



Public Document Pack
**DEVELOPMENT MANAGEMENT
AGENDA**

**THURSDAY 12 OCTOBER 2017 AT 7.00 PM
COUNCIL CHAMBER, THE FORUM**

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

Membership

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

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

For further information, please contact Katie Mogan or Member Support

AGENDA

1. MINUTES

To confirm the minutes of the previous meeting (these are circulated separately)

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial
- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

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

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

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

It is requested that Members declare their interest at the beginning of the relevant agenda item and it will be noted by the Committee Clerk for inclusion in the minutes.

4. PUBLIC PARTICIPATION

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

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

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

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

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

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

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

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

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

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

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

5. INDEX TO PLANNING APPLICATIONS

- (a) 4/01569/17/MFA - DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF 40 DWELLINGS, ALTERATIONS TO EXISTING VEHICULAR ACCESS ON TO AYLESBURY ROAD, LANDSCAPING AND INTRODUCTION OF INFORMAL PUBLIC OPEN SPACE - CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL, AYLESBURY ROAD, TRING, HP23 4DL (Pages 6 - 55)
- (b) 4/01630/17/MFA - RESIDENTIAL DEVELOPMENT ON FORMER MARTINDALE SCHOOL SITE TO PROVIDE 65 NEW DWELLINGS (AMENDED SCHEME) - MARTINDALE JMI SCHOOL, BOXTED ROAD, HEMEL HEMPSTEAD, HP1 2QS (Pages 56 - 95)
- (c) 4/02386/17/ROC - VARIATION OF CONDITION 3 (MATERIALS) ATTACHED TO PLANNING PERMISSION 4/04074/15/FHA (TWO STOREY SIDE EXTENSION, FRONT PORCH AND SINGLE STOREY REAR EXTENSION) - 53 HOMEFIELD ROAD, HEMEL HEMPSTEAD, HP2 4B (Pages 96 - 102)
- (d) 4/03286/16/FUL - DETACHED DWELLING - 21A HALL PARK, BERKHAMSTED, HP4 2NU (Pages 103 - 124)
- (e) 4/00601/17/FHA - CONSTRUCTION OF OUTBUILDING AT REAR OF PROPERTY CONSISTING OF GYM AREA AND DETACHED GARAGE - 17 HIGHCLERE DRIVE, HEMEL HEMPSTEAD, HP3 8BY (Pages 125 - 133)
- (f) 4/01574/17/FUL - CONSTRUCTION OF NEW DWELLING CONNECTED TO EXISTING SEMI-DETACHED PROPERTIES. EXTERNAL REFURBISHMENT OF EXISTING TWO PROPERTIES - 3 GROVE FARM COTTAGE, MARSHCROFT LANE, TRING, HP23 5PP (Pages 134 - 142)
- (g) 4/01008/17/FUL - NEW 3-BED DWELLING - THE FIRS, MEGG LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9JN (Pages 143 - 153)
- (h) 4/01677/17/FHA - SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION WITH FRONT AND REAR DORMERS - 3 NASH CLOSE, BERKHAMSTED, HP4 1FB (Pages 154 - 160)
- (i) 4/01491/17/FUL - DEMOLITION OF EXISTING DWELLING. CONSTRUCTION OF TWO 3 BEDROOM CHALET BUNGALOW STYLE DWELLINGS - LYNDHURST, 32 HARDY ROAD, HEMEL HEMPSTEAD, HP2 5EG (Pages 161 - 180)
- (j) 4/01339/17/FHA - SINGLE STOREY FRONT AND REAR EXTENSIONS. ALTERATIONS TO ROOF. VELUX WINDOWS, FRONT AND REAR DORMERS - 25 DAMMERSEY CLOSE, MARKYATE, ST ALBANS, AL3 8JS (Pages 181 - 187)
- (k) 4/02027/17/FUL - DEMOLITION OF EXISTING BUILDING. CONSTRUCTION OF 4 NO. 5 BEDROOM DWELLINGS - HASTOE HILL RIDING STABLES, HASTOE HILL, HASTOE, TRING, HP23 6LP (Pages 188 - 200)
- (l) 4/01792/17/RET - RETENTION OF A SINGLE STOREY REAR EXTENSION - 83 DEACONSFIELD ROAD, HEMEL HEMPSTEAD, HP3 9JA (Pages 201 - 204)
- (m) 4/01742/17/FUL - REMOVAL OF TREE AND CHANGE OF USE FROM AMENITY GREEN TO ACCESS ROAD - GRASS VERGE FRONTING 17-23 CUTTSFIELD TERRACE, HEMEL HEMPSTEAD, HP1 2AP (Pages 205 - 212)

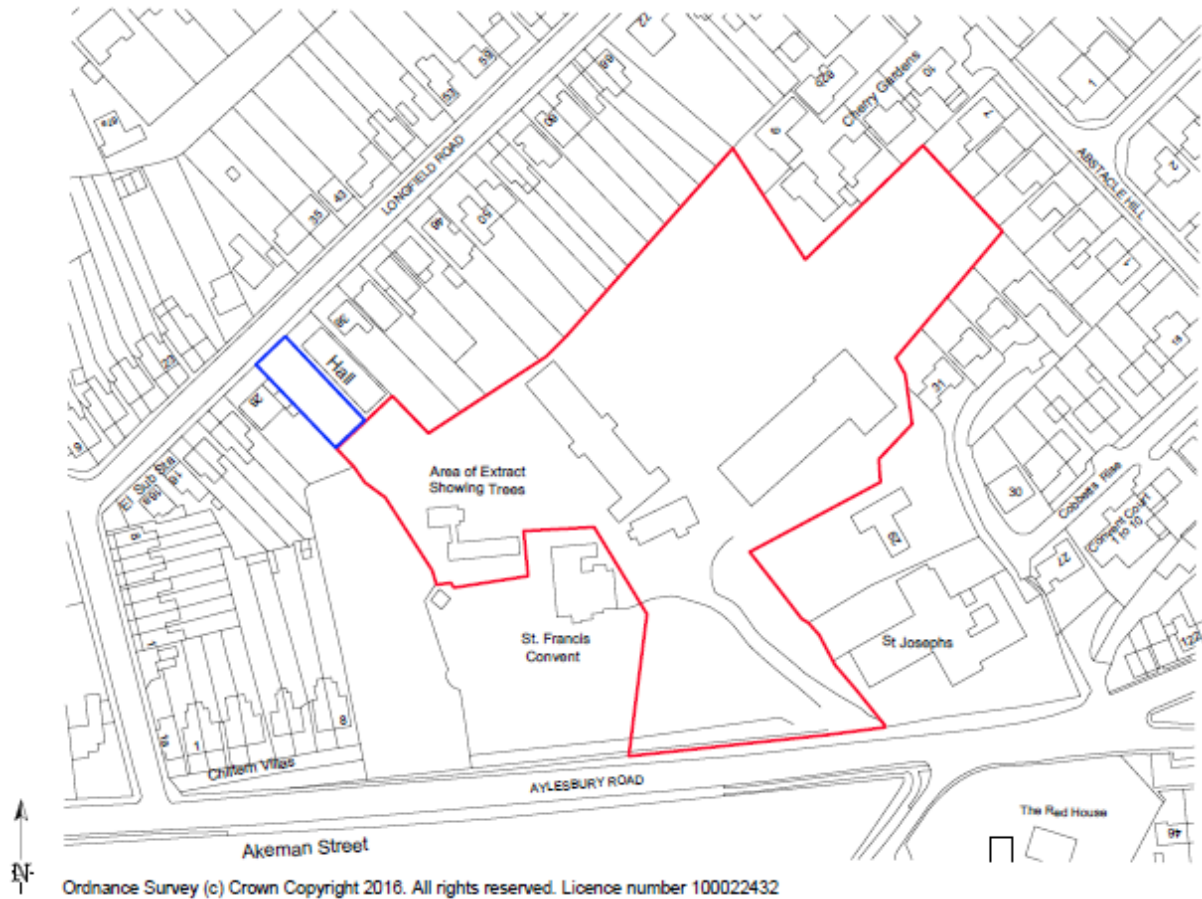
6. **PLANNING ENFORCEMENT FORMAL ACTION STATUS REPORT (OCTOBER 2017)** (Pages 213 - 220)
7. **APPEALS UPDATE** (Pages 221 - 225)

Agenda Item 5a

Item 5a

4/01569/17/MFA - DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF 40 DWELLINGS, ALTERATIONS TO EXISTING VEHICULAR ACCESS ON TO AYLESBURY ROAD, LANDSCAPING AND INTRODUCTION OF INFORMAL PUBLIC OPEN SPACE

CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL, AYLESBURY ROAD, TRING, HP23 4DL



Item 5a

4/01569/17/MFA - DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF 40 DWELLINGS, ALTERATIONS TO EXISTING VEHICULAR ACCESS ON TO AYLESBURY ROAD, LANDSCAPING AND INTRODUCTION OF INFORMAL PUBLIC OPEN SPACE

CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL, AYLESBURY ROAD, TRING, HP23 4DL



4/01569/17/MFA - DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF 40 DWELLINGS, ALTERATIONS TO EXISTING VEHICULAR ACCESS ON TO AYLESBURY ROAD, LANDSCAPING AND INTRODUCTION OF INFORMAL PUBLIC OPEN SPACE. CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL, AYLESBURY ROAD, TRING, HP23 4DL.

APPLICANT: W E Black Ltd - Mr E Gadsden.

[Case Officer - Intan Keen]

Summary

The application is recommended for approval.

The principle of residential development on this site has been established under the previous application considered by the Development Management Committee. Whilst the scheme seeks a higher number of residential units above the extant permission the proposal would be acceptable in terms of layout and density, would not detract from the appearance of surrounding street scenes or the character of the surrounding area (described under TCA1 Aylesbury Road and TCA2 Miswell Lane). The proposal would involve the removal of TPO Beech trees which is unfortunate however would not outweigh the planning benefits for provision of housing in this location designated as a residential area within the town of Tring. Residential amenity within the development would be satisfactory and the development would not have an adverse impact on the living conditions of neighbouring properties. Car parking provision and access arrangements would be acceptable and no concern has been raised with respect to the increase in traffic as a result of dwelling numbers.

The proposal therefore accords with the aims of the National Planning Policy Framework, Policies CS1, CS4, CS8, CS11, CS12, CS17, CS18, CS19, CS29, CS31, CS32 and CS35 of the Dacorum Core Strategy 2013 and saved Policies 18, 21, 58 and 99 and saved Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011.

Site Description

The application site comprises the buildings and grounds of the Convent of St Francis De Sales Preparatory School which is a sloping site accessed principally via a long drive off the northern side of Aylesbury Road and within the defined town of Tring. The school buildings and sports fields on the site are currently vacant following the closure of the school in 2014, also having utilised a pedestrian access off Longfield Road (however the application site does not extend up to this road frontage). The site is located at a height above Aylesbury Road consistent with the topography of the immediate area where the site's main frontage is largely vegetated including a bank comprising mature trees subject to a Tree Preservation Order.

Surrounding land uses are largely residential, with several single dwellings forming a shared boundary with the site, including those off Longfield Road, Cherry Gardens, Abstacle Hill, Cobbetts Ride, and High Drive off Aylesbury Road (Gordon Villas); comprising a mix of two-storey dwellings and bungalows, set on plots of varying size, shape and garden area. St Josephs Care Home is located immediately to the south of the site and the old Convent does not form part of the redevelopment site as it is understood to be occupied by Tring School for boarding pupils. The site lies within a designated residential area under the adopted Dacorum Borough Local Plan 1991-2011.

Proposal

Planning permission is sought for the redevelopment of the site to create 40 dwellings together with open space, parking areas and landscaping following the demolition of existing school buildings and structures on site; continuing to use the main access off Aylesbury Road. The mix of dwellings includes:

8 one-bedroom flats
12 two-bedroom houses
11 three-bedroom houses
9 four-bedroom houses

Of these 40 dwellings, 14 would be provided as affordable units which would equate to 35% of the total development.

The development would provide a total of 92 parking spaces.

The buildings would comprise a mix of detached and semi-detached dwellings, with flatted dwellings contained within a two-storey building within the central portion of the site. The internal road network would be laid out leading off from the main drive off Aylesbury Road coming to a T-junction with another main road leading off to two other spur roads within the development.

The individual plots would feature rear private gardens, and also with at least two car parking spaces within the curtilage of each dwelling. The flats would benefit from a communal garden area and private parking.

Referral to Committee

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

Planning History

Application 4/00029/16/MFA for demolition of all existing buildings, construction of 32 residential dwellings, alterations to the existing vehicular access onto Aylesbury Road, landscaping and the introduction of informal public open space was granted on 16 February 2017. This scheme included 30 dwellings on the main school site and the remaining two dwellings fronting Longfield Road replacing an existing hall, the latter portion which does not form part of the current application site.

Policies

National Policy Guidance

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

Core Strategy

Policies NP1, CS1, CS4, CS8, CS9, CS10, CS11, CS12, CS13, CS17, CS18, CS19, CS23, CS24, CS25, CS27, CS29, CS31, CS32, CS35

Dacorum Borough Local Plan

Saved Policies 10, 13, 18, 21, 58, 69, 76, 99
Appendices 3, 5 and 6

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area TCA1 (Aylesbury Road) and

Summary of Representations

Neighbours

8 Cherry Gardens

The plans contravene Dacorum Council's Planning guidelines. The 40 units would overcrowd and overshadow the existing site and would not blend in well with present housing stock in Abstacle Hill, Cherry Gardens and the top of Cobbetts Ride which consists mainly of detached bungalows and 3 detached houses. Construction of 4 dwellings on the existing tennis court means the houses are likely to be narrow in width and therefore not suitable housing for the long term leading to frequent changes of ownership. The plans didn't show sufficient detail on the amount of space between existing boundary lines and new build or access roads. Clarification is needed on who would maintain the strip of land behind nos 8 and 9 Cherry Gardens which has turned into a wilderness.

29 Cobbetts Ride

We would like to raise our objections to the above planning application as listed below:-

Density/proximity/overlooking.

The proposed scheme although better in some areas to previous proposed schemes still seems far too dense with too many large buildings in a raised position with many windows overlooking the existing dwellings in Cobbetts Ride, Abstacle Hill and Cherry Gardens, surely as a Planning Department you should at least be insisting on lower rise dwellings such a bungalows of which there are many existing surrounding the proposed development and in addition, as in the previous Cobbetts Ride development have the ground levels reduced by one storey to lessen the impact , why was this required then and not now? did the existing occupiers have more rights to privacy then than now?

One of the points seems to be that there are existing large buildings already on the site and that they are merely being replaced but the fact is the existing buildings have no windows overlooking the neighbouring properties.

We are also rather dismayed that there is a side elevation showing the position of plots 10-12 and their relation to our boundary fence but as far as we can make out, conveniently no side elevation of plots 6-9 which are far closer.

Wildlife survey.

As yet there seems to be no available current wildlife survey showing how the developers are going to deal with the bat colony in the old chapel roof, the starlings nesting in the school hall and any other wildlife that would have undoubtedly made their home in the wild environment that has established itself over the last couple of years while this process has been going on.

Trees.

We trust that the Local Authority Tree Officer will be inspecting the trees that are diseased and need to be removed to confirm this.

We would also seek reassurance that the construction of plot 1 which is in very close proximity to existing trees with existing TPO's will have a plan in place to minimise root damage.

Access.

Quite frankly we are stunned that the Highways Agency has no input or objections to the possibility of 80 to 100 additional vehicles entering and exiting onto Aylesbury Road without insisting on at least a mini roundabout put in place or yellow lines running from the proposed entrance in both directions for at least 100m because it is so obvious that parking on the road or path in Aylesbury Road will become the norm that an accident will be inevitable on an already congested , dangerous stretch of road.

Infrastructure.

We understand the need for housing but this can't go on indefinitely without up-grading the local infrastructure, we understand that the local Doctors Surgery is at full capacity and we are sure the schools must be as well, it seems ludicrous that developers turn up, build houses, take their profits then leave the local residents to sort out the additional population , we know this is a countrywide problem and one ultimately for Central Government to address but as the local authority you must have some control as to numbers of new houses.

In summary we understand that the site may not be viable as a school and that it is inevitable that a valuable plot of land such as this will have houses constructed on it but it must be done with sympathy towards existing residents, the fact that the original proposal was for 40 dwellings and after numerous consultations and planning meetings was finally reduced to 32 and accepted then to have a developer apply to build the original 40 (which in fact is probably more like 41-42 because we seem to remember that the original proposal included 1 or 2 dwellings in the old entrance from Longfield Road which now seems to have been removed from the scheme making matters worse), if this application is approved by you it makes a mockery of the planning process where after two to three years deliberation we end up right back where we started with the developer getting what they wanted in the first place, for this reason and our other points raised above we must object to this planning application.

33 Cobbetts Ride

In response to the letter from Dacorum Borough Council dated 19 June 2017 regarding application 4/01569/17/MFA we have reviewed the submission and supporting information and hereby submit our objection to the proposals as we do not feel the application sufficiently addresses concerns of overdevelopment, overlooking and loss of privacy, sunlight and daylight.

1. Consultation

We are extremely concerned that no consultation with the local community and surrounding neighbours has taken place for this latest application, particularly given that 28 properties are directly adjacent to the site.

The previous application (4/00029/16/MFA) at neighbour consultation stage in late 2015 proposed 40 new dwellings, however after local consultation the proposal was subsequently reduced to 37 new homes when the planning application was submitted in January 2016. Following lengthy consultation and work with the planners the design was adapted further and reduced to 32 units to reflect sensitivity to the existing neighbouring properties and as a result the application was subsequently approved.

2. Overlooking and loss of privacy

These aspects particularly affect the existing homes at 31, 33 and 35 Cobbetts Ride, 7, 8 and 9 Cherry Gardens and 4, 5, 6 and 7 Abstacle Hill in relation to plots 10-12, 13-16, 17-20 and 21-

24. These issues are exacerbated by the contours of the site as the school land has a considerably elevated position in relation to Cobbetts Ride and Abstacle Hill (as indicated in drawing no. 16/3431/21).

During the construction of the houses at 31-37 (odds) Cobbetts Ride in the late 1990s and early 2000s a planning requirement resulted in these homes being set into the side of the hill, requiring substantial groundworks to dig out and remove the earth and chalk, in order to minimise the impact of any overlooking and loss of privacy on the existing houses at 20-28 (evens) Cobbetts Ride. In addition, 37 Cobbetts Ride was constructed as a single storey property due to the proximity of the neighbouring existing bungalows in Abstacle Hill. The levels and site contours of the school land should be taken into account and thoroughly addressed by any application in relation to the existing neighbouring homes. There did not appear to be a topographical survey included within the application submission.

Consideration should be given to the inclusion of a planning condition in relation to the current application to reduce the site levels gradually for plots 10-24 to minimise the impact of overlooking and loss of privacy on the neighbouring properties in Cobbetts Ride and Abstacle Hill.

The application does not appear to include sufficient details comparing the height and demonstrating a minimum 23m distance between the proposed dwellings and the existing properties. This information is vital in order to adequately assess the differences due to the considering changes in gradients over and adjacent to the site. For example, drawing no. 16/3431/21 shows the sight line from habitable rooms on the upper ground floor of 31 Cobbetts Ride and 35 Cobbetts Ride (The Hollies); if however the sight line is taken from the first-floor habitable rooms in Cobbetts Ride it would directly face the proposed properties at the ground/first floor level. For example, the photographs below show the view from a first-floor habitable room at 33 Cobbetts Ride across to the tennis courts and school hall.

As such we are troubled over the loss of privacy due to the close proximity of the proposed dwellings which would overlook habitable rooms of the existing nearby homes and their private gardens. In particular between Plot 21 and 35 Cobbetts Ride, Plot 24 and 8 Cherry Gardens and Plots 10 and Plots 17-20 and 31 Cobbetts Ride particularly taking into account the upper floor rear extension to the north-western side). We ask that the proposed homes be sited at a sufficient distance (at least 23m) and be required to have obscured glazing and non-opening windows where they overlook habitable rooms of neighbouring properties in order to protect privacy.

We suggest that a site visit by the applicant, applicant's architect, Dacorum Borough Council's Planning Officer and Tree Officer is vital as it is the only way to fully appreciate the site context and level changes alongside the relationship with the neighbouring properties. In particular viewing the site from the habitable rooms and private rear gardens of the most overlooked properties at 31, 33 and 35 Cobbetts Ride, 7, 8 and 9 Cherry Gardens and 5-7 Abstacle Hill would afford the necessary perspective to appreciate the full effect of the proposed properties on these properties in terms of overlooking, loss of privacy and sunlight.

3. Density, character and views

The proposed development does not appear to align with Core Strategy Policy CS11: Quality of Neighbourhood Design which states that development should:

Respect the typical density intended in an area and enhance spaces between building and general character.

Protect or enhance significant views.

The majority of the existing neighbouring properties are detached houses or bungalows, with

only two pairs of semi-detached houses at 54-56 and 60-62 Longfield Road and one terrace of three homes at 64-68 Longfield Road adjacent to the north boundary of the site. The proposed development includes four terraces each comprising four houses, with the two central properties in each terrace having considerably smaller and narrower gardens than the other plots. The introduction of a block of eight 1 bedroom flats and the lack of any bungalows is not in keeping with the type of housing in the existing neighbourhood.

We note that design of the proposed plots 25-40 is more in keeping with the area via creation of typical street scene, however this is only partly replicated on the other side of the road by plots 2-5. It would be more in keeping with the surrounding area of Tring if a similar street scene was included on both sides of the road. Enabling the proposed properties to be moved northwards and further from the external boundary of the site (and the existing neighbouring dwellings) to address concerns of overlooking and loss of privacy and reduce the density of the proposed development by introducing larger rear gardens and reducing the number of proposed dwellings. The introduction of a couple of bungalows, for example on the tennis court area to replace plots 21-24, would also be more in keeping with the type of properties in the surrounding area, reduce density, overlooking and loss of privacy and provide much needed housing for the ageing population or for those with reduced mobility.

Given that the density of the development appears high compared to the surrounding area, does Tring have sufficient infrastructure and facilities (including schools, dentists and GP surgeries) to support the proposed new homes?

Does the mix of proposed housing types appropriately and adequately reflect the strategic housing market assessment and housing needs surveys in line with the Core Strategy Policy 18 Mix of Housing?

4. Surface water run-off

Core Strategy Policies CS18 and CS31 - there could be issues with potential surface water run-off due to the proposal to increase hard landscaping on the site and as a consequence rain water running from the higher ground of the school site down towards the lower lying existing surrounding properties. There is a need for a sustainable drainage strategy to minimise impact on the environment and the existing properties that are downhill from the site. There does not appear to be an assessment of the surface water run off or associated flood risk to the neighbouring properties located at lower levels included within the application. Has this aspect been thoroughly addressed by the applicant? Core Strategy 18 refers to the need to minimise water run-off from developments. A condition could be included to ensure that sustainable drainage is incorporated within any approved development.

5. Ecology and environmental matters

As the St Francis House School has been closed for some time, the school playing field has now become an established meadow and along the trees and shrubs within and surrounding the site provide an environment suitable for a variety of wildlife. The school hall has starlings nesting in the eaves; bats, green woodpeckers, owls and sky larks and others are regularly seen or heard in the vicinity. The application should include details in an updated ecology report (as the application refers to the ecology appraisal undertaken in September 2014, carried out as part of the previous application) to explain how the biodiversity and natural environment would be protected and enhanced (Core Strategy 16) in order to minimise the impact on the local flora and fauna. The loss of the open green space and some of the trees (which are protected by a Tree Preservation Order dated 22 July 2014, ref 544) is a concern both on the grounds of exacerbating surface water run-off (as mentioned above) and in terms of loss of wildlife habitat. Will a planning condition be included so that the developer is required to provide bird or bat boxes etc. to mitigate the loss of such habitats? If any of the existing trees are to be felled, they should be replaced with mature trees of similar variety. The presence of

fungus on a tree is not necessarily cause for concern however, and often trees have fungi present yet continue to thrive.

6. Sustainability

We would be interested to know whether the applicant has considered and completed the Sustainable Development Checklist <http://www.dacorum.gov.uk/docs/default-source/planning-development/annex-b---sustainable-development-checklist.pdf?sfvrsn=4>.

Are there any plans for the proposed development to include sustainable measures such as ground or air source heat pumps, photo voltaic panels, provision of water butts, planting of trees (in addition to replacing those that may be lost as part of the proposed development) etc. to demonstrate sustainable building design, construction and operation in accordance with the Core Strategies CS28 Carbon Emission Reductions, CS29 Sustainable Design and Construction and CS30 Sustainability Offsetting?

7. Pedestrian access

Policy CS35 (Infrastructure and Developer Contributions) identifies that all developments will provide or contribute to the provision of the on-site, local and strategic infrastructure required to support the development. The Sustainable Transport Policy CS8 states that all new development will contribute to a well-connected and accessible transport system include principles of priority for pedestrians and cyclists, good access for people with disabilities and creating safer and continuous footpath and cycle networks. However, the proposed site plan (drawing 16/3431/1) does not show any footpaths adjacent to the roadways, raising concerns for the safety of families and visitors.

8. Streetscape character

Policy CS12 Quality of Site Design requires safe and satisfactory means of access for all users particularly pedestrians and cyclists. In addition, visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties is to be avoided. Important trees are to be retained or if their loss is justified, to be replaced with suitable species. A development is to be integrated with the streetscape character and respect adjoining properties in terms of scale, height, bulk landscaping and amenity space. In a similar vein Quality of the Public Realm (Policy CS13) expects new developments to promote pedestrian friendly places. We have concerns over the proposed visitor parking bays near plots 21-24 due to the proximity to the rear gardens of 31 and 33 Cobbetts Ride due to their potential source of noise and fumes.

9. Vehicular access

We are not clear how the proposed access on to Western Road addresses Policy CS9 Management of Roads. Will contributions be required for road safety improvements in the area such as at the junction of Miswell Lane and Western Road (where visibility is regularly impaired by vehicles parking close to the junction) and the junction of the access road from applicant's site onto Aylesbury Road? The volume of cars exiting from the proposed development on to Aylesbury/Western Road would further increase the number of vehicles where it is already often difficult for two-way traffic to pass because of so many parked cars. This will be further exacerbated when the LA5 site is developed as no doubt visitors will be forced to park on Aylesbury Road.

10. Landscaping

The planning application does not appear to provide sufficient details of the hard and soft landscaping proposals. We would wish to see more information about the landscaping and in particular the proposals for the site boundaries. For example, who will be responsible for maintaining the landscaping in the proposed Open Space area between plots 13-20 and 21-24

including the native hedge proposed alongside the boundaries to 31, 33, and 35 Cobbetts Ride? These areas do not appear to be within the front or rear gardens of the proposed properties. In reality, the proposed open space area in front of plots 21-24 would in reality be of little use as this piece of land is steeply sloped.

Summary

In summary, we object to the proposed application for reasons of overdevelopment, overlooking, loss of privacy, loss of sunlight and loss of daylight.

We also request that consideration is given to the other points raised and look forward to the applicant's responses.

31 Cobbetts Ride

We hereby register our objection to this new application for 40 dwellings in the Convent School grounds, Tring HP23 4DL.

Firstly may we wholly concur and second the detailed objections already made in planning policy terms, on 27 June by 38 Longfield Road. We would like to amplify these objections from the other side of the proposed development at 31 Cobbetts Ride. To our knowledge, there has been no prior public consultation attached to this application which shows a lack of regard towards interested members of the public and other stakeholders. The attempt to squeeze substantially more dwellings onto this site is retrograde and appears speculative and opportunistic, which can only be driven by a desire to maximise land values and/or development profits.

In terms of Core Strategy Policy CS11 this application does not comply. It pays scant regard to the extensive consultation process that took place between November 2015 and November 2016 over the previous application reference 4/00029/16/MFA. We attended a public consultation in Nov '15 when the previous applicant was promoting a masterplan of 40 dwellings. Following this public meeting and feedback relating to over density and overlooking, an application was lodged in January '16 for 37 dwellings. After a series of formal objections (from statutory consultees as well as neighbours) there were consequent detailed consultations between applicant and the Planning Case Officer (who intended to recommend refusal) and fellow colleagues from local authority, following which amended drawings were substituted for 32 dwellings and which eventually received planning consent at a meeting in Nov'16. A brand new application now for 40 dwellings takes us back to where we started in late 2015. There is an attempt here to add in a further 8 x 1bed flats in one block plus an increased number of 4bed houses in lieu of 3bed houses. This represents an unacceptable density on the site and should be refused.

During the last application there were objections raised over Core Strategy Policy CS12 and the issue of overlooking, visual intrusion and loss of privacy. In addition to other neighbouring objections, Nos 29, 31, 33 and 35 Cobbetts Ride all complained over the overlooking issues due to close proximity to the boundary of our houses and the difference in levels with the proposed new houses elevated and looking down on us. (For the record there are no existing windows in the school buildings that overlook our properties). We invited and were pleased to receive a visit from the previous planning case officer to view the site from our bedroom windows and witness the difference in levels leading to overlooking. The previous applicant subsequently made further layout adjustments, including adjacent to the Cobbetts Ride boundary, and which were sufficient in the end to be granted an approval.

In terms of our family home at 31 Cobbetts Ride, we are the closest to the boundary. In the scanned plan below, we have marked the position of three dormer windows in the roof to the rear and which the applicant has not recognised on the submitted plans when showing sightline

distances. These windows will be significantly overlooked. The previous applicant had gone to significant measures to ensure that overlooking of our bedroom windows was ameliorated, with one gable facing us with only one small obscure glazed window in second storey of the gable end (previous Plot H25). The current application positions 3 houses and 6 flats with windows looking down into our habitable rooms and gardens. I count a total of 21 windows and 3 glazed double doors that would overlook our property at elevated position. The siting of the terrace of 3 houses and additional block of 8 one-bedroomed flats in this position is in clear breach of CSP 12.

We accept the local need for new housing on the site, if indeed the case was satisfactorily proven that educational use is unviable. However any residential development must be sympathetic to it's surroundings and reasonably fit in with and respect what is already there. This application falls well short of this. More consideration should be made over permissible densities, orientation of buildings to respect neighbours and boundaries, and building to appropriate levels. This site is on a hill above Cobbetts Ride, and levels could be reduced by excavating down to mitigate the extent of overlooking. There is planning precedent here as numbers 31-35 Cobbetts Ride were excavated down by one storey at the behest of Planners (1999-2001) because of their elevated position, and are now of split level construction.

Other observations:

Parking provision on the site has increased significantly to 92 spaces, an additional 26 spaces to be approved scheme. There were already significant concerns over the inadequacy of the site access road and junction onto Western Road. We are surprised that the current applicant would attempt to significantly increase the number of dwellings and car parking spaces without a viable Transport and Traffic Assessment.

The plans show a significant increase in hard external areas and there should be a Flood Risk Assessment and Drainage, SUDS reports to safeguard against surface water run-off etc.

The amenity space previously to be provided to the rear of our dwellings has been replaced by 'open space' which is now shown as a grass bank, presumably to take down the levels to the lower existing 'tennis court' level. The slope on this grassed area will be such that it is of little or no amenity value. The previous approved scheme was to use retaining walls to maintain level amenity areas.

There is no current and valid Ecology Report attached to this application, not even an ecologists 'top-up' report on that submitted previously. The site grounds have been wild for several years now and attracting more bats, birds and other wildlife to the area and which should be protected. We have written previously about the colony of starlings in the existing school hall as these are protected species.

The proposals include the felling of significant trees to the area and should be afforded the scrutiny of the Tree Officer.

We would welcome the current Planning Case Officer and colleagues to view the site from our bedroom windows and see first hand the juxtaposition of the newly proposed blocks of buildings, so that our genuine concerns can be better understood.

33 Cobbetts Ride

In response to the letter from Dacorum Borough Council dated 19 June 2017 regarding application 4/01569/17/MFA we have reviewed the submission and supporting information and hereby submit our objection to the proposals as we do not feel the application sufficiently addresses concerns of overdevelopment, overlooking and loss of privacy, sunlight and daylight.

1. Consultation

We are extremely concerned that no consultation with the local community and surrounding neighbours has taken place for this latest application, particularly given that 28 properties are directly adjacent to the site.

The previous application (4/00029/16/MFA) at neighbour consultation stage in late 2015 proposed 40 new dwellings, however after local consultation the proposal was subsequently reduced to 37 new homes when the planning application was submitted in January 2016. Following lengthy consultation and work with the planners the design was adapted further and reduced to 32 units to reflect sensitivity to the existing neighbouring properties and as a result the application was subsequently approved.

2. Overlooking and loss of privacy

These aspects particularly affect the existing homes at 31, 33 and 35 Cobbetts Ride, 7, 8 and 9 Cherry Gardens and 4, 5, 6 and 7 Abstacle Hill in relation to plots 10-12, 13-16, 17-20 and 21-24. These issues are exacerbated by the contours of the site as the school land has a considerably elevated position in relation to Cobbetts Ride and Abstacle Hill (as indicated in drawing no. 16/3431/21).

During the construction of the houses at 31-37 (odds) Cobbetts Ride in the late 1990s and early 2000s a planning requirement resulted in these homes being set into the side of the hill, requiring substantial groundworks to dig out and remove the earth and chalk, in order to minimise the impact of any overlooking and loss of privacy on the existing houses at 20-28 (evens) Cobbetts Ride. In addition, 37 Cobbetts Ride was constructed as a single storey property due to the proximity of the neighbouring existing bungalows in Abstacle Hill. The levels and site contours of the school land should be taken into account and thoroughly addressed by any application in relation to the existing neighbouring homes. There did not appear to be a topographical survey included within the application submission.

Consideration should be given to the inclusion of a planning condition in relation to the current application to reduce the site levels gradually for plots 10-24 to minimise the impact of overlooking and loss of privacy on the neighbouring properties in Cobbetts Ride and Abstacle Hill.

The application does not appear to include sufficient details comparing the height and demonstrating a minimum 23m distance between the proposed dwellings and the existing properties. This information is vital in order to adequately assess the differences due to the considering changes in gradients over and adjacent to the site. For example, drawing no. 16/3431/21 shows the sight line from habitable rooms on the upper ground floor of 31 Cobbetts Ride and 35 Cobbetts Ride (The Hollies); if however the sight line is taken from the first-floor habitable rooms in Cobbetts Ride it would directly face the proposed properties at the ground/first floor level. For example, the photographs below show the view from a first-floor habitable room at 33 Cobbetts Ride across to the tennis courts and school hall.

As such we are troubled over the loss of privacy due to the close proximity of the proposed dwellings which would overlook habitable rooms of the existing nearby homes and their private gardens. In particular between Plot 21 and 35 Cobbetts Ride, Plot 24 and 8 Cherry Gardens and Plots 10 and Plots 17-20 and 31 Cobbetts Ride particularly taking into account the upper floor rear extension to the north-western side). We ask that the proposed homes be sited at a sufficient distance (at least 23m) and be required to have obscured glazing and non-opening windows where they overlook habitable rooms of neighbouring properties in order to protect privacy.

We suggest that a site visit by the applicant, applicant's architect, Dacorum Borough Council's Planning Officer and Tree Officer is vital as it is the only way to fully appreciate the site context and level changes alongside the relationship with the neighbouring properties. In particular viewing the site from the habitable rooms and private rear gardens of the most overlooked properties at 31, 33 and 35 Cobbetts Ride, 7, 8 and 9 Cherry Gardens and 5-7 Abstacle Hill would afford the necessary perspective to appreciate the full effect of the proposed properties on these properties in terms of overlooking, loss of privacy and sunlight.

3. Density, character and views

The proposed development does not appear to align with *Core Strategy Policy CS11: Quality of Neighbourhood Design* which states that development should:

Respect the typical density intended in an area and enhance spaces between building and general character.

Protect or enhance significant views.

The majority of the existing neighbouring properties are detached houses or bungalows, with only two pairs of semi-detached houses at 54-56 and 60-62 Longfield Road and one terrace of three homes at 64-68 Longfield Road adjacent to the north boundary of the site. The proposed development includes four terraces each comprising four houses, with the two central properties in each terrace having considerably smaller and narrower gardens than the other plots. The introduction of a block of eight 1 bedroom flats and the lack of any bungalows is not in keeping with the type of housing in the existing neighbourhood.

We note that design of the proposed plots 25-40 is more in keeping with the area via creation of typical street scene, however this is only partly replicated on the other side of the road by plots 2-5. It would be more in keeping with the surrounding area of Tring if a similar street scene was included on both sides of the road. Enabling the proposed properties to be moved northwards and further from the external boundary of the site (and the existing neighbouring dwellings) to address concerns of overlooking and loss of privacy and reduce the density of the proposed development by introducing larger rear gardens and reducing the number of proposed dwellings. The introduction of a couple of bungalows, for example on the tennis court area to replace plots 21-24, would also be more in keeping with the type of properties in the surrounding area, reduce density, overlooking and loss of privacy and provide much needed housing for the ageing population or for those with reduced mobility.

Given that the density of the development appears high compared to the surrounding area, does Tring have sufficient infrastructure and facilities (including schools, dentists and GP surgeries) to support the proposed new homes?

Does the mix of proposed housing types appropriately and adequately reflect the strategic housing market assessment and housing needs surveys in line with the *Core Strategy Policy 18 Mix of Housing*?

4. Surface water run-off

Core Strategy Policies CS18 and CS31 - there could be issues with potential surface water run-off due to the proposal to increase hard landscaping on the site and as a consequence rain water running from the higher ground of the school site down towards the lower lying existing surrounding properties. There is a need for a sustainable drainage strategy to minimise impact on the environment and the existing properties that are downhill from the site. There does not appear to be an assessment of the surface water run off or associated flood risk to the neighbouring properties located at lower levels included within the application. Has this aspect been thoroughly addressed by the applicant? Core Strategy 18 refers to the need to minimise water run-off from developments. A condition

could be included to ensure that sustainable drainage is incorporated within any approved development.

5. Ecology and environmental matters

As the St Francis House School has been closed for some time, the school playing field has now become an established meadow and along the trees and shrubs within and surrounding the site provide an environment suitable for a variety of wildlife. The school hall has starlings nesting in the eaves; bats, green woodpeckers, owls and sky larks and others are regularly seen or heard in the vicinity. The application should include details in an updated ecology report (as the application refers to the ecology appraisal undertaken in September 2014, carried out as part of the previous application) to explain how the biodiversity and natural environment would be protected and enhanced (*Core Strategy 16*) in order to minimise the impact on the local flora and fauna. The loss of the open green space and some of the trees (which are protected by a Tree Preservation Order dated 22 July 2014, ref 544) is a concern both on the grounds of exacerbating surface water run-off (as mentioned above) and in terms of loss of wildlife habitat. Will a planning condition be included so that the developer is required to provide bird or bat boxes etc. to mitigate the loss of such habitats? If any of the existing trees are to be felled, they should be replaced with mature trees of similar variety. The presence of fungus on a tree is not necessarily cause for concern however, and often trees have fungi present yet continue to thrive.

6. Sustainability

We would be interested to know whether the applicant has considered and completed the Sustainable Development Checklist <http://www.dacorum.gov.uk/docs/default-source/planning-development/annex-b---sustainable-development-checklist.pdf?sfvrsn=4>. Are there any plans for the proposed development to include sustainable measures such as ground or air source heat pumps, photo voltaic panels, provision of water butts, planting of trees (in addition to replacing those that may be lost as part of the proposed development) etc. to demonstrate sustainable building design, construction and operation in accordance with the *Core Strategies CS28 Carbon Emission Reductions, CS29 Sustainable Design and Construction and CS30 Sustainability Offsetting*?

7. Pedestrian access

Policy CS35 (Infrastructure and Developer Contributions) identifies that all developments will provide or contribute to the provision of the on-site, local and strategic infrastructure required to support the development. The *Sustainable Transport Policy CS8* states that all new development will contribute to a well-connected and accessible transport system include principles of priority for pedestrians and cyclists, good access for people with disabilities and creating safer and continuous footpath and cycle networks. However, the proposed site plan (drawing 16/3431/1) does not show any footpaths adjacent to the roadways, raising concerns for the safety of families and visitors.

8. Streetscape character

Policy CS12 Quality of Site Design requires safe and satisfactory means of access for all users particularly pedestrians and cyclists. In addition, visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties is to be avoided. Important trees are to be retained or if their loss is justified, to be replaced with suitable species. A development is to be integrated with the streetscape character and respect adjoining properties in terms of scale, height, bulk landscaping and amenity space. In a similar vein *Quality of the Public Realm (Policy CS13)* expects new developments to promote pedestrian friendly places. We have concerns over the proposed visitor parking bays near plots 21-24 due to the proximity to the rear gardens of 31 and 33 Cobbetts Ride due to their potential source of noise and fumes.

9. Vehicular access

We are not clear how the proposed access on to Western Road addresses *Policy CS9 Management of Roads*. Will contributions be required for road safety improvements in the area such as at the junction of Miswell Lane and Western Road (where visibility is regularly impaired by vehicles parking close to the junction) and the junction of the access road from applicant's site onto Aylesbury Road? The volume of cars exiting from the proposed development on to Aylesbury/Western Road would further increase the number of vehicles where it is already often difficult for two-way traffic to pass because of so many parked cars. This will be further exacerbated when the LA5 site is developed as no doubt visitors will be forced to park on Aylesbury Road.

10. Landscaping

The planning application does not appear to provide sufficient details of the hard and soft landscaping proposals. We would wish to see more information about the landscaping and in particular the proposals for the site boundaries. For example, who will be responsible for maintaining the landscaping in the proposed Open Space area between plots 13-20 and 21-24 including the native hedge proposed alongside the boundaries to 31, 33, and 35 Cobbetts Ride? These areas do not appear to be within the front or rear gardens of the proposed properties. In reality, the proposed open space area in front of plots 21-24 would in reality be of little use as this piece of land is steeply sloped.

Summary

In summary, we object to the proposed application for reasons of overdevelopment, overlooking, loss of privacy, loss of sunlight and loss of daylight.

33 Cobbetts Ride further comments

In response to the letter from Dacorum Borough Council dated 19 June 2017 regarding application 4/01569/17/MFA we have reviewed the submission and supporting information and hereby submit our objection to the proposals as we do not feel the application sufficiently addresses concerns of overdevelopment, overlooking and loss of privacy, sunlight and daylight and does not comply with planning policies.

We also request that consideration is given to the additional points raised in the email sent to the Planning Officer on 8 July 2017 (as the website limits submissions to 1000 characters) and look forward to the applicant's responses.

35 Cobbetts Ride

We write to offer our additional views as residents of Cobbetts Ride on the proposed WE Black Ltd -Tring Heights development on the site of the former Francis House preparatory school , Aylesbury Road, Tring.

Having studied the Application drawings and supporting information, we write to confirm our objection to the proposed development. We do not object to the general principle of residential development on the site provided it complies Dacorum Planning Policy (which it currently doesn't) and that evidence is provided to show all avenues to retain Educational Use have been exhausted (no evidence of this is provided in the Application).

We are extremely disappointed that there has been no engagement with the local community to allow feedback to be taken into account - surely this should always happen on proposed major developments such as this?

The Application clearly contravenes Dacorum's Planning Policy and would result in harm to the character of the area because of the high density. Our objections are set out below for the Council's consideration alongside Policies CS11 (Quality of Neighbourhood Design), CS12 (Quality of Site Design), CS13 (Quality of the Public Realm), of the adopted Core Strategy.

Core Strategy Policy CS11

Policy CS11 states that development should respect the typical density intended in an area and enhance spaces between buildings and respect its general character.

The site falls within Character Area Appraisal for TCA 1 & 2 which clearly sets out that new development should be "maintained in the low range compatible with the existing character."

The density of the surrounding streets varies between 15 and 23 dwellings per hectare as noted in Dacorum's report on the approved application to the Planning Committee.

The site area is approximately 1 hectare (excluding the shared access to the Covent building).

The proposals therefore are much higher density equating to 40 dwellings per hectare.

This new Application sees the addition of 8 x plus 1-bed flats and 2 x 4-bed detached houses plus 5 of the 3-bed are increased to 4-bed units.

That is overall increase of 26% in the number of bedrooms and this ratio dwellings now being between 2 & 3 times that referred to in Policy and in the report attached to the recommendation for the previous approval (4/00029/16/MFA). This makes it one of the densest open housing developments anywhere in Tring. The previously granted permission had a density of 30 dwellings per hectare. It is therefore apparent that these new proposals far exceed Policy CS11 in that they fail to respect the density of the surrounding areas.

Core Strategy Policy CS12

Part (c) of policy CS12 states that development should avoid visual intrusion, loss of privacy and disturbance to the surrounding properties. Units 39 & 40 are situated unreasonably close to three properties (namely 11 Gordon Villas, 26 Longfield Road & 38 Longfield Road) causing an intolerable loss of privacy to these properties, especially the gardens, and as such we strongly object to the proposals. Due to this visual intrusion and loss of privacy, the proposals are contrary to Policy CS12 part (c).

Part (d) of policy CS12 states that the development should retain important trees. The proposal shows the removal a magnificent group of mature Beech trees that are protected by Tree Preservation Orders. In their place are units 39 & 40 referred to in previous paragraph. Thereby the proposals are contrary to Policy CS12 part (d).

The history of this part of the site was that the original owner had proposed removing these trees and had similarly wanted to replace them with houses.

The Planning Officer advised us at that time that this would not be acceptable and they were subsequently removed from the amended application that was subsequently granted permission - why should this change?

Core Strategy Policy CS13

Policy CS13 states that new development will be expected to contribute to the quality of the public realm by promoting pedestrian friendly spaces and including appropriate lighting, among other things. There are also no details submitted as to how external areas might be lit. This will

have to be undertaken sensitively to minimise any light pollution to existing properties. As such, the proposals are contrary to Policy CS13.

Other Issues

We understand that the Developer had originally only proposed infilling of the gap in Longfield Road with a single detached house. It is a very narrow plot - about the width of the neighbouring bungalow and several others nearby. The current proposals are unclear.

Many previous planning applications have been turned down in the vicinity because of overlooking issues and others been allowed only on the basis that modifications are incorporated to prevent overlooking. We trust the same rigorous attention will be applied to this Application.

Neighbouring properties are roofed with natural slates as are the new houses in Gordon Villas. Therefore this development should only be approved if natural slate is a Condition.

A Construction Plan should be Conditioned so as to preclude the use of Longfield Road & Longfield Gardens for demolition & construction traffic and to prevent parking of operatives' vehicles.

Additional Negative Observations

In summary, we contend that this Application is contrary to Dacorum's Core Strategy Policy and will result in a loss of residential amenity to neighbouring properties and will have a negative impact on the character of this part of Tring.

A wonderful opportunity to create an attractive and desirable place to live on this important site will be lost if this Application is approved.

Many think Tring deserves something better that complies with Dacorum's policies on respecting the character of local area in terms of massing, density, respecting privacy and providing decent homes with decent gardens.

Please confirm that these objections will be made known to members of your Development Control Committee.

Please inform us if any additional information becomes available so we can review prior to further consideration being given to the Application or before it is put to a future meeting of the Committee.

The development subject to planning agreement if it goes ahead will we feel directly impact our and our neighbours property which will back onto the development as we currently look out onto the tennis court / orchard area of the former preparatory school. Whilst the plans for the development have been altered to counter objections from local residents we still feel there are some additional changes that should be made to the development before any agreement to proceed is granted due to remaining impacts on our properties and outlook.

We were also disappointed to note that whilst looking through the planning applications / notes at the Tring Council offices the complete objections from local residents appears to not have been taken into consideration and made public. It appears that the developers / planning office have just cut and pasted the less objectionable negative comments into the planning applications rather than the complete residents objections ? We are guessing this is to make the development look more favourable or the negative comments more balanced vs the few favourable comments. This from our perspective seems to be very underhand and a smoke and mirrors tactic on the behalf of the developers.

The remaining impacts which in our opinion still need additional thought are as follows:

1. We are very unhappy that the four dwellings that were originally planned for the tennis court area had been reduced to two and is now planned to again be four dwellings plots 21,22,23,24 and we wish it to be clarified that this change again does not allow for the original target of ensuring that 23.5 metres of separation is achieved between the nearest tennis court area property H23.3B and our property The Hollies, 35 Cobbetts Ride, Tring, HP23 4BZ. Your revised plan currently shows 22 metres separation. The ideal scenario is that the tennis courts are turned over to public use by local residents or sports space. The ideal scenario for the tennis court plot is two or three bungalows – affordable or for the elderly or sold as retirement properties this we feel would be acceptable to the Cobbetts Ride, Abstacle Hill and Cherry Gardens residents.

2. We are also still concerned that we will still be overlooked by what appears from your preliminary drawings and plans that a window on the South East side of the roof space on property plot 21 will face the rear of The Hollies, 35 Cobbetts Ride, Tring and will look directly into our garden, dining room, living room and two bedrooms and thus we feel this will encroach on our current level of privacy. We are also concerned that the architects line of site elevations from the Hollies 35 Cobbetts Ride do not actually reflect the true line of site from the rear 1st floor bedrooms of 35 Cobbetts Ride Again ideal scenario for the tennis court plot is three bungalows – affordable or for the elderly or sold as retirement properties this we feel would be acceptable to the Cobbetts Ride, Abstacle Hill and Cherry Gardens residents or it could remain as some sort of sports space for local residents.

5. Having reviewed the proposed plans in more detail we have been astounded at the number of trees that the developers are proposing to fell including mature trees / the remains of the convent orchard that separates the tennis courts from the residents of Abstacle Hill. We feel very strongly along with other nearby residents that the development should allow for and accommodate the current trees on the plot within the scheme as a feature rather than felling them to squeeze in additional properties and parking. The residents along Cobbetts Ride directly in front of our properties have declared that they suffer ingress of water from plots higher up and behind their properties. This water probably originates from the convent plot and drains down through the chalk into Cobbetts Ride. By felling as many trees as planned this will surely have a negative impact and allow more water to soak away from the convent plots and down into Cobbetts Ride. By leaving as many trees as possible on the development will soak up some of this water and reduce the impact to Cobbetts Ride residents who already suffer. They also absorb noise and act as a sound absorbing barrier. We feel the developers have not really thought this through or bothered to really assess the impact of felling as many trees as they can in the hope of achieving more profit from the development. – Make the Developer Keep the Trees or minimise the felling of trees which are slowly disappearing within Tring and is causing Tring to lose its sleepy country market town feel !

6. Will the developers consider replacing the boundary fence running along the rear of 37,35,33 and 30 Cobbetts Ride with a newer improved quality and more substantial fence line and which could also be increased in height by another 24” to 36”

7. We feel that the proposed development would also reduce the value of the properties 37,35,33 and 31 Cobbetts Ride due to the change of outlook, increased vehicular noise levels and the potential decrease of light and privacy currently enjoyed by the residents occupying 37,35,33 and 31 Cobbetts Ride.

8. We feel that parking spaces have also not been adequately allowed for as you propose one parking spot per dwelling which ultimately means on road parking for additional vehicles. We currently suffered difficult access to our properties due the poorly thought through later developments in Cobbetts Ride which again were built with provision for single vehicle parking. This has resulted in the occupants with more than one vehicle per family parking on the road and this has prevented vehicular access to the properties 37,35,33 and 31 by emergency

vehicles due to the road narrowing and cars being parked on the road either side of the latter end of Cobbetts Ride. We feel that the limited parking would result in on road parking and as per the latter end of Cobbetts Ride which we feel has not adequately been thought through or monitored and reviewed would prevent access by emergency vehicles.

We will be keen to hear the developers responses / additional observation / communication with the residents of 37,35,33 and 31 Cobbetts Ride and to hear the developers thoughts on any further proposed changes that could be made to the proposed Tring Heights development to offset some of the negative impacts this development may have on the residents of Cobbetts Ride and Cherry Gardens as well as impacts to residents of Longfield Road.

We would also still like to understand how you intend to allocate the affordable housing to Tring residents only and as some of the development is intended and what provisions / investments are to be made for the increased need for access to GP surgeries and schooling for families that may occupy this development especially with potential further developments to the west of Tring. I would also be interested in the types of families these affordable homes would be offered to – Working families or very low income / supported families ? as we feel this may also have a detrimental effect on the value of our properties in Cobbetts ride but positive to the landowners who will I expect make significant profit from this development at the residents of No's 37,35,33 and 31's expense.

Our current thoughts are that this site should be retained for school facilities to accommodate the proposed future West Tring housing developments.

We welcome change and the opportunity of affordable housing for Tring residents but not an additional overloading of current schools, GP surgeries and current lack of social and community facilities and increased traffic on Western Road.

1a Longfield Road

I object to this application on the grounds of the high density of planned houses leading to an overspill of cars wanting to park on the already heavily congested Longfield Rd.

I also feel the loss of established and mature trees is of great detriment to the local environment.

26 Longfield Road

I agree with all the objections set out by my neighbour at 38 Longfield Road. This is a higher density application than previously approved, far in excess of the surrounding housing density. The effect of this attempt to squeeze 40 dwellings into the site results in 1) overlooking to many of the surrounding houses 2) tiny gardens for most of the houses in the new development 3) no set aside open space in the development that could provide a cohesive community focus or area for informal play. The developer refers to the provision of 'open space' next to plots 1 & 2, this is a ridiculous claim as this refers to a wide verge next to the main access road. The row of Beech trees is currently protected by a TPO. These trees are not only visually stunning but support local wildlife. It would be appalling if the trees were lost on the basis of a report commissioned by the developers. Finally the loss of educational and sports provision has not been mentioned. This needs addressing. Thank you.

38 Longfield Road

Convent of St Francis De Sales Preparatory School, Aylesbury Road, Tring, HP23 4DL
(4/01569/17/MFA)

'Demolition of all existing buildings. Construction of 40 residential dwellings, alterations to the

vehicular access onto Aylesbury Road, landscaping and the introduction of informal public open space.'

Having studied the Application drawings and supporting information, we write to confirm our objection to the proposed development. We do not object to the general principle of residential development on the site provided it complies Dacorum Planning Policy (which it currently doesn't) and that evidence is provided to show all avenues to retain Educational Use have been exhausted (no evidence of this is provided in the Application).

We are extremely disappointed that there has been no engagement with the local community to allow feedback to be taken into account - surely this should always happen on proposed major developments such as this?

The Application clearly contravenes Dacorum's Planning Policy and would result in harm to the character of the area because of the high density. Our objections are set out below for the Council's consideration alongside Policies CS11 (Quality of Neighbourhood Design), CS12 (Quality of Site Design), CS13 (Quality of the Public Realm), of the adopted Core Strategy

Core Strategy Policy CS11

Policy CS11 states that development should respect the typical density intended in an area and enhance spaces between buildings and respect its general character.

The site falls within Character Area Appraisal for TCA 1 & 2 which clearly sets out that new development should be "maintained in the low range compatible with the existing character."

The density of the surrounding streets varies between 15 and 23 dwellings per hectare as noted in Dacorum's report on the approved application to the Planning Committee.

The site area is approximately 1 hectare (excluding the shared access to the Covent building).

The proposals therefore are much higher density equating to 40 dwellings per hectare

This new Application sees the addition of 8 x plus 1-bed flats and 2 x 4-bed detached houses plus 5 of the 3-bed are increased to 4-bed units.

That is overall increase of 26% in the number of bedrooms and this ratio dwellings now being between 2 & 3 times that referred to in Policy and in the report attached to the recommendation for the previous approval (4/00029/16/MFA). This makes it one of the densest open housing developments anywhere in Tring. The previously granted permission had a density of 30 dwellings per hectare. It is therefore apparent that these new proposals far exceed Policy CS11 in that they fail to respect the density of the surrounding areas.

Core Strategy Policy CS12

Part (c) of policy CS12 states that development should avoid visual intrusion, loss of privacy and disturbance to the surrounding properties. Units 39 & 40 are situated unreasonably close to three properties (namely 11 Gordon Villas, 26 Longfield Road & 38 Longfield Road) causing an intolerable loss of privacy to these properties, especially the gardens, and as such we strongly object to the proposals. Due to this visual intrusion and loss of privacy, the proposals are contrary to Policy CS12 part (c).

Part (d) of policy CS12 states that the development should retain important trees. The proposal shows the removal a magnificent group of mature Beech trees that are protected by Tree Preservation Orders. In their place are units 39 & 40 referred to in previous paragraph. Thereby the proposals are contrary to Policy CS12 part (d).

The history of this part of the site was that the original owner had proposed removing these trees and had similarly wanted to replace them with houses.

The Planning Officer advised us at that time that this would not be acceptable and they were subsequently removed from the amended application that was subsequently granted permission - why should this change?

Core Strategy Policy CS13

Policy CS13 states that new development will be expected to contribute to the quality of the public realm by promoting pedestrian friendly spaces and including appropriate lighting, among other things. There are also no details submitted as to how external areas might be lit. This will have to be undertaken sensitively to minimise any light pollution to existing properties. As such, the proposals are contrary to Policy CS13.

Other Issues

We understand that the Developer had originally only proposed infilling of the gap in Longfield Road with a single detached house. It is a very narrow plot - about the width of the neighbouring bungalow and several others nearby. The current proposals are unclear.

Many previous planning applications have been turned down in the vicinity because of overlooking issues and others been allowed only on the basis that modifications are incorporated to prevent overlooking. We trust the same rigorous attention will be applied to this Application.

Neighbouring properties are roofed with natural slates as are the new houses in Gordon Villas. Therefore this development should only be approved if natural slate is a Condition.

A Construction Plan should be Conditioned so as to preclude the use of Longfield Road & Longfield Gardens for demolition & construction traffic and to prevent parking of operatives' vehicles.

Summary

In summary, we contend that this Application is contrary to Dacorum's Core Strategy Policy and will result in a loss of residential amenity to neighbouring properties and will have a negative impact on the character of this part of Tring.

A wonderful opportunity to create an attractive and desirable place to live on this important site will be lost if this Application is approved.

Many think Tring deserves something better that complies with Dacorum's policies on respecting the character of local area in terms of massing, density, respecting privacy and providing decent homes with decent gardens.

Please confirm that these objections will be made known to members of your Development Control Committee.

Please inform us if any additional information becomes available so we can review prior to further consideration being given to the Application or before it is put to a future meeting of the Committee.

38 Longfield Road further comments

We are extremely disappointed that there has been no engagement with the local community to allow feedback to be taken into account – surely this should always happen on proposed major developments such as this?

This new Application sees the addition of 8 x plus 1-bed flats and 2 x 4-bed detached houses plus 5 of the 3-bed are increased to 4-bed units.

That is overall increase of 26% in the number of bedrooms and this ratio dwellings now being between 2 & 3 times that referred to in Policy and in the report attached to the recommendation for the previous approval (4/00029/16/MFA). This makes it one of the densest open housing developments anywhere in Tring. The previously granted permission had a density of 30 dwellings per hectare. It is therefore apparent that these new proposals far exceed Policy CS11 in that they fail to respect the density of the surrounding areas.

40 Longfield Road

There are far too many properties proposed for this site and the plan to fell perfectly good Beech trees on the say so of an 'expert' commissioned by the developer is highly suspicious and inaccurate. Anyone can see that those trees are flourishing nicely and have done so for the past 15 years as long as we have been living in Longfield Road. Also the tiny proposed gardens and the staggering of them means that we would have two different back gardens backing on to our property with their relative properties being only approx 25 feet from our boundary.

40 Longfield Road further comments

Too many buildings on plot size, now facing directly onto Lonfield road houses. The Beech trees behind number 38 are fine and home to lots of wildlife. The trees also help to lower bypass noise level, which is only getting louder! Houses are also planned too close to building belonging to mansion drive school. Previously this area was going to be a cul-de-sac/ turning point and a green area. Many gardens in Longfield road are used to grow vegetables, keep livestock and often light fires. There needs to be a big enough distance from the end of these gardens to the new buildings.

53 Longfield Road

The latest scheme has left a blank space for the portion of land associated with the old entrance from Longfield Road, whereas previously it was shown to include new properties. Due to the tight access and close proximity of existing residential properties and parked cars, there should not be allowed any construction traffic via the Longfield Road entrance. Secondly the developer needs to clarify whether this space will be landscaped as part of the existing scheme or whether it is their intention to redevelop this under a new scheme in the future.

I also have a concern regarding the trees that are proposed for removal. These are well established and provide screening to the neighbouring properties. I would be more supportive of the scheme if these trees could be retained.

2 Abstacle Hill

When this application came a while ago it was a terrible idea to put 32 houses in this space so how on earth can 40 be any better these houses will overshadow and upset the privacy of all houses in Cobbetts ride and Abstacle hill. The lower part of Abstacle hill is considerably lower than these houses so will overshadow and take away our skyline.

It was a bad idea before and an even worse one now!

Hunters Lodge 11 Gordon Villas, Aylesbury Road

May I start by saying that the residents in the new houses in Chiltern Villas have NOT received written notification of the proposed plans and development on the Francis House school site. I have subsequently been informed by neighbours.

I would like to register my strong objection to this application.

I live in the new houses in Chiltern villas closest to the boundary fence. Plot 40 of this proposed development is positioned far too close to my property thus causing infringement of privacy. The density of dwellings is far too high and the loss of the beautiful mature trees would contravene what I understand to be Dacorum's policy regarding the felling of trees.

Hunters Lodge 11 Gordon Villas, Aylesbury Road further comments

The new houses in Gordon Villas have not received notification by letter of this proposed planning application which I believe we should have done given our very close proximity to this site.

Whilst appreciating the need for affordable housing in Tring I believe this proposed development does not truly meet this criteria and is much too dense for the site.

I live in the house closest to plot 40 and 39 of the proposed development and it is far too close to my property infringing on my privacy, view and light.

I also object to the felling of some magnificent trees which give this area its character as part of the conservation area. These trees support wildlife and should be retained.

Unknown address

I write to express my concerns over this planning application.

You are keen to say the houses are in keeping with the surrounding current housing but this is simply untrue. I am particularly concerned with plots 21-24. This is high density housing (four terraces squeezed on to a tennis court) when the surrounding houses on two sides (Abstacle Hill and Cherry Gardens) are bungalows.

It is unclear on the plans, where the gardens for these four houses are. Do they extend to the boundary of the houses in Abstacle Hill and if not, who will be responsible for the upkeep of the grounds (currently prolifically fruiting apple and pear trees) behind the houses. Equally, there is an area between Cherry Gardens and the new houses which is not accounted for. It says on the plans there is existing mixed hedging, not true, it's wasteland.

The surrounding area of Western/ Aylesbury road is already very congested with cars/ limited parking. This application will compound this issue, particularly as there is minimum parking allocated on the site.

There are too many houses for this site. Initial plans for the houses on plot 21-24 were for two houses, this is now increased to four. And being two storey they will look directly in to the bedrooms of numbers 8&9 Cherry Gardens.

Tring Town Council

Tring Town Council recommended refusal of this planning application on the following grounds:

1. A new ecological report is required - the comment from the Herts and Middlesex Wildlife Trust with reference to NPPF paragraph 118 relates

2. The provision of open space/amenity land is inadequate comprising several small spaces adjacent to the access road. There is no dedicated space where children can play safely. This is a major omission in a development of this size and nature
3. The housing density is too high - the previous application for this site had a more acceptable 32 dwellings - contrary to Tring Character Assessment Miswell Lane (TCA2)
4. Plot 40 is too close to the approved development in High Drive

Strategic Planning and Regeneration

Please refer to our comments of 10 March 2016 on the previous application (4/00029/16/MFA) and my email of 19 July 2016 to Joan Reid, after the number of homes proposed in this application was reduced from 37 to 32. We note that permission was granted for 32 homes.

The previous permission has established the principle of residential development on the site. We have no in principle objections to the increased density proposed. It appears that the increased density arises partly from a changed housing mix, with the inclusion now of some 1 bedroom homes. We note that all the new housing is now limited to 2 storeys, whereas the previous proposals included some 2.5 storey housing. The Design and Access Statement indicates that this improves the relationship of the new housing with nearby existing housing.

We are pleased that the application proposes 35% affordable housing.

In considering whether the increased density is acceptable, it will be particularly important to consider whether the proposed development is well landscaped and retains sufficient trees. The following aspects of the proposals should be looked at especially carefully in deciding whether the proposals are acceptable:

- The current scheme proposes the removal of five additional trees.
- Proposed car parking provision (92 spaces) exceeds the Council's maximum standards in Local Plan Appendix 5 (only 70 spaces are required). We do not object to the proposed provision in principle, given that Government policy (see National Planning Policy Framework paragraph 39), no longer refers to maximum standards. The real issue here is whether the high parking provision results in an excessive amount of hardstanding.

Sport England

Sport England – Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England' (see link below):

www.sportengland.org/playingfieldspolicy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

Assessment against Sport England Policy/NPPF

In summary, the planning application is a revised scheme relating to the redevelopment of the former Francis House Preparatory School site for residential.

Sport England was consulted on the original planning application (4/00029/16/MFA) in 2016 for the development of the site and in our response dated 2 February 2016, an objection was made to the planning application as a statutory consultee because the proposals were not considered to accord with the above policy as no mitigation was proposed for the loss of the school playing field. This planning application was subsequently approved in February 2017 against Sport England's advice. Consequently, the principle of the redevelopment of the playing field without mitigation has been established by the previous planning permission.

In this context, as the current application relates to a revised residential scheme and there are no new proposals made in respect of playing field mitigation, while the current application would not accord with our policy either it would be inappropriate to object to the application as the principle of the loss of the playing field has already been considered by the Council and the Secretary of State during the determination of the previous scheme. I can therefore confirm that Sport England has no comment to make on the current planning application.

Conservation and Design

Note this follows on for approval 4/00029/16/MFA for 32 dwellings.

We would not object to the principle of additional dwellings on the site or the idea of increasing the density or the re-planning of the layout. However it would appear that some of the proposed alterations have detrimentally impact when compared to the previous proposals.

Open Space

The previous proposals whilst having some areas of open space adjacent to the roads within the dwellings had a larger open space on the site of plots 39 and 40. This provided an amenity area which appeared to be a scale which could be used by the community as an open space for a variety of uses and was most welcome. Its proposed loss would not be an enhancement to the scheme but would detract from the benefits of the original proposal. The current proposal which while providing areas of green landscaping does not provide the flexible space the previous scheme did and the open space provided at various locations within the site due to the proximity of the road accesses and layout would appear to have lesser options for use. At present the open spaces do not appear to have a particular purpose in mind contrary to the national planning practice guidance and this should be addressed. It may be useful to contemplate, given that the plot to Longfield road is in the same ownership, to perhaps use this opportunity to provide a pedestrian access through to this street from the site. This would have the added advantage of allowing residents to be able to walk to the open space/ play area at Miswell Rd without having to walk adjacent to the busy Aylesbury Rd.

Other concerns

Plot 1 breaks into the green space within the entrance drive to the site. This detracts from the original green and open entrance way and instead creates two smaller green spaces the one adjacent to plot 2 which would appear to have a lesser use. We understand that the idea is to have this dwelling as an entrance feature. As such it would be recommended that the south east elevation be reviewed. At ground floor level the window to the lounge should be altered to a bay window similar to those shown on the front. In addition a window should be added above to the bedroom. It would also be beneficial to add details to the brickwork perhaps a string course to break up the mass of the brickwork. In addition a chimney stack should be added to

the roof possibly to the south eastern end but this could also be a central feature. It would also be beneficial to enlarge the porch element and have solid sides (with windows) rather than the simple flat roofed structure on gallows brackets shown.

With regards to the design of the wider scheme is that given that a number of the properties form part of longer terraces e.g 6-9 21-24 etc it would be beneficial to help break up the roof line through the introduction of chimney stacks. This would also help where there are breaks in the roof line to a number of the terraced blocks.

Recommendation The application should be continued in light of the comments above.

Hertfordshire Highways

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

1: Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) visibility splays measuring 43m x 2.4m shall be provided to each side of both the accesses off Aylesbury Road and Longfield Road and such splays 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.

S278 Agreement Any works within the highway boundary, including alterations to the footway, site accesses and upgrading of street furniture etc, known as 'off site works' will need to be secured and approved via a legal S278 agreement with HCC.

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

AN1) Where works are required within the public highway to facilitate an improved or amended vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before any works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, and Herts, SG13 8DN. Their telephone number is 0300 1234047.

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Description of the Proposal

Hertfordshire County Council's highway authority has no objection to the planning application 4/001569/17/MFA, for a 40 C3 residential development, with 35% being offered as affordable housing (plots 7-20) at the former Francis House Preparatory School, Tring. This application follows on from the approved scheme 4/00029/16/MFA which was for 37 residential units. The 2016 application looked to use a single point of access with modifications.

Both pedestrian and vehicular access will be via the existing access off Aylesbury Road (with improvements) whilst the access from Longfield Road will be closed off to through traffic. This will all be subject to a legal S278 Agreement and the following conditions and informatives.

The above application is for the demolition of the existing buildings and replaces them with a mix of C3 residential dwellings with off street parking.

Highways

Aylesbury Road This is a classified road - B4635/20, secondary distributor from the speed sign near Donkey Lane to Park Road and is maintained by HCC as the highway authority. This section of road is 450m long and approximately 7.5m wide outside the entrance to the site. The speed limit is 30mph, the road is lit and generally there is no observed on street parking during the day. There are neither traffic counts nor traffic calming measures for this section of road. The road is traffic sensitive ie no working between 07:30 to 09:30 and 16:30 to 18:30. There are no formal waiting restrictions outside the entrance to the site. Vehicular access to the development will be off this road via the existing steep drive. This information can be obtained from the Gazetteer (<http://www.hertsdirect.org/actweb/gazetteer/>) or Webmaps.

Road Safety

Looking at the rolling 5year RTC data there has been 1 slight personal Injury Accident (PIA) recorded in this period. This was recorded on the 20th June 2012 as a slight injury incident. It appears to be a two car collision resulting in a rear end shunt to the car slowing down and turning into the access drive of the school. No further PIA's were recorded which could be down to the fact that the school has been shut for some time and/or that this section of highway is not an accident hotspot.

Longfield Road

This is an unclassified local access road, L2 the 2U233/10, connecting Miswell lane to Aylesbury Road. It's 516m long and approximately 6.5m wide although this does vary considerably. It is a 30mph lit road with on street parking during the day and evening. There are no traffic counts for this road. The current access that serves the rear of the site will be closed off to through traffic although the simple vehicle crossover will be kept for the replacement dwellings providing a means of access to their off street parking spaces respectively. This information can be obtained from the Gazetteer (<http://www.hertsdirect.org/actweb/gazetteer/>) or Webmaps.

Road Safety

Looking at the rolling 5 year RTC data for PIA it shows that there have not been any recorded incidents along this stretch of road.

As part of a Design and Access statement, the application should take account of the following policy documents;

- National Planning Policy Framework (March 2012);
- Hertfordshire County Council (HCC) Local Transport Plan 3-2011-2031
- Roads in Hertfordshire Design Guide 3rd Edition

- Dacorum Borough Local Plan (reserved), Appendix 5 Parking Provision

Parking

Off street parking is a matter for the Local Planning Authority (LPA) to determine and the applicant has provided details of the parking provision. DBC's parking standards (DBC Local plan and the SPG) should be used to determine the level of parking this site should attract, the applicant has used this maximum based standard to come to the figures mentioned above. The site sits within the borough council's zone 4 for this assessment. In this case the applicant is providing parking spaces but it is unclear if any will be DDA compliant. The applicant will need to provide room for cycles and buggies.

Roads in Hertfordshire highway design guide 3rd edition states that the dimension and location requirements for parking bays, driveways and turning areas shall be in accordance with the guidance in DfT Manual for Streets.

Accessibility

Forward Planning Officers (Passenger Transport Unit) have supplied details of bus services and bus infrastructure to identify gaps in the service. (<http://www.hertsdirect.org/docs/pdf/b/busstrategy.pdf>)

Their comments are attached should contributions be sought from the LPA for bus stop improvements.

The nearest bus stops are located on Western Road approximately 150 metres from the site access. Therefore all dwellings are likely to fall within the recognised accessibility criteria of 400m. Neither stops have easy access kerbing and shelter provision. The existing east bound footway width may be insufficient to provide shelter provision.

Services are as follows: 50 Aylesbury to Ivinghoe 61 Aylesbury to Luton 164 Aylesbury to Leighton Buzzard 500 Aylesbury to Watford 501 Aylesbury to Watford

The site is located on the main bus corridor to and from Aylesbury with frequent services available.

Rail

Tring station is approximately 2.5 miles away. Trains are run by London Midland and journey time into London Euston is around 42 minutes with up to five trains per hour operating during the rush hour period.

Other comments

Accessibility to bus services from this site is considered good. The nearest bus stops fall within the recognised accessibility criteria of 400m for all dwellings. Rail access is remote however good cycle parking facilities exist at the station.

Should this development go ahead, it is recommended that developer contributions be used toward improving access to local buses with kerbing enhancements, bus cage and shelter provision (for the west bound stop). Kerbing enhancements cost approximately £8000 each and shelter provision is also around £8,000. Therefore to improve bus access facilities at this location a total cost of around £24,000 would be likely.

Servicing Arrangements

Refuse and recycling receptacle storage will need to be provided. Refuse collection is likely to

be via a kerbside collection regime within the site as will all other service providers.

Planning Obligations/ Community Infrastructure Levy (CIL)

If the LPA are minded to grant PP then any contributions for locally identified schemes may be sought. The bus stop improvements mentioned above being the most likely. However, off site works to both the accesses will be covered in the S278 agreement.

Conclusion

The assessment does not indicate any significant issues with the proposal to create 40 dwellings on the site of the former Francis House Preparatory School. The highway authority would not wish to restrict the grant of planning permission subject to the above conditions and informatives.

Trees and Woodlands

Regarding this app, I looked at the documents listed and there was no tree survey, etc. The only submitted tree document referred to the five Beech. If there was an arb report to a previous app, I won't have seen it but if it's also relevant to this MFA it should be included again.

Trees and Woodlands further comments

I do not have a copy of the report by Sylva Consultancy referred to by Simon Hawkins so I would not be able to comment further on this application. I did visit the site yesterday and inspected the beech trees but need to identify each tree referred to by Simon on a plan. The number of a tree in a report often referred to as T1 or T2, or others, should correspond with the same number on a plan.

Trees and Woodlands final comments

The TPO number 544 was made in 2015. There are 6 Beech trees in a straight line but only 4 have been protected by TPO. These are marked on the TPO plan as T4, T5, T6 and T7. These numbers do not correspond with the tree numbers given to these trees in the arboricultural report submitted by the applicant. I agree with most of the findings in the arboricultural report but have some concerns about the recommendations. The report does not include any recommendations for the tree referred to as T6, a tree of some significance. I have no objections to the removal of trees referred to as T2 and T5 in the report because these are in poor condition and are not covered by TPO. I have not observed any signs of *Kretzschmaria deusta* on T7 (T1 in Merewood report) but agree that the internal decay identified by decay detection instrument is of some concern. However this does not justify the removal of this magnificent tree that has a 'Veteran' quality. Presence of some decay on very old trees can be a part of a natural process of aging and does not always justify removal. Beech tree, being a relatively long lived tree, can live with decay for a long time although regular inspections are recommended to monitor the extent of the internal decay on T7. . Provided sufficient space is allocated to the Root Protection Area and the crown spread of these trees, I recommend that they are retained with some pruning to remedy the defects that have been identified in the crown structure by Sylva Consultancy. I am happy to meet the applicant's arboricultural consultant on site to discuss their proposal and my recommendations.

Hertfordshire Middlesex and Wildlife Trust

The previous application contained an ecological report which is referenced in the design and access statement. The information contained within that report should be interpreted specifically for this application to ensure that ecological considerations are compatible with the new scheme. The applicant should supply a clear ecological strategy (this can be a concise

statement rather than a full report), based on the previous scheme, that shows that the development remains compatible with NPPF, describes what measures are necessary and how they will be implemented. This information should be consistent with BS42020 and can then form the basis of a condition to ensure development continues to conserve and enhance biodiversity, as required by NPPF.

Hertfordshire Middlesex and Wildlife Trust further comments

As implied in HMWT's previous comments on this application, there is no ecological information that relates directly to this proposal. The previously approved scheme did submit ecological information but the current scheme is not the same as that application. In particular 5 more ecologically significant trees are proposed to be removed which have not been taken into account in an ecological sense. These are large, mature trees which make a contribution to the biodiversity of the area. In accordance with NPPF para 118, these must be appropriately considered through an ecological report and if unavoidable appropriate mitigation, compensation and enhancement measures applied to achieve no net loss or net gain in biodiversity. This has not been addressed and so it is recommended that the application be refused unless this information is submitted and approved.

Chiltern Society

This is similar to the letter I wrote a year ago, objecting to 32 houses on this site, on the grounds of over-development. Of course I object more strongly to the application for 40 dwellings. Such a development would have an adverse effect on the houses in the nearby residential roads.

Although it is a suitable site for some sort of re-development, we should not lose sight of the fact that it has been an educational establishment, and it should not lose that designation.

The volume of cars needing to exit on to Western Road from this substantial development of 40 houses, would overload Western Road where it has become impossible for two-way traffic already, because of so many parked cars.. This will be even more of a problem when LA5 is expedited along past the cemetery.

I know that it is felt locally that this proposed development will not meet the requirements of the town of Tring, as far as the type of accommodation is concerned.

Hertfordshire Lead Local Flood Authority

Thank you for consulting us on the above application for the demolition of all existing buildings, construction of 40 residential dwellings, alteration to the existing vehicle access onto Aylesbury Road, Landscaping and the introduction of informal public open space.

We note this application is a resubmission of previous application reference to 4/00029/16/MFA with amendments to the height and size of the dwellings however the drainage strategy remains the same. Therefore we can confirm that we the Lead Local Flood Authority has no objections on flood risk grounds.

The proposed drainage strategy is based on infiltration for most of the site and Infiltration tests have been carried out and results provided within the Flood Risk Assessment (FRA) reference M41452-FRA001 dated December 2015. For plot 24-26 and access road the drainage strategy is proposing to connect into the Thames surface water sewer and restricting surface water run-off to 12l/s. Drawing 15054/102 has been provided with the drainage layout showing location of proposed SuDS scheme.

We therefore recommend the following conditions to the LPA should planning permission be granted.

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved FRA carried out by JNP reference M41452-FRA001 dated December 2015 submitted and the following mitigation measures detailed within the FRA:

1. Implement appropriate drainage strategy based on infiltration.
2. Limiting the surface water run-off rates to maximum of 12l/s with discharge into Thames surface water sewer.
3. Implementing appropriate SuDS measures as indicated on drawing M41452-FRA001 Rev 2 dated November 2015 with the use of soakaways, permeable paving and geocellular tanks.
4. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

Reason

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

The mitigation measures shall be fully implemented prior to occupation and subsequently 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.

Condition 2

No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall also include;

1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
2. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason

1. To ensure feasibility of the proposed surface water drainage strategy.

Strategic Housing

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

Therefore, 14 units should be provided for affordable housing. We would specify that the tenure mix of the affordable housing provision is 75% affordable rent and 25% shared ownership in line with our Affordable housing SPD.

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 Minerals and Waste

I am writing in response to the above outline planning application insofar as it raises issues in connection with waste matters. Should the council be mindful of permitting this application, a number of detailed matters should be given careful consideration.

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the county council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage districts and boroughs to have regard to the potential for minimising waste generated by development.

Most recently, the Department for Communities and Local Government published its National Planning Policy for Waste (October 2014) which sets out the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'

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

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application, the council is urged to pay due regard to these policies and ensure their objectives are met.

The county council would expect detailed information to be provided for both the site preparation and construction phases as the waste arisings from construction will be of a different composition to arisings from the enabling work. Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or

http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/in

dex.html

The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste arisings and so that building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented. It will also help in determining the costs of removing waste for a project.

The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted and provide comments to the two councils.

Hertfordshire Fire and Rescue

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

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

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

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

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

Section 106 planning obligation clauses can be provided on request.

Justification

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

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

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

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

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

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

(ii) Directly related to the development;

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

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

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

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

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.

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

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Considerations

Policy and principle

As noted above, the application site lies within a designated residential area in the town of Tring where appropriate residential development is encouraged under Policies CS1 and CS4 of the Core Strategy.

Further policy support for the provision of housing is contained within the NPPF which states that housing applications should be considered in the context of the presumption in favour of sustainable development; and the site's location within a designated residential area within the defined village of Tring would accord with these objectives. Further, Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the Borough. The provision of new dwellings is also supported in principle under Policy CS18.

The policy support for additional housing in a town and residential location as outlined above is given considerable weight in assessing the proposal.

The previous application that considered the residential redevelopment of the site assessed the principle of the loss of the school and playing fields and under this application it has been accepted that residential redevelopment on this site has been established, noting Sport England's comments above. It is also acknowledged that the previous application was referred to the Secretary of State as a departure from the Development Plan and was not subsequently called in. Consequently Sport England has not objected to the proposals on these grounds. The proposal therefore would not conflict with the aims of Policy CS23 of the Core Strategy or saved Policy 69 of the Local Plan.

It is also noted that the appraisal for Residential Character Area for TCA1 (Aylesbury Road) is an area of limited opportunity in terms of scope for residential development; however with respect to redevelopment, this will not normally be permitted except on the Convent and School sites.

The increase in the number of dwellings currently proposed above that approved under the previous above-referenced scheme has not raised any principle issues and shall be detailed in the following sections. It is important to note that numerical density is not the sole determining factor and there are other indicative factors to be taken into account when assessing the appropriateness of housing numbers on a particular site.

It follows the principle of redeveloping the site for residential dwellings is accepted and established.

Layout and density

Policy context

Reference should be made to the policy support for housing outlined above, and regard should also be given to the provisions of saved Policy 10 of the Local Plan (together with other relevant policies guiding development, including Policies CS11 and CS12 for instance). Saved Policy 10 states that vacant or underused land and buildings should be brought into the appropriate use(s) as soon as practicable through new building, conversion, adaptation or other alteration. Importantly, the saved policy goes on to state (where relevant) general building development should be designed to achieve the maximum density compatible with the character of the area, surrounding land uses and other environmental policies in the plan. In particular, building development will be permitted if it makes optimum use of the land available, whether in terms of site coverage or height.

Site layout

The site layout described above where dwellings have been oriented to front a main residential road running across the site at the top of the drive off Aylesbury Road, with smaller spur roads is considered to be a considerable benefit in terms of layout and wayfinding within the site compared with the previous scheme. The road layout sought under the current application is considered to be simpler and as a result would involve less hard landscaping perceived within the site which would enable a slightly curved road layout and staggered building setbacks which would add interest to the development when viewed within the site and also contribute to the suburban character of the immediately surrounding area.

Roads would be appropriately addressed with buildings noting Plot 1 which has been positioned directly opposite the Convent on the main drive off Aylesbury Road providing an appropriate entrance into the development. This road would be terminated with a view of a detached dwelling at the head of the internal T-junction which would contribute to the sense of place within the site.

Following the previous application, the site area has been reduced (to remove the portion of the site directly fronting Longfield Road, where two dwellings were approved under the previous application), and the site would see a net increase in eight units. This has been achieved by the incorporation of a flatted element within the scheme providing eight units, as well as developing the western corner of the site adjacent to the recently constructed development at High Drive off Aylesbury Road (these new properties are now addressed Gordon Villas). The impact on trees within this part of the site shall be discussed in a later section.

Dwelling density

Based on the above assessment, it is not considered that the proposed residential density of 26 dwellings per hectare would be excessive. In fact the proposed dwelling density would not exceed the maximum range set out in saved Policy 21 of the Local Plan which stipulates densities will generally be expected to be in the range of 30 to 50 dwellings per hectare net. However, it is also acknowledged that the Residential Character Area statements for TCA1 and TCA2 which apply to the application site require a much lower dwelling density at no greater than 25 dwellings per hectare.

It is considered that the development principles of TCA1 (Aylesbury Road) are applicable to works at the site's principal road frontage, whereas arguably the development principles of TCA2 (Miswell Lane) would be better applied to development within the main part of the site (currently comprising the school buildings and playing fields); as existing surrounding development on Longfield Road, Abstacle Hill and Cobbetts Ride and their spur roads all form part of TCA2, and it is these properties which form the immediate context for assessing the impact of the proposed residential development.

Separation between buildings, open space and links

The development would achieve an acceptable degree of spacing between buildings which would generally accord with the development principles set out under TCA2 (Miswell Lane) given the immediately surrounding context. Sufficient space around the buildings would be achieved and importantly the site would provide appropriate landscape buffers including through rear or private gardens to the boundaries of the site, particularly those shared with existing residential properties, contributing to the established suburban character of the locality.

A minimum distance of 23m would be achieved between the main walls of buildings within the development where these do not directly front a road to accord with local standards.

It is also noted that gardens generally meet the 11.5m minimum standard within the

development. There are some exceptions to this where smaller dwellings have minimum garden depths in the order of 10.5m however would be functional noting their widths and considering the useable garden space available to these respective dwellings, together with communal open space provided on the site particularly the area fronting Aylesbury Road.

Communal open space would be available to occupiers of the flatted development within the site whilst falling short of the standard set out under saved Appendix 3, future residents would also benefit from the smaller amenity area directly adjacent which the Conservation and Design officer has encouraged to see form part of an extended private amenity area to the flats. This could form part of a condition to any planning permission.

Open space provided within the development is another matter for consideration and would compensate for any shortfalls in local standards. The development would incorporate an area for open space to the site's Aylesbury Road frontage, as well as three pockets of visual amenity space within the main development. Additionally, CIL generated from the development would contribute to open space locally outside the site and on this basis it would be unreasonable to seek further contributions (reference made to Dacorum Borough Council Regulation 123 list). It follows that the open space provision on the site would be satisfactory and the proximity of the site to existing recreation facilities within Tring and acceptable garden sizes which would be functional would not contradict the provisions of saved Policy 76 and accord with saved Appendix 6 of the Local Plan.

The Conservation and Design officer has raised no objection with respect to layout although has suggested the provision of a pedestrian link from the development to Longfield Road. The applicant however has omitted the Longfield Road frontage from the application site to address concerns raised under the previous application. Their justification for not providing a pedestrian link to Longfield Road from the residential development would be that it would encourage parking overspill on Longfield Road. It is not considered an objection could be sustained on this basis.

When considering the appropriateness of the quantum of development on the application site it is important to note that the site lies within a designated residential area, and the proposal to create 40 dwellings whilst generally adhering to minimum separation and open space standards and achieving a suburban character would represent good, efficient use of the land, as supported under Policies CS1 and CS4 of the Core Strategy and saved Policy 10 of the Local Plan.

Removal of permitted development rights

If planning permission is granted it would be reasonable to remove permitted development rights relating to Classes A and B (extensions and roof extensions) to ensure sufficient garden space to properties is retained and in the interests of residential amenity within the development to accord with the aims of Policies CS11 and CS12 of the Core Strategy.

Impact on protected trees and landscaping

It is important to note that further tree works are proposed above those approved under the previous application, particularly the removal of six Beech trees in a linear group, four of which are subject to individual Tree Preservation Orders (544).

Comments from Trees and Woodlands set out their reasoning as to why the two most prominent trees within this group should be retained. The trees would require felling to provide additional space for two to three further homes in this location, as it appears on the submitted plans and documentation, if they were to be retained. It is noted that the previously approved scheme incorporated these trees and their retention as part of an area of open space. In considering the impact of the loss of these trees it is important to note the value

attached to these trees.

The submitted Arboricultural Report has classified the two trees identified by the Trees and Woodlands officer as Category B2 (Category A is of the highest significance) which should be retained for a minimum of 20 years. The submitted report also suggests that all six trees have shown evidence of decay, however according to the Trees and Woodlands officer this has been identified however extensive testing has not been carried out. The trees are also categorised as B2 as they are of landscape value (as opposed to arboricultural value (1) or cultural value / conservation (3) categories).

The trees are positioned within an area of open space, save for a building located immediately south-west of the group, flanking a pedestrian path within the school site. As such they are currently enjoyed as part of an area of open space, which forms part of a private school, the higher parts of the canopies that are currently appreciated outside the site from surrounding residential roads (predominantly from Longfield Road). Whilst it is uncontested that the trees provide significant amenity value within the site and contribute to the landscape character of the surrounding suburban residential area, these trees would not be enjoyed within the same context following the redevelopment of the site. The trees were subject to a TPO for their amenity value that they have, which would significantly change and likely be reduced as a result of redevelopment proposals on the school site and shrouded by development on both the application site as well as the recently constructed residential development at High Drive off Aylesbury Road.

Given this, it is not considered that a refusal solely for this reason could be sustained when noting the planning benefits of the scheme in terms of housing provision together with landscaping proposals that could require the provision of offset planting of certain species and sizes for immediate impact in softening the development, together with mitigation of impact particularly to the groups of trees along Aylesbury Road which are particularly prominent. It is again noted that the site's residential area designation defines the site as urban land and the proposal would represent an efficient use of this space.

If planning permission is granted it would therefore be reasonable and necessary to include a landscaping condition requiring the loss of trees to be offset by replanting particularly within the amenity areas identified within the main site, which over time would serve the purpose of softening the development and allowing it to suitably integrate within its setting.

It follows the proposal would not conflict with the aims of Policies CS12 and CS25 of the Core Strategy and saved Policy 99 of the Local Plan.

Impact on character and appearance of surrounding area

There are a number of locations from which development on the site would be visible. The principal street frontage to Aylesbury Road would remain largely unchanged with respect to impact from buildings due to the siting of dwellings. The frontage to Aylesbury Road would be altered only by access works to facilitate the development; however the proposals would ensure that the transition from Tring town to the more rural character when travelling west to continue out of the town would be retained in accordance with the development principles of TCA1 (Aylesbury Road). The bank of mature trees would be retained as open space as part of the development and this would be acceptable.

With respect to the residential development on the site, the development guidelines of TCA2 are considered of greater relevance given the immediately surrounding context. The development would consist of two-storey form which is an improvement from the previous scheme with respect to roofscape within the development and building intensity. The buildings themselves would appear well-proportioned, some with projecting gable elements to form a variety of street scenes whilst creating visual interest. Parking provision would be

predominantly provided on private drives which would further add to the hard landscaping within the site, however front garden areas would be noticeable from the internal road network and satisfactory with respect to achieving a suburban character together with visual amenity areas at the prominent corners and road terminals.

Views into the site would also be obtained from the elevated perspective of Barbers Walk (looking across bungalows on Abstacle Hill and above the tennis courts) as well as above dwellings on the western side of Cobbetts Ride. The development however would not appear unduly prominent from surrounding street scenes, noting that the site lies within a residential area. These perspectives outside the site are located within the Residential Character Area TCA2 where dwellings including bungalows are prominent in the street scene together with associated hard landscaping all contribute to its suburban character. In such an environment it would not be unexpected to obtain views of buildings from neighbouring streets.

It is not considered that the two-storey development on the application site would significantly contrast with the existing bungalows along the site's north-eastern boundary (Abstacle Hill and Cherry Gardens), particularly when noting the large-scale and prominence of the existing school building within the southern portion of the main site.

Similarly, the buildings when perceived from Cobbetts Ride (looking east into the site) would not appear unduly prominent or over-scaled in comparison with dwellings in this immediate context.

The scheme has raised no significant concerns from the Conservation and Design officer and amended plans have incorporated the suggested design detail particularly providing an active building elevation to Plot 1 when driving into the site from the access off Aylesbury Road, as well as the inclusion of chimneys to some of the dwellings.

Details of materials shall be reserved by condition if planning permission is granted given the scale of the proposals.

The proposal would therefore accord with the objectives of Policies CS11 and CS12 of the Core Strategy.

Impact on highway safety

No objection has been raised from the highway authority with respect to the additional traffic as a result of the increase in the number of dwellings that would access the site (from 30 to 40, as two dwellings under the previous scheme would benefit from direct access off Longfield Road).

Parking would be provided with at least two spaces within the curtilages or proximate to (and allocated) to each of the houses. The flatted component comprising eight dwellings would have 12 spaces conveniently located surrounding the building. A further six spaces would be provided as visitor spaces; totalling 92 spaces. Based on the mix of dwellings the proposal would result in an overprovision of spaces when assessed against the maximum standards of saved Appendix 5 of the Local Plan. This overprovision is considered acceptable as the site is currently only served by the drive off Aylesbury Road, and the limited available visitor parking around the site where surrounding private residential roads are not conveniently located with access to the development.

It follows the proposal would not conflict with the aims of Policies CS8 and CS12 of the Core Strategy and saved Policies 54 and 58 of the Local Plan.

Impact on neighbouring properties

The application site is bordered by residential properties or other sensitive land uses on most

sides including the Convent as well as recently constructed development at High Drive off Aylesbury Road (Gordon Villas) located directly south-west of the site, as well as single dwellings along Longfield Road, Cherry Gardens, Abstacle Hill and Cobbetts Ride which share a boundary with the proposed development area. Each shall be discussed in turn.

Convent

The impact on the Convent is assessed on the basis that it would be occupied for boarding (associated with Tring School) as noted above. The dwelling at Plot 1 would be sited directly opposite the Convent at a minimum distance of approximately 19.6m. The impact of the development with respect to overlooking would be mitigated as the nearest walls would not be directly facing each other (the principal elevation of the Convent facing south-east rather than directly east towards Plot 1) and it is not considered there would be additional unreasonable overlooking compared with opportunities from the private drive. Sufficient space and landscaping would be retained around the Convent building and the proposed development so that there would be no objection with respect to visual intrusion or loss of light.

High Drive, Aylesbury Road (Gordon Villas)

The nearest dwelling to the application site, in particular Plot 40 is the dwelling at No. 11 Gordon Villas which forms part of the recent residential development at High Drive off Aylesbury Road. The submitted site layout plan indicates the main windows of this neighbouring property nearest the development, including a 45° line taken from the closest main rear window. This demonstrates that the two-storey part of the dwelling at No. 40 would not cross this line which serves as an indicator as to whether the proposal would result in loss of light requiring further surveys. This is not the case and the proposal would not raise concerns with respect to loss of light to this neighbour.

The rear window to No. 11 would benefit from sufficient space around it and a view primarily towards its own rear garden and the rear garden of Plot 40 (with intervening boundary fencing and vegetation) so that visual intrusion would not be a concern in this instance.

The proposed site layout plan also indicates the position of two windows serving a study at No. 11. The plans suggest that the eastern-facing window is the main opening serving this internal area. This is considered a reasonable assessment also noting that the window is located approximately 2m from the boundary, with the development a further 1.45m beyond. Whilst distances of both buildings from the boundary are fairly close compared with existing development on the site, it is important to note that side-facing windows in such locations cannot expect the same standard of amenity as those directly facing main garden areas serving that property. Additionally, the window identified as the main opening would not be unduly obstructed by proposed buildings and therefore would retain sufficient space to ensure no adverse impact with respect to visual intrusion or loss of light to the study.

Cherry Gardens

The development would be sited closer to No. 7 Cherry Gardens with the proposed building a minimum distance of 17.6m from the rear wall of this bungalow. Although closer to No. 7 than the previously approved scheme, the proposal represents a benefit as the immediate interface would be one rear garden instead of four rear gardens sharing a boundary with this property. Additionally the building width spanning the rear elevation of No. 7 would be significantly reduced, as a flank elevation to a terrace instead of a row of three pairs of semi-detached dwellings. The development in this location would not breach the 25° line taken from the midpoint of the neighbour's ground floor windows and together with the spacing around the nearest buildings and the garden area of No. 7, the proposal would not compromise the living conditions of this property with respect to visual intrusion or loss of light. Overlooking from the flank elevation would be appropriately mitigated through condition removing permitted

development rights for alterations (Class A) if planning permission is granted.

Longfield Road

The development would incorporate an appropriate buffer to neighbouring properties on Longfield Road through the provision of rear gardens abutting the site's north-western boundary. This would result in a back-to-back relationship between the proposed dwellings and those on Longfield Road, which would generously exceed the 23m distance required as a minimum under saved Appendix 3 of the Local Plan.

No. 38 Longfield Road features a rear garden located at the inner corner of the application site along its north-western boundary where the development and associated rear garden at Plot 39 would be sited proximate to the area comprising the rearmost part of the garden. This is not considered to raise significant concerns due to the siting and orientation of the dwellings relative to this neighbouring garden area. The two-storey element of Plot 39 located approximately 4.8m from the boundary noting the rear elevation would not directly face the neighbouring garden would not raise concerns with respect to overlooking or visual intrusion.

Abstacle Hill

The proposed development, in particular the terraced row occupying the area of the tennis courts would have an interface with the rear of dwellings on Abstacle Hill which slope down towards Aylesbury Road (in a south-eastern direction). The building footprint would remain largely unchanged in this location compared with the previous approval, noting a back-to-back distance of approximately 24m between the rear walls of the bungalows on Abstacle Hill and the proposed terrace row. This is considered a sufficient separation distance and relationship to ensure there would be no adverse impacts on these neighbouring properties with respect to visual intrusion, loss of light or overlooking.

Cobbetts Ride

Due to the orientation of No. 29 and its generously-sized rear garden it is not considered the development, although on relatively higher ground, would not compromise the residential amenity of this neighbouring property.

As alluded to above, the terraced part of the development occupying the tennis courts on the site would replicate separation distances relative to properties on Cobbetts Ride immediately south-east, particularly The Hollies at No. 35.

Other

Opposite Aylesbury Road is an allotment site and other dwellings directly fronting Aylesbury Road would not be sited proximate to the development area and as such would not be adversely affected by the proposals.

The development would therefore satisfy the objectives of Policy CS12 of the Core Strategy.

Impact on protected species

Reference is made to comments provided by the County Ecologist under the previous application. Based on informal discussions with Hertfordshire Environmental Records Centre it is not considered an objection could be sustained with respect to the loss of the trees above that considered under the previous application. If planning permission is granted it would be reasonable to impose conditions requiring offset provision to support protected species in accordance with the aims of the NPPF.

Affordable housing

Under Policy CS19 of the Core Strategy, 35% of the total residential units shall be provided as affordable housing to meet local needs. The scheme to provide 40 dwellings would require on-site provision of 14 units which has been agreed with the applicant. This shall be secured by an agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

Archaeology

Previous comments with respect to archaeology matters are considered relevant in assessing the current application and therefore if planning permission is granted this shall be subject to the imposition of archaeological recording conditions in accordance with Policy CS27 of the Core Strategy.

Flood risk and drainage

The flood authority has raised no objection with respect to the proposals subject to conditions which shall form part of any planning permission so that the development accords with Policies CS31 and CS32 of the Core Strategy.

Refuse and fire services

Principal access arrangements are largely similar to the previously approved scheme and it is not considered the current application raises any additional concerns with respect to access for refuse and fire services. It is noted that the provision of fire hydrants as required by the fire authority shall be secured by condition if planning permission is granted.

Community Infrastructure Levy (CIL)

The application site falls within CIL charging zone 2 and as such the proposal shall be subject to a CIL rate liability of £150 per square metre unless any exemptions are applicable.

Previous referral to Secretary of State

The previous application was referred to the Secretary of State following the Development Management Committee's decision to grant the application. For clarification the current application does not require referral to the Secretary of State as Sport England has not objected on the loss of playing fields as noted above.

RECOMMENDATIONS

1. That the application be DELEGATED to the Head of Development Management with a view to approval subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990.
2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

The on-site provision of 14 affordable housing units

RECOMMENDATION - That determination of the application be **DELEGATED** to the Development Control Manager with a view to approval, subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.

- 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 buildings hereby approved shall commence (for the avoidance of doubt this excludes demolition and levelling works) 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.**

Specific details of the following shall be submitted to the local planning authority for approval and development shall be carried out in accordance with the approved details:

- **Sample panels of brickwork;**
- **Roof materials sample;**
- **Detailed scaled drawing of joinery;**
- **Details of window heads and cills;**
- **Rainwater goods.**

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

- 3 **No development (excluding demolition) 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 and boundary treatments, including area provided for communal amenity space for flats;**
- **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, including offset planting following tree removal concentrating on smaller public amenity spaces within the development;**
- **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;**
- **full details of proposed ramps;**
- **refuse and cycle areas including covered storage and other outbuildings;**
- **minor artefacts and structures (e.g. furniture, play equipment, signs etc);**
- **external lighting;**
- **means of managing / maintaining landscaped 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 2013.

- 4 **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.

- 5 **Prior to the commencement of any works a Construction Management Plan shall be submitted and approved in writing by the local planning authority.**

The plan shall include details of:

- on site parking for construction workers for the duration of the construction period;
- wheel cleaning facilities associated with the proposal;
- a scheme for construction methodology including the predicted vehicle movements to and from the site, and how the movement of construction vehicles will be managed to minimise the risk to pedestrians and vehicles within the local highway network.

The scheme shall be implemented in accordance with the agreed Construction Management Plan.

Reason: In the interests of maintaining highway efficiency and safety and pedestrian safety for the duration of the construction period in accordance with Policy CS8 of the Dacorum Core Strategy 2013.

- 6 **Prior to the first occupation of the development hereby permitted (or prior to the commencement of the use hereby permitted) visibility splays measuring 43 x 2.4 metres shall be provided to each side of the access off Aylesbury Road and such splays 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 Policy CS8 of the Dacorum Core Strategy 2013.

- 7 **The development hereby permitted shall be carried out in accordance with the recommendations set out in the submitted PHASE 1 Habitat Survey, Initial Bat Inspection and Dusk Emergence Survey Report. Demolition of buildings shall not commence before details of the location, number and type of bird and bat boxes shall be submitted and approved by the local planning authority together with timeframes of their installation to ensure adequate compensation is available prior to commencement of works affecting bat roost sites. The bird and bat boxes shall be installed in accordance with the approved details and agreed timeframes.**

Reason: In the interests of biodiversity and in accordance with Policy CS29 of the Dacorum Core Strategy 2013.

- 8 **Prior to occupation of the development hereby permitted, a lighting design strategy for biodiversity as recommended in the submitted PHASE 1 STUDY, shall be submitted to and approved in writing by the local planning authority. The strategy shall:**

a) identify those areas/features on site that are particularly sensitive for identified bat populations and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: To protect bat movement corridors and compensatory roosting features in accordance with Policy CS29 of the Dacorum Core Strategy 2013.

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

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

Reason: In order to ensure investigation and preservation of archaeological findings for the duration of the construction and development in accordance with Policy CS27 of the Dacorum Core Strategy 2013.

- 10 **Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 9.**

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

Reason: In order to ensure investigation and preservation of archaeological findings

in accordance with Policy CS27 of the Dacorum Core Strategy 2013.

- 11 **The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) carried out by JNP (reference M41452-FRA001 dated December 2015) and the following mitigation measures detailed within the FRA:**

1. **Implement appropriate drainage strategy based on infiltration.**
2. **Limiting the surface water run-off rates to maximum 12l/s with discharge into Thames surface water sewer.**
3. **Implementing appropriate SuDS measures as indicated on drawing M41452-FRA001 Rev 2 dated November 2015 with the use of soakaways, permeable paving and geocellular tanks.**
4. **Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**

The mitigation measures shall be fully implemented prior to occupation and subsequently 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 and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

- 12 **No development (excluding demolition) shall take place until the final design of the drainage scheme is completed and sent to the local planning authority for approval. The scheme shall also include:**

1. **Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations / modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.**
2. **Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime**

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

Reason: To ensure feasibility of the proposed surface water drainage strategy in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

- 13 **Prior to first occupation of the development hereby approved, a scheme for the provision of fire hydrants must be submitted to, and agreed by the local planning authority. The units shall not be occupied until the hydrants serving the buildings have been provided in accordance with the approved details. The fire hydrants must thereafter be retained in association with the approved development.**

Reason: To provide for a safe means of access for fire and emergency vehicles in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 14 **Prior to the commencement (excluding demolition) 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.

- 15 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 14 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.

- 16 **No development (excluding demolition) shall take place until a Site Waste Management Plan has been submitted to and approved in writing by the local planning authority. This shall include information on the types of waste removed from the site and the location of its disposal. The development shall be carried out in accordance with the approved details.**

Reason: To reduce the amount of waste produced on the site in accordance with Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan.

- 17 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

Schedule 2 Part 1 Classes A 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 CS11 and CS12 of the Dacorum Core Strategy 2013.

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

Reason: To ensure adequate parking provision for the development in the interests of highway safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

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

Site Location Plan (no reference) received 23 August 2017

**16/3431/1A Site Plan
16/3431/2A Plot 1
16/3431/3 Plots 2 and 3
16/3431/4 Plots 4 and 5
16/3431/5A Plots 6-9
16/3431/6A Plots 10-12
16/3431/7 Plots 13-20 Floor Plans
16/3431/8 Plots 13-20 Elevations
16/3431/9A Plots 21-24
16/3431/10A Plots 25-28
16/3431/11A Plots 29-32
16/3431/12 Plots 33 and 34
16/3431/13A Plot 35
16/3431/14 Plots 36 and 37
16/3431/15A Plot 38
16/3431/16A Plot 39
16/3431/17A Plot 40
16/3431/18 Garages for Plots 38 and 40
16/3431/19A Street Scene
16/3431/20 Street Scene - awaiting plan
16/3431/21 Site Sections and Site Extracts
16/3431/22 Site Context**

Tree Protection Plan (no reference), Merewood Arboricultural Consultancy Services
Flood Risk Assessment (reference M41452-FRA001)
PHASE 1 Habitat Survey, Initial Bat Inspection and Dusk Emergence Survey Report

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) (England) Order 2015.

Hertfordshire Highways Informative:

AN1) Where works are required within the public highway to facilitate an improved or amended vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before any works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, and Herts, SG13 8DN. Their telephone number is 0300 1234047.

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Ecology Informative:

If demolition is to be undertaken within the breeding season, it is important to check for active nests within roofs and soffits. Starlings are protected under the Wildlife and Countryside Act 1981, which makes it illegal to intentionally kill, injure or take a starling, or to take, damage or destroy an active nest or its contents. Preventing the birds from gaining access to their nests may also be viewed as illegal by the courts. (Ref: RSPB).

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

Environmental Health Informative:

Noise on Construction/Demolition Sites - The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. And the best practicable means of minimising noise will be used. Guidance is given in British Standard BS 5228: Parts 1, 2 and Part 4 (as amended) entitled 'Noise control on construction and open sites'.

Construction of hours of working – plant & machinery - In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0800hrs to 1800hrs on Monday to Friday 0800hrs to 1230hrs Saturday, no works are permitted at any time on Sundays or bank holidays.

Dust - Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider Best Practice Guidance for the control of dust and emissions from construction and demolition, produced in partnership by the Greater London Authority and London Councils.

Asbestos - Prior to works commencing the applicant is recommended to carry out a survey to identify the presence of any asbestos on the site, either bonded with cement or unbonded. If asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos shall be removed by a licensed contractor.

Bonfires - Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted

Agenda Item 5b

Item 5b

4/ /01630/17/MFA - RESIDENTIAL DEVELOPMENT ON FORMER MARTINDALE SCHOOL SITE TO PROVIDE 65 NEW DWELLINGS (AMENDED SCHEME)

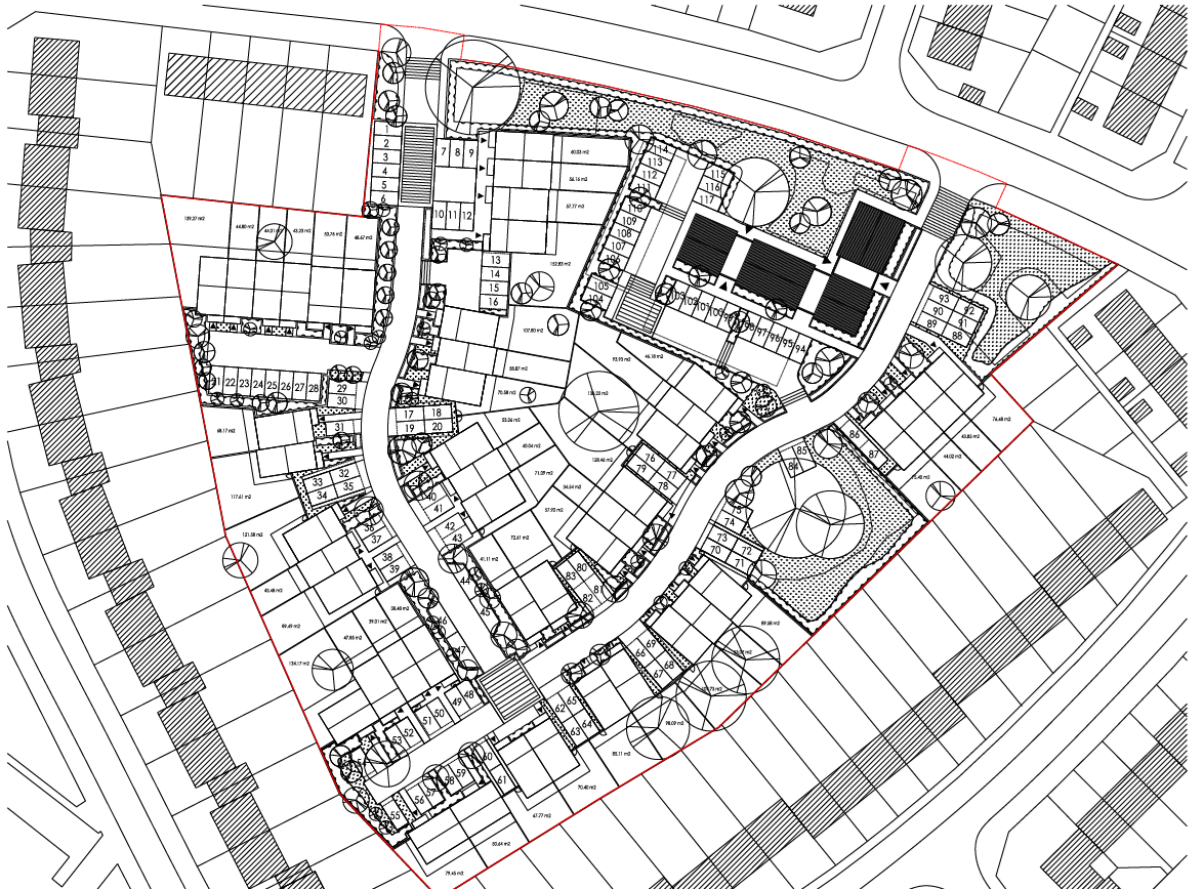
MARTINDALE JMI SCHOOL, BOXTED ROAD, HEMEL HEMPSTEAD, HP1 2QS



Item 5b

4/ /01630/17/MFA - RESIDENTIAL DEVELOPMENT ON FORMER MARTINDALE SCHOOL SITE TO PROVIDE 65 NEW DWELLINGS (AMENDED SCHEME)

MARTINDALE JMI SCHOOL, BOXTED ROAD, HEMEL HEMPSTEAD, HP1 2QS



Section A



Section B



**4/01630/17/MFA - RESIDENTIAL DEVELOPMENT ON FORMER MARTINDALE SCHOOL SITE TO PROVIDE 65 NEW DWELLINGS (AMENDED SCHEME).
MARTINDALE JMI SCHOOL, BOXTED ROAD, HEMEL HEMPSTEAD, HP1 2QS.
APPLICANT: Dacorum Borough Council.**

[Case Officer - Rachel Marber]

Summary

The application is recommended for approval subject to the completion of an S106 planning obligation under s.106 of the Town and Country Planning Act 1990. The proposal is an amended scheme to granted permission for 43 dwellings within application ref: 4/00925/14/MOA. It is considered that the amended proposal for 65 new dwellings would remain acceptable in principle in accordance with Policies CS1 and CS4 of the Core Strategy (2013) and is identified as a housing site (H/12) in the Site Allocations DPD with a net capacity of 66 homes. The proposals seek to optimise the use of the land whilst retaining the existing trees, respecting the character of the area, and ensuring a satisfactory relationship to adjoining properties, as well as creating an attractive development with 50% of the residential units secured for social housing. Furthermore, the proposed development would not have an undue impact upon the highway safety with contributions secured in this regard through a S106 planning obligation. The proposal therefore adheres with Saved Policies 10, 13, 18, 21, 51, 58, 99, 100, 111, 129 and Appendices 3, 5 and 6 of the Dacorum Local Plan (2004) and Policies CS1, CS2, CS4, CS8, CS9, CS10, CS11, CS12, CS17, CS18, CS19, CS26, CS29 and CS35 of the Core Strategy (2013), and the National Planning Policy Framework (2012).

Site Description

The application site is located in the Warners End neighbourhood of Hemel Hempstead. The site is triangular and extends to 1.4 ha and was formally occupied by a former 1 form entry primary school with a 26 place nursery. Existing access to the site is located to the north of the site off Boxted Road which is defined by a mixed deciduous hedge. The south eastern and western boundaries are defined by the rear boundaries of residential properties which back onto the site in Hollybush Lane and Martindale Road. These boundaries are variously defined by hedges, trees and fences. The buildings are of 1960's construction but are of no particular architectural merit. The site is generally level and flat.

The immediately surrounding area comprises mainly new town commission semi-detached and terraced residential property with some 3 storey flatted accommodation evident.

Proposal

The application seeks permission for the redevelopment of the site formally containing Martindale School to provide 65 new dwellings, associated parking, road and access. 50% of the units on site will be secured as social housing; this mix will comprise 8x 2 bed houses, 5x 3 bed houses and the entire apartment block.

The dwelling mix proposed comprises: 15x 1 bed flats, 4x 2 bed flats, 25x 2 bed dwellings and 21x 3 bed dwellings. 113 spaces off street parking spaces would be provided, averaging 2 spaces per dwelling and 1 space per flat.

The current proposal follows an amended scheme granted outline consent for demolition of

existing buildings on site and construction of 43 dwellings with associated site access in 2015 (4/00925/14/MOA).

The key differences between this approved development and the current proposal are the increase in quantum (to 65 units), alterations to the overall layout and the increase in the scale of some units (notably a four storey block of flats towards the north eastern corner of the site).

History of Site

In 2015 an outline application was granted at Development Management Committee on the 27th November 2014 for a new residential development for 43 dwellings of 2 and 2^{1/2} storey height. Two points of vehicular access were also proposed from Boxted Road and demolition of existing buildings and structures (ref: 4/00925/14/MOA); this permission remains extant. In 2015 an application for the demolition of the Junior School was submitted and granted, this demolition has taken place and the site now lies vacant.

Referral to Committee

This application is referred to the Development Management Committee due to being a Dacorum owned site.

Relevant Planning History

4/02424/15/DE M	DEMOLITION OF JUNIOR SCHOOL. Prior approval required and granted 05/10/2015
4/00925/14/MO A	RESIDENTIAL DEVELOPMENT (UP TO 43 DWELLINGS), DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES, ACCESS AND PARKING, ALTERATIONS TO LEVELS, LANDSCAPING AND RELATED WORKS (OUTLINE APPLICATION - ALL MATTERS RESERVED EXCEPT ACCESS) Granted 27/02/2015
4/01804/02/CPA A	CLASSROOM AND LIBRARY EXTENSION AND ADDITIONAL PARKING SPACES Raise no objection 04/11/2002
4/00644/01/CM A	DOUBLE MOBILE CLASSROOM UNIT (REPLACEMENT OF EXISTING) Temporary permission 14/05/2001
4/01812/00/ A	RETENTION OF MOBILE CLASSROOM Granted 01/11/2000

4/00059/95/4 RETENTION OF DOUBLE MOBILE CLASSROOM
Granted
07/03/1995

4/00941/89/4 MOBILE CLASSROOM
Granted
21/07/1989

Policies

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

Adopted Core Strategy (2013)

NP1 - Supporting Development
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
CS18 - Mix of Housing
CS19 - Affordable Housing
CS26 - Green Infrastructure
CS29 - Sustainable Design and Construction
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan (2004)

Policy 10 - Optimising the Use of Urban Land
Policy 13 - Planning Conditions and Planning Obligations
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
Policy 111 - Height of Buildings
Policy 129 – Storage and Recycling of Waste on Development Sites
Appendix 3 - Gardens and Amenity Space
Appendix 5 - Parking Provision
Appendix 6 – Open Space and Play Provision

Supplementary Planning Guidance / Documents (2004)

Area Based Policies (May 2004)
Accessibility Zones for the Application of Car Parking Standards (July 2002)
Planning Obligations (April 2011)
Affordable Housing (Jan 2013)
Site Allocations (July 2017)

Constraints

Residential area of Hemel Hempstead

Summary of Representations:

Comments received from consultees:

Contaminated Land:

Regulatory Services is in receipt of the following report submitted in respect of the above:

- Geo-environmental Desk Study and Site Investigation Report Martindale School, Boxted Road, Hemel Hempstead; Reference No. 1063/Rpt 1v1; Brown 2 Green Associates Ltd; April 2013

This report was previously submitted in respect of planning application 4/00925/14/MOA and the following comments provided (see memo dated 23 June 2014):

'The report provides a satisfactory Phase I Desk Study and preliminary risk assessment of the site. The site investigation provides good site coverage. Statistical analysis indicates that no further action is necessary in respect of the benzo(a)pyrene and vanadium exceedances noted, to which I am in agreement. The report recommends a pre-demolition asbestos survey followed by further investigation within the footprint of the building following demolition and a watching brief during ground works for any potentially contaminated material. To ensure the recommended works are undertaken I recommend the standard contamination condition is applied should planning permission be granted.'

Due to the time elapsed since the publication of this report and industry developments (i.e. publication of C4ULs and S4ULs), I request that the contaminant concentrations be reassessed against these updated generic assessment criteria. The report recommended further intrusive investigation following demolition of the existing building; rather than revising the current report, I would recommend that a new report be produced which should include the findings of both phases of intrusive investigation (pre and post demolition) with contaminant concentrations assessed against the updated assessment criteria. The post-demolition intrusive investigation should ensure good site coverage and target all potential sources of contamination. For reference, the pre-demolition asbestos survey should also be included in the appendices.

Air Quality:

Current industry guidance states that even where developments are proposed outside of Air Quality Management Areas (AQMAs), and where pollutant concentrations are predicted to be below the objectives/limit values, it remains important that the proposed development

incorporates good design principles and best practice measures, as outlined in Chapter 5, and that emissions are fully minimised. Examples of good design principles and best practice measures include:

- The provision of at least 1 Electric Vehicle (EV) “rapid charge” point per 10 residential dwellings and/or 1000m² of commercial floorspace, and;
- Where development generates significant additional traffic, provision of a detailed travel plan (with provision to measure its implementation and effect) which sets out measures to encourage sustainable means of transport (public, cycling and walking) via subsidised or free-ticketing, improved links to bus stops, improved infrastructure and layouts to improve accessibility and safety.

The potential air quality impacts of cumulative developments should also be a consideration (i.e. many individual schemes, deemed insignificant in themselves, contribute to a creeping baseline”).

With regards to the current proposed development, where possible, I recommend the incorporation of good design principles and best practice measures as detailed in Chapter 5 of the following industry guidance document entitled ‘*EPUK & IAQM Land-Use Planning & Development Control: Planning For Air Quality - January 2017*’ to minimise emissions.

A Travel Plan Statement has been provided with the application. The Travel Plan Statement (albeit brief) details the measures to be implemented by the developer to support and encourage the development of sustainable travel patterns amongst new residents. Measures include the provision of infrastructure (e.g. cycle parking) and the preparation of a Sustainable Travel Information Pack for new residents.

Affinity Water

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

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply, comprising of a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

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

Sports England

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range

of applications. <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/open-space-sports-and-recreation-facilities/>.

The site is considered to constitute land last used as a playing field. The proposed development involves a residential development that would be sited partly on land that was last used as a school playing field on the former Martindale JMI School site. As the school closed in 2008 and it is understood that the playing field has not been publically accessible since then, it would appear that the site has not been used as a playing field for more than 5 years and therefore Sport England would not be a statutory consultee on any future planning application for this proposal. However, as the development would affect a site that was last used as a playing field (and its lawful use would still be a playing field if there has been no formal change of use since it was last used as a school playing field), Sport England would wish to make comments on this pre-application advice consultation as a non-statutory consultee.

Sport England considers proposals affecting playing fields (including land last used as a playing field) in the light of the National Planning Policy Framework (NPPF) (in particular Para. 74), and its Playing Fields Policy: 'A Sporting Future for the Playing Fields of England', which can be accessed via the following link: www.sportengland.org/playingfieldspolicy

The Proposal and Assessment against Sport England's Objectives and the NPPF

Sport England was consulted in 2014 on an outline planning application (4/00925/14/MOA) for a residential development of 43 dwellings on the site which was subsequently approved in 2015. The applicant for the 2014 application, Hertfordshire County Council, proposed to mitigate the loss of the school playing field by restoring part of the former Halsey School playing fields to the north west of Hemel Hempstead which had been disused since 1993 when the Halsey School closed. This proposal was assessed against exception E4 of our playing fields policy and was considered to accord with the exception for the reasons set out in our response to the 2014 application which I attach for information. As the restoration of the former Halsey School playing fields was completed before the 2014 planning application was determined it was not considered necessary to secure the delivery of the mitigation through a section 106 agreement or planning condition.

In terms of the current application for a revised scheme for the residential development, as the proposed loss of the former school playing field has already been adequately mitigated through the delivery of a replacement playing field associated with the previous proposal it is not considered necessary to seek any further mitigation for the loss of the playing field through the current planning application. Consequently, I can advise that Sport England has **no objection** to make on the current planning application.

Herts Fire and Rescue

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

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community

Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

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

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

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

Section 106 planning obligation clauses can be provided on request.

Justification

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

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

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

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

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

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

(ii) Directly related to the development;

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

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

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

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

Lead Local Flood Authority

Thank you for consulting us on the above application for residential development on former Martindale School Site to provide 65 new dwellings (amended scheme).

Following a review of the Flood Risk Assessment carried out by Stomor reference ST2079/FRA-1705-Martindale Rev 0 dated May 2017 submitted as part of the above application, we can confirm that we are in a position to remove our objection 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 drainage strategy is based upon attenuation and discharge into Thames surface water. We note infiltration tests have been carried out which show varying rates, with a majority showing infiltration to be not feasible. We note there are no watercourses within the vicinity of the site. A predevelopment enquiry has been submitted to Thames Water and confirm that they would have no objection in principle to the proposals. It is proposed to restrict run-off to 9 l/s (via two connection points at 4l/s and 5l/s) and attenuation has been designed for the 1 in 100 year storm event plus 40% for climate change. We acknowledge that surface calculation and micro-drainage calculations have been provided to support the proposed scheme.

We therefore recommend the following conditions to the LPA should planning permission be granted.

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved FRA carried out by Flood Risk Assessment a carried out by Stomor reference ST2079/FRA-1705-Martindale Rev 0 dated May 2017, submitted and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off rates to maximum of 9l/s with discharge into Thames surface water sewer.
2. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Implement drainage strategy as indicated on the proposed drainage strategy drawing no. ST-2079-13-B utilising swales, detention basins, permeable paving and attenuation tanks.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

The mitigation measures shall be fully implemented prior to occupation and subsequently 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.

Condition 2

No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall also include;

1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
2. Any areas of informal flooding with flood extents and depths.
3. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason

To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

Strategic Housing

The principle of housing on this site is accepted given the current allocation in the Site Allocations DPD (proposal H/12) and the fact that the County Council (who previously owned the site) had secured planning permission (925/14) for development of the land. The issue of the loss of the school was dealt with under the recent planning permission. The main issue with the current application is to ensure that the increase in numbers sought (from 43-65 homes) can be suitably accommodated on the site in terms of local character/density (Policy CS12), levels of affordable housing (Policy CS19), and adequate amenities in respect of parking (Policies CS8(h) and CS12b), and saved DBLP Appendix 5) and amenity space (saved DBLP Policy 76 and Appendix 3).

Given that this is an application that has been submitted by Strategic Housing (as the Council has purchased the land from the County Council), then they should already be aware of the appropriate mix of affordable housing. This would be guided by Policy CS19, the Affordable

Housing SPD and Affordable Housing Clarification Note. Policy CS19 seeks a 35% on-site contribution based on a 75:25 split of rented to intermediate housing. We note that the proposal is providing a 49% contribution based on a mix of flats and houses of a variety of bedroom sizes. All of the affordable housing would be for rented accommodation. This seems a reasonable approach overall.

We have no strong views over the distribution of the affordable housing, although the emphasis should be on these being “tenure blind” across the site.

Herts Archaeology

No Comment

An archaeological geophysical survey and trial trenching evaluation have previously been carried out at this site. Neither identified any below ground archaeology, and the latter showed that considerable landscaping had occurred, likely removing any archaeological remains.

In this instance I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and I have no comment to make upon the proposal.

Hertfordshire Minerals and Waste

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the county council’s adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage districts and boroughs to have regard to the potential for minimising waste generated by development.

Most recently, the Department for Communities and Local Government published its *National Planning Policy for Waste (October 2014)* which sets out the following:

‘When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;

- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste

management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;

- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.’

This includes encouraging re-use of unavoidable waste where possible and the use of recycled

materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application, the council is urged to pay due regard to these policies and ensure their objectives are met.

The county council would expect detailed information to be provided for both the site preparation and construction phases as the waste arisings from construction will be of a different composition to arisings from the enabling work. Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or

http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html

The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste arisings and so that building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented. It will also help in determining the costs of removing waste for a project.

The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted and provide comments to the two councils.

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) Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety.

2) 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 with the highway authority prior to commencement of the development.

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

3) Best practical means shall be taken at all times to ensure that all vehicles leaving the

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

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

4) Occupation of the development hereby permitted shall not be commenced until the site access has been constructed and completed to the satisfaction of the local planning authority and the highway authority.

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

HIGHWAY INFORMATIVES: HCC recommend inclusion of the following Advisory Notes (ANs) to ensure that any works as part of this development are carried out in accordance with the provisions of the Highways Act 1980 and other relevant processes.

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2) 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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN4) Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

S106 Agreement A contribution will be sought by HCC for the Travel Plan and Construction Traffic Management Plan monitoring.

A Travel Plan for the residential and commercial developments, consisting of a written agreement with the County Council setting out a scheme to encourage, regulate, and promote green travel measures for owners, occupiers, and visitors to the Development in accordance

with the provisions of the County Council's 'Travel Plan Guidance for Business and Residential Development', which is subject to a sum of £ tbc towards the County Council's costs of administrating and monitoring the objectives of the Travel Plan Statement and engaging in any Travel Plan Review.

Planning Proposal This application is for full planning permission to demolish existing buildings and structures in order to construct a residential development of up to 65 dwellings with access and parking, alterations to levels, landscaping and related works. Importantly this application follows on from the previous consented outline application, 4/00925/14/MOA for 43 dwellings, a net increase of 12 residential units overall.

The site is the land occupied by the former Martindale JMI School, Boxted Road, Hemel Hempstead, HP1 2QS. It comprises two main elements; the former school building and hard-surfaced areas on the front, northern, part of the site fronting Boxted Road, and the playing field/ soft play area on the rear, or southern, part of the site.

Site access points Currently the single direct vehicular access to Martindale School is currently taken from Boxted Road, to the north west of the site. The site access is approximately 4m wide on the site boundary, with a vehicle crossover tapering towards Boxted Road to a width of approximately 6.5m, before connecting to the carriageway with bellmouth radii of approximately 1m. The site access links into a small car park in the north western corner of the site. No footways run alongside either side of the access within the site.

Visibility of 4.5m x 43m is currently available to the east and west of the existing access. However, visibility may be restricted by vehicles parking on the southern footway of Boxted Road to the east and west of the access. In addition, a telegraph pole is currently situated to the west side of the access. This may obstruct drivers' visibility when emerging from the site.

The main pedestrian access to the site is currently taken from Boxted Road to the north east of the existing school building. The access is located on the northern boundary adjacent to a formal controlled pedestrian crossing, approximately 48m east of the vehicular access.

The proposed development would be accessed from Boxted Road via a new access. A secondary access is proposed using the existing school access in the north western corner of the site.

Accessibility The school site is very well located in terms of existing footway provision in the area. Footways are in place along both sides of Boxted Road, Galley Hill, Hollybush Lane and Martindale Road, plus other residential roads in the vicinity.

The site is located relatively close to two neighbourhood centres, which are both within easy walking and cycling distance. It is approximately 580m walking distance (a 7 to 8 minute walk) from Gadebridge Neighbourhood Centre and approximately 600m walking distance (a 7 to 8 minute walk) of Warners End Neighbourhood Centre.

An advisory on road cycle route runs along the entirety of Boxted Road. At the north western end of Boxted Road, the advisory on-road cycle route continues west to Potten End. Approximately 450m north east of the site, an off-road cycle route runs northwest to southeast between Fennycroft Road and Gadebridge Road. This route is accessible from the site via Galley Hill.

Hemel Hempstead has a good range of public transport services with the main line railway station located approximately 2km to the south of the site.

There is a bus stop adjacent to the site on the southern side of Boxted Road with others in Galley Hill to the east. A number of bus services run along Boxted Road past the site. They are

currently as follows: - Route 2: Woodhall Farm – Chaulden (Mon – Fri 3 buses per hour, Sat 2 buses per hour, Sun 1 bus per hour) - Route 3: Hemel Hempstead – Woodhall Farm (Mon – Fri 3 buses per hour, Sat 2 buses per hour, Sun 1 bus per hour) - Route 30/31/32: Berkhamsted – Hemel Hempstead (Mon – Fri 2 buses per day) - Route 532: Northchurch – Hemel Hempstead (Mon – Fri 3 buses per day) - Route 600: Bennetts End – Chaulden (Mon – Fri 1 bus per day, Sat 2 buses per day) - Route 769: Boxmoor – Bus Station (Mon – Fri 1 bus per day) - Route H13: Industrial Area – Railway Station (Mon – Fri 4 buses per day) - Route X31: Hemel Hempstead – Luton (Mon – Fri 1 bus per day)

Safety of the local road network Non-confidential Personal Injury Collision Data were supplied by Hertfordshire County Council in February 2013. These covered the five year period between 1st November 2007 and 31st October 2012. Analysis shows no significant trends or causal effects linked to the site under consideration.

The local road network Martindale Road is an approximately 5m wide local access road located in a 30mph speed limit zone. Martindale Road runs between Boxted Road to the north east and Hollybush Lane to the south west, connecting to both roads via simple T-junctions. On the north side of the road, a footway of approximately 2m width is in place which is separated from the carriageway by a grass verge. On the south side of the road, an approximately 4m wide footway abuts the carriageway. The only parking restriction along Martindale Road is in the form of double yellow lines which are situated across the bellmouth of the T-junction with Hollybush Lane.

Galley Hill is an approximately 7m wide local access road, which is located within a 30mph speed limit zone. The road connects to Boxted Road to the south west via a simple T-junction and to the A4146 Leighton Buzzard Road and the A4147 Link Road to the north east via a roundabout. Someries Road and Lyne Way are both local access roads of approximately 4.8m width. The roads are located within a 30mph speed limit zone and connect off Boxted Road to the north.

Parking The anticipated parking arrangements relating to the development will be based on the Dacorum Borough Local Plan, which uses a zonal methodology to determine the parking provision for residential developments in each zone. The application form and D&A statement state that there will be a total of 112 /113 parking spaces respectively.

Cycle storage The applicant is proposing 1:1 internal cycle storage. This is acceptable to the highway authority

Public Rights of Way (PRoW) there appears to be no Public Rights of Way affected by this proposal. If this is incorrect then feedback from Right of Way Officer should be requested. Note that the granting of planning permission does not entitle the developer to obstruct the Public Right of Way and permission would need to be granted to temporarily close the route if required. The applicant must ensure all necessary legal procedures for any diversions are implemented. Enforcement action may be taken against any person who obstructs or damages a Public Right of Way.

Servicing Arrangements Refuse and recycling receptacle storage will need to be provided. It is likely that this will be via a kerb side service.

Planning Obligations / Community Infrastructure Levy (CIL) Dacorum Borough Council, (if seeking CIL contributions from this development) may wish to put them towards local transport schemes if appropriate.

Conclusion

The assessment does not indicate any significant issues with the proposal which will increase

the number of units by 12 over the permitted outline scheme. This full application will create another access off Boxted Road, therefore creating an 'L' shaped road through the site. The applicant has not offered this road or any of the side roads for adoption and it is unlikely that the highway authority would adopt them. The controlled crossing outside the school is a valuable asset and may have been put in to aid school children gain safe access across Boxted Road on route to both Martindale School and also JFK. As an asset the highway authority would struggle to fund such a high cost crossing facility. If there is public demand to keep one then with appropriate consolation, the highway authority will consider all options .

The highway authority would therefore ask that the developers to assess the current use and suggest whether a different type of crossing such as a zebra/ped refuge/islands/raised table etc. could be more appropriate or a package of traffic calming measures to facilitate crossing. All of this would be dependent on a thorough examination of the current use of this crossing now that the school is closed and consultation with the local community as to what they would benefit from. On balance, the highway authority would not wish to restrict the grant of planning permission subject to the above conditions and informatives.

Herts Fire and Rescue

Provisions for fire hydrants does not appear to be adequate to comply with BS9999:2008.

1. Water supplies should be provided in accordance with BS 9999

2. This authority would consider the following hydrant provision adequate

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

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

Herts Ecology

Thank you for consulting Hertfordshire Ecology on the above application, for which I have the following comments:

Thank you for consulting Herts Ecology on the above, for which I have the following comments:

1. We have no historic ecological data from the application site, which has previously been

subject to ecological surveys and comments from Herts Ecology.

2 Previous comments dated 17 July 2014 on 4/00925/14/MOA which was for residential development, demolition of existing buildings stated the following:

*2.1 The ecological survey identified a range of habitats present on the site, although other than a number of standard trees, the nature and extent of these is limited and represent a negligible interest - largely amenity grassland, scattered trees and shrubs / local hedgerows. Whilst any feature can contribute some ecological value at least at the site level - and a mature oak tree cannot be said to represent a negligible interest - **I have no reason to consider the interest is any greater than at the site level, and that in general there are no significant ecological constraints.***

2.2 Further surveys were undertaken to assess the presence of badgers and bats and no evidence or significant likelihood was found. On this basis the LPA does not need to consider these species any further - although it may be prudent for the applicant to undertake a check before works begin for signs of badgers in case they may have moved into the site if it has been unused for a period - although given the location this is unlikely.

2.3 I note the intention to retain existing trees - including several mature oaks - where possible and this is to be welcomed. Landscaping should favour use of native trees and shrubs where appropriate.

*2.4 Although the buildings are unlikely to support bats, flat roofed structures have been known to be used as roosts, so **I advise an informative is placed on any approval to the effect that:***

- Bats and their roosts remain protected at all times under National and European law. If bats or any evidence for them is discovered during the course of any works, all works must stop immediately and advice sought as to how to proceed from one of the following:

- A bat consultant;*
- The UK Bat Helpline: 0845 1300 228;*
- Natural England: 0845 6014523 or*
- Herts & Middlesex Bat Group: www.hmbg.org.uk*

3. I have no reason to consider that the above comments are not still relevant in respect of the current application and the principles of development at this site. The current proposals outline a revised development plan although in itself this will not alter any impacts on the ecology of the existing site.

4. However, clearly **the bat assessment is now 4 years old and would usually be considered unreliable.** Furthermore if the site has not been subject to any appropriate management since, it is likely to have accrued some ecological interest by virtue of changes to habitat structure and a lack of disturbance, enabling some species to exploit the site if present in the area, such as badgers.

5. Nevertheless, flat roofed structures do not generally provide an especially significant likelihood of bat potential and **the consultant ecologist considered the buildings to be generally unsuitable for bats. No further activity surveys were recommended. I have no reason to consider they will have changed sufficiently since to have created significant opportunities for bats.**

6. Consequently, I advise that following any approval, **a walkover survey should be undertaken prior to any works taking place** to update the position in respect of protected species such as badgers. If this reveals potential for other species such as reptiles or badgers which could have since moved onto the site, these would need to be addressed in the appropriate manner if shown to be present. If several more years elapse between now and the development, it would be advisable to repeat the bat surveys, although I am reluctant to advise this now given I have no knowledge of any such changes to what was recognised to be a poor site. The Photos submitted with this pre-application suggest the open grasslands are at least still being cut and this would reduce the potential for wildlife that could otherwise have developed on the site.

7. On the basis of the above, **I remain of the opinion that there is unlikely to be any ecological constraints associated with the latest proposed development.**

8. The provision of Green Space associated with the development is welcomed although the extent is rather limited and precludes any meaningful areas of habitat creation. I note major trees will be retained. Any opportunity to plant fruit trees as part of the landscaping to provide additional ecological benefits for pollinating insects and local fruit etc. would be supported.

9. I would advise that any approval should have the following **Informatives** regarding the potential for protected species:

- Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of development works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (tel: 0300 060 3900) or a licensed bat consultant.

- An updated ecological walkover survey should be undertaken prior to any works taking place to confirm the continued absence of, or the potential for, protected species on the site.

Environmental Health

I cannot see any environmental health reason to object to this application but I find myself agreeing with the members of the public who commented on the change in the look of the area that will result from the taller buildings. However having looked at the plans I am pretty sure that the natural lighting of the existing residents will not be affected to the extent that I could object officially on those grounds, but the neighbours views and perception of open space will be affected by the taller buildings around them if this application is approved in its current form.

DBC Conservation

The site (a former school) is located on Boxted Road in Hemel Hempstead.

The block of flats has been re-orientated and set back and a greater amount of landscaping has been incorporated into the Boxted Road frontage which is welcomed – this will help to soften the appearance of the new development and particularly the 4-storey block of flats within the site. Some of the existing trees are to be retained and the development has been worked around their retention.

The design of the new dwellings (either 2 or 3 storey) have a contemporary theme and construction materials (red brick / slate / timber effect cladding / grey framed windows) all seem appropriate.

The proposed redevelopment of this former school site is considered to integrate reasonably well into this area of Hemel Hempstead.

Crime Prevention Officer

Looking at a crime analysis undertaken within a one mile radius of Boxted Road , it indicates a relatively high level of crime including Burglary, Criminal Damage , Arson and Anti-Social Behaviour. In the Design and Access statement it states that ‘ overall almost 50% will be social housing ‘ I would encourage the applicants to build the entire development to the Secured by Design standard this would mitigate the majority of concerns I have in relation to security for this development and also meet the requirements of Approved Document Q (ADQ).

I am please see that Security and Crime prevention has been considered and there are many references to Secured by Design in the Design and access statement (the Secured by Design New Homes document 2014 has now been Superseded with the Secured by Design 2016.)

I am content with the overall plan and have no comments in relation to the extra 22 dwellings and pleased that a Secured by Design application is being considered.

Secured by Design part 2 physical securities: This would include

- Any ground level exterior windows to have been certificated by an approved certification body to BS PAS 24:2016. All glazing in the exterior doors, and ground floor (easily accessible) windows next to or within 400mm of external doors to include laminated glass as one of the panes of glass.
- All exterior doors to have been certificated by an approved certification body to BS PAS 24:2016, or LPS 1175 SR 2,
- All individual flat front entrance doors to have been certificated by an approved certification body to BS PAS 24:2016
- Access control standard for flats is: 4 to 10, audible – Such access control must NOT have a Tradesman’s Button fitted as this assists offenders to gain entry during the day to break into the flats.
- Defensive planting underneath the ground floor window
- Refuse and cycle stores to be secure (locked
- Column lighting – not Bollard Lighting
- Boundary fencing to be 1.8m high
- Good passive surveillance

Herts Property Services

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum’s CIL Zone 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.

Comments received from local residents:

98 Hollybush Lane

Objection

We consider that this development will severely affect our quality of life due to the loss of privacy and overshadowing, visual intrusion and noise and disturbance resulting from their use as a result of the 3 and 2 storey houses which are to be built immediately and very close to, our fence, at the rear of our property.

After examining the most recent plans, we feel that it would be preferable, and surely more cost effective, if all the 2 storey houses were built on the perimeter of this development and keep all the 3 storey houses to the inner area of the site.

164 Boxted Road

1. We object to the Flats being 4 storey as this creates a precedent in Warners End. All the houses and buildings are a maximum of 3 storeys and this block will create an eyesore. The Flats should be reduced to 3 storeys to fit in with the surrounding area of Warners End.
2. There are a row of houses immediately behind the Oak Tree labelled 1 on the chart. They are side on to Boxted Road. Plots 18 and 15 are three storey and in between are plots 17 and 16 which are two storey. We request that Plot 18 be reduced to 2 storey or be interchanged with plot 16. The end result will be the same - 2 three storey houses and 2 two storey houses. This means that the profile of the 3 storey houses is further away from Boxted Road, and shadowing is reduced to the houses on the other side of Boxted Road, plus the house closest to the Development on the same side of Boxted Road, especially in the winter months when the Oak Tree 1 will have no leaves and the sun is very low.
3. Plots 19 & 20, behind the said house nearest to the Development on the same side of Boxted Road, are 3 storey buildings. The remaining houses in the row are two storey. The 3 storey houses on these plots plus the 3 storey house on plot 18, will shadow the existing Boxted Road house, and cause privacy problems and loss of light especially in winter when both sides of the house would get NO sun as it would be below the level of the 3 storey houses. We request that these two plots are reduced to 2 storeys. There would be the same objection if any of the 2 storey buildings in this row were increased to 3 storey as they would suffer the same problems.

154 Boxted Road

Objection

1. There should be no buildings higher than 2 storeys in any blocks around the perimeter of the site, i.e. near existing homes. 3+ storey buildings will have rooms on their higher levels from which it is possible to see directly into the bedrooms of the existing houses.
2. The site should be designed to suit younger couples working in the area seeking their first homes. Therefore more smaller houses of a 2-storey style should replace many of the 3-storey homes. The fewer 3-storey buildings should then all be put in the central triangle, thus having less impact on residents of existing properties.
3. Most housing estates of Hemel and all of Warners End have buildings no taller than 3

storeys, so there is no precedent for a 4-storey block here. It is out-of-character, setting a worrying precedent, and the top level would look down on all adjacent properties. It is reasonable to expect its height to be reduced to no more than 3 storeys, more in keeping with existing blocks nearby.

141 Boxted Road

Objection

1. I object to the flats being 4 levels. This sets a precedent as there are no other 4 storey buildings in Warners End. There are privacy and light issues associated with this.
2. My house has been boxed in with three houses each of 3 stories. Meaning I will be overlooked from the side and from the back. There are privacy, and light issues from shadowing, especially in the winter months when the sun is very low. I would have no sunshine or light both to the back, front or side of my house in winter. This is totally unacceptable. The two buildings to the rear should be reduced to two storey, and the three storey buildings to the side, reduced to two.
3. All three storey buildings should be in the centre of the site, with two storey houses around the fringes, so as to lessen the impact of privacy and light on the existing neighbours to the site.
4. I require access to the back of my house as there is no ally. Need a back gate for fire escape, green bin access etc.

166 Boxted Road

Objection

The first objection being the four storey block at the front I feel this should be a maximum of only 3 stories to lessen the impact from Boxted Road.

Secondly plots 15 - 18 could the three storey houses be together and moved furthest away from Boxted Road the two stories being the closest.

152 Boxted Road

Objection

1. We feel that the flat being four storey would be an eye sore and they should be reduced to 3 story to fit in with the surrounding area.
2. We request that plot 18 be reduced to 2 story or we feel it should be changed with plot 16. We feel that this reduce they shadowing to houses on our side of the road.
3. We request that 19 and 20 are reduced to two stories as we feel that they would cause privacy problems and loss of light mainly in the winter months. We feel that these plots should be reduced to two stories.

142 Boxted Road (as summarised)

Objection

Concerned about effect development would have on house and well-being.
Loss of sunlight to house and privacy to back garden.

Four storey flats would set a precedence.

104 Hollybush Lane

Objection (as summarised)

In an ideal world land would remain open however, in recognising the need for local housing, development was inevitable and I can have no objection to the proposed use of the site. But have some strong objections to certain aspects of the proposal's design, because of the impact it would have to my and neighbouring properties.

Arrangements of plots 19 to 24 means that an access road will lead to 10 car parking spaces, two of which will be within a metre or so of the boundary fence of our gardens. This will cause noise and air pollution. Our houses already front onto a busy road, our back gardens are relatively quiet places to sit in and enjoy gardening. This alignment of access road would mean that there will be public access to our back gardens, resulting in a significant loss of security. A six foot wooden fence is no barrier to a would-be thief or burglar. Plots 25 to 30 have garden to garden contact with neighbouring houses in Hollybush Lane and this would seem a fair arrangement.

Plots 21-23 would also have small gardens not in-keeping with existing patterns of gardens.

Page 6 in Design and Access Statement is inaccurate they is a mixture of semi-detached and terraced houses within Hollybush Lane.

Sun shading does not show shadow midwinter (December 20th). No comment on the shading of gardens.

Two entrances allows through traffic much preferred by criminals. Would also lead to faster and more hazardous traffic flow.

Attention given to existing large trees on site and attenuation basins at part of SUDS design is much welcomed.

154 Boxted Road

Objection (as summarised)

Purchased property due to school opposite.

It would seem reasonable to have expected of planners that anything replacing it would have no greater visual impact and privacy issues for surrounding properties, also being no greater than two storeys high.

The proposed scheme is significantly greater in height and density than the 2015 scheme approved.

3. There should be no dwelling blocks higher than two storey around the perimeter of the site as this results in greater levels of loss of privacy.
4. More appropriate to seek smaller homes to be more affordable for younger population. With 3 storey homes retained in the central triangle of the proposed development.
5. No precedence for 4-storey block of flats, out of character.

6. Ensure that no retained trees accidentally removed during building work.
7. Little mention of extra traffic this development would generate is mentioned. Nor, the free movement of traffic and safety of road users and pedestrians.

150 Boxted Road

Objection

I am writing with regards to the planned development of the Former Martindale School Site on Boxted Road, Hemel Hempstead.

Having viewed the latest plans, we are pleased with the changes to the layout.

The moving of the flats is definitely a good idea and overall the layout of the site looks fine.

I would like to suggest however that the traffic lights on Boxted Road either be moved or that the road-side fence on either side of the traffic lights be shortened.

I believe the fence was initially made it's current length due to being outside Martindale School, however, the school is now gone.

Parking can be a major issue along this stretch of Boxted road and although the new site is providing parking spaces for the properties, there is little doubt that there will be an increase in cars parking on that section of Boxted Road. Best case scenario in my view would be to move the traffic lights away from the site, however, this may prove too costly, so I would like to ask that the fencing be shortened to allow for more parking on the Martindale-side of Boxted Road near the traffic lights. There are also several concrete bollards dotted along this section of path. These appear to serve no purpose and their removal would create more parking spaces for residents.

42 Matindale Road

Objection

I am in favour of more social housing in Dacorum. However this planned housing site has only one access to the road which is Boxted Road. I live right near to Hollybush Lane and JFKennedy School. It is already a nightmare with school traffic in the mornings and afternoons. In fact people park right across our drive when dropping off or collecting their children.

My concern is that Martindale Road is already a rat run for traffic and this will add to it. Maybe the council could make Maryindale Road a one way street and monitor the parking at school times. My fear is that someone will be seriously injured or killed.

Key Considerations

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 Residential Amenity of Adjoining Neighbours
4. Highway Safety and Parking Provision
5. Impact on Trees and Landscaping
6. Sustainability

7. Presumption in favour
8. Other Material Planning Considerations
 - i. Protected Species
 - ii. Flooding and Drainage
 - iii. Contaminated Land
 - iv. Refuse and Recycling
 - v. Planning Obligations and Legal Agreement
 - vi. Archaeology
 - vii. Fire and Rescue
 - viii. Public Participation
9. Consultation Response

1. Principle of Development

The principle of the redevelopment of the site to accommodate 43 dwellings was approved at outline stage within application ref: 4/00925/14/MOA and this permission remains extant. This permission was for the 'Residential development (up to 43 dwellings), demolition of existing buildings and structures, access and parking, alterations to levels, landscaping and related works'.

The nature of the current proposal is similar to that approved above, the only difference being the increase in quantum from 43 approved units to 66 proposed units.

The site lies within a primarily residential area in the town of Hemel Hempstead wherein, under 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, within the Core Planning Principles outlined in the NPPF (2013) there is heavy emphasis on the planning system's responsibility to deliver more homes. Paragraph 47 of the NPPF (2013) stresses this further seeking to boost the supply of housing.

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.

Martindale has been recognised as having housing potential as it was identified as a SHLAA site (WE29) and has now been identified as a housing site (H/12) for up to 66 homes in the adopted Site Allocations DPD (2017). The associated planning requirements for the site are:

'Application approved for 43 homes but revised scheme being pursued for higher capacity. Retain trees within and at site boundaries. The existing hedge along the frontage should be

retained or replanted to help soften and screen the development and provide for continuity of enclosure along the frontage. Main and secondary access points from Boxted Road acceptable. Careful design and landscaping required to safeguard the amenities of nearby residents.'

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, and CS17 of the Core Strategy (2013), saved Policy 10 of the Local Plan (2004) and the NPPF (2012).

In sum, it is considered that the principle of the development would remain acceptable. For ease of reference, the policy consideration in regards to the loss of the junior school (which has now been demolished) and playing fields approved under application ref. 4/00925/14/MOA can be found via the following link:

<https://democracy.dacorum.gov.uk/Data/Development%20Management/20141127/Agenda/DC-C-27-11-2014-Agenda.pdf>

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

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

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

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

The HCA3: Warners End Area Character Appraisal outlines that for new development in this area a variety in design is acceptable with no specific style needed be followed. Further, a full range of dwelling types are acceptable overall, but regard must be paid to the dwelling type adjoining and nearby the development site. The height of properties should not exceed two storeys, except in parts of the area where heights exceed three storeys or more and there being no adverse impact on the appearance or character of the area. Spacing of properties should be between 2m – 5m with orientation of building following the pattern of adjoining and nearby streets.

The current proposal has been amended subsequent to public consultation and again during the determination process of this application to mitigate concerns raised by neighbouring residents.

The development would comprise a relatively classic road layout, with a central I-shaped spine road which development would be located off, resulting in an inward facing scheme. Properties

have been positioned and designed with consideration to visual appearance of the development from the adjacent street scene of Boxted Road. Plots 17 and 18 have been designed to be two storey in height at the site boundaries with the three storey units within the centre of the site. Similarly, plots have been positioned so that rear gardens back onto rear gardens or landscaped areas.

The proposed scheme seeks to introduce terraced, semi-detached and flatted units, this would respect the spatial pattern of development within the immediate area. With regards to the spacing left between individual units (ranging between 3.5 – 10 metres) and spacing around the site as a whole, it is not considered that the proposal would result in an overly dense, cramped or overdeveloped form of development. Furthermore, although the building closest to the access road would be four storey in scale, it would be set-back by approximately 12 – 24 metres from the adjacent highway to the north (Boxted Road). As such, with regard to the positioning and scale of units throughout the site, it is not considered that the proposal would result in visually dominant or intrusive features within the streetscene.

Turning to the individual design of proposed units, in accordance with the submitted information the units would be constructed using red facing brickwork, painted weatherboarding and dark grey slate roof tiles. Overall units would be contemporary in build and form compared to the surrounding streetscenes, which comprise terraced and semi-detached units of a more traditional form. Nonetheless, given that internal-facing layout and design of the site itself it is considered as a 'standalone' site and therefore not considered necessary to replicate the build and form of surrounding residential layouts, with no objections raised to a more contemporary approach.

It is noted that concerns are raised regarding the four storey apartment block fronting Boxted road, with only three storey flatted units evidenced within the street scene. It is considered that due to the separation distance of this element from the street scene and the broken up nature of the block through architectural design and a well thought-out palette of materials this element would not appear overtly intrusive or incongruous within the street scene. Moreover, this element would be softened in appearance further through the introduction of front landscaping and open space separating this development from the street.

The DBC Conservation and Design officer was consulted on the proposal and quality of design, architectural style and materials of units and provided the following representation:

'The block of flats has been re-orientated and set back and a greater amount of landscaping has been incorporated into the Boxted Road frontage which is welcomed – this will help to soften the appearance of the new development and particularly the 4-storey block of flats within the site. Some of the existing trees are to be retained and the development has been worked around their retention.'

The design of the new dwellings (either 2 or 3 storey) have a contemporary theme and construction materials (red brick / slate / timber effect cladding / grey framed windows) all seem appropriate.

The proposed redevelopment of this former school site is considered to integrate reasonably well into this area of Hemel Hempstead.'

Close regard has been paid to the hard and soft landscaping of the site. Fenestration details have been added to side plots to prevent bland side elevations abutting the street scene. In addition, close boarded wooden fencing and brick walls perpendicular to the street scene have been softened in appearance through boundary hedging. Vehicle parking has been broken up with built form and some sections being set back off the road with further screening of landscaping to prevent the appearance of parking dominated frontages. Units closest to the street scene would retain at least a 2 metre deep front garden and associated landscaping treatment, adding further to the verdant aspect character. Moreover, areas of open space would be evident within the scheme to provide visual relief to built form and improve further the verdant aspect character of the development. In short, sufficient detailing and consideration has been applied to the scheme to ensure a high quality public realm.

In conclusion, it is considered that the layout of development, quality of materials and architectural detailing of house types and built form of the proposed 65 units would be sufficiently varied in character to add interest and ensure a high quality development in addition to reflecting and assimilating with the character of the adjoining street scene. The proposal adheres with Policies 10, 18, 21, 111 and Appendix 3 of the Dacorum Local Plan (2004) and Policies CS10, CS11 and CS12 of the Core Strategy (2013), and the National Planning Policy Framework (2012).

3. The Potential Impact on the Residential Amenity of Adjoining Neighbours

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

The proposed layout of the site provides some properties with a side to rear relationship. DBC have no policy guidance standards to the required a specific separation distance between side and rear elevations. Nonetheless, all proposed units with a side to rear relationship would have at least an approximate 10 metre separation, which is considered more than acceptable.

Saved Appendix 3 requires a 23 metre rear-to-rear and front-to-front separation distance between the main walls of one dwelling to another. The proposed units with such a relationship would meet this requirement with the following separation distances:

26.5 metres approximately from Plots 19 – 24 to Nos. 141 – 149 Boxted Road
25 – 28 metres approximately from Plots 25 – 29 to Nos. 100 – 88 Hollybush Road;
23 – 30 metres between Plots 34 – 42 and Nos. 38 – 28 Martindale Road;
28 – 30 metres between Plots 43 – 46 and Nos. 4 - 12 Martindale Road; and
39 metres (approximate) from the proposed apartment block to front elevation of No. 144 Boxted Road.

Additionally, given the residential nature of the immediate area and the existing lawful use of the site, the proposal would not significantly harm the living conditions of the occupants of surrounding units, in terms of noise and disturbance. Impact of noise and disturbance on

neighbouring properties has also been reduced further through the placement of rear gardens to the adjoining boundaries of the site or landscaping treatment which would act as both a visual and acoustic screen. A condition requesting street lighting details has been recommended to control the light pollution resulting from the proposed development.

Sun shading diagrams during summer and winter months have been submitted alongside the planning application to demonstrate that no loss of daylight or sunlight to surrounding residents would result from the proposed development. Similarly, the light levels serving the new properties are considered to be acceptable.

As such, the proposal is not considered to result in a loss of outlook or privacy to adjoining neighbours.

Turning to the living conditions of future occupiers within the site a 27 metre approximate separation distance would exist between the rear elevations of plots 1 – 14, this would also adhere to the 23 metre separation standard.

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

- Plots 1 – 4: 13 – 15 metres
- Plots 5 – 8: 7.5 – 9 metres
- Plots 9 – 11: 8.5 – 9.5 metres
- Plots 12 – 14: 13 metres
- Plots 15 – 18: 10 – 13 metres
- Plots 19 - 24: 9 metres
- Plots 25 – 26: 8 metres
- Plots 27 – 29: 9.5 metres
- Plots 30 – 33: 10 – 12 metres
- Plots 34 – 37: 6 metres
- Plots 38 – 42: 10 metres
- Plots 40 – 42: 11 metres
- Plots 43 – 46: 9.3 metres

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

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. The apartment block comprising 18 units of 1 and 2 beds would have a small amount of

external amenity provision to the front of the site measuring 500m² in area, this is considered acceptable in relation to the 380m² (approximate) footprint of the apartment block. Further to this many flats also feature private balconies.

A condition for obscure glazed windows to all second floor side facing windows on property type T1A have been recommended to ensure the privacy of future occupiers of the development is retained. In addition, to the first floor bathroom windows of house types P2 and P2A; and bathroom windows at ground, first and second floor of the apartment block.

Thus, the proposed development would not detrimentally impact the residential amenity of neighbouring properties, or future occupiers, thus is considered acceptable in terms of the NPPF (2012), Saved Appendix 3 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. Policy CS8 of the Core Strategy (2013) and Saved Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

The application site is located within Accessibility Zone 4. The application seeks to provide 65 units comprising 15x 1 beds, 29 x 2 beds and 21x 3 beds, which would require 62.25 off street parking spaces at maximum provision. The application proposes on average two off street parking spaces per dwelling and one space per flat. This would provide a total of 117 car parking spaces for the development; 96 spaces for the houses, 19 spaces for the flats and 2 of which are for visitor parking. On street parking within the development would also be possible, providing further provision. This provision would exceed maximum parking provision outlined within Saved Appendix 5 of the Local Plan (2004), nonetheless, as provision for parking is a key concern raised by local residents no objections are raised in this regard.

Additionally, the scheme would also introduce 23 internal cycle storage spaces in the apartment blocks; in line with the 1 cycle space per unit standard outlined within Saved Appendix 5 of the Local Plan (2004).

Hertfordshire Highways were consulted on the proposal and provided the following conclusive comments:

“On balance, the highway authority would not wish to restrict the grant of planning permission subject to the above conditions and informatives.”

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

5. Impact on Trees and Landscaping

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

Landscaping and tree plans have been submitted alongside the proposed scheme which accommodates provision for soft and hard landscaping on site in addition to details of boundary treatment. Tree placement and associated vegetation across the site has been situated to soften the appearance of hard standing and hard corners. Areas of open space have also been provided within the site to serve the new developments and add to the verdant aspect character. In addition, all significant trees and front boundary hedge to Boxted Road have been retained as part of the proposal. A condition has been recommended requesting details of materials for hardstanding.

6. Sustainability

Policy CS29 of the Core Strategy (2013) states that new development should comply with the highest standards of sustainable design and construction possible. A sustainability checklist was submitted alongside the planning application where it has been outlined that measures such as use of sustainable materials and dual-flush toilets will be used to ensure sustainable design, construction and operation of the development. It is envisaged that further assessment of the proposal's sustainability credentials will be undertaken through the Building Control process.

7. Presumption in favour

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 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).

8. Other Material Planning Considerations

i. Protected Species

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

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

'I would advise that any approval should have the following Informatives regarding the potential for protected species:

- Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of development works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (tel: 0300 060 3900) or a licensed bat consultant.

- An updated ecological walkover survey should be undertaken prior to any works taking place to confirm the continued absence of, or the potential for, protected species on the site.'

ii. Flooding and Drainage

Policy CS31 of the Core Strategy (2013) seeks to minimise the risk of flooding. With regard to the nature of the development and as the application site is not within Flood Zones 1 or 2, it is not considered that the proposal would be susceptible to flooding or increase the overall risk of flooding in the area. A Flood Risk Assessment was submitted as part of the planning application with an associated site attenuation plan, in which the Lead Local Flood Authority were consulted on and provided no objection subject to the recommendation of two conditions.

iii. Contaminated Land

Policy CS32 of the Core Strategy (2013) seeks to maintain soil quality standards and ensure any contaminated land is appropriately remediated. A newly undertaken Phase 1 Desk Study and preliminary risk assessment of the site has been submitted alongside the planning application and standard contamination land conditions have been added.

iv. Refuse and Recycling

Saved Policy 129 of the Local Plan (2004) seeks to ensure that developments have adequate storage for refuse and recycling. No details of this have been provided at application stage therefore a condition requesting this information has been recommended.

v. Planning Obligations and Legal Agreement

In accordance with Policy CS35 of the Core Strategy (2013) and Saved Policy 13 of the Local Plan (2004) planning obligations under s.106 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) will be required to deliver the affordable housing, adoption and maintenance of on-site open spaces and financial contributions towards the physical and social infrastructure requirements generated by the development. The Council's planning policies also indicate that a housing scheme at Martindale should include 35% affordable housing, in accordance with Policy CS19 of the Core Strategy (2013) and the recently adopted Affordable Housing Supplementary Planning Document.

A S106 agreement to secure the following obligations has been agreed and is currently being processed by DBC and Hertfordshire County Council. This application is recommended for approval subject to the competition of this S106 agreement which will secure the following.

- Provision of Fire Hydrants
- Monitoring cost of travel plan and construction management plan- £6,000
- Provision of 32 affordable housing units- comprising 8 x 2 bedroom houses, 5 x 3 bedroom houses, 15 x 1 bedroom flats and 4 x 2 bedroom flats.

The application would also be subject to CIL contributions.

vi. Archaeology

The application site was subject to a programme of archaeological evaluation via geophysical survey and trial trenching, in January, and late March/early April 2015. This was carried out in connection with a previous application for the residential development of the site (4/00925/14/MOA).

No archaeological remains were identified during the course of the works, and ground levels in the western part of the site have been reduced (possibly to provide a more level surface for the playing field when the school was built), further reducing the potential of the site to contain archaeological remains. Herts Archaeology were consulted on the current application and confirmed that the development is unlikely to have a significant impact on heritage assets of archaeological interest, with no further comment made.

vii. Public Participation

The outline application (4/00925/14/MOA) was subject to discussion with the local community and this engagement was maintained throughout the process of this revised application where a further consultation event was carried out prior to the submission of this application. Further revisions to the scheme have also been made subsequent to feedback from local residents.

viii. Consultation Response

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

Two storey houses should be retained at perimeter of site and 3 storey within inner area: The scheme has subsequently been revised and this has been achieved.

4 storey height of flats: The assessment of this element has been addressed in the visual amenity section action above. In sum, given the distance of the element from the street scene of Boxted Road in conjunction with the modulated built form and use of material it is not considered that the apartment blocks would read as overtly incongruous or intrusive in the street scape.

Loss of privacy and sunlight to properties on Boxted road as a result of 3 storey units: Sun shading diagrams have been submitted to demonstrate no loss of sunlight to surrounding neighbouring properties would result from any part of the proposal; these diagrams have also been revised to show mid-winter conditions. Due to adhering with separation distance standards no part of the proposal is not considered to result in a significant loss of privacy to neighbouring residents;

Noise and air pollution as a result of access road by neighbouring boundary- This access road has subsequently be reduced in size to feature green space and landscaping at neighbouring boundaries. All immediately adjoining neighbouring properties now either back onto the rear gardens of proposed units or green space; and

Not enough Parking: Off street parking provision within the development would exceed maximum standards. Extra spaces for visitor parking have also been provided. It is prudent to note that further parking provision would also be available on the street within the development.

RECOMMENDATIONS

1. That the application be DELEGATED to the Group Manager, Development Management and Planning with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.

2. That the following Heads of Terms for the planning obligation, or such other terms as the Committee may determine, be agreed:

- Provision of Fire Hydrants
- Monitoring cost of travel plan and construction management plan- financial contribution of £6,000

Provision of 50% (32 units) affordable housing for social use, comprising 8 x 2 bedroom houses, 5 x 3 bedroom houses, 15 x 1 bedroom flats and 4 x 2 bedroom flats.

Suggested planning 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:**

Proposed Site Plan: 1521_PL_003 Rev G
Site Sections: 1521_PL201 Rev B
T1 House type: Plans & Elevations: 1521_PL100
T1A House type: Plans & Elevations: 1521_PL101
P1 House type: Plans & Elevations: 1521_PL102 Rev A
P2 House type: Plans & Elevations: 1521_PL103 Rev A
P2A House type: Plans & Elevations: 1521_PL104 Rev A
Apartments Ground Floor Plan: 1521_PL105
Apartments First Floor Plan: 1521_PL106
Apartments Second Floor Plan: 1521_PL107
Apartments Third Floor Plan: 1521_PL108
Apartment Elevations: 1521_PL109 Rev A
Additional Geo-environmental Site Investigation Report September 2017
ST-2079-13-B- Indicative Drainage Strategy
Preliminary Ecological Appraisal and Bat Roosting Assessment May 2013
Flood Risk Assessment June 2017
Travel Plan Statement 11/06/17
Design + Access Statement September 2017
Tree Constraints Plan 8099/01

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

- 3 **The windows at second floor level in the side elevation of house type T1A, first floor bathroom windows of house types P2 and P2A and ground, first and second floor bathroom windows of the apartment block hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.**

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

- 4 **Within 9 months from the date of this permission 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 roads/footpaths/driveways/courtyards etc);**
- **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; and**
- **external lighting.**

The approved landscape works shall be carried out prior to the first occupation 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 to safeguard the visual character of the immediate area; in accordance with Policy CS12 of the Core Strategy (2013).

- 5 **The trees and hedges shown for retention on the approved Drawing No. 1521_PL_003 Rev G 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; in accordance with Saved Policies 99 and 100 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

- 6 **Within 9 months from the date of this permission details of facilities for the storage and collection points of refuse shall have been submitted to and approved in writing by the local planning authority. The approved facilities shall then be provided before the development is first brought into use and they shall thereafter be permanently retained unless otherwise agreed in writing with the local planning authority.**

Reason: To ensure a satisfactory appearance to the development, in accordance with Saved Policy 129 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

- 7 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, B, C, D, E, F and H
Part 2 Classes A, B, C and L.**

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 Policy CS12 of the Core Strategy (2013).

- 8 **The development permitted by this planning permission shall be carried out in accordance with the approved FRA carried out by Flood Risk Assessment a carried out by Stomor reference ST2079/FRA-1705-Martindale Rev 0 dated May 2017, submitted and the following mitigation measures detailed within the FRA:**

1. **Limiting the surface water run-off rates to maximum of 9l/s with discharge into Thames surface water sewer.**
2. **Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**
3. **Implement drainage strategy as indicated on the proposed drainage strategy drawing no. ST-2079-13-B utilising swales, detention basins, permeable paving and attenuation tanks.**

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied

within the scheme.

Reason: To reduce the risk of flooding to the proposed development and future occupants; in accordance with Policy CS31 of the Core Strategy (2013).

- 9 **Within 9 months from the date of this permission the final design of the drainage scheme should be completed and sent to the LPA for approval. The scheme shall also include;**
- 1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.**
 - 2. Any areas of informal flooding with flood extents and depths.**
 - 3. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.**

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site; in accordance with Policy CS31 of the Core Strategy (2013).

- 10 **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).

- 11 **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 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

- 12 **Within 9 months from the date of this permission details of a measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, together with a site waste management plan (SWMP), shall have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.**

Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or

http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html

Reason: To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (2013) and Saved Policy 129 of the Dacorum Borough Local Plan (2004).

- 13 **Within 9 months the date of this permission a construction management plan detailing provision for on-site parking for construction workers, storage of**

materials and wheel washing facilities for the duration of the construction period shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

- 14 **Occupation of the development hereby permitted shall not be commenced until the site access has been constructed and completed to the satisfaction of the local planning authority.**

Reason: In the interests of highway safety and the free and safe flow of traffic; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

Affinity Water Informative:

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply, comprising of a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

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

Air Quality Informative

The development should incorporate of good design principles and best practice measures as detailed in Chapter 5 of the following industry guidance document entitled 'EPUK & IAQM Land-Use Planning & Development Control: Planning For Air Quality - January 2017' to minimise emissions.

Ecology Informative

- Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of development works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (tel: 0300 060 3900) or a licensed bat consultant.

- An updated ecological walkover survey should be undertaken prior to any works taking place to confirm the continued absence of, or the potential for, protected species on the site.

Highway Informative

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

AN2) 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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN4) Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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.

Agenda Item 5c

Item 5c

4/02386/17/ROC - VARIATION OF CONDITION 3 (MATERIALS) ATTACHED TO PLANNING PERMISSION 4/04074/15/FHA (TWO STOREY SIDE EXTENSION, FRONT PORCH AND SINGLE STOREY REAR EXTENSION)

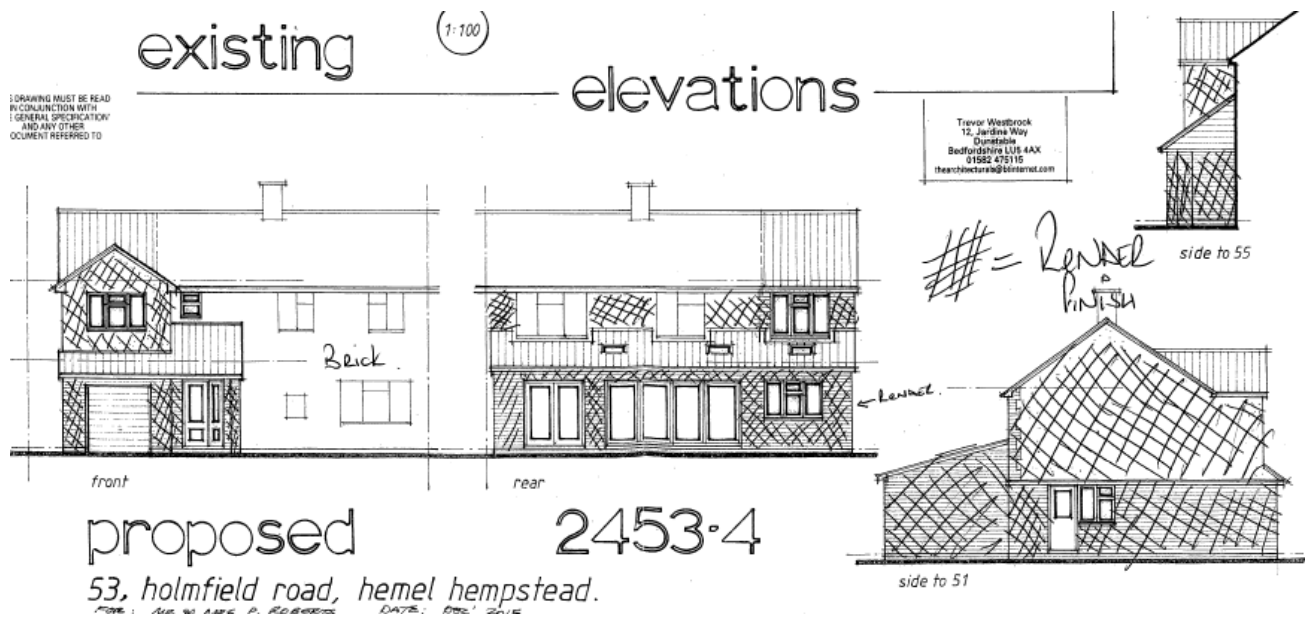
53 HOMEFIELD ROAD, HEMEL HEMPSTEAD, HP2 4BZ



Item 5c

4/02386/17/ROC - VARIATION OF CONDITION 3 (MATERIALS) ATTACHED TO PLANNING PERMISSION 4/04074/15/FHA (TWO STOREY SIDE EXTENSION, FRONT PORCH AND SINGLE STOREY REAR EXTENSION)

53 HOMEFIELD ROAD, HEMEL HEMPSTEAD, HP2 4BZ



**4/02386/17/ROC - VARIATION OF CONDITION 3 (MATERIALS) ATTACHED TO PLANNING PERMISSION 4/04074/15/FHA (TWO STOREY SIDE EXTENSION, FRONT PORCH AND SINGLE STOREY REAR EXTENSION).
53 HOMEFIELD ROAD, HEMEL HEMPSTEAD, HP2 4BZ.
APPLICANT: MRS NICHOLA ROBERTS.**

[Case Officer - Briony Curtain]

Summary

The application is recommended for approval.

Members have already refused a similar application, however, they were not provided with the full facts or background information regarding the permission and contradictory planning conditions.

Background

Planning permission was originally granted for a two storey side extension, front porch and single storey rear extension in February 2016. The approved plans showed the extension was to be rendered (shown as dots on the plans with brick quoin detail to corner) and this was also set out in the application form.

However, when permission was granted the Case Officer imposed two contradictory conditions;

Condition 2 requires; **The development hereby permitted shall be carried out in accordance with the following approved plans/documents: 2453 - 1, 2, 3, 4 and 5 and site location plan.** The approved plans clearly differentiate between the areas which are to be rendered and those which are to be brick to match the existing property and as such in order to comply with condition 2 the extension would need to be partially rendered.

Condition 3 however requires '**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**', there is no render on the existing building and thus in order to comply with condition 3 the extension would need to be constructed of brick.

The two conditions imposed on the planning permission are thus in conflict with each other and cannot both be complied with. This was an error on the part of the LPA not the applicant.

To rectify the error, the applicants subsequently applied for permission for the previously approved extensions but with amended materials (render) under application 4/03352/16/FHA. This was refused by members in April 2017 as the use of render was considered incongruous in the street scene.

The development can not currently be completed without being in breach of one of the conditions imposed.

In order to complete the development, which was approved, and resolve the situation, the applicants now seek to vary condition 3, so that the extension can be rendered, but the roof tiles, windows etc would still match the existing.

Whilst the proposal is essentially the same as previously refused by members, the above was not made clear in reports to Members and instead it was suggested that the applicants had deliberately ignored the condition requiring matching materials. This was not the case.

In addition, since the refusal, additional legal advice has been sought. It is concluded that there

is a clear case of the LPA having imposed contradictory conditions. As such, there is the likelihood that an Enforcement or Breach of Condition Notice would be quashed if challenged in the Courts or an appeal is made to the Planning Inspectorate.

Proposal

It is proposed to vary condition 3 from planning permission 4/04074/15/FHA.

The extension is proposed to be rendered and as such would not be of matching materials to the existing building which is red brick. The roof tiles, windows and all other materials would match (and do match as the development has been constructed). Condition 3 would thus be varied to require that the development be carried out in accordance with the materials specified on the approved plans.

It is also proposed to increase the amount of render when compared to the original plans. The single storey front and rear elements of the extension are now proposed to be render in addition to the first floor gable and side elevation originally proposed.

Referral to Committee

The application is referred to the Development Control Committee as a similar proposal was refused by members in April 2017, having been called in by Councillor Tindall.

Planning History

4/03352/16/FHA TWO STOREY SIDE EXTENSION, FRONT PORCH AND SINGLE STOREY REAR EXTENSION - (AMENDED MATERIALS.)
Refused
18/04/2017

4/02373/16/DRC DETAILS REQUIRED BY CONDITION 3 (MATERIALS) ATTACHED TO PLANNING PERMISSION 4/04074/15/FHA - TWO STOREY SIDE EXTENSION, FRONT PORCH AND SINGLE STOREY REAR EXTENSION
Withdrawn
20/10/2016

4/00820/16/DRC DETAILS REQUIRED BY CONDITION 4 (VEHICULAR ACCESS) AND 5 (VISIBILITY SPLAY) ATTACHED TO PLANNING PERMISSION 4/04074/15/FHA - (TWO STOREY SIDE EXTENSION, FRONT PORCH AND SINGLE STOREY REAR EXTENSION)
Granted
08/11/2016

4/04074/15/FHA TWO STOREY SIDE EXTENSION, FRONT PORCH AND SINGLE STOREY REAR EXTENSION
Granted
23/02/2016

Policies

National Policy Guidance

Adopted Core Strategy

NP1 - Supporting Development
CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design

Summary of Representations

One representation received.

OBJECT.

- this application to vary materials to my neighbour's property would be harmful to the character and appearance of the street scene and as such should be refused. The original planning officers report for this development (Planning Ref: 4/04074/15/FHA) stated that the size of the extension was significant (more than doubling the footprint of the property) and would only be acceptable if it was constructed from matching materials to the existing. As such condition 3 was applied which required the extension to be constructed from brickwork to match the original house and neighbouring properties. This was a specific condition imposed by the local planning authority to ensure this development was acceptable to the local area. There has been no material change in circumstance since this condition was imposed. My neighbours were fully aware of the condition for matching brickwork however they decided to construct their extension from blockwork with the intent of rendering the building. Their decision was made without any recourse to the Local Planning Authority and I am aware that in at an early stage of construction (July 2016) that they were advised by the Enforcement Team (Cora Watson) that the development taking place was contrary to the approved plans and that they proceeded at their own risk.
- In January 2017 my neighbours made a new planning application for rendering both the extension and their dwelling. This was refused by Planning Committee on 6 April 2017 for the following reason "The proposed use of render for the extensions is not widespread in the local area and will appear discordant and incongruous in the streetscene. **The proposal will therefore fail to integrate with the streetscape character of the area and will conflict with Policy CS 12 of the Core Strategy 2013**".
- The current proposal to vary the original condition is effectively the same scheme as that refused by Planning Committee in April 2017. There has been no change in the planning policy, the character of the area or the streetscene since Members refused the previous planning application. As such this application to vary the original condition for matching brickwork won't overcome Members previous concerns and won't move this matter forward.

Considerations

This application seeks permission to vary condition 3 (materials) only.

The principle of the extensions has already been established by way of the recently approved planning permission and the development has largely been constructed. However, it can not be completed due to the contradictory conditions imposed (see summary section above).

Members have previously refused the use of render and as such the next step would be for the LPA to serve an enforcement notice (development not built in accordance with the plans) or a breach of condition notice. Whilst the serving of an enforcement notice could be appealed to

the Planning Inspectorate, there is no right of appeal to PINS for a breach of condition notice, but they are challengeable in court. For an enforcement notice to be served the LPA would need to be satisfied that the development has not been built in accordance with the approved plans and for the Breach of condition notice the LPA would need to be satisfied that there is a clear breach of condition and that there is no contradiction in the conditions imposed.

Legal advice has been sought on these and it is concluded that;

'there is a clear case of the LPA having imposed contradictory conditions:

On the one hand, the development must be in matching materials.

On the other, it must be in accordance with approved plans, which (whilst not mentioning the words "render") are clearly not to be built in matching materials – this is evident from the colour difference.

Of interest, the plan does indicate that it is to be viewed in the context of all submitted documents (or words to that effect) – this is important because, when reading the application itself, it is clear that the intention was to render in part.

The applicant cannot comply with both conditions. Their original intention to render the extension was clear and it appears at no point did the Case Officer contact the applicant or their agent to suggest the use of render was unacceptable.

There thus exists the likelihood that the serving of either notices may be quashed if challenged in the Courts or an appeal to the Planning Inspectorate was made.

Adopted Core Strategy CS12 : Quality of Site Design does encourage site development to respect adjoining properties in terms of materials, however, this is not prescriptive and it is common for extensions to be built in varying materials. Using a differing façade material on an extension allows a clear definition between the existing dwelling and the extension. Although it is accepted that the predominant material in the immediate area is brick there are a number of examples in the area where properties have been extended/alterd using render.

In assessing the current proposal, however, it is important to consider the above legal advice regarding the contradictory conditions. In addition it should also be noted that under Class A Permitted Development Rights the existing brick work of No. 53 Homefield Road and that of any other property in the street scene could be painted without the need for planning permission. The painting of the external brick work would also undoubtedly result in the dwelling appearing more prominent in the street scene. This, however, would not be in breach of planning control. It is considered that the painting of the existing brick work would have the same overall visual impact on the street scene, in terms of its prominence as painted render. This is material consideration that should be afforded weight in the current considerations.

Finally, turning to the increase in the amount of render now proposed, this is not subject to the contradictory conditions, however, the increased prominence of the house in the street scene would be as a result of the part rendering of the extension. The full rendering of the extension would have no significant additional impact. The existing first floor of the front elevation of the original property would remain brick and the render of the extension would be broken up by the garage door, front door and side light. It is therefore considered that the additional areas of render are also acceptable.

Bearing all the above in mind, it is concluded that a refusal could not be sustained. It is therefore recommended that the application be supported.

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

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

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

- 2 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings 2453-4 (annotated).**

Reason: To ensure a satisfactory appearance to the development.

Item 5d

4/03286/16/FUL - DETACHED DWELLING

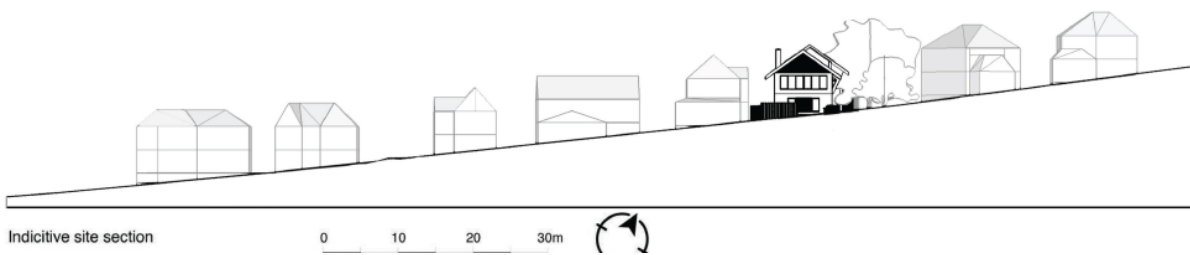
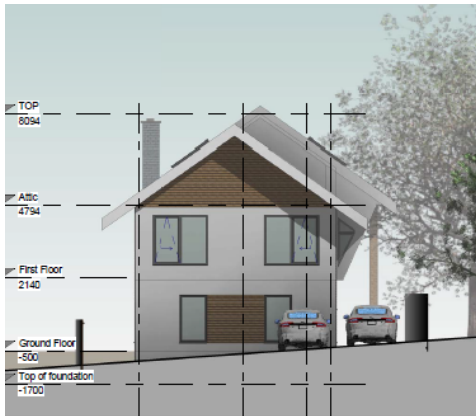
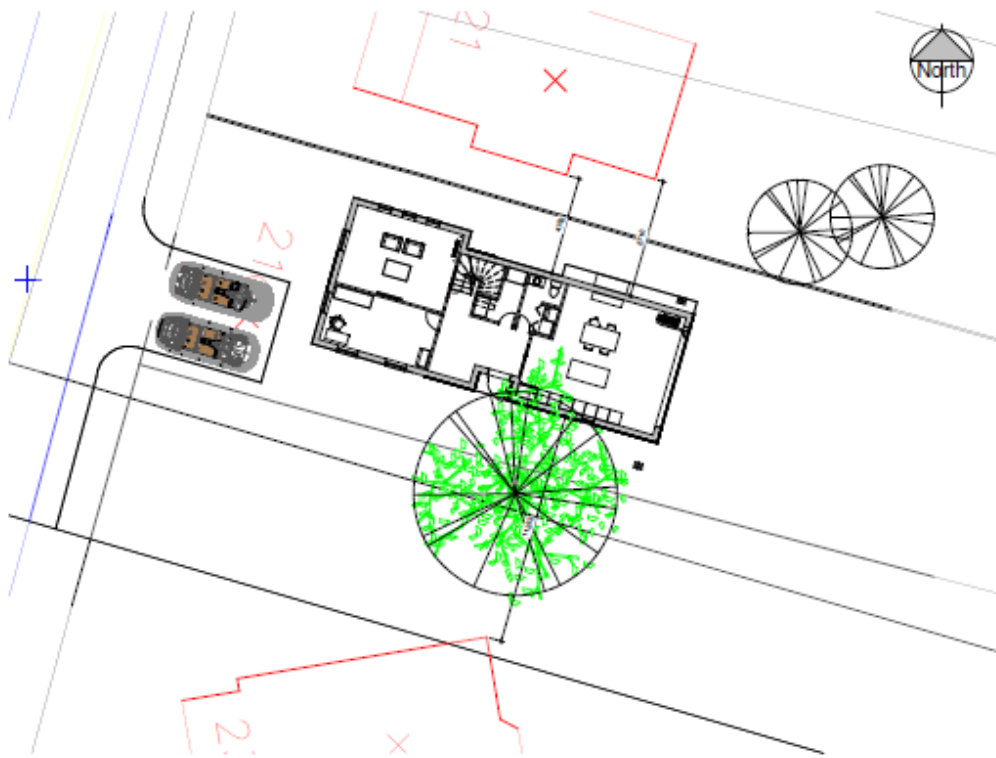
21a HALL PARK, BERKHAMSTED, HP4 2NU



Item 5d

4/03286/16/FUL - DETACHED DWELLING

21a HALL PARK, BERKHAMSTED, HP4 2NU



**4/03286/16/FUL - DETACHED DWELLING.
21a HALL PARK, BERKHAMSTED, HP4 2NU.
APPLICANT: MR DAVIS MARTIN.**

[Case Officer - Intan Keen]

Deferral from Development Management Committee

This application was deferred from the Development Management Committee of 14 September 2017 to allow for consideration of representations received.

Summary

The application is recommended for approval.

The principle of residential development is considered acceptable in the site's location noting its siting within a town. The proposed layout and development would be acceptable in its context and achieve a suitable level of integration with neighbouring properties and therefore would not have any adverse impacts on the character and appearance of the street scene and the surrounding area including the Hall Park residential character area, when taking into consideration the previously approved development on the site.

The development would not have an adverse impact on the amenity of neighbouring properties. The access and car parking arrangements are satisfactory. The proposal is therefore in accordance with the aims of the National Planning Policy Framework, Policies CS4, CS8, CS11 and CS12 of the Dacorum Core Strategy 2013 and saved Policies 18, 21 and 58 of the Dacorum Borough Local Plan 1991-2011.

Site Description

The application site comprises part of the side garden of the dwelling at No. 21 Hall Park, with a frontage to the eastern side of Hall Park and is located within an established designated residential area and forming part of the Hall Park character area. The immediate street scene consists of generally large detached dwellings, with a high variance in forms, proportions and external materials, whilst maintaining a spacious and verdant setting. Levels fall to the north and dwelling heights are consistent with this.

One silver birch tree is located proximate to the site's southern boundary on land of a neighbouring residential property which is outside the applicant's ownership. Whilst subject to a Tree Preservation Order, this silver birch tree is located some distance into the site behind the neighbour's garage. The tree makes a contribution to the verdant setting of the surrounding area however the tree is not particularly prominent from the frontage.

Proposal

Planning permission is sought for a two-storey detached dwelling with habitable roof within the side garden of No. 21 Hall Park. It would feature a dual-pitched roof with gable end fronting Hall Park and inward angled upper-wall to the southern side elevation with slight cantilever. Amended plans demonstrate the dwelling would have a two-storey appearance to the street.

Private amenity space would be located to the rear of the site, and it is intended to protect and retain the silver birch tree subject to a Tree Preservation Order proximate to the site's southern side boundary.

On-site parking for the proposed dwelling would be provided on an open forecourt accommodating two spaces, which would be accessed via a new vehicle crossover to Hall Park.

Referral to Committee

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

Planning History

Several applications have been approved accepting the principle of the development of the site with one dwelling of similar dimensions, the most recent being application 4/00615/13/VOT granted on 15 October 2013.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance

Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS17 - New Housing
CS18 - Mix of Housing
CS19 - Affordable Housing
CS25 - Landscape Character
CS29 - Sustainable Design and Construction
CS31 - Water Management
CS32 - Air, Water and Soil Quality
CS35 - Infrastructure and Developer Contributions

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 18, 21, 58, 99
Appendices 3, 5

Supplementary Planning Guidance

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

Summary of Representations

Neighbour comments received in relation to further amended plans

19a Hall Park

I have received several notifications of planning applications in relation to the building of a 3 storey property at 21a Hall Park. I live at 19a Hall Park and am one of the listed neighbours who are recorded as consultees.

I have previously responded via the councils website with comments to each revision of the application.

On checking today the web site shows that the council have received no comments via the website from the 8 listed consultees.

This is clearly wrong as I have submitted several and I know I am not the only neighbour to have submitted comments.

The web site does however show comments relating to a different planning application in Bovingdon ?

Clearly there is something wrong with the site.

I'm therefore sending you this direct email.

I object to 2 aspects of the design of this building :

1. Its is a 3 storey building in a street of 2 storey well spaced detached dwellings
2. There is an open viewing area on the first floor / rear of the building, which given the slope of the road and the position of the plot, will oversee all of the gardens down the hill.

22 Hall Park

We are writing to raise strong objection to planning application 4/03286/16/FUL (the "Application") at 21a Hall Park, Berkhamsted (the "Proposed Site").

We own and occupy with our family the property at 22 Hall Park (the "Affected Property"), which is situated directly opposite the Proposed Site.

We note that amended plans were submitted on 2 February 2017 and 14 March 2017 however these amendments do not address the majority of the significant grounds for objection raised in our original letter.

We continue to object to the Application on the following grounds.

1. The Application is for a Three Storey Property

The Application is for the construction of a purpose built three storey dwelling.

The Proposed Site has a steep incline from north to south. The proposed development takes its ground level from the highest point on this slope. This is out of keeping with other properties in the road. As a result, the proposed development would be approximately 1 meter higher than that of the Affected Property. This raised elevation coupled with the three storey design will create a building that is unreasonably overbearing on the Affected Property as well as the neighbouring downhill property at 21 Hall Park.

The proposed property will therefore be dominant in nature and not in keeping with the existing streetscape.

This issue has not been addressed in either of the revised applications.

2. Incorrect Scaling of Application Drawings

The drawings and plans submitted in the Application are inaccurately scaled, making the proposed development appear significantly smaller than it really is (see drawings A100 – A104).

One assumes the developer does not intend people to live in a property with a ceiling height of just over 1 meter or to sleep in a bed 1 meter in length.

3. Misleading Dimensions of the Gable End

Even taking into account the incorrect scaling of the drawings (see point 2 above), the plans in the Application (see in particular drawing A101) show the front wall of the proposed property to be approximately 7 meters and not the 6.45 meters stated in the Design and Access Statement. Coupled with the overhang of the roof at the front of the property this gives a west elevation gable end which is in fact closer to 10m (see drawing A102). This is not in line with the pre-application advice referred to in the Design and Access Statement that the gable ends of the property must be in proportion with the neighbouring property at 21 Hall Park, to the north of the site.

The existing property at 21 Hall Park is approximately 6.8m wide. The proposed development at nearer to 10 meters in width is therefore not in proportion.

This issue has not been addressed in either of the revised applications.

4. Insufficient Provision for Car Parking at 21 Hall Park

The current property at 21 Hall Park has parking for two vehicles. One of these spaces will be subsumed within the Proposed Site.

As document BCA1 states, the area comprises “mainly medium to large size dwellings”. It is unreasonable to assume occupiers of such family size properties, including that at 21 Hall Park, will have a maximum of one vehicle. This will therefore increase the number of cars parking on the road.

Hall Park is not suitable for permanent, rather than merely occasional, parking on the street for the following reasons.

- a) It narrows the road making what is a two way street into a single lane road. This restricts access for the emergency services. It also requires vehicles to drive down the wrong side of the road thereby increasing the chances of a collision.
- b) Parked cars on the road make it dangerous to cross the road. There is an increasing number of families with young children moving into the area. On-street parking makes it difficult to cross safely with small children or whilst pushing a buggy.
- c) Parking outside the Proposed Site and/or outside 21 Hall Park restricts vehicular access to the established driveway at the Affected Property thereby reducing the occupiers’ residential amenities at the Affected Property.

In previous applications to develop the Proposed Site (see in particular 4/01282/05/FUL), the Dacorum Borough Council Case Officer referred to the proposition of just one parking space for 21 Hall Park. He/she stated that “if the Committee felt strongly about this issue additional parking could be required by condition”. This is a condition we would wholly support.

This issue has not been addressed in either of the revised applications.

5. Tree Preservation Order at 23 Hall Park

There is a Silver Birch tree located within the grounds of 23 Hall Park, close to the boundary with the Proposed Site. This tree is subject to a Tree Preservation Order.

The overhang of the roof of the proposed property is located just 1 meter from the boundary with 23 Hall Park (see drawing A101) and protrudes into the tree’s canopy. The interference

with the protected tree is explicitly shown in drawing A102.

The Application also does not address how this tree will be protected during the construction of the proposed property. The provision of method statements was specifically required as part of previous planning applications for the Proposed Site (see application 4/01282/08/FUL). The Dacorum Borough Council Case Office for the previous application even stated that he/she “[has] some doubts about whether the protection [of the tree] can be provided in practice”.

This issue has not been addressed in either of the revised applications.

6. Effect on Existing Garage at 23 Hall Park

There is an existing double garage located immediately adjacent to the boundary with the Proposed Site, at the neighbouring uphill property, 23 Hall Park. This garage is not included in any of the documentation comprising the Application. No consideration is given to how the foundations of this garage, located above the Proposed Site, would be protected during ground preparation and the excavation of foundations for the proposed development.

Omitting this structure also provides a misleading impression of how the proposed development fits in to the street scene.

7. Effect on Existing Property at 21 Hall Park

Construction of the proposed property will create a poor environment for the existing downhill property at 21 Hall Park. The proposed building would be overbearing on the existing dwelling at 21 Hall Park and would have a material adverse effect on the residential amenities of the occupants of 21 Hall Park.

Previous applications to develop the Proposed Site (see application 4/01282/05/FUL) required the remodelling of the existing property at 21 Hall Park, including the relocation of windows to other aspects of the property. This was not addressed in the original Application and has not been addressed in either of the revised applications.

8. Application Documents Include Incorrect Information

On the first page of the Design and Access Statement (at paragraph 2.2) the following statement is made:

“The site is very well located for public transport. Parson’s Green underground station is approximately 1Km away and Fulham Broadway underground station 1.2Km from the property. There are regular bus routes serving the site with bus stops on Muster Road and Dawes Road within 100m”.

This is clearly erroneous and relates in no way to the current proposed development. It appears to have been “cut and paste” from a different application.

Paragraph 6.4 of the Design and Access Statement states that the proposed dwelling “will be just 1.4m lower than the existing dwelling to the north, number 21 Hall Park”. This is obviously incorrect. The level of the Proposed Site is considerably higher than that of 21 Hall Park as the land rises steeply from north to south. The proposed property is also a three storey building compared to a two storey house at 21 Hall Park. This statement is also contradictory to drawing A105, as amended.

As mentioned in point 2 above, the drawings and plans submitted in the Application are incorrectly scaled, making the proposed development appear significantly smaller than it really is.

This shows an obvious lack of attention to detail in this Application. If basic information such as this is incorrect, query what other information in the Application is erroneous and misleading.

These issues have not been addressed in either of the revised applications.

9. Application is Missing Material Detail and Documentation

The Application omits material detail and information and does not include all required documentation. In particular the Application fails to provide the following.

- a. Measurements, levels and section plans are missing from the Application.
- b. Measurements included in the Design and Access Statement do not match those on the accompanying plans.
- c. Drawings A100 – A104 do not include locations of existing buildings, thereby giving a false impression of how the proposed property fits in to the street scene. In particular:
 - a) a double garage immediately adjacent to the boundary between the Proposed Site and 23 Hall Park is not included; and
 - b) the position of the proposed property in relation to the existing house at 21 Hall Park is not included.
- d. It is not specified how the foundations for the double garage located next to the boundary between the Proposed Site and 23 Hall Park will be protected once preparation of the Proposed Site would begin (see point 6 above).
- e. A tree survey and landscaping scheme have not been included despite paragraph 9.1 of the Design and Access Statement stating that “in accordance with pre-application advice a tree survey and landscaping scheme accompanies this application”.
- f. There is no method statement detailing how the Silver Birch tree at 23 Hall Park will be protected (see point 5 above).
- g. No information has been submitted regarding the remodelling of the existing property at 21 Hall Park in order to retain residential amenities of the occupants of that property (see point 7 above).

Neither of the revised applications make any attempt to provide this missing information.

10. Proposed Development to be Lived in by the Applicant and his Family

The Design and Access Statement states that the proposed dwelling will be lived in by the applicant and his family (see paragraphs 4.1 and 5.3). Should this be a factor in determining whether planning permission is granted, the Committee should seek to assure themselves that the Applicant and his family do in fact intend to occupy the premises as stated and it should be made a condition to planning. The inclusion of these statements in the Design and Access Statement must not be used as a smokescreen to develop the property primarily for financial gain.

For the reasons set out above, we request that application 4/03286/16/FUL, as amended on 2 February 2017 and 14 March 2017, be rejected.

23 Hall Park

I have been alerted to the fact that amended plans for this Planning Application have been submitted. I have received no notification of this change and as I understand it direct neighbours are required to be notified. Unfortunately, I have been in hospital hence this delayed response.

On examining the Dacorum Planning site, I find that there are still no postings of objections received nor of the Town Council's latest objections and comments

I wish to make clear that my previous objections remain. This is over development of the site. The dimensions of the new building will dominate the existing house at 21 Hall Park such that serious deprivation of the access to sunlight for that house will ensue

It is clear that the foundation of this building will cut into the retaining roots of the tree subject to a TPO such that it will result in serious harm or death of the tree. As a result I am writing to my Insurance Company alerting them of the danger which will ensue and making it clear that the liability for damage to my property or to the new house will lie with the planning authority. A copy of the report made by Patrick Styleman Arboriculture Consultant rests with The Tree Officer.

The plans are still inaccurate as to the position of the tree in relation to the proposed building. Moreover, they still do not show the position of my garage in relation to the boundary. In fact, some of the house plan measurements appear to be inaccurate.

Neighbour comments received in relation to amended plans

22 Hall Park (Points not included in No. 22's submission above)

We are writing to raise strong objection to planning application 4/03286/16/FUL (the.

2. Loss of Privacy and Residential Amenities at the Affected Property

The proposed property has a picture frame windows stretching the entire width of the first floor.

Whilst the Application has some consideration for the privacy of the occupants of neighbouring properties to the north and south of the Proposed Site, it completely ignores the neighbouring property situated directly in front of the Proposed Site to the west.

Due to:

- a) the higher elevation of the Proposed Site compared to the Affected Property (by approximately 1 meter); and
- b) the full width picture frame window on the first floor, the occupants of the proposed property will have a direct, uninterrupted view into four habitable rooms at the Affected Property, namely two children's bedrooms, the property's main living and dining room and a study/ home office and will also be able to look directly into the first floor landing area at the Affected Property.

The size and design of the west elevation of the proposed property is such that it will result in an unacceptable loss of privacy to the occupants of the Affected Property as well as a significant reduction in the residential amenities of the Affected Property.

The size of the windows on the first floor of the proposed property are disproportionate to the size of the property and those of neighbouring houses and the design of picture frame windows is not suitable for a developed residential area where the only view is of and into other people's homes.

The revised application does not address this issue.

23 Hall Park

I am writing to object to the Revised Planning Application under the above reference.

1. The plans submitted are inaccurate and misleading.

They fail to show accurate detail.

The proposed building and its footings are within 3 meters of my boundary and will therefore be subject to the Party Wall Act, especially as the site plan fails to show the building on my land which is only 1 metre from my North Boundary. Furthermore, The plan does not accurately show the position of the Silver Birch subject to a TPO

2. There is in force a Tree Preservation Order, Dacorum Borough Council, Land at 23 Hall Park, Berkhamsted, Hertfordshire, TREE PRESERVATION ORDER, 2005, made on 8 August 2005 and no mention is made of this. The accurate position of the Tree is not shown on the plan and no mention is made of the TPO and nothing has been done in the Application to show that this has been addressed.

The present site plan shows a building whose foundations at the eastern edge would cut into the feeding and supporting roots of the tree in question. Furthermore, the canopy of the Silver Birch would certainly overlap the proposed building, and interfere with the integrity of the root system since foundation work would cut into the root system below the canopy making it doubtful if it could survive

In his Impact Statement relating to the original planning application for this site dated 1st August 2005 Patrick Styleman BSc (Hons), Dip. Arb (RFS), M.Arbor.A says “ I believe that the proposal does not take into account the presence of the tree and that it will have a detrimental effect upon it. I believe that the work will cause significant damage to its roots, crown and overall health”

I believe this is a material consideration and the parts of his report 4.4;4.5 and 4.6 are relevant to this planning application. If this were true then, it is even more so now since the proposed house is positioned so as to completely sever the retaining tree roots on the North side.

3. The house bulk is totally out of keeping with the housing stock in Hall Park. It is a narrower site than any other in the road and yet it is proposed to be filled by a larger house. It is clearly inappropriate for the site or the road.

4. This shoe-horn development application seeks to suggest that there will be no loss of sunlight on Number 21. It is impossible for there not to be. The proposed building will totally overshadow the three principal rooms on the South of Number 21 (Kitchen Dining and Lounge and the bedrooms above them) No. 21 was built and oriented south to enjoy the sunlight and it will no longer do so The current application ignores this or dismisses it with the phrase “the gable roof will ensure there is no loss or sunlight for No. 21”. There will be a considerable loss. In the lapsed consent the planning permission required a re-orientation of the rooms to account for this

The windows facing on to the street are not at all like any of the existing “attic” conversions that have been carried out in Hall Park. These without exception have used roof lights so that overlooking neighbours is not an issue. With this building, the windows at the front first floor will still overlook and loss of privacy will result for properties on the opposite side of Hall Park.

5. The parking arrangement is totally inadequate for a house of this size or in this area and relies on off-road parking. Earlier permissions in the road have required parking area for 3 cars. 1 parking space. Road parking may be acceptable in Parsons Green or Fulham Broadway! but it is not acceptable or necessary in an area like Hall Park where it is quite common for there to be 3 vehicles per household. By the same token 21 would need to provide adequate off-road parking. Local guidelines exist.

6. There are a number of other errors in the application that smack of carelessness e.g. the

proximity of Parsons Green and Fulham Broadway underground stations. The inconsistent designations of the people who will occupy the new dwelling, Mr & Mrs Martin, present owners of 21 Hall Park, later, a Mrs Jevons.

Consent should not be given to this development

24 Hall Park

I have just become aware of the revised application for planning permission. Surely as a directly affected property I should have received notification of this revision. Had it not been for a comment from a neighbour I would have remained in ignorance of this new application. Hence the lateness in this response.

My original objections remain. I am told that the new plans have removed the second floor window at the west elevation but this does not improve the out of character style of this house. Moreover, the large first floor windows remain and still mean that there is a substantial overlooking directly into my property. This will take away the privacy of my property.

The TPO provisions have been toatally ignored.

I re-emphasise that the devlopment is out of keeping with the other properties in Hall Park cramming a large house onto what will be the narrowest site in the road.

Neighbour comments received in relation to original plans

19a Hall Park

I am a resident (19a Hall Park) adjacent to the proposed development and wish to object on the following 2 points:

1. This proposed property is set further back back from the road than no 21a, and is longer than no 21a, as a result it extends further into the garden.

As the dwelling is longer than no 21a the rear 33% is exposed, the design specifically incorporates a first floor balcony with exposed sides, allowing the occupants to overlook all the gardens down the hill.

2. This is a 5 bedroom 3 storey development in an road of traditional 2 storey dwellings

I also note that the design incorporates parking for only 1 vehicle, whilst this may not be a planning requirement, again is out of character with other properties in the road.

22 Hall Park (Only points not already covered by No 22's submissions above)

2. Loss of Privacy and Residential Amenities at the Affected Property

The proposed property has a fully glazed gable wall on the second floor and picture frame windows stretching the entire width of the first floor.

Further to point 1 above, no other property in the area has been designed as a three storey building and no other property has been designed with a second floor window facing directly onto the road (west elevation).

The Application has some consideration for the privacy of the occupants of neighbouring properties to the north and south of the Proposed Site, however it completely ignores the neighbouring property situated directly in front of the Proposed Site to the west.

Hall Park is not suitable for permanent, rather than merely occasional, parking on the street for the following reasons.

- a) It narrows the road making what is a two way street into a single lane road. This restricts access for the emergency services. It also requires vehicles to drive down the wrong side of the road thereby increasing the chances of a collision.
- b) Parked cars on the road make it dangerous to cross the road. There is an increasing number of families with young children moving into the area. On-street parking makes it difficult to cross safely with small children or whilst pushing a buggy.
- c) Parking outside the Proposed Site and/or outside 21 Hall Park restricts vehicular access to the established driveway at the Affected Property thereby reducing the occupiers' residential amenities at the Affected Property.

In previous applications to develop the Proposed Site (see in particular 4/01282/05/FUL), the Dacorum Borough Council Case Officer referred to the proposition of just one parking space for each of the Proposed Site and 21 Hall Park. He/she stated that "if the Committee felt strongly about this issue additional parking could be required by condition". Note that the previous application was for a three bedroom property whereas the current Application is for a larger four bedroom property. This is a condition we would wholly support.

Berkhamsted Town Council - second amended plans

The Chairman suspended standing orders and invited Ms J Kreckel of Hall Park to speak. She stated that changes to the proposals have been minimal and objections to previous applications still stand. The application is for a three-storey property which takes its ground level from the highest point of the sloping site. The proposals are therefore dominant and overbearing. There appears to be inaccurate scaling on the drawings and misleading dimensions. The plans show a lack of attention to detail and this raises concern as to what else is wrong with the plans beyond the glaringly obvious. The car parking at no. 21 would be reduced to one space leading to an increase in on road parking and associated dangers for drivers and pedestrians. The preserved tree at no. 23 Hall Park is not shown on the plans despite being very close to the boundary. It would be damaged at both canopy and root level and the plans should be altered to address how the tree would be protected from such damage. The garage at no. 23 is also close to the boundary but is not shown on the drawings. Given the sloping nature of the land consideration must be given as to how the garages foundations would be protected.

Mr R Phipps of Hall Park endorsed the above statements. The proposals would be an overdevelopment of the site. Additionally, the amenity of light from the south currently enjoyed by residents at no. 21 would be damaged. The plans are inaccurate, trees are located incorrectly and the tree referred to above would be damaged. The plans should be withdrawn and revised so they are accurate and clearly show the position of his garage and the tree. He also added that the Tree Officers report, which should have been loaded onto the website, had still not appeared despite assurances from the planning officer.

Thanking members of the public for their contribution the Chairman reinstated standing orders.

The Committee is very disappointed that this is the third version of the plans it has been asked to consider this year. Despite strong and valid objections from members of the public and the Town Council the applicants have failed to address these objections and have merely tinkered at the periphery. The Town Council strongly objects. The proposals remain a cramped overdevelopment, are out of character with the street scene and provide inadequate parking provision. Neighbours would suffer loss of amenity and light. A protected tree would also be adversely affected as could the foundations of the neighbouring garage. The plans are riddled with inaccuracies and the Town Council insists that any further amendments accurately reflect the site together with its relationship to buildings and trees on neighbouring properties. The

Tree Officers missing report should also be included with the documentation made available on the DBC website.

BCA1; CS11; CS12; Appendix 3.6 (i).

Berkhamsted Town Council - amended plans

The Chair suspended standing orders and Ms J Kreckel summarised her concerns about the proposals which she had submitted to Dacorum Borough Council. She explained that she lived opposite the site and the revised plans had failed to address previous objections made by the Town Council and neighbours. It would continue to be an overlarge, three storey building which would be overbearing and dominant within the street, particularly in relation to neighbouring properties. The large first floor window was inappropriate in such a built up area. The road is characterised by family houses some which have a number of vehicles, yet the proposals allowed only one parking space. This would lead to an increase in on-road parking, in effect resulting in single file traffic. This would bring with it contingent difficulties for motorists, emergency vehicles and pedestrians. The plans themselves were ambiguous and lacking in detail. In particular, there was no reference to a tree covered by a TPO at no 23 which would be damaged at both canopy and root level by the proposals. The garage at no 23 was similarly close to the boundary yet was not show on the plans. Steps would have to be made to protect the garage's foundations from any damage arising from the proposed work. In conclusion, she urged the Town Council to continue its objections to the proposals.

The Chair thanked Ms Kreckel for her contribution and reinstated standing orders.

Objection.

The proposals are cramped, out of character with the street scene and provide inadequate parking provision. Neighbours would suffer loss of amenity and light. A protected tree would also be adversely affected as could the foundations of the neighbouring garage. The applicants should reconsult with the planning officer.

BCA1; CS11; CS12; Appendix 3.6 (i).

Berkhamsted Town Council

The proposals are cramped, out of character with the street scene and provide inadequate parking provision. Neighbours would suffer loss of amenity and light. A protected tree would also be adversely affected. The applicants should reconsult with the planning officer.

BCA1; CS11; CS12; Appendix 3.6 (i).

Hertfordshire Highways

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

Granted Analyse of the proposal: This application (4/03286/16/FUL) is for construction of a 3 storey house which is located on 21a Hall Park, Berkhamsted. The current use of the site is parking space of a private residence and side garden area (S14). According to S6 there is an existing VOX and there won't be any alteration to this vehicle/pedestrian access. However, I recommend inclusion of the following advisory note to ensure compliance with the provisions of the Highway Act 1980. AN1/ Storage of materials: 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.

AN2/ Road deposits. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

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

Trees and Woodlands

I inspected the TPO birch and met the owners of the tree.

The owners are very keen to retain their tree and are worried about potential damage to it caused by the proposed house. The arboricultural report and method statement are of good quality and I agree with their recommendations. The 5% encroachment on the RPA is insignificant but if roots larger than 25mm are encountered, then a trench foundation would be unsuitable and the designers should consider other engineering solutions such as pile and raft foundations (as recommended in the arboricultural method statement). The proposed shortening of branches by 2.5 m and crown lifting to 4 m are acceptable but the applicant is required to gain the tree owner's agreement before any pruning. On close examination, I identified an old fungal fruiting body at the base of the tree indicating internal decay. This has caused a thin upper crown as correctly identified in the arboricultural report. Even if the tree survives the impact of the development, its proximity to the proposed house will place some pressure on it to be pruned in future. The agent Julian Castle has suggested removing and replacing this tree and I consider this option acceptable. However, the agent needs to gain the tree owner's agreement to remove and replace this tree. If owners agree, I recommend planting a replacement tree of the owner's choice elsewhere in the garden. The tree should be standard and at least 14-16 cm diameter at 1.5 m above ground level.

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.

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.

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 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.

Considerations

Policy and principle

The principle of the development of the site with a single dwelling has been established in previous application referenced above noting the site's location within a designated residential area. The proposal for the provision of one new dwelling would be acceptable in principle under Policies CS1 and CS4 of the Core Strategy and would contribute to objectives for housing development under the National Planning Policy Framework (paragraph 49) in such locations.

Layout and density

The application site has a wide frontage relative to others on the eastern side of Hall Park and its subdivision would maintain the conventional layout pattern within the neighbourhood and plot width would not be incongruous with surrounding development. Further, the dwelling would front the road, as encouraged by the guidelines of the Residential Character Area of BCA1 (Hall Park).

Spacing between dwellings in the area is within the wide range of between 5m to 10m. The proposed layout would accommodate spacing within this, noting the development would achieve a separation of approximately 4m to the dwelling at No. 21 and 8.9m to the neighbour at No. 23. It is closer to the dwelling at No. 21 to allow sufficient space around a silver birch tree to be retained on the southern side boundary. This separation between the development and No. 21 is not considered to be noticeably smaller than gaps within the street and is therefore acceptable.

The proposed street setback would be appropriate noting the established line of buildings on the eastern side of Hall Park.

In terms of site coverage it is acknowledged that the proposed dwelling would extend further into its plot than the adjoining dwelling at No. 21. However, it is important to note that the development would maintain a generous rear garden depth and functional area to both the existing and proposed dwellings, and would not encroach into the established rear garden corridor to properties on Hall Park which is characteristic of the BCA1 neighbourhood.

It is also noted that the proposed layout is broadly consistent with the previous approval mentioned above.

The proposal therefore accords with Policies CS11 and CS12 of the Core Strategy.

Impact on protected trees

The conclusions set out in the submitted Arboricultural Report are relevant and are reported below:

18.2 This report is proposing the retention of this offsite TPO tree. However the assessment shows that there has been a decline in the condition of the tree with a discernible difference between the normal vigour of the lower crown and the moderate vigour of the upper crown. This may relate to the mature age of the tree or to the presence of a pathogen such as a wood decaying fungi. It is recommended that the condition of the tree is monitored and an application to remove (and replace) the tree submitted to the Local Planning Authority should the tree decline to have low amenity of become liable to fail.

18.3 There will be incursions within the RPA and canopy spread of Birch (T1) as part of the construction of the dwelling. Further site investigations will guide the final foundation design of the dwelling. These incursions have been assessed within the Arboricultural Impact Assessment to either have a minimal and insignificant impact on retained trees or can be reduced to an insignificant level through specialised construction techniques as set out within the Arboricultural Method Statement. These will ensure that the development will be completed without having any undue impact on this tree.

The findings and recommendations set out in the submitted Arboricultural Report were considered acceptable by the Council's Trees and Woodlands officer. It is therefore not considered that a refusal could be sustained on grounds relating to the impact on this protected tree. In weighing up the planning benefits of the application the tree has not been reported by Trees and Woodlands or other relevant consultants to be of rare or such significant value that its retention would outweigh the provision of one additional home in a town location (designated residential area). Although the tree has grown to be of a substantial height and spread and makes a positive contribution to the area, in isolation it is not a largely prominent feature nor is it unique within the Hall Park area.

Whilst not directly relevant to the protection of the tree, and covered in a later section; following the development, the site and surrounding area would still retain a verdant and spacious feel with significant landscape features retained within the street scene of Hall Park.

If planning permission is granted the protection of the TPO tree and landscaping proposals would be controlled by condition.

The proposal therefore would accord with the aims of Policies CS12 and CS25 of the Core Strategy and saved Policy 99 of the Local Plan.

Impact on appearance of street scene

As noted above, the Hall Park neighbourhood is described under Residential Character Area BCA1 which states housing dates from the 1930s and 1940s although there has been subsequent infill development since then. In terms of design, BCA1 features variety throughout, with the area containing a number of high quality designs. Further, regarding height, housing is all two-storey, although there are dormer windows within the roofs of certain houses providing a third floor. Despite this the overall impression is of a low rise area of two-storey houses.

The amended plans have removed glazing above first floor level to the front elevation to Hall Park so that the dwelling initially gives the impression of a two-storey building with accommodation within the roof, a feature which is not uncommon within the neighbourhood as acknowledged in the BCA1 appraisal as above.

With respect to design, BCA1 states a high quality in the design of new buildings will be expected. It goes on to state that there is scope for innovation and variation from the range of

designs that are present within the area, subject to the requirements of the other development principles being met.

Based on this guidance, a contemporary design would not be unacceptable in the BCA1 neighbourhood. The immediate street scene of which the development would form a part, on the eastern side of Hall Park, consists of two-storey detached dwellings of varying forms, proportions and external materials. The immediate context features brick and light rendered buildings with hipped and gable roofs and differing building frontages and widths and projections to the front and side which are visible from Hall Park. No. 23 immediately south of the site is the only property with an angled relationship to the street.

It is appreciated that nearby buildings are clearly of a certain era, and the proposed contemporary-style development would not be similar in appearance to the older style of dwellings evident. However, this is not considered to be harmful to the character and appearance of the street due to the various forms of development described above and mix of external materials. Hall Park is an attractive road due to its landscape character and spacious and verdant setting however the buildings themselves are not of significant architectural merit. The proportions of the proposed dwelling would be acceptable in this context, and the development would add interest to the area provided that materials are of a high quality and finish and would weather well over time.

Reference is made to an application at No. 25 Hall Park further up the hill relative to the application site which granted a contemporary-style dwelling, and is indicative of the variance in dwelling size, design and form evidenced in the street scene.

The forms and proportions of the dwelling proposed are considered acceptable on the site noting its width and within its immediate context of varied building styles. The dwelling would feature a gable roof with longer eaves overhang beyond its side walls however this serves to give a lowered impression of the dwelling relative to adjoining properties, rather than adding bulk. In fact, the main bulk of the dwelling would be concentrated to the rear where the larger gable form is set back from the street frontage and as such the dwelling would still maintain the essential characteristics of Hall Park as a low-rise area. The two-part gabled roof structure together with window positioning and incorporation of a mix of materials would further break up the bulk, particularly to the building's principal elevation, so that it would not appear unduly prominent in its street scene, and would sit comfortably in its setting.

Levels across the site when viewing from Hall Park would be acceptable, noting that the height of the development would achieve an appropriate transition between the profiles of dwellings either side consistent with the gradient of the street.

As such, if planning permission is granted, it would be necessary to condition samples of materials to be submitted to accord with Policy CS12 of the Core Strategy.

The proposal is therefore in accordance with Policies CS11 and CS12 of the Core Strategy.

Impact on neighbouring properties

The neighbouring dwelling at No. 23 is located on higher ground relative to the development area, and the dwelling itself is angled away from the application site. It has a wide plot and the dwelling achieves a separation ranging between 7.6m and 13.3m from the shared side boundary with the proposed new dwelling. It was previously considered during the previous application that these circumstances ensure the proposal would not have an adverse impact on the amenity of this neighbouring dwelling with respect to visual intrusion.

First floor windows of the proposed dwelling facing towards No. 23 would be obscure glazed to avoid an unreasonable level of overlooking.

Due to the internal reconfiguration of the existing dwelling at No. 21, the proposal is not considered to have an adverse impact on this dwelling. All main windows to habitable rooms are located on the front, rear or far side of the dwelling at No. 21, and therefore the proposed dwelling would not be within their direct line of sight. The proposed dwelling would not project beyond the front and rear walls of same at No. 21 and given these factors, the development would not be visually intrusive from the perspective of this dwelling.

First floor windows between the existing dwelling at No. 21 and the proposed dwelling would be obscure glazed to prevent any concerns with respect to overlooking between the two. It is understood that the site at No. 21 is in the same ownership as the application site and the owner would commit to carrying out the necessary internal works, similar to the previously approved application at the site, in order to reconfigure internal rooms so that all main habitable room windows would be directed to the front and rear of the site.

Details of any retaining walls proposed on the common boundary between the application site and No. 23 are not considered essential to the determination of the application; however levels of the site and slab levels for the proposed dwelling would be required by condition if planning permission is granted.

The proposal would have a similar street setback and the relationship between the principal elevation and the front of dwellings opposite Hall Park would not be dissimilar to that evidenced within the street.

The proposed dwelling would be sited a considerable distance from the rear walls of the adjoining properties to the rear on Hall Park Hill, its garden length approximately 48m, and the dwellings on Hall Park Hill located beyond. The proposal would exceed the 23m back-to-back standard so that there would not be an unreasonable level of overlooking between these dwellings.

In summary, the proposal accords with Policy CS12 (c) of the Core Strategy.

It is recommended that permitted development rights under Classes A and E are removed from the proposed dwelling to ensure that the residential amenities of neighbours, including the existing dwelling at No. 21 would not be adversely affected by extensions to the property, noting the existing rearward projection of the dwelling from the rear wall of the adjacent No. 23.

Access and parking

The front garden is sufficient to accommodate at least two parking spaces and parking shall be reserved by condition if planning permission is granted to ensure adequate provision. This is to allow a significant portion of the existing the landscaped frontage to be maintained to Hall Park. It is considered one on-site parking space is sufficient given the availability of parking in the street and the site's location within a town.

The highway authority has not objected on the basis of on-site parking provision or highway safety and as such the proposal would not unduly compromise the surrounding highway network in accordance with Policies CS8 and CS12 of the Core Strategy or saved Policy 58 of the Local Plan.

Suggested highways informatives shall also be placed on any permission.

Sustainability

The development would ensure an appropriate overall sustainable performance through the implementation of modern building regulations. It is therefore considered that the application

meets the objectives of Policy CS29 of the Core Strategy.

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 1 within which a charge of £250 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

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 in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 3 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;
- 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 if tree works proposed outside the approved Arboricultural Report;
- proposed finished levels or contours including proposed slab, finished floor and ridge levels of the building;
- car parking layouts with car parking space(s) to be of minimum dimensions 2.4m by 4.8m 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. The building shall be constructed in accordance with the approved levels.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and ensure sufficient parking for the development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 4 **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 saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

- 5 **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 and E

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential amenity of the locality and to ensure the adequate protection of a tree subject to a Tree Preservation Order in accordance with Policy CS12 of the Dacorum Core Strategy 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

- 6 **No part of the development hereby permitted shall be used as a balcony, roof garden or similar amenity area.**

Reason: In the interests of the residential amenities of the adjacent dwellings in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

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

A104 (received 5 December 2016; site location plan only)

A104

A100

A101

A102

A103

A106

A105

**Arboricultural Report: Arboricultural Impact Assessment and Arboricultural Method Statement
Tree Protection Plan**

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

Article 35

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination stage which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) 2015.

Trees and Woodlands Informative

This permission allows the following works to trees as set out in the approved Arboricultural Report (recommended in the arboricultural method statement):

Shortening of branches by 2.5m and crown lifting to 4m of TPO birch tree identified on the approved Tree Protection Plan.

The applicant is also advised that this permission does not give permission to carry out the works on or over a neighbour's land and the necessary permissions must be sought.

Hertfordshire Highways Informative

AN1/ Storage of materials: 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.

AN2/ Road deposits. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

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

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. 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.

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 to determine if a building over / near to agreement is required.

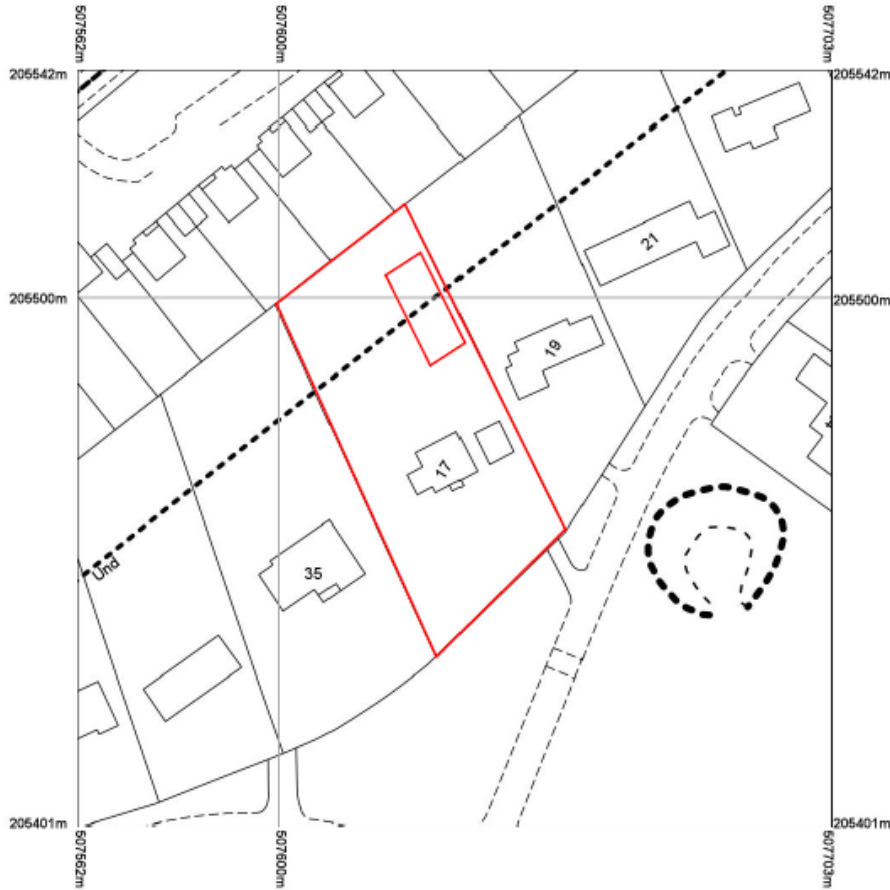
Water Comments

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 5e

**4/00601/17/FHA - CONSTRUCTION OF OUTBUILDING AT REAR OF PROPERTY
CONSISTING OF GYM AREA AND DETACHED GARAGE**

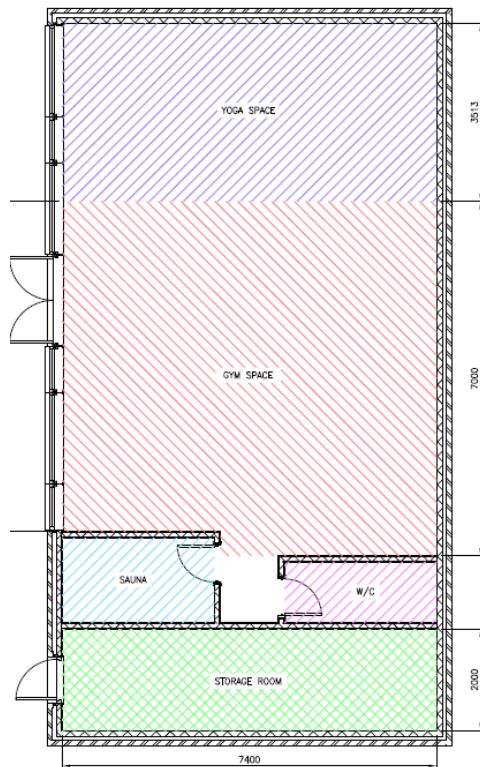
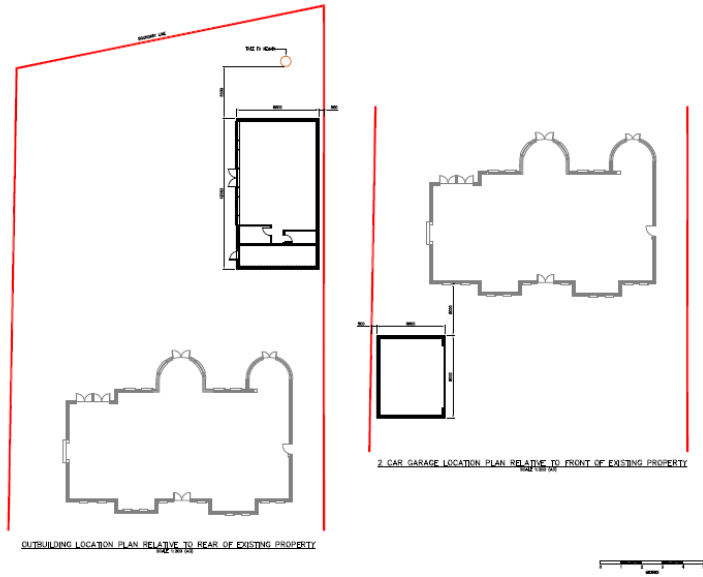
17 HIGHCLERE DRIVE, HEMEL HEMPSTEAD, HP3 8BY



Item 5e

4/00601/17/FHA - CONSTRUCTION OF OUTBUILDING AT REAR OF PROPERTY
CONSISTING OF GYM AREA AND DETACHED GARAGE

17 HIGHCLERE DRIVE, HEMEL HEMPSTEAD, HP3 8BY



**4/00601/17/FHA - CONSTRUCTION OF OUTBUILDING AT REAR OF PROPERTY
CONSISTING OF GYM AREA AND DETACHED GARAGE.
17 HIGHCLERE DRIVE, HEMEL HEMPSTEAD, HP3 8BY.
APPLICANT: Mr M Akram.**

[Case Officer - Amy Harman]

Summary

The application is recommended for approval

Site Description

The site is located on Highclere drive, a residential area in Longdean Park, Hemel Hempstead. There is a verdant aspect with significant trees bordering the rear of the property. Properties in this area are situated on large plots set back a significant distance from the road. Plots on this side of Highclere Drive occupy elevated positions in relation to the highway and have dense and mature screening to the front boundary. Dwellings are generally large and detached but there is little consistency in terms of design or architectural styles.

The application site relates to a large two storey six bedroom dwelling.

Proposal

The proposal is for an outbuilding for a gym and a separate garage to the front.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Nash Mill Parish Council

Planning History

4/00601/17/FHA CONSTRUCTION OF OUTBUILDING AT REAR OF PROPERTY
CONSISTING OF TWO CAR GARAGE AND GYM AREA
Granted

4/00090/16/LDP CONSTRUCTION OF GYM AND GARAGE.
Granted
29/02/2016

4/00092/16/RO VARIATION OF CONDITION 5 (APPROVED PLANS) ATTACHED TO
C PLANNING PERMISSION 4/01620/13/FUL (DEMOLITION OF EXISTING
HOUSE AND REPLACEMENT WITH TWO-STOREY FOUR BEDROOM
HOUSE).
Granted
24/02/2016

4/01372/14/FUL DEMOLITION OF EXISTING HOUSE. CONSTRUCTION OF TWO-
STOREY, SIX-BEDROOM HOUSE.
Granted
10/12/2014

4/01620/13/FUL DEMOLITION OF EXISTING HOUSE AND REPLACEMENT WITH TWO STOREY FOUR BEDROOM HOUSE.
Granted
13/12/2013

4/01218/95/4 SINGLE STOREY REAR EXTENSION FIRST FLOOR SIDE EXTENSION
Granted
26/10/1995

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS25 - Landscape Character

Saved Policies of the Dacorum Borough Local Plan

Appendices 5& 7

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area Longdean Park (HCA25)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Nash Mills Parish Council

The proposed building in the back garden is still larger than the average family house by almost 50%. This is the equivalent of having a 3 bed bungalow in the back garden & therefore inappropriate. A detached double garage in the front garden, with the foremost part of the building 13m in front of the house would be out of keeping with all other houses on the Estate & would be well in front of the building line. The D of E's addendum to Planning Policy Statement 7 Residential Extensions & Alterations says at para A12:

"Garages or outbuildings wholly located in front gardens or those that extend in front the established building line can over-dominate the front of the property and detract from the street scene and will therefore generally be resisted. "This is particularly so in a building which is going to be 8m wide & 6.6 m deep and is in an elevated location as this would be. The garage

would be in close proximity to the amenity space & would impact all Estate residents.

Hertfordshire Highways

No objections

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

17 and 19 Highclere Drive & 35 Longdean Park- Object

35 Longdean Park

I am sorry to email you rather than raise further objections to the development proposed at 17 Highclere Drive via the website but I am unable to open the page which allows me to make comments - the Dacorum website says there is a server error.

I am extremely unhappy about the new proposals. The proposed gym and storage area in the back garden is still larger than the average family house by almost 50%. This is still the equivalent of having a 3 bed bungalow in the back garden with the possibility of adding a storey later on. I still therefore believe that is inappropriate.

I understand the new proposal is also to build a double garage in the front garden, (again one which is considerably bigger than the average double garage), detached from the house and indeed some 5 metres in front of the front elevation of the house. This would mean that the foremost part of the building is 13 metres in front of the house. This is completely out of keeping with all the other houses on the Estate - none of which have detached garages in the front garden. In addition I believe it would mean that the garage would be well in front of the building line, with the associated legal implications.

I note that the Department of Environment's Planning and Environmental Policy Group has issued an Addendum to Planning Policy Statement 7 Residential Extensions and Alterations in which it says at para A12:

"Garages or outbuildings wholly located in front gardens or those that extend in front the established building line can over-dominate the front of the property and detract from the street scene and will therefore generally be resisted". This is particularly pertinent in a building which is going to be 8 metres wide and 6.6 metres deep and is in an elevated location as this would be.

The proposed garage would be in close proximity to the amenity space in the middle of the Estate. This proximity and its elevated position would detract from that amenity space and would therefore have an impact on all residents and not just its immediate neighbours.

The building work has now been going on for the best part of 3.5 years, with all the associated noise pollution and works traffic. Although it may not be a planning issue, the prospect of further months and months of building work is very upsetting.

19 Highclere Drive

I would like to raise a concern regarding the location of the outbuilding and whether this will have an impact on the roots of the existing trees in this area. The trees currently provide a degree of privacy that we would not want to lose. Therefore, as long as the building work is not within 2 meters of the boarder, so as to effect the trees, we would have no objection.

On a similar note we would like to confirm that there will be no windows overlooking our

property.

17 Highclere Drive

I live next door to 17 Highclere Drive. I lodged an objection to their planning application for a 2 car garage and gym yesterday and the more I think about it the more I am concerned. The building is going to have a footprint of 1700 square feet with a roof that is tall enough to add a second storey at a later date by having the "loft" converted. Since the footprint alone is roughly double the size of the average UK house (which are presumably normally 2 storey and therefore the footprint would be a quarter the size), this is effectively building a second house in the back garden.

I understand that an original application for 2 houses on the plot was rejected (quite rightly since the estate has a covenant that only one house can be built on each plot) but I worry that this new building is likely to be used as living accommodation - particularly in view of the fact that accessing the garage door as shown on the submitted plan is likely to be pretty difficult if not totally impossible. 5 metres is unlikely to allow even the smallest of cars to be turned into the garage - even a fiat 500 is 3.55m long and a Porsche cayenne which is one of the cars I have seen visiting the property is 4.855m long.

The "gym" area is the same size as an area which houses 13 people and all their paperwork and photocopiers in my London office!

I really hope that you are not going to approve this enormous building in a garden - unfortunately if you allow it to be built I am not clear how it can subsequently be prevented from being used as housing which would mean that the original refusal to allow the building of 2 houses has somehow been by-passed.

Considerations

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

Policy and Principle

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

Effects on appearance of building and street scene

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

After objections relating to the size of the outbuilding, the scale of the building was reduced to create a separate garage area to the front of the property. This was considered to be preferable not to only make the outbuilding to the rear of the house smaller and less visually intrusive but to omit the noise and disturbance issues a rear garage might have on the neighbouring property. A conventional location for a garage being either to the side or the front of the house.

Therefore the proposal for the gym and store area extends to a maximum of 14.6 metres in depth and 8 metres in width. The height to the eaves is 2.95metres with an additional height of 2.05 metres to the ridge.

The outbuilding would not constitute permitted development due to the height of the proposed building. A reduction of the height was suggested however the applicant was keen to retain the ridge height due to the use as a gym area.

The proposed materials are brickwork and roof tiles to match existing property.

The separate garage which would be located to the front of the property measures a maximum of 6.6 metres in depth and 8 metres in width and a maximum of 4.11 metres in height. Again the materials proposed are brickwork and roof tiles to match existing.

The houses in this location are large and feature the addition of varying extensions and outbuildings. The proposed outbuildings/garage are not considered significantly out of context with surrounding and adjacent properties and is not seen to be damaging to the street scene. As previously mentioned, there is significant variety in the character and design of dwellings in the estate and properties with unique qualities are not uncommon.

Further HCA 25 Longdean Character Appraisal states that curtilage buildings *may be acceptable forward of the front wall of the dwelling fronting the highway where the character and appearance of the street scene is not harmed.*

The outbuildings and garage are considered to be visually subservient to the existing dwelling and therefore not considered visually intrusive or harmful to the character and appearance of the dwelling or street scene; accordingly the proposed coheres with the NPPF (2012), appendix 7 of the Dacorum Local Plan (1991) and CS11, CS12 of the Core Strategy (2013) and HCA25.

In accordance with the submitted application the proposals would be of traditional design comprising facing brick walls to match existing. These materials are considered acceptable for this type of extension and in-keeping with the existing dwelling house, complying with Policy CS12 of the Core Strategy (2013).

Impact on Trees and Landscaping

The trees and woodlands team have raised no concerns with regard to the proposals

Impact on Highway Safety

Highways comments;

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

Impact on 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 (1991) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space. Thus, proposals should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

The outbuilding would be set to the rear of the garden, the height of the outbuilding (5 metres

maximum) is not considered excessive. The height to the eaves is 2.95 metres with the roof pitch sweeping away from the boundary with number 19 next door. Therefore it is not considered that the outbuilding would be visually intrusive.

The outbuilding would not impact on the 25 degree line taken from the windows of the adjacent property and therefore there would be no loss of light to number 19 Highclere Drive.

There are high trees along the boundary and although it cannot guarantee that they would stay in perpetuity they do currently provide a visual screen between the two properties.

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

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

The garage to the front of the property is set well away from the adjacent property and would have no effect.

Other Material Planning Considerations

The objections relate to the potential for the outbuilding to be used as a separate dwelling house. However this change would require planning permission. In addition the applicant has submitted a plan showing how the gym would be used, separated into gym / yoga / sauna / w/c and storage area. This plan will be part of the approved plans associated with the application. Notwithstanding this, it is considered pertinent to add a condition to ensure that the outbuilding can only be used as ancillary to the main dwelling.

Community Infrastructure Levy (CIL)

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

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

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

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

- 2 The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 17 Highclere Drive.**

Reason: To safeguard and maintain the strategic policies of the local planning

authority as expressed in the interests of residential amenity in accordance with Adopted Core Strategy CS12 and for the avoidance of doubt.

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

HDHH-202 P2
HDHH-203A P1
HDHH-2-3 P2
HDHH-203 P2

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

Article 35 Statement

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

Agenda Item 5f

Item 5f

4/01574/17/FUL – CONSTRUCTION OF NEW DWELLING CONNECTED TO EXISTING SEMI-DETACHED PROPERTIES. EXTERNAL REFURBISHMENT OF EXISTING TWO PROPERTIES

3 GROVE FARM COTTAGE, MARSHCROFT LANE, TRING, HP23 5PP



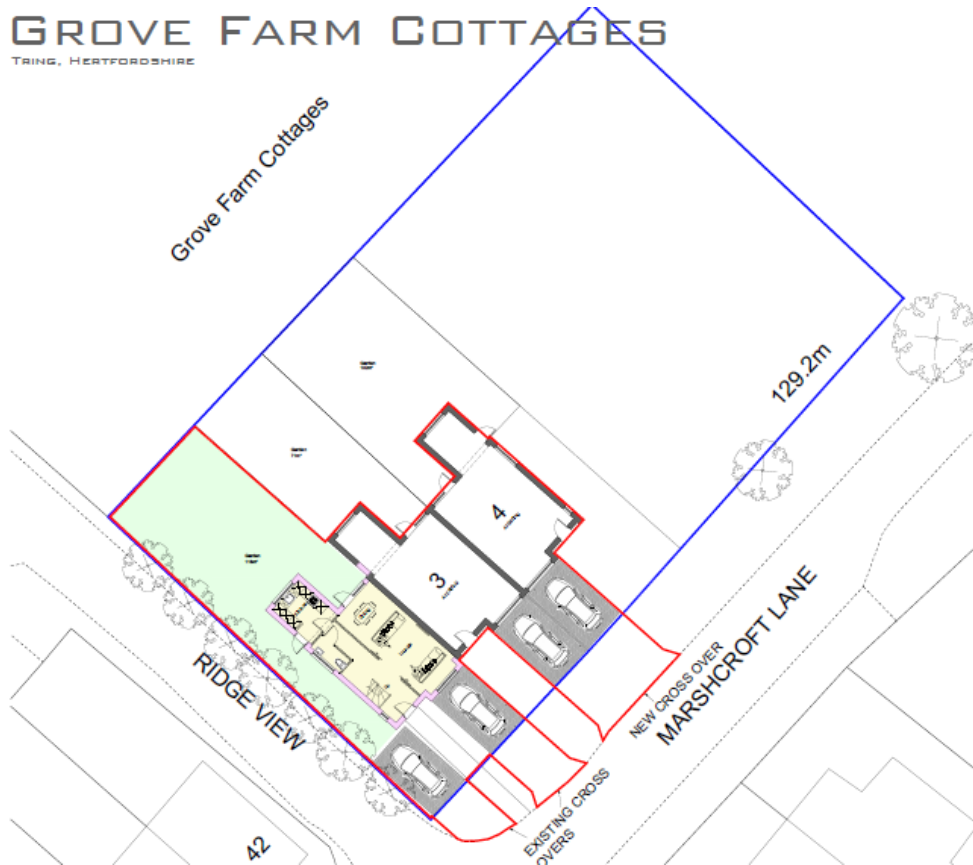
Proposed Location Plan

Scale: 1:1250

Item 5f

4/01574/17/FUL – CONSTRUCTION OF NEW DWELLING CONNECTED TO EXISTING SEMI-DETACHED PROPERTIES. EXTERNAL REFURBISHMENT OF EXISTING TWO PROPERTIES

3 GROVE FARM COTTAGE, MARSHCROFT LANE, TRING, HP23 5PP



4/01574/17/FUL - CONSTRUCTION OF NEW DWELLING CONNECTED TO EXISTING SEMI-DETACHED PROPERTIES. EXTERNAL REFURBISHMENT OF EXISTING TWO PROPERTIES.

3 GROVE FARM COTTAGE, MARSHCROFT LANE, TRING, HP23 5PP.

APPLICANT: Regis Group.

[Case Officer - Amy Harman]

Summary

The application is recommended for approval.

The principle of residential development is considered acceptable in the site's location noting its siting within a town. The proposed layout and development would not have any adverse layout implications, would be acceptable in terms of its appearance and would not detract from the appearance of the street scene.

Additionally the development would not have an adverse impact on the amenity of neighbouring properties. The access and car parking arrangements are satisfactory. The proposal is therefore in accordance with the aims of the National Planning Policy Framework, Policies CS4, CS11 and CS12 of the Dacorum Core Strategy (September 2013), and saved Policies 18, 21 and 120 of the Dacorum Borough Local Plan 1991-2011.

Site Description

The site is occupied by a semi detached pair of mid 20th century dwellings, they are two storeys and constructed in brick with timber cladding at first floor level. The roof tiles are concrete. Bay windows are apparent at ground floor level and chimneys can be seen to the roof.

Proposal

Construction of one new dwelling connected to the existing semi-detached properties. External refurbishment of existing properties.

Planning history

None found

Referral to Committee

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

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
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
CS17 - New Housing
CS27 - Quality of the Historic Environment
CS28 - Renewable Energy
CS29 - Sustainable Design and Construction
CS31 - Water Management

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 18, 21, 58 and 99

Appendices 3 and 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Water Conservation & Sustainable Drainage (June 2005)
Accessibility Zones for the Application of car Parking Standards (July 2002)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Tring Town Council

The council recommends refusal of this application on the following grounds: loss of amenity to No. 3 Grove Farm Cottage - using an existing wall as part of the new dwelling and the resulting loss of interior light; procedural failings - inadequate display of planning notices; inaccuracies in the application e.g. the new access; it is understood that a restrictive agricultural covenant applies to the building.

Response to Neighbour Notification

13 letters of consultation were sent out and a site notice was put up by the planning officer on the 2nd August.

1 and 2 Ridge View - Object

2 Ridge View

We live in Ridge View, immediately adjacent to the south west of Grove Farm Cottages, which were built in the 1960's on agricultural land, under an agricultural restricted covenant.

The first general point is that the PA is inconsistent and misleading for the following reasons:

- The PA states in para 6, 'Pedestrian and Vehicle Access, Roads and Rights of Way', that in answer to the question, 'Do the proposals require any diversions/extinguishment's and/or creation of rights of way?' the response is 'No'. Whereas, the Plans and Drawings clearly show access is required from Ridge View to the rear of the proposed development for parking, and at least two trees will need to be removed.
- If there is intent to access the rear of the development from Ridge View, this needs to be made clear as there are implications of gaining access to the rear of the property from Ridge

View, which is a privately owned road.

We welcome the refurbishment of the current properties, and do not object to an additional property in principle. However, on the assumption that the Plans and Drawings are correct, we are writing to object to the above Planning Application on the following grounds:

- The width of Ridge View is 4 metres and constrains the access to the parking spaces to the rear of the proposed new property, creating several practical and safety issues:
 - Vehicles would need to reverse in or out of the proposed parking spaces and would have to manoeuvre to gain a clear entry and exit. This will create a safety concern, especially as children play in this area and families use Ridge View to access the rear of the houses in Marshcroft Lane
 - The location of the parking spaces at the rear of the proposed new property will also attract additional off road parking along Ridge View from second cars and visitors. This will have an adverse impact on the properties on Ridge View and restrict all personal, service and emergency vehicular access
 - There are only four car parking spaces allocated to the three properties and it seems that the central property does not have any car parking spaces allocated. This will force the occupants of the central property and their visitors to park their cars on Marshcroft Lane or Ridge View. This will have an adverse impact on Ridge View and Marshcroft Lane, further increasing congestion and preventing personal, service and emergency vehicular access.

Due to these serious concerns, we would ask that Dacorum Borough Council reject this application.

1 Ridge View, Marshcroft Lane

Thank you for your letter regarding the proposal to build a new house connected to Grove Farm Cottages in Marshcroft Lane Tring.

The plan shows an intention is to remove two trees and put in access to car parking behind the new house from Ridge View.

My wife and I live at 1 Ridge View, Marshcroft Lane. Our title deeds shown that we own Ridge View and that there is a right of access for our neighbours in Ridge View (at number 2 and number 3) and for the existing cottages in Marshcroft Lane which have garages and parking bays accessible from Ridge View. These cottages were constructed by the same developer and at the same time as our house.

We don't believe this right of access extends to the proposed new build and would not agree to it.

Please can you advise us of the position? Can the developer insist on access from our road and cut down our trees?

Housing Development Officer

Due to the nature of the proposal below, the site will be exempt from any affordable housing contribution.

Herts Property Services

No 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.

Hertfordshire Highways

Comments to follow

Considerations

The main issues of relevance to the consideration of this application relate to the policy and principle justification for the proposed dwelling, the impact of the proposed development on the site layout, the appearance of the building and street scene, the impact on neighbouring properties, and the impact on car parking.

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, including Tring 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.

Specifically, the provision of new dwellings is supported in principle by Policy CS18 of the Core Strategy, and saved Policy 18 of the Local Plan.

Appearance of building and impact on street scene

The site is occupied by a semi detached pair of mid 20th century dwellings. These are of 2 storeys and constructed in brick with timber cladding at first floor level. The roof tiles are concrete. Bay windows are apparent at ground floor level and chimneys can be seen to the roof. They do not make a particularly positive contribution to the character of the area.

The proposals would provide an enhancement to the appearance of the buildings. They are currently somewhat tired and do not sit particularly comfortably within the local area. In particular given the fine late 19th/ early 20th century buildings opposite. The proposals would enhance the appearance of the existing and the addition of an extra cottage to form a terrace would not detract from the character of the area. The cladding of the elevations in timber and the creation of a pitched porch element to the façade would be welcomed. The redesign of the fenestration to have a stronger vertical emphasis would be most welcome and introduce a more traditional appearance to the building. The proposed design for the bay windows would also be acceptable.

Amendments were made to the scheme to retain the existing chimney stacks on the building and add an additional stack to the new building. In addition a more sympathetic roof tile was proposed to help the building tie in with the character of the local area. The existing concrete tiles are somewhat detrimental and therefore these amended tiles preserve the character of the street scene.

Impact on Neighbours

The new house is located to the west of 3 Grove Farm Cottages and is an infill plot adjacent to Ridge View. The original proposals showed a new access to the rear of the new dwelling to provide parking but this aspect of the proposal has since been removed due to the objections

from the residents of Ridge View. The trees which abut the site and Ridge View are shown on the site plan as being retained.

The property at 42 Marshcroft Lane has no windows on the flank elevation facing the proposal. The new dwelling does not breach the 45 degree line taken from the rear habitable windows.

The windows on the first floor of the north east elevation effectively replace the existing windows of number 3 Grove Farm Cottages and therefore it is not considered that there is any additional potential for overlooking.

The properties at 6 and 7 Marshcroft Lane are situated on the opposite side of Marshcroft Lane, Saved Appendix 3 of the Local Plan does not suggest a front-to-front distance that might apply to dwellings on the opposite side of Marshcroft Lane relative to the proposed dwelling. The development would have the same street setback as the adjacent existing dwellings and on this basis it is not considered that there would be unreasonable overlooking between the application site and dwellings opposite.

Tring Town council have objected on the basis that the existing property at 3 Marshcroft Lane would suffer a loss of light. However the existing property has windows at the front and rear and therefore this is considered to provide sufficient light for a typical three bed terraced property configuration.

Adequacy of Amenity Space

The subdivision of the site into three plots would result in a smaller width rear garden for each property. The new dwellings would have a rear garden of minimum 11.5 metres deep and therefore in accordance with the requirements detailed in Appendix 3 of the Local Plan.

The application is therefore considered acceptable in these terms.

Impact on Trees and Landscaping

No effect - trees are shown to be retained

Impact on access and car parking

The proposals include the provision of one additional cross over and the provision of four car parking spaces for the three 3 bed dwellings. The existing houses retain one car parking space each and the new dwelling has two car parking spaces. There is no restriction to on-street parking in the immediate vicinity and therefore this is considered sufficient in accordance with the maximum set out in Appendix 5 of the Dacorum Local Plan in order to ensure that the proposals would not lead to a detrimental impact on existing levels of on-street car parking.

Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL 2 Liable which equates to £150 per square metre (84 square metres) £12,600.

Other considerations

There were concerns that the existing two cottages were built on agricultural land under a restricted agricultural covenant. However there is no planning history on record which places

any restrictions on the site. Any legal covenants associated with the land are not a material planning consideration.

The agent has confirmed that there is no record of an agricultural tie.

Conclusion

The proposed new dwelling would be an appropriate form of development in this location, the proposal would not result in detrimental impact to the visual amenity of the surrounding area or have an undue impact upon the residential amenity of the neighbouring residents. The proposed development therefore complies with the National Planning Policy Framework (2012), policies CS8, CS10, CS11, CS12 and CS26 of the Core Strategy (2013) and saved policies 13, 18, 21, 58 and 99 and appendices 3, 5 and 7 of the Local Plan (2004).

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

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

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

- 2 The development hereby permitted shall not be occupied until the arrangements for vehicle parking shown on Drawing No. Proposed Site Plan 2446 04 D shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Adopted Core Strategy CS12

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

Proposed Site Plan 2446 04 D
Proposed Perspectives 06
2446 06 C
2446 05

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

Article 35 Statement

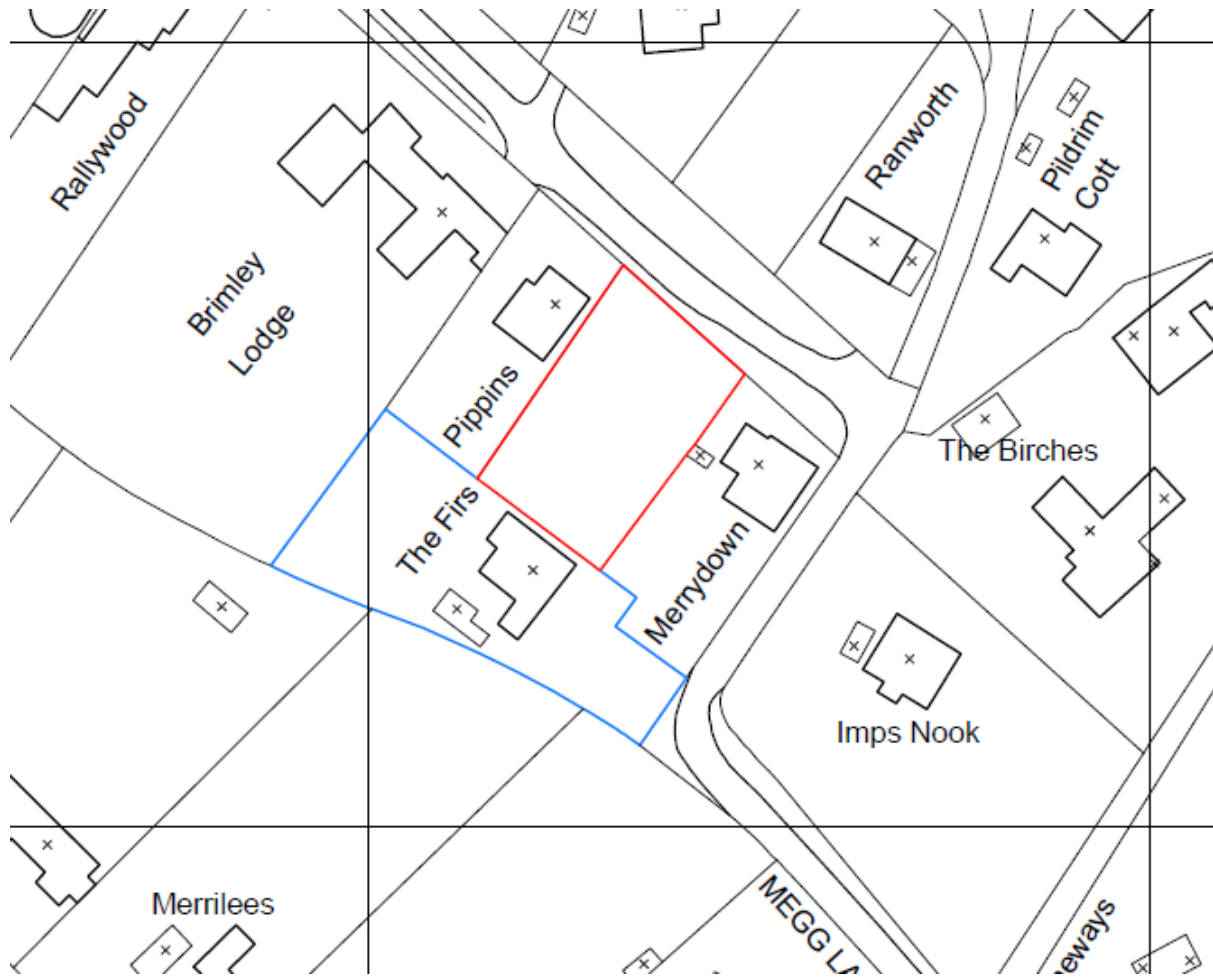
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management

Procedure) (England) (Amendment No. 2) Order 2015.

Item 5g

4/01008/17/FUL - NEW 3-BED DWELLING

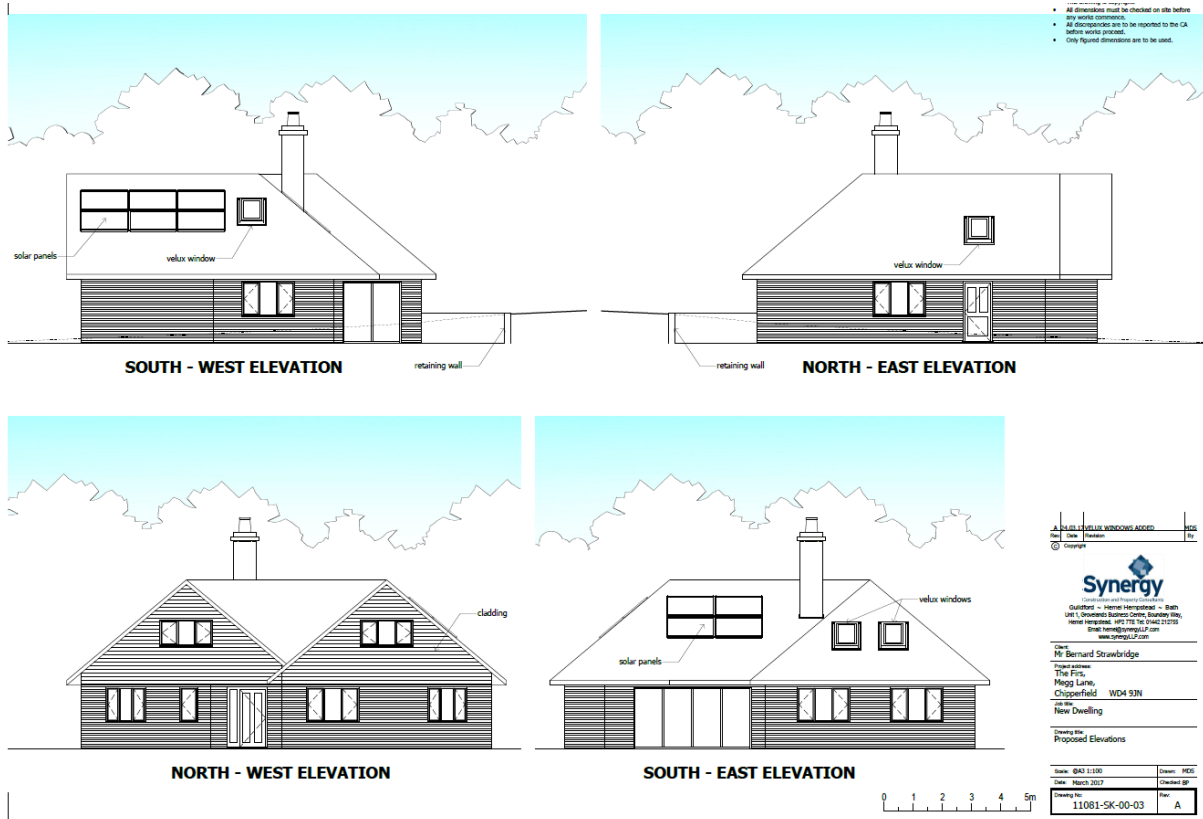
THE FIRS, MEGG LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9JN



Item 5g

4/01008/17/FUL - NEW 3-BED DWELLING

THE FIRS, MEGG LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9JN



**4/01008/17/FUL - NEW 3-BED DWELLING.
THE FIRS, MEGG LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9JN.
APPLICANT: Mr & Mrs B Strawbridge.**

[Case Officer - Jason Seed]

Summary

The application is recommended for approval. Whilst it is considered that the proposal constitutes inappropriate development in the Green Belt, it is also considered that there are very special circumstances to justify approval which meets with the exception provided by Paragraph 87 of the National Planning Policy Framework (NPPF) and in doing so, also complies with Policy CS5 of the Core Strategy.

Site Description

The application site comprises a residential garden which is situated to the immediate north-east of The Firs, Megg Lane. The garden is considered to be part of the curtilage of this property.

The site is subject to the following relevant designations: CIL2, Green Belt.

Proposal

The application seeks full planning permission for the construction of a new detached 3-bedroom dwelling.

Referral to Committee

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

Planning History

4/01260/91/4 FORMATION OF SIDE DORMERS
 Granted
 11/10/1991

Summary of Representations

Infrastructure Officer

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 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.

Chipperfield Parish Council

Objection on grounds of green belt and not in keeping with the Chipperfield Design Statement.

Trees and Woodlands

The proposal results in the loss of 2 mature Lawson cypress and one young/mature Blue Cedar. If the Blue cedar has to be removed, I recommend a replacement tree of at least 14-16 cm diameter at 1.5 m above ground level elsewhere in the garden. If the applicant wishes

to retain both trees, I recommend he submits a tree survey to include a method statement for tree protection.

Hillrise Cottage, Megg Lane

As long term residents of Megg Lane, and neighbours of Mr and Mrs Strawbridge, we fully understand the rationale underpinning the very special circumstances surrounding the applicant's son's disability and the planning proposal. If the grounds for granting the application to build are limited to these very special circumstances we have no objection. However, should the grounds for approval be broader than this, we strongly object as this development on green belt land contravenes both national and local planning policy and would set an unacceptable precedent.

Considerations

Policy and Principle

As the application site is situated within the Green Belt (and outside of the village boundary of Chipperfield), the principle of the development is assessed against the requirements of Policy CS5 of the Core Strategy and the NPPF.

Policy CS5 states that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt, local distinctiveness and the physical separation of settlements.

Within the Green Belt, small-scale development will be permitted including building for the uses defined as appropriate in national policy.

Paragraph 89 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt. A list of exceptions to this rule are provided, but the proposed dwelling does not meet with any of these exceptions and would therefore be considered 'inappropriate development' and harmful to the Green Belt by definition.

Paragraph 87 of the NPPF states that such inappropriate development should not be approved except in very special circumstances.

Paragraph 88 continues by stating that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

As such, the principle of the proposed development will only be considered acceptable if very special circumstances are demonstrated which meet the above test.

Harm to the Green Belt

Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Paragraph 79 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 80 continues by stating that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;

- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

With regards to preventing urban sprawl, it is considered that the proposal is an 'infill' development. It should also be noted that Green Belt policy does specify that an exception to the normal Green Belt restraint is limited in-filling in villages. The construction of a dwelling in the position proposed between existing properties would certainly constitute infilling. However, although the Council's position is that in-filling in the Green Belt is only acceptable within the defined settlement boundary there continues to be appeals and case-law over whether infilling is only acceptable within defined settlement boundaries or whether the exception should be more widely applied.

Recent appeals indicate Inspectors have not solely used the defined village boundary as determinative as to whether a site falls within the village but in addition an on the ground visual assessment is also required as part of the assessment.

It is the Council's position in this case that the site falls outside the confines of the village due to the visual separation between the development in this area and the heart of the village and associated services, however, it is accepted that this judgement is open to interpretation and currently not clear cut.

It is considered that the location of the site / proposal within this context of its immediate surrounds would not result in a form of development which creates / increases sprawl.

Whilst this site context and the numerous surrounding buildings do limit the degree to which openness is compromised, the current site is free of built structures and as such, it cannot be argued that openness is not impacted upon.

It is felt that bullet points 2,3 and 4 will not be compromised.

The proposal is not considered to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

As such, it is considered that the demonstrable harm to the Green Belt which would result should the application be approved is limited to the impact on openness and failing to assist in urban regeneration.

Very Special Circumstances

Section 3 of the submitted Design and Access Statement puts forward the applicant's case for very special circumstances.

It is stated that the applicant's son was born with infantile post-hemorrhagic hydrocephalus, and as a result, is physically handicapped. The application is accompanied by a letter which was sent to the applicant from the Department for Work and Pensions in respect of the applicant's son's chronic condition.

The letter confirms that in respect of disabled living allowance, the applicant is entitled to a higher rate care component for help with personal care and mobility indefinitely.

The applicant's son was discharged from University College Hospital London on 2nd June

2017 after further surgery for a bowel condition, from which he is recovering from slowly. Coupled with this, the owner of the property he is currently occupying at Crown Walk, Hemel Hempstead needs to terminate his contract following the death of her husband.

The proposed dwelling would provide the applicant's son with a home for life which would also provide sufficiently for his carers at a time when the provision of affordable homes and ongoing financial support for disabled people is uncertain, whilst maintaining a degree of independent living under the watch of his family who will remain living in The Firs.

The Case Officer had questioned the applicant regarding the need for a three bedroom property to serve the needs of the applicant's son. The Agent has confirmed that the applicant's son needs not one but two live-in carers who both require a bedroom and a bathroom. That is not because they have excessive needs but because the demands of the care call for the carers to have their own independent space to retire to, in effect bedsitting rooms and decent bathrooms.

The proposals have been designed with a good level of space standards in the ground floor of the proposals for mobility reasons, but also within the upper floor in interests of the comfort, convenience and independence of the carers. The design has the upper floor accommodation in the roof space, maintaining the appearance of a low profile chalet bungalow which carefully balances the scale with the particular need, maintaining a modest external appearance. The overall objective is to avoid putting carers in a small single bedroom as an overnight stop-over as the applicant's son's needs present a very challenging care plan, and in order to maintain the right team, the applicants have to be able to create the right package for now and into the future.

It is considered that these circumstances are considered to be 'very special' and as such, meet with the requirements of the NPPF and in turn, Policy CS5 of the Core Strategy.

To ensure that these very special circumstances are secured, it is necessary to ensure that the occupancy of the dwelling is restricted specifically to the applicant's son and his immediate, direct and registered carers. It is considered that this matter can be adequately addressed through the agreement of a Unilateral Undertaking, to be submitted to and approved by the Council prior to the granting of planning permission.

Building Design and Materials

The proposed dwelling is considered to be of simple yet aesthetically acceptable design. The front elevation contains gable end walls which are considered to draw upon examples which are evident within the surrounding area. The gables / elevations are staggered which break-down the built form and provide visual interest when viewed from the street scene.

Hipped roofs are provided which minimise the overall scale of the proposal whilst ensuring that habitable accommodation at first floor level is achievable.

The use of brick, timber cladding and slate roof draws upon the palate which is evident within the local area and ensures that the proposal assimilates into the street scene.

However, it is noted that Chipperfield Parish Council have objected to the proposals because, in addition to Green Belt grounds, state that they consider that the proposal is not in keeping with the Chipperfield Design Statement (which was adopted by the Council as a Supplementary Planning guidance on 19th December 2001). It is considered that whilst some materials details have been provided, a condition requiring further details in this respect will provide an opportunity to secure an appropriate and high quality finish which will ensure that the proposal assimilates into the street scene.

Impact on Street Scene

The proposed dwelling will be visible when viewed from Megg Lane. The properties within the immediate surrounding area comprise a mix of architectural styles / scales and as a result, the street scene is varied.

The proposed chalet bungalow is of a scale which is comparable with a number of others within the local area and in some cases, comparatively smaller. This results in a dwelling which integrates into the streetscape character in accordance with Policy CS12 of the Core Strategy.

Impact on Trees and Landscaping

At present, the site benefits from substantial vegetative screening on its north-eastern side and contains 2 mature Lawson Cypress and one young/mature Blue Cedar. The Lawson Cypress will have to be removed to accommodate the new drive and the Blue Cedar will be close (approx.. 1 m away) from the proposed dwelling.

The Council's Trees and Woodlands Officer has been consulted on the application and has stated that both trees have good amenity value and merit retention.

It is noted that none of the trees at the site are covered by protection orders. However, the application provides an opportunity to secure tree planting and further landscaping provision at the site which would result in an enhanced landscape setting. As such, it is considered that the proposal is acceptable with regards to impact on trees and landscaping.

Access and Impact on Highway Safety

The proposal requires the creation of a new pedestrian / vehicular access to be created off of Megg Lane as illustrated by the proposed Site Plan.

The Highway Authority has been consulted on the application and has not responded. However, this section of Megg Lane does not appear as an 'adopted' road on the Gazetteer of Hertfordshire Roads. 'Unadopted' roads are those roads not maintained by the Highway Authority as defined by Highways Act 1980. As such, an assessment of the suitability of that which is proposed has been undertaken by the Case Officer.

Paragraph 32 of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The principle of using this section of Megg Lane as an access road is considered acceptable as a number of other residential properties utilise this road.

Given the low frequency of anticipated vehicular movements associated with the proposal and a condition which ensures that adequate visibility splays can be provided, it is considered safe and satisfactory means of access for the new dwelling can be provided which meets with the tests set out within the NPPF.

Parking

As previously stated, the proposal includes a new vehicle crossover from Megg Lane. There will be a new drive and parking for 3 cars to be located at the front of the dwelling provided adjacent to this new access.

The site is situated within Zone 4 as defined by the Accessibility Zones for Application of Car Parking Standards Supplementary Planning Guidance (SPG).

Saved Appendix 5 of the Dacorum Borough Local Plan (DBLP) provides the Council's

maximum parking standards.

The Appendix states that for 3 bedroom properties within Zone 4, a maximum of 2.25 spaces should be provided. Whilst it is acknowledged that the proposed development exceeds this figure by 0.75, it is considered that a degree of flexibility should be applied in this regard to accommodate any potential on-site parking needs which may arise as a result of the applicant's son's condition and also acknowledges that both on-site carers are likely to be unrelated and requiring separate vehicles.

Impact on Neighbours

The proposal site is situated adjacent to the existing property (The Firs) to the south-west, Merrydown to the south-east and Pippins to the north.

Given the scale of the proposal property and its 'chalet-style' design, the upper floor windows are limited to a 'Velux' style which minimise the degree of overlooking which can result and it is recommended that further details of the openings of these windows is secured via planning condition to ensure that their openings do not result in an unacceptable degree of possible mutual overlooking between the proposed dwelling and those within the surrounding area.

It is also noted that the majority of the proposed rooflights will serve bathrooms so details of their obscuration will also be required.

Impact on Existing Dwelling

Whilst the proposal site is considered to be a garden area related to The Firs, this area is located to the side (east) of the existing dwellinghouse. A rear garden depth of approx. 20m currently exists and will be retained.

Amenity Provision

Saved Appendix 3 of the DBLP states that all residential development is required to provide private open space for use by residents whether the development be houses or flats. Private gardens should normally be positioned to the rear of the dwelling and have an average minimum depth of 11.5 m.

The proposed Site Plan illustrates that a rear garden depth of approximately 10m is to be provided beyond the retaining wall. It is considered that the area to be provided within the retain wall, in combination with this 10m provision, is satisfactory.

Flood Risk

The site is situated within Flood Zone 1 and as such, has a low probability of flooding. As such, flood risk does not represent a constraint on the development.

Sustainability

Whilst no CS29 Checklist has been provided with the application, the submitted Design and Access Statement states that the building fabric will have high standards of insulation, heating efficiency and a low carbon footprint. South-facing solar panels are also provided.

It is considered that the above measures are acceptable and matters of sustainability will be further assessed through the Building Control process.

Refuse

Policy CS29 states that new development should normally provide on-site recycling facilities for waste.

The applicant's Design and Access Statement states that waste storage and collection service access is at the side passage for wheeled containers to be brought forward to the front of the building on collections day.

Whilst the storage area is not specifically indicated on the proposed Site Plan, it is considered that there is sufficient space within the site to provide such an area and the matter will be further considered through the Building Control process.

No further details are requested through planning condition as conditions requiring compliance with other regulatory regimes will not meet the test of necessity (Planning Practice Guidance - Paragraph: 005 Reference ID: 21a-005-20140306).

Community Infrastructure Levy

Policy CS35 states that all development will provide or contribute to the provision of the on-site, local and strategic infrastructure required to support the development.

The site is situated within Charging Area 2 as defined by the Community Infrastructure Levy Charging Schedule. As such, residential development within this area is chargeable at a rate of £150 per square metre although exemptions in respect of payment may be available to the applicant.

Conclusions

The application seeks full planning permission for the construction of a three bedroom detached dwellinghouse within the residential garden of The Firs, Megg Lane.

The application is considered to constitute inappropriate development in the Green Belt, where in order to meet with Green Belt policy contained within the NPPF and Core Strategy Policy CS5, very special circumstances will need to be demonstrated which clearly outweigh the harm to the Green Belt.

It is considered that the harm to the Green Belt is the proposal's impact on openness and failure to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

However, the applicant's personal circumstances and related needs, as detailed within this report, are considered to clearly outweigh the harm to the Green Belt which would result. The occupancy of the dwelling will be limited to the applicant's son and direct, registered carers and this will be secured through a legal agreement.

The proposed dwelling is of a design which enables it to assimilate into the street scene whilst providing sufficiently in respect of parking and amenity space and will not adversely impact upon surrounding properties.

As such, it is considered that the proposal complies with the National Planning Policy Framework and local planning policy environment and is therefore recommended for conditional approval, subject to the receipt of a satisfactory unilateral undertaking.

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:**

**11081-L-00-LP
11081-SK-00-01A
11081-SK-00-02B
11081-SK-00-03A
11081-SK-00-04A
DESIGN AND ACCESS STATEMENT**

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

- 3 **Prior to development commencing (excluding groundworks), 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. High-resolution photographs of the samples should be provided.**

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

- 3 **Prior to first occupation of the dwelling hereby approved, a plan which illustrates sufficient visibility splays for the access to the new dwelling shall be submitted to and approved in writing by the Council.**

Reason: In the interests of highway safety in accordance with Policies CS8, CS9 and CS12 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan.

- 5 **Prior to the first occupation of the development hereby approved, details of all Velux window openings and glazing obscuration shall be submitted to and approved by the Local Planning Authority. Following approval, the windows shall be retained as approved for the lifetime of the development.**

Reason: To ensure that occupier and neighbouring privacy and amenity is maintained in accordance with Policy CS12 of the Core Strategy.

- 6 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended) (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 and F.

Part 2 Classes A, B and C.

Part 3 Class L.

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 the openness of the Green Belt and to ensure that the property is retained with regards to the very special circumstances which have been provided in accordance with the National Planning Policy Framework, Policies CS5 and CS12 of the Core Strategy and Saved Appendix 3 of the Dacorum Borough Local Plan.

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.

Agenda Item 5h

Item 5h

4/01677/17/FHA - SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION WITH FRONT AND REAR DORMERS

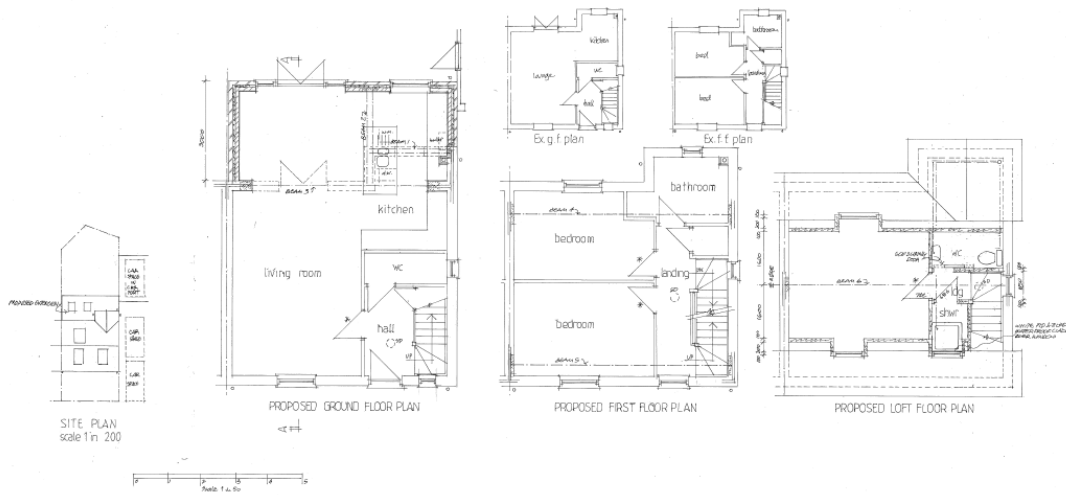
3 NASH CLOSE, BERKHAMSTED, HP4 1FB



Item 5h

4/01677/17/FHA - SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION WITH FRONT AND REAR DORMERS

3 NASH CLOSE, BERKHAMSTED, HP4 1FB



revision	A	FINAL APPROVAL REQUIRED
amendments		
drn by	K C P DESIGNS	
scheme	PROPOSED SINGLE STOREY REAR EXTENSION & LOFT CONVERSION WITH REAR & FRONT DORMERS	
property	3 Nash Close Berkhamstead	
client	Mr R Kessler	
date	May 2017	
scale	1 in 50 & 100 on A1	
drn no	H/6209 A	

**4/01677/17/FHA - SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION WITH FRONT AND REAR DORMERS.
3 NASH CLOSE, BERKHAMSTED, HP4 1FB.
APPLICANT: Mr R Kessler.**

[Case Officer - Sally Robbins]

Summary

The application is recommended for approval.

The proposed extension and loft conversion with front and rear dormer windows would not have an adverse effect on the visual appearance of the existing dwelling house, the immediate street scene or the residential amenity of neighbouring properties. The proposal is therefore acceptable in accordance with Policies CS11, CS12 of the Core Strategy (2013), Saved Appendices 3 and 7 of the Dacorum Local Plan (2004) and the NPPF (2012).

Site Description

The application site is located on the eastern side of Nash Close, which forms part of the recently-built Stag Lane development near Gossoms End in Berkhamsted. This development comprises a mix of flats and houses. The houses themselves are a mix of town houses, terraces, detached and semi-detached. The application site relates to a semi-detached house, which is fairly prominent within the street scene, particularly the rear elevation, which is highly visible from Sheldon Way.

Permitted Development Rights were removed (including Schedule 2, Part 1, Classes A, B and C) when planning permission was granted for the residential development.

The site lies in Flood Zones 2 and 3 and in an area of archaeological significance.

Proposal

The application seeks full planning permission for a single storey rear extension and loft conversion with front and rear dormers.

Referral to Committee

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

Planning History

None

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan

Appendices 3, 5 & 7.

Summary of Representations

Berkhamsted Town Council

The proposals are intrusive and out of keeping with the street scene.

Policies CS11 and 12.

Further comments received regarding amended plans:

Objection

The amendment is unclear because there is a disparity between the text and the actual drawings. Therefore the proposals remain intrusive and out of keeping with the street scene.

Policies CS11 and 12.

Historic Environment Advisor (Archaeology)

In this instance I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and I have no comment to make upon the proposal.

Response to Neighbour Notification/Site Notice

None

Considerations

Policy and Principle

The application site is located in a residential area of Berkhamsted. Core Strategy (2013) Policy CS4 states that appropriate residential development is acceptable in towns and large villages subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed extension and loft conversion upon the character and appearance of the parent dwelling, the streetscene and residential amenity of neighbouring properties.

Effects on appearance of building and street scene

Saved appendix 7 of the Dacorum Local Plan (2004), policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

The single storey rear extension would measure 3m deep and 6.8m wide with an eaves height of 2.4m and a ridge height of 3.5m. The extension would have a mono-pitched lean to roof finished in plain tiles to match the parent dwelling with two small rooflights that would be situated equidistant above the proposed patio doors. The extension would include a further rear facing window and would be finished in facing brickwork and white uPVC windows and doors to match the parent dwelling. The rear elevation is in a prominent location in that there are open views of the rear of the property along Sheldon Way. However, the relatively modest scale and sympathetic design of the extension will not have a significant impact upon the

character and appearance of the parent dwelling. Furthermore, the 2m high wall surrounding the rear garden would shield the majority of the extension from public view, and as such the proposed extension will not be visually intrusive within the street scene.

Turning to the loft conversion, the proposal includes two dormer windows on the front elevation and one dormer window on the rear elevation. Due to the road layout the application site is visible on two sides from Nash Close and Sheldon Way and is thus highly visible in the street scene. Saved Appendix 7 of the Local Plan (2004) states that loft conversions resulting in the need for dormer windows can have a significant effect on the appearance of the house and the street scene. Therefore, dormers should preferably be located on rear roof slopes, which are usually less visible from public view in order to minimise the impact upon the parent dwelling and street scene. Whilst the officer acknowledges that the proposed dormer windows on both the front and rear elevations would be visually prominent, other material planning considerations have weighed in favour of recommending approval for the proposed scheme. These include an allowed appeal for a similar scheme on a neighbouring property at 65 Sheldon Way for a loft conversion with two front facing dormers, one rear facing velux roof light and gable end windows (planning application ref. 4/03188/14/FHA dated 3 November 2014).

The reasons for refusal for 65 Sheldon Way were that the proposed dormers, gable windows and rooflight would be evident in the street scene and contrary to the design of the estate. The Officer further stated that the proposal would fail to maintain the attractive and balanced appearance of the parent dwelling and the consistent rhythm of development within the estate as well as additional parking pressures and is therefore contrary to Core Strategy Policies CS11, CS12 and Saved Local Plan Policy Appendix 5 and 7.

In the Inspectors report, the reasons for allowing the appeal were that the front dormer windows would sit within the roof and there would be space between the bottom of the windows and the eaves, to either side and between each window. Further the dormer windows would be set down from the ridge of the dwelling. The materials would complement the existing dwelling and wider area. Overall the windows would be well designed and well proportioned. They would not look out of place on the property. The Inspector acknowledged that the property is in a prominent location, however given that the dormers would be well proportioned and detailed it is not considered that this would be harmful to the overall character of the area.

In addition to the above, it is considered that the modest scale and sympathetic design of the dormer windows would not result in significant harm to the parent dwelling or the street scene. In accordance with Saved Appendix 7 of the Local Plan (2004) the dormer windows do not extend above the ridgeline of the existing roof, but are brought as far as possible below the ridge, the dormer margins are set in by at least 1m from the flank walls and the dormer would be clad in materials similar in appearance to the main roof. The proposed dormers would be small and centrally located within the roof form.

On balance, and taking all of the above into consideration, it is considered that the proposed single storey rear extension and loft conversion with front and rear dormers will not be visually intrusive or harmful to the character and appearance of the parent dwelling or the street scene. Accordingly, the proposed coheres with the NPPF (2012), Saved Appendix 7 of the Local Plan (2004) and Policies CS11 & CS12 of the Core Strategy (2013).

Town Council Objection

Berkhamsted Town Council has objected stating that the proposals are intrusive and out of keeping with the street scene. However, as outlined above, it is considered that the proposed extension and dormer windows are well designed and well proportioned.

Impact on 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 the 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 rear elevation of the host dwelling faces the side elevation of 61 Sheldon Way, at an oblique angle. As such, it is not considered that there would be any significant loss of privacy with respect to the single storey rear extension or the dormer window. Turning to the front elevation, the proposed dormer windows would not result in a significant loss of privacy with regards to 2-10 Nash Close due to the relative angle of properties and satisfactory separation distances in excess of 23m.

The proposed single storey rear extension and loft conversion would not have a significant impact upon light provision or privacy of neighbouring residents. Accordingly, the proposal is acceptable in terms of the NPPF (2012), Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

Other Material Planning Considerations

Flood Zone

A site-specific flood risk assessment has been submitted due to the fact that the proposal is located in Flood Zones 2 and 3. The submitted flood risk assessment is considered satisfactory for a minor extension within Flood Zones 2 and 3.

Archaeology

The County Archaeologist was consulted and commented, "In this instance due to its size, we consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and we have no comment to make upon the proposal."

Conclusions

The proposed single storey rear extension and loft conversion with front and rear dormers through scale, position and design would not adversely impact upon the visual amenity of the existing dwelling house, immediate street scene or the residential amenity of neighbouring properties. The proposal is therefore in accordance with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2012).

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

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

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

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

on the existing building.

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

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

H/6209 A

Reason: For the avoidance of doubt and in the interests of proper planning, in accordance with Core Strategy (2013) Policy CS12.

Article 35

Planning permission has been granted for this proposal. 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 5i

4/01491/17/FUL – DEMOLITION OF EXISTING DWELLING. CONSTRUCTION OF TWO 3 BEDROOM CHALET BUNGALOW STYLE DWELLINGS.

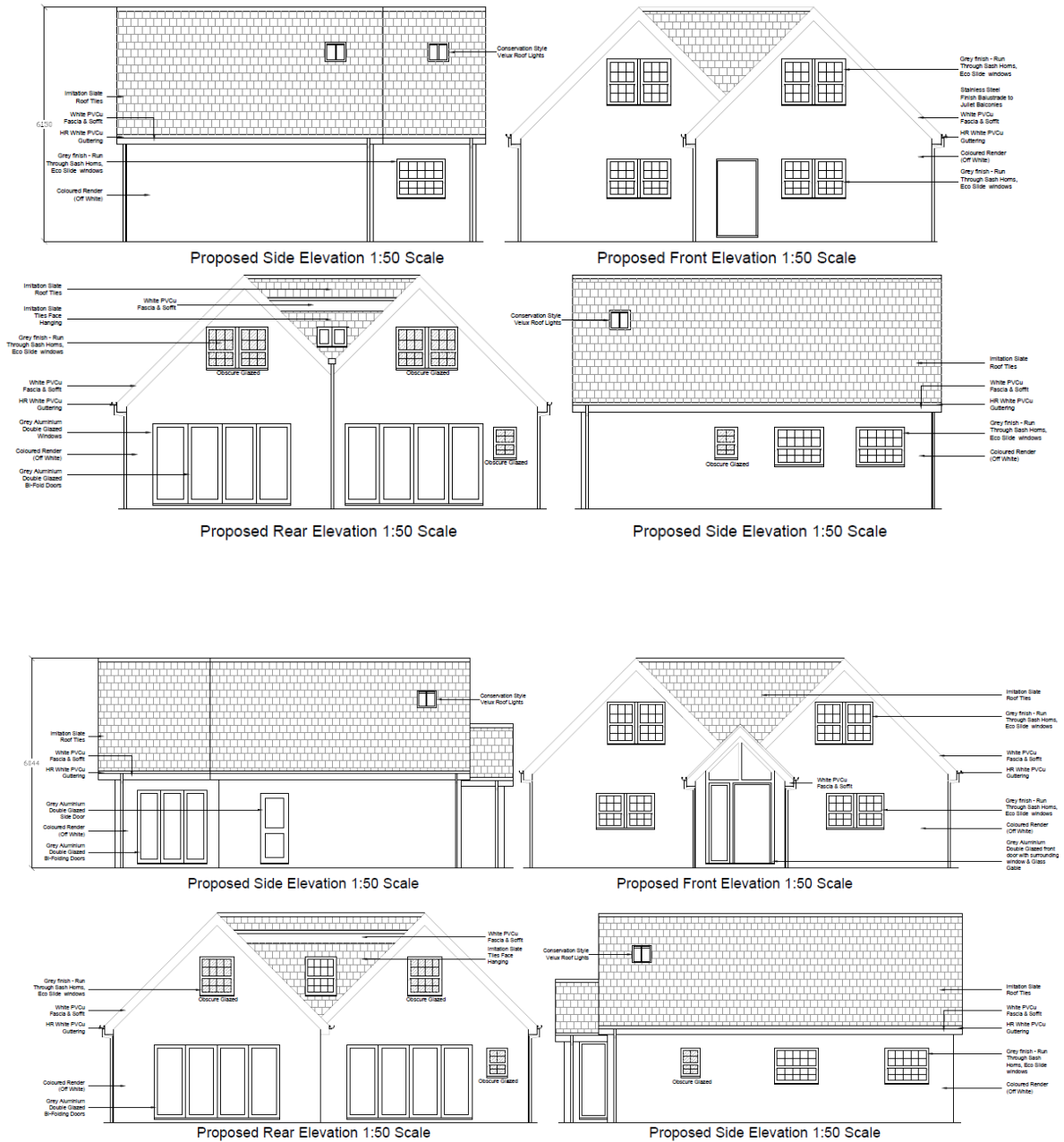
LYNDHURST, 32 HARDY ROAD, HEMEL HEMPSTEAD, HP2 5EG



Item 5i

4/01491/17/FUL – DEMOLITION OF EXISTING DWELLING. CONSTRUCTION OF TWO 3 BEDROOM CHALET BUNGALOW STYLE DWELLINGS.

LYNDHURST, 32 HARDY ROAD, HEMEL HEMPSTEAD, HP2 5EG



**4/01491/17/FUL - DEMOLITION OF EXISTING DWELING. CONSTRUCTION OF TWO 3
BEDROOM CHALET BUNGALOW STYLE DWELLINGS.
LYNDHURST, 32 HARDY ROAD, HEMEL HEMPSTEAD, HP2 5EG.
APPLICANT: Mr and Mrs G Hanley.**

[Case Officer - James Gardner]

Summary

This application is recommended for approval. The development would provide an additional unit of housing, satisfactorily integrate with the character of the area and would not have an adverse impact on the residential amenity of the surrounding properties.

Site Description

The application site is located in Hardy Road, Hemel Hempstead, within a residential area, and forms part of HCA 23 - Adeyfield North Character Area.

The site comprises a detached bungalow with a driveway to the western side leading to an integral garage. The bungalow has a forward projecting wing proximate to the eastern boundary and a long rear garden enclosed by a mixture of hedging and fencing with a large Ash tree in the south-western corner.

To the south there are large detached houses and bungalows fronting Adeyfield Road, many of which pre-date the new town housing, and to the west lies housing fronting Coral Gardens. To the east, housing fronts Hardy Road.

Proposal

The application proposes the demolition of the existing bungalow and the construction of two 1.5 storey bungalows, with one being positioned to the rear of the bungalow fronting the highway.

32a (fronting the road) would be 11 metres wide by a maximum of 9.2 metres deep with a maximum ridge height of 6.15 metres. The existing driveway would be used for access to this dwelling. Three car parking spaces would be provided within the site.

The house would be 1.1 metres from the western boundary and 3.2 metres from the eastern boundary. An access road would run between the flank wall and the western site boundary. There would be a garden on the southern side 11.43 metres deep.

32b (to the rear of 32a) would be 12 metres wide by a maximum of 11.25 metres deep with a maximum ridge height of 6.05 metres.

The house would be 1.5 metres from the western boundary and 1.5 metres from the eastern boundary. Two car parking spaces would be provided on an area of permeable hard standing to the front of 32b, with the option of a further temporary space for visitors. There would be garden on the southern side with a maximum depth of 10.37 metres.

Referral to Committee

The application is referred to the Development Control Committee at the request of Councillor Adrian England.

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

Summary of Representations

Hertfordshire Highways

21/07/17

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 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. Prior to the occupation of the development, hereby permitted, a visibility splay measuring 43m x 2.4m shall be provided to each side of the new access where it meets the highway and such splays shall thereafter be maintained at all times free from obstruction between 600mm and 2m above the level of the adjacent highway.

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. 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.

5. 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.

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

INFORMATIVES

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

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

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

COMMENTS

This application is for Demolition of existing dwelling. Construction of two 3-bedroom chalet bungalow style dwellings.

ACCESS

The proposed development will require a new vehicular and pedestrian access onto Hardy Road, which is an unclassified local access road, with low flows of pedestrians and vehicles. There have been no collisions that have resulted in personal injury during the last 5 years.

Although all the plans supplied with the application, AGS/32B/201, AGS/32A/200 and AGS/32A&B/202 are unclear as regards the proposed width of the new driveway (the redline crosses through the roof of one of the proposed new dwellings), Dacorum BC have confirmed by email that this will be 2.8m, which is not adequate to allow access for a fire tender.

Manual for Streets states: MFS 6.7.2 The Building Regulation requirement B5 (2000)10 concerns 'Access and Facilities for the Fire Service'. Section 17, 'Vehicle Access', includes the following advice on access from the highway:

- there should be a minimum carriageway width of 3.7 m between kerbs;
- there should be vehicle access for a pump appliance within 45 m of single family houses;
- there should be vehicle access for a pump appliance within 45 m of every dwelling entrance for flats/maisonettes;
- a vehicle access route may be a road or other route; and
- fire service vehicles should not have to reverse more than 20 m.

The Fire Service should be consulted regarding this access.

PARKING

The proposed new properties will each be provided with three off road parking spaces.

CONCLUSION: The Highway Authority does not wish to restrict the grant of permission, subject to the above conditions and advisory notes.

12/09/17

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 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. Prior to the occupation of the development, hereby permitted, a visibility splay measuring 43m x 2.4m shall be provided to each side of the new access where it meets the highway and such splays shall thereafter be maintained at all times free from obstruction between 600mm and 2m above the level of the adjacent highway.

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. 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.

5. 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.

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

INFORMATIVES

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

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

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

COMMENTS

This application is for Demolition of existing dwelling. Construction of two 3-bedroom chalet bungalow style dwellings.

ACCESS

The proposed development will require a new vehicular and pedestrian access onto Hardy Road, which is an unclassified local access road, with low flows of pedestrians and vehicles. There have been no collisions that have resulted in personal injury during the last 5 years.

I can confirm that document Site Landscape Plan, OS Map and Site Sections, no AGS/32B/202 meets conditions 1 and 2 on visibility above.

Manual for Streets states: MFS 6.7.2 The Building Regulation requirement B5 (2000)10 concerns 'Access and Facilities for the Fire Service'. Section 17, 'Vehicle Access', includes the following advice on access from the highway:

- there should be a minimum carriageway width of 3.7 m between kerbs;
- there should be vehicle access for a pump appliance within 45 m of single family houses;
- there should be vehicle access for a pump appliance within 45 m of every dwelling entrance for flats/maisonettes;
- a vehicle access route may be a road or other route; and
- fire service vehicles should not have to reverse more than 20 m.

The Fire Service should be consulted regarding this access.

PARKING

The proposed new properties will each be provided with three off road parking spaces.

CONCLUSION: The Highway Authority does not wish to restrict the grant of permission, subject to the above conditions and advisory notes.

Hertfordshire Fire and Rescue

We have examined the drawings and note that the access for fire appliances and provision of water supplies appears to be adequate.

Further comments will be made when we receive details of the Building Regulations application.

Trees and Woodlands

No comments received.

Affinity Water

No comments received.

Thames Water Utilities

No comments received.

Herts Property Services

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 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.

Neighbour Comments

A number of objections have been received in response to the application and are bulleted below:

- Inaccurate description of proposed development.
- Bungalows do not maintain existing neighbourhood pattern.
- Visually intrusive to properties in Coral Gardens.
- Loss of privacy to rear amenity space of properties in Coral Gardens
- Loss of light / overshadowing to properties and rear amenity spaces in Coral Gardens.
- Bungalows not of good design.
- Noise disturbance and air pollution from vehicle movements and parking.
- Height of boundary treatment is excessive.
- Light pollution from proposed security lighting.
- The access to 32B would not provide a safe and satisfactory means of access for all users.

An additional comment was received from no. 2 Coral Gardens following re-consultation on amended plans submitted by the applicant's architect. These are quoted in full below:

Further to my previous objection to this development, regarding 32A Hardy Road. I wish to

suggest that as shown on the Site/Location plans the proposed 32A Hardy Road is on the NW side of the site. Moving this to the NE side and aligning with 34 Hardy Road (on present bungalow site) would lessen the impact to Coral Gardens. There would be a need to move the access road to 32B on to the NE side. This would also allow a more practical access for car park A.

In response, no. 34 Hardy Road made the following comment:

With reference to the most recent comment from 2 Coral Gardens please be advised that we (34 Hardy Road) would object to the plans if they were changed and the Chalet Bungalow 32A being built alongside our property as this new building will be considerable larger and taller than what currently stands and will impede on our privacy and light into our garden. Please let me know if this change is going to be proposed and accept this comment that we will be objecting.

Relevant Planning History

None

Considerations

Policy and Principle of the Development

The application site is located within Hemel Hempstead. Core Strategy Policy CS1 states that Hemel Hempstead will be the focus for homes.

Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

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. Local Plan Policy 10 seeks to optimise the use of available land within urban areas. In accordance with paragraph 14 of the National Planning Policy Framework (NPPF), there is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 53 of the NPPF allows local planning authorities to set out policies to resist the inappropriate development of residential gardens.

Dacorum has no specific policy prohibiting back land development. Whilst the Area Based

Policies SPG generally discourages back land development, a balance must be sought between the guidance offered in the SPG, which says that back land / tandem development is generally an unacceptable form of development, and the need to optimise the use of urban land as required by saved Policy 10 of the Dacorum Borough Local Plan (2004).

Therefore, each case must be judged on its own merits and assessed with respect to the specific impacts on the character of the area.

There are two main issues to the consideration of this application. The first is whether the development, by reason of its orientation, would be out of character with area. The second is the effect of the development on the living conditions of the occupiers of nos. 1 – 7 Coral Gardens and 34 Hardy Road, with particular regard to loss of privacy and potential noise and disturbance from the use of the access by vehicles.

Impact on Character and Appearance of the 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 25 dwellings per hectare (based on two dwellings on a plot of 0.08ha. This would accord with the existing density range for the area, which is generally in the low (15-25 dwelling/ha) to medium range (25-35 dwelling/ha. Area Based Policies Supplementary Planning Guidance (Development in Residential Areas) states that numerical density is one factor to be considered and balanced against others in area policies. As such, the proposed development complies with the Character Area Appraisal and Policy CS11 of the Core Strategy which states that development should respect the typical density in an area.

HCA23 further states that new development should follow the build line where this is clearly present and that spacing should respect that of nearby and adjacent development. The section of Hardy Road in which the application site is located comprises a relatively strong build line (nos 50 to 34). However, the Character Area Appraisal highlights that, as a result of the integration of new town development of the 1950s and 1960s with older development, taken in the wider context, the area is somewhat less rigid in layout; varying garden lengths, access arrangements and property orientations are exhibited. The fact that no. 32b would not front a road does not make the form of layout inconsistent with the area. Indeed, Hardy Road consists of a whole series of properties at 90 degrees to the main road which face each other across amenity greens. The access drive is not of an excessive length, measuring some 20 metres, and it has been noted that the Hertfordshire Highways has not raised any objections to this aspect of the proposal.

The bungalow currently on the site pre-dates the new town development and therefore in terms of its architectural style, the size of the plot and the bungalow's positioning within the plot, it represents an incongruous feature within the street scene and is clearly visible when driving in a southerly direction towards the application site. The planning application proposes to shift the bungalow fronting the road further forward and thus create a frontage more in-keeping with the character of the area.

Policy CS12 of the Dacorum Core Strategy states that on each site development should respect adjoining properties in terms of layout, site coverage, scale, height, bulk, materials and landscaping / amenity space.

The proposed development is considered to broadly comply with these points.

Layout

In visual terms the layout would respect adjoining properties. The bungalow fronting the road would be highly visible from the street scene. Only glimpsed views of the unit to the rear being possible along the new access road.

Site Coverage

As discussed above, the density is considered to accord with the prevailing character of the area as described in the Character Area Appraisal.

Scale

Owing to their single-storey construction (albeit with accommodation in the roof space) the bungalows would not be of the same scale as the surrounding properties, most of which comprise two-storey terraced houses. However, the principle of a bungalow on the site has become an accepted part of the area; indeed, the existing bungalow pre-dates the new town housing. Therefore, it would not be reasonable to now object to what has hitherto been an accepted part of the urban fabric.

Height

The slightly increase height of the proposed bungalows would be more in-line with character of the area than the bungalow currently on the site.

Bulk

The proposed bungalows have slightly more bulk so would appear less incongruous in the street scene as compared with the existing situation.

Materials

The plans submitted in support of the application indicate that the bungalows would be finished in render and make use of sash windows. This is considered to be acceptable. The properties in the area, although clearly functional, are of no particular architectural merit and as such a divergence in architectural style or use of materials would not be harmful to the area.

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.

No. 32a would have a rear garden depth of 11.43 metres (or approximately 133.40 sq. m) and no. 32b would have a maximum garden depth of 10.37 metres (or approximately 127.40 sq. m). In square meterage, the proposed dwellings have more than double the amenity space of the adjacent properties in Coral Gardens and Hardy Road. A strict interpretation of Policy CS12 would dictate that this would weigh against the development. This would be counterintuitive and was clearly not the purpose of the policy.

It is important to note the wording of the policy: “development *should respect* adjoining properties”. It does not state that development must “match”, “mimic” or be “identical” to adjoining properties. To do so would be unnecessarily constraining and result in otherwise acceptable development being deemed unacceptable. It is therefore important to consider what

the planning policy is attempting to protect.

Protecting the character of an area is important; most particularly in locations such as the edge of a village, where a linear form of development, hemmed in by unspoilt countryside, would be negatively affected by the establishment of a line of disparate backland development. By contrast, the application site is located within an urban area and surrounded by development on all sides. Therefore, the construction of one dwelling to the rear of another would not materially and detrimentally affect the character of the area as a whole. Indeed, under permitted development rights householders are able to erect substantial outbuildings in rear gardens without the requirement for planning permission.

Given the limited depths of the adjoining plots and the terraced nature of the dwellings, it is not considered that there is any scope to create further tandem-style dwellings. As a result, were the proposal to be approved, it would not serve as a precedent for similar development within the area.

Impact on Surrounding Properties and Occupiers

The site is surrounded by residential properties and, consequently, there is the potential for first floor windows to overlook adjoining properties.

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. The relevant test in this instance would be whether the proposed development would breach a 25 degree line drawn from the centre of the window of the lowest habitable room.

The greatest impact on neighbouring amenity would relate to nos. 2, 3, 6 and 7 Coral Gardens, whose rear windows would look directly towards the proposed bungalows. At the request of the case officer the applicant's architect has illustrated that the development would comply with the 25 degree rule (see AGS/32B/202 Revision D) and as such there would not be a substantial effect on daylight and sunlight.

The ground floor rear elevations of the properties located within Coral Gardens contain a set of doors serving a dual aspect living room and a window serving a kitchen. Nos. 3 and 6 have, however, constructed small-scale single-storey extensions of limited depth. This notwithstanding, the development would still meet the 25 degree rule.

Dacorum does not currently have a policy on minimum distances between side walls and rear elevations. Therefore, each case must be judged on its own merits, having regard to site topography, orientation and the design of the proposed new development.

In terms of topography, there is no appreciable difference in levels that would disproportionately affect residential amenity. The application site is located to the east of Coral Gardens so there is the potential for some loss of sunlight in early part of the morning. However, in accordance with advice received at pre-application stage, the dwellings have been designed in such a way as to limit the impact on the adjoining properties:

- There has been a modest increase in ridge height (1.4 and 1.5 metres, respectively).
- The roofs of the bungalows slope away from the site boundaries.

- The highest part of the roof of no. 32a would be located 4.4 metres from the boundary with nos. 2 and 3 Coral Gardens. This equates to approximately 14 metres from the original rear walls.
- The highest part of the roof of no. 32b would be located 4.2 metres from the boundary with nos. 6 and 7 Coral Gardens. This equates to approximately 14.2 metres from the original rear walls

The relationship between the proposed dwellings and nos. 2, 3, 6 and 7 Coral Gardens is not dissimilar to that of 83a Adeyfield Road with nos. 11 and 12 Coral Gardens.

Taking these matters into consideration, it is considered that there would be no significant adverse impact upon daylight and sunlight.

Overlooking and Loss of Privacy

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.

In response to concerns raised by residents in relation to the proposed Juliet balconies, these have now been removed from the plans for both dwellings and no longer form part of the proposal. Should the application be granted, permitted development rights will be removed to ensure that the residential amenity of the surrounding properties is protected.

Each window shall now be assessed in turn to evaluate its impact on the privacy of dwellings surrounding the site:

32a Hardy Road

Northern Elevation

Two ground floor windows are proposed to be inserted on the northern elevation (facing the road). One would serve a bedroom, while the other would serve the kitchen / dining room. These would look directly down Hardy Road and therefore would not give rise to any concerns with regard to overlooking. Two windows are proposed to be inserted at first floor level, both of which would serve bedrooms (bedroom 1 and bedroom 2). Oblique views of the top half of no. 1 Coral Gardens' garden would be possible from the window of bedroom 1, yet this would not be dissimilar to the existing situation with respect to the two windows in the flank wall of no. 30 Hardy Road. The window of bedroom 2 would also look out toward the road but would not afford any views into private amenity areas.

Southern Elevation

Two sets of bi-folding doors and one window (obscure glazed) are proposed to be inserted on the southern elevation (facing 32b Hardy Road). The bi-folding doors would serve a lounge and a kitchen / dining room, while the remaining window, which is annotated as being obscure glazed, would serve a utility room. The presence of the 2 metre high boundary treatment would negate any issues with overlooking to 32b to the rear of the site. Three windows are proposed for the roof space, two of which would serve a bathroom and en-suite, and thus be obscured, while the remaining window would serve a landing. Owing to the considerable separation distance from no. 32b Hardy Road and the fact that the landing is not a habitable room, and therefore is unlikely to be occupied for extended periods of time, it is not considered that there would be an unacceptable loss of privacy.

Eastern Elevation

One window is proposed to be inserted on the eastern elevation at ground floor level and would serve a hallway. Given that a 2 metre high boundary treatment would be installed around the perimeter of the site there would be no privacy implications. Two conservation-style Velux windows are proposed to be inserted in the roof. Since these would be above head height, the windows do not give rise to any concerns.

Western Elevation

Three ground floor windows are proposed to be inserted on the western elevation (facing Coral Gardens). One would serve an en-suite, and thus be obscured, while the other two would serve a living room. Given that a 2 metre high boundary treatment would be installed around the perimeter of the site there would be no privacy implications. One conservation-style Velux window is proposed to be inserted in the roof. Since this would be above head height, the window does not give rise to any concerns. Policy CS12 states that development should avoid loss of privacy, not the perception of loss of privacy.

32b Hardy Road

Northern Elevation

Two ground floor windows are proposed to be inserted on the northern elevation and would serve a bedroom and a kitchen / dining room. These would look out onto the private parking area. There would be no loss of privacy to the properties in Coral Gardens as the boundary fencing would effectively block any views. The two windows at first floor level would serve bedrooms 1 and 2. The bungalow is situated at 90 degrees to the properties in Coral Gardens; therefore, only oblique views of the garden areas would be possible, and it should be noted that these areas, owing to the terraced nature of the properties, are already heavily overlooked. Mutual overlooking is a common feature of these gardens but would not be exacerbated by the new development. The windows would be located approximately 20 metres away from the rear wall of 32a Hardy Road. There would be no overlooking to the first floor windows, however, as these serve an en-suite and a bathroom so would be obscured. As regards overlooking of the garden area, the existing situation is that the garden serving the current bungalow is overlooked by the properties in Coral Gardens. As such, the 3 metre deficit in separation distance is not considered to be harmful.

Southern Elevation

Two sets of bi-folding doors and one window are proposed to be inserted on the southern elevation (facing 83a Adeyfield Road). The bi-folding doors would serve a lounge and a kitchen / dining room, while the remaining window would serve a utility room. The boundary treatment to the rear would block views of the garden belonging to 83a Adeyfield Road. Three windows are proposed for the roof space, two of which would serve a bathroom and en-suite, and thus be obscured, while the remaining window would serve a landing. Owing to the considerable separation distance from no. 83a Adeyfield Road (over 23m) and the fact that the landing is not a habitable room, and therefore is unlikely to be occupied for extended periods of time, it is not considered that there would be an unacceptable loss of privacy.

Eastern Elevation

A set of bi-folding doors and a double glazed side access door are proposed to be inserted on the eastern elevation. These would face toward the far end of the garden area belonging to 85 Adeyfield Road. The boundary screening would negate any overlooking. The conservation style roof light would face toward the sky and out across the far ends of the gardens belonging to the properties on Adeyfield Road. There would be no significant loss of privacy.

Western Elevation

Three ground floor windows are proposed to be inserted on the western elevation (facing Coral Gardens). One would serve an en-suite, and thus be obscured, while the other two would serve a living room. Given that a 2 metre high boundary treatment would be installed around the perimeter of the site there would be no privacy implications. One conservation-style Velux window is proposed to be inserted in the roof. Since this would be above head height, the window does not give rise to any concerns

Noise Disturbance

In the case of no. 32b, the proposal would result in vehicle movements into the area to the rear of the existing bungalow. However, it is not considered that the limited number of vehicle movements associated with one dwelling would have a significant impact on the residential amenity of no. 34 Hardy Road. Furthermore, it is noted that no objections have been received from no. 34 Hardy Road in respect of the proposed scheme.

Whilst the driveway and parking area for no. 32a Hardy Road would be immediately adjacent to the gardens of 1, 2 and 3 Coral Gardens, this is no different to the current situation.

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 that developments have sufficient parking provision.

As demonstrated on the site layout, the development provides for off-road parking and would provide a level of parking commensurate with the dwelling types and the area. There would be no significant impacts on highway safety.

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.

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.

The bin store for 32b would be located adjacent to the site boundary with Hardy Road, approximately 29 metres away from the front door. The bin store would comprise an area of 2.29m (w) x 0.95m (d). Three wheeled bins are routinely provided to borough residents:

Mixed recycling	107cm (h) x 53.8 cm (w) x 74cm (d)
Non recyclables	107cm (h) x 53.8 cm (w) x 74cm (d)
Garden Waste	107cm (h) x 53.8 cm (w) x 74cm (d)

From the above dimensions it is clear that sufficient space would be provided. Furthermore, the close proximity of the bins to the boundary is in accordance with the guidance. A condition requiring submission of further details of the proposed bin stores will be included. This is to ensure that the bins would not be visually intrusive in the street scene.

Trees

A large semi-mature Ash tree is located in the south-western corner of the site. The expertise of the Trees and Woodlands Team was enlisted at pre-application stage in order to assess whether the retention of this tree should be sought. The outcome was that the removal of the tree would be beneficial to the residents in Coral Gardens as it will, in time, grow substantially larger, overshadowing their gardens and causing a nuisance. There are no other trees of note within the confines of the site. In light of the above it would not be appropriate to seek the retention of the tree.

Highway Safety

Hertfordshire Highways were consulted as part of the application and have advised that they do not wish to restrict the grant of planning permission subject to the inclusion of a number of planning conditions, which are as follows:

1. Prior to the occupation of the development, hereby permitted, a visibility splay measuring 43m x 2.4m shall be provided to each side of the new access where it meets the highway and such splays shall thereafter be maintained at all times free from obstruction between 600mm and 2m above the level of the adjacent highway.

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. 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.

5. 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.

The case officer queried with the Highways Engineer whether a lesser requirement in terms of Condition 1 could be agreed as it would not be possible for the applicant to comply with the condition (the area of the splay would cross land not in his ownership or control and would be blocked by the neighbour's hedge).

These concerns were relayed to the applicant who has come to an arrangement with the owners of no. 34 Hardy Road, whereby they have given consent for him (the applicant) to remove the hedge and replace it with a low brick built wall in order to achieve the necessary visibility splay. Elevations of wall have been provided on plan number AGS/Site/104 and the maximum achievable visibility splay is demonstrated on plan number AGS/32B/202. These amended plans have been forwarded to Highways Officer who has confirmed that the access is acceptable and would meet the requirements of the condition pertaining to visibility. It has been confirmed that the applicant has served the requisite notice on the neighbours, and the red outline has been amended accordingly.

Herts Fire and Rescue have confirmed that the proposal does not give rise to any concerns. Consequently, the development would provide a safe and satisfactory means of access for all users in accordance with Policy CS12. If permission is granted, a condition requiring the visibility splay to be retained shall be included.

Response to Neighbour Comments

Of those matters not addressed elsewhere within this report, the following responses are provided:

The application should be for 2 two-storey dwellings as they both have a substantial amount of room in their roofs.

It is generally accepted that the difference between a bungalow and a chalet bungalow is that the latter has accommodation in the roof space. The proposed chalet bungalows have respective heights of 6.15 metres and 6.05 metres. This is considerably lower than the 7.4 metre high ridge heights of the two-storey dwellings in Coral Gardens. The development is therefore considered to be correctly described.

The proposed fence heights (8ft to 8.7ft) would negatively impact on the availability of light to the rear amenity space of the properties in Coral Gardens.

Drawing No. AGS/32B/202 Revision D confirms that the boundary treatment on the western side of the site would consist of a combination of 0.7 metre high walls with 1.3 metre high close boarded feather edged timber fencing, and 2 metre high acoustic noise reduction fencing.

The proposal is not in accordance with the NPPF as the properties are not considered to be of a good design.

No information has been provided to back up this statement. However, the following good design elements have been noted:

- The living rooms have been located to the rear of the properties in order to provide the occupants with a pleasant outlook.
- Ground floor accommodation could enable an older or disabled person to occupy the properties.
- The bungalows have a relatively compact design.

The dwellings would overlook the neighbouring properties and therefore reduce security to the

rear gardens.

As already outlined in this report, the dwellings are located at 90 degrees to the properties in Coral Gardens and as such only oblique views of their amenity space would be possible. In an urban area a certain degree of mutual overlooking is to be expected. Residents standing at the first floor windows of the properties in Coral Gardens would have an unrestricted view of their neighbours' gardens. Rather than decrease security, mutual overlooking in fact increases security as there will be a greater level of natural surveillance.

The garden size on this property is not of the minimum requirements.

As per saved Appendix 3 the proposed dwellings would have a garden depth at least equal to their counterparts in Hardy Road and Coral Gardens. However, the level of amenity space provided by the proposal is considerably higher than that provided by surrounding properties in Hardy Road and Coral Gardens.

The dwellings would be in a cramped location and therefore not in conformity with part f) of CS12 (integrate with the streetscape character).

Only glimpsed views of the dwelling to the rear would be possible from the street scene. The density (25 dwelling/ha) would accord with the general character of the area.

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.

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

It is considered that the proposed development would result in an aesthetic improvement to the area and optimise the use of urban land. There would be a net increase of one dwelling which would make a small but valuable contribution to the Borough's housing stock.

As such, the proposal is considered to comply with the National Planning Policy Framework, Policies NP1, CS1, CS4, CS8, CS11, CS12, CS17, CS18 and Saved Policies, Appendix 5 of the Dacorum Borough Local Plan and is recommended for approval.

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:**

AGS/32A/200 Revision D
AGS/32B/201 Revision C
AGS/32B/202 Revision D
AGS/Site/104

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

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

Reason: To ensure a satisfactory appearance to the development.

- 4 **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

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.

- 7 **Prior to the occupation of the development, hereby permitted, a visibility splay measuring 43m x 2.4m shall be provided to each side of the new access where it meets the highway and such splays shall thereafter be maintained at all times free from obstruction between 600mm and 2m above the level of the adjacent highway.**

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.

- 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 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.

- 9 **The development hereby permitted shall not be occupied until full details of bin storage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved particulars.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS11 and CS12 of the Core Strategy.

Article 35 Statement

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

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

Item 5j

4/01339/17/FHA – SINGLE STOREY FRONT AND REAR EXTENSIONS. ALTERATIONS TO ROOF. VELUX WINDOWS, FRONT AND REAR DORMERS.

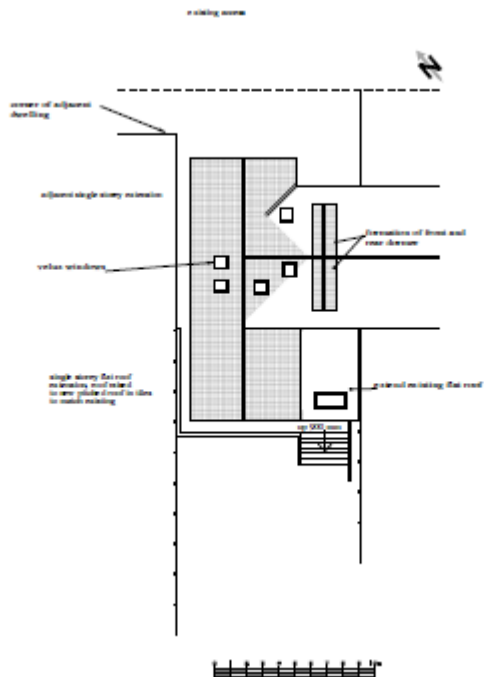
25 DAMMERSEY CLOSE, MARKYATE, ST ALBANS, AL3 8JS



Item 5j

4/01339/17/FHA – SINGLE STOREY FRONT AND REAR EXTENSIONS. ALTERATIONS TO ROOF. VELUX WINDOWS, FRONT AND REAR DORMERS.

25 DAMMERSEY CLOSE, MARKYATE, ST ALBANS, AL3 8JS



4/01339/17/FHA - SINGLE STOREY FRONT AND REAR EXTENSIONS. ALTERATIONS TO ROOF. VELUX WINDOWS, FRONT AND REAR DORMERS.. 25 DAMMERSEY CLOSE, MARKYATE, ST ALBANS, AL3 8JS. APPLICANT: Mr Ginn.

[Case Officer - Amy Harman]

Summary

The application is recommended for approval.

Site Description

The application site is located on the southern side of Dammersey Close, Markyate, St Albans. The dwellinghouse comprises of a semi-detached property. Parking provision is sufficient to accommodate two domestic cars.

Dammersey Close is a cul-de-sac and subsequently the application site was built as part of a wider road characterised by similarly designed semi-detached bungalows which are fairly uniformed in regards to architectural detailing, separation gap, size and height. The overall character of the area is evident.

Proposal

Single Storey front and rear extensions. Alterations to roof, Velux windows, front and rear dormers.

Referral to Committee

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

Planning History

4/02489/16/FHA SINGLE STOREY FRONT, SIDE AND REAR EXTENSION.
Granted
21/10/2016

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS3 - Managing Selected Development Sites
CS4 - The Towns and Large Villages
CS5 - The Green Belt
CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm

Saved Policies of the Dacorum Borough Local Plan

Appendices 5 and 7

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Markyate Parish Council

We object to this application due to over-development of site. It is also out of keeping with the surrounding area.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

24 Dammersey Close - Objects:

- I would like to object to the proposed planning application. My main concern is being overlooked and loss of privacy in the rear garden of 24 Dammersey Close.

Considerations

Policy and Principle

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 on the existing dwelling house, immediate street scene and residential amenity of neighbouring properties.

Effects on appearance of building and street scene

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

In accordance with the submitted application the proposed extension would be of simple, traditional design, comprising of brickwork walls to match existing with white render, white UPVC windows and roof tiles to match existing. These materials are considered acceptable for this type of extension and in-keeping with the existing dwelling house, complying with policy CS12 of the Core Strategy (2013).

The proposed scheme now features a gable roof form towards the Close of the road creating two storey accommodation with a front and rear dormer and velux windows.

The proposal would change its character from a modest bungalow to a chalet-style bungalow / house. Nevertheless it is considered that the original property has no architectural merit. Indeed it is a rather plain, uninspiring property, whereas the present proposal has more architectural detailing that would provide some interest and style to the dwelling. Furthermore, the design of the extension is well balanced and contains a nice consistency in terms of the degree of pitch and dormer windows used. Overall the scale of the original house would be respected by maintaining first floor accommodation within the roof space.

The extension of the roof element is not overly dominant in the street scene. Other properties in the close have been recently extended in a similar way (both front projecting gables and dormers) and some to a greater extent more recently (number 13) and therefore it is not considered the proposal is alien within the street scene.

Similarly, the proposed first floor rear extension would not be visible as there are no properties to the rear.

Overall, it is considered that the proposal would not severely detriment the appearance of the parent dwellinghouse or street scene; accordingly the proposed coheres with the NPPF (2012), saved appendix 7 of the Dacorum Local Plan (1991) and policies CS4, CS11 and CS12 of the Core Strategy (2013).

Impact on 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 (1991) 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 visual intrusion, loss of light and privacy. Moreover, saved appendix 7 of the Local Plan advises that alterations should be set within a line drawn at 45 degrees from the nearest neighbouring habitable window.

The proposed first floor rear extension would not breach the 45 degree line as drawn from the rear habitable windows of No. 24 or 26 Dammersey Close, as a result no significant loss of daylight or sunlight to neighbouring habitable windows would result.

The velux windows and additional side doors are shown to be obscure glazed.

Concerns have been received from 24 Dammersey Close in regards to overlooking from the rear facing dormer. However this dormer could be constructed without the requirement for planning permission. Further it is not considered that the additional windows have an overbearing impact on the garden of number 24. No more can be viewed from these windows than what can be seen from the existing relationship of the adjacent gardens.

Thus, the proposed in regards to residential amenity is acceptable in terms of the NPPF (2012),

saved appendices 3 and 7 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

Impact on Trees and Landscaping

None

Impact on Highway Safety

The Councils Parking Standards within saved appendix 5 of the Local Plan (1991) requires 3 off street parking spaces for four+ bed dwellings within Residential Zones 3-4. The application seeks to increase the number of bedrooms from three to potential five bedrooms, which would require an increase in 0.75 parking spaces. Nonetheless, on-site parking provision would remain sufficient to accommodate two domestic cars. These standards are maximum and due to the highly accessible location and the considerable availability of on street parking available this is considered sufficient in this case. As a result, it is not considered that the proposal would impact on the safety and operation of the adjacent highway. The proposal meets the requirements of policy CS12 of the Core Strategy (2013) and saved appendix 5 of the Local Plan (1991).

Other Material Planning Consideration

The Parish council have raised concerns that the proposal causes over development of the site, however given the assessment above, the context of the other permitted extensions in the street and the retention of the garden to a minimum of 11.5 metres which is the minimum requirement for garden space the proposal is not considered to constitute over-development.

Community Infrastructure Levy (CIL)

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

Conclusion

The proposed front gable and first floor rear extension would not significantly detriment the appearance of the parent dwellinghouse or immediate street scene. Furthermore, the proposed would not adversely impact upon the residential amenity of neighbouring residents. The proposal is therefore in accordance with saved appendices 3, 5 and 7 of the Dacorum Local Plan (1991), policies CS4, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2012).

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:**

Wren naj 36a 2017

Wren naj 36b 2017

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

Informative

The site is located within the vicinity of potentially contaminative current and former land uses (2no. builder's yards, a breakdown depot and an area unknown filled ground). There exists the slight possibility that these activities may have affected the application site with potentially contaminated material. The developer is advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

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.

Agenda Item 5k

Item 5k

4/02027/17/FUL- DEMOLITION OF EXISTING BUILDING. CONSTRUCTION OF 4 NO. 5 BEDROOM DWELLINGS

HASTOE HILL RIDING STABLES, HASTOE HILL, HASTOE, TRING, HP23 6LP



Item 5k

4/02027/17/FUL- DEMOLITION OF EXISTING BUILDING. CONSTRUCTION OF 4 NO. 5 BEDROOM DWELLINGS

HASTOE HILL RIDING STABLES, HASTOE HILL, HASTOE, TRING, HP23 6LP



ELEVATION E
1:100



ELEVATION F
1:100

**4/02027/17/FUL - DEMOLITION OF EXISTING BUILDING. CONSTRUCTION OF 4 NO. 5
BEDROOM DWELLINGS.
HASTOE HILL RIDING STABLES, HASTOE HILL, HASTOE, TRING, HP23 6LP.
APPLICANT: Mr R Jarman.**

[Case Officer - Briony Curtain]

Summary

The application is recommended for approval.

Site Description

The site is currently occupied by an established riding school and farmhouse located on the eastern side of Hastoe Hill. The riding school comprises a group of buildings arranged behind a tight build line and set back from the line behind a manege. The riding school is also supported by a field to the rear (north-east) and another to the south. The whole site is well-screened from Hastoe Lane, however the site opens beyond the cluster of buildings providing extensive and grand views to the north-east towards Ivinghoe Beacon, with Tring Park to the east beyond Marlin Hill. Levels in the surrounding area are undulating, from the stable group levels fall gently to the north-west and south.

The site lies within the Green Belt and the Chilterns Area of Outstanding Natural Beauty. The stable group is bordered by hedges on most sides, including to Hastoe Lane. The site benefits from a main access into an informal courtyard parking area which also serves as the principal (shared) access to the dwelling. The riding school is served by a secondary access immediately south of the manege.

North of the site is a manege and associated equestrian buildings linked with a separate residential property further north. East of the site are agricultural fields beyond which lies the grounds of Tring Park. To the south is Church Lane and the low density, low rise small village of Hastoe. Opposite Hastoe Lane to the west are agricultural fields.

Proposal

Planning Permission is sought for the demolition of the existing buildings and the construction of four two storey detached dwellings.

Referral to Committee

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

Planning History

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites

CS3 - Managing Selected Development Sites
CS5 - The Green Belt
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS17 - New Housing
CS19 - Affordable Housing
CS24 - Chilterns Area of Outstanding Natural Beauty
CS29 - Sustainable Design and Construction
CS32 - Air, Water and Soil Quality

Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 15, 18, 19, 21, 22, 23
Appendices 1, 2, 3, 4, 5

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Accessibility Zones for the Application of car Parking Standards (July 2002)
Landscape Character Assessment (May 2004)

Summary of Representations

Tring Town Council

The Council recommended refusal of this application on the grounds that the proposed development was construction of new buildings inappropriate within the Green Belt. The development did not satisfy the exceptions in National Planning Policy Framework paragraph 89. The proposed development involved a change of use from the existing purpose. Whilst there was a reduction in floorspace the height and scale of the buildings - 5 bedroom detached dwellings - is much more imposing on the landscape than the existing (predominately) single storey riding stables.

Chiltern Society

The new plan will look much better than the existing buildings, and the site will be more open and green.

However I only support it because it is in effect a brownfield site, and will replace existing buildings.

I certainly would not support an application for any development on green fields.

Scientific Officer

I recommend that the contamination conditions (CONT1 and CONT2) be applied to this development should permission be granted

Hertfordshire Highways

Do not wish to restrict the grant of planning permission. Recommend conditional approval.

Herts and Middlesex Wildlife Trust

In accordance with NPPF para 118, it is appropriate to integrate bat and bird roosting and nesting boxes within the brickwork of the development. It is advised that 1 integrated bat box (e.g. Habitat) should be integrated into the brickwork of each house on a southern facing

aspect, as close to the apex as possible. These boxes should not be affected by artificial light.

1 integrated Swift box in each building will be required at the gable apex of a north facing aspect of the building (e.g. Ecosurv Swift box) or under the roofline. Integrated bat and bird boxes are preferable to free standing boxes because they are more effective for the target species, more permanent and less prone to vandalism or disturbance.

Condition: Development shall not proceed until a plan for integrating bat and bird boxes has been approved by the LPA. The devices shall be installed prior to the first occupation and retained thereafter.

Reason: To conserve and enhance biodiversity in accordance with NPPF

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

3 representations received; one in support, one in objection and one making comments

OBJECT

- the proposal is inappropriate development in what is an area of outstanding natural beauty, and an agricultural zoned plot in the Green belt
- the development would be an environmental disaster
- the development would be totally out of keeping.

SUPPORT

- provided adequate off-street parking is supplied and the houses are limited to two storeys in height we support the proposal
- there is currently a continuous parking problem on the road outside the riding school, posts on the verge are being damaged, and the additional traffic causes pot holes.
- replacing the riding school and stables would be a substantial improvement in visual and population terms.

NEUTRAL

- development should be in keeping with the village
- what is built should be as authorised
- contractors should be made to give consideration to residents during the construction

Considerations

Policy and Principle

Loss of riding school

The NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas. Policy CS15 of the Core Strategy and saved Policy 32 of the Local Plan encourage the retention of employment areas in the Green Belt. However, the site is not designated as an employment area and is not protected under this policy and therefore the loss of the riding school would not raise any objection in policy terms. Moreover the applicant has submitted evidence that the riding school is no longer viable.

Redevelopment of site

Section 9 of the NPPF covers Green Belt provisions and sets out one of the exceptions to inappropriate development in the Green Belt includes the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt

and the purpose of including land within it than the existing development.

The definition of previously developed land is set out at Annex 2 of the NPPF, as follows:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

It is considered that the site as an established riding school comprises previously developed land. As such, the redevelopment of the site for residential purposes would be acceptable in principle.

Impact on Green Belt

Development would only be permissible (under paragraph 89) if it would not have a greater impact on the openness and the purpose of including land within the Green Belt than the existing development. An assessment must therefore be made comparing the existing development and the proposed development in terms of openness and how it performs against the purposes of the Green Belt. This has been detailed below.

Openness

The following factors contribute to the openness of the site:

- Building footprint - reduction 334m²
- Floor space - reduction 676m²
- Volume - reduction 1392m²
- Height - general increase as proposing two-storey dwellings; in height terms the tallest building on site measures at 7.6m, the proposed dwellings would be in the order of 9.2m high with attached garages at 6m.
- Bulk - due to the decrease in volume but increase in height, and L-shaped arrangements, the proposed dwellings are considered comparable with existing conditions.
- Building sprawl - the dwellings have been clustered together in an 'L' shaped form to limit their overall sprawl. Two dwellings have been omitted since pre-application stage and Plot 4 has been relocated further to the west than the existing buildings. There is thus less sprawl to the east of the site but plot 1, extends further to the west, than the existing buildings. On balance, the overall sprawl and relocation of the built form further to the west is considered comparable. It may even represent an improvement as the built form is shifted to the west, along the lane, rather than into the open land to the east.
- Prominence - buildings would be pulled further away from fields to the rear (east), however building would expand into open paddock immediately east of the existing dwelling. There would be an increase in their prominence but this would be softened by the mature landscaping along the lane. In addition this is a common feature along the land and development follows a 'ribbon'.

In the context of the site, the open character and the topography of the surrounding area, the above factors result in a slight decrease in volume, bulk, and sprawl but an increase in height and prominence. Overall it is concluded that the proposed residential dwellings would not have

a greater impact on the openness of the Green Belt when compared with the existing development.

Purposes

Consideration must be given to the purposes of the Green Belt and how the proposal performs in relation to these, compared with existing conditions. The five purposes of the Green Belt are set out at paragraph 80 of the NPPF. Of most relevance to the site is to assist in safeguarding the countryside from encroachment. As detailed above, whilst reducing sprawl to the east, there would be an increase in sprawl and prominence to the west. However this would align with the existing pattern of development in the wider area, which sees a ribbon of development aligning the lane.

The proposed development would not conflict with the purposes of the Green Belt.

Layout and density

Aside from Green Belt considerations it is essential that the proposed residential development achieves a comfortable degree of compatibility with its surrounds and maintains adequate space standards to ensure satisfactory living conditions for future occupiers of the site.

The proposal would create a low density development considered suitable for the rural setting of the site and surrounding area. Plot sizes would appear commensurate with that of the existing dwelling on the site and those of adjacent sites. Rear gardens would comply with minimum average garden lengths and appear functional in terms of site constraints (levels, trees) and the size of the dwellings.

The courtyard layout is considered acceptable based on the existing layout and orientation of the dwelling and the informal pattern of development in the immediately surrounding area (largely comprising agricultural fields and buildings which do not directly front the road). The courtyard arrangement also allows for a significant amount of boundary vegetation to be retained to the road frontage which is welcomed.

Impact on appearance of street scene, surrounding area and Chilterns Area of Outstanding Natural Beauty

The development would not have a significant adverse impact on the area. It is proposed to retain the existing access and boundary vegetation to the site's Hastoe Lane frontage. This would soften the impact of the development and ensure it sensitively assimilates into the countryside setting.

In line with saved Policy 111 of the Local Plan which states the development of buildings over two storeys in height will not be permitted in the countryside or in small villages unless there are exceptional reasons related to the particular use of the site and the visual impact is limited, the proposed houses have been reduced in height since pre-application stage with the removal of the roof accommodation. The two storey dwelling proposed are acceptable, relate to existing dwellings of a similar height in the area and thus would not cause visual harm.

The site is located within the AONB. The existing buildings are somewhat unsightly in their form and state of repair and do harm the visual amenities if this sensitive area, especially when viewed from long distance views to the east. The Chiltern Society have been consulted and support the application. They consider the plans will represent an improvement on the existing buildings / site.

The provisions of Policies CS11, CS12 and CS24 of the Core Strategy and saved Policies 97 and 111 of the Local Plan have been met.

Impact on neighbouring properties

Given their layout and position, the proposed dwellings would not have an adverse impact on the residential amenities of existing adjacent properties. In terms of overlooking and privacy, a sufficient distance would be achieved between the front wall of the existing dwelling and the new properties

The neighbour further north is separated from the site by their own manege and equestrian buildings and the proposal would not appear to adversely affect the residential amenity of this neighbouring property.

Similarly, the development would be sited some distance, albeit on higher ground, relative to dwellings on Church Lane in Hastoe and it is not considered these dwellings would suffer unreasonable visual intrusion, overlooking or loss of light from the proposed development.

The provisions of Policy CS12 of the Core Strategy apply.

Impact on car parking

The maximum car parking requirement on the site would be three spaces per dwelling (including the existing farmhouse). This has been achieved. Given the rural location of the site it would be expected that the development would meet the maximum parking standard on site.

The existing access would be retained and Herts County Council Highways do not object.

The proposal represents an improvement in parking and traffic terms to the existing situation. During its opening hours the riding school currently generates a high level of traffic movements and vehicles are frequently dispersed out of the site and onto this rural lane. This causes the lane to be restricted to a single carriageway and damage to the highway verges has been reported. The proposed dwellings would represent a less intense land use with regard to traffic generation and would be an improvement in highway safety terms.

The provision of Policies CS8 and CS12 of the Core Strategy and saved Policy 58 of the Local Plan apply.

Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. An application for the proposed development would be 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.

Ecology

The views of the County Ecologist (Hertfordshire Environmental Records Centre) have been sought. The nature of the existing structures across the site are such that it is unlikely they present a likelihood of bat presence. On this basis a bat assessment is unlikely to be justified. However, photographs of the internal and external nature of the range of larger and smaller

buildings were required so that this could be confirmed. Photographs have been supplied and the county ecologist has requested the imposition of conditions and an informative. These have been imposed and require the demolition of the buildings be undertaken outside of the bat active period and that a watching brief is provided for those parts of the building where corrugated sheeting overlies walls.

In addition to the consideration of bats the ecologist states that the proposals provide a small increase in greenspace, however management of these cannot be controlled so any ecological benefits are limited. No landscaping has been proposed and a suitable landscaping scheme should be submitted as a Condition of approval in any event to restore some of the more rural character of the immediate area. Local native species currently found in hedgerows should be used. A landscaping condition would be imposed.

The county ecologist is also concerned that; the proposals provide no significant ecological enhancements as sought by NPPF. Some features such as a provision of bird and bat boxes within the site or incorporated into the buildings would be supported, but land within the applicant's ownership could also be restored to wildflower grassland as some planning gain. This would need to be subject of a S106 to ensure it would be secured although any long term benefit would be dependent upon appropriate long term management. This would ideally be extensive sheep grazing. If this was heavy grazing with horses – or even other livestock - the ecological benefits would be lost. However this approach may be a consideration if the LPA are otherwise minded to approve the proposals.

The applicants have agreed to provide bat boxes and this would be conditioned. With regard to the provision of wildflower grassland and a section 106 agreement, this is not considered necessary or reasonable as part of the current proposal. The development does represent a benefit in terms of the substantial decrease in hard surfacing and the increase in garden / open land.

Other Considerations

Given the sensitive nature of the site and the fact that the quantum of development being proposed has been carefully balanced against the mass and bulk of the existing buildings and the conclusions that on balance the four detached dwellings proposed would have no greater impact on the character and appearance of the countryside and Green belt than the buildings they are replacing it is considered necessary and reasonable to remove all PD rights with regard to extensions, roof alterations porches, and outbuildings.

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:**

0163 - 002 Rev A05 - Existing Site Plan
0163 - 005 Rev A03 - Existing Elevations
0163 - 006 Rev A03 - Existing House Elevations

0163 - 012 Rev A09 - Proposed Site and Ground Floor Plan
0163 - 013 Rev A07 - Proposed First Floor Plan
0163 - 014 Rev A04 - Proposed Elevation A and B
0163 - 015 Rev A04 - Proposed Elevation C and D
0163 - 016 Rev A04 - Proposed Long Elevations
0163 - 102 Rev A01 - Existing Site Plan surface treatmentd
0163 - 112 Rev A04 - Proposed Ground Floor Plan
Planning, Design and Access Statement
Area Schedule - Rev F

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

- 3 **No development shall take place until samples of the materials proposed to be used on the external walls/roofs of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development. 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.

Reason: To safeguard the character and appearance of this part of the Chilterns Area of Outstanding Natural Beauty in accordance with Policy CS24 of the Core Strategy.

- 4 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development 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, G and H
Part 2 Classes [A, B and C].**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality.

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

Reason: In the interests of highway safety.

- 6 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking, and circulation, shown on Drawing No. 0163-112 Rev A04 shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities.

- 7 **No development shall commence on the building (above ground works) of the dwellings hereby approved until a plan for integrating bat and bird boxes into the dwellings has been submitted to and approved in writing by the LPA. The devices shall be installed prior to the first occupation and retained thereafter.**

Reason: To conserve and enhance biodiversity in accordance with NPPF.

- 8 **The demolition of the existing buildings should be undertaken outside of the bat active period March – October and a Watching Brief by a bat ecologist must be provided for those parts of the buildings where corrugated sheeting overlies walls, to ensure that any bat evidence can be assessed and advice provided accordingly on-site if necessary.**

Reason:

INFORMATIVE: • *If bats, or evidence for them, are discovered during the course of any works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900*

- 9 **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.

- 10 **All remediation or protection measures identified in the Remediation Statement referred to in Condition (XXX) shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site**

Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

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

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

Informative:

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

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

11 No development shall commence on the building (above ground works) of the dwellings hereby approved 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;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted and thereafter maintained as such.

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

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.

HIGHWAY 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.

INFORMATIVES;

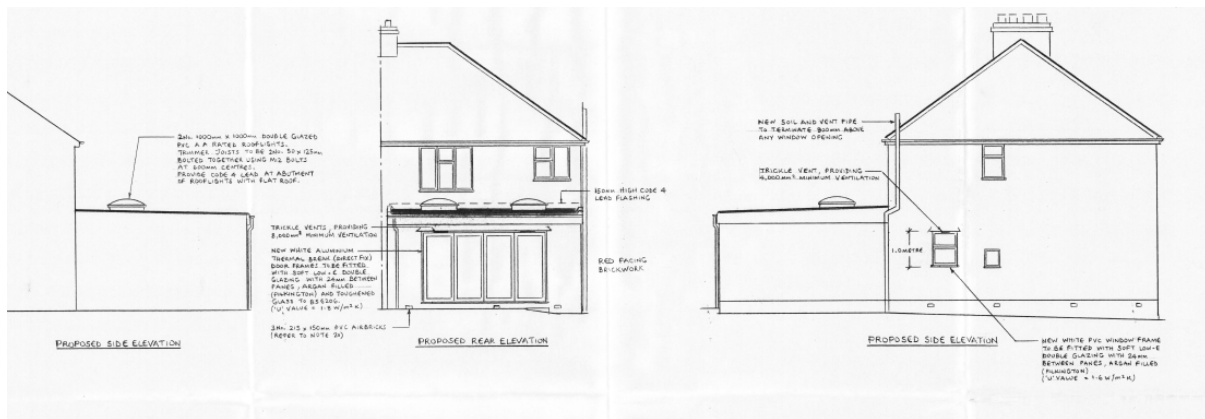
- The applicant is reminded that;

“Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of works (particularly in the areas highlighted by Herts Ecology), work must stop immediately and advice sought on how to proceed lawfully from Natural England (Tel: 0300 060 3900) or a licensed bat consultant.”

Item 51

4/01792/17/RET- RETENTION OF A SINGLE STOREY REAR EXTENSION

83 DEACONSFIELD ROAD, HEMEL HEMPSTEAD, HP3 9JA



**4/01792/17/RET - RETENTION OF A SINGLE STOREY REAR EXTENSION.
83 DEACONSFIELD ROAD, HEMEL HEMPSTEAD, HP3 9JA.
APPLICANT: MR D AQBAL.**

[Case Officer - Briony Curtain]

Summary

The application is recommended for approval.

A householder prior approval application was granted in January 2017 for the construction of a 5m deep single storey rear extension in accordance with Class A of the Town and Country Planning (General Permitted Development) Order 2015. Condition A.3 of Class A requires the materials used in the exterior work of the extension must be of a similar appearance to those used in the construction of the exterior of the existing building.

The extension has been completed but the exterior has been constructed of red brickwork not painted render as per the existing building. As such, the extension is not lawful under Class A permitted development and planning permission is required.

Whilst the red brick of the recently constructed extension contrasts with the white paint of the existing dwelling, it is located to the rear of the property, aligns with the side elevation and is set behind the side access fence and gate. It is thus is not readily visible from public vantage points and its impact on the overall character and appearance of the street scene would be negligible.

The extension would not harm the overall character or appearance of the area and thus would comply with Policy Cs12 in this regard. A refusal could not be sustained.

Site Description

The application site comprises a two-storey, semi-detached dwelling house which has recently been extended by way of a 5m single storey rear extension. The extension has been constructed in accordance with the approved dimensions of application 4/03371/16/HPA but the exterior has been constructed of brick.

Proposal

Retrospective permission is sought for the retention of the brick single storey rear extension.

Referral to Committee

The application is referred to the Development Control Committee as the applicant is the husband of a council employee.

Planning History

4/03371/16/HPA SINGLE STOREY REAR EXTENSION MEASURING 5M DEEP WITH A
MAXIMUM HEIGHT OF 3.45M AND A MAXIMUM EAVES HEIGHT OF 3M
Prior approval required and granted
19/01/2017

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS2 - Selection of Development Sites
CS3 - Managing Selected Development Sites
CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS29 - Sustainable Design and Construction

Summary of Representations

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

No comments received.

Considerations

The size, position, and design of the single storey rear extension has already been established through the granting of a householder prior approval application (4/03371/16/HPA).

This application thus deals solely with the materials and not the extension itself. The main consideration is thus whether the alteration in materials detrimentally effects the appearance of the extension, host dwelling and street scene.

Adopted Core Strategy CS12 : Quality of Site Design does encourage site development to respect adjoining properties in terms of materials, however, this is not prescriptive and it is common for extensions to be built in varying materials. Using a differing façade material on an extension can in some circumstances allow a clear definition between the existing dwelling and the extension, thus helping the extension to appear subservient.

There is no brickwork on the existing dwelling, and thus the extension does appear in contrast to the main dwelling. This does not however appear awkward or contrived or alter the overall character or appearance of the dwelling in any way. The extension is located to the rear of the property and is set beyond a 2m high fence and side access gate, it is therefore only visible from within the site itself. It therefore has a very limited visual impact.

It is accepted that the houses in Deaconsfield Road are predominantly painted render/ pebbledash render, however, there are examples of properties which have been extended and the extensions have been treated in differing materials. Looking at the general area there are also numerous examples of existing brickwork, most notably to the ground floor front elevations of No. 87 & 89 Deaconfield Road, immediately to the north, which, whilst, the only examples of brickwork in the immediate area, do not appear unduly prominent or incongruous.

The extension, despite not being readily visible from the street scene, would thus not appear unduly incongruous and would not adversely affect the area.

Taking the above into account it is considered that the materials proposed are acceptable and will not have a significant detrimental impact on either the host dwelling or the street scene. Therefore, on balance it is considered acceptable in accordance with Policy CS12 of the Core Strategy and saved Appendix 7 of the DBLP.

Impact on Neighbours

The use of different materials in the extension is not considered to impact on the amenities of the neighbouring property.

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:**

CHM/3645/A1 sheet 2
CHM/3645/A1 sheet 1 Rev A

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

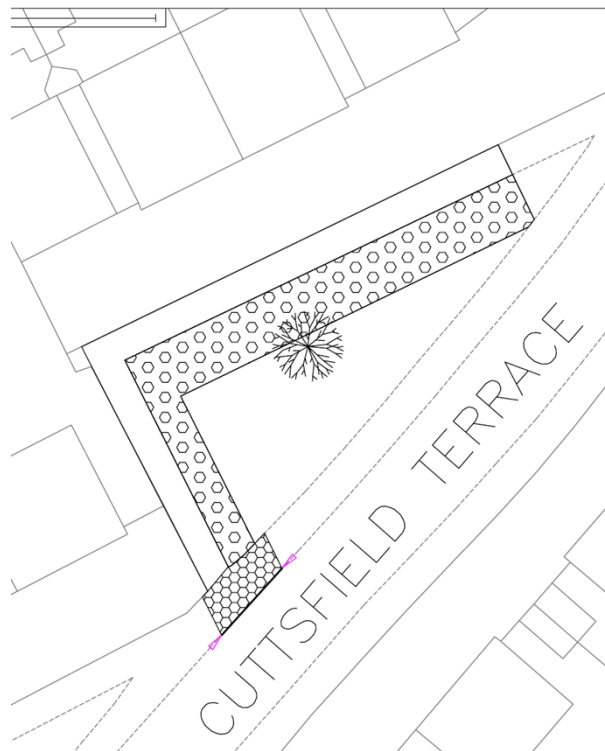
Article 35:

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 5m

4/01742/17/FUL- REMOVAL OF TREE AND CHANGE OF USE FROM AMENITY GREEN TO ACCESS ROAD

GRASS VERGE FRONTING 17-23 CUTTSFIELD TERRACE, HEMEL HEMPSTEAD, HP1 2AP



4/01742/17/FUL - REMOVAL OF TREE AND CHANGE OF USE FROM AMENITY GREEN TO ACCESS ROAD.

GRASS VERGE FRONTING 17-23 CUTTSFIELD TERRACE, HEMEL HEMPSTEAD, HP1 2AP.

APPLICANT: MRS WEST.

[Case Officer - Briony Curtain]

SUMMARY

The application is recommended for approval.

The current application relates to the provision of an access road only and not any parking spaces (these would be provided within private front garden areas). The proposed access road is not considered to result in the significant loss of amenity space and would help address current parking problems within the site and surrounding environs. The access road would not prejudice matters of highways safety or significantly adversely affect the residential amenities of adjacent properties in terms of light, privacy, visual intrusion or noise and disturbance. The proposal would involve the felling of a large mature tree but in mitigation two trees would be planted further south in the amenity grassed area.

Whilst financed by the residents, the road would be strictly controlled by DBC as the landowner and vehicles would not be able to park within it. If implemented, residents would be granted a right of access for its use to access their parking spaces within their own private front garden areas only.

The proposal is considered acceptable in accordance with Policies CS4, CS8 and CS12 and Policies 57, 59 and Appendix 5 of the Dacorum Borough Local Plan 1991-2011.

SITE DESCRIPTION

The application site is located to the northern side of Cuttsfield Terrace in Chaulden and comprises a grass amenity area to the front of No.s 17-23.

The application site covers a relatively small triangular area of land, which is predominantly grassed, and comprises a mature tree. Part of the site consists of a footpath which runs alongside No. 15 and provides pedestrian access to the terrace of dwellings. Given the slope of the land up to the north, the grassed area, tree and footpath occupy a slightly elevated position above the highway.

There is a similar triangular grassed area of land immediately to the south to the front of No.s 7-15 and a much smaller triangle at the junction with Long Chaulden outside No.s 1-5.

Proposal

Planning permission is sought for the change of use of part of the grassed amenity land into an access road. An existing pedestrian footpath that runs alongside the side elevation of No. 15 Cuttsfield terrace and then in front of No.s 17 - 23 Cuttsfield Terrace would be widened to facilitate vehicular access to cover the entire terrace of 4 dwellings (No.s 17-23). The access road would be accessible to the highway (Cuttsfield Terrace) at one point only; adjacent to No. 15. It would not re-join the highway outside No. 23, a grass area would remain to prevent secondary access. One on-street parking space would be lost as a result of the proposal and the existing disabled parking bay would need to be relocated further along the road. A mature tree would need to be felled as part of the proposal.

The application has been submitted by the owner of No. 21 Cuttsfield Terrace but would need to be financed / agreed by all properties/ landowners in the terrace. The correct ownership

certificate (cert B) has been signed as the land is owned by Dacorum Borough Council and the application is therefore valid.

The proposal does not relate to the creation of any parking spaces and as such no plans of these have been submitted. It is understood these would be created within the front garden areas of the existing properties.

Referral to Committee

The application is referred to the committee, as despite not being the applicant, the land is owned by Dacorum Borough Council. Objections have been received and as such, in line with the Council's scheme of delegation the application must be reported to Members for determination.

Relevant Planning History

4/02187/14/FUL CREATION OF SEVEN PARKING BAYS INCLUDING VEHICULAR
ACCESS TO 21 CUTTSFIELD TERRACE
Withdrawn
01/10/2014

Relevant Planning Policies and Guidance

National Policy Guidance

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

Adopted Core Strategy

CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS8 - Sustainable Transport
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS13 - Quality of Public Realm
CS26 - Green Infrastructure
CS29 - Sustainable Design and Construction
CS31 - Water Management

Saved Policies of the Dacorum Borough Local Plan

Policies 57, 59 and 116
Appendix 5 (Parking)

REPRESENTATIONS

Hertfordshire Highways

The highway authority does not wish to restrict the grant of planning permission. Hertfordshire County Council (HCC) as a Highway Authority does not object to the proposed access across amenity verge leading to parking front garden parking spaces. The proposal is unlikely to have a severe detrimental impact on the highway network and may reduce some of the on street parking that occurs at present in Cuttsfield Terrace, in particular in the evenings. However, the following informatives should be included within the decision notice should the Local Planning Authority wish to grant planning permission.

Trees and Woodlands

The removal of the Plane tree in 2015 was agreed for other reasons. The tree was causing serious damage to the adjacent footpath and for health and safety reasons, the tree had to be felled (cutting off the roots to repair the paved area would have made the tree unstable).

No objections to the removal of the remaining tree provided 2 replacement trees were planted .

Since I have already made an agreement to remove the existing tree in 2015, I will have no objections to removing the same tree now but 2 new trees will need to be planted.

Neighbours

8 Representations Received ; 6 in support, 2 in objection.

OBJECT

- when asked if we would like it go ahead we were under the impression we all had to agree. We don't.
- driving up the access road the car lights will shine straight into the front facing windows which is not ideal.
- the disabled bay would have to be removed causing distress to the user.
- parking is not a real problem, we would all like to park right outside our homes but walking up the road has never been a problem.
- we like having the green outside and would be sad if it went
- the proposal would destroy this carefully planning visual amenity for the street.
- excessive demands for parking, particularly by multiple car families should be moderated by other means such as residents parking zone. A few extra spaces off-street would not reduce the number on-street in the medium or long term

SUPPORT

- There is a severe lack of parking in Cuttsfield Terrace. This is well known by the residents and has been recognised by the council for a number of years. In response to this, the various stakeholders have been discussing the issue and have a developed a solution to help ease parking congestion on the street. The proposed solution has been developed over 3 years of consultation with residents, Dacorum Borough Council, MP Mike Penning and Highways. The solution has the potential to remove up to 8 cars from the road benefiting all residents in the immediate area. The cost of the scheme will be met by the owners of 17-23 Cuttsfield Terrace.'
- Cars parked on both sides makes it difficult to see to cross the road. Any measures to move residents cars back from the path would be beneficial.
- Parking is a problem and anything that can be done to alleviate would be beneficial.
- We visit weekly to Cuttsfield Terrace. I am a register disabled person and my husband can never get close to where we need to park. The road especially gets congested around the two greens as there are few driveways around here especially by the greens and I can't even use the disabled marked bays as they are always in use. Any improvement by letting people use their gardens as driveways would free up spaces and be much safer. I can't even walk down the road on the far side without having to walk into the road as so any people use the path to park to free up other spaces on the road. These houses were built decades ago with no provision for cars. Most families have 2 or 3 cars and this parking problem in Cuttsfield Terrace is only going to get worse. There is another green just up from the houses and a big park at the bottom of the road so it's not going to have a huge impact on green space.
- Parking for the local school is quite a challenge and this is the road that I use. Having the green turned into an access road will ease the availability of parking which is a great idea for us as parents to pick our children up safely.

- I use this road on a daily basis both on foot and by car with my two children. An access road would really help to reduce the amount of cars that are parked on this road as there is not enough road side parking for residents.
- A large amount of cars park up on the curbs - this makes it very difficult and dangerous when walking back and forth with the children during school run. We are very often forced to go into the road so to get around badly parked vehicles. Also due to the parking issues cars often dangerously mount the curb close to you whilst walking on the pavements with the children.
- When using this road by car I have had many issues with parked vehicles, often it is too narrow to pass and you are forced to reverse back down the road. Vehicles force one another to go up on the curb so that they can pass by one another. An Access Road will help reduce the volume of cars parked on curbs and make it a safer road to walk and drive within and would be an obvious solution.

CONSIDERATIONS

Policy and Principle

The proposed development would take place in an urban area of Hemel Hempstead and would therefore be acceptable in principle in accordance with Policy CS4 of the Core Strategy.

This application is the result of some years of consultation. Initially the site was part of the Council's own 'Verge Hardening Project' which highlighted and prioritised areas of parking stress in the Borough, checked the feasibility and cost effectiveness of parking schemes in those areas, and underwent a pre-application process to determine the most appropriate areas and methods to deliver the needed additional parking. A planning application for the site was submitted by Dacorum Borough Council in 2014 which sought consent to create seven additional off-street parking bays for residents at right angles to the Highway. However, this application was withdrawn following objections from Herts County Council Highways. The width of the proposed crossover exceeded guidelines, was adjacent to a footpath and would give rise to adverse safety issues.

The current proposal is the result of further consultation between the Council (Housing), Highways and the residents.

In accordance with policies CS11, 12 and 13, any scheme is expected, inter alia, to *'integrate with the streetscape character, preserve and enhance green gateways, avoid large areas dominated by parking, retain important trees or replace with suitable species if their loss is justified, avoid harm to neighbouring residential amenities and not compromise highway safety'*.

The site is situated within Character Area HCA1: Chaulden, wherein, the development principles set out that *'amenity land is to be retained unless it can be demonstrated that the loss of that land will not unduly harm the character and appearance of the area. In certain cases parts of areas of amenity land could be used for car parking depending on the resulting visual impact and the effects on established landscaping'*.

Saved Policy 57 Provision and Management of Parking in the DBLP states: *(g) In areas experiencing severe on-street parking pressures, consideration will be given to the establishment of residents parking schemes.*

Saved Policy 116 goes on to refer to the following approach to developing on open land in the larger settlements: *"...[proposal] will be assessed on the basis of the local contribution the land makes to leisure facilities, townscape, visual amenity, nature conservation and the general environment."*

In accordance with the above, the proposal is considered acceptable in principle, and given DBC applied for additional parking bays in the area, there appears to be an accepted justification for the proposed parking.

The main considerations are its visual impact of the loss of the amenity area (including the contribution the amenity area makes to the wider community), impact on highway safety and impact on residential amenity.

Visual Amenity

The creation of an access road within this amenity green would result in a change to the appearance of the area through the introduction of additional hard surfacing and the reduction in the size of the amenity green, in addition to the loss of an existing mature tree.

However, there are several factors which should be noted:

- Previously it was proposed to create seven off street parking spaces at right angles to the highway which resulted in the loss of a far larger amount of the amenity green. No objection on visual grounds was raised to this scheme but it was withdrawn following objections from County Council Highways (the proposed means of access to the off street parking spaces would result in over extended vehicle crossovers, which in turn is not acceptable to the Highway Authority).
- An area of amenity green to the frontage (the most prominent position in the street scene) would remain and this will ensure that the visual impact of the proposal when experienced from Cuttsfield Terrace is minimised;
- The access road would be constructed of grass crete to minimise its visual impact and integrate with the existing grassed amenity area.
- The access road would essentially comprise the widening of the existing footpath which is already hard surfaced and again this will minimise the overall visual impact;
- Although clearly providing a local amenity to the immediate residents of Cuttsfield terrace, it is not considered that the amenity green is of such importance within the wider locality to warrant its retention in full when weighed against the benefits of the proposal.
- This part of Chaulden has other far more significant areas of open spaces which would not be impacted upon by this proposal
- The loss of the tree has previously been accepted so could be felled without additional consent
- The loss of the large mature tree would be mitigated through the planting of two smaller trees further to the south of the same amenity area and thus, given the bend of the road, visible from further down the road.

Whilst accepting that the existing larger amenity green creates a pleasant outlook for adjoining residential occupiers, the majority would be retained and the small area lost must be balanced against the benefit of providing additional parking for residents. In addition it is important to note that the access road would not be able to be used for parking. This would be strictly controlled in the terms / rights of access agreements entered into with DBC as landowner. If cars were to park of the access road, it would prevent access to other parking areas within adjacent sites.

The overall visual impact of the development is considered minimal. The proposal is considered acceptable in visual terms and would not have a significant adverse impact on the overall character or appearance of the street scene.

Impact on Neighbours

The proposal would not have a significant adverse impact on the residential amenities of adjacent properties.

Objections have been received from one of the residents within the terrace directly affected (No. 17) with regard to light intrusion. The Council's Environmental Health Officer has been consulted on the application and has stated that they do not consider that the potential impacts regarding light intrusion are significant enough to warrant the requirement of specific mitigation measures as part of the development. The road would provide access to four residential properties only and thus the intensity of its use would not be significant. It is acknowledged that the headlights of cars would shine into the frontage of No. 17 for a very short period of time, but this is not an uncommon scenario in many urban areas and would not have a significant detrimental impact on residential amenity.

It is considered that the proposal will not result in an unacceptable impact upon neighbouring properties and thus complies with Policy Cs12 in this regard.

Parking and Highways Safety

The Highway Authority have been consulted on the application and have raised no objection. They have recommended a number of informatives to be placed upon the decision notice in respect of construction standards, storage of materials, obstruction of the highway and road deposits. These have been included.

It has been confirmed by the County Council that the position and layout of the access road would not result in significant harm to matters of highways safety as a result of the current proposal. It is proposed to create a single width crossover with access across the amenity land, serving off street parking spaces. The proposal is unlikely to have a severe detrimental impact on the highway network and may reduce some of the on street parking that occurs at present in Cuttsfield Terrace, in particular in the evenings.

Conclusions

The proposed road would allow access to new parking spaces within the front gardens of the properties. It would thus aid the provision of much needed local parking. The proposal would be achieved in a way that would not significantly compromise the visual amenity of the area and any adverse impact would be mitigated. As such, the proposal is considered to comply with the relevant planning policy environment as detailed within the report.

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:**

DBC/014/022a Rev A
1:1250 Os Extract
Application form
Design and Access Statement.

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

- 3 **Prior to the access road being bought into use, two replacement trees shall be planted fully in accordance with details which shall have been submitted to and approved in writing by the local planning authority.**

Reason: In the interests of visual amenity and in accordance with Policies CS12 and saved policies 57, 116 and area based policies (HCA1) of the Dacorum Borough Local Plan.

HIGHWAY INFORMATIVES;

AN1) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and 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. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Storage of materials

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Obstruction of the highway

AN3) 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.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Mud on highway

AN4) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

PLANNING ENFORCEMENT FORMAL ACTION STATUS REPORT (OCT 2017)

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
<u>1</u>	E/03/00029	Doone Brae Farm, Windmill Road, Markyate	Log Cabin and Garage	16 Mar 04	20 Apr 04	20 Aug 04	Yes, appeal dismissed		Partly Complied	Garage has been removed. *Log cabin now fully demolished. File to be closed*.
2	E/06/00470	Land at Hatches Croft, Bradden Lane, Gaddesden Row	Stationing of a mobile home for residential purposes on the land.	12 Sep 08	20 Oct 09	20 Apr 10	No	N/A	Not complied	Successful prosecution, however mobile home remains on site and no land reinstatement has taken place.
<u>3</u>	E/07/00257	Gable End, Threefields, Sheethanger Lane, Felden	Construction of new dwelling and hardstanding; construction of boundary wall more than 2m high; MCU of land from agriculture to garden	26 Feb 10	09 Apr 10	09 Apr 11	Yes, appeal dismissed 01 Oct 10	01 Oct 11	Not complied	None of the requirements have been met. Prosecution proceedings have commenced *(hearing scheduled for Sept 26 adjourned due to lack of judges)*.
4	E/07/00257	Birch Cottage, Threefields, Sheethanger Lane, Felden	Construction of new dwelling and hardstanding; MCU of land from agriculture to garden	26 Feb 10	09 Apr 10	09 Apr 11	Yes, appeal dismissed 01 Oct 10	01 Oct 11	Partly complied	The dwelling has been demolished and the garden use ceased. However, the hardstanding remains. Action dependent on the result of that at Gable End.
<u>5</u>	E/09/00128	The Granary, 49 New Road, Wilstone	The installation of uPVC windows and doors	11 Jan 11	18 Feb 11	18 Feb 13	Yes, appeal dismissed 17 Jun 11	17 Jun 13	Not complied	Further action has not yet been taken due to health of occupiers. *Property now for sale – case given renewed priority*.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
6	E/08/00390	Land at Pouchen End Hall, Pouchen End Lane, Hemel Hempstead	Construction of wooden external staircase	04 Apr 11	13 May 11	10 Jun 11	Yes, appeal dismissed 28 Oct 11	28 Jan 12	Not complied	No further action taken yet – legal opinions received.
<u>7</u>	E/11/00228	342a High Street, Berkhamsted	Construction of rear dormer	19 Mar 12	26 Apr 12	26 Oct 12	No	N/A	Not complied	Latest application to regularise matters (646/17) refused 09 May 17. *No appeal submitted – need to consider next steps*.
<u>8</u>	E/11/00462	11 Bank Mill, Berkhamsted	Construction of two semi-detached dwellings.	10 Jul 12	17 Aug 12	17 Dec 12	Yes, as built scheme refused, alt. scheme allowed.	22 Oct 14	Partly complied	An amended scheme was granted p/p but not fully implemented. *Latest application to regularise matters (2389/16) refused. Awaiting appeal*.
9	E/12/00354	Meadow View, Threefields, Sheethanger Lane, Felden	Construction of first floor extension, dormer windows and hardstanding. MCOU of agricultural land to residential garden.	30 Jan 13	11 Mar 13	11 Mar 14	Yes, appeal dismissed	20 Jan 15	Not complied	Enforcing the works required to the building are dependant on action at Gable End. Review of other breaches needs to take place.
10	E/12/00354	April Cottage, Threefields, Sheethanger Lane, Felden	Construction of first floor extension, dormer windows and hardstanding. MCOU of agricultural land to residential garden.	30 Jan 13	11 Mar 13	11 Mar 14	Yes, appeal dismissed	20 Jan 15	Partly complied	Enforcing the works required to the building are dependant on action at Gable End. Review of other breaches needs to take place.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
11	E/12/00354	Woodside, Threefields, Sheethanger Lane, Felden	Construction of first floor extension, dormer windows and hardstanding. MCOU of agricultural land to residential garden.	30 Jan 13	11 Mar 13	11 Mar 14	Yes, appeal dismissed	20 Jan 15	Not complied	Enforcing the works required to the building are dependant on action at Gable End. Review of other breaches needs to take place.
12	E/14/00342	Land at Cocks Head Wood, Shendish, Hemel Hempstead	MCOU of land to mixed use of woodland/residential/storage/burning of waste.	16 Feb 15	18 Mar 15	18 Jun 15 (for all steps)	Yes, appeal dismissed	07 Nov 15	Partly complied	Most structures subject to EN have been removed, as have the caravans. *Residential items now removed. EN resolved sufficiently. File to be closed.*
13	E/14/00494	Land at Hamberlins Farm, Hamberlins Lane, Northchurch	MCOU of land from agriculture to construction / vehicle / storage yard.	11 May15	11 Jun 15	11 Dec 15 (for all steps)	Yes, appeal dismissed	17 Dec 16	Partly complied	All vehicles, materials, machinery have been removed. Need further action if bund still there and land not restored to its previous condition.
14	E/14/00387	Land north of Home Farm, Flaunden Bottom, Latimer	Creation of terraces on the land and retaining wall at front; stationing of mobile home on the land.	07 Jul 15	07 Aug 15	07 Nov 15 (for all steps)	Yes, appeal dismissed	24 Aug 17	Partly complied	The terraces have been returned to a hillside and the mobile home has been removed. At this stage the retaining feature at the front remains and the hillside has not been re-seeded.
15	E/15/00254	Woodlands, Noake Mill Lane, Water End	Construction of two outbuildings.	23 Dec 15	26 Jan 16	26 Jul 16 (for all steps)	Yes, appeal dismissed	28 Apr 16	Partly Complied	One of the outbuildings was removed. The Council successfully prosecuted lack of compliance for 2 nd .

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
<u>16</u>	E/15/00226	1 Airedale, Hemel Hempstead	Conversion of 3-bed dwelling to 7 independent flats.	22 Jan 16	26 Feb 16	26 Aug 16	Yes, appeal dismissed	01 Dec 17	Not complied	*No compliance yet – works need to be completed by 01 Dec 2017.*
<u>17</u>	E/13/00347	4 Myrtle Cottages, Bulbourne Road, Tring	Construction of timber outbuilding and surrounding decking.	09 Mar 16	08 Apr 16	08 Jul 16	Yes, appeal dismissed	09 Jul 17	Partly Complied	The timber outbuilding has been taken down. *Materials removed from site. Breach resolved and file now closed.*
18	E/14/00505	99 High Street, Markyate	Insertion of uPVC window and door to Listed Bdg.	11 Mar 16	11 Apr 16	11 Apr 21	No	N/A	Not complied	Still within compliance period.
<u>19</u>	E/16/00172	Land at Ten Acres Field, Upper Bourne End Lane, Hemel Hempstead	Construction of road on land.	20 May 16	20 Jun 16	20 Sep 16	No	N/A	Partly complied	The land excavated for the road has been filled in, but no re-seeding. *Mr Malik prosecuted for Offence on 25/09/17 and received fine of £2,000.*
20	E/16/00173	17 Tannsfield Drive, Hemel Hempstead	Conversion of one dwelling into two dwellings; raising of roof; construction of rear dormer; and external rendering.	08 Aug 16	08 Sep 16	08 Mar 16	Yes, appeal split decision	27 Oct 17	Not complied	There is a live planning application seeking to make changes to internal layout and rear dormer to regularise matters.
<u>21</u>	E/15/00301	Land at Piggery Farm, Two Ponds Lane, Northchurch	MCOU of land from agriculture to non-agricultural storage yard; MCOU of building to private motor vehicle storage; construction of raised hardsurface	15 Jul 16	15 Aug 16	15 Feb 17 (for all steps)	Yes, appeal dismissed (other than use of building)	25 Nov 17	Not complied	*Still within compliance period*.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION	
	22	E/16/00320	Land adj. The Manor Estate, Apsley, Hemel Hempstead	Breach of condition (failure to comply with construction hours).	22 Aug 16	22 Aug 16	20 Sep 16	No	N/A	Complied	Only one further complaint regarding out of hours works. Case to be closed.
	23	E/16/00188	Land at Ten Acres Field, Upper Bourne End Lane, Hemel Hempstead	Erection of fencing posts around perimeter of land.	30 Aug 16	03 Oct 16	03 Jan 17	No	N/A	Complied	The fencing posts were removed subsequent to serving of prosecution papers. *Mr Malik prosecuted for Offence on 25/09/17 and received fine of £2,000.*
	24	E/14/00053	Land at Ten Acres Field, Upper Bourne End Lane, Hemel Hempstead	Breach of condition (failure to remove gate and reinstate grass bank).	30 Aug 16	30 Aug 16	01 Dec 16 (for all steps)	N/A	N/A	Partly complied	Gate has been taken down but not removed. *Case ultimately not taken to Court.*
	25	E/14/00453	Land at Barnes Croft, Barnes Lane, Kings Langley	Construction of brick garage, brick link extension, and rear sun room.	17 Nov 16	19 Dec 16	19 Dec 17 (for all steps)	Yes	N/A	N/A	Appeal currently being heard.
	26	E/15/00455	1 Cheverells Close, Markyate	MCOU public amenity land to private residential garden and construction of 2 metre high fencing.	14 Dec 16	16 Jan 17	16 Apr 17	Yes, appeal dismissed	27 Dec 17	N/A	Appeal currently being heard.
	27	E/17/00092	Gasworks site, 365 London Road, Hemel Hempstead	Construction of foundations for a purpose-built bat wall.	08 Mar 17	06 Apr 17	06 Jun 17	Yes, but withdrawn	06 Apr 22	Not complied	EN varied to increase period for compliance to take into account site redevelopment proposals.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
<u>28</u>	E/16/00449	Farfield House, Chesham Road, Wigginton	Construction of side and rear extension and detached double garage.	23 Jan 17	22 Feb 17	22 Aug 17	No	N/A	Not complied	*Compliance period now ended*. Planning application to seek permission for amended scheme not yet determined (844/17/FHA).
29	E/16/00052	Land at Hill&Coles Farm, London Road, Flamstead	MCOU of land to commercial compound/storage of materials and plant, & creation of earth bund.	08 Mar 17	07 Apr 17	07 Oct 17	No	N/A	Not Complied	Currently in the middle of the compliance period – no change at present.
<u>30</u>	E/16/00174	Cranbrook, 22 Newell Road, Hemel Hempstead	Installation of boundary fencing more than 1m in height.	08 Mar 17	06 Apr 17	06 Jun 17	Yes, <u>appeal dismissed</u>	<u>04 Nov 17</u>	N/A	*Compliance period has recently commenced.*
31	E/16/00072	Land at Bovingdon Airfield, Chesham Road, Bovingdon	Breach of Condition (failure to submit Landscaping, Litter, Traffic Plans)	23 Mar 17	23 Mar 17	23 Apr 17	N/A	N/A	Complied	Application to discharge conditions has now been submitted (1086/17/DRC).
<u>32</u>	E/16/00116	186 Leighton Buzzard Road, Hemel Hempstead	Untidy state of front and rear gardens; dangerous condition of boundary fencing	09 Feb 17	09 Mar 17	09 Apr 17	N/A	N/A	Not complied	*Direct Action taken to tidy garden. Breach resolved and file to be closed.*
<u>33</u>	E/14/00342	Land at Cocks Head Wood, Shendish, Hemel Hempstead	Untidy land (various piles of rubbish / miscellaneous items within woodland)	06 Jun 17	06 Jul 17	06 Sep 17	N/A	N/A	N/A	*Notice has been complied with – appearance of site greatly improved. File to be closed.*
<u>34</u>	E/17/00019	Land west of Bobsleigh Hotel, Hempstead Road, Bovingdon	Construction of area of hardstanding	14 Jun 17	13 Jul 17	13 Oct 17 (for all steps)	<u>No</u>	N/A	N/A	*In middle of compliance period. Hardcore has 95% been removed. No land restoration works at present.*

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
<u>35</u>	E/17/00103	55 St.John's Road, Hemel Hempstead	The insertion of uPVC windows and doors in a Listed Building.	05 July 17	05 Aug 17	05 Nov 17	No	N/A	N/A	DBC owned property.
<u>36</u>	E/17/00104	59 St.John's Road, Hemel Hempstead	The insertion of uPVC windows and doors in a Listed Building.	05 July 17	05 Aug 17	05 Nov 17	No	N/A	N/A	DBC owned property.
<u>37</u>	E/16/00161	Lila's Wood, Wick Lane, Tring	MCOU – use of woodland for wedding ceremonies; creation of tracks; erection of various structures.	27 July 17	25 Aug 17	25 Nov 17 (for all steps)	Yes	N/A	N/A	Appeal against Enforcement Notice submitted on 22 Aug 17. Still waiting for PINS to validate / start the appeal.
<u>38</u>	E/17/00296	68 Oak Street, Hemel Hempstead	Construction of raised concrete parking platform.	28 July 17	29 Aug 17	29 Nov 17	Yes	N/A	N/A	Appeal against Enforcement Notice submitted on 24 Aug 17. Still waiting for PINS to validate / start the appeal.
<u>39</u>	E/17/00314	22 Windmill Road, Hemel Hempstead	Erection of front boundary fencing/posts in excess of 1m high.	25 Aug 17	25 Sep 17	25 Nov 17	No	N/A	Complied (in effect).	The Enforcement Notice required removal of fencing – it has been lowered to PD height. File to be closed.
<u>40</u>	E/17/00198	Greywolf Farm, Upper Bourne End Lane, Hemel Hempstead	Failure to comply with numerous conditions attached to 4/00816/16/FUL.	18 Sep 17	18 Sep 17	31 Mar 18 (for all steps)	No	N/A	N/A	Compliance period only just commenced.
<u>41</u>	E/17/00198	Greywolf Farm, Upper Bourne End Lane, Hemel Hempstead	Erection of double metal gates onto Upper Bourne End Lane.	18 Sep 17	19 Oct 17	19 Nov 17	No	N/A	N/A	Enforcement Notice has not yet taken effect.
<u>42</u>	E/17/00358	Greywolf Farm, Upper Bourne End Lane, Hemel Hempstead	Installation of fencing and gates within overall site – contrary to Article 4 Direction.	18 Sep 17	19 Oct 17	19 Dec 17	No	N/A	N/A	Enforcement Notice has not yet taken effect.

	CASE REF.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES / FURTHER ACTION
<u>43</u>	E/17/00358	Greywolf Farm, Upper Bourne End Lane, Hemel Hempstead	Installation of fencing and gates at entrance / front of site.	18 Sep 17	19 Oct 17	19 Dec 17	No	N/A	N/A	Enforcement Notice has not yet taken effect.
<u>44</u>	E/16/00342	Land adj. 124 Hempstead Road, Kings Langley	Creation of raised hardsurface.	18 Sep 17	18 Oct 17	18 July 17 (for all steps)	No	N/A	N/A	Enforcement Notice has not yet taken effect.
<u>45</u>	E/17/00382	Markyate Cell Park, Dunstable Road, Markyate	Excavation / landscaping works at Historic Park. Storage of tyres and cement mixers.	21 Sep 17	21 Sep 17	N/A	N/A	N/A	N/A	Temporary Stop Notice served. Further action to be considered during this 28-day period.

7. APPEALS UPDATE

A. LODGED

4/00579/17/FHA Mr West & Miss Cordell
TWO STOREY SIDE AND REAR EXTENSION
102 BELMONT ROAD, HEMEL HEMPSTEAD, HP3 9NX
[View online application](#)

4/00837/17/FHA Mr & Mrs P Wallace
TWO STOREY SIDE EXTENSION
2 THE ORCHARD, KINGS LANGLEY, WD4 8JR
[View online application](#)

B. WITHDRAWN

None

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/00086/17/ENA MR & MRS K DOLLMAN
APPEAL AGAINST ENFORCEMENT NOTICE - RETENTION OF
AMENITY LAND AS RESIDENTIAL GARDEN
1 CHEVERELLS CLOSE, MARKYATE, ST ALBANS, AL3 8RJ
[View online application](#)

This enforcement case related to the erection of 2 metre high fencing and posts on Open Land, thereby incorporating it into the residential garden of No.1 Cheverells Close. After an appeal against the refusal of planning permission was dismissed an Enforcement Notice was served, requiring the residential use of the land to cease and the reinstatement of a boundary treatment along the previous residential boundary. An appeal was made on Ground (a) 'planning permission should be granted and Ground (f) 'that the requirements of the Notice are excessive'. The Planning Inspector dismissed both grounds of appeal.

The Inspector concluded that the area of land concerned was capable of being considered Open Land, despite being smaller than the 1ha required to be defined as open land in the Core Strategy, because when looking at the total open land in Markyate it exceeded 1ha and due to the fact it is designated as Open Land on the Proposals Map. The Inspector agreed with the previous Inspector in concluding that the development removed an important landscaped buffer that once softened the visual appearance of surrounding development. Furthermore, the Inspector concluded that the development could not be made acceptable by means of a landscaping condition. Other arguments put forward by the appellant (that the land had become a dumping ground and that the trees were destabilising the house) the Inspector felt could be resolved with less draconian measures than this development. Overall, the Inspector concluded that the development was out of keeping with the prevailing open and spacious character of the area. The height and proximity of the fencing and posts to Pickford Road constituted an unduly prominent visual feature that is a harmful influence on the semi-rural character of the surrounding environment.

In terms of the ground (f) appeal the Inspector concluded that it was not excessive to require a replacement boundary treatment of the appellant's choosing up to 2m in height that delineates the curtilage so that the visual appearance of the amenity land is defined and kept free from any use as a residential garden.

4/01641/16/FUL

Banister c/o Agent

EQUINE REPRODUCTION AND REHABILITATION CENTRE -
COMPRISING A MAIN BUILDING ; BARN ; OFFICE ; HORSE BOXES ;
STAFF AREA; STORAGE BARN ; QUARANTINE BARN AND
MENAGE.

LAND AT (ADJ HARESFOOT FARM), HARESFOOT PARK, CHESHAM
ROAD, BERKHAMSTED, HP4 2SU

[View online application](#)

This appeal relates to a proposal for an equine production and rehabilitation centre comprising: main building together with breeding barn, office, mare and stallion boxes and staff area; storage barn; quarantine barn; and manege. Main considerations around Green Belt.

Based on the specifics of the proposal and how the site and buildings would be used, the Inspector raised concerns that the primary use of the proposed facilities would not be for outdoor sport and recreation. The development would also not meet the definition for agriculture (under the Town and Country Planning Act 1990).

In terms of openness the overall extent of buildings would be significant and would compromise additional facilities beyond stables and storage for the horses; including vets rooms, an office and residential accommodation. As such the development would represent an adverse encroachment of the countryside in this location.

Consideration was also given to the following factors:

Support from DEFRA and guidelines of Animal and Plant Health Agency - moderate weight attached;

Parkland conservation, reinstatement of a wildlife corridor and a Woodland Management Plan endorsed by the Forestry Commission to benefit the ecology and biodiversity of the area - given some weight also there is little evidence to justify the development is required to enable the implementation of such management measures;

Positive contribution to rural economy - moderate weight attached;

Support provided for equestrianism within Hertfordshire area and beyond and need for facilities -

considerable weight given.

In balancing the above considerations the Inspector found the proposal to represent inappropriate development which would have an adverse impact on the openness of the Green Belt and conflict with the purposes of including land within it. The considerations in favour of the development outlined above were not found, either individually or cumulatively, to outweigh the harm that would result to the Green Belt. Consequently, the very special circumstances necessary to justify the proposed development do not exist, and the proposal would be contrary to Green Belt aims of Policy CS5 of the Core Strategy and the NPPF.

F. ALLOWED

4/01664/16/FUL

Mr R Cowling

FIRST-FLOOR REAR EXTENSION AND CONVERSION OF HALL AND BEDSIT INTO TWO RESIDENTIAL FLATS

31, 31A & 31B HIGH STREET, KINGS LANGLEY, WD4 8AB

[View online application](#)

1. The description of development in the header above is taken from the planning application form. However, in my formal decision, I have used the description given on the Council's decision notice. I consider that this more accurately describes the proposal, which would provide a studio flat and a 2 bedroom flat, rather than the 2 studio flats referred to on the application form and the 2 x 2 bedroom flats referred to in the Council's appeal statement.

Decision

2. The appeal is allowed and planning permission is granted for first floor rear extension and conversion of hall and bedsit into two residential flats at 31, 31a & 31b High Street, Kings Langley, Hertfordshire WD4 8AB in accordance with the terms of the application, Ref 4/01664/16/FUL, dated 6 June 2016, subject to the attached schedule of 4 conditions.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on parking provision.

Reasons

4. 31 High Street lies adjacent to the junction of Little Hayes with the High Street within the Kings Langley Conservation Area. The appeal site is at the end of a row of buildings. Although the building on the appeal site is not listed, it adjoins Grade II listed buildings at Nos 33, 35 and 37. The building is two-storey on the frontage of the site, reducing in height to a single-storey village hall at the rear. The ground levels on the site drop toward the village hall.

5. At ground and first floors behind and above the retail unit on the site's frontage, there is a 2 bedroom flat which is accessed via the passageway to the northern side of the building. This existing unit is described as No 31a and is not subject to any alteration through this planning application.

6. Policies CS8 and CS12 of Dacorum's Local Planning Framework Core Strategy 2012 (CS) seek provision of sufficient safe and convenient parking for development, while policy 57 of the Dacorum Borough Local Plan 2004 (LP) states that parking provision and management will be used to encourage reduced car ownership and usage and that the minimum level of car parking provision will be sought in developments by adopting maximum demand-based standards. Policy 58 of the LP requires parking needs to be met on site, but confirms that parking provision may also be omitted or reduced dependent on the type and location of the development, including conversion or reuse in close proximity to facilities, services and passenger transport. Appendix 5 of the LP sets out maximum car parking standards, described as the starting point for progressive reductions in on-site provision. For C3 residential use, the maximum standards for this site are therefore expressed as 1.25 parking spaces per 1 bedroom unit/bedsit and 1.5 parking spaces per 2 bedroom unit.

7. The National Planning Policy Framework 2012 (the Framework) has a core principle of making the fullest possible use of public transport, walking and cycling, and advises that parking

standards should take account of (amongst other things) the accessibility of development and the levels of car ownership. Subsequently, the Government issued a Written Ministerial Statement (WMS) on 25 March 2015, which highlights that any local parking standard should only be imposed where there is clear and compelling justification.

8. The Council's concerns regarding the proposed development centre on the lack of parking provision for the 2 residential units proposed, and the effect of any resultant on-street parking on congestion and highway safety. The existing 2 bedroom flat, bedsit and hall do not have any off-street parking provision. As I observed on my site visit, the High Street is subject to parking restrictions which operate from Monday to Saturday 0830 – 1800. Within the restricted hours, it is possible to park for one hour, with no return within 2 hours. At the time of my mid-morning site visit, I observed that parking spaces were available on street.

9. Although the proposed development would not include any on-site parking, this is no different to the current circumstances for the existing residential units and the village hall. Neither the bedsit nor the village hall appeared to be in use at the time of my site visit, but I saw nothing which prevented their use in the future. Furthermore, the appeal site lies in a sustainable location within the local centre. In addition to having good access to services, the appeal site lies in close proximity to bus stops on the High Street for services running between Watford and Hemel Hempstead and is approximately 20 minutes' walk from Kings Langley railway station. The use of sustainable transport should therefore be encouraged.

10. At my site visit, I did not see any restrictions on parking on the highway in streets neighbouring the High Street nor did there appear to be a high degree of parking stress and overload in the locality. In the absence of more detailed evidence of a clear parking problem, I consider that it has not been demonstrated that the proposal would materially harm highway safety.

11. Concluding on this main issue, I find that as the site lies in a sustainable location, where development using alternative means of transport should be encouraged, the proposed development would not cause harm to the surrounding road network, congestion and highway safety. The proposed development therefore broadly accords with policies CS8 and CS12 of the CS and saved policies 57 and 58 and Appendix 5 of the LP. The aims of these policies are set out in the paragraphs above. It would also meet the aims of the Framework and WMS outlined above.

Other Matters

12. I note the concerns raised by the Parish Council and local residents with regard to the loss of a community facility. However, the former owners have confirmed that it was not possible for them to rent the hall out at a viable rent to allow reasonable maintenance of the hall and that the hall was in competition with other better-appointed facilities in the locality. In the absence of evidence from the Council that the loss of this community facility would have a harmful effect on the availability of community facilities locally, I do not consider that this would render the appeal proposal unacceptable.

13. A local councillor has raised concerns about the effect of the proposed development on the Conservation Area. I concur with the Council's view that the extension would be acceptable in its context. I consider that the proposed development would not cause harm to neighbouring listed buildings and the Conservation Area, instead it would maintain an existing building in active use. The proposed development would not therefore cause harm to the significance of designated heritage assets in accordance with the requirements of Section 12 of the Framework. The proposed development would also preserve the character and appearance of the Conservation Area.

14. Concerns have been raised by local residents that bats are present at the appeal site within the eaves and the chimney stack. The planning application documents include a Preliminary Roost Assessment (PRA) (Ref: 3101/28092016/RCmjb) dated 28 September 2016. The PRA advised that no evidence of bats was recorded during the survey.

15. The Council has suggested a condition to require that if any bats were discovered during the course of the development, the development would be carried out in line with the mitigation strategy set out in the PRA. I consider that this would be an appropriate means of addressing the presence of any bats and that this would be compliant with policy CS26 of the CS, which seeks to ensure the conservation of species.

16. With regard to further concerns about the effect of the development on the living conditions of

neighbours, I do not consider that the window to the proposed extension or the existing windows to the hall would cause a loss of privacy to neighbouring occupiers. Furthermore, given the position of the existing building and the small size of the proposed extension, I do not consider that there would be any significant loss of light or outlook to the neighbouring working studio or the house and garden at No 33. Although the construction of the development may cause some disruption in terms of noise and dust, this would be temporary. It would not be reasonable to prevent development from coming forward on this basis.

Conditions

17. In addition to the condition addressing the protection of bats discussed above, I consider it necessary to specify conditions limiting the lifespan of the planning permission, confirming the approved plans and the materials for the proposed development. All of these conditions are required to ensure certainty, with the condition on materials also ensuring that the appearance of the development is satisfactory within the Kings Langley Conservation Area.

Conclusion

18. For the reasons set out above, and taking into account all other relevant matters raised, I conclude the appeal should be allowed.