Issues and Options consultation on the East Hemel Hempstead Area Action Plan approach during June-August 2009 (AAP)*

*(<http://www.dacorum.gov.uk/docs/default-source/planning-development/spatialplanning-09-07-07-aap16thjune.pdf?Status=Master&sfvrsn=0>) presented the Council with a formal opportunity to test the revised approach to Maylands and Proposal E4 set out in the Master Plan. Spencer's Park fell within the boundary of the AAP. The consultation document acknowledged that the relocation of employment proposal E4 and Policy 26 site to the Gateway allowed the Council to explore other uses on the original site. It suggested the land could be suitable for a mix of housing, open space and social and community uses, subject to their safe distance from Buncefield and the advice of the HSE.*

*The broad suitability of the land for housing was tested through the 2008 SHLAA (<http://www.dacorum.gov.uk/docs/default-source/planning-development/shlaavolume3a-adeyfieldeast.pdf?Status=Master&sfvrsn=0>). The document accepted that the site was appropriate for housing in identifying the land as housing site AE44. A notional housing capacity of 537 homes was given to the site. However, the SHLAA was a technical document only and it was not its role to formally allocate the land as a housing proposal.*

*The Core Strategy recognises residential opportunities at Spencer's Park, although it does not identify the location as a formal allocation. The plan assumed that the AAP would elaborate on the policy for Maylands and designate development sites together with their planning requirements. As a consequence, the vision diagram for the town excludes the AAP area in Figure 19. However, the housing programme under Tables 7 and 8 assume a contribution from both Phases 1 and 2 at Spencer's Park (the latter under the contribution from East Hemel Hempstead). The AMRs continue to acknowledge its contribution towards the Council's 5-year housing supply and Core Strategy housing programme.*

*This housing contribution from Spencer's Park was further expanded upon in the Hemel Hempstead Place Strategy*

*([http://www.dacorum.gov.uk/docs/default-source/strategic-planning/chapter-20-hemel-hempstead-place-strategy-\(pdf-2-05mb\).pdf?sfvrsn=0](http://www.dacorum.gov.uk/docs/default-source/strategic-planning/chapter-20-hemel-hempstead-place-strategy-(pdf-2-05mb).pdf?sfvrsn=0)). Under the East Hemel Hempstead vision it states:*

*"...Spencers Park is a new residential neighbourhood with its own services and Facilities."*

*Figure 18 refers to Spencer's Park as follows:*

*“Spencer’s Park – lies south of Hunters Oak and north west of Buncefield. The land is currently greenfield and extends into St Albans District. This area is prime land for residential development. A new primary school and other facilities will serve the area. Development on greenfield land also offers opportunities for decentralised heating systems or CHP.”*

*Policy CS34 sets out the policy approach for the Maylands Business Park. It does not expressly mention residential development at Spencer’s Park as detailed policy and allocations were to be deferred to the AAP. However, the location was identified on the AAP vision diagram under Figure 22.*

*The Site Allocations DPD also assumed that progress would be made on the AAP and thus detailed allocations would be set out in that document.*

*(<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/site-allocations-written-statement---pre-sub-inc-foc-changes---jan-2016.pdf?sfvrsn=0>). This position is set out in paragraph 6.12. The paragraph explains that key sites in the AAP are listed in Table 2 (Spencer’s Park is specifically referred to) and that they are accounted for in the housing programme under Table 3.*

*The 2008 SHLAA has now been updated (2016 SHLAA (April 2016))*

*(<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/dacorum-shlaa-2016-volume-2-site-schedules.pdf?sfvrsn=0>). The latest SHLAA continues to see the original site AE44 as being a developable housing site.*

*While both the Core Strategy and Site Allocations DPD envisaged that the AAP would eventually form part of the Local Plan, limited progress has been made in preparing the document. A new timetable to the Local Development Scheme (LDS) was agreed at Cabinet on 13<sup>th</sup> December 2016. It now proposes that the new LDS timetable no longer includes a detailed programme for production of the East Hemel Hempstead Area Action Plan (AAP). This is due to uncertainties regarding St Albans’ plan-making programme and the fact that good progress has been made on a landowner-led masterplan for the Gorhambury land, which is likely to mean that an AAP for the whole area is no longer required. Whilst there remains reference to the joint AAP within St Albans’ own LDS, this document remains similarly un-programmed. Appropriate policies for the Maylands area can be included as appropriate within the new single Local Plan for the Borough.*

*Therefore, given the above points, policy does make it clear that housing development is now the preferred approach to bringing forward land at Spencer’s Park.’*

#### *Loss of employment*

Given the established suitability of the Spencer's Park Phase 2 site for a residential-led mixed use development; the tacit allocation of the site in the adopted Core Strategy; and the effective transfer of the allocation to the Maylands Gateway site, it is not considered that the development of the site for the proposed mixed use proposal would result in any loss of employment land supply. This is especially true when you consider that the proposals include 7,500sqm of mixed B1, B2 and B8 employment space in the southern part of the development. The Council's Economic Development and Regeneration Team supports the proposals.

#### Masterplanning/Design

While a development brief was adopted to guide Phase 1 of Spencer’s Park (Land at North East Hemel Hempstead / Three Cherry Trees Lane Development Brief (December 2006)), no brief has been adopted by Dacorum and St Albans Councils for Phase 2. Despite its absence,

that is not to say that the current policy framework provided through the saved DBLP and Core Strategy cannot provide adequate advice and guidance in terms of determining the present outline application.

However, officers have worked closely with the applicants agents (Amec Foster Wheeler) at the pre-application stage in terms of inputting into their informal masterplan to guide this latest phase. While the applicants masterplan has no formal status as a policy document, as it has not been adopted by either Council, it does take on board comments from officers and does broadly reflect the approach set out in policy. It clearly provides a detailed and structured framework for the development.

Using the approved Phase 1 development as a broad template for assessing the appropriateness of the second phase is considered to be a reasonable approach. The masterplan has been designed to allow the two schemes to dovetail to achieve a comprehensive form of development for this part of the town, in compliance with Core Strategy Policy CS11. The illustrative masterplan has sought to achieve a comprehensive development and has drawn on Phase 1's development principles as a starting point for the masterplanning of Phase 2.

As confirmed in the Design and Access Statement, the scheme for the site was primarily influenced by:

- Issues of access and movement for pedestrians, cyclists and vehicles. In particular connectivity to the surrounding facilities via the existing and proposed new accesses off Three Cherry Trees Lane and into Phase 1 to the north, and also to the wider surroundings for better permeability and clearer legibility and public connectivity;
- The development of a sequence of public open spaces, creating green spaces that define the built form and providing spaces for communities to develop around. Completing the green heart space that brings together the combined Spencer's Park development;
- The development of character areas linked by open spaces that respond to a strong landscape strategy;
- The movement infrastructure through the site, urban blocks and open spaces are designed to create a higher level of spatial experiences incorporating focal building features, long street views and vistas, creating clear wayfinding strategy through the site;
- The development of a street hierarchy, ranging from a tree-lined boulevard, smaller secondary residential streets and a range of more private tertiary or mews lanes are all designed to create a logical and robust movement structure.
- Consulting the HSE in creating and shaping an appropriate development that responded appropriately to the HSE consultation zones of Buncefield;
- Phase 1 currently being constructed along the northern boundary of the Phase 2 site should positively influence the design of Phase 2 Spencer's Park.

The design principles adopted for the masterplan are also set out in the Design and Access Statement and are as follows:

Good design that positively reacts to the site constraints, the boundary of Phase 1 and the mature treescape/vegetation across the scheme.

- Place-making – creating areas of distinct character across the site;



- A strong, clear landscape strategy;
- Teamwork – The design team working closely with both Local Authorities;
- Community involvement – neighbours and involvement at the public exhibition;
- Sustainable solution - suggest appropriate water mitigation;
- Connecting places: Create sustainable cycle and pedestrian links from Maylands, northwards, east and westwards towards the town centre.

The current illustrative masterplan has been developed jointly with both DBC and SADC through the design process to ensure the illustrative masterplan is in accordance with the council's vision and requirements for the site. A Framework plan has been submitted with the planning application which indicates the strategy for the future development. The illustrative masterplan shows how this framework plan can be developed further, illustrating how the masterplan is compliant with the Council requirements across the site. The masterplan is for illustrative purposes only, given the outline nature of the application.

The illustrative masterplan reflects all the development constraints as explored through the analysis section of this Design & Access Statement. The alignment of the underground services has been respected, yet posed the largest challenge where services converge along the northern boundary along Phase 1 and the green space. Root Protection Zones for the mature vegetation have also been respected, allowing for a strong landscaping strategy across the scheme, integrating landscaped corridors that combine water and ecological routes across the scheme. A new village centre supports the 600 new homes, also supporting the neighbouring development of Phase 1. The school benefits from the proximity to the local centre.

The illustrative masterplan comprises of:

- 600 new high quality homes;
- Land for up to 7,500 square metres of employment uses (B1,B2,B8);
- Up to 2.4 ha of land for 2FE primary school within the heart of the scheme;
- A shop/drop off area with retail below apartments within a circus that creates a new public heart and a feature to the east character area, complimenting the supporting uses found in Phase 1;
- Sports areas over converging buried utilities - a formal multi court MUGA to the east and an informal MUGA in the north western part of the site;
- An entrance arrival space framed with apartments;
- A lake for SUDS at the entrance of the site, taking run off water from the employment space and feeding new swales (2no) that run northwards to the natural valley and surface water pipes;
- The main central open space includes play and water features as part of the wider SUDS strategy;
- Detached 4 bedroom properties have been located fronting onto the linear woodland strips;
- 2 & 3 bed semi and terraced dwellings front onto E-W road connections;
- 35% affordable housing spread evenly across the development;
- 10,805 m<sup>3</sup> attenuation / swales / SUDs incorporated;
- Appropriate noise screening on Three Cherry Trees Lane.

The DAS illustrates the opportunity to create a distinctive residential development based

around character areas that respond well to the proposed landscape strategy. This creates the future opportunity for a distinctive range of houses and flats that can be delivered, set within existing mature trees and a sloping landscape on the periphery of Hemel Hempstead.

The illustrative masterplan has taken reference from nearby examples of good design and local setting, which contributes to high quality public realm as well as good quality homes to live in. The Outline application identifies examples of neighbouring developments such as Phase 1 and Brockwood Drive to the north, but detailed design will come forward at the Reserved Matters stage. The design and setting of Spencer's Park Phase 1 housing, road layout, parking and street widths have been very influential in the development of the Spencer's Park Phase 2 illustrative layout since both new communities will ultimately be one holistic development when completed.

The surrounding urban character and type of housing stock in the Cherry Tree Lane and Redbourn Road area is varied and not of one distinct architectural style. The upcoming development of Phase 1 and the housing at Brockwood Drive represents nearby local development within a similar setting. The street pattern has been designed to create a new link to the adjacent Phase 1 and Three Cherry Trees lane, with a looped infrastructure road through the eastern part of the site. The street design takes reference from the adjacent Phase 1 scheme to create a unified layout and holistic development when complete.

### Layout

The indicative layout of the proposed development is shown in the illustrative masterplan. Approximately 14 hectares of the site will be used for new homes; 2.4 hectares for a new primary school; just under 2 hectares for employment uses; and just under 5.5 hectares for open space and Sustainable drainage systems (SUDS).

The scheme has been designed to integrate well with the proposed Phase 1 development to the north which is currently being built out. It will incorporate a mix of uses including employment, education and local facilities. The school and local centre have been located centrally within the site to ensure that it is within walking distance of all properties (including those at Phase 1). The employment has been located on the southern part of the site within the HSE consultation zones, as residential is not acceptable in this location, thus making best use of available land. The employment is separated from the housing by a significant open space and landscape buffer to protect the amenity of the new residents.

The development will be sustainably designed to incorporate new planting and ponds, creating opportunities for new habitats. There will be new public open space in the south eastern part of the site and new footpath routes through the site.

Whilst the layout is indicative only at this stage, it has been informed by a full masterplanning process which has included significant pre-application engagement. The proposed layout is considered to be acceptable. It draws on the development principles of Phase 1 and will serve to inform the detailed proposals at Reserved Matters stage. The high quality layout proposed is considered to comply with the objectives set out in Core Strategy Policies CS10, 11, 12 and 13.

### Quantum

The proposed development would provide up to 600 new homes, 7,500 sqm of employment uses and a two-form entry primary school. This is considered to be appropriate for this site, considering the site constraints, the developable area and planning policy constraints.

Core Strategy Policy CS17 (New Housing) states that an average of 430 net additional dwellings will be provided each year during the plan period between 2006 and 2031. The new

housing will be phased over the plan period and a five year supply of housing will be maintained.

The proposed development would provide around 600 new homes, with over 400 of these being located within the DBC part of the site. The proposals will assist the Council in achieving its housing delivery target set out with Core Strategy Policy CS17. The proposals will also assist the Council in maintaining a five year supply of housing, as the site forms part of the Council's five year housing supply.

### Phasing

According to the Planning Statement and the Design and Access Statement submitted in support of the application, it is anticipated that construction on site will commence on site in 2018. Based on an average delivery rate of up to 100 per annum, the development could potentially be complete by 2024. This will depend on the number of developers working on the site.

Phasing is not fixed and will be agreed at Reserved Matters stage. An illustrative phasing plan is included in the Design and Access Statement. A phasing strategy is envisaged that starts phasing the development from the north and south. This would promote development adjacent to the Phase 1 boundary, with development along Three Cherry Trees Lane promoting the new gateway to the development, as well as creating a development edge to the site.

The employment zone in the southern part of the site will depend on tenant demand. Individual plots will be able to cater for a variety of building sizes, subject to the HSE height and employee numbers limits. These can be developed independently from the main residential area to the north and can be accessed separately.

It is anticipated that the school would be constructed at an early stage in the build programme, although it is important to note that Hertfordshire County Council (via a free school provider) will be responsible for this rather than the developer. This will be the subject of heads of terms in the S106. Building the north-south boulevard will allow for the immediate connection eastwards to create access to the new school plot, the mixed use local centre and the adjacent housing plots.

A phasing condition is attached to the recommendation accordingly.

### Residential Mix/Size of New Dwellings

It is anticipated that the proposed development will include a range of dwelling types and sizes ranging from 1-bed to 4-bed properties, including both apartments and houses. The emphasis is likely to be on smaller dwellings in accordance with identified need in both DBC and SADC, following advice provided at pre-application stage. Apartments blocks of up to 4 storeys are appropriate at certain locations on the site, as illustrated in the Framework Parameter Plans. The exact mix of housing will be determined at Reserved Matters stage. This will take into account the mix identified in both Councils' latest Strategic Housing Market Assessments (SHMAs), the affordable housing and level of Starter Homes required at the time.

Core Strategy Policy CS18 (Mix of Housing) states that new housing development will provide a choice of homes. The policy seeks to deliver a range of housing types, sizes and tenures, including housing for those with special needs. Saved Local Plan Policy 18 is similar to Core Strategy Policy CS18, but also highlights the need to provide smaller dwellings (1 or 2 bedrooms).

Whilst a range of dwelling types and sizes is proposed, the illustrative mix favours smaller dwellings in line with Policy CS18. Around 45% of the dwellings will be two-bed, with around

37% being three-bed. This illustrative mix accords with the latest SHMA.

The approach outlined above is considered to be in compliance with both Core Strategy Policy CS18 and saved Local Plan Policy 18. The proposed scheme would provide an appropriate mix of housing at the site, full details of which will be provided at reserved matters stage.

### Density

Housing will be provided at a mix of densities appropriate to different parts of the site. Some of the gateway areas and the local centre are better suited to higher densities and apartments. These areas are indicated on the Framework Parameter Plans (Reference TP 003 and TP 004). The sketch illustrative masterplan shows an overall average gross density of around 38 dwellings per hectare (dph), as illustrated in the Design & Access Statement (DAS) and referred to in the Planning Statement.

The density of the proposed development will vary throughout the site, with lower densities being more appropriate on the eastern side of the site, which currently adjoins open countryside. Higher density housing will be provided in appropriate locations, including the key gateways into the site and areas surrounding the local centre.

The proposed density is considered to be appropriate to the location and the surrounding character of the area. It strikes a good balance between optimising the use of the site and providing a high quality environment for future residents. It is also appropriate in the context of the need for new housing and making the most effective use of appropriate sites to assist in meeting the Council's five year housing supply requirements. The DAS and illustrative masterplan satisfactorily demonstrates how up to 600 new homes can be accommodated on the site.

Saved Local Plan Policy 21 (Density of Residential Development) states that careful consideration will be given to the density of all new housing proposals to ensure that they make the most efficient use of land available. Densities will generally be expected to be within the range of 30-50 dwellings per hectare. The policy goes on to note that, for sites at the edge of an urban area, special attention will be paid to the effect of development density on open countryside and views. In such locations, proposals will be expected to retain existing trees and hedges and incorporate appropriate landscaping in order to achieve a soft edge to the countryside.

The indicative masterplan, with its overall average gross density of around 38 dwellings per hectare, is considered to comply with saved Local Plan Policy 21. The masterplan has been designed to achieve an appropriate soft edge to the countryside to the east of the site.

### Affordable Housing

35% affordable housing will be provided on the site. This follows on from advice and agreement at pre-application stage. The mix and tenure have been agreed with the Strategic Housing team and SADC. This illustrative mix accords with the latest SHMA.

The overall percentage of affordable housing and tenure mix will form part of the S106 agreement for the site, and be agreed and secured accordingly. The size of affordable dwellings will be agreed at reserved matters stage depending on the latest housing need requirements.

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

Across the two parts of the current scheme, 210 of the 600 homes are to be affordable. This equates to an affordable housing contribution of 35%. In addition, the split would be 158 social rent homes and 52 intermediate homes (i.e. a 75:25 split). Both the overall proportion and tenure split are in accordance with policy.

The proposed development is considered to be in compliance with Policy CS19, along with the guidance set out in the Affordable Housing SPD. The planning proposals accord with the current Local Plan policy target for both DBC and SADC for 35% of homes to be affordable and provided on site.

Given the Housing and Planning Act 2016 places a duty on local authorities to promote the supply of starter homes (the details of which will be set out in the forthcoming Regulations), the indicative masterplan has built in flexibility to future proof the development against the potential need to include Starter Homes in the future, without there being significant amendments required to the layout, quantum and mix.

### Employment Uses

The proposed development would provide up to 7,500 sqm of employment uses, with a mix of B1, B2 and B8 use proposed in the southern part of the site. The employment uses at the site will need to comply with the HSE's requirements limited height of buildings to two storeys and numbers of employees to 100 per building.

Core Strategy Policy CS14 (Economic Development) states that sufficient land will be allocated to accommodate growth in the economy of approximately 10,000 jobs between 2006 and 2031. Most employment generating development will be located in town and local centres and General Employment Areas in accordance with Policies CS1 and CS4. The policy confirms that Hemel Hempstead will be the main focus for new economic development uses, which will be used to support the regeneration of the Maylands Business Park and Hemel Hempstead Town Centre.

The Spencer's Park Phase 2 site is located on the edge of the Maylands General Employment Area and as such, is deemed to be an appropriate location for employment uses, albeit as part of a mixed use, residential-led scheme. The proposals will assist the Council in meeting the job creation targets set out in Core Strategy Policy CS14. The development will provide employment opportunities in close proximity to new homes and is supported by the Council's Economic Development and Regeneration teams.

### Primary School site

A 2.25 hectare site will be provided for a two form entry primary school. The primary school site is shown on the Illustrative Masterplan. This will be located centrally on the site as it will also serve Spencer's Park Phase 1. The central location means that the school will be within easy walking and cycling distance of the housing, including that being developed at Phase 1. The school is located away from the HSE consultation zones.

The 2.25 hectare school site will be transferred to HCC for provision of the school and this will be dealt with through the S106 agreement. HCC will make a contribution towards the school as the development doesn't quite generate a need for a full two form entry primary school. Please see the S106 section for more details.

The delivery of the primary school and the phasing thereof have been the subject of lengthy discussions with the County Council (as Education Authority) at both pre-application and application stages. Both phases have seen a lack of clarity being provided by the County Council regarding the delivery mechanism for the school, given that all new schools within

Herts must now be free schools, delivered by a free school/academy provider. Providers are selected via a competition process, but this process can only begin once planning permission has been granted.

In order for the County Council to go out to competition they need to have the land for the school, together with contributions to build the school out, secured through the planning process via S106. The County Council have confirmed that they would like the school to be delivered at an early stage of the development.

### *School Delivery*

Further to lengthy S106 negotiations, the heads of terms in the draft 106 now confirm that the primary school will indeed be secured at an early stage of the development. The relevant heads of terms are summarised below.

The school site will be provided by HCA to HCC in a fully secure, fenced and serviced state suitable for the provision of a two form entry primary school (including nursery) with appropriate drop off and parking facilities. The applicant agrees to serve notice that completion of the serviced works has taken place no more than 7 days following practical completion. The transfer of the school site is then to take place within 3 months of HCC receiving notice of practical completion of the servicing works, subject to a longstop date of 2 years 9 months from the date of the Commencement Notice (the applicant will serve at least 6 months notice on HCC of its intended date for Commencement of the Development).

The school site is also the subject of an occupancy restriction, such that the occupancy of the 300th residential dwelling is to be subject to the highways and footpath accesses and site services to the school site having first been satisfactorily provided to adoptable standard.

HCC will ensure that the school is open before the first September after 3 years from the date of the transfer of the school site. This 3 year period may, if necessary, be extended by mutual agreement between HCA and HCC, both parties acting reasonably. HCC will provide a minimum of 6 months of its intention to commence the school building works and will provide notice within 7 days of commencement.

Subject to the clauses summarised above, officers and the Council's solicitor are now satisfied that the primary school will be delivered as early as is reasonable possible during the development.

### Local Centre

The Illustrative Masterplan shows a small local centre adjacent to the primary school site to create a focal point within the development. The local centre will provide space for a small retail unit (a coffee shop for example) or small community buildings. Locating the local centre adjacent to the primary school is logical from an urban design point of view and would maximise passing trade from the school and drop off and pick up times for example. This location is also central on the site and is within easy walking distance from all parts of the development, as well as Phase 1.

### Access and Highways Impact

#### *Vehicular Access*

Two principal points of access are proposed to the residential part of the site. A new four arm roundabout access is proposed at the junction of Three Cherry Trees Lane and Boundary Way, at the gateway to the site. A further gateway access will be through Phase 1 of Spencer's Park to the north, which will link Phase 1 to Phase 2 via a north-south boulevard.

Spencer's Park Phase 1 is accessed from a three arm signalised junction with Three Cherry Trees Lane.

A separate vehicular access to the employment area is proposed on the southern part of the site. This is proposed as a three arm priority junction with Three Cherry Trees Lane between Boundary Lane and Cherry Tree Lane. This has been designed to accommodate movements by heavy goods vehicle.

In addition to the above access points, an emergency access will be provided to the employment land from Cherry Tree Lane on the eastern part of the site. This access is designed in such a way that it can only be used for emergency vehicles.

The Highway Authority, HCC, have been consulted on the application and provided initial comments in December 2016, raising objections. A summary of their comments is set out below:

*'Insufficient information has been provided to demonstrate that the proposed development might not have a severe residual impact on the surrounding public highway network. Specifically: (i) The applicant will need to clarify aspects of the proposed trip generation as detailed in the response; and (ii) The applicant will need to alter the proposed mitigation measures to ensure that the assessed junctions operate at a minimum to the baseline condition. Alternatively, further information is required from the applicant to justify why alternative mitigation measures are not feasible. S278 Agreement Any works within the highway boundary (including alterations to the footway and the proposed site access) will need to be secured and approved via a s278 Agreement with the HCC.'*

Highways England were also consulted, due to the potential impact of the scheme on the strategic highway network (M1 Junction 8). Following a number of holding response comments were finally received in January. These are summarised below:

*'Following review of the Transport Assessment associated with the proposed mixed use development at Spencer's Park, Hemel Hempstead. Highways England has a number of concerns. The primary concern is the lack of assessment of the impact of the proposed development on the strategic road network where the development may result in a number of additional trips at Junction 8 of the M1.*

*Highways England Planning Response (HEPR 16-01) January 2016*

*It is recommended that assessment is undertaken of the impact of the proposed development on the M1 Junction 8 including the preparation of capacity and operational assessments where deemed appropriate. In addition it is recommended that the impact of the proposed development including the preparation of capacity and operational assessments of the A414/Breakspear Way/Green Lane junction is also undertaken as the operation of this junction could impact on the operation of SRN. It is also recommended that where an adverse impact is predicated that mitigation measures are given consideration.*

*Therefore it is requested that the applicant provide a revised TA that fully assesses the impact of the proposed development on the operation of the strategic road network and that the applicant is given until 9th February 2017 to provide this update information.'*

Following receipt of the initial comments from HCC and Highways England, a meeting was set up and took place between the transport consultants (Vectos) and HCC's DM Implementation Team, with a separate meeting taking place with Highways England. The consultants have worked with them to address their points. A full response to the Highway Authority's outstanding issues, along with those of Highway England, was submitted in March with full reconsultation taking place.

The Highway Authority are now satisfied that their concerns have been addressed and have withdrawn their objection, subject to appropriate conditions and S106 heads of terms.

Whilst Highways England were still not entirely satisfied with the further response from Vectos, their outstanding issues have now been addressed by a new S106 contribution of £250k towards junction improvements to the Breakspear Way junction, in order to mitigate impact from the development on this junction.

Therefore, both Highways England and the Highway Authority are now satisfied with the proposed scheme. It is considered that it will result in no significant impact to highway safety, the free flow of traffic or the strategic highway network, subject to the conditions and S106 heads of terms recommended and agreed.

It is considered that the proposed access arrangements would provide a safe and satisfactory means of access for all users, in compliance with Core Strategy Policy CS12.

#### *Pedestrian, Cycle and Public Transport Access*

High quality pedestrian and cycle routes will be provided as part of the development proposals. Pedestrian routes are proposed to encourage new and existing residents to access the facilities on site such as the employment, primary school, local retail and community facilities, open space and play areas by foot. This will assist in reducing the need for residents to make short journeys by private car. Pedestrians and cyclists will be able to access the Maylands General Employment Area via the proposed access on Three Cherry Trees Lane and they can access facilities in Woodhall Farm via links up through Spencer's Park Phase 1 and across the new crossing of the Nickey Line.

High quality cycle routes are proposed within the site and northwards to connect to the Nickey Line and the National Cycle Network. Hemel Hempstead Town Centre, Hemel Hempstead Railway Station and the whole of the Maylands employment area are all within 5km of the site and so are considered to be suitable for cycling. St. Albans Town Centre is 8km from the site. DfT's 'Cycle Infrastructure Design' (October 2008) states that for commuter journeys, a trip distance of over 5 miles (8km) is not uncommon. There is therefore good scope for encouraging journeys by cycle as part of the redevelopment of the site.

There is an existing bus stop close to the site on Three Cherry Trees Lane, close to the proposed gateway entrance to the site. There are also bus stops on the Redbourn Road that can be accessed via Phase 1 Spencer's Park. It is proposed to upgrade the existing bus stop on Three Cherry Trees Lane and provide new footway from the site access to enable pedestrians to easily access the bus stop. The layout of the scheme will optimise access to these existing bus stops.

In addition, the main spine road of the scheme has been designed in accordance with the Roads in Hertfordshire Design Guidance and is suitable to accommodate a bus route should there be opportunity to divert an existing bus route through the site. A Green Travel Plan has been developed to support the application in order to encourage a modal shift away from car-travel. Both measures are welcomed in terms of reducing the impact of traffic on the local roads and are in compliance with Core Strategy Policy CS8.

It is considered that the site is relatively well located when considering the need to encourage walking, cycling a modal shift away from the private car. The proposals will provide high quality pedestrian and cycle links to the surrounding area and will improve links to the nearest bus stops. Despite the location of the site on the edge of Hemel Hempstead, these proposals will help to maximise the sustainable transport opportunities available as part of the redevelopment of this site.



It is considered that the proposed access arrangements would provide a safe and satisfactory means of access for all users, in compliance with Core Strategy Policy CS12.

### *Internal Movement*

The Framework Parameter Plans (TP 003 and TP004) indicate the indicative route of the main boulevard which is being proposed as part of the Illustrative Masterplan. The central north/south and east/west routes will be the key internal movement corridors of the development. They will be designed according to the Hertfordshire Design Guide Standards with pedestrian footways along each side and a tree lined character. Cross-sections of these boulevard routes are shown at Section 4.7.3 of the Design and Access Statement.

Secondary routes leading off the central access roads would be of a more residential nature and would also adopt the principles of the Hertfordshire Design Guide for residential access roads.

### *Car Parking/Cycle Parking*

Car and cycle parking is proposed in accordance with DBC and SADC's adopted car and cycle parking standards. According to the DAS, 900 spaces will be provided overall that equates to 1.5 spaces per dwelling. This appears a reasonable overall quantum of parking. The exact number of spaces will be determined at reserved matters stage once the exact number and mix of different dwelling types and sizes is established. However, the sketch Illustrative Masterplan meets the car parking standards for the size and mix of dwellings indicated, in order to demonstrate that the parking arrangements can be satisfactorily accommodated within the scheme.

Whilst the exact parking arrangements will be determined at Reserved Matters stage, the Illustrative Masterplan adequately demonstrates that the proposed development can comply with the Council's car and cycle parking standards, as set out in Appendix 5 of the saved Local Plan.

### *Off-site Mitigation Measures*

The application is accompanied by a Transport Assessment by the applicant's transport consultants Vectos. The Transport Assessment provides advice on the transport and traffic aspects of the proposed development, and follows significant pre-application engagement with the Highway Authority, along with both Dacorum Borough Council and St Albans City and District Council.

The key conclusions from the assessment are set out below:

- The site is well located for residential development being close to Hemel Hempstead and Maylands Industrial Estate. It is also located immediately adjacent to Spencer's Park Phase 1 which the local authority deem suitable for residential development and granted permission for 357 residential units.
- Primary education, up to 7,200 sqm of employment floorspace and small scale community / retail facilities will be provided on site which will reduce the need to travel.
- 1. The proposed development has been developed with pedestrians and cyclists in mind and suitable routes will be provided within the site and to link to external footpaths and cycle routes.
- The proposed development will seek to optimise access to existing public transport infrastructure including access to local bus stops. The Proposed Development will

incorporate a main spine road designed in accordance with the Roads in Hertfordshire Design Guidance to accommodate a bus route. This will provide the potential for existing bus services which currently run along Three Cherry Trees Lane to be diverted into the site and serve both Spencer's Park Phase 1 and Phase 2 if the bus company choose to implement such a diversion.

- A new pedestrian route will be provided between the Spencer' Park Phase 1 development and the Nickey Line/residential areas to the north as part of the Phase 1 development. A series of 2.0m wide boardwalk ramps will connect the northern perimeter of the Phase 1 development and Hunters Oak/Crackley Meadow to the north via the Nickey Line. This will enable future residents to be able to walk from the site directly to the bus stops on Redbourn Road via the Nickey Line.
- Also, as part of the development proposals, it is envisaged that the existing stop on Three Cherry Trees Lane (130m from the Site boundary) would be upgraded and appropriate footways would be provided to the bus stops and shelters would also be provided.
- A Framework Travel Plan has been prepared and is submitted with the planning application. This contains measures and a management regime to encourage the use of non-car modes.
- The Phase 1 residential accesses and the proposed Phase 2 residential access both operate within capacity even with the inclusion of traffic generated by committed developments and by the Maylands Gateway Site (sensitivity test). Similarly, the proposed commercial access via Three Cherry Trees Lane would operate well within capacity in both Scenario 3 and Scenario 5.
- Of the existing junctions, modelling outputs demonstrate that the Three Cherry Trees Lane/Cherry Tree Lane/Buncefield Lane junction, the Green Lane/Hogg End Lane junction and the Green Lane/Boundary Way junction all work within capacity following the application of 2024 future year traffic, development traffic and traffic generated by the Maylands Gateway Site.
- Whilst the Cherry Tree Lane/Redbourn Road junction is predicted to operate over capacity, the percentage impact of Spencer's Park Phase 2 traffic would not exceed 1.05% when considered against any of the future year scenarios during both the AM and PM peak hours. This shows that the impact of development traffic will be negligible.
- Initial modelling at the Swallowdale Lane/Three Cherry Trees Lane junction and the Three Cherry Trees Lane/Redbourn Road/Shenley Road junction demonstrated that both junctions operate above over capacity in the existing scenario. Queuing and delay increase due to the additional traffic from committed developments in the area as well as Spencer's Park Phase 2.
- Indicative improvements to both junctions have been proposed that improve performance significantly thus facilitating the planned growth in the area. The HCA/TCE are content to contribute to the cost of the proposed improvements in proportion to their impact and in accordance with current legislation and guidance including the CIL regulations.
- Both the junction improvements are deliverable within highway land.
- Notwithstanding the above, there are likely to be two potential consequences if any residual traffic congestion did take place as follows:
  - Peak Spreading: This is when people chose to vary their travelling time away from

the peak periods in order to minimise their journey time. This is now a well-accepted phenomenon and many authorities, including the Highways Agency, accept the inclusion of peak spreading within peak period analysis.

- Mode Shift: Some delay during peak periods may encourage people to shift mode and, for example walk or cycle to work/school. This is a positive outcome.
- On the basis of the above, it is considered that the site complies with the transport tests set out in NPPF i.e.:
  - The opportunities for sustainable transport modes have been taken up;
  - Safe and suitable access can be achieved for all people;
  - The residual cumulative impacts of the development are not severe.

As stated in the access sub-section above, further off-site mitigation works have now been agreed with Highways England in relation to the Breakspear Way junction. The off-site highways works proposed are deemed acceptable, and will adequately mitigate the highways impacts of the scheme.

### Open Space

Detailed discussion took place at pre-application stage in relation to Open Space requirements and the current proposals reflect those discussions. Significant areas of open space are proposed on the site, as demonstrated on the Indicative Masterplan Plan and detailed in the DAS. Overall around 5.4 hectares is proposed as open space. This equates to over a fifth of the site area.

The existing key landscape structure, including the hedgerow and trees are proposed to be retained. Over 3 hectares of the site will be natural green space, in addition to play areas, multi-use games areas and playing pitches associated with the school. The detailed breakdown of open space typologies is set out in the DAS that accompanies this application.

It is noted that the play space is essentially geared towards informal leisure use. The best opportunity for formal pitch-based sports is through the dual-use of the primary school's playing fields, although this will ultimately be dependent on entering into an arrangement with the operator of the school (Policy CS23). HCC's Education Team have agreed to the principle of dual-use after negotiations, and heads of terms to this effect are included in the S106.

Our assessment is based on the standards set out in the saved Local Plan. These are not straightforward to apply as there are a number of separate standards for open space as a whole, and for formal and informal leisure space. Furthermore, for simplicity, these have applied across the site as a whole (i.e. including that in St Albans), as we see the open space as meeting the needs of the development as a whole.

Officers note that the development will provide for a total of 5.4 ha of open space of all types which forms a significant area of the scheme as a whole. It is also reasonable to take into account that already provided by the first phase given the inter-relationship between the two phases.

Saved Local Plan Policy 73 sets out the standard of leisure space on a town-wide basis based on the NPFA standard of a minimum of 2.8ha per 1,000 population. Only larger schemes are expected to contribute to this full standard. Given the scale of the development, it is considered that the proposal would justify some provision in the form of on or off-site towards adult/youth play (i.e. at a rate of 1.6 ha per 1,000 population). If we applied the full standards to the

Spencer's Park development and assuming this was all met on-site, based on 600 homes and a household size of 2.4 persons then this would generate a need for c.4ha of leisure space (i.e.  $600 \times 2.4 = 1,400$  residents, then  $1.4 \times 2.8 = 4$  ha). The policy (point (b)) emphasises that such land should reflect the needs of the local population and be accessible i.e. be within a reasonable walking distance of 400m. It is noted that the second phase would provide for a total open space of 5.4 ha if all spaces are accounted for and thus exceed the 2.8ha standard.

Saved Local Plan Policy 76 refers to leisure space in new residential developments. This states that for larger developments (i.e. of 25 homes or more) leisure space should be provided on a standard of at least 1.2 ha per 1,000 population or 5% of the development area, whichever is greater. This is the standard that most development is expected to achieve and principally seeks to secure the children's play provision element of the NPFA standard. We have assumed a total residential site area of 19.4ha (i.e. total area (24ha) – employment area (2.2ha) – school site (2.4ha) = 19.4 ha). On this basis, it is anticipated that the development should provide 1.7ha (i.e. population  $\times$  1.2ha =  $1.4 \times 1.2 = 1.7$ ha). This compares to 1ha when measured against the developable area (i.e.  $19.4 \times 5\% = c.1$ ha).

Saved Local Plan Appendix 6 elaborates on how these standards should in theory be applied. The NPFA standard does not include school playing fields, or other large areas of woodlands, commons and verges. Therefore, these will need to be excluded from any of the calculations.

The 1.2ha standard under Policy 73 is chiefly for younger play space (at 0.8ha per 1,000 population) and other areas (at 0.4 ha per 1,000 population). The former would equate to very generous levels of provision at c.1ha and should include provision for LAPs (minimum area each of 100sqm) and LEAPs (minimum area each of 400sqm). Appendix 6 explains that where family and starter homes are provided then this will require general open space and play space for children and toddlers. They should be readily located from the areas they serve i.e. 200m for toddlers and 400m for older children.

The illustrative layout will provide for a hierarchy of formal (0.59ha) and informal (2.1ha) areas of open space:

- 2 x MUGA (2,235 sqm)
- 2 x LEAPs (1,070 sqm)
- 6 x LAPs (1,800 sqm)
- 8 x Doorstep LAPs (800 sqm)
- Youth park (200 sqm)

Taking a pragmatic view of the standards, it is considered that very generous levels of open space of all types are envisaged to be provided in a structured approach across the development. This is welcomed. They will make important contributions towards greening/softening the development and in providing opportunities for play space. These spaces will also form part of the SuDS scheme and key landscaping features across the development.

While no exact standards are provided in the saved Local Plan for the number of LAPs and LEAPs to be provided, we note that a good range and spread of child play spaces is to be secured as listed above. Furthermore, space would also be provided to meet the needs of older children including dual use of the school playing fields, MUGA area, and a small youth park. (*The exact provision of MUGAs needs to be confirmed by the applicant as we understood the southern MUGA was to be removed in favour of a more informal play area/community orchard.*) We are therefore satisfied that the overall provision makes a good contribution under the NPFA standards.

It is important that the open space/play space is properly funded and managed. Following pre-application discussions it has been agreed that this is likely to be via management company

(rather than being adopted by the Council).

With regards to sports provision, it is noted that Sports England have objected to the proposal, essentially due to the lack of contribution that the scheme makes to local sports facilities. This issue is covered in detail in the CIL/S106 section of this report. However, I would draw members attention to the following:

- the development will contribute towards meeting locally generated informal leisure needs through the play space provided and through potential dual use of the school playing fields (albeit the latter arrangement may not satisfy the aspirations of Sports England);
- we acknowledge the complication arising from the fact that the proposal is zero CIL rated and what can legitimately be secured through a planning obligation (while avoiding funding conflicts with the Regulation 123 list);
- funding through developer contributions is not the sole source of delivering new facilities;
- there is a generally poor geographical link between the proposal and priority schemes identified in the Playing Pitch Strategy and Action Plan – update (2015), which are located to the west of the town;
- the primary source for funding sports facilities is through the CIL.

It is also fundamental that we can be satisfied that any contribution meets the statutory tests as set out in the CIL Regulations 2010.

Overall the open space proposals are considered to comply with the Council's Open space standards, as confirmed by both Strategic Planning and Clean, Safe and Green, who both support the proposals. It is considered that the proposals are in compliance with saved Local Plan Policies 73 and 76.

## Landscaping

### *Landscape and visual impact*

Chapter 10 of the ES deals with the landscape and visual impact of the scheme and includes a Tree Survey. The landscape and visual impact assessment was informed by pre-application advice provided by both DBC and SADC, and discussions took place with SADC's Landscape Officer regarding the scope of assessment.

The assessment identifies that the site is enclosed on three sides by existing development and that the significant effect of likely landscape and visual impacts will be limited to the site and its immediate surroundings. The visibility of the site is limited to viewpoints overlooking its boundaries due to the enclosure offered by the site's boundaries and the urban edge of Hemel Hempstead. The site is very well contained in landscape and visual terms. There are no medium or long distance views of the site from countryside to the east or north-east. The Chilterns AONB lies beyond the area that will be visually influenced by the proposed development and therefore will not be affected.

The proximity of large scale industrial development to the west and south exerts a built influence on the character of the site, along with overhead power lines on the southern part of the site. The Spencer's Park Phase 1 development will introduce further built features in the immediate vicinity of the site. The assessment finds that the overall landscape sensitivity of the site is low.

### *Impact on trees*

A tree survey and constraints assessment was undertaken as part of the technical work associated with the masterplanning process, and this has been submitted in support of the application as part of the ES. The survey confirms that none of the trees on the site are

protected by Tree Preservation Orders (TPO's). The survey assessed 57 individual trees, 21 groups of trees and 5 hedges within the site or immediately adjacent to the site. The survey confirms that the majority of the trees on site are mature trees and around 44% of the individual trees are either category A or category B trees (i.e. trees that should be retained where possible).

The Tree Survey states that priority will be given to the retention of trees, hedgerow and woodland areas and their protection during development. Regard will also be paid to future management mechanisms in line with saved Local Plan Policy 101. The Council will require an accurate tree survey indicating which trees are proposed for retention and removal and will require details of tree protection measures at Reserved Matters stage.

The illustrative masterplan (SK 005) seeks to retain as many trees and hedgerows on site as possible and a significant amount of new tree and vegetation planting is also proposed. The exact number of trees to be lost as a result of the scheme will be assessed at the reserved matters stage once the detailed design has been established by the developer.

The landscaping proposals have been assessed by the Councils Trees and Woodlands team, who have confirmed their support of the proposals. They welcome the inclusion of the community orchard and call for bold landscaping at the development entrance. They confirm the need for detailed landscaping and tree details at Reserved Matters stage, once the design has been finalised.

Overall the landscaping proposals are considered to be of a high quality. Landscaping has been considered from the outset and has helped to inform the proposed masterplan. The proposed landscaping will help to soften the proposed development and will comprise of an important component in this high quality development. The proposals comply with Core Strategy Policies CS25 and CS26, as well as Saved Local Plan Policies 99, 100 and 101.

### Ecology

An extended Phase 1 Habitat Assessment of the site was undertaken by the applicant's ecologists in May 2015, and this was then followed by specific surveys of:

- Hedgerow;
- Bats;
- Badger;
- Dormouse;
- Reptiles;
- Great Crested Newt;
- Breeding Birds;
- Wintering Birds.

The results of the assessment and the results of the surveys are set out in the ES, and summarised in the Planning Statement.

In terms of habitats, the site contains broadleaved woodland (semi-natural and plantation), dense and scattered scrub, semi-improved neutral grassland (poor), tall herb and fern, cultivated land, arable field margins, native species rich hedge and trees and individual trees.

The Habitat Assessment confirms that there are a number of designated sites within 2km of the site. Of these, only one, the Nickey Line Local Wildlife site that is around 100m to the north of the site has the potential to be affected by the proposed development. However, although there is good ecological connectivity between the site and the Nickey Line, the proposed development is not anticipated to significantly impact the conservation value of the Local

## Wildlife Site.

The species specific surveys confirmed the following:

- Hedgerow Survey – 4 hedgerows were surveyed and all were found to be 'species rich and qualify as important hedgerow under Paragraph 7 of the Habitat Regulations (1997). The majority of these hedgerows are to be retained as part of the development proposals.
- Bats – The surveys found evidence of pipistrelle bats on site. Mitigation is proposed to enhance roosting opportunities for bats in the area.
- Badger survey – there was evidence of two disused outlier setts within the site boundary and one adjacent to the boundary. The illustrative masterplan shows retention of areas that are suitable for badger habitat, and therefore connectivity for any badgers using the site is retained. Further badger checks will be needed approximately 6 weeks in advance of any works on site;
- Breeding birds – the site supports breeding farmland and woodland birds and the site is described as being of local significance in relation to bird species richness. Redwing and red kite were recorded during the survey. The species rich hedgerows and boundary trees are the most significant habitat on site for breeding birds. The majority of this habitat is to be retained on site and new habitat will be created on site through new landscaping and tree planting;
- Great Crested Newts – Great Crested Newt presence/absence surveys were undertaken at three waterbodies within the site boundary and within 500m of the boundary. No Great Crested Newts were recorded and development of the site will have no impact on Great Crested Newts.
- Reptiles – The surveys found no reptiles or evidence of reptiles.
- Dormouse – No dormouse or field evidence of dormouse were recorded on the site during surveys. Nest tubes and boxes were in situ for 10 months during the survey and were checked monthly. Although no dormouse were recorded during the survey, habitat for dormouse is to be proposed for retention as part of the scheme and green corridors are also proposed, so there is still potential for dormouse to use the site in future.
- Wintering birds – The site is considered to be of local importance in relation to species richness for over wintering farmland and woodland bird species. Species of significance recorded on site are fieldfare, redwing, red kite, mistle thrush, skylark, song thrush, yellowhammer, dunnoek, mallard and reed bunting. Mitigation proposals will involve an ecological management plan and mitigation strategy that limit the impact on wintering birds including habitat restoration.

The proposals have been the subject of consultation with Hertfordshire Ecology and Herts & Middlesex Wildlife Trust (HMWT).

Herts Ecology provided initial comments which confirmed that they were satisfied with the proposals. Their response confirmed that they do not hold any biological data (species or habitats) for this application site. There is a single Local Wildlife Site (LWS) located 100 m to the north; however the Environmental Statement (ES) has considered any direct, indirect and cumulative effects the development might have on this LWS and scoped it out. The neighbouring development is already implementing mitigation strategies to reduce the effect on this site, which should also account for this current application.

Their response also confirmed that the ES has considered all relevant ecological constraints and analysed all possible effects during construction and operational phases. As such Herts Ecology confirmed that they are satisfied with the proposals from an ecology point of view, subject to the imposition of conditions relating to:

- the submission of a Construction Environmental Management Plan (CEMP);
- an associated condition relation to the protection of badgers, linked to the CEMP;
- the submission of a Landscape and Ecological Mangement Plan (LEMP).

In contrast to the support shown in the Herts Ecology response, HMWT have objected to the proposed development. Whilst the principle of development on this site is not contested, the Trust does not consider that enough compensation has been provided to achieve no net loss or net gain to biodiversity. They feel a Biodiversity Impact Calculator (BIC) should be used to assess the scheme in this regard.

Following the HMWT objection, The ecologists provided a full response addressing the points raised in the HMWT comments, including the BIC issue. HMWT then commented again and confirmed that this was not enough to remove their objection however. Given the outstanding objection the case officer therefore asked our statutory consultee, Herts Ecology to review the scheme in the context of this objection and provide further comments.

### *Ecology Review*

A full review of the scheme was then undertaken by Herts Ecology accordingly. Their latest advice in relation to the HMWT comments and the impact of the proposals is summarised below:

- Given the nature of the existing site which is of overall low biodiversity value, no ecological objections have been made to the development proposals. This follows the NPPF guidance in seeking to develop land of least [relative] environmental value;
- There will be a net loss of ecologically valuable hedgerow as identified under the hedgerow regulations and some fragmentation of what remains; rough grassland - of local importance to the site - will also be lost but areas of new natural grassland are proposed, often associated with swales, along with an orchard and potential wetland features. With additional hedgerow planting yet to be agreed, the net loss of this biodiversity resource would be reduced, whilst the habitat creation proposals are considered to restore some parity of existing biodiversity resource, but this will inevitably be very different from the current site.
- I consider any ecological net gain to be low, at least in the short term, whilst any improvements will in any event depend upon long-term management;
- The lack of policy expectation to apply biodiversity offsetting or the calculator, given the ecological judgements outlined above, are in my opinion insufficient to justify a refusal on the basis that such a formal approach has not been taken.
- The extent to which such proposals should also result in clear biodiversity gain through biodiversity offsetting is clearly a valuable aspiration but whether a lack of such delivery justifies a refusal does not appear to be currently supported. Furthermore the practical delivery of this approach is not likely to be possible at the present time given the relative land values and aspirations of landowners in Hertfordshire. This must a be a consideration when if a refusal is considered given that this should be both reasonable and proportionate to the circumstances;
- Given that currently there is no mandatory or policy requirement to achieve biodiversity offsetting or apply the biodiversity calculator, I consider it is unreasonable to refuse an otherwise ecologically acceptable application on the grounds that this particular approach to demonstrating the delivery of desired compensation or enhancements has not been followed. Furthermore, if some aspects of enhancements are likely to be undeliverable



anyway, the ecological justification for otherwise refusing the application would need to be strong - and this is not the case;

- On this basis I consider that the proposals are currently sufficient to be determined without any formal biodiversity offsetting or application of biodiversity calculator. However I am of the opinion that additional hedgerow planting of sound ecological value should be provided, as well as detailed specifications for long term management and maintenance of the grasslands and orchard. These can be addressed with the details submitted for a full application.

On this basis, and subject to receipt of details showing the additional hedgerow planting requested, the proposals are deemed to be acceptable from an ecology and biodiversity point of view.

#### *Additional Information*

Following the comments from Herts Ecology, following their review, requesting increased hedgerow provision as part of the proposals, the applicant's ecologists have taken this advice on board and have submitted additional information to address these points. This takes the form of an addendum to the ES Chapter 8, with the additional hedgerow provision reflected in:

- Drawing No. 01771.00006.29.006.2 Hedgerow Provision;
- Drawing No. 16475 GA-001 Illustrative Masterplan; and
- Drawing No. 01771.00006.29.005.6 Illustrative Landscape & Green Infrastructure Masterplan.

Additional consultation has taken place and Herts Ecology have confirmed that these details are acceptable. The required conditions have been added to the recommendation accordingly.

#### Flood Risk/Drainage

The site is located in Flood Zone 1, the area of the lowest flood risk. The site is at low risk of flooding from all other sources. The overall flood risk to the development is considered to be low.

A thorough Flood Risk Assessment (FRA) has been undertaken for the site and has been submitted in support of the application. An Outline Drainage Strategy has also been submitted, and is appended to the Environmental Statement. This followed detailed pre-application discussions with the Lead Local Flood Authority (Herts County Council).

The FRA has identified the volume of water storage that is required on site. A Sustainable Urban Drainage System (SUDS) network is proposed to ensure that water is properly managed on the site and does not increase flood risk elsewhere. Full details are set out within the Outline Drainage Strategy. The Framework Parameter Plan shows how this can be met through a series of swales and attenuation ponds, along with some underground crate storage. The swales and ponds will be landscaped and designed to maximise potential for habitat creation and recreational benefit.

Infiltration was initially not considered to be feasible on the site by the EA due to the risk of mobilising contaminants derived from the Buncefield Oil Depot explosion in 2005. Thames Water have confirmed that a surface water connection to their sewer is appropriate, subject to the results of a developer funded impact study. The outfalls from attenuation features would be to the public surface water sewer that crosses the site at a restricted greenfield runoff rate of 3.5l/s/ha.

At the detailed design stage, further investigations will identify if the ponds will infiltrate into the ground water or if they will hold the water before discharging it to the local sewer network.

Discussions have taken place with the Lead Local Flood Authority, Environment Agency and Thames Water about this, following the discussions which took place at pre-application stage. These consultee's are supportive of the proposed development, subject to conditions and informatives.

Thames Water have also confirmed that a foul water connection into their network is suitable, and discussions are taking place with the developers of Phase 1 to establish a combined solution to upgrades.

The FRA and Drainage Strategy have included an allowance for climate change. Estimated peak rainfall intensities have been increased by 30% to allow for climate change during the lifetime of the development and have been tested to ensure no flooding during a 40% increase.

The proposed SUDS solution is considered to be an extremely sustainable flood risk and drainage solution for the site, which will have significant open space, landscape and ecological benefits to the development. The proposals are considered to be acceptable from a flood risk and drainage point of view.

### CIL/S106/Infrastructure

#### *Community Facilities*

The applicant has been aware of the requirement to provide for a 2 form entry primary school to address the need for future school places generated by the development. 2.25ha of land has been set aside for this. The school is to be secured via a S106 agreement. There is also scope for the provision of a small shop and community building within the first phase of Spencer's Park which could be shared across the wider development.

#### *Infrastructure*

The Council has undertaken a series of high level assessment of the infrastructure required to support the development of Spencer's Park as part of its evidence in support of its CIL Charging Schedule and through its annual review of its Infrastructure Delivery Plan. The evidence provided in support of the Council's CIL Charging Schedule included an assessment of the viability of a number of strategic sites required to support the delivery of the core strategy including the formal Strategic Sites and Local Allocations identified in the plan and strategic housing proposals identified for the town centre of Hemel Hempstead and Spencer's Park (the later originally intended to be pursued through an Area Action Plan for the East of Hemel Hempstead and through a master planning process) This assessment of strategic sites was used to establish a zero CIL rating for the site and to set out a number of items to be excluded from the Council's Regulation 123 list. These items should be secured under a Section 106 agreement in relation to the site.

The primary objective of the S106 is to secure the delivery of a new 2 form entry primary school upon the application site in order to meet the needs arising for primary education facilities within the NE Hemel Hempstead quadrant. It is understood from the County Council that current child yield forecasts do not equate to the delivery of a full two forms and therefore a mechanism for off-setting any over provision will need to be established by the County Council.

The site is to be considered as a strategic allocation (as per the testing for the CIL examination) and exemptions in the Regulation 123 list allow for the Council to secure contributions towards the following items of infrastructure:

- Early years education (these should be provided alongside the new primary school)

- GP facilities - NHS England and the Herts Valley Clinical Commissioning group calculates the scale of contribution to be applied to the development on the basis of a national tariff and you may need to establish where such funds will be targeted to satisfy the tests in Regulations 123 and 124 of the CIL Regulations 2010 (as amended)
- Community space and facilities (youth facilities and libraries) - Although the County Council have suggested that a contribution should be provided towards activities operated by 'youth connexions' officers are aware of a pressing need to carry out improvements to and extensions to the nearby adventure playground. It is our view that such improvements should be prioritised given the geographical relationship with the application site and given the number of youths utilising the site.
- Direct access measures
- Highway improvements resulting from the TA.
- Sustainable transport measures
- Provision and maintenance of public open spaces - Officers would encourage the dual use of outdoor and indoor sports facilities associated with the provision of a new school on the application site and would request that such matters are added to the planning conditions associated with the site.

The Council are not able to enter into an agreement for the provision of secondary education and such matters should be subject to a side agreement with St. Albans City and District Council (as established in the legal advice from Hertfordshire County Council).

The application is subject to a S106 agreement to secure the infrastructure summarised above. This has been the subject of significant negotiation between the applicants, DBC, SADC and HCC. Officers and the Council's solicitor are now satisfied with the S106 heads of terms. A final draft of the S106 has been submitted and agreed.

#### Geo-environmental/Contaminated Land

Desk based research and preliminary site investigations have been undertaken for the site and these have been submitted in support of the application as part of the ES. The historical mapping undertaken therein reveals that the site has remained largely unchanged since 1883, being agricultural with only minor changes to the field boundary layout. One structure was constructed and then subsequently demolished. Historical development in the surrounding area includes industrial development and the Buncefied Oil Depot.

No made ground was recorded on site and no evidence of made ground was found during the preliminary site investigations. The majority of the site is underlain by Clay with Flints Formation, further underlain by the White Chalk subgroup.

A major incident occurred at the Buncefield Oil Depot that is immediately to the south west of the site in 2005. As a result of this, the Environment Agency and Health Protection Agency have been monitoring impacts. The incident has resulted in some pollution of the underlying groundwater at the Buncefield site by PFOS (flurorosurfactant perfluorooctane sulfonate) and hydrocarbons. There has however been no significant increase in ground contamination as a result of the Buncefield incident. Consideration has been given to the Phase 1 Spencer's Park Site Investigation results in relation to PFOS. The preliminary Site Investigations for Phase 2 indicate that the risk of ground contamination at the site is low, although there was a concentration of Nickel at one location on the northern boundary, and there could be further such hotspots. The limited ground gas monitoring undertaken indicates low ground gas concentrations that indicate conditions that do not require any specific ground gas protection

measures.

Published information suggests that radon is a risk in the area and the percentage of homes at risk of radon above the Action Level is between 1 and 3%.

Due to the geological setting of the site and the presence of pyrite, there is a risk of accelerated weathering where the Lambeth Group deposits overlie the Chalk. This results in the development of erosion features in the chalk. The most common hazard associated with this type of erosion is the development of solution pipes. This is a zone of instability. The preliminary Site Investigations identified that the risk of dissolution varies across the site from high to low.

The work undertaken to date finds that the site is suitable for the proposed use subject to some mitigation measures that may need to be identified following further to more targeted site investigations being undertaken. These further site investigations would need to be undertaken prior to development of the site and would need to be conditioned.

The ES and the preliminary site investigation results have been assessed by the Council's Contaminated Land officer. She has confirmed that she is in agreement with the recommendations for further investigation prior to redevelopment as detailed with the report. She has recommended that the further investigation should take into account the proposed end use and site layout if available. She has also recommended that the contamination conditions be applied should planning permission be granted in order to ensure that the recommended further investigative works (and any resulting remedial works) are undertaken.

As such it is considered that the proposals are acceptable from a contaminated land point of view.

#### Air Quality

An Air Quality Assessment (AQA) has been undertaken to inform the proposals and has been submitted in support of the application, as part of the ES.

The AQA notes that the proposed development does not fall within an Air Quality Management Area (AQMA) or any known area of concern with regard to poor air quality. Monitoring data from the closest urban monitoring point demonstrates that pollutant concentrations in the local area are well below Air Quality Objectives. Site specific mitigation will be implemented during the construction phase to ensure that the works are compliant with the relevant guidance. This will include a Dust Mitigation Plan (DMP) to be presented as part of the Construction Management Plan.

The effect of road traffic once the proposed development is operational is not considered to be significant, and mitigation measures introduced through the Travel Plan will reduce the effect further.

The assessment shows that air quality should not be considered as a constraint to the proposed development.

The Council's Environmental Health team have assessed the proposals and have raised no objections on air quality impact grounds. They have confirmed the following:

The significance of the overall effects of the Proposed Development has been assessed in the AQA in accordance with the EPUK/IAQM guidance. This assessment is based on professional judgement and takes into account a number of factors, including:

- Baseline pollutant concentrations are below the relevant annual mean objectives at all nine

existing sensitive receptor locations considered;

- The assessment predicts a negligible impact on NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations at all nine existing sensitive receptor locations, with the Proposed Development in place; and
- The assessment predicts that pollutant concentrations at all six proposed sensitive receptor locations will be well below the relevant AQO.

Based on these factors, the overall effect of the Proposed Development on human health is considered to be not significant, in accordance with the EPUK/IAQM guidance.

They have also confirmed that whilst the effect of the Proposed Development at existing sensitive receptor locations is not significant (hence no mitigation measures are deemed necessary), the effect could be further reduced with the implementation of various mitigation strategies. For example, it is understood that a Travel Plan will be put in place to promote the use of more sustainable forms of transport as part of the operational phase of the Proposed Development.

Furthermore, they have confirmed that, assuming that consent is granted for the Proposed Development, there will be a requirement for the appointed Principal Contractor to develop and implement a Dust Management Plan as part of the CEMP. This will include details of the measures that will be put in place to mitigate effects for nearby sensitive receptors. With the implementation of mitigation measures during the construction phase of the Proposed Development, and the associated measures incorporated at the nearby committed/proposed developments, the potential for cumulative effects is considered to be not significant.

Overall the Environmental Health team have confirmed that, in general, they are in agreement with the findings of the air quality assessment. The outline proposals are considered to be acceptable when considering potential air quality impacts. With mitigation measures (full details of which will be provided at Reserved Matters stage), the proposals would result in no significant adverse air quality impacts. The proposals are considered to be in compliance with Policy CS12 of the Core Strategy in this respect.

### Noise

A noise assessment has been undertaken to inform and support the proposed development and this has been submitted as part of the ES. This considers the impact of existing noise sources on the proposed development, increased traffic noise and the impact of noise generated from the development once operational.

With regard to noise from the construction phase, there are a number of sensitive receptors, including existing residents of properties near the site including at Hunter's Oak to the north, the residents of Cherry Tree Caravan Park, and the future residents of Spencer's Park Phase 1. The assessment confirms that a series of mitigation measures can be put in place to reduce the impact of temporary construction noise on these receptors.

Noise monitoring of the site identified noise sources such as road traffic noise from the M1 (which is particularly dominant at night time) and industrial noise from gates opening at the Framework Specialists to the south of the site, which was audible throughout the day and night. The assessment indicates that noise levels in outdoor areas will be acceptable across the majority of the site, although some mitigation may be required at detailed design stage on the southern parts of the site.

An assessment was undertaken to determine the potential impact of noise from the Framework Specialists on the proposed new dwellings. This indicates that amenity open space should be orientated away from the noise source on the south western part of the site and that some relatively small stretches of noise barriers will be required on this part of the site. These barriers are shown on the sketch illustrative masterplan in the DAS. Officers are

satisfied that mitigation measures can be incorporated into the site design to reduce the existing ambient noise level in order to meet guidance noise levels in gardens. These mitigation measures include orientation of buildings, close boarded fencing to screen some garden areas, and the use of higher specification glazing may be required for bedrooms on the southern and eastern parts of the site.

Any noise from the proposed employment area on the site should be limited so as not to exceed the background noise level at the receptors. The outdoor play areas at the location of the proposed school would be acceptable although mitigation may be required if children were to be taught outside.

The Council's Environmental Health team have assessed the proposals and have raised no objections on noise impact grounds. The outline proposals are considered to be acceptable when considering potential noise impacts. With mitigation measures (full details of which will be provided at Reserved Matters stage), the proposals would result in no significant adverse impacts noise impacts when considering the impact of existing noise sources on the proposed development, increased traffic noise and the impact of noise generated from the development once operational. The proposals are considered to be in compliance with Policy CS12 of the Core Strategy in this respect.

#### Impact on Street Scene

The scheme has been designed to integrate well with the proposed Phase 1 development to the north which is currently being built out. Whilst the layout is indicative only at this stage, it has been informed by a full masterplanning process which has included significant pre-application engagement. The indicative masterplan has sought to ensure that the various elements of the development integrate successfully with the surrounding street scene, avoiding any significant harm in terms of visual amenity. The masterplan has drawn on the principles from Phase 1, which include creating strong gateway entrances to the development, and creating a strong sense of place. Densities and heights are higher at appropriate locations such as the proposed entrance to the development on Three Cherry Trees Lane and fronting Three Cherry Trees Lane. The scale and heights of buildings has drawn on the assessment of the surrounding area undertaken as part of the masterplanning analysis so as to ensure that they will sit sympathetically within the street scene.

The proposed layout is considered to be acceptable. It draws on the development principles of Phase 1 and will serve to inform the detailed proposals at Reserved Matters stage and should help to ensure that the proposed development integrates successfully with the surrounding street scene. The high quality layout proposed is considered to comply with the objectives set out in Core Strategy Policies CS10, 11, 12 and 13.

#### Impact on Neighbours

The potential impact of the proposed development on the surrounding properties has been carefully considered right from the start of the pre-application process. The need to effectively minimise the impact of the proposals on the amenity of the neighbouring properties was identified by officers at an early stage in the pre-application process, and was also raised at the public consultation event. The masterplanners have taken these comments on board and have produced a masterplan which seeks to minimise the impacts of the proposals through a combination of good masterplanning and mitigation.

The impact on neighbours is assessed in both the Design and Access Statement and the noise and LVIA chapters of the ES.

There are a number of existing properties in the immediate vicinity of the Spencer's Park Phase 2 proposals. These include the Spencer's Park Phase 1 new development

(Swallowfields) to the north, the Gypsy & Travellers site (Cherry Tree Caravan Park) to the west, the existing commercial businesses to the west and south and a small number of detached dwellings on Cherry Tree Lane to the east. The masterplanning process evaluated the impact and referenced these different land uses / properties to provide a masterplan that respected and reinforced the surrounding context. This was undertaken at concept stage and through detailed analysis of the context and challenges and opportunities. The Design and Access Statement provides further information as to how the masterplan recognises and reduces the impact upon neighbouring development.

At the time of the masterplanning process development the Swallowfields development (Spencer's Park Phase 1) was progressing well on site. The masterplanners obtained the full layout details of Swallowfield and the masterplan looked to replicate the general design of the street and house locations using footprints and plot dimension similar to the Swallowfield development as this provided the most direct contextual approach to the new masterplan. Referencing the proposed development at Swallowfields enables Spencer's park Phase 2 to be contextually appropriate to the emerging development currently being built. This enables the outline application to identify very appropriate layouts that would be sympathetic to the existing and emerging housing layout and thus a final solution developed that would mitigate any impact on the future (emerging) neighbours in Swallowfields. Design decisions also replicate the approach taken on Swallowfields with apartments along Three Cherry Trees Lane and housing further into the site whilst arranging the village green to join with the proposed Swallowfields village green to complete the oval shaped public open space. None of the housing has been designed to overlook the proposed housing in Swallowfields and streets have been designed to join up enabling a well-connected permeable solution through both developments.

The masterplan responds to the Gypsy & Traveller site context by placing public open space and amenity provision along the boundary between the G&T site and new housing. This response allows for a greater distance between dwellings in both the G&T site and the new housing proposed in the masterplan, enabling space and distance between the two areas. This enables the G&T site to benefit from not having a long length of housing along their eastern boundary overlooking their land and thus provides privacy to their properties. The apartment block that is planned to sit to the north has limited windows overlooking the Gypsy & Traveller site.

There are a number of active commercial businesses located to the south of Three Cherry Trees Lane, but these uses have large areas of car parking to the front of each of their premises. The masterplan looks to replicate the urban design solution at Swallowfields by placing apartments at the main entrance to the site to reinforce the gateway entrance and create a sense of arrival into the development. This theme was adopted on Swallowfields to great effect and is replicated in design terms. The existing commercial premises will benefit from greater surveillance created by properties overlooking the car parking areas along Three Cherry Trees Lane and do not look directly into any employment office/business windows as these are some distance away from the road. The remaining half of the Spencer's Park Phase 2 development along Three Cherry Trees Lane is commercial/business use which replicates the uses across the main road and is contextually appropriate to the locations as well as being uses defined through the Buncefield consultation zone restrictions preventing housing in these locations.

There are a very limited number of large detached properties to the east of Cherry Tree Lane - a heavily wooded/hedge lined street that runs along the eastern side of the site. There is a single property to the southern end of Cherry Tree Lane which is well embedded in a plot surrounded by trees and hedges. As a result of the Buncefield consultation zone restrictions, housing is not permitted in the relevant parts of the Spencer's Park Phase 2 layout at the southern end and thus the masterplan proposes employment space in this area, which is a direct context to the employment space across Three Cherry Trees Lane. The impact upon

this neighbour is very limited as the employment space is accessed off Three Cherry Trees Lane and only emergency fire access is from Cherry Tree Lane.

There are a number of detached properties further north on Cherry Tree Lane which again are embedded into their sites and surrounded by trees and hedges along the road. The design approach for the masterplan assessed the impact on these neighbours and the design of the outline masterplan was to provide detached and semi-detached housing facing onto Cherry Tree Lane, but set back some distance from the existing tree lined road and provide a more rural street between the new housing and the Cherry Tree Lane. This provides a distance of some 15-18m from the existing trees to the face of new housing and this was considered to minimise the 'urban feel' of this eastern edge of the masterplan proposals - especially if the new road is of a rural aesthetic and the grass strip and landscaping along the existing trees on Cherry Tree Lane is sympathetically considered at the reserved matters stage. This design approach should soften the appearance of the development at it's more rural eastern end, reducing the impact on the small cluster of neighbouring properties on Cherry Tree Lane.

In conclusion the impact of the proposed scheme on the neighbouring residential and commercial properties has been considered at an early stage of the masterplanning process and the consultation responses integrated into the final outline application masterplan layout. The masterplan has respected their context with a layout that mitigates impact upon their locations. Notwithstanding the fact that this is an outline planning application with all matters apart from access reserved, it is considered that the proposed indicative masterplan has been designed to minimise the impact of the proposed scheme on the amenity of the neighbouring properties, and would result in there being no significant adverse effects in relation to loss of light, loss of privacy, visual intrusion or noise and disturbance. The proposals are considered to comply with Core Strategy Policies 11 and 12.

### Waste

The development will be designed to minimise waste both during the construction stage and the operational life of the development. The waste management hierarchy as set out below would be taken into account by the developer of the site:

- Prevention of waste;
- Minimising waste;
- Reusing waste;
- Recycling waste;
- Energy recovery from waste (on site opportunity limited); and
- Disposal to landfill.

The detailed design and layout of the proposed development at reserved matters stage will seek to encourage sustainable waste management, facilitating ease of kerbside collection and community recycling. In accordance with national policy the aim will be to ensure that there is sufficient provision for recycling and that where possible waste management facilities are integrated into the scheme so that their impact is minimised.

### Sustainability

DBC's C-Plan sustainability toolkit has been completed for the scheme. The intention underlying the proposals is for the site to comply with good practice with the development being built to the current building regulations at the time of construction (equivalent to Code Level 4).

SuDS has been integrated into the indicative masterplan from an early stage. Urban swales and attenuation ponds have been designed into the scheme to create a sustainable drainage strategy, whilst also contributing to the character of spaces.



Whilst full details will be provided at Reserved Matters stage, the proposed development is considered to be in compliance with Core Strategy Policy CS29.

## Conclusions

The proposed development accords with the Dacorum Borough Council Development Plan as the Core Strategy identifies the site as being suitable for development. In terms of the planning balance, the benefits of the proposed development clearly outweigh any adverse impacts. The only limited adverse impact identified is the loss of a small amount of agricultural land.

There are significant benefits associated with the scheme. The proposed development will assist both local planning authorities in meeting their housing requirements in a sustainable new neighbourhood where employment, a primary school, play areas and small scale local facilities are being provided. The scheme has been designed to incorporate new footways and cycleways to encourage walking and cycling.

An assessment of relevant Development Plan policies demonstrates that the proposals are in accordance with the Core Strategy and the saved policies of the DBLP. The proposals would deliver a high quality, sustainable development of the site, subject to details being submitted at Reserved Matters stage (other than access details).

## RECOMMENDATIONS

1. That the application be **DELEGATED** to the Group Manager, Development Management with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and notification being sent to the Secretary of State, due to the objections from Sport England.

2. In the event that the application is not called in by the Secretary of State that the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

Draft Terms to be reported to DMC via the Addendum, as they are currently

still being

3. and subject to the following conditions:

## RECOMMENDATION -

- 1 Approval of the details of the layout, scale, design and external appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced. The reserved matters shall follow the general parameters set out in the Design and Access Statement dated 14/09/2016 (in particular Section 4 Design and 4.13 Masterplan Framework) and plan nos. TP003 and TP004.**

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

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

**permission.**

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

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

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

- 4 **No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To ensure a satisfactory appearance to the development in accordance with CS Policy CS12.

- 5 **Prior to the commencement of development, details of the finished floor levels of all of the buildings within the site in relation to existing ground levels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, the amenities of neighbouring occupiers and existing trees, hedgerows and other landscaping, in compliance with Core Strategy Policy CS12.

- 6 **The details to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include:**

- **hard surfacing materials;**
- **car parking layouts;**
- **other vehicles and pedestrian access and circulation areas;**
- **means of enclosure;**
- **retained historic landscape features and proposals for restoration where relevant;**
- **existing trees and hedgerows to be retained;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (to include structurally diverse habitat and local species of provenance), noting species, plant sizes and proposed numbers/densities where appropriate. Details shall include replacement hedgerow planting;**
- **tree/hedgerow removal;**
- **tree planting, including species, planting location, timing of planting, specification and maintenance. Details shall include details of the community orchard;**
- **tree protection measures;**

- **measures for biodiversity enhancement;**
- **programme of management for the soft planting;**
- **proposed finished levels or contours;**
- **external lighting;**
- **secure cycle storage facilities for those dwellings without garages;**
- **refuse facilities;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs etc.);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines) including heating strips, indicating lines, manholes, supports etc.**

**The approved hard and soft landscape works shall be carried out prior to the first occupation of any part of the development hereby permitted. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

Reason: To ensure a satisfactory appearance to the development and landscape treatment of the site. To safeguard the visual character of the immediate area in accordance with Policies CS10, 11, 12, 13 and saved Policy 100 of the Dacorum Borough Local Plan 1991-2011.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 8 If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), another tree of the same species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives its written consent to any variation.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance of Core Strategy Policy CS Policy 12.

- 9 No development shall take place until details of earth works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.**

Reason: To ensure satisfactory landscape treatment of the site in the interests of

visual amenity in accordance with Policy Core Strategy CS12.

10 **A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of development. The content of the LEMP shall include the following.**

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The LEMP shall also include details of the 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 habitat enhancement within the landscape of the development.

11 **No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.**

- Risk assessment of potentially damaging construction activities.
- Identification of “biodiversity protection zones”.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- The location and timings of sensitive works to avoid harm to biodiversity features.
- The times during which construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: to avoid or mitigate the effects of the construction of the development on

ecological receptors to accord with Core Strategy Policies CS 25 and 26.

- 12 **No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe culverts are submitted to and approved in writing by the local planning authority. The measures may include:**

- **Creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day.**
- **Open pipework greater than 150mm outside diameter being blanked off at the end of each working day.**

Reason: to avoid or mitigate the impact of the construction of the development on badgers in accordance with Core Strategy Policy CS 26.

- 13 **No development of the formal multi-use games area (MUGA) hereby permitted shall commence until details of the location, design and layout of the MUGA including surfacing, fencing and line markings have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Details shall also be provided of the mechanism(s) by which the long-term management and maintenance of the MUGA shall be secured by the developer with the management body(ies) responsible for its delivery. The formal MUGA shall not be constructed other than substantially in accordance with the approved details.**

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy.

- 14 **No development approved by this planning permission shall take place until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Wardell Armstrong reference ST14699/07 dated August 2016.**

**The surface water drainage scheme should include:**

- **Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;**
- **Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event;**
- **Implementing the appropriate drainage strategy based on attenuation and discharge, using appropriate SuDS measures;**
- **Details of how the scheme shall be maintained and managed after completion;**
- **Detailed engineered drawings of the proposed SuDS measures.**

**The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.**

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of

surface water from the site and to reduce the risk of flooding to the proposed development and future users.

- 15 **Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, prior to commencement of development, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected in line with policies CS31 and CS32, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework.

- 16 **No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details**

Reason: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected in line with policies CS31 and CS32, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework.

- 17 **If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.**

Reason: To protect groundwater in line with policies CS31 and CS32, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework.

- 18 **Prior to the commencement of the development hereby permitted full details in the form of scaled plans and written specifications shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:**

- i. Roads, footways, foul and on-site water drainage.
- ii. Existing and proposed access arrangements including visibility splays.
- iii. Parking provision in accordance with adopted standard.
- iv. Cycle parking provision in accordance with adopted standard.
- v. Servicing areas, loading areas and turning areas for all vehicles.

Reason: In the interests of maintaining highway efficiency and safety.

- 19 **Construction of the development hereby approved shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic**

**Management Plan shall include details of:**

- a. Construction vehicle numbers, type, routing;**
- b. Traffic management requirements;**
- c. Construction and storage compounds (including areas designated for car parking);**
- d. Siting and details of wheel washing facilities;**
- e. Frequency and method of cleaning of site entrances, site tracks and the adjacent public highway;**
- f. Provision of sufficient on-site parking prior to commencement of construction activities;**
- g. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.**

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

20 **At least three months prior to first occupation of the development hereby permitted, a revised Travel Plan shall be prepared in accordance with Hertfordshire's Travel Plan Guidance (or any subsequent amendment) and submitted to, and approved in writing by the Local Planning Authority. The following matters shall be addressed within the revised Travel Plan:**

- **Details of Travel Plan Co-Ordinator including date of their appointment, contact details, and a second contact person in case of personnel changes.**
- **Identification of key individuals/external partners whose buy in/engagement with the Travel Plan is required for its success e.g. bus operators, local authorities, cycling groups/equipment/training providers.**
- **The Employment travel plan should include provision of showers/lockers/changing facilities for cyclists and other workplace appropriate schemes such as Bicycle User Group, emergency ride home, flexible working.**
- **A combination of multi-modal counts and questionnaire surveys shall be conducted. in order to obtain a statistically accurate way of measuring trips generated over a certain time period reasons for transport mode choice.**
- **The Local Planning Authority shall be notified at least three months prior of the commencement of construction.**
- **Annual monitoring to take place and submit data every year to the local planning authority Review reports to be submitted in years 1, 3 and 5.**
- **Identification of additional measures necessary in order to meet targets after years 3 and 5.**
- **As part of future submission, two appendices are required to be sent separately:**
  - **Travel plan summary proforma**
  - **Walking and cycling in Maylands note**

**The development shall be carried out in accordance with the approved Travel Plan.**

Reason: To promote sustainable transport measures to the development in accordance with Core Strategy CS8.

21 **Prior to commencement of any part of the development, swept path assessments are required for the following:**

- Large car accessing car parking spaces to demonstrate that they can be safely entered and departed from. This should be demonstrated for the car parking spaces that are in corners and for one midway in a row. This will be necessary for any public, school, residential or employment car parks;
- Swept path assessment for a fire tender manoeuvring within the site to demonstrate that a fire tender can safely manoeuvre within to access all units;
- Swept path assessment for a public transport bus to demonstrate that, should a bus route be diverted through the site, the internal network can accommodate a bus;
- Swept path assessment for a refuse vehicle to demonstrate that refuse collection and servicing can take place within the development site;
- Swept path assessments for servicing and delivery vehicles for the school and commercial land uses to demonstrate that servicing and deliveries can be accommodated within the development site and within the respective land use sites.

Reason: In order to protect highway safety and the amenity of other users of the site in accordance with Core Strategy CS9 and Saved DBLP Policies 54 and 58.

22 **Prior to the commencement of development, an Archaeological Written Scheme of Investigation shall be submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:**

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

Reason: To ensure that the impact of the proposed development on the historic environment should be mitigated in line with para 141 of the National Planning Policy Framework (NPPF).

23 **i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 22.**

**ii) The development shall not be occupied until the site investigation and post investigation archaeological assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 22 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: To ensure that the impact of the proposed development on the historic environment should be mitigated in line with para 141 of the National Planning Policy Framework (NPPF).

24 **Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E and Part 2, Class A of the Town and Country Planning (General Permitted**



**Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwellings hereby permitted, including any additions or alterations to the roof, and no building, enclosure or means of enclosure shall be constructed within the application site without prior written permission of the Local Planning Authority.**

Reason: To allow the Local Planning Authority to retain control of the development in the interests of: the character and appearance of the dwellings and the development as a whole, the visual and residential amenities of future and neighbouring occupiers, to safeguard existing and proposed landscaping, to ensure the retention of adequate private amenity space in accordance with Core Strategy Policy CS12.

25 **The development hereby permitted shall be carried out in accordance with approved plans: TP001; TP002; 131121A/A/12; 131121A/A/13; 131121A/A/14.**

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

Article 35

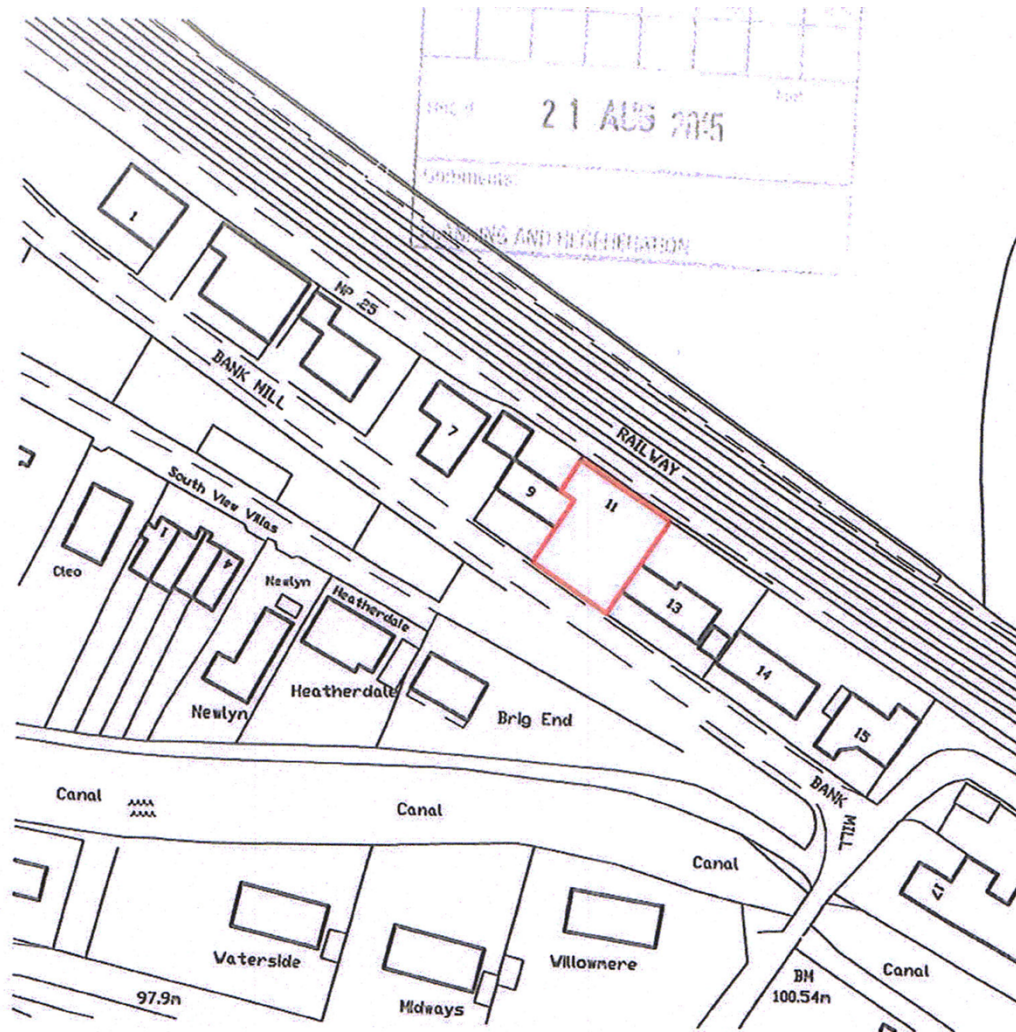
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the 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.

# Agenda Item 5b

## Item 5b

4/02389/16/FUL – RETENTION OF TWO THREE BED DWELLINGS  
(RETROSPECTIVE)

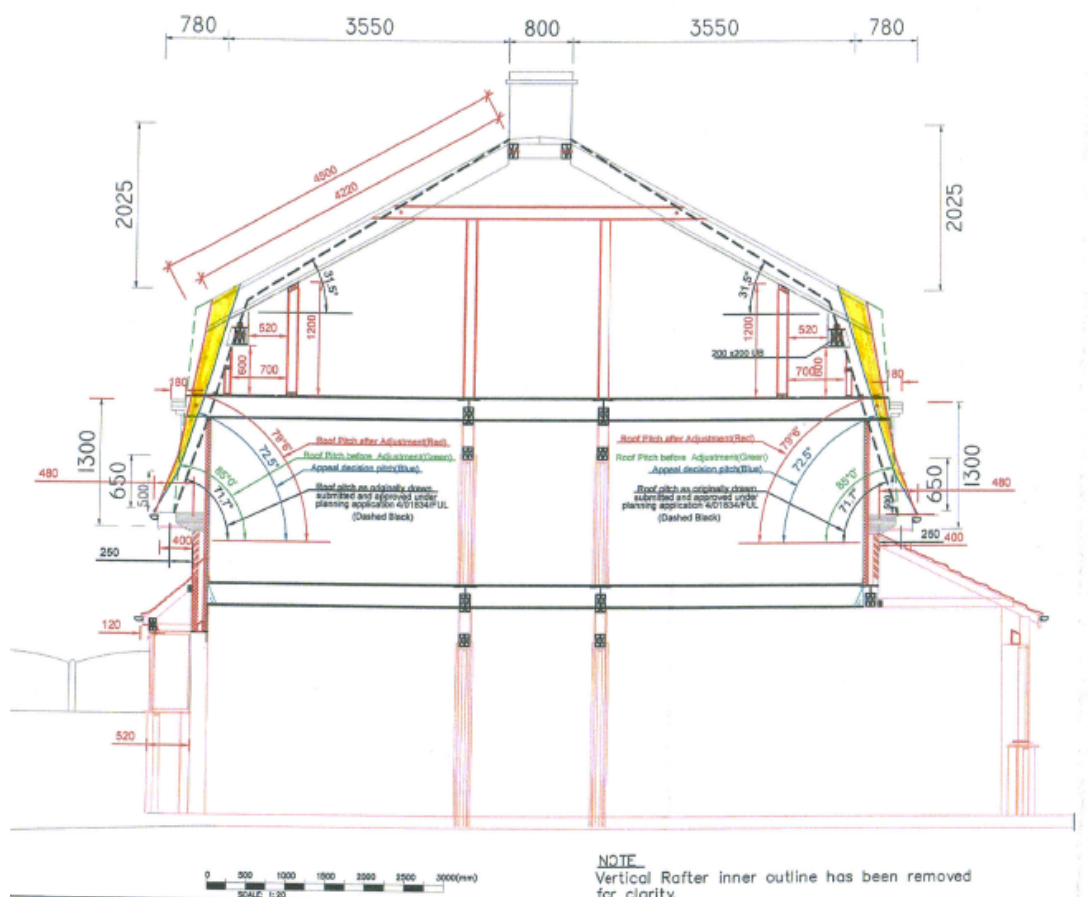
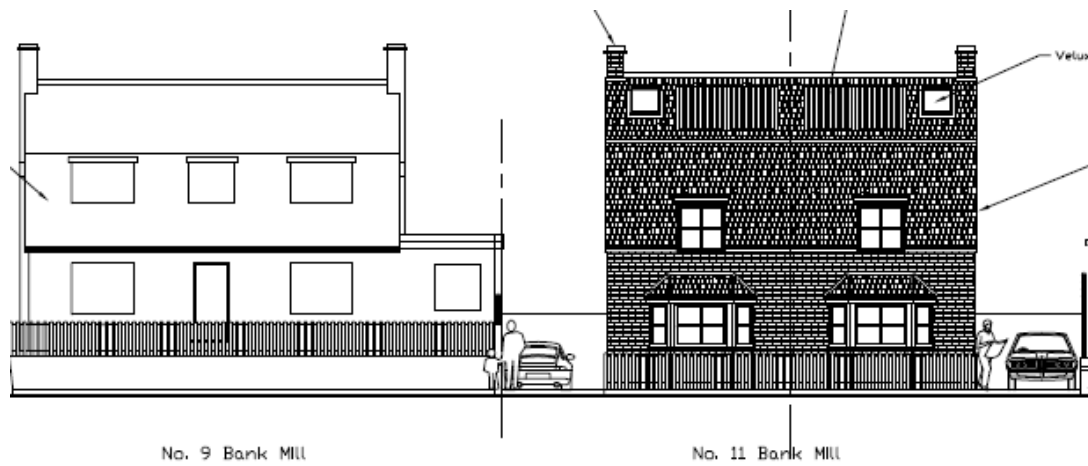
11 BANK MILL, BERKHAMSTED, HP4 2ER



Item 5b

4/02389/16/FUL – RETENTION OF TWO THREE BED DWELLINGS  
(RETROSPECTIVE)

11 BANK MILL, BERKHAMSTED, HP4 2ER



**4/02389/16/FUL - RETENTION OF TWO THREE BED DWELLINGS (RETROSPECTIVE).  
11 BANK MILL, BERKHAMSTED, HP4 2ER.  
APPLICANT: Mr P Cowman.**

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[Case Officer - Fiona Bogle]

Summary

The application is recommended for approval.

The site is situated within the urban area of Berkhamsted, wherein the principle of residential development is acceptable and has been established at the site through the granting of permission in 2009 to provide two dwellings. The building has been altered to partly accord with the plans that were allowed on appeal. Whilst the alterations do not set the roof slope back as far as the Appeal Inspector considered acceptable it is an improvement on the original built scheme. The difference visually between the current development and the appeal scheme would be negligible and taken account of changes in roof materials and the fact that a large two storey building is now being constructed next door, so reducing the overall impact of the scale of the development on the street scene, the proposal is considered acceptable in the context of Core Strategy Policies CS 12 and 27.

Site and surroundings

The application site, which extends to 0.033 ha, comprises the unauthorised construction of two dwellings on the former vacant plot of the bungalow that occupied the site between Nos. 9 and 13 Bank Mill which was positioned fully at the rear of the site. It lies on the north eastern side of Bank Mill. The site has a frontage to Bank Mill and backs onto the west coast main line railway. It has a width of approximately 15.5 metres and a depth of approximately 19 metres and the side boundaries are defined by brick walls. The rear boundary is defined by a high acoustic fence. The surrounding area comprises a narrow lane of predominantly detached bungalows and chalet bungalows of various styles and designs. Permission has recently been granted for the construction of a pair of semi-detached dwellings on the adjoining site, 13 Bank Mill. The site lies within the urban area of Berkhamsted and adjoins the Metropolitan Green Belt on the other side of the railway line. The site falls within the Bank Mill residential character area (BCA3) which is described as a very low density area of mainly detached houses in an informal semi-rural setting on the eastern edge of the town, with the Grand Union Canal running through it. The site lies opposite the recently extended Berkhamsted Conservation Area.

Proposal

Permission is sought to retain the development as currently built which has been altered to only partly accord with the plans that were allowed on appeal in April 2014 (4/01054/13/FUL) which was an amendment to the original application 4/1834/09/FUL that was granted for the construction of 2 three-bed semi-detached properties on 3 storeys with the first and second floors contained within a mansard roof form.

The plans show parking as per the allowed appeal (4/01054/13/FUL) with 2 spaces to the side of each dwelling in a traditional format. A small private amenity area is provided to the rear of each dwelling with a grassed area to the frontage enclosed by a wooden picket fence. To the front of this is a narrow grass verge.

Bin storage is provided on the driveways, whilst cycle stores are provided out of sight behind a fence to the rear of each driveway in accordance with the Proposed Site Plan. Site plan requested and received to confirm this.

The roof form is of an accentuated mansard design with shallow upper pitch over a steeper

lower pitched tiled roof, with the addition of an eaves sprocket. The shape of the roof accords with the allowed appeal only in respect of the addition of the latter detail.

The building is of brick and tile construction with bay windows and first floor windows set into the lower section of the mansard roof to the front and rear. Entrance doors are to the sides, and chimney stacks incorporated to each gable in accordance with the original approval and the allowed appeal. 4 x velux roof lights are provided to the rear, with solar panels to the front roof plane together with 2 large roof lights, again as allowed on appeal.

2 metre high acoustic fencing is provided between the railway line and the private rear gardens in accordance with the allowed appeal. However, details of tree planting and climbing plants to soften this feature to both the railway and garden sides are now omitted.

In addition, the enlarged and squared off single storey rear projections to each dwelling are provided as per the appeal scheme.

#### Reason for referral to committee

The recommendation is contrary to the views of Berkhamsted Town Council.

#### Relevant history

- |                |   |
|----------------|---|
| 4/03000/15/RET | CONSTRUCTION OF TWO 3-BEDROOM DWELLINGS WITH OFF ROAD PARKING (AMENDED SCHEME)<br>Refused<br>18/11/2015   |
| 4/01413/15/RET | CONSTRUCTION OF TWO THREE-BEDROOM DWELLINGS WITH OFF ROAD PARKING FOR TWO CARS PER DWELLING. (RETROSPECTIVE).<br>Withdrawn<br>24/08/2015          |
| 4/01054/13/FUL | CONSTRUCTION OF TWO 3-BEDROOM DWELLINGS WITH OFF ROAD PARKING (AMENDED SCHEME)<br>Refused but allowed on Appeal<br>16/08/2013                     |
| 4/01829/12/FUL | CONSTRUCTION OF TWO 3-BEDROOM DWELLINGS WITH OFF ROAD PARKING (AMENDED SCHEME)<br>Refused          Appeal Dismissed<br>30/11/2012      22/04/2014 |
| 4/00532/12/FUL | CONSTRUCTION OF TWO 3-BEDROOM DWELLINGS WITH OFF ROAD PARKING (AMENDED SCHEME)<br>Refused<br>27/06/2012   |
| 4/01834/09/FUL | CONSTRUCTION OF TWO 3-BEDROOM DWELLINGS WITH OFF ROAD PARKING<br>Granted<br>07/04/2010  |

- 4/00509/09/FUL CONSTRUCTION OF TWO 3-BEDROOM SEMI-DETACHED HOUSES WITH INTEGRAL GARAGE  
Refused  
22/05/2009
- 4/02347/08/FUL CONSTRUCTION OF THREE TERRACED HOUSES WITH FORECOURT PARKING  
Refused  
30/01/2009
- 4/01131/05/FUL DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF SIX FLATS AND ASSOCIATED PARKING  
Refused  
26/07/2005
- 4/01571/12/ENA APPEAL AGAINST ENFORCEMENT NOTICE - BUILDING MATERIALS  
Appeal Dismissed 22/04/2014

### **Constraints**

Situated within the "town" of Berkhamsted excluded from GB. It is adjacent to the railway line. No other material constraints other than as set out in the relevant policies.

#### Relevant policies

Core Strategy - CS1, CS4, CS8, CS10, CS11, CS12, CS13, CS17, CS25, CS27, CS28, CS29, CS30, CS31, CS32

DBLP - 10, 13, 18, 21, 51, 58, 63, 100, 111 and 125

Appendices 1, 3 and 5

#### SPG/SPD

Environmental Guidelines

Residential Character Area BCA 3: Bank Mill

Conservation Area Character Appraisal for Berkhamsted

Water Conservation & Sustainable Drainage

Energy Efficiency & Conservation

Advice Note on Achieving Sustainable Development through Sustainability Statements

Accessibility Zones for the Application of Parking Standards

#### Representations

##### **Berkhamsted Town Council (12/10/16)**

Object. The Town Council had objected to previous planning applications, most recently 4/03000/15/RET. The bulk and mass of the roof and the design of the bay windows continue to have a detrimental effect on the street scene. Contrary to Policy CS 11.

##### **Berkhamsted Citizens Association (22/01/17)**

I have looked at the Amended/Additional plans recently submitted, and cannot see on what grounds they should be approved, as they still fail to match the plans allowed on Appeal.

I also notice that the BCA objection (below) does not appear on your website.

**Berkhamsted Citizens Association (19/10/16)**

At the meeting of its Townscape Committee on 18th October 2016 the Berkhamsted Citizens Association (BCA) objected strongly to any granting of the above application on the grounds that the dwellings have not been built (amended) in accordance with the approved plans allowed on Appeal. The bulk and mass of the roof, and the design of the bay windows, continue to have a detrimental effect on the street scene.

The developer should be required to make the necessary amendments.

**Hertfordshire County Council Highways (16/01/17)**

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.

Amended application; the highway authority has looked through the amended details submitted as part of this retention of two three bed dwellings (Retrospective) application and it appears that details are concerned with the roof detail.

As far as far as the highway authority is concerned, this will not impact on the highway.

**Hertfordshire County Council Highways (17/10/16)**

Whilst it is unlikely that anything new or significant will have changed that would impact on the highway network from the last application for retention of these two houses , there is no plan attached showing the latest layout ie the driveways, VXO with vehicular and pedestrian visibility splays. I see that most of the changes are to the roof , as part of the conditional approval , gained at appeal but none the less I think that we should have a plan of the connectivity arrangements onto the highway.

**Scientific Officer (03/10/16)**

I have no additional comments to make in respect to contamination.

**Network Rail (12/01/17)**

No comments.

**Network Rail (28/09/16)**

No comments as this relates to the remedial works documents.

**Herts Property Services (28/09/16)**

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 (17/01/17)**

I have taken a look at this project and to date I have no comments.

## **Building Control (28/09/16)**

Regarding the proposed development, I confirm that I have no issues of further comments and proposal is satisfactory.

## **Thames Water (28/09/16)**

### Waste Comment

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

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

### Water Comments

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

## **Local Residents**

None received.

## **Considerations**

### Background

Following a series of refused applications in 2005, 2008 and 2009 for larger numbers of dwellings that were considered, inter alia, an overdevelopment of the site and out of keeping with the street scene, permission was granted in 2010 for the erection of two 3-bed semi-detached dwellings with parking (4/1834/09/FUL). This followed extensive pre-application negotiation together with amendments during the course of the application to ensure a development that would be in keeping with the character of the area whilst also providing the accommodation sought by the applicant on this very shallow site, which was also subject to the constraints of the railway and noise issues, as well as the need to provide adequate off-street parking due to the narrow nature of the road.

In November 2012, an enforcement investigation was instigated wherein it was noted that development had commenced but no conditions had been discharged. Moreover, the development was materially different to that granted in 2010 in respect of:

- Single storey rear additions squared off

An amended application was requested showing all amendments, and the applicant advised that any further development was "at owner risk". An application was received in March 2012 although was not valid until May 2012 (4/00532/12/FUL).

Following a site visit in March 2012, it was discovered that the development was well under



construction and materially different in a number of further respects:

- Mansard roof pitches altered
- Side windows repositioned
- Additional roof lights added to rear
- Bay window dimensions and proportions altered
- Roof lights to front repositioned
- Solar panels added to front

However, the application sought permission only for amendments in respect of the enlarged single storey rear additions, the roof lights to the rear and the roof lights and solar panels to the front. Approval to the remaining alterations was not sought by the applicant despite the fact that the development was substantially complete. The application was refused on 3 grounds and, in July 2012, an enforcement notice requiring demolition was served (upheld on appeal in April 2014). A further application was submitted in September 2012 and sought permission for the development as built (4/01829/12/FUL). That application was refused planning permission and an appeal was dismissed in April 2014 (concurrently with the enforcement appeal).

An application in 2013 (4/01054/13/FUL) was submitted for a "half way house" scheme between that of the design "as approved" and that "as built", primarily in respect of the shape of the roof and roofing materials. However, although recommended for approval, the application was refused by the Development Control Committee. A subsequent appeal was however allowed in April 2014 (concurrently with the dismissal of the "as built" scheme).

In 2015, the applicant claimed that the proposed alterations under the allowed appeal had been partly implemented in respect of the alterations to the shape of the roof, and fully in respect of the change to the roofing materials. That application sought retrospective approval to a scheme between that "as originally built" and that of the "allowed appeal". However, officers did not accept that the black drawn sectional line shown on the submitted drawing represented the line of the roof after the alleged remedial works had taken place, as claimed. Officers considered that the drawing 11/28501/05 was incorrect and misleading - the lower roof slope had not been set back as shown but rather still remained in the position indicated by the blue dashed line which was dismissed on appeal. This was confirmed by the following:

- comparison of photos of the scheme 'as built' before the appeal and the scheme 'as built' now (the "remedial" scheme), which did not show any change.
- No evidence of BR approval to the structural alteration which would have required the steel beam to be moved back.
- If pushed back, as suggested by the drawing, the scheme would accord with the allowed appeal and there would be no need for retrospective approval.

Based on the above, the approval that should have been sought, and which was not shown by the plans, was for the retention of the lower mansard roof in the position indicated by the blue dashed line (as originally built) with the only change relating to the addition of the eaves sprocket.

The application was withdrawn to allow the applicant to submit a revised application with before and after photos, an engineer's drawing showing details of Drg. 05, and supporting statement explaining why the "half-way house" scheme can't be built. It was also anticipated that there would be evidence of the BCO officer's approval to and corroboration of the alterations undertaken.

A subsequent application in 2015 (4/03000/15/RET) sought another retrospective approval to a "remedial" scheme between that "as built" and that of the "allowed appeal". The difference between this and the withdrawn scheme was significant. The eaves overhang increased from

400 mm to 470 mm, the lower roof pitch was steeper than previously shown and the steel beam remained as originally built rather than being set back to accommodate the shallower pitch as was shown before.

After careful consideration by the case officer, in consultation with the Enforcement Officer, that application was considered not to be materially different to the "as built" scheme and was refused in November 2015. In that scheme the difference in the pitch of the lower slope between the "as built" and the "remedial" scheme was only 5 degrees, which was noted as being considerably nearer the "as built" roof pitch than the "allowed appeal" roof pitch, noting also that this was already a departure from the "approved" upper and lower roof pitches. As such, not being materially different to the "as built" scheme, the "remedial" scheme was considered to appear much more boxy and rudimentary in appearance than the "halfway house" scheme, and as such harmful to the street scene and the character and appearance of the adjoining Conservation Area.

The current application is effectively a resubmission of the 2015 refused application to retain the building as altered (the "remedial" scheme), the only difference being that a different drawing practice has been used to prepare the plans (because of alleged inaccuracies in the previously submitted drawings), albeit that the original case officer spent a considerable amount of time with the applicant's agent to ensure that the plans correctly reflected the various approved, as built, and appeal plans.

#### Policy and Principle

The site is situated within the urban area of Berkhamsted wherein the principle of residential development is acceptable under Policies CS1 and CS4.

Character Area BCA3 states that redevelopment will not normally be permitted, although infilling may be acceptable according to the development principles. Medium to large dwellings are appropriate and encouraged. A wide spacing (5 to 10 m) should be maintained and the density of development may be provided within the low range (15-25 dwellings per hectare).

Since the appeal decision, the Berkhamsted Conservation Area has been extended into the Bank Mill area and the site now lies adjacent to the Conservation Area where proposals should preserve or enhance the character and appearance of the area in accordance with Policy CS27 and saved Policy 120. This was approved by Cabinet in January 2014.

The principle of residential development on this site for two 3-bed dwellings with off-street parking has already been accepted in the grant of permission in 2009 and the recent allowed appeal in April 2014.

The key issue in the assessment of this amended application concerns the impact of the roof alterations on the street scene and the character of the area.

#### Impact of roof form / design on street scene and character of area

The site lies adjacent to the extension of the Berkhamsted Conservation Area where proposals should, likewise to proposals within the area, preserve or enhance the character and appearance of the area.

The benchmark scheme against which the proposal must be considered is the "halfway house" scheme which was allowed on appeal in April 2014 (4/01054/13/FUL). This was, as the name suggests, a compromise between the originally "approved" scheme and the "as built" scheme.

It should be noted that the mansard roof on the original permission was negotiated as a specific response to concerns raised in respect of the initially submitted crown roof design with

two storey rendered walls. As such, the design, with the low eaves height, helped maintain the focus to ground floor level whilst, in combination with the use of brick and tile, also helped to soften the appearance of the development in the street scene, offsetting the overall three storey height of the development.

An important element of the design was to achieve elegantly proportioned pitches - neither being too steep, nor too shallow - taking its cue from the existing mansard roof property next door. In practice the design was still a compromise with the applicant's requirement for accommodation in the second floor. However, the design was negotiated in combination with a limit to the amount of fenestration within the upper two floors of the development in order to reinforce the sense of modesty.

On the previous application for the "remedial" scheme, the Design and Conservation Officer raised concerns with regards to the design, bulk and massing of the mansard roof as proposed, together with other details, which were materially different to the permitted scheme.

Referring to the submitted drawing 124/05 Rev 5, the elevations as "approved" (black dashed line) show the lower tiled sections at a pitch of approximately 71.7 degrees and the upper roof slope at a pitch of 31.5 degrees.

The applicant's "as built" scheme (green dashed line), the subject of enforcement action and which was dismissed on appeal, had a pitch of some 85 degrees on the lower roof pitch and 28 degrees on the upper.

The applicant's "halfway house" scheme (blue solid line) which was refused by DBC (against officer recommendation) but allowed on appeal, has a slightly steeper lower pitch than the approved scheme, of 72.5 degrees (previously noted as 73.5 degrees - the difference dependent on which plan is scrutinised from the appeal scheme), but retains the upper roof pitch of the "as built" scheme at 28 degrees.

The planning enforcement situation, following the appeal decisions, is that the applicant has to either reduce the "as built" scheme back to the "halfway house" scheme, or demolish the dwellings. In the circumstances, rather than comply with the "halfway house" scheme (which was the applicant's own compromise proposal after negotiations with officers), the applicant has now built a compromise between the "as built" scheme and the "halfway house" scheme. For clarity this shall be called the "remedial" scheme.

#### The "remedial" scheme

The "remedial" scheme now sees the lower roof slope only slightly shallower than the "as built" scheme at 79.6 degrees whilst the upper roof slope remains "as built" at 28 degrees. The only alteration that pays some deference to the "halfway house" scheme is the kicker sprocket at the base of the lower slope which marginally reduces the pitch for the last 0.65 m but increases the eaves overhang from 0.25 m "as built" (and as "approved") to 0.4 m. It is also noted that matching materials for the upper and lower slopes have now been introduced which rectifies this part of the unauthorised "as built" scheme.

The key issue is whether the difference between the presently built "remedial" scheme and the "halfway house" scheme causes such harm as to warrant refusal.

In considering the "halfway house" scheme in 2013, officers were of the view that the proposed changes were acceptable and would reduce the overall mass and bulk of the roof and would reduce the visual prominence in the street, although the recommendation was acknowledged as finely balanced.

At the subsequent appeal, the Inspector *"doubt(ed) that the ordinary man in the street would*

*be able to appreciate the difference in profile of the roof as approved and that as now proposed".*

The elevations on the "approved" scheme show the lower tiled section at a pitch of 71.7 degrees, whereas on the proposed "remedial" scheme it is near vertical at approximately 80 degrees. Whilst this is shallower than the "as built" scheme of 85 degrees, it is also closer to the "as built" scheme than the "halfway house" scheme, to the extent as makes little perceptible difference to the "as built" bulk and mass. This, however could be said to be true of the current scheme compared to the "approved scheme". The Inspector dismissed the "as built" scheme, commenting as follows:

*"In the scheme as built, Appeal B, the pitch of the lower slope has increased from around 71.5 degrees as approved to some 85 degrees with some reduction of pitch of the upper slope. The lower slope is much steeper; indeed at 85 degrees it approaches the vertical. The change in profile takes the design further away from the intended mansard style; appears in particularly poor contrast when seen together with the mansard roof of the adjoining property, No. 9; and has resulted in a notable increase in the bulk and mass of the roof.*

*The building sits forward of its neighbour at No. 9 so that the side gable with its changed and wider profile is a significant feature in views along the road from the north west. The gable to the other side is just as prominent in views along the road from the opposite direction as it rises well above the traditional sloping roof of the bungalow at No. 13. In these circumstances the roof is visually dominant in the Bank Mill street scene and also when viewed from more distant locations such as from the bridge over the canal. The roof of the scheme as approved would similarly have been a prominent feature in such views, but its more traditional shape and gentler pitch of the lower slope would have enabled the new building to better integrate with the existing built form along Bank Mill and the surrounding area."*

It must also be recognised that the upper roof pitch remains in its flattened form in accordance with the "as built" scheme at around 28 degrees. Therefore the only change being considered is to the lower pitch, which is a very marginal change. Indeed the test of this marginality is how difficult it is to detect any appreciable difference between the current "remedial" scheme and the "as built" scheme, even with close inspection of photographic evidence. A difference of about a brick header in set back is just detectable at the junction of the lower and upper roof slope.

Whilst the "halfway house" scheme was considered acceptable by the Inspector, this was clearly in the context of the roof slope only being marginally steeper than the "approved" scheme. On balance, it is considered that the current "remedial" scheme (as also with the previous "remedial" scheme) whilst not appreciably different to the "as built" scheme, has attempted to some degree to lessen the overall impact. Although, when compared with the "halfway house" scheme allowed at appeal, it does not go as far to rectify the situation and does present a more boxy and rudimentary design than the "halfway house" scheme. It is, however an improvement on the original "as built" scheme and together with the change to the materials of the upper roof slope and the fact that new development is well under construction next door (both aspects considered below), it is now considered that the changes carried out would not be so harmful compared to the "halfway house" scheme to justify refusal of the application.

#### Detailed design aspects

##### Roof lights and solar panels

In considering the appeal proposal, the Inspector considered that the change in number and position of the roof lights does not seem to be a significant change given that there is symmetry to the pair of houses. She also noted that the solar panels on the upper front roof

slope are a prominent feature but these are becoming increasingly common on residential properties, and that their installation could have been installed as PD once the houses had been completed. It should be noted that Part 40 PD rights were not withdrawn.

#### Bay windows and first floor windows

As a result of the roof alterations, the first floor windows would significantly oversail the ground floor walls, contrary to the approved plan. On the approved elevations and the section drawing submitted with this application, the windows are shown set back level with the outer wall plate (if not slightly recessed), whereas on the elevations submitted and the roof structure as built, the windows are shown oversailing the ground floor walls, thereby further emphasising the dominance of the roof. This would be accentuated by the eaves overhang of 0.4 m. Furthermore, the proportions of the bay windows vary significantly from the approved plans which had an elegant vertical emphasis to help counter the otherwise relatively bulky appearance of the building. It is clear that the amount of brickwork under the windows has been constructed to a greater height than that shown on the approved plans. As a consequence, the windows are wider and squatter.

In considering the appeal proposal, the Inspector considered that the first floor windows oversailing the ground floor wall and the change to the front bays do not enhance the appearance of the houses. Nevertheless, she noted that the site was not within a conservation area and that a characteristic of the area is the variety in the style and design of properties. However, this was given in the context that, with the changes to the roof as proposed in Appeal C, the departures from the approved scheme were insufficient individually and cumulatively to result in any material harm to the character and appearance of the area.

#### Materials

On the previous recommendation of the Council the applicant proposed alternative tiles as part of the appeal proposal. The tiles are Forticrete Gemini, which have the appearance of plain tiles that would meet a lower pitch criterion. The change in tiles on the upper roof slope to match the lower roof slope have been carried out and is welcomed. The roof materials are considered to overcome previous concerns expressed by officers (and the Inspector) about the use of interlocking tiles and plain tiles respectively on the upper and lower roof slopes, and are acceptable in visual terms and in accordance Policy CS11 & CS12 and CS27 of the Core Strategy.

#### Other Street Scene Considerations

The surrounding area is residential, with density within the very low range (less than 15 dph). Dwellings are mainly detached and of a variety of styles, mainly modern, medium to large and a mix of bungalows and two storey houses.

The majority of properties in the immediate area have open front gardens with 1-2 off street parking spaces. To ensure that the proposed properties retain their front gardens and to preserve the character of the area it is considered necessary to remove permitted development rights for hard surfacing at the property. This can be achieved through an appropriately worded condition.

There are no changes from the approved scheme / allowed appeal in terms of the number, density or type of dwellings. The considerations that applied in respect of the approved scheme in terms of saved Policy 10 therefore remain as before, i.e. whilst the density of 60 dph is a considerable increase on the former 30 dph and substantially in excess of the general density of the surrounding area, nevertheless, the general size, scale and mass of the building, and the layout of the development with parking down the sides, would be commensurate with those on adjoining and nearby plots and would retain suitable spacing. In size and density

terms, the proposal would accord with saved Policies 18 and 21 of the Borough Plan. It should be noted that permission has recently (2016) been granted for a pair of semi-detached dwellings on the adjoining site (No. 13 Bank Mill) not dissimilar in site area to that at 11 Bank Mill. This development is now well under way and comprises a traditional two storey gabled development. Its presence does in some way lessen the overall impact and prominence in the street scene of the development at number 11.

The character assessment states that detached houses are appropriate, not normally exceeding 2 storeys. Whilst the proposal relates to a semi-attached pair, given the considerations above, it is not considered that this would be harmful in this case. Bank Mill comprises bungalows, chalet bungalows, together with a two storey mansard roof property. These have a low key and modest impact which maintain a semi-rural character to the area. In terms of height, the proposal would technically be three storeys. However, the plans submitted with the current application demonstrate that the eaves level and ridge height of the development are similar, if not the same, as 9 Bank Mill.

As set out in previous reports, and accepted by the Inspector in allowing the appeal scheme (4/01054/13/FUL) the slight change in levels over the approved scheme is not considered to have a detrimental impact on the residential amenities of the adjoining properties. It is also considered that the slight changes to the ridge and eaves height has a neutral impact on the character and appearance of the street scene. Details of levels were a matter for consideration under Condition 4 of the approved scheme. As the development has been constructed such a condition would not be required if permission were to be granted. The proposal therefore accords with Policies CS11 & 12 of the Core Strategy.

In terms of siting, and the accommodation of parking and landscaping, no changes are proposed from the approved scheme or the allowed appeal. The proposal would therefore remain relatively spacious in its overall layout, and sit comfortably in the street scene in keeping with the spacing of the surrounding area. Spacing of 2.9 metres at ground floor and substantially more than this at first floor would be achieved with the adjoining dwellings thereby according with the character appraisal for the area.

In terms of the increase in size of the single storey rear projections to square these off, no changes are proposed from the allowed appeal in this respect. Appendix 3 of the Local Plan requires an average minimum garden depth of 11.5 metres or, in the case of infill developments, as here, gardens of equal depth to adjoining properties. The depth of gardens would not change as a result of this amendment. Whilst the rear garden depths at 4.8 to 6.5 metres would be substantially below the 11.5 metre minimum, they would nevertheless be commensurate with those to adjoining properties which all back onto the railway line here. Gardens are also required to be of a width, shape and size to ensure the space is functional and compatible with the surrounding area. Whilst that to Plot 11b is somewhat narrow at 8 metres, it is considered that the amenity space provision would be functional and its small size not materially harmful to the character of the area. The marginal increase in the width of the rear projections would not significantly reduce the available private amenity areas in this respect and is therefore considered acceptable.

However, to ensure that adequate amenity space is retained it is deemed necessary to remove permitted development rights for rear extensions and outbuildings to the proposed properties. This will allow the Council to control any future extensions and ensure that adequate amenity space is retained.

#### Impact on Neighbours

No changes are proposed to the windows on the flank elevations despite the unauthorised construction on site. Subject to an obscure glazing condition for side bathroom windows, there would be no direct overlooking of adjoining properties. Given the siting away from the side

boundaries with Nos. 9 and 13 Bank Mill, it is not considered that there would be any significant loss of light or overbearing appearance to these properties despite differences in levels.

There would be some overlooking of the garden of 'Brig End' opposite the site, but given that the side garden of this property can already be viewed by pedestrians walking along Bank Mill and from a first floor window at 13 Bank Mill, and given the distance away of some 20 metres to the private garden (more to the patio), it is not considered that there would be any material harm that would justify a refusal. The development would accord with Policies CS11 and CS12 of the Core Strategy.

A window is positioned on the side elevation at first floor level. To ensure that this window does not result in any overlooking a condition is required for it to be obscure glazed.

#### Impact on Highway

No objection has been raised by Hertfordshire County Council Highways.

In recognition of the narrow width of Bank Mill, and the oft quoted issues with on-street parking and blockages, it was considered that the provision of two parking spaces per dwelling was appropriate and necessary in this case, but needed to be balanced against the likely harm to the character of the development if further parking were to be provided on the frontage of the site in lieu of the front gardens. The approved scheme proposed 2 tandem off-street parking spaces per 3-bed dwelling which, although marginally below the requirement of 2.25 spaces per dwelling as set out in Appendix 5 of the Borough Plan, is considered satisfactory.

The proposal is therefore considered to be in accordance with Policies CS12 and saved Policy 58 subject to the imposition of visibility splays. This condition is required to ensure that vehicles leaving the site can do so safely.

It would be expedient to withdraw PD rights relating to Class A side extensions in the interests of ensuring adequate off-street parking is maintained.

#### Sustainability

A sustainability statement August 2016 has been submitted in accordance with Policy CS29 of the CS. The statement indicates, inter alia, that energy conservation in the building has attained higher levels than required under the Building Regulations through higher levels of insulation together with heating management controls. It is stated that the development was carried out in accordance with the Sustainability Statement and that a Sustainable Homes Code Certificate Level 3 has been achieved. Since consideration of the original application these matters are now covered under the Building Regulations.

#### Noise

The site is in close proximity to the east coast mainline railway and could therefore impact unacceptably on the living conditions of occupiers of the new dwellings. A PPG24 noise survey has not been submitted, although this is now superseded by NPPF. Mitigation measures comprise an acoustic fence, double glazing, insulation and the siting of bedroom windows to the front of the property where possible. The measures have been implemented and the Council's Environmental Health Officer has not raised any objections.

#### Contamination

Site contamination is a material consideration under NPPF Para 121. The Council's Scientific Officer has previously stated that the site is located within the vicinity of potentially

contaminative former land uses and that there may be land contamination issues associated with this site. The applicant previously submitted a phase 1 environmental study for the site. The report concluded that there is no contamination with the in the site. The Council's Scientific Officer was satisfied with the content of the report and no further conditions are required if permission were to be granted. The SO raises no objections to the current application. The development therefore conforms with Policy CS32 of the Core Strategy.

#### Social and physical infrastructure

The requirement for a s106 planning obligation seeking financial contributions to social and physical infrastructure was previously negotiated with the applicant on the halfway house scheme with an agreement to relax contributions if significant changes were made which overcame all the design concerns raised by the Council. It was considered that the alterations, on balance, were acceptable. However, the changes were not significant enough to apply flexibility to a formally adopted SPD.

In the meantime, Dacorum has now introduced CIL from 1st July 2015 which means that levies are now applicable in place of s106 contributions. A CIL form has been completed.

The proposal therefore complies with saved Policy 13 and CS35 of the CS.

#### **Conclusion**

It is considered that the current "remedial" scheme, whilst does not go as far as the "halfway house" scheme, does make an attempt to reduce the overall impact of the development on the street scene and surrounding area through the minor alterations to the roof pitch and change in materials on the upper roof slope to match the lower slope. These changes together with the new development at number 13, which helps to obscure the overall scale and bulk of the development on the street scene, on balance, are considered to be not so harmful to justify refusal of the application and thereby are considered acceptable in the context of Policies CS 12 and 27.

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

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

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

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.

- 2 No wall, fence, hedge or other means of enclosure to be provided along the site frontage shall exceed a height of 600mm in accordance With Policy CS12 and Saved DBLP Policies 54 and 58.**

Reason: To provide adequate intervisibility between the accesses and the existing public highway for the safety and convenience of users of the highway and of the access.



- 3 **The windows at first floor level in the north west and south east elevations of the development hereby permitted shall be permanently fitted with obscured glass.**

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

Article 35

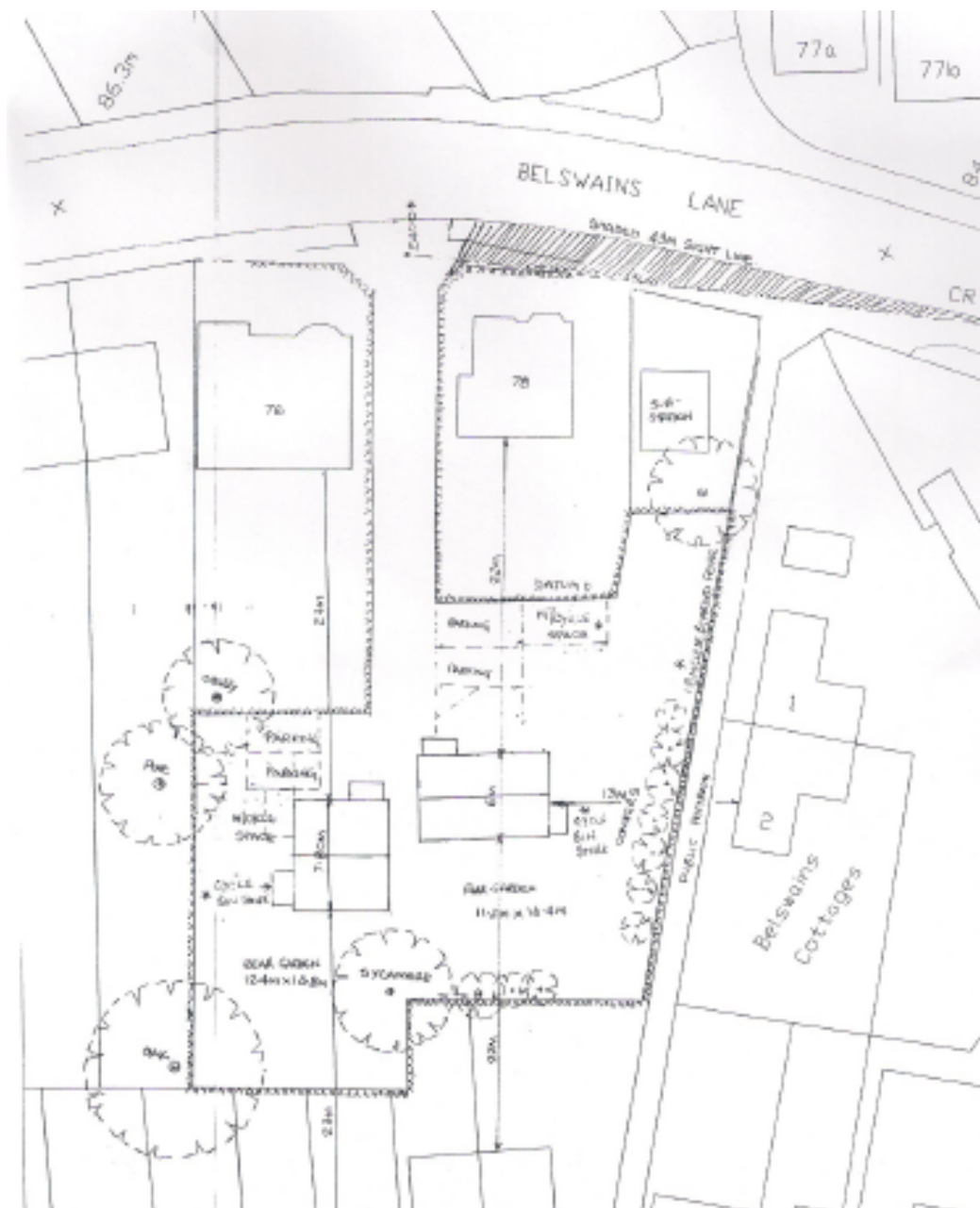
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs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

# Agenda Item 5c

## Item 5c

4/01223/17/FUL – TWO THREE BED DETACHED DWELLINGS (AMENDED SCHEME)

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



Item 5c

4/01223/17/FUL – TWO THREE BED DETACHED DWELLINGS (AMENDED SCHEME)

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



FRONT NORTH-EAST ELEVATION R/O N<sup>o</sup> 76.:



R/O N<sup>o</sup> 78.

FRONT NORTH-EAST ELEVATION

**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.**

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[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 house No. 76 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 policies 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 Country 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 Management Committee due to a call in from Cllr Howard on grounds of highway safety and over-development.

The application was deferred from the Development Management Committee on the 13th July for requirement of legal opinion on the land ownership and control of visibility splays in addition to consultation response from Cupid Green regarding refuse provision for the site.

DBC Legal Officer has confirmed that the ownership documentation provided satisfactorily demonstrates control over the visibility splay in front of No.78 Belswains Lane (see comments below).

Team Leader at Cupid Green Depot has confirmed that the proposed development in regards to refuse collection is acceptable provided bins are placed on Belswains Lane, in front of the site entrance, on collection day.

### **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**

### 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](http://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](mailto: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

5. 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.
1. 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> 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.

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.

### Amended Comments

The scheme as shown (NB-247, 4 of 4, dated 22/5/17, issue 3 9/6/17 \*) would address the requirements of my (late) advised condition.

The area shown, whilst appreciating the constraints on the site, would provide adequate space for a family sized vehicle to manoeuvre in order to exist the site in forward gear.

Any difficulties would be countered by an acceptance within national guidance and recommendations (Manual for Streets) that in low speed, low traffic volume locations a degree of additional manoeuvres (beyond a standard accepted three point turn) would be acceptable.

The scheme, as shown, provides adequate for vehicles likely to attend the site (noting my earlier observations in respect of the servicing requirements of the site) to leave the site in forward gear, ensuring that the visibility available at the access is maximised. Such arrangements are of notable benefit compared with local housing stock which almost exclusively fail to provide such turning facility.

My recommended condition 1 (provision and retention of car parking) still applies, and would require the area shown on this revised plan to be provided pre-occupation and retained exclusively for that use thereafter.

### 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.

- (1) 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.

#### Amended Comments

To the front of the northern proposed dwelling there are two car park spaces shown. These are located close to a Cherry and Pine (actually Cedar).

The positioning of the parking spaces within the root protection areas of both tree's would require that a 'no-dig' construction design is utilised, where the parking surface and all supporting materials, including edging, are built up from the existing ground level. Such a design should be submitted for assessment.

No excavation within the root protection areas would be approved; most tree roots are located in the top 600mm of soil, and so would be detrimentally affected by any excavation to install a hard surface.

There is no issue regarding the location of the second dwelling and its associated parking areas.

#### DBC Refuse

If the scale is accurate, it suggests the width of the drive is approximately 4m. Although it may change, looking on Google the gateposts already restrict the width.

There is provision for waste storage and they should be suitable for three wheeled bins and a food caddy each however we have concerns regarding the weight, size and manoeuvrability of our vehicles crossing a path and reversing in on a bend of a busy road.

#### DBC Legal Officer

The document transfers the land to the rear of 78 Belswains Lane and land forming part of the

rear of 76 Belswains Lane (shown on a plan attached to the Transfer) from Mohammed Awais Ahmed to Nigel John Wingrove.

Within the document there are various restrictive covenants by Mohammed Awais Ahmed, but the one of relevance here states:

“3. Not at any time to obstruct or diminish the sight lines at the front of number 76 Belswains Lane aforesaid hatched blue on the plan so as to enable access to and egress from the Property hereby transferred and the Transeree’s other adjoining land providing safe exist to the highway and from the highway vice versa and the Transferee’s adjoining land.”

“4. Not to allow the boundary fences between points A and B and C and D on the Plan to fall into disrepair and to be responsible for the same”

## Law

- Common law position – burden of a covenant cannot run to bind successive owners and occupiers of freehold land. BUT
- Certain circumstances may enforce against successors in title in equity if:
  - the covenant is negative or restrictive in nature
  - the covenant was entered into for the benefit of ascertainable retained land of the covenantee – the benefiting land
  - the burden of the covenant was intended to bind successors in title of the covenantor, and
  - in the case of a covenant created before 1 January 1926 the successor in title had notice of the covenant and, in the case of a covenant created on or after 1 January 1926 it has been registered properly

Dealing with covenant 4 briefly, I haven’t seen any photographs showing the fence from points A to B – but the height should be checked as this part would potentially impact visibility splays.

There is potentially an issue with the enforceability of this covenant as, whilst written with negative phrasing “not to allow...” it is effectively positive in nature (substance rather than form being important here) and would therefore be personal to Mohammed Awais Ahmed and not binding on successors in title. This, however, won’t necessarily be an issue because:

### Covenant 3:

- This is negative in nature (not to obstruct)
- It appears to be entered into for the benefit of ascertainable land (i.e. the Property (as defined) and the Transferee’s other adjoining land.
- There is a statutory presumption (Law of Property Act 1925 section 79) that a covenant entered into on or after 1 January 1926 is made by a covenantor on behalf of himself, his successors in title (which includes owners and occupiers) and the persons deriving title under him or them.
- One can presume (but if required I can check for certainty) that the covenant will be properly registered as it appears in the TR1 form which goes to the Land Registry to register.

This is, therefore, an appropriate and enforceable way for the applicant to control the site visibility splay for land to the front of number 76.

The document does not make any reference to the visibility splay for land to the front of number 78.

There is, however, a restrictive covenant in a 1927 conveyance (which binds future purchasers so would remain enforceable) which would prevent the erection of any structure fence wall hedge or other means of enclosure and prohibit the planting of trees or shrubs to land

affronting number 78.

It is worth pointing out for completeness, the Local Planning Authority could not enforce the covenant in this Transfer as it isn't a benefitting party – but it could effectively ensure the applicant enforces by a condition requiring visibility splays to be maintained.

### Ecology

2. The proposals affect a small area beyond two back gardens along Belswains Lane. We have no ecological information on this location, which is likely to support features of site interest in respect of the rough grassland and trees that were previously present. These contribute to the existing urban biodiversity resource locally, although there is no reason to suggest there is sufficient interest to represent a major constraint on the proposals.
3. 2010 aerial photos suggest several large trees were present but more recent photos which also show some groundworks indicate these may have been removed or perhaps heavily pruned. I note no arboricultural report has been submitted with this (full) application so there is no formal way of assessing the existing trees on site or the impact of the proposals. Nevertheless large canopy trees now seem missing.
4. If so, these cannot be assessed or considered for bats if they did need removal. I have no specific information to suggest there is any other protected species interest on site which would need to be considered, although if some works have already taken place, there may be little reason to consider these anyway now. Consequently all I can advise is that any tree or shrub removal should avoid the bird nesting season if possible and if not, should not take place without an inspection to assess nesting activity.
5. However, badgers were known in the area of Belswains Lane although there do not appear to be any records from this site. If they were present – or perhaps have moved onto the site recently – they will have to be dealt with accordingly. A check for badgers prior to any works commencing would follow best practice where there is a likelihood of their presence. Given there is no assessment of this submitted with the application, the LPA may wish to ensure a **check for badgers** is made prior to major site clearance by a **Condition of Approval** or as an **Informative**, as appropriate.
6. I would expect a **landscaping scheme** would be submitted as a Condition to ensure that at least some of the former habitat resource was either restored or enhanced where possible.
7. Other than the issues outlined above, I have no reason to consider there are any ecological constraints on the proposals.

### **Comments received from local residents:**

213 Ebborns 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 Ebberns 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 Ebberns 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 Ebberns 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 Ebberns 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 Ebberns 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 makes 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 Ebbens 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 residents 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 built 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 Ebbens 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 Ebbens 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 Ebbens 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 No2. 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 are acceptable. A no dig construction method has been recommended as a condition for the parking bays to ensure parking provision does not detriment the root protection areas of these trees.

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 Ebbens Road and the application site.

DBC Refuse were consulted on the proposal and confirmed that the scheme is acceptable provided future occupiers bring their bins up to the site entrance on collection day. This is matter which will be secured and dealt with further at Building Control stage.

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 5<sup>th</sup> 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.

In addition, the DBC Legal Officer has looked at the Land Ownership and Deeds submitted and is satisfied that they demonstrate the applicant has control over the visibility splays in front of Nos. 76 and 78 Belswains Lane. Condition 5 has been recommended to ensure the applicant enforces that the visibility splays are maintained.

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 Ebberns Road, and in-turn privacy levels would also be acceptable. Due to the orientation of the site north of Ebberns 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> 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> or 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

#### Ecology informative

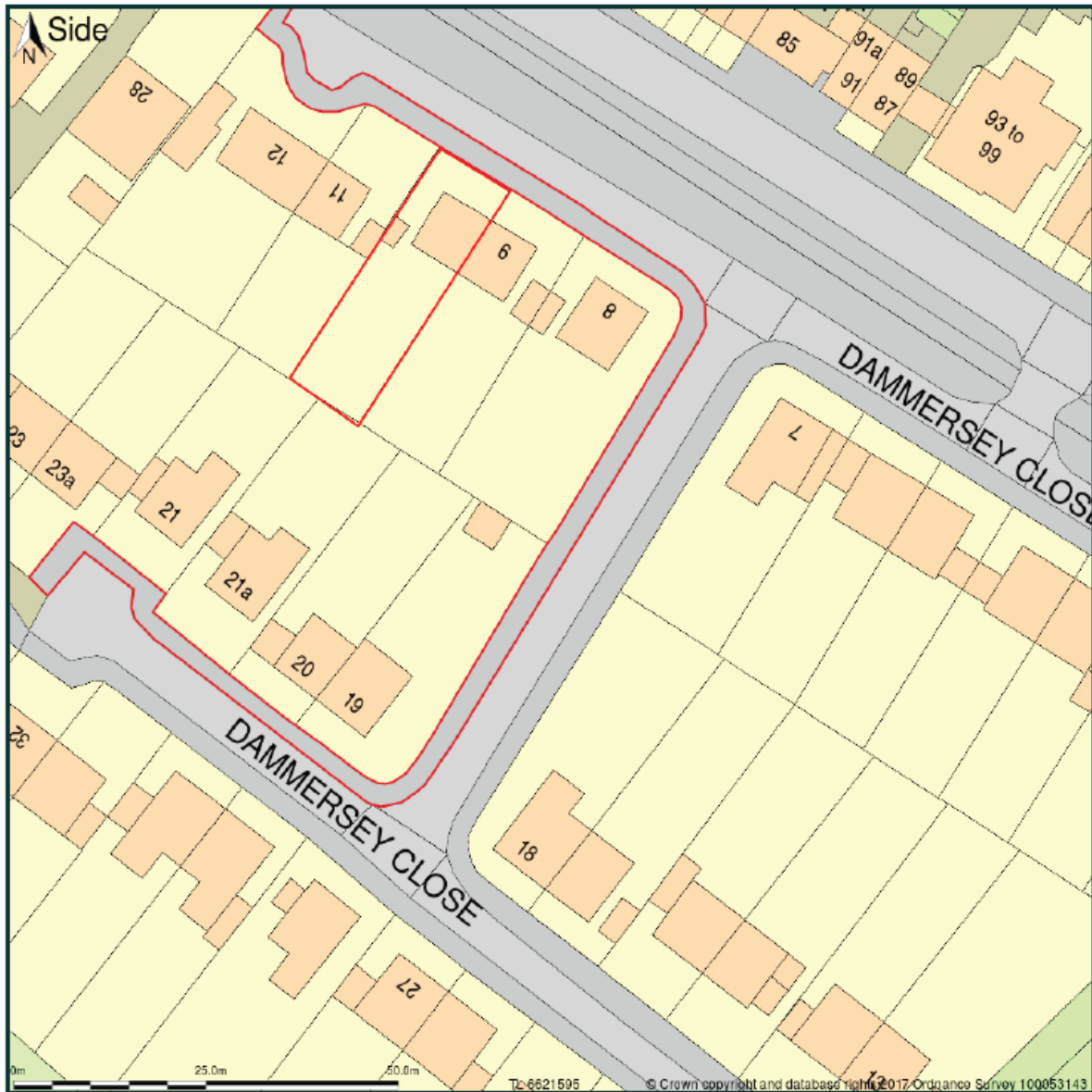
The developer is advised to check for badgers presence prior to any works commencing on site should be undertaken. Should any presence be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

# Agenda Item 5d

## Item 5d

**4/00416/17/FHA – SINGLE STOREY REAR EXTENSION. EXTENDED FLAT ROOF DORMER. PITCHED ROOF DORMERS TO FRONT. SINGLE STOREY EXTENSION TO SIDE WITH ROOMS IN ROOF SPACE.**

**10 DAMMERSEY CLOSE, MARKYATE, ST ALBANS, AL3 8JS**

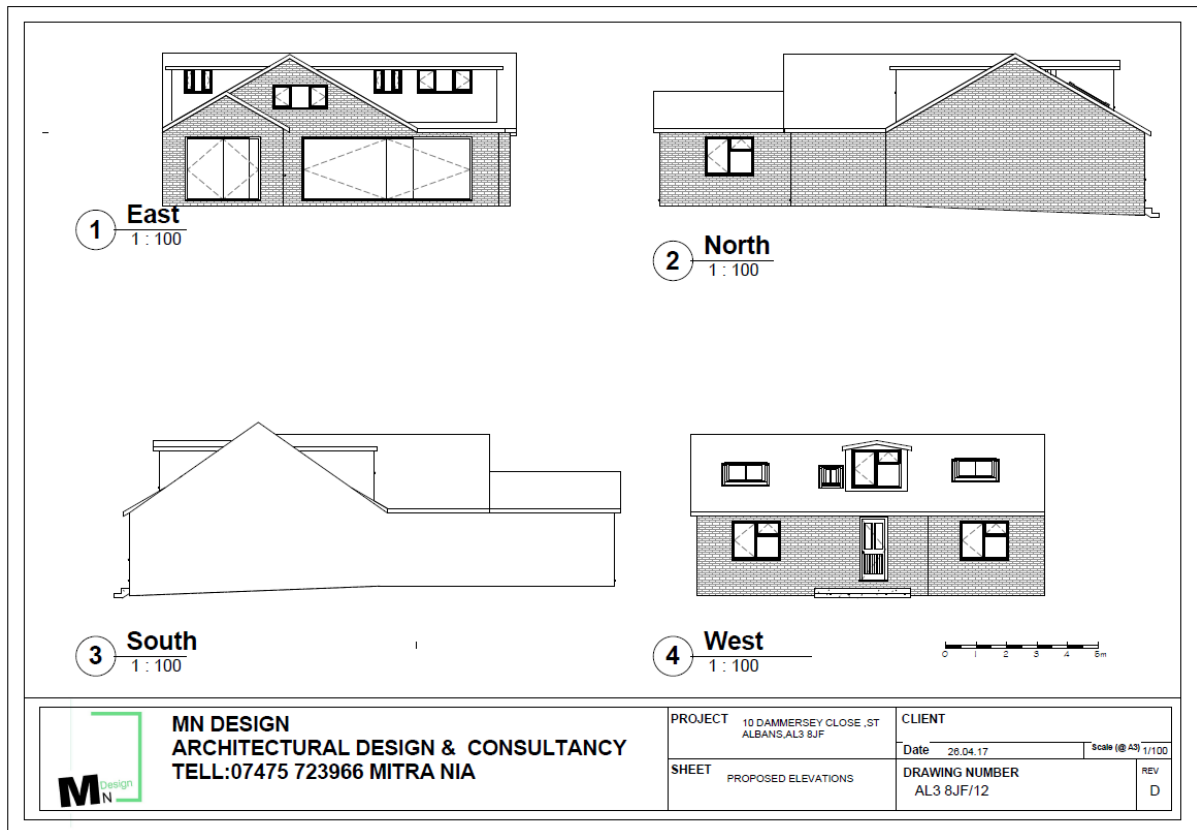


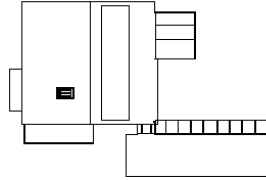


Item 5d

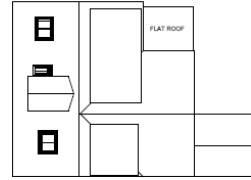
4/00416/17/FHA – SINGLE STOREY REAR EXTENSION. EXTENDED FLAT ROOF DORMER. PITCHED ROOF DORMERS TO FRONT. SINGLE STOREY EXTENSION TO SIDE WITH ROOMS IN ROOF SPACE.

10 DAMMERSEY CLOSE, MARKYATE, ST ALBANS, AL3 8JS





EXISTING



PROPOSED



**1** ROOF PLAN  
1 : 200



**MN DESIGN**  
ARCHITECTURAL DESIGN & CONSULTANCY  
TELL:07475 723966 MITRA NIA

PROJECT	10 DAMMERSEY CLOSE, ST ALBANS, AL3 8JF		CLIENT
	Date	28.04.17	Scale (@ A3) 1/200
SHEET	ROOF PLAN	DRAWING NUMBER	REV
		AL3 8JF/05	D

**4/00416/17/FHA - SINGLE STOREY REAR EXTENSION, EXTENDED FLAT ROOF DORMER. PITCHED ROOF DORMERS TO FRONT, SINGLE STOREY EXTENSION TO SIDE WITH ROOMS IN ROOF SPACE.**

**10 DAMMERSEY CLOSE, MARKYATE, ST ALBANS, AL3 8JS.**

**APPLICANT: Mrs G Wilkins.**

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[Case Officer - James Gardner]

### **Summary**

This application is recommended for APPROVAL. The proposal would satisfactorily integrate with the surrounding development and would not result in overlooking, visual intrusion or loss of sunlight / daylight to the surrounding properties. The main bulk of the extension would be located to the rear of the dwelling and would not detract from the relatively simple architectural style prevalent in the area.

### **Site Description**

The application site is located on the southern side of Dammersey Close, Markyate and comprises a 1950/60s semi-detached bungalow with a detached garage set back from the main elevation on the western side of the site. Architecturally, the bungalow is of no particular merit. A hip to gable roof conversion has previously been undertaken, providing accommodation in the roof space, and a small side extension with a flat roof has been constructed. A full width dormer window, clad in white-painted timber / uPVC, has been constructed on the rear roof slope, with a white uPVC conservatory / lean-to at ground level.

The main access to the bungalow is on the side elevation. The bungalow is externally finished in brick with brown concrete interlocking roof tiles.

The rear garden is of generous proportions and slopes upwards in a northerly direction towards nos. 21 and 21a Dammersey close, both of which occupy a substantially higher ground level. To the front, a low brick wall encloses a raised, flat area which is currently laid to gravel.

The area is predominantly characterised by semi-detached bungalows with hipped roofs, although there are examples of a variety of different alterations— side extensions, porches, front extensions, dormer windows etc.

### **Proposal**

The application proposes the construction of a side extension with a width of 3.83 metres which includes extending the existing gable roof. To the rear, a full width extension measuring 3.15 metres in depth and rising to 1.5 storeys in the centre of the building is proposed.

### **Referral to Committee**

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

### **Policies**

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

Adopted Core Strategy (2013)

CS4 - The Towns and Large Villages  
CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan (2004)

Policy 58 - Private Parking Provision  
Appendix 3 - Layout and Design of Residential Areas  
Appendix 5 - Parking Provision  
Appendix 7 - Small Scale House Extensions

**Summary of representations**

Markyate Parish Council

**05/04/17**

*We feel that this application could be an overdevelopment on this site. Parking is an issue; if there is a loss of parking on this plot, then we object.*

Neighbour Comments

9 Dammersey Close

*We are the owners of number 9 Dammersey close.  
We have already placed an objection through the website but doesn't appear to be showing on the website.  
Our objection is to the render finish. As we feel face brick work will be in keeping with the existing properties.*

11 Dammersey Close

*I have looked at the proposal for no 10 and have many concerns including 1. This property has been extended to back and side as well as roof dormer to back elevation. Loft already including a gable instead of a hip. How much more can this property be extended?  
2. As my house is set back any extending to side will effect me. And will be totalling overbearing And effect the look of my house As well as what the gable will do to the natural light etc? 3. It will also be totally out of character and will look wrong for this road. 4. I also don't like the idea of front dormers - happy with Velux windows As a compromise 4. Please look carefully at this proposal . I am the one this effects the most*

21 Dammersey Close

*I think the plans are far too large for the close and if they needed a place this large why buy a bungalow. It will be all out of proportion for the close, plus where will they park the cars, like everybody else on the road.*

21a Dammersey Close

*I wish to object to the proposal as I feel it would not be in keeping with the surrounding area of mainly bungalows. Also it would overlook my rear garden which would affect my privacy. The building proposal is far too excessive.*

**Relevant Planning History**

No recent history.

## **Considerations**

### Policy and Principle of the Development

The application site is located within the village of Markyate and falls within the defined village envelope 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 on the character and appearance of the existing dwelling house, immediate street scene and residential amenity of neighbouring properties. The main issues to the consideration of this application relate to the impact on the development on the character of the building, the street scene and the amenity of the adjoining residential properties.

### Impact on Character of the Building and Street Scene

There would be no adverse effects.

Chapter 7 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes.

Saved Appendix 7 of the Dacorum Local Plan promotes good design practice. Extensions should harmonise with the original design and character of the house in terms of scale, roof form, window design and external finishes.

Policy CS12 of the Core Strategy seeks to ensure that development satisfactorily integrates with the street scene character and, amongst other things, respects adjoining properties in terms of layout, scale, height, bulk, materials and landscaping and amenity space.

The scheme subject to consideration is the result of alterations requested by the planning officer. The number of dormers on the front roof slope has been reduced from three to one, and the one that remains has been reduced significantly in scale. It was originally proposed to render the side extension; however, the plans have been updated to show matching brickwork, which is considered to be satisfactory and more in keeping with the character of the area.

The dwelling in its current form is somewhat disjointed, with a small unattractive flat-roofed side extension and a flat roofed garage set back from the main build line. In essence, this application is attempting to consolidate the built form on the site into a cohesive design while simultaneously providing additional living accommodation for the applicant and her young family.

While it is true that the majority of dwellings in the road have a hipped roof form, the gable end is an existing feature, and indeed there is nothing to prevent other bungalows in the street from altering their roof in a similar manner under permitted development.

The application site is not located within the Green Belt and therefore there are no specific restrictions on the size of extensions. However, to put the extension in context, there would be a 43% increase in footprint.

In terms of impact on the street scene, this would be limited as the biggest alterations relate to the rear elevation. The introduction of a single modest dormer on the front roof slope is not considered to be harmful, while the side extension would not change the form of the dwelling in any meaningful way; indeed, with the exception of the use of a gable roof form instead of a hipped roof form, the side extension would be analogous to that constructed by no. 11 Dammersey Close (see planning permission 4/01911/06/FHA). A hipped roof form was considered but on balance it was felt that, given there would, in any case, be a difference in roof

pitch to the other half of the semi (no. 9), there would be no merit in insisting upon this.

### Impact on Surrounding Properties and Occupiers

The site is surrounded by residential properties and, consequently, there is the potential for overlooking of adjoining properties, visual intrusion and loss of sunlight and daylight.

Saved Appendix 3 of the Dacorum Borough Local Plan states that residential development should be designed and positioned in such a way that a satisfactory level of sunlight and daylight is maintained for existing and proposed dwellings. Significant overshadowing should be avoided (see the Building Research Establishment's report 'Site Layout Planning for Daylight and Sunlight'). Policy CS12 of the Core Strategy compliments this and requires development to avoid visual intrusion, loss of sunlight and daylight to the surrounding properties. The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice (2011)' gives two helpful rule of thumb tests concerning the effects of new development on daylight and sunlight. In considering the objections raised by the occupiers of 11 Dammersey Close, the relevant test would be whether the proposed development would breach a 45 degree line drawn from the centre of the window of the lowest habitable room.

No. 11 Dammersey Close is set back further from the road than the application site and as such there is the potential for visual intrusion and loss of sunlight / daylight.

The northern elevation of the 11 Dammersey Close benefits from two ground floor windows which are understood to serve a study and a bedroom. These are habitable rooms and therefore consideration needs to be given to the impact of the proposed development on light levels.

Using plans submitted in support of planning permission 4/01911/06/FHA, it has been possible to establish that a 45 degree line drawn from centre of ground floor window nearest the application site would not intersect with the side extension. Combined with the northern outlook of the windows, it is not considered that there would be an unacceptable loss of daylight, sunlight or result in visual intrusion, thus according with policy CS12 of the Core Strategy.

There would be minimal impact on no. 9 Dammersey Close. The extension would be of single-storey construction on the boundary and would measure 3.15 metres (D) x 2.55 metres (H).

The development would not result in any additional overlooking.

Saved Appendix 3 of the Dacorum Local Plan (2004) states that residential development should be designed and laid out so that the privacy of existing and new residents is achieved, whilst Policy CS12 states that development should avoid loss of privacy and disturbance to the surrounding properties.

A dormer window already exists on the rear elevation. The dwellings immediately to the rear of the application site - 21 and 21a Dammersey Close - occupy considerably higher ground and are located 37 and 42 metres away, respectively.

### **Other Material Considerations**

#### Amenity Space

Owing to the reasonable depth of the rear garden and the modest rearward projection of the extension, a satisfactory level of amenity space would be retained.

#### Parking

Policy CS9 states that the traffic generated by new development must be compatible with the location, design and capacity of the current and future operation of the road hierarchy, taking into account planned improvements and cumulative effects of incremental development.

Policy CS12 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. Policy CS8 and saved 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 NPPF and, accordingly, more weight is given to the 'case by case' approach to parking provision prescribed in national policy and CS12

The extensions would give rise to a maximum parking requirement of 3 spaces. Although the application does not include the provision of a hard surface to the front of the dwelling, it is understood that the applicant's intention is to hard surface the front garden at some point in the near future, providing one off-road parking space. In light of the fact that the dwellings in the immediate area all benefit from some form of off-road parking provision and that on-street parking is available within Dammersey Close itself, there is unlikely to be a significant effect on parking and thus this element of the scheme is considered acceptable.  
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 1 July 2015. This application is not CIL liable.

The Charging Schedule clarifies that the site is in Zone 3 within which a charge of £100 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.

### **Summary and Conclusion**

For the reasons outlined above, the proposal is considered acceptable and complies with the NPPF and policies CS4, CS11 and CS12 of the Core Strategy.

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

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

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

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

AL3 8JF/01 Rev. D  
AL3 8JF/04 Rev. D  
AL3 8JF/12 Rev. D  
AL3 8JF/13 Rev. D

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

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

Reason: To ensure a satisfactory appearance to the development.

Article 35 Statement

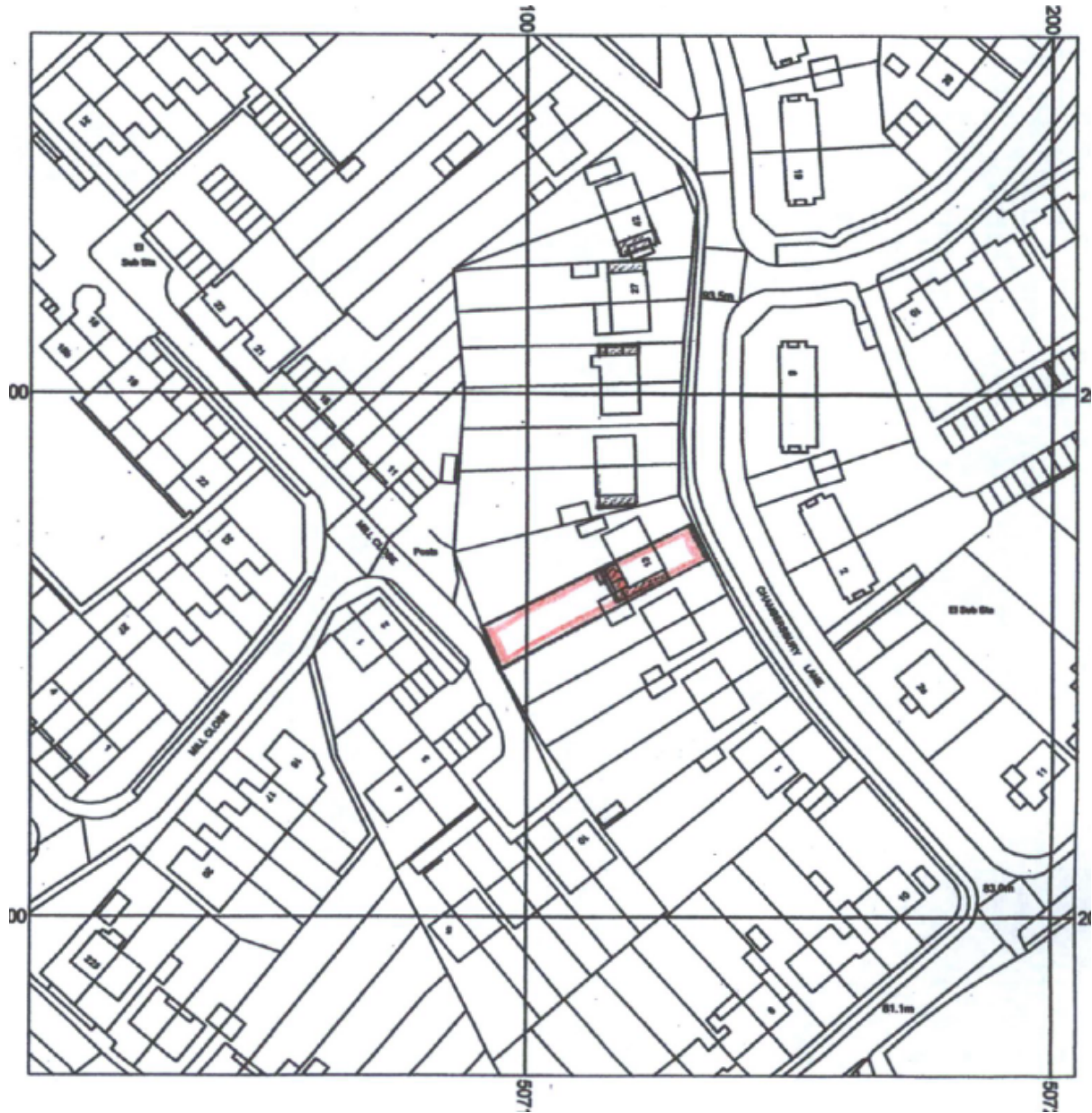
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs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



Item 5e

4/00438/17/FHA – PROPOSED FLANK AND REAR EXTENSION

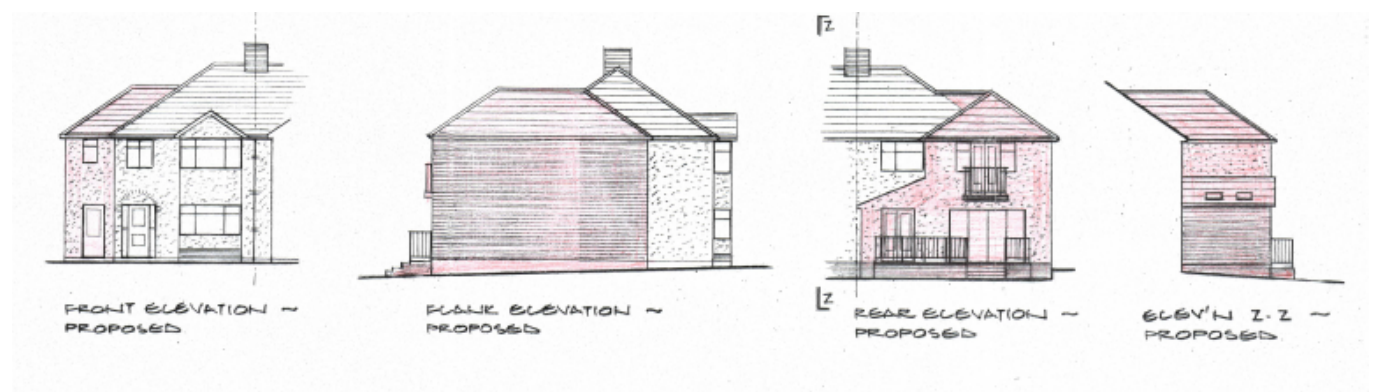
13 CHAMBERSBURY LANE, HEMEL HEMPSTEAD, HP3 8AY



Item 5e

4/00438/17/FHA – PROPOSED FLANK AND REAR EXTENSION

13 CHAMBERSBURY LANE, HEMEL HEMPSTEAD, HP3 8AY



**4/00438/17/FHA - PROPOSED FLANK AND REAR EXTENSION.  
13 CHAMBERSBURY LANE, HEMEL HEMPSTEAD, HP3 8AY.  
APPLICANT: MR M AHMED.**

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[Case Officer - Rachel Marber]

### **Summary**

The proposed two storey side extension and part single, part two rear extension would not detriment the visual amenity of the existing dwellinghouse, immediate street scene or the residential amenity of neighbouring residents. The proposal is therefore in accordance with Saved Appendices 3, 5 and 7 of the Dacorum Local Plan (2004), Policies CS4, CS11 and CS12 of the Core Strategy (2013), and the NPPF (2012).

### **Site Description**

The application site features a two storey semi-detached dwelling located on the west side of Chambersbury Lane which falls within the Nash Mill Area Character Appraisal (HCA19). Chambersbury Lane curves to adjoin Meadow Road, Pond Road, Highbarns Road and Bunkers Lane. The immediate section of Chambersbury Lane is predominantly characterised by semi-detached properties of similar character, build line, size and architectural detailing; the overall character of the area is evident.

### **Proposal**

The application seeks permission for the construction of a part single, part two storey rear extension and two storey side extension. The proposed alterations would increase the dwelling size from a three to four bed property.

The proposal has been amended to set the first floor of the side extension back from the first elevation of the property by 2.6 metres so it would over overtly read from the street scene and to reduce the single storey rear extension depth to 3.5 meters.

### **Referral to Committee**

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

### **Planning History**

4/01729/16/FHA DETACHED GARAGE  
Granted  
23/08/2016

### **Policies**

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

Adopted Core Strategy (2013)

CS4 - The Towns and Large Villages  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan (2004)

Appendix 3- Gardens and Amenity Space  
Appendix 5- Parking Provision  
Appendix 7 - Small-scale House Extensions

Supplementary Planning Guidance (2004)

Nash Mills Area Character Appraisal (HCA19)

**Constraints**

Established residential area of Hemel Hempstead  
Highbarns (inner and outer zones)

**Summary of Representations**

**Comments received from consultees:**

Nash Mills Parish Council

'object' as they consider:

1. That the site would be overdeveloped due to the proposed layout, height and bulk.
2. The finished development would have a detrimental impact on the street scene and of the existing character of the road.
3. The finished development would have a detrimental impact on neighbouring properties with the proposed layout, height and density. Please note that the property on side of the proposed development is significantly lower due to the road sloping away.
4. The finished development would overlook neighbouring properties.

Amended Comments

Nash Mills Planning Committee met last night and considered the amended planning proposal.

Councillors present at the meeting agreed unanimously that they still have major concerns:

They feel that with the current configuration of the windows it has an intrusive feel and 'overlooking' could be an issue. Additionally, the impact of the roofline is still dominant and it was suggested that a less dominant roof should be considered which would be more in keeping with the street scene.

The whole site still appears 'over developed'.

With this in mind the Planning Committee 'object' to the proposed amended planning application.

### Contaminated Land

Historical maps show that the property is situated within the vicinity of potentially contaminative former land uses (plastics factory and mill). There exists the slight possibility that these activities may have affected the application site with potentially contaminated material. Therefore I recommend that the developer be advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

### **Comments received from local residents:**

#### 15 Chambersbury Lane

#### **Objection**

I would like to express my concerns about the size of the proposed extension next door. These are small semi detached houses and I am concerned that a massive wall 3.7m high and 5.5m long could be built on our boundary. This would blot out all the light from the South to our main living room and turn the outlook dank and dark. I think that the size of the extension is inappropriate to a small semi.

No other house in the street has such a large extension and in no other house in the street does a double story extension extend beyond the line of the original rear wall.

Our houses are attached on the living room walls and we share flues making the natural orientation of the rooms towards this party wall. The view from our living room windows therefore will be dominated by the side of the proposed single storey extension. The height of this extension, raised to just below the upstairs window will be 3.7 metres and the length extending to 5.5 metres. The size of this extension will blot out a large amount of our sky view which in turn provides the light into our living room.

#### Amended Comments

As neighbours owning the attached semi, I and my wife have no objection to the plans dated 23.06.17. We have discussed the proposed extension with and agreed that we are satisfied with the present plan

#### **Key Considerations:**

#### Principle of Development

The application site is located within a residential area, wherein accordance to Policy CS4 of the Core Strategy (2013) 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 of the immediate area and residential amenity of neighbouring properties.

#### Impact upon the Character of Existing Dwellinghouse and Street Scene

Saved Appendix 7 of the Dacorum Local Plan (2004), Policies CS11 and 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.

The proposed side extension would be set back from the front elevation of the dwelling by 2.6 metres and down 1 metre from the existing ridge height and measure a maximum 1.5 metres in width and therefore would look subordinate in relation to the parent property, in accordance with side extension design requirements outlined within Saved Appendix 7 of the Local Plan (2004) and the Nash Mills HCA19 Area Character Appraisal (2004).

Furthermore, the proposed set back of the side extension would result in limited views of the proposed extension except when standing directly in front of the property and henceforth maintain the open and suburban character appearance of the immediate area.

Due to the steep fall in land level the proposed rear extension would be marginally visible from the street scene of Mill Close. Nonetheless, the gable roof form of the rear extension would remain subordinate in height in relation to the parent property and it is further considered an improvement in appearance than the existing single storey flat roofed extension.

As a result the proposal is not considered to have an adverse impact upon the character and appearance of existing dwellinghouse or immediate street scene. The proposal is therefore in accordance with Saved Appendix 7 of the Dacorum Local Plan (2004), Policies CS11 and CS12 of the Core Strategy (2013), the NPPF (2012) and Nash Mills (HCA19) Area Character Appraisal SPG (2004).

#### Effect on Amenity of Neighbours

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 (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon 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 or privacy. Moreover, Saved Appendix 7 of the Local Plan (2004) advises that alterations should be set within a line drawn at 45 degrees from the nearest neighbouring habitable window.

The first floor rear extension would not breach the 45 degree line as drawn from the rear habitable windows of Nos. 11 and 15 Chambersbury Lane as such the proposal will not be considered to result in a loss of daylight or outlook serving neighbouring habitable windows. Similarly, due to no flank elevation windows of property No. 11 Chambersbury Lane and height of their garage extension the proposed two storey side extension would not result in loss of outlook or light to any flank elevation windows. Due to the marginal 3.5 metre depth and 3

metre height at shared boundary, it is not considered that significant loss of daylight or outlook would result to No.15s' rear habitable windows.

No further loss of privacy or overlooking will result from the proposed extension due to no flank elevational windows proposed. Further overlooking to neighbouring rear gardens may result from the first floor rear extension however, this is an existing situation and an element of overlooking is expected in built up residential areas.

A 25 metre (approximate) deep garden would be preserved as a result of the rear extension, far exceeding the 11.5 metre deep standard outlined within saved appendix 3 of the Local Plan (2004).

As a result the proposal in regards to residential amenity is acceptable in terms of the NPPF (2012), Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

#### Impact on Car 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 Council's Parking Standards outlined within Saved Appendix 5 of the Local Plan (2004) requires three off street parking spaces for four bed dwellings within Residential Zone 3-4. The application seeks to increase the number of bedrooms from three to four, which would require an increase in parking provision. Nonetheless, on site provision is sufficient to accommodate at least two domestic cars. Furthermore, permission granted for a detached garage in August 2016 (4/01729/16/FHA) would provide three off street parking spaces, meeting maximum standards. As a result it is not considered that the proposal would impact upon 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 (2004).

#### Other Planning Material Considerations

##### *i) High Barns Chalk Mines*

Ground Conditions: High Barns Chalk Mines / National Planning Policy Framework Approach to Land Stability/ Recent Change to DBC's approach to the Consideration of Applications located in the Inner High Barns Area

The recently published Highbarns Treatment Report is an overarching report which covers the area directly affected by the former chalk mine. The report summarises the treatment work carried out by BAM Ritchies and provides evidence that the works have been effective in stabilising the ground which had been disturbed by the chalk mine.

Based upon the content of the Highbarns Stabilisation Treatment Report there were no remediation works at no. 13 Chambersbury Lane.

The Area Treatment Reports set out the detailed treatment works carried out at a particular set of properties and in a letter from DBC Assistant Director ( Chief Executive's Unit) it is explained that this should read should be read in conjunction with the overarching report for High Barns. All the reports are published on the Council's website under [www.dacorum.gov.uk/home/planning-development/planning-news/highbarns-chalk-mines](http://www.dacorum.gov.uk/home/planning-development/planning-news/highbarns-chalk-mines)

Until the publication of the NPPF the LPA was reliant upon the robust and now superseded PPG 14 ( Development on Unstable Land).

With the recent publication of the Area Treatment Reports and the main report there is no reason to now withhold the grant of planning permission for extensions in the Highbarns Inner Area due to unknown land stability issues.

**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:**

**1619/3**

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

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

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

Informative 1 - 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.

Informative 2 - Contaminated Land



It is recommended that the developer be advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

Informative 3 - Carrying out Development in the Highbarns Chalk Mines Outer Area and Land Stability Informative

The Government advice confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and / or landowner.

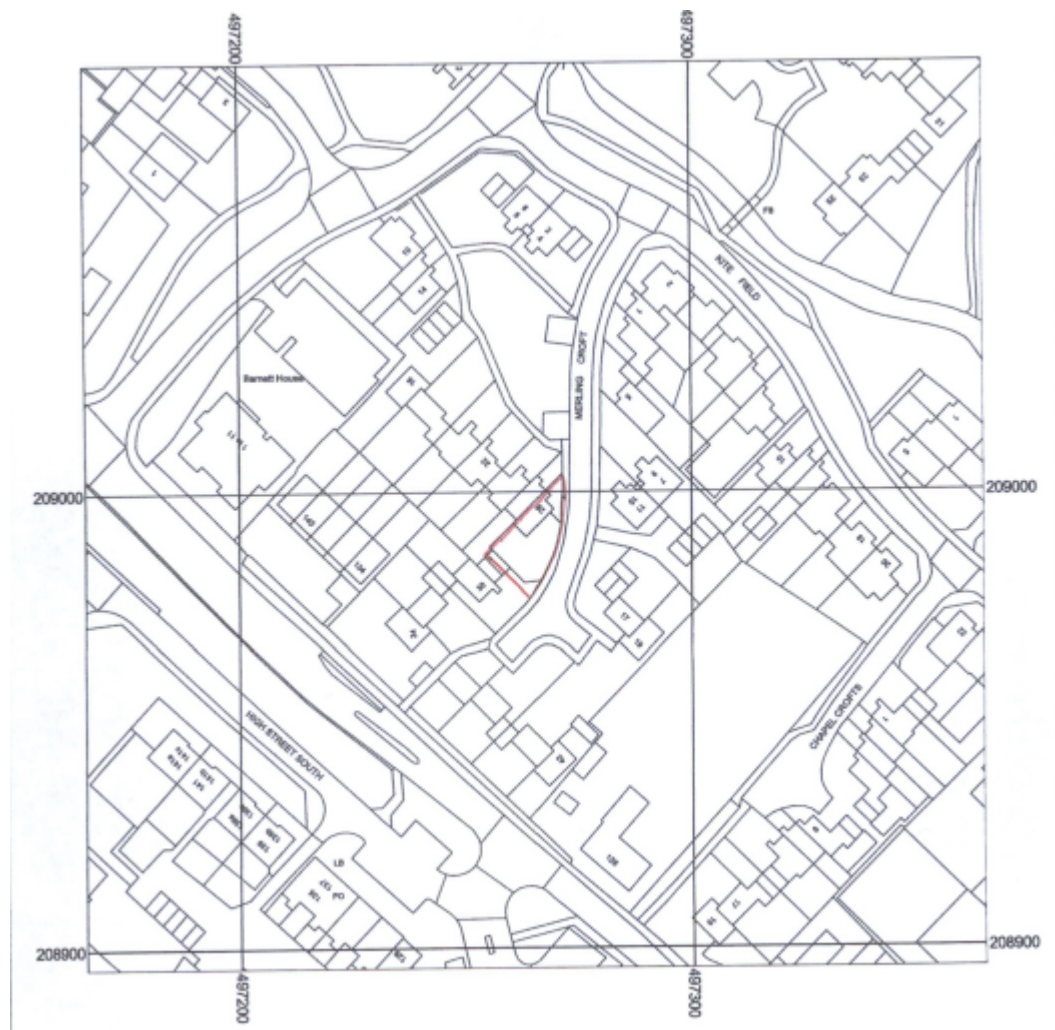
The carrying out of development in the Highbarns Outer Area is at the risk of the developer as the Council does not have any information relating to ground stability in the Outer Zone. If the developer / landowner is concerned about possible ground instability, consideration should be given by the developer / landowner in commissioning a ground stability report.

# Agenda Item 5f

## Item 5f

4/00918/17/FUL – CONSTRUCTION OF NEW DWELLING (AMENDED SCHEME).

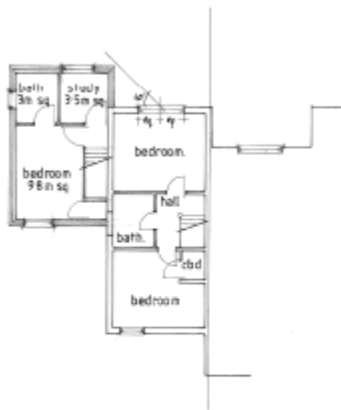
28 MERLING CROFT, NORTHCHURCH, BERKHAMSTED, HP4 3XB



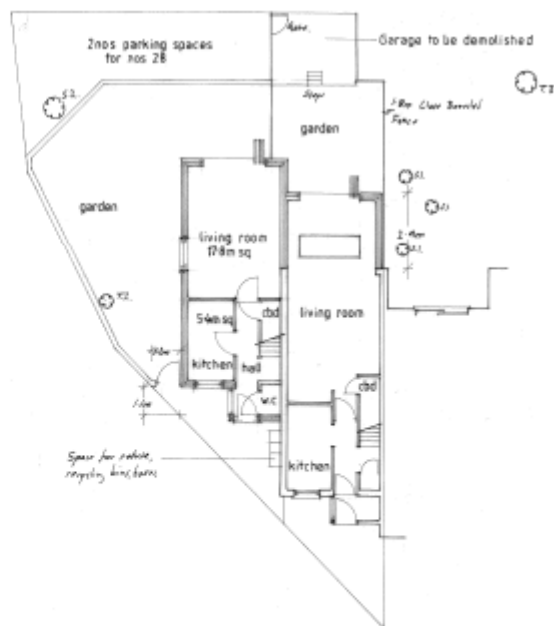
Item 5f

4/00918/17/FUL – CONSTRUCTION OF NEW DWELLING (AMENDED SCHEME).

28 MERLING CROFT, NORTHCHURCH, BERKHAMSTED, HP4 3XB



First Floor Plan.



Site, Ground Floor Plan.

**4/00918/17/FUL - CONSTRUCTION OF NEW DWELLING (AMENDED SCHEME)..  
28 MERLING CROFT, NORTHCHURCH, BERKHAMSTED, HP4 3XB.  
APPLICANT: ANGELA BYRNE .**

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[Case Officer - Tineke Rennie]

### **Summary**

An application for the same proposal was refused in February this year (ref. 4/02931/16/FUL) on the grounds that insufficient parking arrangements were proposed which would place undue parking stress on the area. The applicant has since undertaken a parking survey which demonstrates that there is sufficient on-street parking provision within the locality for an additional small household; as such the proposals would not result in undue parking stress.

The application is recommended for approval. The proposal would provide an additional dwelling for a small household without adversely impacting on the character and appearance of the area. The proposal is for a small one-bed end of terrace dwelling that would provide a good standard of accommodation. The proposed development would be in keeping with the character and appearance of the surrounding area by way of scale, design and by maintaining sufficient space around it. Sufficient on-street parking provision is available together with off-street parking arrangements for two vehicles. The proposals are consistent with adopted Core Strategy Policies CS4, CS8, CS17, CS12 and saved Local Plan Policy 18.

### **Site Description**

The site is a modest two bedroom two storey end of terrace dwelling located on the eastern side of Merling Croft. The terrace of which it forms a part runs perpendicular to Merling Croft and fronts a small amenity green. The dwelling benefits from a garage and off-street parking space located to the rear; the double garage is shared with No. 26 and is attached to the dwelling at No. 30.

No. 28 is set back slightly from No. 26 and features a steeply pitched roof with single dormers set low within the eaves of the front elevation and rear elevation respectively; a mono-pitch front porch and a conservatory to the rear. A 2.0m high facing brickwork wall aligns the side boundary of the garden adjacent to Merling Croft.

Merling Croft is cul de sac forming part of a modern estate constructed in the 1980's. It is a local access road with no on-street parking issues or restriction. Most properties in the neighbourhood are with off-street parking facilities. The dwellings are generally modest and semi-detached or small terraces linked by garages.

### **Proposal**

The proposal is to construct a one bed two storey dwelling adjacent to No. 28. The dwelling would be set back from no. 28 in a staggered layout following the site boundary. Single dormers are proposed to the front and rear together with a front porch to match No. 28.

The existing conservatory to the rear of No. 28 is to be replaced with a single storey rear extension and the garage demolished to provide additional amenity space. Two parking spaces are proposed in a tandem layout to the rear of the proposed dwelling. The application has been amended to allocate both parking spaces to the dwelling at No. 28 to overcome potential difficulties with having tandem parking spaces for separate owners. The owner of the new dwelling would be expected to utilise the on-street parking provision in the area.

### **Referral to Committee**

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

## **Planning History**

4/02931/16/FUL CONSTRUCTION OF NEW DWELLING.  
Refused  
08/02/2017

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
Planning Practice Guidance

### Adopted Core Strategy

Policy NP1 - Supporting Development  
Policy CS1 - Distribution of Development  
Policy CS4 - The Towns and Large Villages  
Policy CS8 - Sustainable Transport  
Policy CS12 - Quality of Site Design  
Policy CS29 - Sustainable Design and Construction  
Policy CS31 - Water Management  
Policy CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policy 58 - Private Parking Provision

Appendix 3 – The Design and Layout of Residential Areas

Appendix 5 - Parking Provision

### Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of Car Parking Standards (July 2002)  
Area Based Policies: Residential Character Areas BCA 20: Springwood

### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

## **Summary of Representations**

### Northchurch Parish Council

OBJECTION Firstly the amended scheme does not address our original objections. Northchurch Parish Council objects to the planning application on: the existing conservatory on No 27 appears to have changed into a brick extension with a roof light. In the absence of any dimension shown, one can only assume it is on the footprint of the present conservatory. The garage appears to have been removed and the front edge brought back, presumably to allow for two cars to park. This garage is one of a pair which shares a party wall. This estate was designed as a whole in 1983 and as such received a commendation from the Berkhamsted Citizens Association for its design. No new builds have been carried out here since, although some small extensions and change of use of the garages have occurred. The new house will be very near the inside edge of the pavement which no other buildings do in this area. Northchurch Parish Council is also concerned about the design and visual impact. Are the

materials used for the development like for like?

There are a further 3 off road parking bays each with two parking spaces shared between the 28 properties. There is not sufficient off- road parking for all the residents and their visitors bearing in mind that the residents in Merling Croft are predominately elderly.

Merling Croft is a cul-de sac, the further you drive up the cul-de sac the worse the parking becomes; this will have an impact on emergency services. NPC also objects to the amended scheme based solely on comment made by the applicant without him supplying any photographic evidence.

### Conservation and Design

No comment to make on this from a design point of view.

### Hertfordshire Highways

#### **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.

Advisory Note.

AN1. 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 condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Reason: This is to minimise the impact of construction vehicles and to improve the amenity of the local area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this.

Reason: In the interest of highway Safety

A3. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

Reason: In the interest of highway user's safety

Details:

Planning Application'

The planning application is for demolition of existing garage and construction of a one bedroom dwelling attached to the two bedroom dwelling at 28 Merling Croft. .

Site and surrounding

The site located at 28 Merling Croft which is an end of stepped terraced house and the addition would be a continuation of the existing terrace.

Accessibility. The site is within a residential neighbourhood and Merling Croft is a local access road with no on-street parking issues or restriction. Most properties in the neighbourhood are with off-street parking facilities..

Access and Parking

The application proposing to demolish the garage but no alteration are proposed for vehicular/pedestrian access and two off-street parking bay in front of the site is to be retained.

## Conclusion

On highway matters the Highway Authority does not wish to restrict the grant of consent subject to the advisory notes.

### Historic Environment Advisor:

Please note that the following advice is based on the policies contained in National Planning Policy Framework (NPPF).

As previously notified with regard to planning application ref. 4/02931/16/FUT, the proposed development site is in Area of Archaeological Significance no. 21. This denotes the historic core of the medieval town of Berkhamsted, the Saxon and medieval settlement of Northchurch, and also a number of important prehistoric, Roman and mediaeval sites. The proposed development site is less than 40 metres from evidence of Roman occupation, recorded during observation of footings for a new house fronting onto Roman Akeman Street (142 High Street). The largest of the three features recorded contained Roman pottery, and brick and tile, and the builders' spoilheap yielded a further 49 Roman potsherds, two early medieval sherds, a glass rim, and iron slag [Historic Environment Record No 11776].

The site is therefore likely to have the potential to contain currently unknown archaeological heritage assets of Roman date, in particular.

I believe that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest. I recommend therefore, as per our advice concerning 4/02931/16/FUL, that the following provisions be made, should you be minded to grant consent:

1. The archaeological investigation, via 'strip, map and record' to the archaeological horizon, of the footprint of the new dwelling and of any other areas of ground reduction required.
1. A contingency for the preservation or further investigation of any remains then encountered.
1. The archaeological monitoring of groundworks of the development, such as the excavation of foundations and service trenches, etc., and landscaping, as appropriate (and also including a contingency for the further investigation and recording of any remains then encountered).
1. The analysis of the results of the archaeological work, with provisions for the subsequent production of a report and an archive, and the publication of the results, as appropriate.
1. Such other provisions as may be necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 141, etc. of the National Planning Policy Framework, relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

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

warrants. I suggest the following wording:

Condition A

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

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

Condition B

i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).

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

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

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

18 Merling Croft - object:

I wish to object to this application which has been re-applied for with only a traffic survey to add to the original submission.

To reiterate my original objection I quote from 4/02931/16/FUL as follows:

"The building of an identical house on the end of the linked terrace will spoil the visual impact of this well-designed estate which was commended by the Berkhamsted Citizens Association when it was built. No other buildings are as near to the inside edge of the pavement and there have been no new builds.

"The following comment was offered following the submission of additional information:

"In view of the submission of a further plan I wish to make the following additional comment.



To demolish the garage will completely destroy the symmetry of the design of this part of Merling Croft where the linked garages make a significant contribution to the layout. The garage to be demolished is one of a pair with a common internal wall of breeze blocks. This would have to be dealt with and no reference has been made as to how this would be achieved."

When this application was placed before the Development Control Committee on 2nd February 2017 permission was refused by a vote of 8 against, 0 for and 4 abstentions. The reason quoted was that insufficient parking arrangements would place undue stress on the area and be contrary to adopted Core Strategy Policy CS8 and CS12.

This new application 4/00918/17/FUL makes no changes to the original application except to add details of a traffic survey taken at 1 a.m. on three dates at the end of March, presumably intending to infer that any cars belonging to No 28 and the new build could park in Merling Croft. To take a survey in the middle of the night does not give any indication of the position during daylight hours when there are visitors' cars, tradesmen's vans, social services cars, delivery vehicles and also a number of taxis. The roads, both Merling Croft and Kite Field are public highways and as such surely cannot be annexed by any owner of property nearby. The garage of No 28 is to be demolished so that it can be added as garden to that house, thus removing one parking space. The space left would mean tandem parking of only small cars by different owners which could lead to disagreements.

Finally the Borough Council's own policy states that car parking provision should be within the site concerned. To approve of this application would create a dangerous precedent.

38 Merling Croft - object:

I object to the proposed changes to 28 Merling Croft. To demolish the garage will detract from the original careful layout of this estate which won an award for its excellent planning when built.

22 Merling Croft - object:

We should give credit to the Architects who had the vision in the early 1980s for designing Merling Croft as part of the Springwood Development.

Their vision is still enjoyed today and has been the reason for most of the residents choosing to live in this beautifully laid out estate.

There are downsides; the comparatively small property dimensions, original build quality and regular ongoing difficulties with parking.

Merling Croft is made up of 30 properties, all of these were designed with a garage and parking space in front. There are a further 2/3 off road parking bays with a total of 6 spaces to share between the residents and visitors. Many of these properties have more than one car.

The revised planning application which was originally refused has changed little since the previous one. It still does not mention the single storey extension to the existing No. 28.

No details have been provided as to how the removal of half the shared garage would look. These revisions would reduce parking by 3 metres. Will this allow two cars to be parked - one behind the other on less than 10 metres including access to the garden?

The parking survey carried out at 1:00 am in the morning suggests that there are up to 5 spaces available on Kitefield at the 'T' Junction to Merling Croft. This would cause restricted access to Merling Croft and Kitefield for emergency vehicles, deliveries and weekly waste collections. The parking survey also suggested parking in front of residents houses/drives and shared

drives which would further restrict access. Currently some residents of Merling Croft park on Mandelyns (the access road from the High St) due to insufficient spaces being available.

The visual integrity of the original design concept will be ruined by this proposal to remove half a shared garage and squeeze in a single one bedroom house onto the side of No. 28.

This proposal is not only an over development of this well planned estate but also lacks sufficient amenity space and additional parking.

20 Merling Croft - object:

Insufficient parking provision. There is already a parking problem on the estate and I consider that an extra dwelling will exacerbate the situation to the detriment of all residents

16 Merling Croft - object:

I wish to object to the proposed building on the reapplication for permission on 28 Merling Croft, 4/00918/17/FUL.

The original design statement was commended by Berkhamsted Citizens Association and this would appear to contravene that principle.

Parking would become more of an issue. There will be a reduction in parking space available by demolishing the garage at number 28, and additionally an increased need to accommodate the new property's vehicles.

In addition emergency access could be compromised.

1 Merling Croft - object:

As we stated in our last objection to this proposed development, Merling Croft is a picturesque cul-de-sac which previously won an award for its architectural design. The close was well designed in respect to its layout which includes open space. Had the developer at the time of building these homes felt the close could accommodate another house, then I am sure one would have been erected next door to number 28 at that time.

This proposed development would cause significant adverse impact on the neighbourhood, particularly those houses at the end of the cul-de-sac which overlook the site subject to this application for the following reasons:

The application brings the proposed property right up to the boundary line with the front door almost opening onto the pavement, resulting in a visual intrusion, reducing the open aspect of the close, changing the streets character and is a significant overdevelopment of a small garden.

The close already suffers with over parking, especially in the area of the proposed development. The applicants current property has two car parking spaces, yet if this application is approved, a second house will be built with no increase in the overall number of car parking spaces between the existing and proposed new home.

I note that this application contains a car parking survey which is based on a claim there are four car parking spaces as per the plan marked in green on Kite Field. I live opposite this junction with Kite Field and Merling Croft and believe that if vehicles were to park in this location opposite the junction, it would cause significant obstruction. This is because many vehicles including refuse lorries, use this junction to turn so they can reverse backwards into Merling Croft as there is not sufficient room for them to turn round at the end of the close once they have entered. If people parked as per the plan, this would significantly restrict access to Merling Croft and also cause vehicles travelling along Kite Field, to use the opposite side of the road. For this reason, we disagree with para 2.4 of the survey and the claim that it gives safe passage of traffic.

The off street parking in this application is at the rear of the property and requires one car to block the other in to make up the two places. It would be likely that any resident of the proposed new development, would try and park on the road to avoid blocking their second vehicle in

and/or for the purposes of convenience, adding to the existing congestion.

The survey makes no reference to the fact that fortunately, one property in Merling Croft is currently unoccupied in the area of the survey which reduces demand for car parking at present, but this should not be relied upon to calculate that there is adequate space for the number and size of properties in the street.

Finally, if parking is as easy as the survey suggests, then why does the applicant consider it necessary and/or acceptable to park up to 100m away from the proposed development in two neighbouring streets? I have no doubt that if this consultation was shared with the residents of those streets, they would not wish for their car parking to become the Merling Croft overflow facility.

For these reasons, we respectfully ask the committee to decline this application.

### 36 Merling Croft - object:

We object to the revised planning application on the following grounds:

It is still an overdevelopment on an award winning estate.

Demolishing the linked garage will not only spoil the appearance of the site, but also probably lead to disputes between No28 & the new house as their vehicles would be parked in line.

The current owners of No28 have 3 vehicles and there could be a further 1-2 vehicles for the new house. This would put too much pressure on available parking spaces.

- Merling Croft is a narrow S shaped road serving approx. 30 properties, many with 2 vehicles. The road is made even narrower with vehicles parked on one side, making it hard for refuse & emergency vehicles to get up and down.

## **Considerations**

### Policy and Principle

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 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 a mix of housing providing a choice of homes is supported in principle under Policy CS18 of the Core Strategy. Saved DBLP Policy 18 Size of New Dwellings also encourages the provision of smaller housing units as proposed by this application. It states that "regard will be paid to the need to provide accommodation for new, small households." It is recognised that appropriate accommodation is needed for newly formed households and elderly households. The immediate area is inhabited by a number of elderly residents and as such is characterised by smaller sized dwellings and flats.

The proposed development would result in a density of 100 dwellings per hectare (based on two on a plot of 200m<sup>2</sup>). This would be well above the expected range of 30 to 50 dwellings per hectare outlined under saved Policy 21 of the Local Plan. However it is noted that density measured by dwellings per hectare is not particularly helpful when considering an infill dwelling. Site coverage, type of dwelling, the surrounding context and the relationship with adjoining properties are more fundamental considerations. In this instance the proposed dwelling is very small (50m<sup>2</sup>) on a plot of 100m<sup>2</sup> and therefore site coverage (50 percent) is not inconsistent with the immediate area comprising small scale sized dwellings and blocks of flats. The Area Based Policies Supplementary Planning Guidance (Development in Residential Areas) states that numerical density is one factor to be considered and balanced against other in area policies. Consideration should also be given to making the most efficient use of land whilst also ensuring that the proposed development does not adversely affect the amenities and existing character of the area.

The principle of residential development providing a new one bed dwelling in this location is considered to be acceptable on the basis that it would not have an adverse impact on the character and amenities of the area. An acceptable standard of accommodation is also provided for future residents. These factors are discussed further below.

#### Impact on site layout, appearance of building and street scene

The proposed dwelling has been designed to be similar in appearance to the adjoining dwelling at No. 28 and others within the immediate street scene. It replicates the width, eaves height, low single dormer and front porch of No. 28 albeit the roof height is lower. It would be set back from No. 28 in response to the curved boundary of the site and would appear subservient to the adjoining two-bed dwelling.

The Character Area Appraisal BCA 20 - Springwood notes that buildings are informally grouped with no regularity of spacing or building lines. The open frontage would be maintained together with a sense of space between the dwelling and the boundary with Merling Croft; this would be 1.1m at the closest point but opening out and extending to 6.0m to the rear so that the development would not appear cramped within the street scene.

The proposed development would maintain the predominant form of development in the area in terms of size, scale and design features. The area is characterised by a range of small to medium sized dwellings with some of the larger buildings housing flats. The proposed dwelling would be at the smaller end of the scale but consistent with No. 28. Overall the proposed dwelling is considered to be sympathetic to the terrace of which it would form a part and in keeping with the wider street scene.

The proposed dwelling would not have a conventional rear garden however it would benefit from private amenity space surrounding the property predominantly to the side but also to the rear. The existing 2.0m high facing brickwork would be maintained along the length of the garden ensuring that the amenity space is private and well screened from public view. Merling Croft is a quiet cul de sac with very low volumes of traffic. As such well screened private amenity space would be provided that would be more than adequate for a one-bed dwelling of this size.

The proposals seek to replace the existing conservatory to No. 28 with a single storey rear extension on the same approximate footprint. The garage to the rear is to be demolished providing an extended rear garden to this dwelling. The total depth of the garden would be approximately 7.0m with the newly created area slightly reduced in width. It is noted that this falls short of the 11.5m depth guideline in Appendix 7 however a dwelling of this size is likely to be inhabited by a very small household with less need for a large garden. The Inspector noted in an appeal decision dated November 2013 for a three-bedroom dwelling at Ivycote, St Albans Hill, Hemel Hempstead, that a garden that falls short of the 11.5m standard can still provide an adequate and useful garden for occupiers. It is considered that sufficient private outdoor amenity space would be available for future occupants, commensurate to a dwelling of this size.

#### Impact on Highway Safety/Parking

Highways have considered the proposals and raised no objection on the basis that there would not be an increased impact on the safety and operation of the adjoining highways.

Two off-street parking spaces have been proposed which would be allocated to No. 28 and is more than sufficient for a dwelling of this size. The parking spaces are in a tandem layout and it is not considered practical to allocate one space to each dwelling given the dwellings could potentially be in separate ownership. As such the proposed dwelling would not benefit from off-street parking. However, there is sufficient on-street capacity available for an additional dwelling as most dwellings in the vicinity have off-street parking in the form of a garage,

allocated parking or parking within the site frontage. There are also four public parking spaces provided in separate bays.

The applicant has submitted a parking survey which assesses the number of available on-street parking spaces within 75m of the application site. The survey was undertaken at 1am when all occupants would normally be at home on 3 separate days:

28/03/2017 - 10 spaces

31/03/2017 - 11 spaces

01/04/2017 - 11 spaces

It was also noted that between 75 - 100m from the site there were another 8 - 12 parking spaces available during the survey times in Kite Field and Mandelyns.

Further observations were undertaken and recorded by photograph at 7pm on 1st August 2017 showing an abundance of available on-street parking spaces within the immediate area. It has also been observed on at least two more occasions during the daytime that there is a number of on-street spaces available; at no time was there any indication that the area suffered from any parking stress. It is therefore considered that an additional modest one bedroom dwelling would not give rise to an unacceptable increase in parking that would result in parking stress within the area.

#### Impact on Neighbours

The proposed dwelling would be an end of terrace property and as such would have minimal impact on the amenities of nearby properties. The retained garage to No. 26 would remain to the rear and there are no windows on the flank elevation of No. 30. A ground floor window exists in the flank elevation of the flats Nos. 11 - 15 Merling Croft located opposite to the northeast however the distance separation between the front window of the proposed dwelling and this window is over 26m. There are no other windows in proximity to the site that would experience any impacts on privacy.

#### Sustainability

The application has been supported by a sustainability checklist as appropriate and is considered to satisfy the criteria of CS29.

#### Archaeology

The proposed development site is in Area of Archaeological Significance number 21. The proposed development site is less than 40 metres from evidence of Roman occupation, recorded during observation of footings for a new house fronting onto Roman Akeman Street (142 High Street). The site is likely to have the potential to contain currently unknown archaeological heritage assets of Roman date, in particular. As such it has been recommended that the standard conditions are imposed requiring a written scheme of investigation to be submitted and approved prior to commencement of development.

#### 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 £250per

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.

#### Other Material Planning Considerations

Overall a good standard of accommodation would be provided for residents of both the existing and proposed dwelling. The floor area of the proposed dwelling is 50m<sup>2</sup> with room sizes broken down as follows:

- Living room - 17.8m<sup>2</sup>
- Kitchen - 5.4m<sup>2</sup>
- Bedroom - 9.8m<sup>2</sup>
- Study - 3.5m<sup>2</sup>
- Bathroom - 3.0m<sup>2</sup>

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

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

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

- 2 **No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

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

- 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 and to safeguard the visual character of the immediate area in accordance with adopted Core Strategy Policy CS12.

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

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

Reason: To ensure that reasonable facilities are made available to record archaeological evidence and to accord with adopted Core Strategy Policy CS27.

- 5 **i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).**

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

Reason: For the avoidance of doubt

- 6 **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 Class B  
Schedule 2 Part 2 Class A**

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

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

**Site Location Plan;  
DBC/17/7/2A.**

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.

**HIGHWAYS INFORMATIVES:**

1. 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.

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 1234047

**THAMES WATER:**

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) to determine if a building over / near to agreement is required.

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



Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

#### Water Comments

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

# Agenda Item 5g

## Item 5g

**4/01019/17/FUL – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO SEMI DETACHED DWELLINGS (AMENDED SCHEME)**

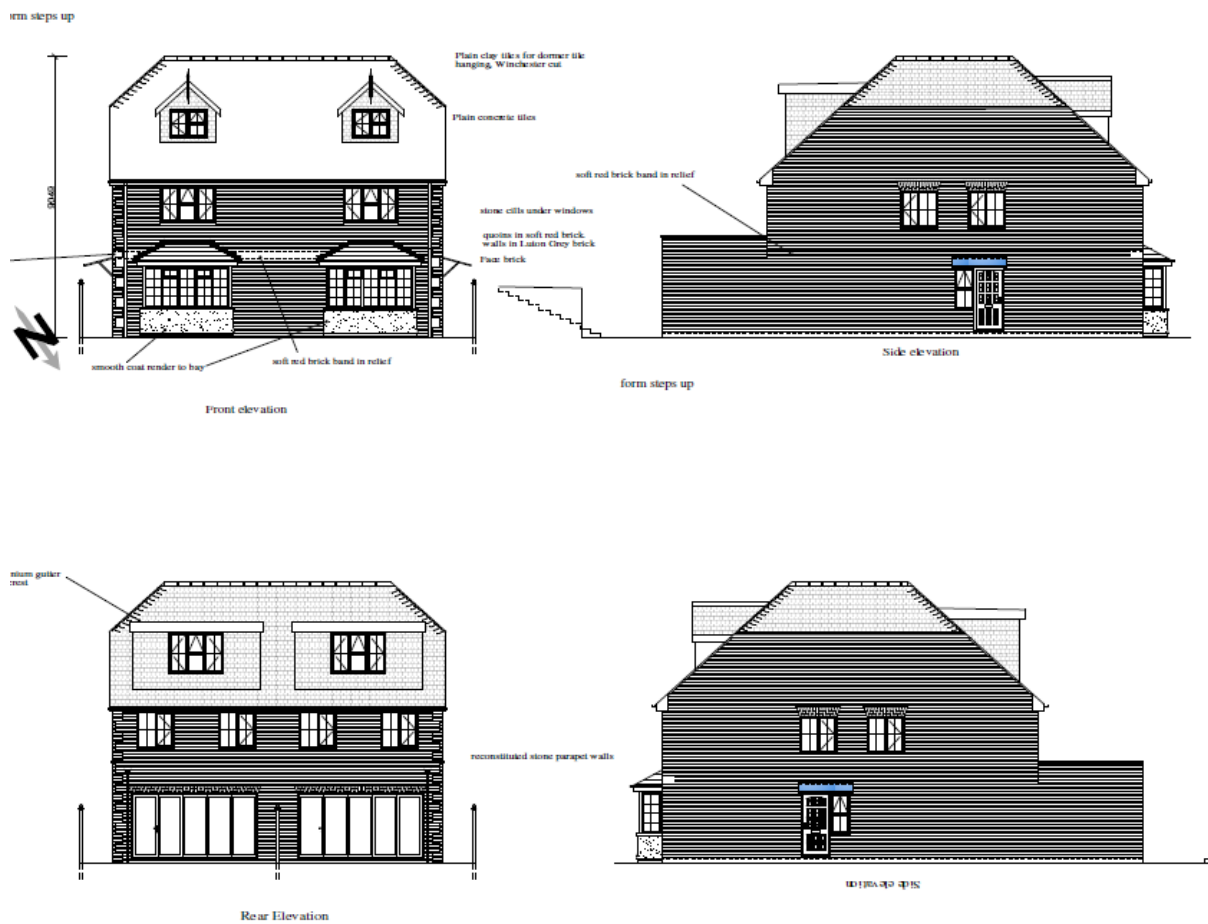
**15 CHESTNUT DRIVE, BERKHAMSTED, HP4 2JL**



Item 5g

4/01019/17/FUL – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO SEMI DETACHED DWELLINGS (AMENDED SCHEME)

15 CHESTNUT DRIVE, BERKHAMSTED, HP4 2JL



**4/01019/17/FUL - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO SEMI DETACHED DWELLINGS (AMENDED SCHEME).  
15 CHESTNUT DRIVE, BERKHAMSTED, HP4 2JL.  
APPLICANT: Mr G Allen.**

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[Case Officer - Rachel Marber]

## **Summary**

The proposed new units would be marginally different in appearance to the two new dwellings granted permission within app ref: 4/01884/16/FUL. The amended proposal would therefore remain congruous within the visual amenity of the street scene. In addition, the new dwellings are not considered to have an undue impact upon the residential amenity of the neighbouring properties. The proposed development therefore complies with the National Planning Policy Framework (2012), Policies CS1, CS4, CS10, CS11, CS12 and CS17 of the Core Strategy (2013), Saved Policies 10, 18, 21, 58, 99 and 100 and Appendices 3 and 5 of the Local Plan (2004), and the Swing Gate (BCA2) Character Area Appraisal (2004).

## **Application Site and Surrounding Area**

The application site is located on the south side of Chestnut Drive, Berkhamsted which resides within the Swing Gate Character Area Appraisal (BCA2). The application site currently comprises a detached interwar bungalow. The application plot is bounded by high hedging which screens the majority of the bungalow from the immediate street scene.

The surrounding area is characterised by a mixture of semi-detached and detached dwellinghouses and bungalows. Each property is relatively uniformed in regards to build line but varied in terms of architectural style, roof form, size, separation distances and height.

## **Proposal**

The application seeks permission to demolish the existing detached bungalow and construct two, five bed semi-detached dwellings. The application is an amended scheme from the 2016 approved application 4/01884/16/FUL. The amendments are as follows:

- Replacement of front gables with dormers;
- Increase in properties ridge height by approximately 0.5 metres;
- Change in properties roof form;
- Change rear extension roof to a flat roof form with two roof lights; and
- Conversion of storage room in loft to fifth bedroom.

## **Referral to Committee**

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

### Relevant History

4/01884/16/FUL DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO SEMI DETACHED DWELLINGS  
Granted  
20/10/2016

4/00131/05/FHA SINGLE STOREY EXTENSION AND ROOF MODIFICATION  
Granted  
08/03/2005

### **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

#### 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)

Swing Gate Character Area Appraisal (BCA2).

## **Constraints**

Established residential area of Berkhamsted

- Green Belt land to rear of site

## **Summary of Representations**

### Contaminated Land

Records held by this department indicate that an old chalk pit is located approximately 165 metres to the east of the application site. Historical maps note this feature to be present until approximately 1953; the next map edition (1962/79) shows a residential property to be located on the site of the former pit, which would potentially indicate that at some point between approximately 1953 and 1962, the pit was infilled. The Council have no record of infilling or the nature of the fill material. There is a possibility that the pit was infilled with putrescible material, capable of generating ground gas. Ground gas can migrate significant distances from its source, affecting other properties.

In order to assess this potential risk, 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](http://www.dacorum.gov.uk/default.aspx?page=2247)).

### Building Control

#### **No Comment**

### Berkhamsted Town Council

#### **Objection**

The proposals represent an overdevelopment of the site and are out of keeping with the street scene because of bulk and mass. The side facing doors and windows will result in loss of amenity due to overlooking of adjacent property. The increased number of occupants at each of the proposed properties will result in inadequate parking provision

CS12

### HCC Highways

#### **No Objection**

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 does not object to the development, subject to the conditions and informative notes below.

**CONDITIONS:**

1. Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety.

2. Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the new vehicle crossovers, which will be restricted to a double width, ie as per Roads in Herts - Highway Design Guide 3rd ed guidance, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety.

3. The proposed parking spaces shall have measurements of 2.4m x 4.8m respectively. Such spaces shall be maintained as a permanent ancillary to the development shall be paved and shall be 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.

4. 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.

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. The gradient of the vehicular access shall not exceed 1:10 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway .

Reason: In the interests of the safety of persons using the access and users of the highway.

The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-

**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 Demolition of existing dwelling and construction of two semi detached dwellings (amended scheme)

## PARKING

Each property will have two parking spaces on a new hard standing to the front. I notice from drawing no "wren naj 49d 2016" that the measurements for minimum parking space size have been met.

## ACCESS

The current property has two existing vxos onto Chestnut Drive, which will be altered to provide access to the parking spaces for a the proposed new dwellings. The maximum size for a double width VXO is 7.2m (6 standard kerbs plus two dropped kerbs). Chestnut Drive is an unclassified local access road with a speed limit of 30 mph, so vehicles are not required to enter and exit the site in forward gear.

## CONCLUSION

Hertfordshire County Council as Highway Authority considers the proposal would not have an increased impact on the safety and operation of the adjoining highways.

## **Comments received from local residents:**



## 8 Chestnut Drive

### **Objection**

I write to object to the above planning application. My objection is for the following reasons:

1. The proposed construction of two five-bedroom dwellings is an over-development of the site and not in keeping with the character and housing on the rest of the road. Inadequate off-road parking is proposed in the plan (particularly considering this is for a ten bedroom development). Limited street parking is available on Chestnut Drive in order to allow residents access to their driveways and to keep the road clear for the bus service.
2. The three floor plan for the new dwellings will impact my right to light and privacy. As the proposed dwellings are set close to street, the height of the planned dwellings, along with the higher elevation on South side of Chestnut Drive, means my bedrooms would be overlooked and my property would be overshadowed.

## 13 Chestnut Drive

### **Objection**

Having received your letter re the amended planning application for 15 Chestnut Drive, I would like to raise the following objections to the proposed development.

1. The height of the proposed new development on the uphill sloping site will reduce the light and overshadow not only one of my bedrooms but my lounge and hallway. Our front door, lounge and bedroom will now look out onto the side wall elevation of the new development.
2. The rear elevation of the development with first floor windows and second floor double doors and Juliet balcony will create a total loss of privacy in our garden.
3. The position of the front door on the new development plans mean that people wishing to enter the property can look directly into our lounge which is no more than 7.5 meters away.

The fence along the boundary is mine and currently at 3 feet in height, so am I to assume it will be my responsibility to erect new fencing at a height to prevent this visual intrusion.

What measures are in place to prevent the collapse of my fence when excavation work commences.

4. I do feel that this is a total over development of an existing single dwelling plot. I would have no objection should a single standard 2 storey property and not a 3 storey property be erected. This would at least be less intrusive and be more in keeping with the adjacent properties.

As it stands the amended plans with roof level windows to the front of the properties will not be in keeping visually with the other properties in the road.

5. Changing the plans from 4 beds to 5 bed properties will potentially increase the number of parking spaces required, where would these be accommodated. Chestnut Drive is on a bus route, there is currently limited on street parking, with all existing properties having off street parking and these new properties only allocating 2 spaces per building.

Can you please confirm that this application will have or had an on-site inspection prior to any approval being granted.

#### 8a Chestnut Drive

#### **Objection**

We wish to object to the amended scheme on the following grounds.

1. Over development.
  2. Loss of Amenity
  3. Not in keeping with the road
- 
1. Over development as the amended scheme consists of 10 bedrooms, whereas the existing dwelling has only 3 bedrooms. Leading to the potential of several additional cars on a narrow road which is serviced by a bus route. In addition the road is extremely busy during the school drop off and pick up times as there are schools situated at either end of the road.
  2. Loss of amenity, as the amended scheme now includes a new front elevation on an already elevated position with new 5th bedroom window overlooking my property. This is intrusive.
  3. Not in keeping with the road, as the amended scheme is for 5 bedrooms, over three floors. One would expect the granted scheme would be more than ample for this site.

We did not object to the initial scheme, but the amended scheme just isn't acceptable.

#### **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 the impact on the character and appearance of the area
3. The potential impact on the living conditions of future occupants and surrounding residential units
4. Highways safety and parking provision
5. Trees and landscaping
6. Sustainability
7. Consultation Responses

1. The 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.

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.

The application site is situated within an urban area in Berkhamsted. As such, the infrastructure in the immediate area has been developed to provide good transport links for existing land uses. 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 valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). As such, the development would be located in a sustainable location and seeks to optimise the use of previously developed urban land, the proposal is in accordance with Policies CS1, CS4, CS17 and CS33 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (2004) and the NPPF (2012).

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 development of poor design that fails to take opportunity available for improving the character and quality of an area and the way it functions.'*

Core Strategy (2013), Policies CS1, CS4, CS10, CS11 and CS12 highlight the importance of good 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 and 21 and Appendices 3 and 7 and Supplementary Planning Guidance Document, the Swing Gate Character Area Appraisal (2004).

The spatial layout of Chestnut Drive comprises predominantly of residential dwellings which all have a relatively linear relationship with the street. The surrounding properties comprise a variation of detached bungalows, dwellinghouses and semi-detached properties. Each property is relatively varied in regards to height, size, separation distance and architectural detailing. The roof forms within the immediate area are varied with hip, gable and half hip roof forms prevalent.

The proposal seeks to erect two semi-detached dwellinghouses in place of the existing detached bungalow (number 15 Chestnut Drive). The proposed dwellings would reflect the immediately neighbouring properties (and existing bungalow) in terms of front and rear build line and plot situ. The proposed form of the dwellings in terms of plot positioning, depth and width would remain as previously approved within app ref: 4/01884/16/FUL.

In terms of architectural detailing, the amended scheme would replace the front gables with two front dormers, which would reduce the overall bulk of the proposal when viewed from side elevation prospective. In this regard the amendments are considered an improvement from the originally proposed. The height of the proposed units would be increased by 0.5 metres to measure 9 metres (approximately) in ridge height. This height would be 2.5 metres (approximately) higher than the neighbouring two storey dwelling, 17 Chestnut Drive. Nonetheless, due to the staggered topography level, set down of the proposed units and differing heights of neighbouring properties, this variation would not be read from the street scene perspective.

The proposed detailing of bay windows to the front elevation of the property is considered acceptable in regards to bay windows being a prevalent characteristic of the street scape. The side facing front entrances would also reflect the immediate street in so far as the remaining interwar bungalows feature entrances via the side elevation.

The proposed half hip roof form of the new units would reflect the varied style and character within the street scene. The simple architectural style of the dwellinghouse, with low pitch front design feature is also characteristic of the style of the surrounding properties.

Other detached bungalows within the street scape have been demolished and replaced with semi-detached dwellings, such an example is Nos. 8 and 8a Chestnut Drive (4/00413/12/FUL).

In conclusion, it is considered that the amendments to the previously approved scheme would not result in further detrimental impact upon the visual amenity of the area. Therefore, the proposed adheres with Saved Policies 10, 18 and 21 and Appendices 3 and 7 of the Dacorum Local Plan (2004) and Policies CS1, CS4, CS10, CS11 and CS12 of the Core Strategy (2013), the National Planning Policy Framework (2012) and the Swing Gate (BCA2) Character Area Appraisal (2004).

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

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 (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact on neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion and 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 amended build form of the units would not breach the 45 degree line as drawn from the rear or front habitable windows of neighbouring properties Nos. 13 and 17 Chestnut Drive. Similarly, a 25 degree line would be maintained from the side elevation windows of No. 13 Chestnut Drive. Moreover, an 8.3 metre (approximate) separation distance to No.13 and 7.35 metre (approximate) distance to No.17, in conjunction with the south facing orientation of the proposed, it is not considered that the proposed new dwellings would cause a significant further loss of outlook or daylight to neighbouring habitable windows than the existing site situation.

Turning to the living conditions the proposal would afford future residents. Saved Appendix 3 of the Local Plan (2004) states that a dwelling house should be provided with a minimum 11.5 metre deep garden space. The proposed rear garden depth, for both the new units would be 28 metres (approximately) and therefore both sufficient to meet the needs of the future occupiers.

A condition on the proposed side facing windows has been recommended for obscure glazing in order to preserve the residential amenity of both the application site and adjacent residents. No other flank elevation windows have been proposed therefore no loss of privacy or overlooking to No.13 Chestnut Drive would result.

Thus, the proposed 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 and 7 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

#### 4. 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 off street parking provision for two domestic cars per dwelling. Although this would create a total shortfall of two off street parking space (at 100% provision) this is not considered reason enough to refuse permission due on street parking available and DBC parking standards outlining maximum provision only.

Hertfordshire County Highways were consulted on the proposal and provided the following conclusive representation: "Hertfordshire County Council as Highway Authority considers the proposal would not have an increased impact on the safety and operation of the adjoining highways."

Due to sufficient off street parking proposed for maximum guidelines and Highways raising no objection, the development would not result in significant impact to the safety and operation of adjacent highway. Thus, the proposal would be considered compliant with Policy CS12 of the Core Strategy (2013) and Saved Policy 58 and 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.

The proposed scheme has the potential to provide soft and hard landscaping on site. Some details regarding landscaping, boundary treatment, bin storage and tree planting have been submitted. these details are considered acceptable.

#### 6. Sustainability

Policy NP1 of the Core Strategy (2013) states that the Council will apply a presumption in favour of sustainable development when considering proposals. The National Policy

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 a 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 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 short-term 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 Response:

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

*Damage to neighbouring property during construction work* – This is a Building Control matter.

*Loss of light* – The impact of the proposed two units in regards to loss of light and outlook has been assessed within the Residential Amenity section above. The proposed units would be located 22 meters approximately away from the front elevations of Nos. 8a and 8 Chestnut Drive as such it is not considered that the proposed 9 metres height of the dwellings would result in a significant loss of daylight and sunlight serving these properties.

*Loss of privacy* – An element of overlooking between the rear gardens of properties as a result of rear facing windows is a common feature in relatively built up environment.

The rear Juliette balconies previously proposed, remain omitted from the scheme in order to alleviate some concerns. All side facing windows have been conditioned as obscure glazed to prevent overlooking or loss of privacy to the side facing windows of immediately neighbouring properties.

*Overdevelopment of plot-* The additional two units would retain the low range density of 33 dwellings/ha which would adhere to the 25 -35 dwellings/ha density outlined of the Supplementary Planning Guidance for BCA2 Swing Gate. Further to density overdevelopment is also 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 7 - 8 metres (approximately), parking provision would meet maximum parking provision standards outlined within Saved Appendix 5 of the Local Plan (2004) and external amenity provision serving each unit of approximately 38 metres deep would be achieved.

*Inadequate off street parking-* This has been addressed within the Impact on Parking and Access section above.

*Not in character with street scene-* The proposed units would retain the front build line of the existing bungalow; a lower site situ is evident from the street scene perspective plan in order to reduce overall height when read from street level. The street level height of the two new units would be similar to the No.17 Chestnut Drive. The immediate area contains no uniformed architectural style of dwelling form; please see the quality of the design and the impact on the character and appearance of the area section above.

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:**

**49e Rev C**  
**49b Rev C**  
**49d**  
**49f**

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



- 3 **The windows at ground and first floor level serving the halls and bathrooms (side elevations) of the new dwellings hereby permitted shall be permanently fitted with obscured glass.**

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

- 4 **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; in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

- 5 **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 Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

- 6 **Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.**

Reason: In the interest of highway safety; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

- 7 **Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the new vehicle crossovers, which will be restricted to a double width, ie as per Roads in Herts - Highway Design Guide 3rd ed guidance, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.**

Reason: In the interest of highway safety; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

- 8 **The proposed parking spaces shall have measurements of 2.4m x 4.8m respectively. Such spaces shall be maintained as a permanent ancillary to the development shall be paved and shall be 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 Policies CS8 and CS12 of the Core Strategy (2013).

- 9 **The gradient of the vehicular access shall not exceed 1:10 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway .**

Reason: In the interests of the safety of persons using the access and users of the highway; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

#### 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:-

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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:

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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. All materials and equipment to be used during the construction should be stored within the curtilage of the site unless otherwise agreed in writing by the Highways Authority prior to commencement of the 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](http://www.dacorum.gov.uk)

#### Article 35 Statement

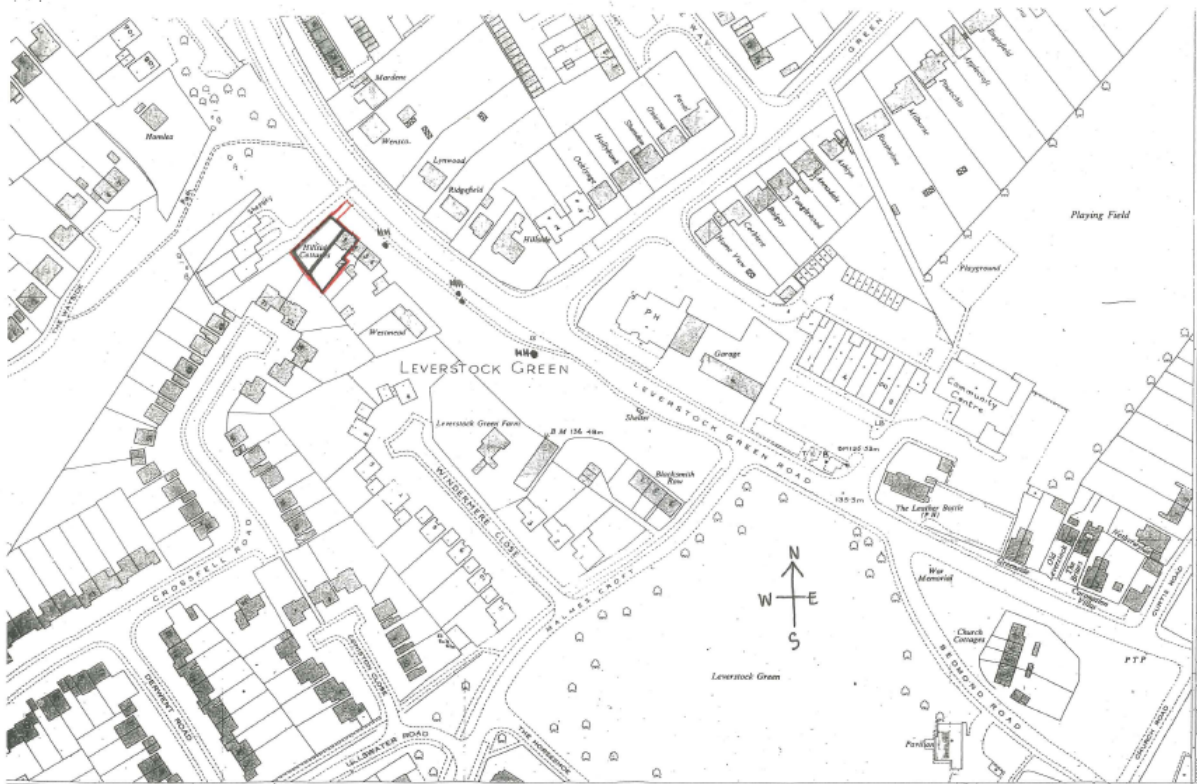
Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The

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.

Item 5h

**4/00937/16/FUL – CONSTRUCTION OF ONE 3-BED DWELLING AND TWO-STOREY REAR EXTENSION**

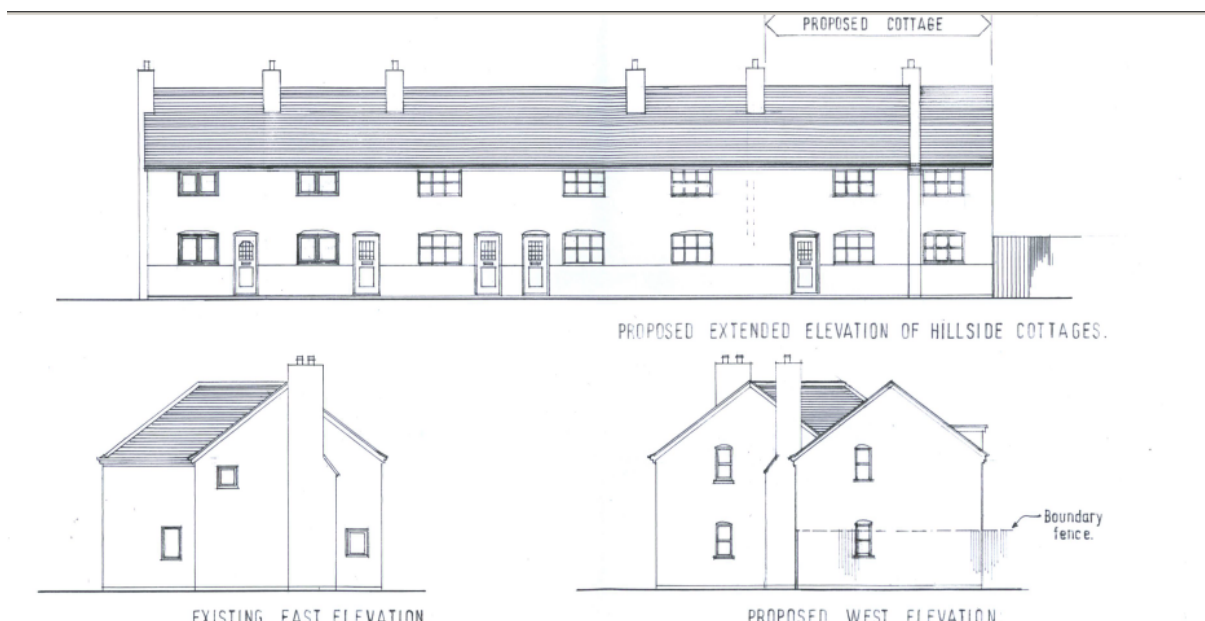
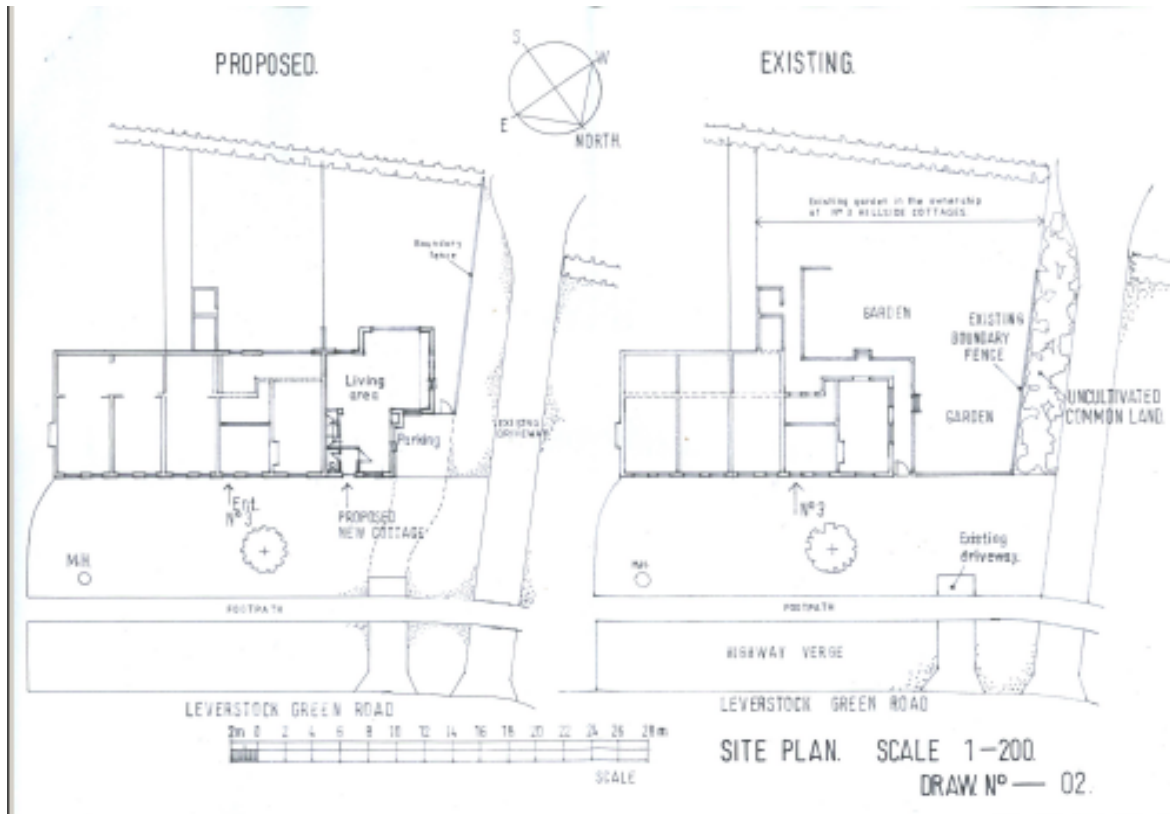
**3 HILLSIDE COTTAGES, LEVERSTOCK GREEN ROAD, HEMEL HEMPSTEAD, HP3 8QB**



Item 5h

4/00937/16/FUL – CONSTRUCTION OF ONE 3-BED DWELLING AND TWO-STOREY REAR EXTENSION

3 HILLSIDE COTTAGES, LEVERSTOCK GREEN ROAD, HEMEL HEMPSTEAD, HP3 8QB



**4/00937/16/FUL - CONSTRUCTION OF ONE 3-BED DWELLING AND TWO-STOREY REAR EXTENSION.  
3 HILLSIDE COTTAGES, LEVERSTOCK GREEN ROAD, HEMEL HEMPSTEAD, HP3 8QB.  
APPLICANT: MR K HARPER.**

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[Case Officer - Intan Keen]

### **Summary**

The application is recommended for approval.

The site is located within Hemel Hempstead proximate to local services and facilities within Leverstock Green. As such, there is strong policy support for the provision of housing under local and national policy in this location.

The development of a three-bedroom end-of-terrace dwelling would not unduly compromise the character and appearance of the terrace row of which it forms a part, and would be acceptable in terms of the appearance of the Leverstock Green Road street scene.

Proposed car parking arrangements are sufficient considering existing conditions at the site. When reviewing the acceptability of the proposed parking provision, the site's location should be considered, particularly its proximity to the local centre of Leverstock Green and the availability of local bus services. It is acknowledged that the common along Leverstock Green Road in front of the terrace can be heavily parked, however this harm has not been evidenced by the highway authority with respect to the proposal, and therefore 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 CS1, CS4, CS8, CS11, CS12 and CS27 of the Core Strategy and saved Policies 58 and 119 of the Local Plan.

### **Site Description**

The application site is currently occupied by a two-storey end-of-terrace dwelling located on the south-western side of Leverstock Green Road (A4147). The terrace row is prominent in this street scene due to its forward position relative to nearby dwellings, open landscaped frontage, and its white-painted exterior which sets it apart from the predominantly brick faced surrounding development. Specifically, the application site and subject dwelling located at the north-western end of the terrace is highly visible in the street scene, particularly its front and exposed side elevations. The terrace is of simple and consistent proportions save for a later two-storey side addition on the application site.

A wide strip of grassed land identified as waste of the manor land exists immediately in front of the application site and the terrace row. It appears there are few driveways which cross this land providing vehicle access to residential properties beyond. Importantly, this land contributes significantly to the spacious and landscaped character of the area. It is understood that the application site benefits from a right of access easement via an existing established vehicle crossover and part constructed driveway off Leverstock Green Road.

### **Proposal**

Planning permission is sought for a two-storey end-of-terrace dwelling comprising three bedrooms, and a two-storey rear extension to the existing dwelling.

The proposed dwelling would have two construction elements, an extension to the terrace row following its principal elevation line and roof ridge and profile terminated by a chimney; and a set back side gabled element.

The two-storey rear extension to the dwelling would project in line with the rear wall of the proposed dwelling.

The appearance of the rear of the resultant buildings would be of a catslide roof with four dormer windows at first floor level, reflecting the style of development to the existing dwelling at No. 3.

In terms of layout, the proposal would create one car parking space allocated to the new dwelling located immediately to the side of the main terrace addition.

The allocated private garden area to both the existing and proposed dwellings would be located to the rear of the respective dwellings with minimum depths of 11.5m.

### **Referral to Committee**

The application is referred to the Development Control Committee due to a call-in by Councillor Graham Sutton, as follows:

I have had a number of conversations and received a number calls from local residents and the LGVA expressing concerns with this application. I would, therefore, ask that this application be called in for consideration by The Development Control Committee. The concerns include, over development, out of character with other village centre dwellings and parking concerns. I do feel that as feelings are running so high this application should be considered by the Committee.

### **Planning History**

Historical records confirm under plan number 3477 that additions were carried out in 1951.

Aerial photographs dating back to 1970 confirm that the terrace has existed in its full length since this time. The available 1940 aerial is inconclusive

For further background, it is also noted that three three-bedroom houses were granted at Nos. 1-2 Hillside Cottages (north-west of the application site) in 1976 (under 1378/75D), identified as Nos. 1, 2 and 3a Hillside Cottages.

### **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, CS25, CS27, CS29, CS31, CS32, CS35

#### Dacorum Borough Local Plan

Saved Policies 10, 13, 18, 21, 51, 57, 58, 99, 100, 101, 119  
Saved Appendices 3 and 5

#### Supplementary Planning Guidance / Documents



## **Summary of Representations**

All comments are reported in full at Appendix A.

## **Considerations**

### Policy and principle

The site lies within a designated and established residential area within Hemel Hempstead, 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 layout and associated plot subdivision would generally follow the regular pattern of development and grain displayed along the terrace row of which the application site forms a part.

The site would benefit from the existing vehicle access off Leverstock Green Road, and extension of the existing driveway which would lead to a single car parking space within the site to serve the proposed dwelling.

There is currently no dedicated off-street parking for the existing dwelling and this would remain the case with the current layout.

Garden depths and sizes would be acceptable for both the existing and proposed dwellings, noting they would exceed the minimum 11.5m standard set out under saved Appendix 3 of the Local Plan.

In density terms, the proposal is considered acceptable for the above reasons. Numerical density would equate to approximately 41 dwellings per hectare. This density figure may seem on high end of the scale, however it is important to note that the site is unusual as it does not have a front garden and the green and access have not been included within the calculations of the site area. Whilst this figure could be used as indicative of the amount of development on the site; other factors set out above should be taken into consideration as noted under guidance of Environmental Guidelines Supplementary Planning Guidance. This includes sufficient garden space and area commensurate with surrounding and like properties, and achieving local space standards, following the pattern of development of the area in terms of site coverage and amount of building (assessed in further detail below), the proposal would not result in an overdevelopment of the site.

It follows the proposal would not raise any concerns with respect to layout and density when considered in its context, and would therefore accord with Policies CS11 and CS12 of the Core Strategy.

### Impact on heritage assets

Policies relating to the protection of heritage assets are only relevant as the application site and the terrace row as a whole is considered as being of historical and architectural merit, set out in Conservation and Design comments provided above. It is however noted that the terrace row (including the application site) is not statutorily listed and does not fall within a

designated Conservation Area. Given the historical and architectural merit of the terrace row, it would be reasonable to apply the objectives of Policy CS27 of the Core Strategy and saved Policy 119 of the Local Plan in assessing the proposal.

Based on the supportive comments from Conservation and Design reported below, the proposals would represent a sympathetic addition to the terrace in terms of form and detailing. The terrace displays consistent punctuation and aperture and chimney separation at its south-eastern end however at the opposite end on the application site it differs slightly. The proposed end-of-terrace feature that would continue the principal building elevation would generally reinstate proportions, particularly wall-to-window ratios and design that is evident at the terrace's other end. Due to the length of the terrace the replicated punctuation within the main part of the development may not be readily appreciated as a whole, however the addition would provide an appropriate, and improved termination to the north-western end of the terrace compared with the existing addition, and adopting this design detail is commended.

Any development to the side of the terrace given its prominence should be carefully considered. The proposed north-western side elevation would feature a double gable, specifically the gable ending the main terrace and the side-rear projection forming the second gable end. The juxtaposition of the two would be perceived, however the incorporation of a chimney and its stack on the side elevation of the main building (the end-of-terrace element of the new dwelling) would draw the eye to the chimney feature and appropriately highlight the principal section of the development and terrace.

Consideration of the exposed side elevation is important due to its prominence, and therefore any development to the side of the building

The cumulative impact of additions to the terrace would not raise any concerns, as the main consideration in assessing the impact on heritage assets is the design and external appearance of the development relative to the terrace, particularly in the context of the surrounding later residential development.

The resultant rear elevation would feature six wall dormer windows. Whilst a high number, this would not raise significant concern due to previous alterations to the rear and its prominence limited to private gardens or shared accesses. The character of the rear of the terrace is significantly different to the front and side elevations and has been subject to various extensions and alterations over its length. In terms of overall form and proportions this would not detract from the building group or affect the more prominent elevations of the terrace, the dormer windows themselves adding limited bulk to the roofscape.

Conservation and Design comments set out that the proposals would have a minimal to low impact on the value of the terrace and in light of the design and external appearance of the development as described above, when considered also in the context of policy support for new residential development, the proposal would be acceptable on this basis in accordance with Policy CS27 of the Core Strategy and saved Policy 119 of the Local Plan.

#### Impact of building on character and appearance of street scene

Based on the assessment above, the proposal is considered to represent an appropriate addition within the street scene of Leverstock Green Road and surrounding public vantage points. It is important to note that the proposed dwelling that would continue the main terrace in terms of form and design detail would achieve a suitable level of integration with the street scene and surrounding area.

As set out above, the exposed side elevation of the building is particularly prominent on the approach to the application site from the roundabout with St Albans Road, Breakspear Way and Maylands Avenue (from the north) and the forms of the development would be acceptable

when viewed in the context of this street scene. The side-rear element would be appropriately set back and the main gable outline of the terrace would be appreciated in its majority.

As a result of the design and siting of the development, the main terrace would remain prominent from the perspective of the street scene as appropriate. The proposal has therefore demonstrated that the development would respond well to this aesthetically-sensitive and prominent site.

If planning permission is granted, it shall be subject to conditions requiring materials to match those of the existing dwelling and for further details to be supplied to ensure the suitable integration of the development within the terrace.

It is likely the continuation of the driveway would result in proposals for the extension of the area of hardstanding or formation of a suitable access track to the proposed parking area within the site. A landscaping condition would also be attached to any permission requiring details of this hardstanding.

As such, the proposal would accord with Policies CS11 and CS12 of the Core Strategy with respect to its impact on the street scene.

#### Impact on trees and landscaping

Trees and Woodlands comments set out below that there are no trees worthy of retention on the site and therefore has raised no objections with respect to the impact that development may have on vegetation on or surrounding the application site. The proposal is therefore acceptable in this regard in accordance with Policy CS12 of the Core Strategy and saved Policy 99 of the Local Plan.

However, every effort should be made to retain as much boundary vegetation on the northern side boundary which is prominent in the street scene particularly approaching the site from the north along Leverstock Green Road. As such, if planning permission is granted, it would be subject to a landscaping condition requiring further details of tree protection and any planting to offset vegetation loss.

#### Impact on traffic, access and car parking

The highway authority has raised no objection with respect to highway safety in terms of the existing access, traffic generated by the proposed development, and proposed parking provision. In providing their comments it is understood that the highway authority did not consider that the green would be used for vehicle parking.

The existing dwelling currently does not benefit from any on-site or allocated parking and it is not considered that the proposed extensions would result in severe parking stress.

One car parking space would be provided for the proposed dwelling, and the highway authority has previously raised no objection to this (their previous comments have been included above).

The site's location proximate to the local centre of Leverstock Green, within the identified urban area of Hemel Hempstead and proximate to local public transport facilities (bus) would weigh heavily in favour of the proposal. The application site is therefore considered to benefit from a sustainable location where flexibility of parking standards could be applied. It is noted that other dwellings fronting the green do not have private parking provision however the addition of one new dwelling is not considered to result in adverse levels of parking stress and highway safety above existing conditions.

The condition suggested by the highway authority requiring the submission of a Construction Management Plan would be reasonable and shall be attached if planning permission is granted.

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

#### Impact on neighbouring properties

The application site has four directly adjoining properties, including the adjoining mid-terrace dwelling at No. 4 Hillside Cottages, two dwellings immediately to the rear at Nos. 52 and 71 Crossfell Road, and No. 3a Hillside Cottages shares the boundary at the western corner of the application site. Further west of the application site is No. 2 Hillside Cottages from which the development area would be visible. Each shall be discussed in turn.

No. 4 Hillside Cottages has been extended to the rear at single-storey level, and therefore the proposed two-storey rear extension to the existing dwelling would not result in adverse levels of visual intrusion or loss of light from the nearest habitable room windows. The building of the proposed new dwelling would be located on the far side of the site relative to this neighbouring property and would not give rise to any concerns relating to residential amenity of No. 4.

The proposed development would exceed the minimum 23m separation under saved Appendix 3 of the Local Plan between the rear walls of the proposed dwelling and extension relative to the main rear walls of the semi-detached properties at Nos. 52 and 71 Crossfell Road. This would ensure that although the building and two-storey wall would be extended and brought closer to these properties, there would be sufficient separation and visual relief to address matters relating to overlooking, visual intrusion or loss of light. It is also important to note that the proposed dwelling and extension would be sited on the same level as the terrace row which is below rear garden level. This would also assist in reducing the impact of development from the perspective of neighbours to the rear. The width of the two nearest dwellings on Crossfell Road would further serve to mitigate against the impact of the development.

The neighbouring dwelling at No. 3a Hillside Cottages is located to the south-west of the site, angled slightly towards the development area however its main outlook is also directed down the established shared driveway towards Leverstock Green Road. Similarly, the proposed development, in particular the rear projecting element of the new dwelling would achieve a minimum 23m separation to the nearest windows of No. 3a which would be sufficient in avoiding unreasonable levels of overlooking or visual intrusion. At this distance the development would not raise any concerns with respect to loss of light.

No. 2 Hillside Cottages has its main outlook towards the established hedge marking the frontage of the staggered terrace, however the application site is visible with periphery views available looking in an easterly direction from this neighbour's windows. The separation distance between the development and this property is further increased beyond that of its neighbours at No. 3a Hillside Cottages and Nos. 52 and 71 Crossfell Road, therefore the proposed buildings would not give rise to any unacceptable overlooking, visual intrusion or loss of light from this perspective.

It is acknowledged that the properties at Nos. 2 and 3a Hillside Cottages enjoy an element of open outlook created by the gap to the side of the existing dwelling at No. 3 Hillside Cottages (the application site), and that the proposed development would result in a greater amount of building that would be readily visible from within these dwellings. However, the amount and siting of development proposed at the application site would not result in significant additional visual bulk above existing conditions and the development therefore would not be unacceptably harmful in this regard.

It follows that the proposed development would not harm the residential amenities of surrounding neighbouring properties in accordance with Policy CS12 of the Core Strategy.

If planning permission is granted in the interests of safeguarding the residential amenity of the locality it would be reasonable to remove permitted development rights relating to Classes A and B for extensions and roof extensions, respectively.

#### 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 3 within which a charge of £100 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.

#### Other matters

Concerns have been raised with respect to the impact of the development on biodiversity and wildlife. It is noted that the application site lies within a well-landscaped, however established designated residential area. The increased site coverage would result in the loss of vegetation in particular the front hedge which would be unfortunate. However the site is not a designated wildlife site and no objection has been raised with respect to tree removal based on the type of vegetation affected and the site's context. It is therefore considered that any impact on biodiversity or wildlife within or immediately surrounding the site would not outweigh the planning benefits of the scheme including the provision of one additional home and the adequate protection of heritage assets as set out in the assessment above. An earlier section of the report mentions the protection of vegetation on and immediately outside the boundaries of the application site to be secured by condition.

It is also understood that concerns relate to the unlawful parking of vehicles on the green immediately in front of the terrace row including the application site. This is a legal matter and cannot be enforced through this planning permission.

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 Construction of the dwelling hereby permitted shall not commence until the following details have been submitted and approved in writing by the local planning authority:**

- Materials to be used in the construction of the external surfaces of the**

**building, including bricks, roof tiles, rainwater goods;**

- **Design details including brick bond, window heads, cills and eaves details which can be provided at a metric scale of 1:20;**
- **Joinery work and finishes.**

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the character and appearance of the building group in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 119 of the Dacorum Borough Local Plan 1991-2011.

- 3 The materials (bricks, roof tiles, rainwater goods) to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building at No. 3 Hillside Cottages.**

**Design details of the building shall also match those of the existing building including brick bond, window heads, cills and eaves details. New joinery work shall match the materials, dimensions and profiles of existing work within the existing dwelling.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the character and appearance of the building group in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013 and saved Policy 119 of the Dacorum Borough Local Plan 1991-2011.

- 4 No construction works (excluding groundworks) 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 including to the driveway and parking area;**
- **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 including boundary vegetation;**
- **provision of additional planting to offset vegetation removal;**
- **proposed finished levels or contours across the site;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas.**

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Dacorum Core Strategy 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

- 6 **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 in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

- 7 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 6 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

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

**the approved use.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Policy CS32 of the Dacorum Core Strategy 2013.

- 8 **Prior to the commencement of the site works the applicant shall submit a Construction Management Plan setting out details of on-site parking for all contractors, sub-contractors, visitors and delivery vehicles, storage of materials to be approved in writing by the local planning authority and that area shall be maintained available for use at all times during the period of site works.**

Reason: To minimise danger, obstruction and inconvenience to users of the highway particularly the classified road (Leverstock Green Road) and noting the site constraints and land ownership of the green immediately in front of the site and associated parking restrictions, in accordance with Policies CS8 and CS9 of the Dacorum Core Strategy 2013.

- 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 further development of the 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 B**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Policies CS12 and CS27 of the Dacorum Core Strategy 2013.

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

**5 (site location plan) dated 7 August 2017**

**02  
03  
04  
05  
06  
07  
08**

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 discussion with the applicant during the determination stage which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) Order 2015.



### Construction of Access Informative

Separate consent may be required if works, particularly hardstanding over the green, would impede access to common land or for works for the resurfacing of land. If this applies, consent must be sought from the Planning Inspectorate on behalf of the Secretary of State for Environment, Food and Rural Affairs. Further guidance can be obtained via the following link:

<https://www.gov.uk/guidance/carrying-out-works-on-common-land>

### Contaminated Land 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](http://www.dacorum.gov.uk)

### Hertfordshire Highways Informative

AN1. 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 condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Reason: This is to minimise the impact of construction vehicles and to improve the amenity of the local area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website <http://www.hertsdirect.org/services/transtreets/highways/> or telephone 0300 1234047 to arrange this. Reason: In the interest of highway Safety

AN3. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works. Reason: In the interest of highway user's safety Details: Planning Application' Application is for construction of two, two storey two bedroom houses onto end of existing terrace on land presently the garden of No3 Hillside Cottages.

### Thames Water Informative

#### Waste Comments

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

public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) to determine if a building over / near to agreement is required.

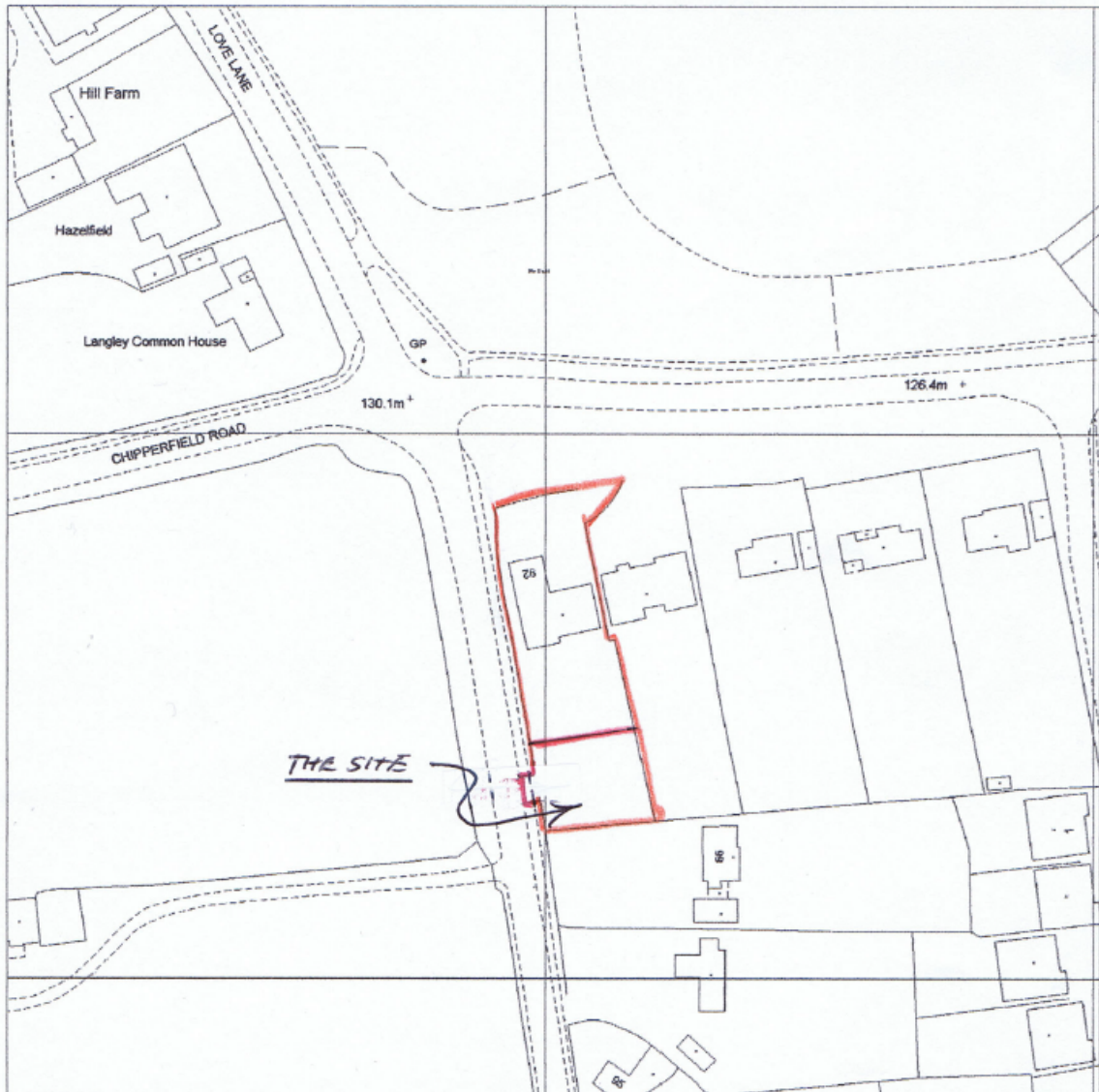
#### Water Comments

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.

## Item 5i

4/01198/17/FUL – CONSTRUCTION OF 2 NO. TWO BEDROOM FLATS

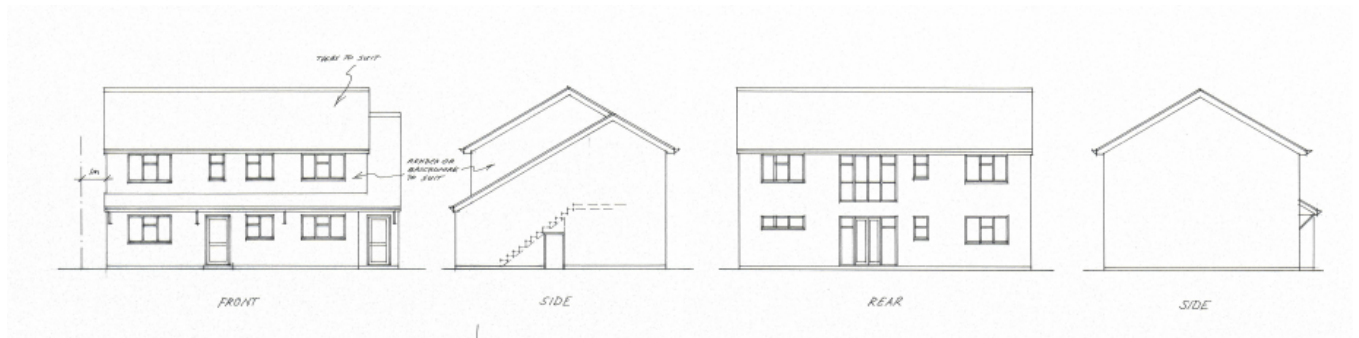
92 VICARAGE LANE, KINGS LANGLEY, WD4 9HR



**Item 5i**

**4/01198/17/FUL – CONSTRUCTION OF 2 NO. TWO BEDROOM FLATS**

**92 VICARAGE LANE, KINGS LANGLEY, WD4 9HR**



**4/01198/17/FUL - CONSTRUCTION OF 2 NO. TWO BEDROOM FLATS.  
92 VICARAGE LANE, KINGS LANGLEY, WD4 9HR.  
APPLICANT: MR/MRS MCANDREW.**

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[Case Officer - Rachel Marber]

### **Summary**

The principle of residential development in this location is considered acceptable. The proposed development would not result in detrimental impact to the visual amenity of the street scene, undue impact to the residential amenity of the neighbouring residents or highway safety and parking provision. The proposed development therefore complies with the National Planning Policy Framework (2012), Policies CS1, CS4, CS8, CS10, CS11, CS12, CS17 and CS29 of the Core Strategy (2013), Saved Policies 10, 18, 21, 57, 58, 99, 100 and Appendices 3 and 5 of the Local Plan (2004).

### **Application Site and Surrounding Area**

The application site forms part of the rear garden of No. 92 Langley Hill which is a large detached two storey property located on the corner of Vicarage Lane and Langley Hill. The site falls within the "larger village" of Kings Langley which is excluded from the Green Belt. The site adjoins the Kings Langley Conservation Area and lies adjacent to the Green Belt and a scheduled ancient monument. The surrounding area predominantly comprises detached housing and a number of listed buildings are sited in close proximity.

### **Proposal**

The application seeks permission for the construction of a building comprising 2x two bed maisonettes. Two parking spaces will serve this development with access from Langley Hill.

### **Referral to Committee**

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

### **Relevant Planning History**

4/00940/04/FHA LOFT CONVERSION WITH FRONT SIDE AND REAR DORMER  
WINDOWS  
Granted  
28/05/2004

4/00609/02/FHA SINGLE STOREY & TWO STOREY EXTENSIONS TO FORM ANNEXE  
Granted  
21/05/2002

4/00481/93/4 DETACHED HOUSE  
Granted  
17/05/1993

### **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

**Constraints**

Residential area of Kings Langley

Adjacent to King Langley conservation area  
Adjacent to Green Belt  
Adjacent to Area of Archaeological Interest  
Adjacent to scheduled ancient monument (Dominican Priory)

**Summary of Representations**

**Comments received from consultees:**

Contaminated Land

The site is located within the vicinity of potentially contaminative former land uses. 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](http://www.dacorum.gov.uk/default.aspx?page=2247)).

## Kings Langley Parish Council

### **Objection**

The Council OBJECTED this planning application by reason of over-cramping / overdevelopment of the site and that the proposed new properties would have no garden.

### Herts Property Services

Thank you for your email regarding the above mentioned planning application.

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](mailto:development.services@hertfordshire.gov.uk)).

### 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:

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. Visibility Before the access is 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.

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

The proposal is for Construction of 2 no. Two bedroom flats, to the rear of this corner property which will front onto Langley Hill.



## PARKING

Two new parking spaces are proposed, on a new hardstanding to the front of the property, on Langley Hill.

## ACCESS

A new vxo of the maximum allowable width of 7.2m: 6 dropped kerbs and two ramped, is to be constructed on Langley Hill, to give access to the parking spaces.

Langley Hill is an unclassified local access road, subject to a 30mph speed limit, with low pedestrian traffic and no accidents in the vicinity in the last 5 years.

## CONCLUSION

The proposals are considered acceptable to the Highways Authority subject to the conditions and informative notes above

## Key Considerations

The main planning issues in the determination of this application would be:

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

### 1. Principle of Development

The application site is a windfall site located within the residential village of Kings Langley. 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.

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.

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.

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).

## 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 of 10, 18, 21 and Appendix 3.

The application site is located within a residential area, predominately comprising large detached units set within generous plots. Further east, residential units along Vicarage Lane and Five Acres are positioned within a more traditional and uniform arrangement. However, within the immediate street scene in which the application site is located, dwellings are positioned in a more sporadic manner; there is no clear building line or recognisable spatial pattern. This irregular form is reflected in the various architectural styles, sizes and height of the adjacent dwellings.

The proposed apartment block would be located in what is currently the rear garden of No. 90 Vicarage Lane with front orientation and access off Langley Hill. As such, the proposal would constitute 'backland' development as opposed to tandem development, which is discouraged by policy. It is further considered that due to varied layout of buildings within this particular section of Langley Hill that the proximity of the proposal to Vicarage Lane would not significantly disrupt the spatial pattern of surrounding built form. Similarly, although the plot size would be significantly smaller in relation to the generously sized curtilages of immediately surrounding properties it is not considered that this would appear incongruous within the immediate street scene due to the smaller plots of Nos. 95 - 83 Vicarage Lane.

The proposed development would be located in close proximity to property No. 99 Vicarage Lane and the associated outbuilding within the front curtilage, however a 2 metre separation gap is maintained to site boundary in order to retain the open suburban character of the area.

Turning to the individual design of the proposal, it is not considered that a two storey unit constructed under a gable roof, of 7.5 metre high would significantly disrupt the rhythm of surrounding built form. A condition for submission of details of materials has been recommended. Further the proposed development would be softened in appearance through a 6 metre deep front garden and soft boundary landscaping.

## 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, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

The nearest residential units to the south of the site (1 and 2 Fives Acres) would be located approximately 75 metres away at an oblique angle and 60 approximate metres from the rear elevation of the two new dwellings granted at Five Acres (app ref: 4/01058/13/FUL). The site would also adjoin the very long rear gardens of properties Nos.88- 92 Vicarage Lane. The proposed development would be located 12 metres away from the front elevation of No. 99 Langley Lane, adjacent to their front outbuilding and at an oblique angle. Taking these distances into account in conjunction with the orientation of the site in relation to neighbouring properties it is not considered that the proposal would result in significant harm to the living conditions of the occupants of surrounding units, in terms of overbearing impact and loss of light.

Turning to the living conditions the proposal would afford future residents. Saved Appendix 3 of the Local Plan (2004) states that for a multiple occupancy residential development an amenity area at least equal to the footprint of the building should be provided. In accordance with the submitted application both Maisonettes would have access to a rear garden approximately 97sq.m, in comparison to the 97 sq.m footprint of the proposed development; therefore adhering to external amenity provision requirements. It is considered the front and rear gardens are of a width, shape and size to ensure the space is functional and compatible with the surrounding area.

Thus, the proposed 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 and 7 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

#### 4. 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 two bed maisonettes which would require 3 off street parking spaces. The proposal seeks to provide two off street parking spaces which would result in a short fall of 1 parking space. Nonetheless, DBC parking standards outline maximum provision only and ample on street parking is available in the locality . Moreover, the area is relatively sustainable with public transportation easily accessible, with a bus stop directly outside the application site.

Hertfordshire Highways were consulted and provided the following conclusive comments:

“The proposals are considered acceptable to the Highways Authority subject to the conditions and informative notes above.”

Due to Highways raising no objection and available on street parking, the proposed development would not result in a significant 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).

#### 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.

There is established vegetation within and immediately adjacent to the application site, although no part of the application site is subject to a Tree Preservation Order (TPO). The application has been submitted alongside a supporting Arboricultural Report which has confirmed that no trees would be removed for the development proposed and outlines mitigation measures to ensure protect of adjacent notable trees (Beech). The proposed scheme also has the potential to provide soft and hard landscaping and bin store on site which has been demonstrated on the proposed site plan ref: 16/VM- 28. The landscaping layout put forward is considered acceptable.

#### 6. Sustainability

Policy NP1 of the Core Strategy (2013) states that the Council will apply a presumption in favour of sustainable development when considering proposals. The National Policy 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 a residential area in the existing village of Kings Langley. 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 short term economic benefits during the construction of the units.

## *Conclusion*

Overall, the proposal represents sustainable development and is in accordance with the Development Plan 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:**

**16/VM- 28 dated 19/4/17**  
**Arboricultural Impact Assessment 4 May 2017**

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

- 3 Within 6 months the date of this permission full details of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. Subsequently the development shall be carried out and retained in accordance with these approved details.**

**Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

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

- 4 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; in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

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

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development; in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

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](http://www.dacorum.gov.uk)

- 6 **Before the access is 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. Thereafter the frontage shall be retained free of obstruction.**

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 CS12 of the Core Strategy (2013).

- 7 **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 Policies CS8 and CS12 of the Core Strategy (2013).

8

**The development shall not be brought into use until the new vehicle crossover has been constructed 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 CS12 of the Core Strategy (2013).

#### Highway 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. 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.

Article 35 Statement

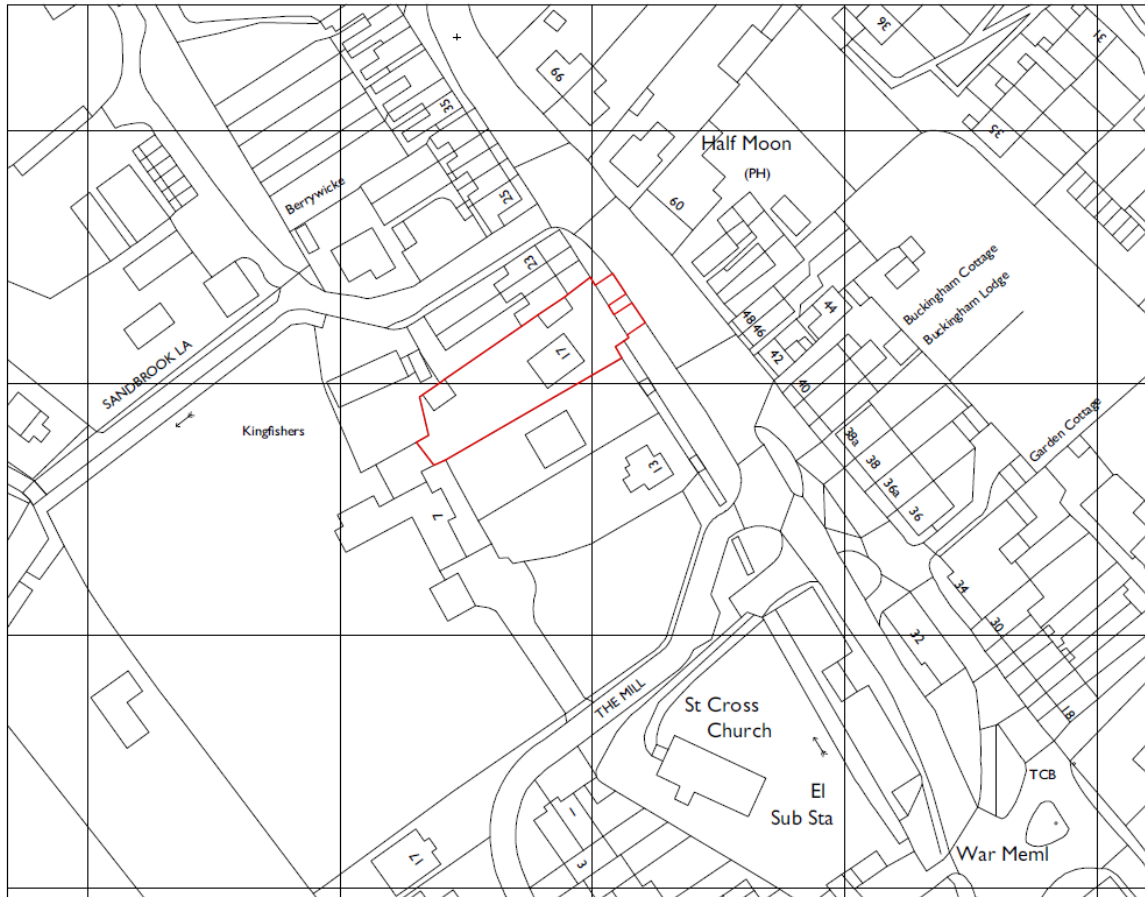
Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs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



## Item 5j

### 4/01335/17/FUL – DEMOLITION OF EXISTING HOUSE AND GARAGE. CONSTRUCTION OF 2 NO. 4 BEDROOM HOUSES AND EXTERNAL WORKS

17 TRING ROAD, WILSTONE, TRING, HP23 4NU



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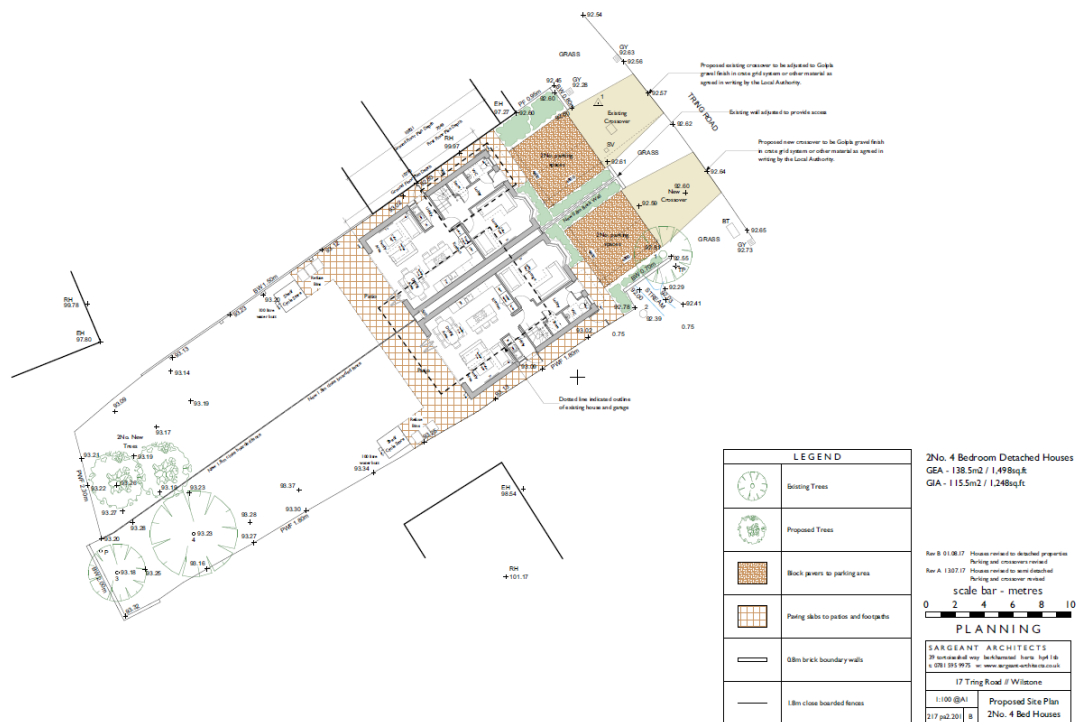
Item 5j

**4/01335/17/FUL – DEMOLITION OF EXISTING HOUSE AND GARAGE.  
CONSTRUCTION OF 2 NO. 4 BEDROOM HOUSES AND EXTERNAL WORKS**

**17 TRING ROAD, WILSTONE, TRING, HP23 4NU**



Proposed Front (North-East) Elevation  
Showing Street Scene



LEGEND	
	Existing Trees
	Proposed Trees
	Block pavers to parking area
	Parking slabs to patio and footpaths
	0.6m brick boundary walls
	1.8m close boarded fences

**2No. 4 Bedroom Detached Houses**  
 GEA - 138.5m<sup>2</sup> / 1,498sq ft  
 GIA - 115.5m<sup>2</sup> / 1,248sq ft

Rev B 01/08/17 Houses retained to detached properties  
 Retiring and customer retained  
 Rev A 13/07/17 Houses retained to semi-detached  
 Retiring and customer retained

scale bar - metres  
 0 2 4 6 8 10

**PLANNING**

SARGANT ARCHITECTS  
 29 Woodmill Way, Lechlade, Gloucestershire, Glos, GL7 1LH  
 01594 955975 www.sargent-architects.co.uk

17 Tring Road # Wilstone

1:100 @A1	Proposed Site Plan
217 (A2.200) 8	2No. 4 Bed Houses



**4/01335/17/FUL - DEMOLITION OF EXISTING HOUSE AND GARAGE. CONSTRUCTION OF 2 NO. 4 BEDROOM HOUSES AND EXTERNAL WORKS.  
17 TRING ROAD, WILSTONE, TRING, HP23 4NU.  
APPLICANT: Frithsden Construction (SW) Ltd..**

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[Case Officer - James Gardner]

### **Summary**

This application is recommended for approval. The development would provide an additional unit of housing, would satisfactorily integrate with the streetscape character, would not adversely impact adjoining residents and would conserve and enhance the Wilstone Conservation Area.

### **Site Description**

The application site is located on Tring Road, Wilstone and comprises a detached 1950/60s gable fronted dwelling with an existing garage leading to a free-standing garage proximate to no. 19's flank wall. The dwelling is externally finished in brick with timber weatherboarding detail. The roof, which contains two side-facing dormer windows, is finished in concrete roof tiles.

There is a lawn located to the front which is enclosed by an attractive brick wall in Flemish bond. To the rear, the garden is enclosed by a mixture of close boarded fencing and a brick wall.

The area is predominantly characterised by terraced dwellings but there are examples of semi-detached and detached properties.

### **Proposal**

The application proposes the demolition of the existing dwelling and the construction of two (4-bed) detached dwellings.

The dwellings would be 10.79 metres deep at ground floor level and 7.41 metres at first floor level. They would have a width of 6.52 metres and a maximum ridge height of 7.95 metres. Two parking spaces are proposed for each dwelling.

The dwelling closest to no. 15 Tring Road would have a variable distance between the building and boundary ranging from 1.25 metres at the front corner and 0.95 metres at the rear corner. The dwelling closest to no. 19 Tring Road would also have a variable distance from the boundary – 0.90 metres at the front corner and 0.86 metres at the rear corner. Both dwellings would be set back from the highway by approximately 11.50 metres.

### **Referral to Committee**

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

### **Policies**

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

### Adopted Core Strategy (2013)

CS1- Distribution of Development  
CS2 - Selection of Development Sites  
CS7 – Rural Area  
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

## **Summary of Representations**

### Hertfordshire 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.

### Hertfordshire Archaeology

*The proposed development lies within Area of Archaeological Significance no. 13, as identified in the Local Plan. This covers the historic village of Wilstone, which has medieval origins (Historic Environment Record no. 4435). Medieval records suggest that it was only ever a modest hamlet at that time. By the mid 16<sup>th</sup> century it was wealthier than Puttenham, Wigginton or Aldbury, and it benefitted greatly from the construction of the Grand Union Canal and reservoir at the end of the 18<sup>th</sup> century.*

*The proposed development site is 20m away from no. 13 Tring Road, a Grade II Listed 15<sup>th</sup> century timber-framed house (HER no. 15962), suggesting that this part of Wilstone may have been within the later medieval hamlet. The nearby half Moon public house is a mid-17<sup>th</sup> century building, also Grade II Listed and timber-framed (HER no. 13394).*

The 1878-1892 Ordnance Survey 1<sup>st</sup> edition map shows a structure, presumably a dwelling, within the proposed development area. This has been demolished by the time of the OS 2<sup>nd</sup> edition (1899), and its age and provenance is unknown, although it appears to have been a sizeable detached structure.

I believe therefore that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:

1. the archaeological monitoring of groundworks related to the development, including all ground reduction, foundation trenches, service trenches, landscaping, and any other ground disturbance. This should include a contingency for preservation or further archaeological investigation of any remains encountered;
1. analysis of the results of the archaeological work with provisions for subsequent production of a report(s) and/or publication(s) of these results & an archive;
1. such other provisions necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within Policy 12 (para. 141, etc.) of the National Planning Policy Framework. and the guidance contained in the Historic Environment Planning Practice Guide.

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

#### Condition A

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

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

#### Condition B

i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).

ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

*If planning consent is granted, then this office can provide details of requirements for the investigation and information on archaeological contractors who may be able to carry out the work.*

#### Tring Rural Parish Council

The Parish Council discussed both applications last night and are Objecting to both applications on the basis of:

- 1) Density – they want to clarify that this isn't density in relation to the rest of the village but a density increase in terms of what is on the plot now. Several of the Councillors felt that the plot is too narrow at the front for two or three houses
- 2) Parking and traffic – at this location in Wilstone parking and traffic is already an issue and the Council feel giving permission for these dwellings would add to the problem.

#### Highways and Parking

Awaiting final comments...

#### DBC Building Control

No comments received.

#### DBC Conservation

No formal comments received.

#### Three Valleys Water

No comments received.

#### Thames Water Utilities

No comments received.

#### Canal and Rivers Trust

Does not wish to comment.

#### Neighbour Comments

15 Tring Road

**01/07/17** - *Regarding 4/01335/17/FUL -*

*a) we do not like that there is a lack of separation between the two proposed dwellings and the loss of the historic boundary wall at the front*

*b) refer to the saved local plan which states that amenities required are a metre from the boundary, are they?*

*How far are the proposed buildings away from our boundary?*

*Loss of privacy is also a concern, is all glazing facing our property to be obscure?*

*If solar panels are installed on the roof, would they be to the front or rear of the building(s)?*

*What arrangements are to be made regarding noise and security during the build?*

*Whichever scheme is approved, please may we have a programme of works.*

**27/07/17 –**

- 1) Aesthetically the proposal looks more in keeping with the village, now the "centre gap" has been closed.*
- 2) The proposal sits better on the existing footprint/site.*
- 3) The probable maximum, of upto sixteen, additional people on the site means that privacy, noise and smell will significantly increase.*

*General comments and queries on this updated proposal:*

- a) Water pressure in Wilstone is low, what steps are being taken to prevent the new build, times two and with upto 16 additional people on the site, worsening this?*
- b) There are problems with foul drainage in Wilstone, can you confirm that the new build, with so many additional people, will not exacerbate the issues already encountered?*
- c) Can you confirm that the new build will not affect the roots of our large tree on the front drive?*
- d) As mentioned in earlier correspondence, would you confirm that the space between the boundary of the new build and adjacent properties adheres to any government or local plans/policies?*
- e) What arrangements will the builder be making regarding noise and security during the build?*
- f) When agreement has been reached, please may we have a programme of works?*

19 Tring Rd

*We both support the application for two 4 bedroom, although we have reservation to the windows (maybe obscure glass) at the side (north west) as this will still have views to the rear of our property.*

21 Tring Road

**22/06/17** - *Because the proposed development contains parking for 6 cars at the front of the houses, the whole development is pushed back from the road, on a line with no 15. This deprives light from nos 15, 19, 21 and 23.*

*Whilst I applaud the idea of building houses in a similar style to the existing Victorian ones, it is a shame that your instead of pleasant small front gardens, all residents will see is parked cars.*

**24/07/17** - *I would like to bring to the attention of the developer and the highways dept, that the current drive for no 17, where it meets the road, regularly floods due to lack of adequate drainage, and blocked road drains.*

Kingfishers, Sandbrook Lane

*Objection based on the availability of parking and added congestion in the village. Car parking on Tring Road and Sandbrook Lane is already at a premium and the planned buildings will*

*reduce the available parking on Tring Road.*

*Additionally the situation will be even more exaggerated when the building work starts - a mixture of lorries, vans and cars. Where will they park?*

## **Relevant Planning History**

No recent history.

## **Considerations**

### Policy and Principle of the Development

The application site is located within the village of Wilstone which is located within the defined Rural Area. Development is supported in Wilstone provided that it supports the vitality and viability of the community, causes no damage to the existing character of a village and / or surrounding area and is compatible with policies protecting and enhances the Rural Area.

Aldbury, Long Marston and Wilstone are the largest settlements within the Rural Area and provide homes for several hundred people, as well as containing important services and facilities which need to be maintained. These villages are considered to be the most suitable locations for small-scale sensitively designed development that meets the long-term needs of the rural community and wider countryside.

Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the borough and new dwellings are supported in principle by policy CS18 of the Core Strategy.

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.

The main issues to the consideration of this application relate to the impact on the development on the Wilstone Conservation Area and the amenity of the adjoining residential properties.

### Impact on Character and Appearance of Area and Effect on the Street Scene

Core Strategy Policies CS11, CS12 and CS13 state that development within settlements should respect the typical density in the area, integrate with the streetscape character and contribute to the quality of the public realm. Chapter 7 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and, in particular, states that permission should be refused for development of a poor design which fails to improve the character and quality of the area.

The proposal would result in a density of 31.4 dwellings per hectare (based on two dwellings on a plot of 0.0063ha).

Whilst the terraced dwellings in the vicinity are of a significantly higher density, the density would not be dissimilar to that of nos. 15 and 13 Tring Road (20 dwellings/HA and 16 dwellings/HA, respectively), both of which occupy large spacious plots. The application site would thus act as a transition between the higher density terraced properties and the lower density detached properties. As such, the proposed development complies with Policy CS11 of the Core Strategy which states that development should respect the typical density in an area.

The current layout is considered to be acceptable and is the result of discussions with the applicant and his agent.



The grass verge running from the junction of Sandbrook Lane and Tring road (outside no. 23) up to the junction of The Mill and Tring Road (outside no. 13) and, to a degree, the garden of no. 15 itself, provides a welcomed green buffer and some visual relief. Consequently, it has been agreed that the crossovers will be constructed from Golpla or other similar gravel finish so as to the limit the visual impact on the grass verge.

The building line of the proposed dwellings would be pushed forward by approximately 2.80 metres and thus closely match that of the adjoining terrace. This is considered to be an improvement upon the existing situation.

Sufficient access has been retained around the side of the dwellings for easy access to the rear gardens.

### Quality of Design

In design terms the dwellings are considered to be of an acceptable design and appearance and would respect the architectural style prevalent in the area.

The following materials have been proposed to be used in the construction:

<b>Proposed Materials</b>	
External Walls	Red Multi Bricks with Red Voussoirs
Roofs	Natural Slate
Windows	White timber sash windows to front
Windows	White timber casement windows to rear
Front Door	Timber painted
Bi-Fold Doors	White timber or aluminium

These materials are considered to be acceptable. Should planning permission be granted, a condition will be included requiring the use of the materials specified above.

With the exception of the small 0.5 metre gap between the dwellings, the Conservation Officer has no concerns with regard to the impact the development would have on the Wilstone Conservation Area. The Conservation Officer's expert opinion is held in high regard; however, it is the planning officer's view that the gap in question is unlikely to be perceived unless standing directly in front of the development. Furthermore, the historic nature of Wilstone is such that a range of gaps between buildings is present.

The rear-most 3.37 metres of the extension would be of single storey construction with a mono-pitch roof measuring 3.50 metres high (2.20 metres at the eaves). This would reduce the overall bulk of the dwellings and add some character.

### Landscaping and Amenity Space

Saved Appendix 3 of the Dacorum Local Plan requires new development to provide private open space, with private gardens normally being positioned to the rear of the dwelling and having a minimum depth of 11.5 metres. For infill developments garden depths which are below 11.5 metres but of equal depth to adjoining properties will be acceptable.

The dwellings would have respective maximum garden lengths of approximately 26 metres and 28 metres and would therefore comfortably meet the minimum requirement set out in saved Appendix

### Impact on Surrounding Properties and Occupiers

The site is surrounded by residential properties and, consequently, there is the potential for overlooking of adjoining properties, visual intrusion and loss of sunlight and daylight.

Saved Appendix 3 of the Dacorum Borough Local Plan states that residential development should be designed and positioned in such a way that a satisfactory level of sunlight and daylight is maintained for existing and proposed dwellings. Significant overshadowing should be avoided (see the Building Research Establishment's report 'Site Layout Planning for Daylight and Sunlight'). Policy CS12 of the Core Strategy compliments this and requires development to avoid visual intrusion, loss of sunlight and daylight to the surrounding properties.

No. 15 Tring Road would be unaffected by the development as there would be no built development within close proximity.

The opposite side of the application site is bounded by no. 19 Tring Road which benefits from a single-storey rear extension with a steeply pitched slate roof. The effect of the roof pitch is to partially obscure the first floor window on rear elevation. The nearest edge of the proposed dwelling would be located approximately 0.85 metres from the boundary.

The two-storey element of the dwelling would meet the 45 degree rule. The fact that the rear-most 3.37 metres of the proposed dwellings would be of single storey construction would mean that there would not be a significant loss of sunlight and daylight.

Saved Appendix 3 of the Dacorum Local Plan (2004) states that residential development should be designed and laid out so that the privacy of existing and new residents is achieved, whilst Policy CS12 states that development should avoid loss of privacy and disturbance to the surrounding properties.

There would be no material increase in overlooking as a result of the development. The windows on the rear elevation would not result in any increase in overlooking to the rear gardens of the surrounding dwellings. Bearing in mind the proposed dwellings would be located closer to the road than the existing dwelling, the rear windows would, in fact, have less of an impact on the gardens of the surrounding properties.

Two windows are shown on the south-eastern and north-western elevational drawings, positioned at first and second floor level.

The windows on the south-eastern elevation would serve a staircase and look out onto the front driveway of no. 15 Tring Road. However, they are not considered to be detrimental to the amenity of neighbours. Areas at the front of dwellings are not considered to be especially private. Furthermore, the current dwelling has a side facing dormer window which overlooks the area in question. A certain level of overlooking, it should be noted, is not considered to be intrinsically negative as it can contribute to greater security by way of natural surveillance.

The windows on the north-western elevation would also serve a staircase. Given the primary purpose of the window is to provide natural light to the staircase, thus making sustained views unlikely, and the fact that there are currently no windows on no. 19's flank wall, it is not considered appropriate to impose a condition requiring these windows to be obscure glazed.

### Noise Disturbance

The dwellings will be constructed to meet modern buildings regulations standards and therefore there is unlikely to be significant levels of noise disturbance to the surrounding dwellings. While it is acknowledged that there would inevitably be noise disturbance during construction, as is the case with all building work, this would be of limited duration - i.e. for the period of the construction. Were construction work to take place at unsociable hours, then Environmental Health legislation could potentially be exercised.

## Parking

Policy CS9 states that the traffic generated by new development must be compatible with the location, design and capacity of the current and future operation of the road hierarchy, taking into account planned improvements and cumulative effects of incremental development.

Policy CS12 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. Policy CS8 and saved 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 NPPF and, accordingly, more weight is given to the 'case by case' approach to parking provision prescribed in national policy and CS12

The construction of two 4-bedroom dwellings would give rise to a maximum parking standard of 3 spaces per dwelling, whereas the application would provide 2 spaces per dwelling.

It is acknowledged that many of the dwellings in this part of Wilstone do not benefit from off-road parking, in large part due to the preponderance of terraced properties in close proximity to the highway, precluding the construction of off-road parking. However, unrestricted on-street parking is available in the immediate area and the road is uncharacteristically wide for a settlement of this size. The current dwelling provides up to 2 off-road parking (according to Hertfordshire Highways the block paving which extends across the grass verge cannot be lawfully used for parking). On the basis that the current dwelling does not meet the maximum standard, it would be hard to object to 2 dwellings with an equal parking provision.

A site visit was carried out in the evening to determine the level of parking stress in the area at peak times. It was noted that there were spaces outside the application site.

Hertfordshire Highways have confirmed that they do not wish to restrict grant of planning permission subject to the inclusion of a number of conditions and informatives.

## Refuse and Recycling

The Refuse Storage Guidance Note was adopted by Dacorum Borough Council as supplementary planning guidance on 10 February 2015.

The guidance note provides the following guidance and principles:

- Waste storage areas must be sited so that householders do not have to carry refuse more than 30m to the rubbish store.

The proposed layout would comply with this principle.

Guiding principles for residential waste storage/collection:

- Storage should be safe and convenient for householders to use.
- It should be easy for householders to wheel the bins to the boundary of the property for collection and back again (level access).
- Bins need to be collected as close to the boundary as possible.
- Storage should not be visually intrusive in the street scene.
- Storage should be designed to enable the safe and convenient collection of waste.

Bin storage would be located to the rear of both dwellings so would not be visually intrusive in the street scene. Side accesses of sufficient width is shown as being provided.

### Trees and Landscaping

CS29 of the Core Strategy states that one new tree should normally be provided per dwelling.

Two new trees are proposed for the plot nearest no. 19, thus satisfying this requirement. Three existing trees (one in the front garden and two in the rear garden) of the plot nearest no. 15 are shown as being retained. Landscaping is to be incorporated into the frontage in order to help the development assimilate satisfactorily and retain the verdant feel present in this part of the Wilstone Conservation Area. Should planning permission be approved, a condition will be included requiring the submission of a landscaping scheme.

### Response to neighbour comments

Of those matters not addressed elsewhere within this report, the following responses are provided:

- Potential issues with low water pressure

Affinity Water and Thames Water Utilities have been consulted with regard to this application but have not provided any comments. Given that the proposal would result in only one additional dwelling, there is unlikely to be a significant impact on water pressure.

- Potential issues with foul drainage

See above.

- Potential damage to roots of tree located in front garden of no. 15.

The grant of planning permission does not give the developer the right to damage the neighbours' property. Any such damage would be a civil matter between the parties concerned, not a planning matter.

- Car parking to front of dwellings would spoil appearance of area

The local planning authority has tried to take a pragmatic approach with regard to the level of parking provided onsite. Whilst it is acknowledged that many of the properties in Wilstone, owing to their historic nature, do not benefit from off-road parking, it is nevertheless incumbent upon the local planning authority to balance the realities of 21<sup>st</sup> Century living with protecting the historic nature of the Wilstone Conservation Area. The off-road parking provided on site is below the maximum standard and planting will be carried out to the front, in addition to the Rowan tree which is shown as being retained. Additionally, the impact of the vehicular crossovers will be limited by surfacing them with Golpla or another similar crate gravel system.

Noise disturbance from construction vehicle movements

- This is an inevitable part of construction and of limited duration. The scale of the development would not warrant the submission of a construction management 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 1 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.

### **Summary and Conclusion**

It is considered that the proposed development would represent an improvement to the area and optimise the use of the available land – resulting in a net increase of one dwelling.

As such, the proposal is considered to comply with the National Planning Policy Framework, Policies NP1, CS1, CS4, CS8, CS11, CS12, CS17, CS18, CS27 and saved Appendix 5 of the Dacorum Borough Local Plan.

**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:**

**217 pa2.201 B**  
**217 pa2.202 B**  
**217 pa2.203 B**  
**217 pa2.204 B**  
**217 pa2.205 B**

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

- 3 The development shall be carried out in accordance with the Schedule of Materials submitted on Drawing Nos. 217 pa2.204 (B) and 217 pa2.205 (B).**

Reason: To ensure a satisfactory appearance to the development.

Reason: In the interests of the visual amenities of the Conservation Area.

- 4 No above ground 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:**

- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with**

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

- proposed finished levels or contours;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- retained historic landscape features and proposals for restoration, where relevant.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

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

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

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

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

**6 The trees shown for retention on the approved Drawing No. 217 pa2.201 (B) shall be protected during the whole period of site excavation and construction by the erection and retention of a 1.5 metre high chestnut paling fence on a scaffold framework positioned beneath the outermost part of the branch canopy of the trees.**

Reason: In order to ensure that damage does not occur to the trees during building operations.

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

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

Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with the NPPF, Policy CS27 of the Dacorum Core Strategy (2013) and saved Policy 188 of the Dacorum Borough Local Plan (1991 - 2011).

- 8 **i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).**

**ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

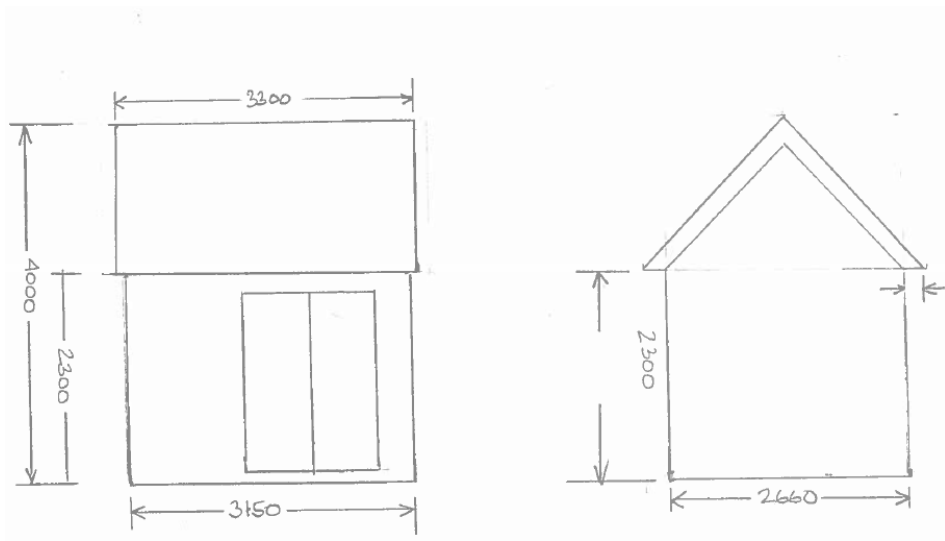
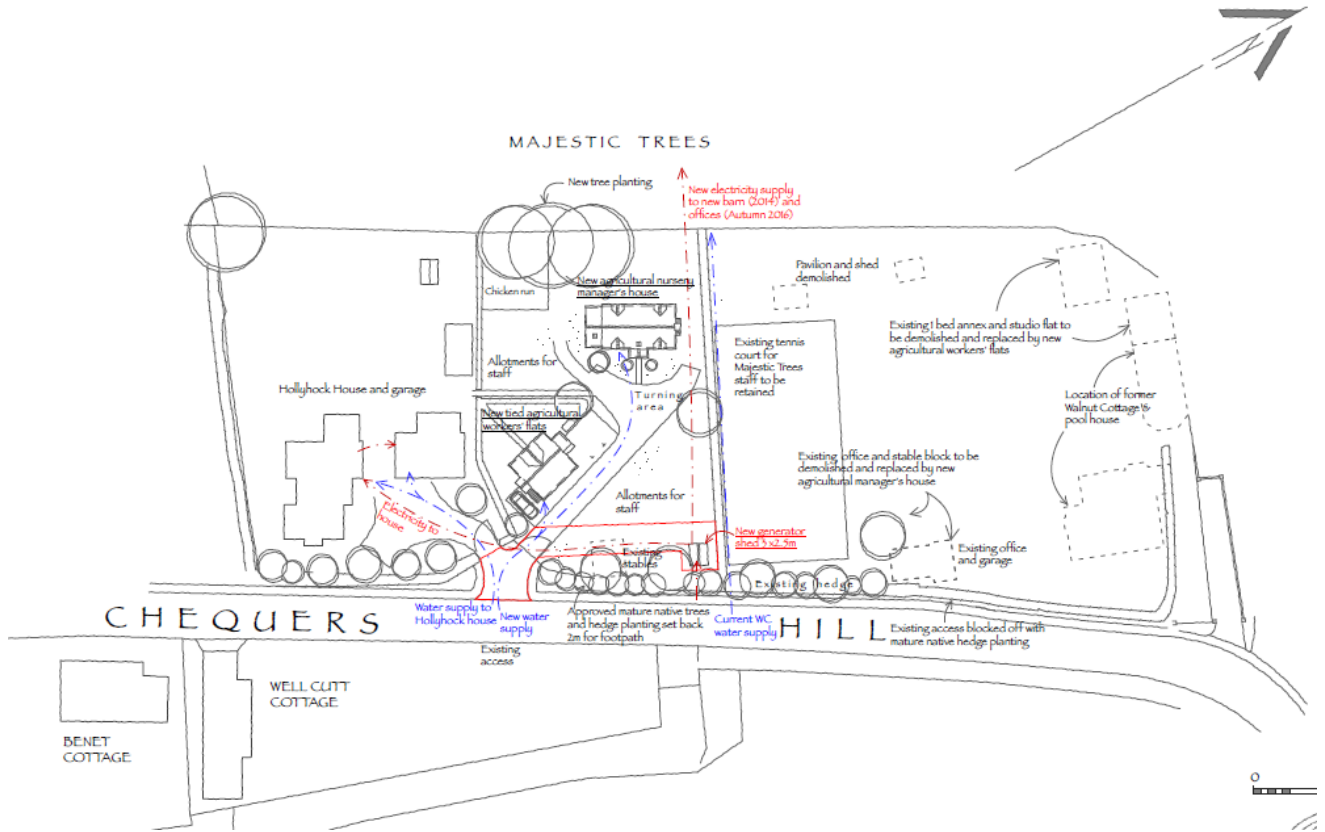
Reason: To ensure that reasonable facilities are made available to record archaeological evidence in accordance with the NPPF, Policy CS27 of the Dacorum Core Strategy (2013) and saved Policy 188 of the Dacorum Borough Local Plan (1991 - 2011).

# Agenda Item 5k

## Item 5k

### 4/01389/17/FUL – PROPOSED RETENTION OF A SHED FOR THE ELECTRICITY GENERATOR SERVING THE NURSERY (AMENDED SCHEME)

### CHEQUERS MEADOW NURSERIES, CHEQUERS HILL, FLAMSTEAD, ST ALBANS, AL3 8ET





**4/01389/17/FUL - PROPOSED RETENTION OF A SHED FOR THE ELECTRICITY GENERATOR SERVING THE NURSERY (AMENDED SCHEME). CHEQUERS MEADOW NURSERIES, CHEQUERS HILL, FLAMSTEAD, ST ALBANS, AL3 8ET.**

**APPLICANT: Majestic Trees Ltd.**

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[Case Officer - Paul Newton]

### **Summary**

The electricity generator shed supports the horticultural use of the surrounding land and therefore constitutes an appropriate form of development in the green belt. The building is constructed of sympathetic materials and is of high quality design. The application needs to be considered on its individual merits. Although the building is slightly larger than previously approved the building does not detract from the character/appearance of the area and accords with the Adopted Development Plan and the National Planning Policy Framework.

### **Site and Surroundings**

The application site forms part of the wider Majestic Trees horticultural nursery which comprises a total of 7.95 hectares. The nursery itself contains rows of trees served by an irrigation system fed from the reservoirs; offices, agricultural buildings and a parking area. The River Ver crosses the nursery which also contains two reservoirs. The site is located on the north-western side of Chequers Hill, proximate to the bend in the road before its junction with the A5 (London Road).

The application site includes the location of the generator shed together with access along the Chequers Hill frontage. The site shares the vehicle access from Chequers Hill to Hollyhock House and the agricultural workers flats and managers house which have recently been constructed (ref. 4/02984/15/FUL; 4/02985/15/FUL). The site forms part of this area providing workers accommodation in conjunction with the nursery. It had previously been shown as part of the residential curtilage of Hollyhock House, however, the recent planning permissions for the accommodation formalised a change of use to horticulture given that it had only ever been used in connection with the nursery.

Dense vegetation aligns the south-eastern boundary along the frontage with Chequers Hill. A landscaping plan has been approved as part of the planning permissions for the agricultural workers accommodation (ref. 4/00810/16/DRC; 4/00835/16/DRC) which includes enhanced landscaping along this boundary.

### **Proposal**

Permission is sought for the retention of a timber clad/tiled electricity generator shed. Permission was originally granted under ref 4/00681/16/FUL, the current application slightly increases the height/footprint of the building. The footprint of the building measures 3.15m by 2.66m. The height to the eaves is 2.3m and 4m to the ridge.

The previously approved shed had dimensions of 2.5m x 3.0m and had a pitched roof to a height of 3.1m with eaves of 2.0m and was to be constructed in breeze block, clad in timber weatherboard and tiled with plain tiles in keeping with the treatment of the other buildings located within the site.

The applicants have explained the reasons for the deviations from the approved plans:-

"The change in height and external dimensions compared to the previously approved drawing is a combination of factors. The alteration of the degree of the roof pitch, as well as deeper eaves from the external wall has increased the height of the ridge.

The degree of the roof needs to be sufficient for the particular types of tile (Tudor plain clay tiles) which were handmade. The website for Tudor Tiles states that the tiles require a 43 degree pitch to be correctly installed. The construction proceeded at the time as the difference was considered to be minimal and in practical terms the need for the building was pressing.

Further, the measurements provided on the previous plan and elevations related to the measurements to the edge of the breeze block and did not take into account the thickness of the timber weatherboarding, which explains the negligible additional footprint.

The change to which this application is seeking regularisation for is not significant, and does not materially affect the development. The height and size of the building has been kept to a minimum for the purpose of the building, whilst continuing to be in character with the other building on site. The essential use and need for the building has not altered since previous application ref. 4//00681/16/FUL."

### **Referral to Committee**

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

### **Relevant history**

4/00681/16/FUL	PROPOSED CONSTRUCTION OF A SHED FOR THE ELECTRICITY GENERATOR SERVING THE NURSERY
	GRANTED 27/05/16

### **Policies**

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

Adopted Core Strategy (2013)

CS5 - The Green Belt  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design

### **Constraints**

Green Belt  
Former Land Use

### **Summary of representations**

Flamstead Parish Council

3 councillors objected, 2 supported and 2 abstained from voting so the objection stands due to the extra height of the building and the roof pitch which should have been at 35 degrees.

### Local residents

Windrush

Having looked at the documents within this application it is evident that the applicant is trying to obtain consent for the building they originally wanted consent for under application 4/00681/16/FUL. The documents provided with the earlier application clearly show that the applicant was advised that the 45 degree pitched roof that they desired would be unacceptable as they submitted an amended drawing showing a 35 degree pitched roof which was approved. The planning statement with the original application clearly states that their proposed plain clay roof tiles can be used on a pitch as low as 30 degrees but they would like to make the pitch 35 degrees, it should therefore be questioned whether not only have they built a structure that is too big and too high with a roof that is too steep, but has the applicant used the roof tiles approved in the earlier application as he is now saying that the tiles he has used are not suitable for the approved roof pitch.

### **Considerations**

#### Policy and Principle

The site is located within the Green Belt. The National Planning Policy Framework (NPPF) states that inappropriate development such as the construction of new buildings is harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF goes on to say that 'very special circumstances' will only exist if the harm to the Green Belt is clearly outweighed by other considerations (paragraph 88). Furthermore, paragraph 89 sets out exceptions to what is not deemed to be inappropriate which includes:

*"buildings for agriculture and forestry"*

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 use of the premises falls within the definition above on the basis that it comprises horticulture and nursery grounds. Trees are grown and maintained on the site for sale to clients.

Core Strategy Policy CS5 allows for small-scale development in the Green Belt, such as buildings for the uses defined as appropriate in national policy, providing that 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 applicant has submitted further information demonstrating the need for the generator and its position. The generator ensures that the electrical supply to the site is maintained in the event of a power cut. Without a continuous electricity supply the pumps to the irrigation system would fail and the trees would not receive water which is fundamental to the operation of the nursery.

Given that the generator shed is a key component to the operation of the horticultural use of the

site, it is considered that it falls within the definition of a building that is not considered to be inappropriate development in the Green Belt in accordance with paragraph 89 of the NPPF. As part of the wider nursery operation that supports the rural economy the small-scale building would be consistent with adopted Core Strategy Policy CS5 which supports such types of appropriate development provided it has no significant impact on the character and appearance of the countryside and it supports the rural economy. The siting of the building and impact on the character and appearance of the countryside is discussed further below.

#### Effect on Street Scene and Visual Impact

Whilst the building is positioned approximately 5.5m from Chequers Hill, the building is of small scale, of attractive design and is well screened from the road by existing vegetation.

The building is contained within the cluster of other domestic buildings serving the nursery.

For the reasons above it is considered that the shed as constructed does not have a significant adverse impact on the character and appearance of the countryside and is consistent with Policy CS5 and CS12 of the Core Strategy.

#### Effect on Amenity of Neighbours

Due to the position and small scale of the proposed building there is no impact on any neighbouring amenities.

#### Parish/Neighbour concerns

Although it is clearly disappointing that the building has not been constructed in accordance with the previously approved plans which were amended to address concerns expressed by the Parish Council this is not a reason in itself to refuse an application. The application as submitted, needs to be considered on its individual merits and against the adopted policies of the plan. Taking the above into account, the minor nature of the proposal and its compliance with policies of the development plan it is considered grounds for refusal could not be sustained.

#### Conclusions

The building has slightly deviated from the approved plans and is slightly larger, however, the building is an appropriate form of development in the green belt and supports an existing horticultural enterprise. The building is constructed of sympathetic materials and is of high quality design. Although slightly larger than previously approved the building does not detract from the character/appearance of the area.

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:**  
**1355.8a**  
**Elevation plans**  
**Supporting statement with photos**

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

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.

- 2 **No other buildings shall be erected within the part of the site to be used for horticultural purposes contained within the land edged red on the approved plans without the prior written approval of the local planning authority.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the visual amenity of the locality and the Green Belt in accordance with Policy CS12 of the Dacorum Core Strategy (September 2013) and saved Policy 23 of the Dacorum Borough Local Plan 1991-2011.

# Agenda Item 6

## 6. APPEALS UPDATE

### A. LODGED

None

### B. WITHDRAWN

None

### C. FORTHCOMING INQUIRIES

None

### D. FORTHCOMING HEARINGS

None

### E. DISMISSED

4/00415/16/FUL

BULL HOMES LTD  
DEMOLITION OF EXISTING DWELLINGS AND CONSTRUCTION OF 9  
DWELLINGS  
33 & 35 GREEN LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JZ  
[View online application](#)

With respect to character and appearance considerations, the Inspector opined that in this instance of backland development, the rear line of five dwellings would be isolated and unrelated to the street frontage, although due to gently rising levels to the rear and their scale, the buildings to the rear would be highly prominent; concluding that the bulk, massing and scale of the dwellings would introduce significant structures behind the road frontage which would be alien and uncharacteristic. The proposal would have the effect of shifting the building pattern closer to the adjacent field to the rear of the site and diminish the openness and inter-visibility of the remaining undeveloped gardens either side, appearing cramped in its context. Nearby developments that give depth to development along the street are not located within a series of contiguous rear gardens. Boundary treatment and screening to the rear would not overcome these objections.

In terms of noise, the Inspector described the access road leading to the development and particularly the rear line of dwellings, would have a distinct highway function and character, and would result in a level of activity that would be incongruous in this quiet amenity space where residents can expect a degree of separation from the noise associated with the comings and goings of vehicles and their occupants. If fencing higher than the 1.8m is needed to mitigate the effects of the development, this would weigh against the proposals and would be incongruous in a garden setting.

Tree planting would not mitigate the loss of privacy of adjoining occupiers as trees would take some years to establish and cannot be presumed to exist in perpetuity.

It was also noted that the rear line of the development would significantly encroach into the outlook of occupiers of neighbours either side, and would have a moderate enclosing and overbearing effect; however would not warrant dismissal in the absence of other concerns.

The decision concludes with a brief section on paragraph 14 (NPPF) and the planning balance.

4/01857/16/FUL WHISTON  
NEW DWELLING WITH VEHICLE ACCESS FROM GRAVEL LANE  
(AMENDED SCHEME).  
1 BARBERRY ROAD, HEMEL HEMPSTEAD, HP1 1SD  
[View online application](#)

Dismissed appeal attached following a delegated refusal for an infill detached dwelling in Counters End HCA8. The locality surrounding the site is low density, very spacious and well-landscaped. The immediate Gravel Lane street scene features a staggered building line formed by four / five detached dwellings and the proposed dwelling would be sited forward of this which the Inspector found would appear at odds with the prevailing pattern of development. As a consequence, it would be an unduly dominant feature in the street scene, eroding the overall integrity of the relationship between the existing line of dwellings and the highway. The shorter front garden depth compared with its neighbour would create the impression of a high-density development tightly squeezed on the site. The public views of the development and its relationship with neighbouring dwellings would be clearly visible when approaching from both ends of the street, thereby intensifying this harmful impact. Dwelling design and spacing between dwellings would not reduce the visual impact identified. With respect to the garden size, it would be functional, however the restricted depth would not allow for the same extent of landscaping as adjoining properties and reinforces the incongruity of the development, contrary to Policies CS11 and CS12.

Decision concludes acknowledging that other developments put forward as examples by the appellant are not directly comparable to the current proposal in terms of dwelling proposed and townscape character, and any pre-application discussions have little bearing on the planning merits of the scheme considered.

4/02205/16/FUL Williams  
PART DEMOLITION OF EXISTING STORE AND GARAGE, EXTENSION  
AND SUBDIVISION OF EXISTING DWELLING FORMING LINKED NEW  
DWELLING. ALTERATIONS TO LANDSCAPING PARKING AND  
CROSSOVERS  
24 NETTLEDEN ROAD NORTH, LITTLE GADDESSEN, BERKHAMSTED,  
HP4 1NU  
[View online application](#)

The main issues are the effect of the development on:

- ? The character and appearance of the Little Gaddesden Conservation Area (CA) and the setting of the Grade II listed building, 22/23 Nettleden Road (No 22/23):
- ? The living conditions of occupiers of 23/23 Nettleden Road with particular regard to privacy: and,
- ? Whether the development would be compliant with relevant local policies in respect of small scale development in rural areas.

In the light of the above, I conclude that the development would be contrary to the provisions of both the Act and the Framework which seek to conserve and enhance the historic environment. It would also be contrary to Policy CS27 of the Local Plan which requires development to conserve and enhance the appearance and character of CAs and protect, conserve and if appropriate enhance the integrity, setting and distinctiveness of designated and undesignated heritage assets.

However, on balance and in relation to the garden, I conclude that the development would be contrary to LP Policy CS12 which requires development to avoid loss of privacy.

However, this development would have a significant impact on the character and appearance of the countryside, and would therefore be contrary to the provisions of LP Policy CS7.

Interested parties have raised an issue as to whether the site constitutes previously developed land. However, the development would replace permanent ancillary buildings. Furthermore, although gardens within built-up areas are not considered to be previously developed land, I am not satisfied that the appeal site could be considered to be within a built-up area. This is reinforced by the Council's application of LP

Policy CS7 which relates to rural areas.

However, even if the Council was unable to demonstrate sufficient housing land supply, the development would make a very limited contribution to local housing. Furthermore, in this instance, the adverse impacts of the development, particularly in regard to the CA and the setting of the adjacent listed building, would significantly and demonstrably outweigh that limited benefit.

For the reasons given above and taking all matters into account, I conclude that the development would be contrary to national policies in relation to heritage assets, and the relevant policies of the Council's Local Plan. Therefore the appeal should be dismissed.

4/02899/16/MOA                      499 London Road Ltd  
DEMOLITION OF EXISTING RETAIL CAR SHOWROOM, WORKSHOP AND  
ASSOCIATED FACILITIES AND CONSTRUCTION OF OFFICES WITH  
RETAIL AND LOBBY AREAS (ALL MATTERS RESERVED)  
499 LONDON ROAD, HEMEL HEMPSTEAD, HP3 9BG  
[View online application](#)

The appeal was against the refusal for outline planning permission (all matters reserved) for the proposed demolition of existing retail showroom, workshop and associated facilities and construction of offices with retail and lobby areas.

The application was refused by DBC due to a lack of information to confirm that the proposal would not adversely impact upon both the highway network and the health and vitality of the town centre.

On the matter of highway impact, the Inspector was satisfied that there was insufficient information provides to confirm that the development would not conflict with the requirements of Saved Policy 51 and Core Strategy Policy 9.

With regards to the impact of the proposals on the health and vitality of the town centre, the Inspector concluded that there was insufficient evidence to enable them to conclude that the development would not have an adverse effect on the viability and vitality of retail outlets in other locations, including the town centre. This would be contrary to CS Policy CS16 as outlined above, as well as Saved Policy 44 of the Local Plan which requires a sequential approach to site selection in order to demonstrate need for development and ensure it would not damage the vitality of viability of nearby town or local centres.

The Appellant's application for costs was also dismissed.

4/03073/16/MOA                      499 London Road Ltd  
DEMOLITION OF EXISTING RETAIL CAR SHOWROOM, WORKSHOP AND  
ASSOCIATED FACILITIES AND CONSTRUCTION OF OFFICES WITH  
RETAIL AND LOBBY AREAS, CAFETERIA AND INTERGRATED BASEMENT  
PARKING (ALL MATTERS RESERVED)  
499 LONDON ROAD, HEMEL HEMPSTEAD, HP3 9BG  
[View online application](#)

The appeal was against the refusal for outline planning permission (all matters reserved) for the proposed demolition of existing retail showroom, workshop and associated facilities and construction of offices with retail and lobby areas.

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Local Plan which requires a sequential approach to site selection in order to demonstrate need for development and ensure it would not damage the vitality of viability of nearby town or local centres.

In addition for these reasons for dismissal, the Inspector also stated that the spread of development would be likely to encroach beyond the current building line. The positioning of a structure beyond the building line would be overbearing, particularly given the relatively narrow road and footway width and the scale of the existing dwellings on both sides of Boxmoor. This section of London Road a distinctive semi-rural character which would be diminished by development on a scale that neither respected nor reflected its context.

It was concluded that the proposals would have an adverse effect on the character and appearance of the area. This would be contrary to Paragraph 17 of the Framework which requires development to be of high quality and to take account of the different roles and character of different areas amongst other considerations, and Paragraph 58 which requires development to reflect the identity of local surroundings, also amongst other aims.

The Appellant's application for costs was also dismissed.

4/03387/16/FHA

Mr B Sterling  
FIRST FLOOR REAR EXTENSION, INTERNAL WORKS AND NEW FENCING  
OLD PALACE LODGE, 69A LANGLEY HILL, KINGS LANGLEY, WD4 9HQ  
[View online application](#)

Owing to the unified and symmetrical appearance of the front elevation, the rear elevation, which is viewed in two main parts (a late 18th Century part and a 19th century element), was deemed to be of particular importance. The Inspector shared the Council's view that the listed building derives its significance from the differences in architectural style clearly visible on the rear elevation, and in particular the dichotomy between the 18th and 19th Century elements.

The proposed extension would obscure much of the existing rear elevation, and through the use of a render finish, try to replicate the late 18th Century part of the building, whilst feeding off the 19th Century element.

The removal and repositioning of the oriel window from the rear elevation (at 1st floor level) to the flank wall of the ground floor extension would have two negative effects:

Erosion of the evolutionary character of the building; and  
Misrepresentation of the building's evolution.

Whilst the Inspector acknowledged that it is preferable to re-use historic features wherever possible, he did not consider that this provided justification in itself for changing the context of where the window currently is within the building.

In terms of the internal works the Inspector concluded that, given that the external works had already been deemed unacceptable and that the internal works would be hard to separate from the external works, it would not be necessary to undertake any further assessments. No consideration was given to the formation of the new doorway for the en-suite; which, it should be noted, did not form part of the external works.

The arguments in favour of the GRP fence were dismissed out of hand due to a lack of information in terms of its visual appearance (and apparently because it would not be located within the appeal site??).

Less than substantial harm would result from the proposal; however, the Inspector opined that, whilst private benefit would undoubtedly accrue to appellant, no public benefits would result which could justify the harm to the heritage asset.

4/03388/16/LBC

Mr Sterling  
FIRST FLOOR REAR EXTENSION, INTERNAL WORKS AND NEW FENCING  
OLD PALACE LODGE, 69A LANGLEY HILL, KINGS LANGLEY, WD4 9HQ  
[View online application](#)

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**F. ALLOWED**

None