



Public Document Pack  
**DEVELOPMENT MANAGEMENT  
AGENDA**

**THURSDAY 16 NOVEMBER 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](mailto:Member.support@dacorum.gov.uk)

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

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

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

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

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

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

At a meeting of the Development 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

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- (b) 4/01879/17/RET - CHANGE OF USE TO NURSERY D1 FROM C3 RESIDENTIAL (PREVIOUSLY DEEMED ANCILLARY TO RESIDENTIAL USE) - 21 CHURCH ROAD, FLAMSTEAD, ST ALBANS, AL3 8BN (Pages 15 - 25)

- (c) 4/03283/16/MFA - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 31 RETIREMENT APARTMENTS AND ANCILLARY FACILITIES INCLUDING COMMUNAL LOUNGES, GUEST ACCOMODATION AND STAFF OFFICES WITH ASSOCIATED ACCESS, PARKING, SERVICING AND AMENITY SPACE - SITE AT JUNCTION OF BROOK STREET AND MORTIMER HILL, TRING, HP23 5EE (Pages 26 - 61)
- (d) 4/01060/17/FUL - DEMOLITION OF EXISTING PROPERTY AND REPLACEMENT WITH TWO 3-BED DWELLINGS - 2 KITSBURY ROAD, BERKHAMSTED, HP4 3EG (Pages 62 - 74)
- (e) 4/00545/17/MFA - DEMOLITION OF EXISTING GARAGES AND CONSTRUCTION OF 14 FLATS WITH CAR-PARKING - GARAGE COURT ADJ 83 TURNERS HILL, HEMEL HEMPSTEAD, HP2 (Pages 75 - 90)
- (f) 4/01008/17/FUL - NEW 3-BED DWELLING - THE FIRS, MEGGS LANE, CHIPPERFIELD KINGS LANGLEY, WD4 9JN (Pages 91 - 101)
- (g) 4/01804/17/FUL - TWO STOREY, SINGLE STOREY EXTENSION, FRONT AND REAR DORMER TO EXISTING DWELLING. CONSTRUCTION OF NEW 4 BED DWELLING ADJACENT TO EXISTING DWELLING - 17 CHESNUT DRIVE, BERKHAMSTED, HP4 2JL (Pages 102 - 113)
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- (i) 4/01547/17/FHA - CAR PORT - ELM COTTAGE, CHAPEL CROFT, CHIPPERFIELD, KINGS LANGLEY, WD4 9EQ (Pages 120 - 125)
- (j) 4/02236/17/ROC - VARIATION OF CONDITION 16 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00276/16/FUL (DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS AND CREATION OF NEW ACCESS) - WOODTHORPE, 1B BOXWELL ROAD, BERKHAMSTED, HP4 3ET (Pages 126 - 139)
- (k) 4/02214/17/ROC - VARIATION OF CONDITIONS 12 (FLOOD RISK ASSESSMENT), 19 (CONSTRUCTION PHASE MITIGATION MEASURES), 20 (NOISE MITIGATION) AND 26 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00064/17/MFA (COMPREHENSIVE REDEVELOPMENT OF THE SITE TO PROVIDE 54,714 SQM OF FLEXIBLE COMMERCIAL FLOORSFACE WITHIN USE CLASSES B1C/B2/B8 AND ANCILLARY OFFICES, TOGETHER WITH CAR AND CYCLE PARKING, ACCESS AND LANDSCAPING) - MAYLANDS GATEWAY, MAYLANDS AVENUE, HEMEL HEMPSTEAD (Pages 140 - 158)
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- (m) 4/01977/17/FUL - CONSTRUCTION OF 4 NEW DWELLINGS WITH AMENITY SPACE, CAR PARKING AND CYCLE STORAGE. PRIVATE GATED ACCESS DRIVE. PROPOSED NEW RAINING WALL OF CONTIGUOUS PILING AND STEPOC BLOCK RETAINING WALL WITH GREEN WALL AND NATIVE TREE AND SHRUB SOFT LANDSCAPING - LAND TO THE REAR OF THE OLD SILK MILL, BROOK STREET, TRING, HP23 5EF (Pages 178 - 200)



- (n) 4/02557/16/FUL - CHANGE OF USE OF HOME WORKSHOP TO THREE BED DWELLING - THE LAURELS, SHENDISH DRIVE LEADING FROM LONDON ROAD, SHENDISH, HEMEL HEMPSTEAD, HP3 0AA (Pages 201 - 209)
- (o) 4/02124/17/FHA - FIRST FLOOR SIDE EXTENSION AND EXTERNAL ALTERATIONS - 8 HIGHCLERE DRIVE, HEMEL HEMPSTEAD, HP3 8BT (Pages 210 - 216)

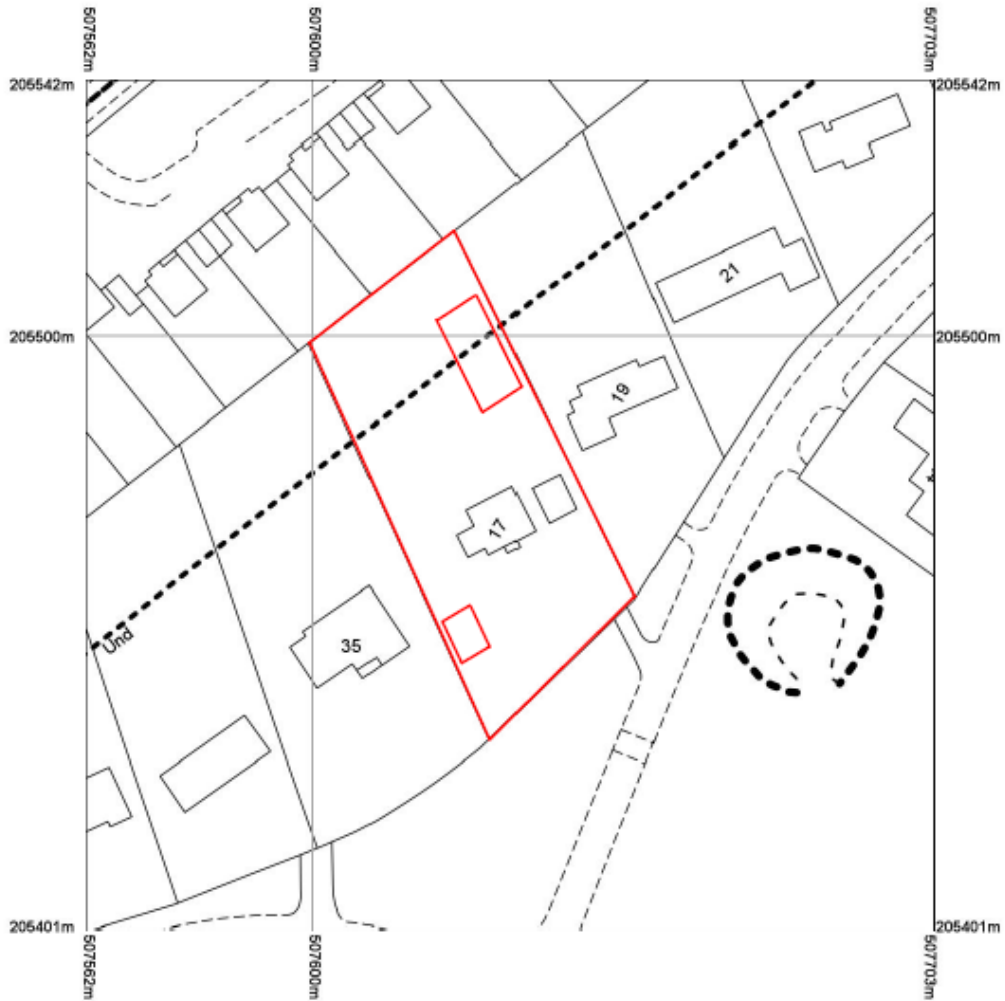
**6. APPEALS UPDATE** (Pages 217 - 222)

# Agenda Item 5a

## Item 5a

**4/00601/17/FHA - CONSTRUCTION OF OUTBUILDING AT REAR OF PROPERTY  
CONSISTING OF GYM AREA AND DETACHED GARAGE**

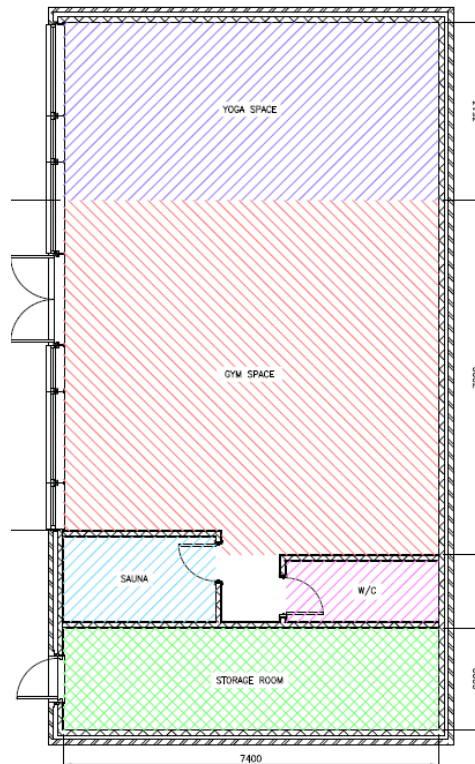
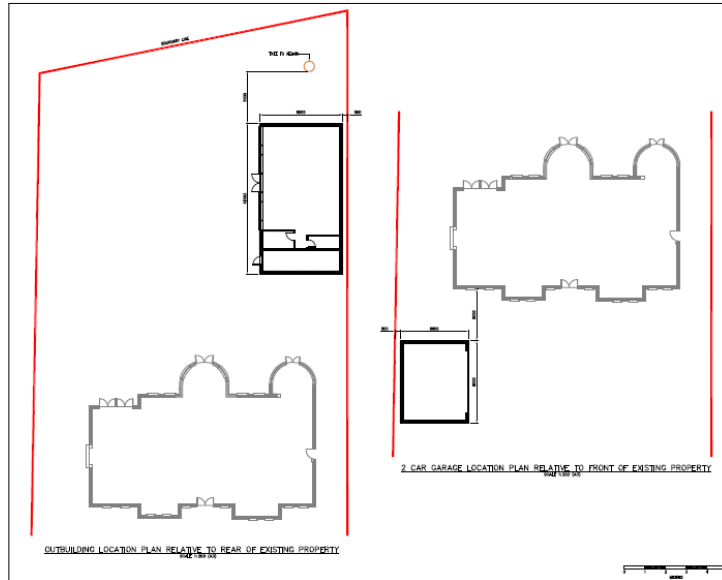
**17 HIGHCLERE DRIVE, HEMEL HEMPSTEAD, HP3 8BY**



Item 5a

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.**

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[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**

4/00090/16/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

## 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.

Further comments;

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/outbuilding is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed extension upon the character and appearance of the 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 Park 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*. In this regard garages located to the front of properties is not an unusual characteristic in the local street scene.

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 100m<sup>2</sup> 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 interest 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.

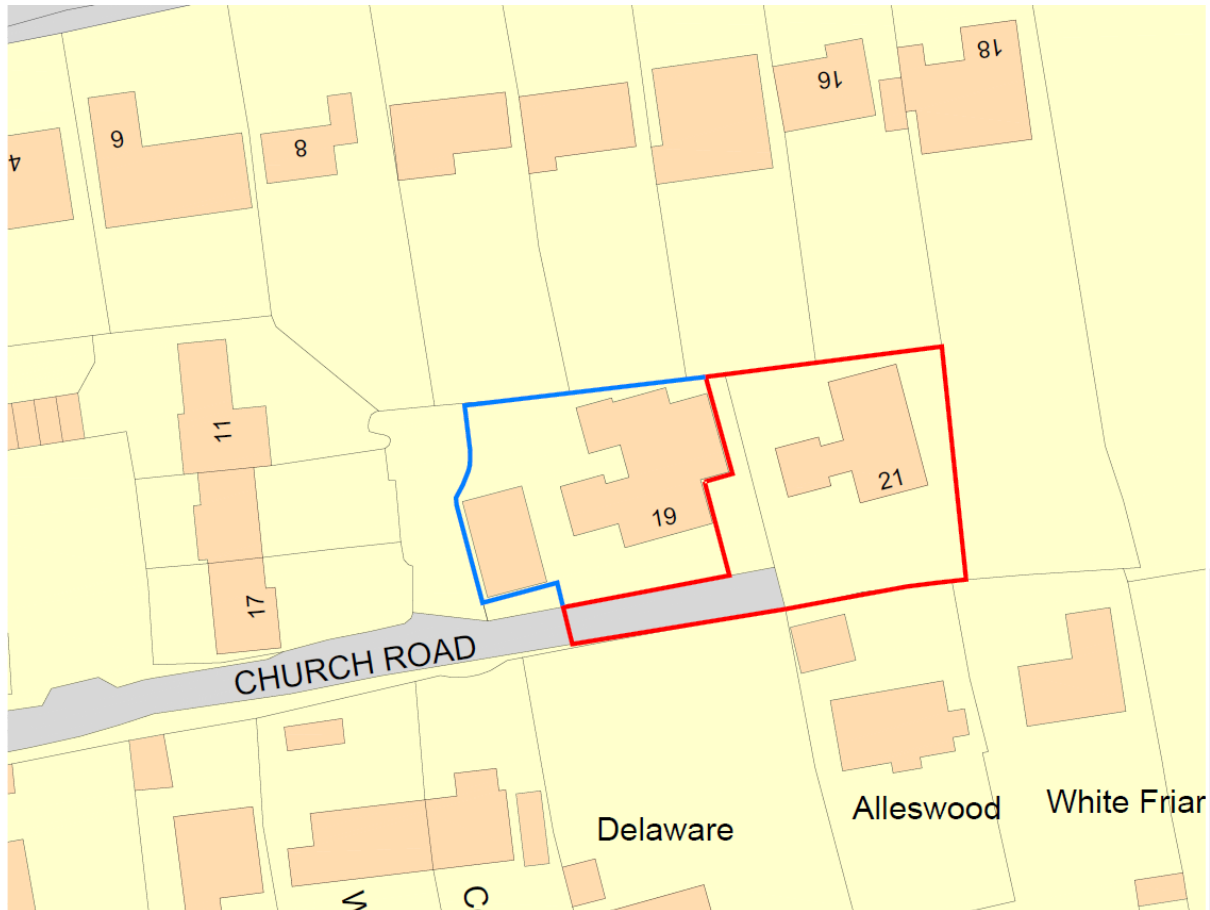
**Article 35 Statement**

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.

## Item 5b

**4/01879/17/RET - CHANGE OF USE TO NURSERY D1 FROM C3 RESIDENTIAL  
(PREVIOUSLY DEEMED ANCILLARY TO RESIDENTIAL USE)**

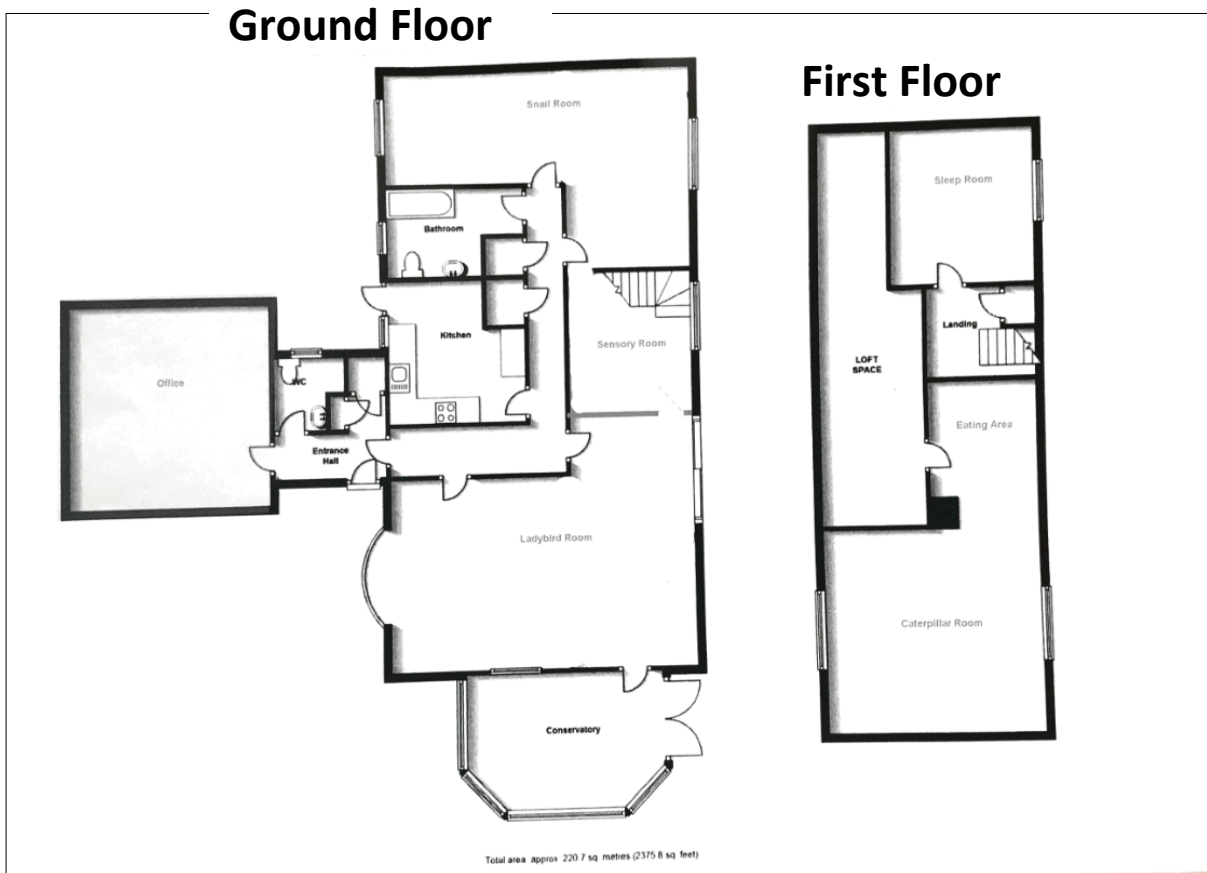
**21 CHURCH ROAD, FLAMSTEAD, ST ALBANS, AL3 8BN**



**Item 5b**

**4/01879/17/RET - CHANGE OF USE TO NURSERY D1 FROM C3 RESIDENTIAL  
(PREVIOUSLY DEEMED ANCILLARY TO RESIDENTIAL USE)**

**21 CHURCH ROAD, FLAMSTEAD, ST ALBANS, AL3 8BN**



**4/01879/17/RET - CHANGE OF USE TO NURSERY D1 FROM C3 RESIDENTIAL  
(PREVIOUSLY DEEMED ANCILLARY TO RESIDENTIAL USE).  
21 CHURCH ROAD, FLAMSTEAD, ST ALBANS, AL3 8BN.  
APPLICANT: Ms S Devoti.**

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[Case Officer - Sally Robbins]

### **Summary**

The application is recommended for approval.

### **Site Description**

The application site is located at the end of Church Road in Flamstead, a small private cul-de-sac. The site comprises a single storey detached dwellinghouse with a single storey detached outbuilding. The property has undergone internal alterations, including the conversion of the loft space into habitable accommodation. The entire site is currently being used as a children's day nursery. To the front of the property are parking spaces for 12 vehicles.

The surrounding area is predominantly characterised by detached single storey dwellinghouses, although there are some two storey terraced dwellinghouses towards the junction of the main road with the private road.

### **Proposal**

The application seeks full retrospective planning permission for the change of use from dwellinghouse (C3) to children's day nursery (D1). The nursery is open from 07:30-18:00 Monday to Friday except bank holidays. There are 69 children on the register and the nursery has a maximum capacity of 45 per day.

### **Referral to Committee**

The application has been called in to Development Management Committee by Councillor Timmis owing to a number of local objections due to traffic congestion leading to road safety issues, exacerbated by an increase in the number of children at the nursery.

### **Planning History**

An enforcement enquiry was raised on 02/09//2011 (ref. E/11/00365). It was determined that the use of the premises as a childminding operation was ancillary to the main use as residential. It was identified that there was no breach of planning control.

A further enforcement enquiry was raised on 24/04/2017 (ref. E/17/00165). It was determined that the use of the premises for childcare was no longer ancillary to residential. Applicant was advised that planning permission would be required for a change of use.

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)

#### Adopted Core Strategy

CS1 – Distribution of Development

CS5 – Green Belt

CS6 - Selected Small Villages in the Green Belt

CS8 – Sustainable Transport  
CS12 - Quality of Site Design  
CS17 - New Housing  
CS23 – Social Infrastructure

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

Policy 15 - Retention of Housing  
Appendix 5 – Parking Provision

#### **Summary of Representations**

##### Highway Authority

The site is located on a section of Church Road, Flamstead, which is unadopted by HCC and accessed from the Highways maintained section of Church Road. This access appears to operate without any problems.

Conclusion - HCC as highway authority has no reasons to object to the grant of approval

##### Flamstead Parish Council

The Parish Council is very aware that this is a contentious application with good arguments on both sides. It was noted that the nursery has grown into a substantial commercial business in a residential location and has attracted some of the extra traffic movements that that entails, whilst at the same time providing employment for eleven local residents. It was also noted that the boundary of one of the buildings overlaps the neighbouring property at number 19, bringing into question the status of that dwelling should permission be granted. We understand around a quarter of the nursery children are from within the village. The Parish council voted to 'not support' the application by a small majority in order that the matter would be presented to the planning committee. In 'not-supporting' the understanding was by half of those voting that the matter would be automatically referred to committee, but by the other half 'not-support' was understood to actually mean object. We have therefore asked our Ward Councillor (Jane Timmis) to request that the matter does get referred to committee given the potential ramifications of any decision made. We would also hope that if the planning committee sees fit to decline the application then the relevant departments will be lenient enough to enable time for the business to consider plans for re-location.

##### Strategic Planning and Regeneration

The application is seeking retrospective permission to use a house and outbuilding as a children's nursery within Flamstead. The business has been operating from the site for over 8 years and lies within a residential part of the village.

The site falls within a selected small village in the Green Belt wherein a variety of development opportunities are encouraged (Policy CS6). Policy CS6 makes no direct reference to a children's nursery, although the policy does support local facilities to meet the needs of the village. However, Policy CS5 does give general support to the reuse of buildings in the wider Green Belt (reflecting the national approach in the NPPF (para. 90)).

Our main concern is the loss of the dwelling. Both saved DBLP Policy 15 and CS17 seek to safeguard the loss of dwellings as part of maintaining the housing stock/supply. This is important in the case of Flamstead as it is a small village containing relatively few homes to begin with (and thus any loss of housing would have a greater proportionate impact locally). Therefore, you will need to assess the weight to be given to this approach against the aims of other policies in the Plan.

We would note the following:

- The business has been operating from the site for a considerable period of time.
- In reality, there would be few opportunities for this type of use within the village through purpose built accommodation.
- We would typically expect to see such facilities in residential areas (and in many instances they would have come forward through the conversion of a house).
- It could be argued that this does serve to meet a local need of the village and surrounding rural area. We note that this is the sole nursery in the village.
- There are existing links with the village school.
- We are mindful that we would generally not wish to see the loss of an established local business and associated jobs (14 staff).
- We are not aware of many (if any) recent losses of dwellings to non-residential uses in the village.
- As the proposal involves the reuse of existing buildings it is unlikely to impact on the openness of the Green Belt.

Given the above points, we consider that there is scope to be flexible over the loss of the dwelling. This would not override the need to consider the suitability of the use in this location (e.g. noise, disturbance, loss of privacy and parking, etc.) (Policy CS12c). However, we note from the applicant's planning statement that they do not consider that the nursery has adversely impacted on adjoining properties. We would also acknowledge that there appears to be reasonable levels of parking already available, the numbers of children attending will remain the same, and that drop offs/pick ups can be staggered across the day.

#### Environmental Health (Food, Health and Safety)

The premises is currently registered with Regulatory Services as child care centre for food, health and safety. As such no advice is required from our department in regards to retrospective approval.

#### Environmental Health (Noise Pollution and Housing)

From an Environmental Health standpoint this is a well-established local nursery and I have no particular concerns from that point of view. The transport and other off site concerns are not matters I can sensibly comment on. Taken together the public comments give a pretty fair impression of what is going on, namely a successful local nursery at the end of an otherwise reasonably quiet domestic street, although there are other businesses operating from some of those residences. I have no comment to make regarding this application on Environmental Health grounds.

#### Community Consultation

A total of 40 comments have been received, 27 in support and 13 in objection, along with a 41 signature petition in objection.

Many of the 27 comments in support are from parents of children that attend the nursery. Comments of support were received from College Close, Linnins Pond, Trowley Road, Home Farm, Pie Corner, White Hill, Trowley Bottom, Vicarage Close, Parsons Close.

The Head Teacher of Flamstead Village School commented in support of the application as follows:

*"We are a small village school who has worked in partnership with Apple Trees Nursery since 2014 Apple Trees provide the wrap around care that we cannot provide as a school. This*

*allows working parents to use our Nursery in the morning and Apple Trees in the afternoon (if they so wish). If Apple Trees should not continue it would have a negative impact on some working parents of pupils of our school.”*

41 signature petition in objection signed by residents of Singlets Lane, Church Road, Pie Corner and Pie Garden. Summary of objection:

- Increased traffic causes congestion at peak times - narrow roads, blind corners and lack of pavements in the area
- Nursery creates disturbance to a quiet residential area
- Insufficient parking creates overspill to surrounding roads
- Large commercial nursery is in excess of what the village needs
- The private road was not built for such heavy use – repair bills footed by residents
- Increased traffic to the A5 junction at peak times

13 letters of objection received from local residents of Church Road, Pie Corner, Singlets Lane and Delmer End Lane. A summary of the issues raised in objection is provided below:

- Highways safety
- Limited visibility at junctions
- Increased traffic, including service vehicles
- Lack of appropriate parking
- No site notices displayed, lack of consultation and advertising
- Excessive lighting at night
- Noise disturbance
- The high numbers of children attending
- The intention of further expansion of the nursery
- Discrepancy between number of staff on application form and Planning Statement
- Drainage problems, sewage blockage
- Outbuilding erected without planning consent
- Church Road is residential, not suitable for commercial premises
- Lack of detail in the application
- The land that the application relates to includes part of 19 Church Road
- Local provision already offered by Flamstead Village School Pre-School
- Lack of need as HCC register shows 23 childcare providers within less than 2.5 miles of 21 Church Road
- Nursery competing with pre-school and making it less viable
- Restriction in deeds - property must be in residential use
- Granting permission to number 21 Church Road would also grant commercial status to part of 19 Church Road
- The site plan lays claim to ownership of land beyond the entrance gates
- Staff members are regularly outside with children after 5pm
- No 19 & 21 do not contribute to upkeep of private road

A summary of responses from the Agent to the objections is provided below:

- There is going to be no expansion to the nursery
- There will be no physical change to the existing buildings
- Not aware that a wooden temporary structure required planning permission
- The planning application includes all space used by the nursery. It does not include the property at No 19
- Have operated at the same size for past three years



- There is a local need as HCC register shows nearest day nurseries as Redbourn (2.2 miles) and Harpenden
- It is not a large nursery, e.g. 45 spaces compared with Redbourn nursery (88 spaces) and Harpenden (86)
- 21 children from Flamstead attend and can walk to the setting
- Some sibling sets using same car
- Children arrive on foot from school runs, some children arrive in staff cars
- Staggered drop off and collection times are in place
- 6 children arriving from Markyate school daily in one vehicle
- 69 children on the register, 21 children (30%) are from Flamstead and 54 children (78%) are from this Ward
- Confirm there are 14 members of staff, due to recent staff changes
- After 5pm there were staff in the garden tidying it up and some children were being collected by parents
- Lights would be there regardless of the nursery for security and safety reasons
- Flamstead Village School preschool operates short days, term time only
- Sewage blockage nothing to do with nursery. Most children that attend are in nappies which are disposed of in a refuse bin
- The government is actively encouraging parents back to work by offering additional free childcare

## **Considerations**

### Policy and Principle

The application site falls within a residential area of a selected small village in the Green Belt wherein a variety of development opportunities are encouraged according to Core Strategy Policy CS6. Whilst there is no direct reference to children's nurseries, Policy CS6 supports local facilities to meet the needs of the village. Policy CS5 and the NPPF (para. 90) give general support to the reuse of buildings in the wider Green Belt. Policy CS1 states that development that supports the vitality and viability of local communities, causes no damage to the existing character of a village and/or surrounding area and is compatible with policies protecting and enhancing the Green Belt will be supported.

Hertfordshire County Council Children's Services has confirmed that there is an increasing need for this type of childcare provision due to a new extended entitlement of an additional 15 hours free childcare, in addition to an increasing population of young children in the county and the high number of working households in this area compared to other areas of the county.

The main issues to the consideration of this application relate to the impact of the scheme on visual amenity, residential amenity of neighbouring properties, car parking, highway safety and the loss of a dwelling weighed against the loss of social infrastructure.

### Impact upon Visual Amenity

The property has undergone a number of internal and external changes, most notably the creation of enclosed outdoor play areas, the creation of a large block-paved parking area, the installation of an electric entrance gate and the erection of a detached outbuilding.

Most of these changes could have been carried out under Permitted Development, excluding the outbuilding due to its proximity to the boundary curtilage. As such, an assessment of the acceptability of the outbuilding is carried out below.

The outbuilding measures approximately 5m wide and 7m deep with an eaves height of 2.8m

and ridge height of 3m with a dual pitched roof. The building has glazed double doors on the front elevation and is finished in timber cladding. The modest scale and sympathetic design of the outbuilding is not considered to be visually intrusive. Given the existing use and layout of the site, the outbuilding is considered to be acceptable in terms of visual amenity.

#### Impact upon Residential Amenity

The rear elevation of the outbuilding is situated approximately 2m from the boundary with 14 Singlets Lane. As outlined above, the scale and height of the outbuilding are modest, and it will therefore not have a significant impact in terms of loss of privacy or light provision to residents of neighbouring properties.

Due to no other external alterations to the property, it is not considered that the scheme would result in loss of privacy or outlook to neighbouring properties.

Outdoor amenity space to serve the nursery is provided in two main areas, one in the southeast corner of the plot and one in the northwest corner of the plot, between the parent main building and outbuilding. These areas are considered sufficiently screened from neighbouring properties and large enough to host a small number of children at a time. The nursery would also need to adhere to Ofsted requirements in regards to indoor and outdoor amenity provision.

The nursery would continue to operate Monday to Friday from 07:30 to 18:00 all year round, except for bank holidays. It is considered that the noise generated from the nursery would be limited to within the working day, and therefore will not have a significant impact on neighbouring residential amenity. No objections have been raised by Environmental Health.

Objections have been raised by local residents in relation to excessive outdoor lighting at night. As mentioned above, the nursery operates during normal working hours and therefore the impact of the outdoor lights is not considered to be significant.

#### Impact upon Car Parking

Saved Appendix 5 of the Local Plan requires a maximum provision of 1 space per 4 pupils for nurseries. With a maximum pupil capacity of 45, the parking requirement equates to 11.25 spaces. The submitted plan shows 12 car parking spaces, which is considered acceptable.

#### Impact upon Highways Safety

Policies CS8 and CS12 of the Core Strategy seek to ensure highways safety and to provide a safe and satisfactory means of access for all users.

Objections have been raised by local residents regarding the impact of the development on traffic and highways safety.

The applicant has submitted a Traffic Schedule, which shows staggered drop off times between 07:30 and 09:30 with a maximum number of 8 drop offs at the busiest time on the busiest day (08:30 on Wednesdays). The pick-up times are similarly staggered, ranging from 13:00 to 18:00 with a maximum number of 6 pick-ups at 18:00 on Wednesdays and 17:30 on Thursdays. The applicant has confirmed that there are staggered drop-off and pick up times in order to mitigate congestion and the impact on highways safety.

It is acknowledged that there is an increase in traffic in relation to the nursery. However, the applicant has shown that there are measures in place to minimise the use of private motor car,

as indicated in the Planning Statement that the 8 members of staff that live in Flamstead walk to work. It is also indicated that other members of staff from surrounding areas car share.

The Highways Authority commented as follows, “The site is located on a section of Church Road, Flamstead, which is unadopted by HCC and accessed from the Highways maintained section of Church Road. This access appears to operate without any problems. HCC as highway authority has no reasons to object to the grant of approval.”

Taking all of the above factors into account, added to the fact that there is a large paved area to the front of the parking area, which allows cars to turn and exit the site in forward gear, it is not considered that the scheme has a significant impact on highways safety.

#### Loss of a Dwelling

Policy CS17 and Policy 15 of the Local Plan seek to safeguard the loss of dwellings as part of maintaining the housing stock. However, Policy 15 does allow some scope for the loss of housing in residential areas where essential small scale social or community facilities would be provided and suitable alternative non-residential properties are not available.

Strategic Planning and Regeneration have been consulted and stated that there is scope to be flexible over the loss of a dwelling. It was commented that there are no examples of recent losses of dwellings in Flamstead and in reality there would be limited opportunity for a nursery to be purpose built. This is particularly true for this Green Belt location whereby the construction of new buildings would be regarded as inappropriate development. Furthermore, nurseries are typically located in residential areas and in many cases are brought forward through the conversion of a house.

#### Loss of Social Infrastructure

Consideration must be given to the fact that the nursery has been operating for eight years. The provision of community buildings and facilities for childcare is identified as social infrastructure and its provision is encouraged and protected under Policy CS23 of the Core Strategy.

The nursery is considered to be an established local business and employs 14 members of staff (8 from Flamstead).

Out of the 69 children that attend the nursery, 21 are from Flamstead and 33 from Markyate. It is noted that there are no day nurseries within Flamstead or Markyate. The nearest day nurseries to the application site are 2.2 miles away in Redbourn and 3 miles away in Harpenden.

The nursery has links with Flamstead Village School and the application has the support of the Head Teacher, who commented that the nursery provides the wrap around care that the school cannot provide, allowing working parents to use the nursery in the afternoon. It was further commented that the loss of the nursery would have a negative impact on some working parents of pupils of the school.

Objections have been raised that the nursery competes with Flamstead Village School pre-school, making it less viable. As shown above, the application has the support of the school as a valued provider of wrap around care for working parents.

Hertfordshire County Council Children’s Services has confirmed that there is an increasing need for this type of childcare provision due to extended entitlement of free childcare, in addition to an increasing population of young children in the county and the high number of working households in this area compared to other areas of the county.

Taking all of the above into account, it is considered that the nursery meets a local need and that its loss would result in the loss of 14 jobs and an established business. The facility is demonstrably viable and in this planning balance, weight must be given to its protection.

### Other Considerations

Some of the objections raised by local residents have been addressed above. The remaining issues are addressed as follows:

- No site notices displayed, lack of consultation and advertising  
Consultation and neighbour notification was carried out in accordance with the Council's Statement of Community Involvement. Site notices were not required in this instance.
- Drainage and sewage  
Not a material planning consideration.
- The intention of further expansion of the nursery  
The applicant has stated that there is no intention of this. Nevertheless, the current application deals with the area outlined in red on the site plan and not number 19. Any change of use for number 19 would need its own separate planning application.
- Discrepancy between number of staff on application form and Planning Statement  
Applicant has confirmed the current level of staffing as 14, due to recent staff changes.
- Church Road is residential, not suitable for commercial premises  
There is an identified local need for this type of childcare, which is often found in residential areas.
- Lack of detail in the application  
The initial application contained insufficient information. Further information was provided by the Agent when requested.
- The land that the application relates to includes part of 19 Church Road  
The applicant owns both 19 and 21 Church Road. It is up to the applicant which area of land to include in the current application, and the application has been assessed accordingly. Any changes to Land Registry or title deeds are not a material planning consideration.
- Restriction in deeds to property that must be residential use  
As mentioned above, restrictive covenants are not a material planning consideration and will not form part of this planning decision.
- Granting permission to number 21 Church Road would then also grant commercial status to part of 19 Church Road  
Number 19 is not included in this planning application.
- The site plan lays claim to ownership of land beyond the entrance gates to 19 Church Road (which neither 19 or 21 Church Road owns)  
The site plan has been amended accordingly.
- No 19 & 21 do not contribute to upkeep of private road  
Not a material planning consideration. However, applicants have indicated that they contribute to the upkeep.

### **Conclusions**

The retrospective application for change of use from C3 (dwellinghouse) to D1 (nursery) has been considered with regard to residential amenity, car parking, highways safety and the loss of a dwelling weighed against the loss of the existing established social infrastructure. The nursery operates within normal working hours and as such there is limited impact in terms of noise disturbance. It is considered that there is sufficient parking and turning space in order for vehicles to enter and exit the site safely. It is acknowledged that there is increased traffic, however the applicant has taken measures to mitigate this, including staggered drop-off and pick-up times and encouraging car-sharing and walking where possible. On balance, it is considered that a local need for a nursery in this location has been demonstrated and that the loss of a single dwelling is not sufficient justification for refusal. The proposal is therefore in accordance the relevant policies outlined above.

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

- 1 **The premises shall only be operational as a nursery between 07:30 and 18:00 on Mondays to Fridays and for no other use thereafter.**

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

- 2 **The number of children using the nursery hereby approved shall be limited to 45 in total at any one time.**

Reason: In order to protect the amenities of adjoining occupiers, and to ensure adequate parking provision, in accordance with Policies CS8 and CS12 of the Core Strategy (2013) and Saved Appendix 5 of the Local Plan (2004).

- 3 **The development hereby permitted shall not be retained other than in accordance with the following approved plans/documents:**

**Floor Plan**  
**Planning Statement**  
**Site Plan: Additional Parking Bays**

Reason: For the avoidance of doubt and in the interests of proper planning, in accordance with Core Strategy (2013) Policy CS12.

# Agenda Item 5c

## Item 5c

**4/03283/16/MFA - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 31 RETIREMENT APARTMENTS AND ANCILLARY FACILITIES INCLUDING COMMUNAL LOUNGES, GUEST ACCOMMODATION AND STAFF OFFICES WITH ASSOCIATED ACCESS, PARKING, SERVICING AND AMENITY SPACE.**

**SITE AT JUNCTION OF BROOK STREET AND MORTIMER HILL, TRING, HP23 5EE**



**Item 5c**

**4/03283/16/MFA - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 31 RETIREMENT APARTMENTS AND ANCILLARY FACILITIES INCLUDING COMMUNAL LOUNGES, GUEST ACCOMMODATION AND STAFF OFFICES WITH ASSOCIATED ACCESS, PARKING, SERVICING AND AMENITY SPACE.**

**SITE AT JUNCTION OF BROOK STREET AND MORTIMER HILL, TRING, HP23 5EE**



**4/03283/16/MFA - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 31 RETIREMENT APARTMENTS AND ANCILLARY FACILITIES INCLUDING COMMUNAL LOUNGES, GUEST ACCOMMODATION AND STAFF OFFICES WITH ASSOCIATED ACCESS, PARKING, SERVICING AND AMENITY SPACE..  
SITE AT JUNCTION OF BROOK STREET AND MORTIMER HILL, TRING, HP23 5EE.  
APPLICANT: Grace Mews LLC.**

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[Case Officer - Jason Seed]

### **Summary**

The proposed application will provide 31 units of residential accommodation for the over 55's and associated infrastructure. The site is considered to be located within a sustainable location with good access to local amenities and will make a valuable contribution towards the Borough's housing stock. It is considered that with appropriate planning conditions attached to the decision notice, the proposals would comply with Policies CS1, CS2, CS4, CS12, CS27, CS31 and CS32 of the Core Strategy, Saved Policies 51, 58 and Appendices 3 and 5 of the Dacorum Borough Local Plan (DBLP) and the National Planning Policy Framework (NPPF).

### **Site Description**

The site is located at the junction of Brook Street and Mortimer Hill in Tring, Hertfordshire and extends to 0.22ha.

The site is currently occupied by a Petrol Filling Station (PFS) and associated car wash facility; a car garage; and a vacant unit fronting Mortimer Hill which is used for alternative uses, most recently a cafe. There is also a car park located to the rear of the site off the eastern boundary which is part located over the PFS canopy

The PFS has a large flat roof canopy covering over the forecourt and sales building. The car garage occupies a two storey building across ground and first floor levels and the building then steps up to three storeys at the junction of Brook Street and Mortimer Hill. The building then steps down to a single storey level when travelling eastwards up Mortimer Hill.

Access to the PFS is made from Brook Street and access to the car garage and vacant building is made from Mortimer Hill with a car park to its rear.

The site is bound to the north by residential properties and garages at The Hollies with a stepped footpath located on the northern site boundary providing access to the rear car park; to the east by residential properties off Mortimer Hill and Nursery Gardens; to the south by Mortimer Hill beyond which is residential; and to the west by Brook Street beyond which are the Tring Museum, Tring Market Place and an access road to Tring Auctions.

There are substantial level changes from Brook Street to the west of the site and rising up Mortimer Hill to the south and east. Existing building heights across the site are stepped to reflect this level change

The surrounding area comprises a mix of uses including the Robin Hood pub to the south, Tring Local History Museum to the south-west, Tring Market Place to the west, Tring Fire Station to the north-west and residential properties within the remainder of the surrounding area.

The site is located within close proximity (approx.60m) of the B4635 (Tring High Street) with Tring Railway Station located approximately 2 miles to the east.

The site is subject to the following planning designations: Former Land Use, CIL2.



The Tring Conservation Area and several Listed Buildings are situated within the wider area.

## Proposal

The application seeks full planning permission for the demolition of the existing buildings and the construction of 31 retirement apartments (detailed in the table below) and ancillary facilities including communal lounges, guest accommodation and staff offices with associated access, parking, servicing and amenity space.

<b>Total Number Unit Types</b>	<b>1B</b>	<b>2B</b>	<b>TOTAL</b>
CORE A	8	13	21
CORE B	1	9	10
<b>TOTAL UNITS - all Cores</b>	<b>9</b>	<b>22</b>	<b>31</b>
<b>TOTAL habitable rooms - all Cores</b>	<b>18</b>	<b>66</b>	<b>84</b>
<b>Totals:</b>			
Total number of units on site:			31
Total number of HR's on site:			84
Total net area of units on site:			2224.7

The units are proposed to accommodate persons over 55 years of age. The building will be warden operated, with a member of staff on site during the day to provide assistance and security for residents of the units with a 24 hour on-call link to a central management company in the evenings and overnight.

Management of the building will be controlled from an office located in Core A.

The Strategic Planning Department have been consulted on the application and has stated that the Core Strategy sets a housing target as a whole for all forms of housing and the Council's monitoring is geared towards ensuring this is achieved alongside a rolling 5-year housing programme. This assumes that the housing supply as a whole will progressively meet a range of different needs.

This proposal would assist the Council to meet the wider needs of the housing market and the projected annual need of 72 specialist dwellings for older people.

## Referral to Committee

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

## Relevant Planning History

None.

## Policies

### National Policy Guidance

National Planning Policy Framework (NPPF)

### Adopted Core Strategy

NP1 - Supporting Development

CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS 14 -Economic Development  
CS15-Offices,Research,Industry, Storage and Distribution  
CS16 - Shops and Commerce  
CS17 - New Housing  
CS19 - Affordable Housing  
CS23-Social Infrastructure  
CS27 Quality of the Historic Environment  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS35 - Infrastructure and Developer Contributions

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

Policies 10, 12, 13, 15, 18, 21, 34, 45, 51,54,55,57,58,62,99,100,101,111  
Appendices 3, & 5

#### Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Residential Character Area  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)  
Affordable Housing (Jan 2013)

### **Summary of Representations**

#### Tring Town Council

Object to the application on the grounds of failure to maintain the current level of employment provision, loss of a desirable mix of uses, the minimisation of the impact of traffic and reductions in the overall need to travel will all be adversely affected, pressure on car parking, visual intrusion, scale, height and bulk which is out-of-keeping with the surroundings.

#### Thames Water

No objection, subject to condition and informatives

#### Strategic Planning

We do not have any in principle objections to the proposed development, however, we recognise the loss of the existing uses would be locally controversial and should be carefully considered.

Impacts on the highway network, as well as parking provisions and the design of the built form (in regards to the established neighbouring uses and within the setting of the conservation area) should be fully assessed by the Case Officer before any recommendation is made.

### Conservation and Design

No objection, subject to conditions.

### Herts 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.

### Crime Prevention Officer

I note this development is for independent living and therefore will need to comply with Building Regulation 'Approved Document Q: Security' (ADQ) to 'Prevent Unauthorised Access'. At 5.10 in the Design and Access Statement (DAS) it says the security will be to Secured by Design (SBD) standards, and if it were to achieve SBD I would be content with as regards security. I would encourage the applicants if they obtain planning permission apply for the SBD award which also helps the applicants achieve ADQ.

Advisory provided.

### Environmental Health

No objection on environmental health grounds, subject to conditions.

### Environment Agency

No objection. However, in order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution.
- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

### Contaminated Land Officer

As further works are required, I recommend that the standard contamination conditions be applied to this development should permission be granted.

### Lead Local Flood Authority

No objection, subject to conditions.

### County Waste Team

The County Council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development and provide comment to the borough council. Completed SWMPs should be passed onto the Waste Planning Authority to collate the data after the development.

### Strategic Housing

Following a full review of the viability report provided by BNP, we accept that the proposed scheme generates a negative land value and is therefore unviable to provide any form of affordable housing provision.

### Highway Authority

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. A copy of the Highway Authority's response is provided in full at Appendix A.

### Trees and Woodlands

No comments provided.

### Community Consultation

A total of 237 comments have been received, the majority of which were in objection to the application. A summary of the issues which have been raised is provided below.

- Loss of the existing petrol station / motor repair facility;
- The Strategic Planning department at Dacorum are proposing to increase the population of Tring by 30%, therefore, it cannot possibly make sense for the Development Control department at Dacorum to be removing infrastructure i.e. the last petrol station within the town;
- Shortage of school places, doctors, dentists, etc;
- Impact on parking in the surrounding area;
- Lack of parking;
- Height / scale of the development;
- Increase in traffic;
- A detrimental impact on the local environment with the extra volume of traffic/fumes;
- Will take local business away from local shops as the majority of car owners will probably choose to drive even further away to Aylesbury/Hemel Hempstead Tesco superstore and shop at the same time;
- Tring already has a retirement home development reference the Old Rose & Crown Hotel in the High Street;
- No social or affordable housing commitment;
- Not housing for younger people;
- The Geotechnical Study is not included in these amended plans. As there were a number of areas which Campbell Reith said required further investigation, I would ask why these have not been investigated and the results produced;
- Party wall issues;
- We do not require flats for over 55's;

- I am writing in support of it as a sensible development for Tring;
- As a result there will also be a potential negative impact on pedestrians, notably Tring school children;
- The proposed design deprives some residents of Nursery Gardens of their privacy - where they today have totally private rear gardens, in future they could be overlooked by the east-facing flats that will tower above them and have direct visual views into their gardens and bedrooms;
- Lose of employment;
- Overpriced units;
- Disruption to roads during construction;
- Site contamination;
- Loss of privacy.

There is also a petition which has been signed by 1,667 (as at 01/11/2017) which is available to view from:

<https://www.change.org/p/petition-voicing-objections-to-redevelopment-of-shell-garage-and-market-autos-site-in-tring>

The considerations raised above (in so far as they are material to planning matters) are addressed within the following sections of this report.

## **Considerations**

### Policy and Principle

Policy NP1 of the Core Strategy states that the Council will take a positive approach to the consideration of development proposals, reflecting the presumption in favour of sustainable development contained in the NPPF.

Policy CS1 states that the market towns and large villages will accommodate new development for housing, employment and other uses, provided that it is of a scale commensurate with the size of the settlement and the range of local services and facilities, helps maintain the vitality and viability of the settlement and the surrounding countryside and causes no damage to the existing character of the settlement.

Policy CS2 states that development sites will be chosen in accordance with a sequence of properties which prioritises development within defined settlements on previously developed land / buildings and areas of high accessibility.

Policy CS4 states that in residential areas appropriate residential development is encouraged.

Encouraging the effective use of land is also a core planning principle encouraged within the NPPF (Paragraph 17).

It is considered that the principle of the provision of residential accommodating on previously developed land which is located adjacent to the town centre is supported by the above policies.

Furthermore, there site is free of any restrictive constraints. As such, the principle of the development is considered acceptable, subject to the satisfactory addressing of other planning considerations.

The provision of elderly persons accommodation is also supported by Government guidance. The need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households (Department for Communities and Local Government Household Projections 2013). Supporting independent living can help to reduce the costs to health and social services, and providing more options for older people to move can also free up existing houses that are under occupied.

#### Loss of Existing Facilities / Employment

It is noted that a significant volume of objection to the proposals is based upon the loss of the existing petrol filling station (PFS).

However, in policy terms, there is nothing to prevent the loss of the PFS as there are no policy safeguards in place to protect against this and this has been confirmed by the Council's Strategic Planning and Regeneration Team.

Furthermore, the proposal does not neatly fit within the definition of a Local Shop under DBLP Policy 45 (Scattered Local Shops) being a mixed quasi retail use. Even if it did, it would be unreasonable to object to the loss of the retail element given its proximity to other shopping outlets within the Town Centre and also in the nearby Tesco Food Store (on London Road). Both are conveniently located to the site.

The site does not fall within a designated General Employment Area. Saved Policy 34 also indicates that sites such as this falling outside protected employment areas and within the urban area can be redeveloped with non-employment type uses.

A PFS is not recognised as a designated employment use under Policy CS15 (Office, Research, Industry, Storage and Distribution). This matter notwithstanding, Policy CS1 of the Core Strategy states that the market towns and large villages will accommodate new development for housing and employment and it is anticipated that the proposal will result in the provision of a number of employment positions being provided as detailed below:

#### ***Direct employment - 7 people***

- House/Estate Managers - 2 to cover 24/hr shifts.
- Cleaners- 3 for cleaning of common parts.
- Gardeners- 2 people for landscape gardens and amenity space.

#### ***Indirect / Third Party Contractors - 5 people***

- Security - 2
- Window cleaners - 2
- Central management and administration - 1 person

Due to the lack of policy requirement for the retention of the existing facilities / employment at the site, it is considered that the proposal does not conflict with the local or national planning policy environment in this respect.

#### Impact on Street Scene

Policy CS12 of the Core Strategy states that on each site, development should integrate with the streetscape character.

With regards to street scene impact, it is important to make assessment of the proposals impacts when viewed from both Brook Street to the west / south-west and Mortimer Hill to the south.

The site consists of a modern PFS, garage building and related structures. It was constructed in the mid-20th century with the garage forecourt comprising a later rebuild. The office / workshop structures are 2-3 storeys in a yellow brick not particularly typical of the area. Prior to this there appears to have been a row of historic structures dating from the 19th century facing the frontage. These have all been removed. To the rear the former nursery has been developed as housing (dwellings on Nursery Gardens), as have the open areas to the north and the south. This housing all dates to the second half of the 20th century. The former cattle market is now a car park. Some historic buildings remain to the southern end of Brook Street including the Robin Hood Pub and nearby cottages.

It is considered that the proposal will result in a visible increase in scale of development which will be evident from both Brook Street and Mortimer Hill.

The residential properties situated to the north of the site are typically of two storeys. However, these properties are situated on a raised area of land which elevates their position within the street scene considerably. By comparison, the application site is situated at a lower land level which minimises the visual scale of the proposals when read within the wider street scene and results in a scale of development which appears to be in keeping with the surrounding area.

The overall visual mass of the proposal is further minimised by the breaking-up of the principle elevation into two 'cores' with a link section joining the two which is set back from Brook Street. It is noted that there is no predominant / prevailing architectural style present within Brook Street which allows for a greater degree of aesthetic flexibility with regards to design and assimilation into the street scene.

In respect of impact on the from Mortimer Hill, it should be noted that the topography of the road rises steeply from west to east which results in a readily-evident / visible built form within the street scene, particularly when viewed from the junction of Mortimer Hill and Brook Street.

Due to the topography of the site, views of the proposal from the eastern end of Mortimer Hill are limited to those which are available from a short section of the westernmost part of Mortimer Hill and those from the south of the site. Given the scale of the existing buildings and commercial character which is present at the site, it is not considered that the proposed development would result in an impact on the street scene which would be so severe as to warrant refusal.

The Conservation and Design Officer has been consulted on the application and has stated that the demolition of the existing buildings is acceptable. They have advised that the existing buildings are of a low level of architectural interest and do not make a positive contribution to the setting of the nearby Tring Conservation Area or the listed buildings (discussed further in the following section).

It is therefore considered that the proposal is acceptable with regards to the requirements of Policy CS12 of the Core Strategy.

#### Impact of the Proposal on the Tring Conservation Area and Listed Buildings

Policy CS27 of the Core Strategy states the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced.

Development will positively conserve and enhance the appearance and character of conservation areas.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 read in conjunction with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 create a presumption against planning permission being granted if harm could be caused to the heritage assets.

It is noted that the site is situated to the north-east of the Tring Conservation Area, the boundary of which commences on land beneath that situated to the south of the Tring Local History Museum.

Furthermore, it is noted that the Robin Hood Pub situated at the junction of Tring High Street and Brook Street is a Grade II Listed Building. The Conservation and Design Officer and the Planning Officer have had special regards to the setting of this heritage assets as part of the ongoing considerations of this application as per the relevant sections of the act and associated guidance.

During the course of the application, the Council's Conservation Officer has been consulted and has provided ongoing guidance to the applicant. The Officer has stated that the proposal will not adversely impact upon the nearby designated heritage assets as the structures which are currently in situ are unattractive and fail to make a positive contribution to the setting of the nearby Conservation Area or the Listed Buildings.

By contrast, the proposed development provides an opportunity to secure a replacement building of acceptable design and an appropriate condition will ensure that the finish of the development is comprised of high quality materials which will assimilate with the street scene, surrounding area and the adjacent Tring Conservation Area.

As such, the proposal is considered to comply with the requirements of Policy CS27 of the Core Strategy, NPPF and relevant legislation.

#### Impact upon Neighbouring Amenities

Policy CS12 states that on each site, development should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties.

Given the scale and the location of the development it is considered appropriate to consider the potential for these impacts occurring in respect of surrounding properties.

In respect of noise, the Council's Environmental Health Officer has been consulted and has stated that they would not expect that statutory nuisance would be an issue if this development were to be approved and the Council would have to deal with any neighbour noise or other matters as they arise.

With regards to construction noise, an informative is recommended to be placed on the decision notice which details the Council's Environmental Health guidelines on acceptable construction working hours.

Saved Appendix 3 of the DBLP states that there should be sufficient space around residential buildings to avoid a cramped layout and maintain residential character, to ensure privacy and to enable movement around the building for maintenance and other purposes. The minimum distances of 23m between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy. This distance may be increased depending on



character, level and other factors.

As the proposed site plan illustrates, the rear elevation of the proposed units is situated in excess of 23m from the rear elevations of the properties within Nursery Gardens, with the exception of the easternmost elevation which will be situated approx.. 5m from the flank elevation of the property to the east. However, the proposed building will contain obscured glazing in this elevation and the flank of the elevation of the neighbouring property does not contain any windows. As such no privacy issues are raised in this respect.

It is noted that the upper floor windows on the north-facing elevations are to be fitted with obscured glazing and as such, the privacy of occupiers of the properties situated to the north of the site is maintained.

With regards to daylight and sunlight impacts, the applicant has provided a Daylight & Sunlight Assessment. The analysis demonstrates that there is a minimal change between the access to daylight to the existing buildings before and after the proposed development. Of the 19 windows analysed, there are no Vertical Sky Component (VSC) results below the BRE criterion of 27% minimum. No façades are directly shaded by the new development as the angle to sky is less than the BRE guideline of 25 degrees. Therefore, the proposals also comply with the BRE guidelines for daylight and sunlight access to existing buildings.

BRE advises that for a garden or an open space to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least 2 hours of sunlight on 21st March. Results in the Daylight and Sunlight Assessment show that more than half of the open spaces, the area with most potential to be affected, receive more than 2 hours of sunlight on 21st March both at present and with the proposed development. Other open spaces are not affected by the proposed development.

As such, the proposed development complies with BRE guidelines and existing residential amenities in terms of daylight and sunlight are maintained.

The proposals are therefore comply with Policy CS12 and Saved Appendix 3 of the DBLP.

#### Amenity Space

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. Residential development designed for multiple occupancy will be required to provide a private communal amenity area to the rear of the building at least equal to the footprint of the building for two storey developments, and increasing with building height.

A communal garden is proposed to the rear of the development which can be accessed directly from the communal lounge on the upper ground floor and provides 580 sqm of high quality external amenity space for residents.

Whilst it is acknowledged that the proposal does not provide an amenity area of existing footprint to the building, the site benefits from being located within close proximity to other amenities which provide opportunities for recreation and socialising including Tring High Street and associated facilities.

#### Impact on Trees and Landscaping

There are no trees contained within the site boundary. A small area of amenity land is present within the street scene (outside of the site boundary) and this will remain unaffected by the proposals.

The Trees and Woodlands Officer has been consulted but has not provided any comments.

The proposed site plan illustrates that a hard and soft landscaping scheme will be provided which will soften the appearance of the development and will provide a significant enhancement to the site in this respect and will assist the development in assimilating into the street scene. It is considered appropriate to secure further details of this by way of condition to ensure a high quality outcome.

It is therefore considered that the proposals accord with the requirements of Policy CS12 in this regard.

#### Flood Risk and Drainage

Policy CS31 states that development will be required to minimise water runoff and to secure opportunities to reduce the cause and impact of flooding, such as using green infrastructure for flood storage.

The application site is situated within Flood Zone 1 which indicates that it has a low probability of flooding. Notwithstanding, the application is accompanied by a Flood Risk Assessment and Preliminary Drainage Strategy (PDS).

The PDS states that the development will result in a reduction in impermeable areas overall and includes new formal drainage and SUDs including an increase in porous areas by 23 % and new surface storage SUDs, permeable and underground storage in communal areas. Underground storage / tanking will only be used if surface SUDs are not possible. This will be addressed through detailed design once the physical and chemical properties of the ground and suitability for infiltration / soakaway and suitability of incorporating additional sub-porous layers can be confirmed.

The detailed design will incorporate appropriate oil interceptors / treatment devices to manage water quality.

In terms of foul water disposal, the development will retain existing and secure a new connection to adjacent sewers where appropriate for the foul. This will be confirmed during detailed design with the water company.

The Lead Local Flood Authority has been consulted on the PDS and has stated that the proposed development site can be adequately drained and mitigates any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy. Conditions are recommended including the submission of a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro- geological context of the development.

It is therefore considered that the proposal accords the requirements of Policy CS31 of the Core Strategy.

#### Refuse Storage

Refuse collection will occur directly from Brook Street in accordance with the arrangement for The Hollies immediately to the north of the site and the residential properties immediately opposite The Hollies. A bin store for the development is provided at a central location on the Brook Street frontage for this purpose. However, it is unclear from the application submission how service vehicles associated with the collection would be able to safely access the bin store. As such, a condition is recommended to address this matter to the Council's satisfaction.

#### Contamination

Policy CS32 of the Core Strategy states that development will be required to help remediate contaminated land in line with Environment Agency, Defra and Natural England guidance. Any development proposals which would cause harm from a significant increase in pollution by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances, will not be permitted.

Given the history of the site and the surrounding area, contamination issues are considered to present a moderate to high risk. Potential sources of contamination that require further consideration are outlined below:

- On site use as a petrol filling station, with potential underground storage tanks;
- Historic use of the site as a garage, with potential underground storage tanks;
- Vehicle repairs and servicing centre on site;
- Car washing on site;
- Car parking on site and steel drum storage in the north western corner of this area;
- Areas of infilling and Made Ground resulting from the historic demolition of the site and surrounding area;
- Car parking and garages to the north of the site; and,
- Substation to the south of the site.

The applicant has submitted as Geo-environmental and Geotechnical Desk Study. The report concludes that an intrusive investigation is recommended in order to determine if a risk is present and, if so, what form of remediation is likely to be appropriate to enable the site to be developed so that it is suitable for use.

The Contaminated Land Officer has been consulted and has stated that they are in agreement with the findings of the report and recommendation for a site walkover survey prior to the design and undertaking of a ground investigation.

As further works are required, the Contaminated Land Officer has recommended that the standard contamination conditions be applied to this development should permission be granted.

Furthermore, it is noted that the site is located on a primary aquifer. The Environment Agency has advised that in order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution, and;
- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

The applicant will be required to consider these matters during the preparation of both the detailed drainage strategy and while addressing the requirements of the conditions pertaining to contaminated land.

#### Site Access and Highway Impact

The applicant proposes to close the three existing site accesses and provide a new site access from Brook Street. The existing crossovers will need to be re-instated with kerbs and footways. The new vehicular access onto Brook Street will pass beneath the new building and lead to the car park at the rear of the site. It is noted that the existing facilities are also accessed from a similar location. Brook Street (B488) is a single carriageway secondary distributor road subject to a speed limit of 30mph. The applicant has provided a drawing which provides suitable swept

path assessments to demonstrate that two-way movement of vehicles into and out of the access arrangements is achievable.

With regards to public transport, the site is serviced by bus stops located on Brook Street adjacent to the site. The bus stop on the east side of the road, serving the southbound direction, is serviced by bus routes 50, 61 and 164 with services to Aylesbury. The bus stop on the west side of the road, serving the northbound direction, is serviced by bus routes 164 to Pitstone and Wilstone, 61 to Dunstable and 50 to Ivinghoe. The nearest railway station to the site is Tring railway station which is approximately 2m walk from the proposed development site. Tring railway station is serviced by London Midland and Southern trains. London Midland trains provide access to London Euston, Tring, Bletchley, Northampton, and Milton Keynes Central. Southern trains provide access to Milton Keynes Central and East Croydon.

As part of the planning application package, the applicant has provided a Transport Statement (TS) to demonstrate the impact of the proposed development on the traffic network and the Highway Authority has been consulted on the application.

The Highway Authority have stated that the difference in the number of trips generated by the existing and the proposed development demonstrates that the proposed development will likely result in a reduced number of trips arriving to and departing from the development site in both the AM and PM peak periods than the existing use. Therefore, no severe impact is likely to be generated by the proposed development on the surrounding highway network. Junction assessments are not required for the proposed development as the proposed development is likely to generate less trips than the existing land uses.

The Highway Authority concluded that the development is acceptable in terms of highway impact subject to conditions pertaining to a Construction Traffic Management Plan, a Car Park Management Plan, a Delivery and Servicing Plan, and detailed plans illustrating a horizontal clearance of 500m on either side of the proposed access and re-instatement of the highway. A number of informatives have also been recommended.

It is therefore considered that with the appropriate measures secured as detailed above, the development accords with Policies CS8 and CS9 of the Core Strategy and Saved Policy 51 of the DBLP.

### Parking

The application proposes a total of 30 off-street parking spaces which are to be located underground and to the rear of the site. The parking area is accessed via the vehicular access which is provided adjacent to Brook Street.

Of the parking spaces provided, a total of 7 accessible spaces and 2 are for Smart-sized vehicles.

The application site is situated within Zone 3 as defined by the Council's 'Accessibility Zones for the application of Parking Standards Supplementary Planning Guidance' Document.

Saved Appendix 5 of the Dacorum Borough Local Plan provides the Council's maximum parking standards. For elderly person's accommodation, the maximum standards are specified at 1.5 spaces per unit including 0.25 visitor space.

The proposed development comprises a total of 31 residential units, which based upon the maximum standard cited above, would result in a maximum provision of 46.5 spaces. As such, the proposed development provides 16.5 spaces less than the maximum allowance.

For residential development, the SPG currently expects all parking demand to be

accommodated on site; although reduced provision may be acceptable for high-density residential proposals in appropriate locations. Saved Policy 58 of the DBLP also states that parking provision may also be omitted or reduced on the basis of the type and location of the development, such as sites in close proximity to facilities, services and passenger transport.

Paragraph 32 of the National Planning Policy Framework is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Furthermore, a recent appeal decision (reference: APP/A1910/W/17/3173690 – 02/10/2017) which overturned refusal of planning permission for a proposal on the basis of a lack of parking in the Borough stated as follows:

*‘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’.*

The applicants proposes to provide 12 cycle spaces and 17 mobility scooter spaces for residents encouraging sustainable transport modes.

It is noted that there are two public car parks within Tring High Street and within walking distance of the site; one is located adjacent to Tring Library, and another (The Forge).

Furthermore, a Car and Cycle Parking Management Plan will be required to ensure that the proposed parking is managed appropriately and to ensure no displacement of parking onto the highway occurs.

It is therefore considered that the proposed development complies with Policies CS8 and CS12 of the Core Strategy and Saved Appendix 5 of the DBLP.

#### Affordable Housing and Community Infrastructure Levy (CIL)

Policy CS19 of the Core Strategy states that affordable housing will be provided on sites of 10 or more dwellings. 35% of the new dwellings should be affordable homes.

Section 7 of the Council’s Affordable Housing Supplementary Planning Guidance document states that in cases where the applicant considers that the site cannot viably support the Council’s affordable housing policy requirements, the Council will require the applicant to submit a financial appraisal and supporting evidence at pre-application stage.

The applicant has submitted an Affordable Housing and Economic Viability Assessment which tests the viability of the proposed scheme and the results demonstrate that the proposed scheme generates a negative land value of c. £0.93m and when compared to our site value of c. £2.17m the scheme is unviable by c. £3.1m. Consequently, the proposed scheme is unable to provide any affordable housing.

The Council’s Strategic Housing department has been consulted on the Assessment and concluded that they accept that the proposed scheme generates a negative land value and is therefore unviable to provide any form of affordable housing provision.

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 CIL Charging Zone 2.

The Charging Schedule states that retirement housing is chargeable at a rate of £0 per square metre for retirement housing.

It is therefore considered that the proposal does not conflict with the requirements of Policies CS19 and CS25 of the Core Strategy.

### Sustainability

Policy CS29 of the Core Strategy states that new development will comply with the highest standards of sustainable design and construction possible. The policy details a number of principles which should normally be satisfied. These include: recycling construction waste; providing an adequate means of water supply, surface water and foul drainage; planning to minimise carbon dioxide emissions; incorporating at least one new tree per dwelling; minimising impacts on biodiversity; minimising impermeable surfaces and providing on-site recycling facilities for waste.

An Energy Statement prepared by NRG Consulting is submitted as part of the planning application.

The Statement demonstrates that a reduction of 19.15% in regulated CO2 emissions throughout the energy hierarchy can be achieved via measures including:

- Passive design measures;
- Low U-Values;
- Low air permeability;
- A high energy gas heating system;
- 100% low energy lighting; and
- Installation of Photovoltaic Panels.

It is considered that the proposals will satisfy Policy CS29 through the introduction of the above measures, the securing of landscaping enhancements and drainage provision though an appropriate planning condition although it is considered that matters pertaining to sustainability also be further assessed through the Building Control process.

It is therefore considered that the proposal complies with Policy CS19 of the Core Strategy.

### **Summary and Conclusion**

Planning permission is sought for the demolition of the existing facilities at the site and the construction of 31 residential units for occupancy by the over-55s and associated parking and facilities.

The site is situated within a sustainable location with good access to a range of local amenities and will contribute towards the Borough's housing stock.

Special regard has been given to the setting of the local heritage assets and great weight has been given to the conservation of the setting of both the Robin Hood pub Listed Building and the adjacent Tring Conservation Area. It has been confirmed by the Council's Conservation and Design Officer that the setting of these assets will be preserved.

A number of planning conditions are recommended which will secure a high quality finish to the development and will also mitigate the impacts of the proposed development on the surrounding area. The conditions will also restrict the occupancy of the units to over 55's to ensure that the assessments which have taken place remain relevant.

It is considered that the proposal complies with Policies CS1, CS2, CS4, CS12, CS27, CS31 and CS32 of the Core Strategy, Saved Policy 51, 58 and Appendices 3 and 5 of the Dacorum Borough Local Plan (DBLP) and the National Planning Policy Framework (NPPF) and is therefore recommended for conditional 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:**

**215028 /110 Rev F (Proposed Site Plan)**  
**215028 /120 Rev F (Proposed Lower Ground Floor Plan)**  
**215028 /121 Rev E (Proposed Upper Ground Floor Plan)**  
**215028 /122 Rev E (Proposed First Floor Plan)**  
**215028 /123 Rev F (Proposed Top Floor Plan)**  
**215028 /124 (Proposed First Floor Plan - Overlooking)**  
**215028 /130 Rev D (Proposed SW Elevation)**  
**215028 /131 Rev D (Proposed South East and North East Elevations)**  
**215028 /132 Rev C (Proposed North West Elevation and North West Sectional Elevation)**  
**215028 /133 Rev B (Proposed Proposed North West Sectional Elevation - Overshadowing)**  
**Application Form**  
**Daylight and Sunlight Report**

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

- 3 **Notwithstanding the details already provided, no development (excluding demolition) shall take place until details of the materials to be used in the construction of the external surfaces (including timber detailing on the gable ends / porches, roof tiles, bricks and brick bond, joinery details, window materials, metalwork and rainwater goods) 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: In the interests of the visual amenities of the street scene and adjacent Tring Conservation Area in accordance with Policies CS12 and CS27 of the Core Strategy.

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

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy CS12 of the Core Strategy.

- 5 **No persons under 55 years of age (qualifying person) shall reside in any of the dwellings/apartments, hereby approved with the exception of a spouse (the term spouse shall include, for the avoidance of doubt, a partner by virtue of civil partnership or marriage) and/or the widow or widower of a Qualifying Person such widow or widower having commenced his or her Occupation of one of the development dwellings as the spouse of the Qualifying Person prior to the death of the Qualifying Person.**

Reason: To ensure the proposals are delivered in accordance with the assessments that have been made with regards to the National Planning Policy Framework, the Core Strategy and the Saved policies and appendices of the Dacorum Borough Local Plan.

- 6 **Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and



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

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

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Policy CS32 of the Core Strategy.

- 7 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 6 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Policy CS32 of the Core Strategy.

- 8 **The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Preliminary Drainage Strategy (ARK Environmental Consulting Ltd dated December 2016) and the mitigation measures detailed within the Flood Risk Assessment.**

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 Policy CS31 of the Core strategy.

- 9 **No development (excluding demolition) shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles**

and an assessment of the hydrological and hydro- geological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + 40% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

1. Provision of a fully detailed drainage plan showing pipe diameters, pipe runs, outlet points and location of SuDS features.
2. Infiltration tests carried out in accordance with BRE Digest 365.
3. Detailed surface water run-off calculations for 1:100 year (+40% CC), which ensures that the site has the capacity to accommodate all rainfall events up to 1:100 year (+40% CC).

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Policy CS32 of the Core Strategy.

- 10 **No development shall take place until a Construction Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure that construction waste is minimised in accordance with Policy CS29 of the Core Strategy. It is necessary for the condition to be pre-commencement in this instance as the demolition works will require the removal of waste to avoid environmental / health hazards associated with retaining such wastes on site.

- 11 **Construction of the development hereby approved shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority.**

Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

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

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CS9 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan. Due to the nature of the condition, it is necessary for these details to be provided and approved in advance of the development commencing.

- 12 **Prior to first occupation of the development, a Car and Cycle Parking**

**Management Plan shall be submitted to and approved in writing by the local planning authority. It shall include the information prescribed in the Transport Assessment and the following:**

- **Details of car parking allocation and distribution;**
- **Methods to minimise on-street car parking;**
- **A scheme for the provision and parking of cycles; and,**
- **Monitoring required of the Car Parking Management Plan to be submitted to and approved in writing in accordance with a timeframe to be agreed by the local planning authority.**

**The Car Parking Management Plan shall be fully implemented before the development is first occupied or brought into use, in accordance with a timeframe agreed by the Local Planning Authority, and thereafter retained for this purpose.**

Reason: In the interests of highway safety and to ensure sufficient available on-site car parking and the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Appendix 5 of the Dacorum Borough Local Plan.

- 13 **Prior to first occupation of the development hereby permitted, a Servicing and Delivery Plan shall be submitted to and approved in writing by the Local Planning Authority. The Servicing and Delivery plan shall incorporate the servicing arrangements for the use and adequate provision for the storage of delivery vehicles within the site.**

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policies CS8 and CS9 of the Core Strategy.

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

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

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policies CS8 and CS9 of the Core Strategy.

- 15 **Prior to commencement of the development hereby permitted, the applicant will need to demonstrate that a horizontal clearance of 500mm on either side of the proposed access and the carriageway will be clear of obstruction.**

Reason: In the interests of highway safety in accordance with Policies CS8 and CS9 of the Core Strategy.

- 16 **Vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing No. SK05 only. Any other access(es) or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be**

**agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.**

Reason: In the interests of highway safety in accordance with Policies CS8 and 9 of the Core Strategy.

- 17 **No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.**

Reason: To ensure that the works do not adversely impact on sewerage infrastructure in accordance with Policy CS32 of the Core Strategy.

- 18 **The obscured-glazed windows annotated 'OG' on Drawing Numbers 215028/132 Rev C and 215028/122 Rev E will be obscured and non-opening below 1.7m and shall remain as such for the lifetime of the development.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Policy 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**

#### Contaminated Land

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.' These reports should comply with BS10175:2011 which clearly sets out how a site investigation and risk assessment should be carried out.

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

#### Lead Local Flood Authority

Any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of any planning permission.

## Crime

The applicant is advised to apply for the Secured by Design (SBD) standards award which also helps the applicants achieve 'Approved Document Q: Security'. To apply for Secured by Design, details are available from Hertfordshire Police Crime Prevention Design Advisors at 01707-355226.

## Environmental Health

The applicant is reminded of the Environmental Health Department's restrictions on construction working and other matters as advised below:

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

## Highway Authority

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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

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 would need to apply to the Highway Authority to obtain their permission and requirements. Further

information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

S184 or S278 Agreement

Any works within the highway boundary (including alterations to the footway and the proposed site access) would need to be secured and approved via a S184 or a S278 Agreement, whichever is most appropriate to the scale of works, with the Hertfordshire County Council.

#### Thames Water

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

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.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Mike Younghusband  
Head of Highways Operations & Strategy  
Hertfordshire County Council  
Postal Point CHN203  
County Hall  
Pegs Lane  
Hertford  
SG13 8DN

**Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)**

**Director of Planning**

Dacorum Borough Council  
Civic Centre  
Marlowes  
Hemel Hempstead  
HP1 1HH

District ref: 4/03283/16/MFA  
HCC ref: DA/603/2016 (Amended)  
HCC received: 31/10/2017  
Area manager: Nick Gough  
Case officer: Lindsay McCauley

**Location**

North side of junction of Brook Street and Mortimer Hill  
68 and 70 Mortimer Hill  
Tring  
HP23 5EE

**Application type**

Full application

**Proposal**

Demolition of existing buildings and construction of 34 retirement apartments and ancillary facilities including communal lounges, guest accommodation and staff offices with associated access, parking, servicing and amenity space.

**Amendment**

Drawing received after taking account feedback from Chris Simpson.

**Decision**

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

**Decision**

Hertfordshire County Council (HCC) as Highway Authority recommends that the proposed development be granted planning permission, subject to suitable planning conditions.

**Conditions**

Condition 1: Construction Traffic Management Plan

Construction of the development hereby approved shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority.

Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

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

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

#### Condition 2: Car Parking Management Plan

Prior to first occupation of the development, a Car and Cycle Parking Management Plan shall be submitted to and approved in writing by the local planning authority. It shall include the information prescribed in the Transport Assessment and the following:

- Details of car parking allocation and distribution;
- Methods to minimise on-street car parking;
- A scheme for the provision and parking of cycles; and,
- Monitoring required of the Car Parking Management Plan to be submitted to and approved in writing in accordance with a timeframe to be agreed by the local planning authority.

The Car Parking Management Plan shall be fully implemented before the development is first occupied or brought into use, in accordance with a timeframe agreed by the Local Planning Authority, and thereafter retained for this purpose.

Reason: In the interests of highway safety and to ensure sufficient available on-site car parking and the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport.

#### Condition 3: Delivery and Servicing Plan

Prior to the commencement of the use hereby permitted, a Servicing and Delivery Plan shall be submitted to and approved in writing by the Local Planning Authority. The Servicing and Delivery plan shall incorporate the servicing arrangements for the use and adequate provision for the storage of delivery vehicles within the site.

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

#### Condition 4: Detailed Plans

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

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

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



#### Condition 5: Horizontal Clearance

Prior to commencement of the development hereby permitted, the applicant will need to demonstrate that a horizontal clearance of 500mm on either side of the proposed access and the carriageway will be clear of obstruction.

Reason: In the interests of highway safety.

#### Condition 6: Reinstatement of the Highway

Vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing No. SK05 only. Any other access(es) or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access. These works will be subject to a S184 or S278 Agreement, whichever is most appropriate for the scale of works.

Reason: In the interests of highway safety.

#### 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

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 would need to apply to the Highway Authority to obtain their permission and requirements. Further information is

available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

#### S184 or S278 Agreement

Any works within the highway boundary (including alterations to the footway and the proposed site access) would need to be secured and approved via a S184 or a S278 Agreement, whichever is most appropriate to the scale of works, with the Hertfordshire County Council.

#### Planning Contributions

If deemed appropriate, planning contributions would be sought via CIL to put toward schemes and measures identified in the Tring, Northchurch and Berkhamsted Urban Transport Plan (which can be read/ downloaded at

<http://www.hertfordshire.gov.uk/services/transtreets/tranpan/tcatp/tnbutp/>)

or identified in the Paramics traffic modelling carried out for HCC and DBC in support of the Borough Council's Core Strategy and Site Allocations DPDs.

#### Description of the Proposal

The proposal is for the demolition of existing buildings and the erection of thirty four (34) Class C3 units and ancillary facilities including communal lounges, guest accommodation and staff offices with associated access, parking services and amenity space.

The proposals include parking for thirty (30) vehicles, including two (2) smaller Smart car spaces and seven (7) disabled spaces. Twelve (12) cycle parking spaces will be provided on site. Seventeen (17) buggy spaces will also be provided on site to accommodate the parking of mobility scooters.

#### Site Description

The development site is located at the junction of Brook Street and Mortimer Hill in Tring. Mortimer Hill is a single carriageway L2 local access road subject to a speed limit of 30mph. Brook Street (B488) is a single carriageway secondary distributor road subject to a speed limit of 30mph.

The site is bordered by Mortimer Hill Road and residential dwellings to the south, Brook Street and commercial land uses to the west, residential properties to the east and north.

At present, the site is occupied by a Shell Petrol Filling Station (PFS) and its associated car wash amenities, a Market Auto Centre (a car garage), and a vacant unit that was most recently used as a café. A car park is also located on the site.

#### History

A number of previous planning applications has been recorded for the proposed site and are listed as follows:

- Permission was granted for the change of use of a part of the site from motorcycle showroom to gym/health club and office space to ancillary accommodation (LPA Ref: 4/01842/98/FUL)
- Permission was granted for single storey conservatory extension to front building (LPA Ref: 4/00123/99/FUL)
- Permission was granted for extension of the retail building and the provision of additional four (4) car parking spaces (LPA Ref: 4/01821/00/FUL)

- Permission was granted for alterations to the existing retail building to enlarged retail area' (LPA Ref:4/01086/05/FUL)
- Permission was granted for a part of the application site for change of use from gym (D2) to restaurant/café (A3) (LPA Ref: 4/02239/13/FUL)
- Permission was granted from change of use to D1 (Nursery) of part of the site to provide 72 nursery (LPA Ref: 4/00880/15/FUL)

#### Policy Review

The applicant has provided some evidence of consideration of the following policy documents in their application for the proposed development:

- National Planning Policy Framework (NPPF)
- Relevant Dacorum Borough Council core strategies relating to transport and parking requirements (CS8 - Sustainable Transport, CS9 - Management of Roads)
- 'Cycling and Walking Investment Strategy DfT' (2016)
- 'Providing Journeys on Foot' IHT (2000)

However, there is no evidence of review of the following key policy documents:

- National Planning Practice Guidance
- Hertfordshire County Council (HCC) Local Transport Plan 2011-2031
- HCC Tring, Northchurch and Berkhamsted Urban Transport Plan

#### Transport Assessment

As part of the planning application package, the applicant has provided a Transport Statement (TS) to demonstrate the impact of the proposed development on the traffic network.

A Design and Access Statement (DAS) is required for all planning applications that have an impact on the highway. A DAS has been provided for the proposed development.

The applicant has provided numerous amendments to the planning application since the initial submission. These amendments have been reviewed and relevant comments have been added to the response.

#### Trip Generation

A trip generation profile for the existing site land uses and the proposed land use are provided as part of the TS.

#### Existing Situation

The existing site comprises a B1 Petrol Filling Station (PFS), a B2 use car garage and a B3 vacant unit last used as a café (1525sqm). To obtain trip rates for the existing site land uses, TRICS online database was interrogated, this is an appropriate approach.

The following parameters were used for the B1 Petrol Filling Station:

- 13 - Petrol Filling Stations - A - Petrol Filling Stations;
- All regions in England except for Greater London
- Filling bays: 4 to 16 units;
- Average Vehicle Trip Rates (Monday to Friday); and,
- Edge of Town and Suburban Area (PPS6 Out of Centre) chosen.

The parameters used in the TRICS interrogation are considered acceptable for the existing PFS land use. Therefore, the proposed trip rates generated by the TRICS assessment for the existing PFS land use are as follows:

#### Petrol Filling Station

- AM Peak: 6.913 arrivals, 6.913 departures and 13.826 two-way movements
- PM Peak: 6.739 arrivals, 6.696 departures and 13.435 two-way movements

The applicant has only provided trip rates for the Petrol Filling Station land use for the existing situation. The TS states that the PFS land use will have significantly more trips than the proposed land use. Thus not providing the other land uses will not skew the impact in the favour of the development.

The TRICS assessment parameters used to obtain the trip rates are considered appropriate for the purposes of determining the existing trip generation profile.

The resultant trips generated for the existing PFS land use during the peak hours are as follows:

#### AM Peak

- Petrol Filling Station: 55 arrivals, 55 departures, and 110 two-way movements

#### PM Peak

- Petrol Filling Station: 54 arrivals, 54 departures, and 108 two-way movements

The trips generated by the existing land use will be used in conjunction with the proposed development trips generated to determine the impact of the proposed development on the highway network.

#### Proposed Development Situation

The proposed development site will comprise 34 retirement flats (10 one bedroom flats and 24 two bedroom flats) and ancillary facilities including communal lounges, guest accommodation and staff spaces and its associated amenities.

To obtain trip rates for the proposed land use the TRICS online database was interrogated, this is considered appropriate.

The following parameters were used for the proposed residential development:

- 03 - Residential - N - Retirement Plans;
- All regions in England except for Greater London
- GFA: 36 to 149 units;
- Average Vehicle Trip Rates (Monday to Friday); and,
- Edge of Town Centre, Suburban Area (PPS6 Out of Centre) and Edge of Town chosen.

The parameters used in the TRICS interrogation are considered acceptable for the proposed retirement flats land use. Therefore, the trip rates generated by the TRICS assessment for the proposed development are as follows:

#### Residential

- AM Peak: 0.173 arrivals, 0.102 departures and 0.275 two-way movements
- PM Peak: 0.088 arrivals, 0.106 departures and 0.194 two-way movements

The resultant trips for the proposed development during the peak hours are as follows:

#### AM Peak

- Office: 6 arrivals, 3 departures, and 9 two-way movements

#### PM Peak

- Office: 3 arrivals, 4 departures, and 7 two-way movements

#### Trip Generation Impact

The difference between the trips for the existing and proposed land use will be as follows:

- AM Peak: -49 arrivals, -52 departures and therefore -101 two-way movements
- PM Peak: -51 arrivals, -50 departures and therefore -101 two-way movements

The difference in the number of trips generated by the existing and the proposed development demonstrates that the proposed development will likely result in a reduced number of trips arriving to and departing from the development site in both the AM and PM peak periods. Therefore, no severe impact is likely to be generated by the proposed development on the surrounding highway network.

#### Trip Distribution

Trip distribution assumptions have not been provided as a part of the TS. This is considered acceptable due to the negligible impact of the proposed development on the local highway network.

#### Junction Assessment

Junction assessments are not required for the proposed development as the proposed development is likely to generate less trips than the existing land uses.

#### Highway Safety

No collision data is provided as a part of the TS. It is required that the applicant provide Personal Injury Collision analyses for the most recent 5 years of collision data from HCC. However, a review of the most recent 5 years of collision data available to HCC reveals that 1 slight and 2 serious collisions occurred within the vicinity of the site. There does not appear to be a trend in the collisions and it is therefore considered that the proposed development is unlikely to have an impact on the safety and operation of the local highway network.

#### Vehicle Access

The applicant proposes to close the three existing site accesses and provide a new site access from Brook Street. The existing crossovers will need to be re-instated with kerbs and footways. The new vehicular access onto Brook Street will pass beneath the new building and lead to the car park at the rear of the site.

The Development Management (DM) Implementation team have been consulted with regards to the proposed site access arrangements. The DM Implementation team have stated that the proposed access arrangements are not appropriate and that they require revision to accommodate the simultaneous movement of two cars entering and exiting the proposed site. The kerb radii and width of the site access are required to be in line with Roads in Herts Highway Design Guide.

The applicant has provided numerous revised layouts and HCC has provided feedback to be taken into account to prepare a suitable drawing for obtaining a positive recommendation. The applicant has since provided a drawing (reference SK05 prepared by YES Engineering) which is considered to address HCC's previous concerns with the proposed access arrangements. The drawings demonstrates that two way movement is possible and has provided suitable visibility splays. The applicant will, however, need to ensure that a minimum horizontal clearance of 500mm, per Roads in Herts Section 4, Chapter 1, Paragraph 1.9.

### Pedestrian Access

Pedestrian access is provided via Brook Street with direct links to Core Blocks A and B of the proposed development. Thus, evidence of ensuring pedestrian safety through the site is provided. This is considered acceptable.

### Swept Path Analysis

Swept path assessments for the proposed car park have been provided to demonstrate that a car can safely access the proposed car park as part of the original application submission. However, no swept path assessments for emergency vehicles, such as an ambulance, have been provided. Due to the nature of the proposed residential retirement flats, swept path assessments for an emergency vehicle (ambulance) are required. Additionally, swept path assessments for the simultaneous movement of two cars at the site access and through the driveway from the access to the car park have not been provided. These swept path assessments are required to ensure the safe entry and exit of vehicles from the proposed development site, without causing any unnecessary obstruction or hazard on Brook Street.

The applicant has since provided a revised drawings, reference SK05, which provides suitable swept path assessments to demonstrate that two-way movement of vehicles into and out of the access arrangements is achievable.

### Accessibility

#### Public Transport

The site is serviced by bus stops located on Brook Street adjacent to the site. The bus stop on the east side of the road, serving the southbound direction, is serviced by bus routes 50, 61 and 164 with services to Aylesbury. The bus stop on the west side of the road, serving the northbound direction, is serviced by bus routes 164 to Pitstone and Wilstone, 61 to Dunstable and 50 to Ivinghoe.

The nearest railway station to the site is Tring railway station which is approximately a 2.73km walk from the proposed development site. Tring railway station is serviced by London Midland and Southern trains. London Midland trains provide access to London Euston, Tring, Bletchley, Northampton, and Milton Keynes Central. Southern trains provide access to Milton Keynes Central and East Croydon.

#### Walking and Cycling

Brook Street is flat and walkable. Mortimer Hill is sloped and walkable. There are footway provisions on both sides of Brook Street and Mortimer Hill within the vicinity of the site. Safe pedestrian crossing facilities are located on Brook Street at the southwest of the site.

There are no formal cycling facilities within the vicinity of the development site. However, the roads surrounding the site are subject to 30mph and are therefore considered cycleable.

The provision of on-site bicycle parking facilities promotes cycling.

The following comments were received by the Sustainable Transport Development Officer:

#### 'BUS

The nearest bus stops are outside the site on Brook St. The northbound stop has a shelter but not easy access kerbing. The southbound stop has neither shelter nor easy access kerbing and is situated on a short section of footway next to a petrol station.

Services are as follows:

50 Aylesbury-Ivinghoe      Sun only x3 to Marsworth, x2 to Aylesbury.

61 Aylesbury-Dunstable  
164 Aylesbury-Marsworth

Mon-Sat 1 ½ - 2 hrly, no Sun  
Mon-Sat 1 ½ - 2 hrly, no Sun

#### RAIL

Tring station is approx 1.6 miles away. Trains are run by London Midland and journey time into London Euston is approx 35-42 minutes with up to 4 trains per hour operating during the morning rush hour period.

#### OTHER COMMENTS

The site is well located in relation to bus stops with a pair outside the site on Brook St. One of these already has a shelter, the other is not ideally located, being on a short section of footway between two vehicle crossovers. Bus services available are of limited frequency, the 61 having the best coverage of the day giving access to Dunstable in approx. 50 mins, Aylesbury in 21 mins. Access to the rail station is possible via the 387 bus which calls at stops approx. 290m away in the High St.

If developer contributions are being sought, these could be used towards the provision of easy access kerbing at the northbound stop. This would cost approx. £8000. The southbound stop would be difficult to upgrade due to its current location.'

#### Parking

The applicant has stated that the proposed development will comprise of 30 car parking spaces, which includes two (2) for Smart cars. Dacorum Borough Council's parking standards set out a maximum 1.5 car parking spaces per retirement dwelling with no warden control plus 0.25 visitor spaces per unit. As the site is located in Zone 3 (Tring Town Centre) of the DBC Accessibility zones, the parking provisions can be within 50-75% of the maximum.

The maximum car parking provision for the proposed site was found to be 38 car parking spaces. Therefore, provision of 30 car parking spaces is considered appropriate for the proposed development (79 per cent). The proposed car parking provisions are in line with the requirements set out in the Dacorum Borough Council's parking standards; however, it is ultimately the decision of the LPA to determine the suitability of the proposed car parking provisions. A Car and Cycle Parking Management Plan will be required to ensure that the proposed parking is managed appropriately and to ensure no displacement of parking onto the highway occurs.

#### Cycle and Mobility Scooter Parking Provisions

The applicant proposes to provide twenty-nine (29) cycle and mobility scooter parking spaces for the proposed development. According to Dacorum Borough Council's minimum cycle parking standards, 1 short term (s/t) space per 3 units plus 1 long term (l/t) space per 5 units is required at a minimum for retirement flats.

Therefore, as there are 34 retirement flats, 11 s/t cycle parking spaces and 7 l/t cycle parking spaces are required at a minimum for the proposed development site. The provision of 29 cycle and mobility scooter parking spaces is above the 18 cycle/mobility scooter parking spaces required at a minimum; therefore, the cycle and mobility scooter parking provisions are considered acceptable. Proposed cycle parking provisions are in line with the requirements set out in the Dacorum Borough Council's minimum cycling parking standards; however, it is ultimately the decision of the LPA to determine the suitability of the proposed cycle and mobility scooter parking provisions.

#### Parking Survey

The consultant has undertaken two different car parking surveys in the vicinity of the proposed development site. The applicant has stated that the surveys were undertaken in accordance with the Lambeth methodology in order to establish on-street car parking stress. The parking stress surveys were taken overnight at 3:00am, when most residents are home and parked overnight. The parking

surveys demonstrate that there is sufficient on-street car parking capacity overnight to accommodate vehicles displaced from the car park on the proposed site as a result of the proposed development.

#### Refuse and Service Delivery

The applicant has provided refuse collection arrangements for the proposed development site. It is proposed that the refuse collection will take place from Brook Street, which is in line with 'The Hollies' further up from the site on Brook Street. The proposed location for the bin storage is in Core Block A, adjacent to the site access. The DAS states that the bin storage is within appropriate travelling distance for both residents and refuse collectors. As the proposed collection arrangements are in line with the existing land uses, this is considered acceptable.

#### Road Safety Audit

A Stage 1 Road Safety Audit will not likely be required as the changes to the proposed access arrangements include a reduction in the number of accesses, resulting in a reduction in pedestrian - vehicle or vehicle - vehicle conflict. However, a Stage 2 Road Safety Audit may be required as part of an appropriate highway works agreement.

#### Travel Plan

No Travel Plan is required due to the size, nature and location of the proposed development.

#### Construction

A Construction Method Statement (CMS) has been provided as part of the application package. The CMS has been provided in order to demonstrate that the construction works and associated vehicles will not have a detrimental impact on the vicinity of the site. The CMS has been reviewed to ensure compliance with HCC requirements of a Construction Traffic Management Plan. The following information is required for completion of the CMS and will be conditioned:

- The planning application reference number will need to be included in the document;
- Contact details are required when the a coordinator has been appointed for the CMS;
- Details on any consultation undertaken in the local area;
- A plan, numbered and dated, demonstrating the construction route is to be provided. Confirmation that this route will be adhered to is required. Additionally, it is required that all contractors, subcontractors and visitors will be provided the route and will adhere to it and other terms of the plan.
- Detailed site plan is required to demonstrate: all points of access (vehicular and pedestrian), Where materials, skips and plant materials will be stored, position of hoarding, position of nearby trees, where construction vehicles would wait to load/unload, surrounding properties and their accesses, parking bay suspensions, minimum of 1.2m clear footway width to be retained at all times, and a minimum 3m clear carriageway width to ensure that development activity does not block the road.
- Please state if vehicles are entering the site, if they are they will be required to be able to manoeuvre within the site to depart in a forward gear.
- Please confirm that appropriate measures will be taken to protect the public highway from damage arising from construction related activity and to prevent concrete and other detritus from being washed into the public highway drainage system. In addition, please confirm that the council will be informed promptly should any such damage to the highway occur and will be duly reimbursed for the cost of the repairs. Please note: The council will require reimbursement for any damage caused to the highway or drainage system. Under no circumstances should concrete residue or other detritus be washed into the drainage system. Consideration must also be given to protecting the road and pavement surfaces from HGV movements, skips, outriggers and other related plant, materials and equipment etc;
- Please confirm you accept the below requirements:
  - The depositing of mud/detritus on the highway originating from the site or from any construction vehicle associated with the development is unacceptable.
  - A wheel wash facility shall be provided at all vehicular access gates to the



development site to ensure that mud/detritus originating from the site is not deposited on the public highway.

- Where the deposition of some dirt on the highway is unavoidable, any mud/detritus shall be expeditiously cleared using street cleansing vehicles or similar. No development dirt shall be evident on the highway at the end of any working day.
- Finalised number, size and type of construction vehicles by phase will be required upon appointment of the contractor;
- Confirm that loading/unloading areas will be clear of vehicles and materials before the next lorry arrives (i.e. there will be no queuing of delivery vehicles);
- Confirm that consideration for coordinate Construction Traffic movements with other nearby developments has been provided;
- Provide a broad-brush programme and total timescale for the project, broken down by each major phase of construction and anticipated start date provided;

#### Planning Obligations / Community Infrastructure Levy (CIL)

It is the policy of the County and Borough Councils to seek planning obligations to mitigate the effects of development. Planning obligations will be obtained via CIL contributions and would be used on schemes and measures identified in the Tring, Northchurch and Berkhamsted Urban Transport Plan (which can be read/ downloaded at

<http://www.hertfordshire.gov.uk/services/transtreets/tranpan/tcatp/tnbutp/>) or identified in the Paramics traffic modelling carried out for HCC and DBC in support of the Borough Council's Core Strategy and Site Allocations DPDs.

#### Conclusion

The impact of this development on the local highway network has been assessed and it has been determined that it would not likely have a severe impact on the safety and operation of the highway network. Therefore, HCC have no objection to the proposed development, subject to suitable conditions.

**Signed**

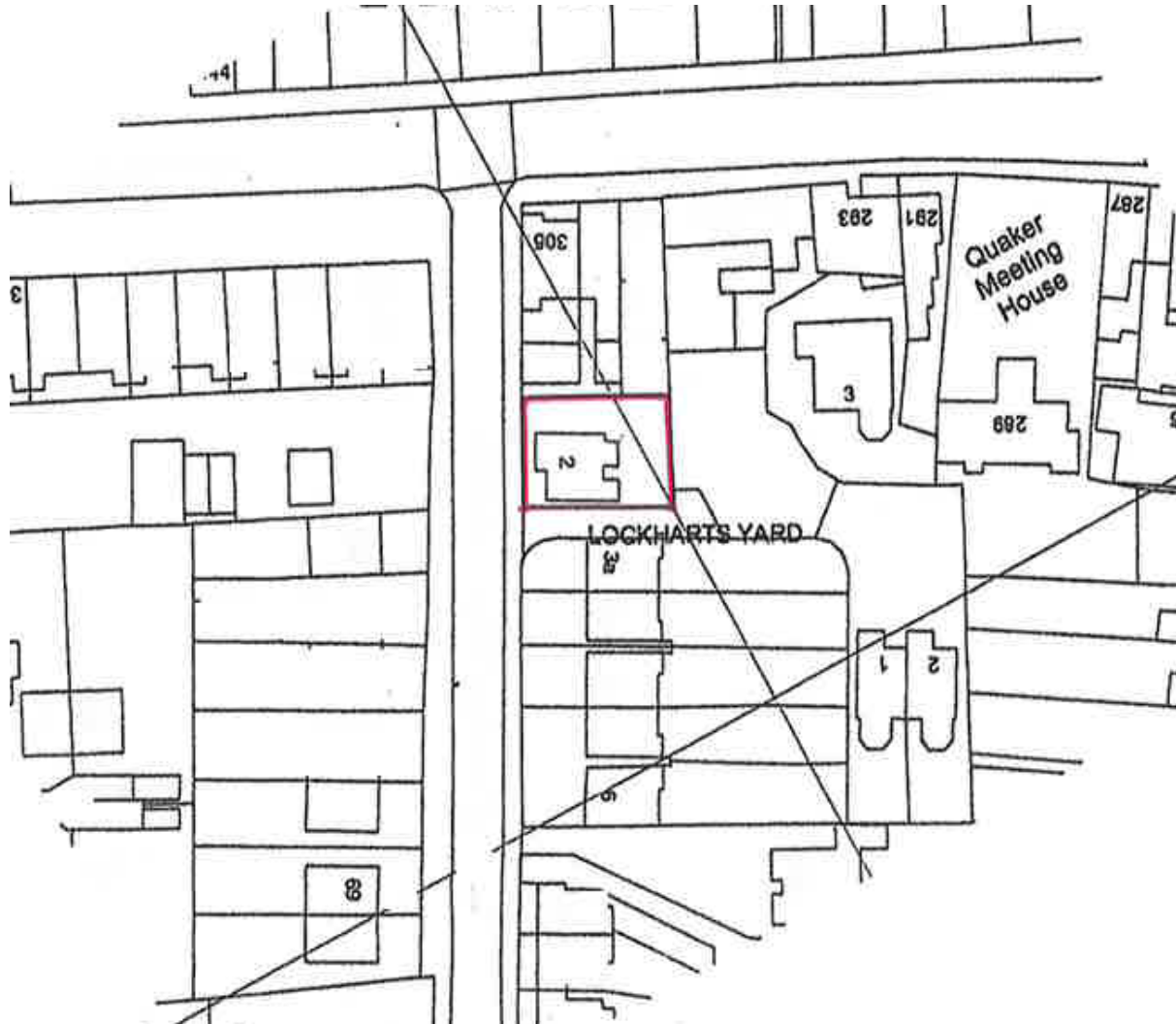
**Date** 31/10/2017

# Agenda Item 5d

Item 5d

**4/01060/17/FUL - DEMOLITION OF EXISTING PROPERTY AND REPLACEMENT WITH TWO 3-BED DWELLINGS**

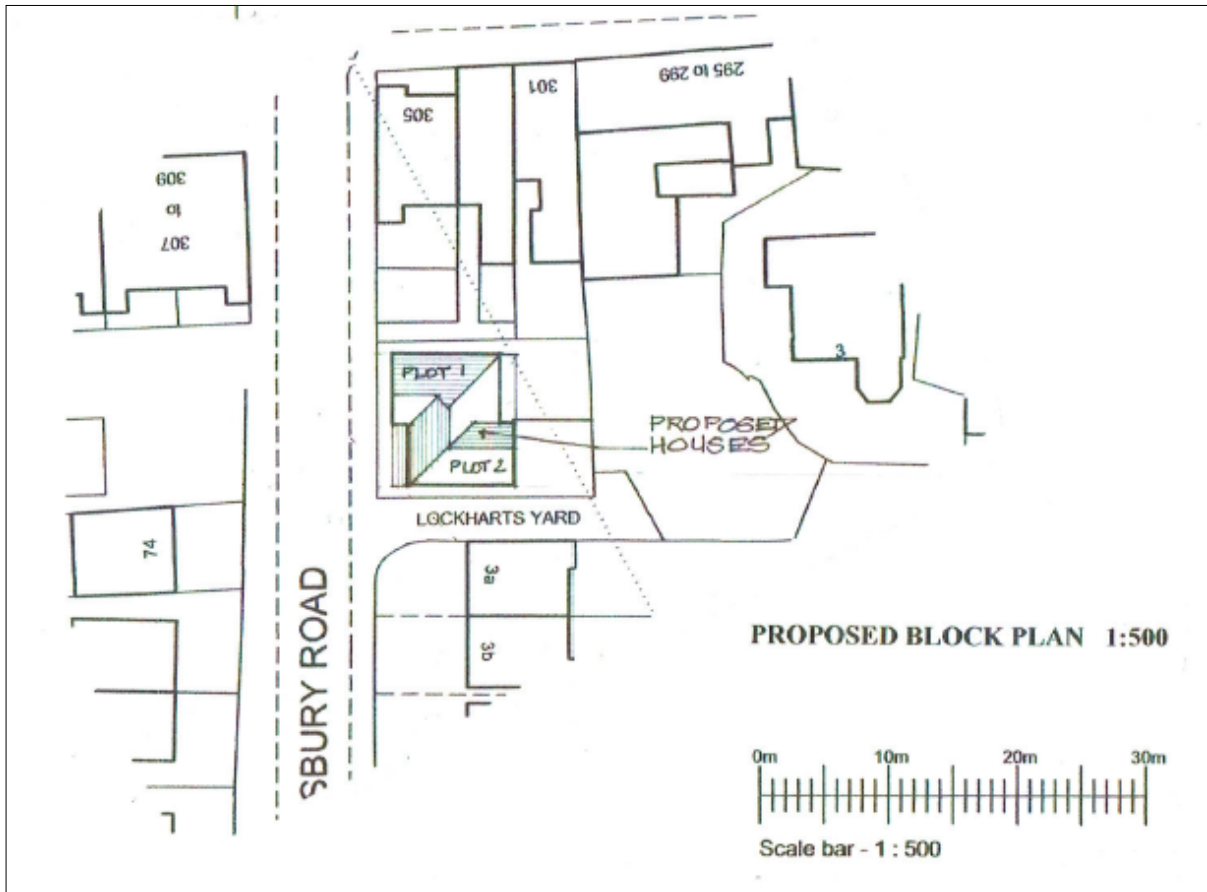
**2 KITSBURY ROAD, BERKHAMSTED, HP4 3EG**



Item 5d

4/01060/17/FUL - DEMOLITION OF EXISTING PROPERTY AND REPLACEMENT WITH TWO 3-BED DWELLINGS

2 KITSBURY ROAD, BERKHAMSTED, HP4 3EG



**4/01060/17/FUL - DEMOLITION OF EXISTING PROPERTY AND REPLACEMENT WITH TWO 3-BED DWELLINGS.  
2 KITSBURY ROAD, BERKHAMSTED, HP4 3EG.  
APPLICANT: Land Key Developments.**

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[Case Officer - Amy Harman]

**Summary**

The application is recommended for approval.

**Site Description**

2 Kitsbury Road is a detached house situated on the eastern side of Kitsbury Road in the centre of Berkhamsted just off the High Street.

The existing dwelling would appear to date from the first half of the 20<sup>th</sup> century. Further analysis would appear to indicate that it is from the late 1920's to 1930's but an exact date has not been confirmed. It is detached and typical of the period. The projecting gable has a decorative planted timber truss below the steeply pitched steep tiled roofs. At first floor level the building is harled but below the strong course at ground level there is a good brick in a Flemish bond with arched details over the windows. A number of the windows have been replaced with unsympathetic UPVC windows which detract from the property.

This end of Kitsbury road was redeveloped in the first half of the 20<sup>th</sup> century probably in the inter war period and thus has a different character to the Victorian terraces uphill to the south.

**Proposal**

Demolition of existing property and replacement with two 3-bed dwellings

**Referral to Committee**

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

**Planning History**

4/01998/05/TCA FELLING OF TREES  
Raise no objection  
07/11/2005

**Policies**

National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

Adopted Core Strategy

NP1 - Supporting 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  
CS13 - Quality of Public Realm  
CS19 - Affordable Housing

CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS35 - Infrastructure and Developer Contributions

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

Policies 10, 13, 18, 21, 51, 54, 58, 99, 100, 111, 120, 122 and 124  
Appendices 1, 3 and 5

#### Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of Car Parking Standards (July 2002)  
Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Conservation Area Character Appraisal and Policy Statement for Berkhamsted  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)

#### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)  
Conservation Area Character Appraisal for Berkhamsted

### **Summary of Representations**

#### Berkhamsted Town Council

The development would be an overdevelopment of the site and would have inadequate parking provisions.

CS12: appendix 3 (iii); Appendix 5 (i)

#### Conservation and Design

Conservation & Design do not raise an objection to the proposed development as it is considered that the new dwellings would preserve the character of the Conservation Area.

#### Hertfordshire Highways

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

#### Trees and Woodlands

There are no trees or significant landscape features on this site.

#### Contaminated Land Officer

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. The contamination officer has recommended that contamination conditions be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website ([www.dacorum.gov.uk/default.aspx?page=2247](http://www.dacorum.gov.uk/default.aspx?page=2247)).

#### Infrastructure Officer

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

#### Response to Neighbour Notification / Site Notice

14 neighbours were notified and a site notice was posted.

#### 3A Kitsbury Road - objects:

Creating two homes to replace one will double the potential number of car parking spaces required from the site. Kitsbury Road is already beyond capacity, and frequently access is difficult. Two families, with potentially four cars, is not sustainable.

#### Comments were received from number 1-3 Lockharts Yard.

The redevelopment of 2 Kitsbury Road is, in principle, welcome and has the potential to greatly improve the street scene.

Detailed comments were sent in, however concerns were raised which relate to lack of parking, bin storage and the effect on their properties of the demolition and building work.

#### 36A Charles Street - supports:

I regularly walk past this property and notice how it is asking to be redeveloped. This lower end of Kitsbury Road and No 2 in particular offers little or nothing in heritage terms to the Conservation Area and the proposal would be a significant enhancement to the street. It is a well proportioned and balanced solution, without being over-development. The lack of parking provision is immaterial; especially as there is ample out of hours street parking; new carparks etc. The streets in the conservation area offer ample evening/weekend parking; the problem is caused by commuters not wanting to pay the Station carpark charges. This hopefully will be resolved when the new carpark is built. In any event, these houses will invariably be purchased by commuting residents.

### **Considerations**

#### Policy and Principle

The site lies within the urban area of Berkhamsted wherein, under Policy CS4 of the Core Strategy residential development is acceptable in principle.

The site falls within the Berkhamsted Conservation Area where, in accordance with Policy CS27 and saved Policy 120, proposals should preserve or enhance the character and appearance of such areas.

The key issues in this case concern the effect of the proposal on the appearance and character of the Conservation Area, the impact on highway safety and convenience, and the effect on residential amenity.

Policies CS10, 11, 12, 13 and CS27 are relevant, together with saved Policies 51, 54, 58 and 120 of the Local Plan.

#### Suitability of the site for residential development

The site is currently in residential use as a single house on a reasonably generous sized plot. Although the site would be sub-divided to form two dwelling plots, each plot would remain commensurate in size with other dwellings in the immediate area.

Although concerns have been expressed that the proposal for two dwellings would be an overdevelopment of the site, the layout would provide sufficient spacing with adjoining properties and sufficient private amenity space to the rear of both dwellings which are 6 metres in depth. Although admittedly shallow when judged against the minimum 11.5 metres set out in Appendix 3, however, the guidance states that gardens below this depth, but which are of equal depth to adjoining properties will be acceptable. The garden depths will be commensurate with many nearby dwellings on Kitsbury Road. In view of the above, the proposal is not considered to be an overdevelopment of the site and would accord with saved Policy 10 which seeks to ensure the use of urban land is optimised.

#### Proposed New dwellings and Effect on the Street Scene and the Character of the Area

The application site relates to an existing detached house within the Core Area of the Berkhamsted Conservation Area.

National Planning Policy requires that development in conservation areas should preserve or enhance the character and appearance of those areas. This is supported by saved Policy 120 of the Local Plan and Policy CS27 of the Core Strategy which also requires that development preserves or enhances the character and appearance of conservation areas.

These policies are in turn supported by the Conservation Area Character Appraisal and Policy Statement for Berkhamsted which identifies that Kitsbury Road as falling within the Charles Street Identity Area. The policy that seeks to protect the character of this Core Area states that:

*"New development proposals should follow the principles set out below:*

- *Development by the amalgamation of rear garden areas is not acceptable.*
- *Infilling proposals will be acceptable if they are compatible with the layout, pattern, density and scale of adjacent development.*
- *Two storey development with gardens front and rear is encouraged, although in terms of height, a third floor in the form of dormer windows in the roof space will be acceptable.*
- *In redevelopment proposals, medium to high density terraced or semi-detached proposals are acceptable.*
- *Large scale bulky development of flats are not encouraged.*
- *The building line must be maintained."*

The proposed development would fully accord with the above principles.

The proposal comprises a pair of semi-detached two storey houses of traditional bricks in Flemish Bond with render and tile hanging to high level gables. Windows would be pre-finished timber in grey with conservation style roof lights. The traditional hipped roof to be finished in Rosemary Clay classic mix plan tiles. Whilst not intending to provide a complete facsimile, the architectural style nevertheless seeks to reflect some of the key features and characteristics of the surrounding dwellings, particularly that of the adjacent property at 3a / 3b Kitsbury Road.

Extensive consultation has taken place with the Conservation officer at both pre-application stage and during the consideration of this application. The detailed comments of the conservation officer are included in this section of the report.

The existing building makes a neutral contribution to the character of the Berkhamsted conservation area and whilst typical of its period has not been locally listed. The variety and change in character over time with different styles add to the character of the conservation area and help explain its development. Infill development during the inter war period can be seen with this building and it differs from the more typical semi-detached housing seen adjacent. We

note that from both the surveyors report and the costing's report that the existing building is in a poor condition and needs a substantial amount of work to preserve it for future generations. This would appear from both reports to be somewhat prohibitive and require an extensive amount of work to be undertaken.

We would agree with the heritage statement in that the proposal would have a negligible impact on the setting of the nearby listed buildings in particular the Quaker Meeting House.

The planning (Listed Buildings and Conservation Areas Act) States that the local authority has a duty to preserve and enhance conservation areas. In addition the framework states that great weight should be given to the assets conservation. The asset is designated as part of the conservation area and therefore paragraph 134 of the Framework is used stating that if there is less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal.

The proposal is for a pair of semi-detached dwellings. The design evolved at a pre application stage and the form of the roof now better reflects the character of the inter war housing of the nearby buildings. The design has been altered through the application process and as such we believe that it would now sit comfortably within the plot. The materials and detailing appear appropriate and would reflect the local tradition and character. Given these improvements we believe that overall the proposals would now preserve the character of the conservation area.

There would be a relatively low level of harm caused through the demolition of a building that makes a neutral contribution to the character of the area. It is not of local interest, nor does it form a focus or part of a group but instead is part of the wider streetscape. Therefore we would assess this harm to be less than substantial. The proposed new design and materials are in keeping with the character of the conservation area. They would therefore preserve its character. As the decision maker when carefully considering the balance as per para 134 of the framework and giving the appropriate weight to the assets conservation this should be taken into account.

Overall it is considered that the design and materials would allow the proposals to sit comfortably within the conservation area thus preserving its character as per policy and guidance. The materials should be conditioned to match those shown on the plans. Render colour and finish, rooflights and Joinery detail and finish subject to approval.

In conclusion, the proposal would therefore be acceptable in its context. The proposed development would also preserve the character and appearance of the Conservation Area.

#### Impact on Trees and Landscaping

No impact

#### Impact on Highway Safety

No off street parking is offered as part of the scheme and this is no different to the current circumstances of the existing dwelling. The site lies in a sustainable location, where development using alternative means of transport should be encouraged. Hertfordshire Highways have confirmed the proposed development would not cause harm to the surrounding road network, congestion and highway safety.

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 a maximum of 1.5 spaces per 3 bedroom dwelling.

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.

The site is a town centre location. There are numerous bus routes on the High Street and the main line train station of Berkhamsted is within a ten minute walk of the site. Although the immediate locality is reasonably heavily parked, there are no parking restrictions on Kitsbury Road. Furthermore due to the sites restrictions and its location in a Conservation Area it would no be possible to provide off-street parking.

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

*'There is no existing VXO for the current property; no new or altered VXO is proposed and no works are required in the highway. No off street parking currently exists or is proposed for the new dwellings.*

*In conclusion, the proposals are considered acceptable to the Highways Authority subject to the conditions and informative notes being attached.'*

Furthermore regard has been had to a recent Appeal decision (reference APP/A1910/W/17/3173690) dated 2/10/2017 in Kings Langley which was allowed following the refusal of planning permission due to the effect of the development on parking provision. The Inspector highlights National Planning Policies advice to look at the accessibility of development and that local parking standards should only be imposed where there is clear and compelling justification

*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.'*

It is also worth noting that the recent planning permission for conversion of 305 High Street from a cafe and bed and breakfast to a four bedroom house (ref.4/01399/16/FUL) did not provide and off-street parking.

This appeal decision is a material consideration and following this approach, it is not considered that a refusal on lack of parking can be substantiated.

Impact on Neighbours

An individual objection has been received from one neighbour and a collective comment from the residents at Lockharts Yard (to the rear of the proposal). The main concerns are parking, bin storage along with comments on the effect of the construction process.

The parking issues have been covered above.

The impact of the construction process is not a planning consideration for the purposes of this report.

A dedicated location in the rear garden has been allocated for bin storage to minimise their appearance. It is expected that the bins would be brought to the front via the side of the properties to be collected. This is not an unusual arrangement in a town centre location and is considered acceptable.

In terms of the effect on amenity on the adjoining properties, the design of the proposal has evolved through engagement at pre-application stage.

As such currently the scheme is no higher than the existing dwelling as the new dwellings have been set into the ground. In addition the roof has been hipped to reduce the perception of bulk. The boundary treatment has been retained and enhanced to provide screening.

The spacing between the proposed and 3A Kitsbury Road is retained, albeit the hipped roof (as opposed to the existing gable end) provides for additional spacing at higher level.

The spacing between the side elevation of the garage to the rear of 305 High Street is currently 5 metres and would be reduced to 2.5 metres. The resultant spacing between the rear of 305 High Street and the flank wall of the proposal would be reduced from 12.5 metres to 10 metres. With the addition of the hipped roof the effect on the 25 degree line taken from the nearest rear window of this property shows the effect on light into this property is negligible. It is also worth noting that these windows in 305 High Street are already shaded by the rear garage and the existing trees in this garden.

From site visits, it would appear that the garage to the rear of 305 High Street has been converted to office / living space, however there is no planning history relating to this. There is a window facing the site to the rear of this garage. Therefore, it is worth noting that, due to the levels, the fence which is to be constructed as part of the proposals (permitted development) would obscure light into the rear windows of this converted garage and therefore despite the reduction in spacing, the relationship with the new development and this garage is not effected. No comments have been received from the residents of this property.

There are currently windows on the ground floor of the south east side elevation of the existing property.

The proposal introduces high level velux windows on both the north east and the south west elevations in the roof space. It is not considered that this would introduce a further opportunity for overlooking.

The only other side windows proposed are the high level windows in both the north east and south west elevations, serving the dining spaces. These have been included to provide additional light into the centre of the properties and due to their limited depth and outlook do not cause additional overlooking issues.

To the rear, the existing property has three rear facing windows and the proposed rear windows would not create additional overlooking beyond the existing situation given the distances to the properties at the rear (Lockharts Yard).

In terms of the side windows of 3A Kitsbury Road, there is one small obscure glazed window at ground floor level and a first floor landing window. Although these are not habitable rooms, the proposed replacement dwellings retains the current situation in terms of these windows.

Based on the above analysis, it is concluded that there would be no significant harm to adjoining residential amenities as a result of the development. The proposal would therefore accord with Policy CS12.

#### Other Material Planning Considerations

##### Contaminated Land

The site is located within the vicinity of potentially contaminative current and former land uses. Consequently, the scientific officer has recommended that there may be land contamination issues associated with this site and therefore should permission be granted a suitable contamination condition would be applied to this development.

##### CIL

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable.

The Charging Schedule clarifies that the site is in Zone 1 within which a charge of £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.

##### Sustainability

A sustainability statement has been submitted in support of the proposal which demonstrates that regard has been given to the objectives of Policy CS29 of the Core Strategy.

The bins for the proposed development can be contained on site.

##### Natural, Historic and Built Environment

The proposed new build will be replacing a house on the same location. The new dwelling is larger than the existing and the Design and Access Statement supplied by the applicant indicates that the new property will be set into the ground considerably more than the existing. It is therefore likely that the new dwelling may disturb previously undisturbed ground beneath (as well as to the side of) the foundations of the original structure.

The proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and provisions are recommended to be made should consent be granted.

#### **Conclusions**

The principle of residential redevelopment is acceptable here in accordance with policy CS4. The size, scale and appearance of the development would not be harmful to the Conservation Area and would preserve its character and appearance. The site is in a highly sustainable location and the lack of parking is therefore not considered to be a reason for refusal and the Highway Authority raise no objections. The amenity of neighbouring occupiers would not be

adversely affected. The proposal is therefore considered acceptable 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:**

5333.P01  
5333.P02  
5333.P03 A  
5333.P04 A  
5333.P05 A  
53333.P06 B  
5333.P07 A

Design Statement  
Heritage Statement

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

- 3 **No development shall take place until details of the render colour and finish, rooflights and Joinery detail and finish 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: In the interests of the visual amenities of the Conservation Area in accordance with Adopted Core Strategy Policy CS27

- 4 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings**

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

- 5 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 Adopted Core Strategy CS32

- 6 All remediation or protection measures identified in the Remediation Statement referred to in Condition (5) shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Adopted Core Strategy CS32

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

1. The programme and methodology of building investigation and recording

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

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

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

ii) **The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

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

Informative:

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

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

**Article 35 Statement**

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

## Item 5e

### 4/00545/17/MFA - DEMOLITION OF EXISTING GARAGES AND CONSTRUCTION OF 14 FLATS WITH CAR-PARKING

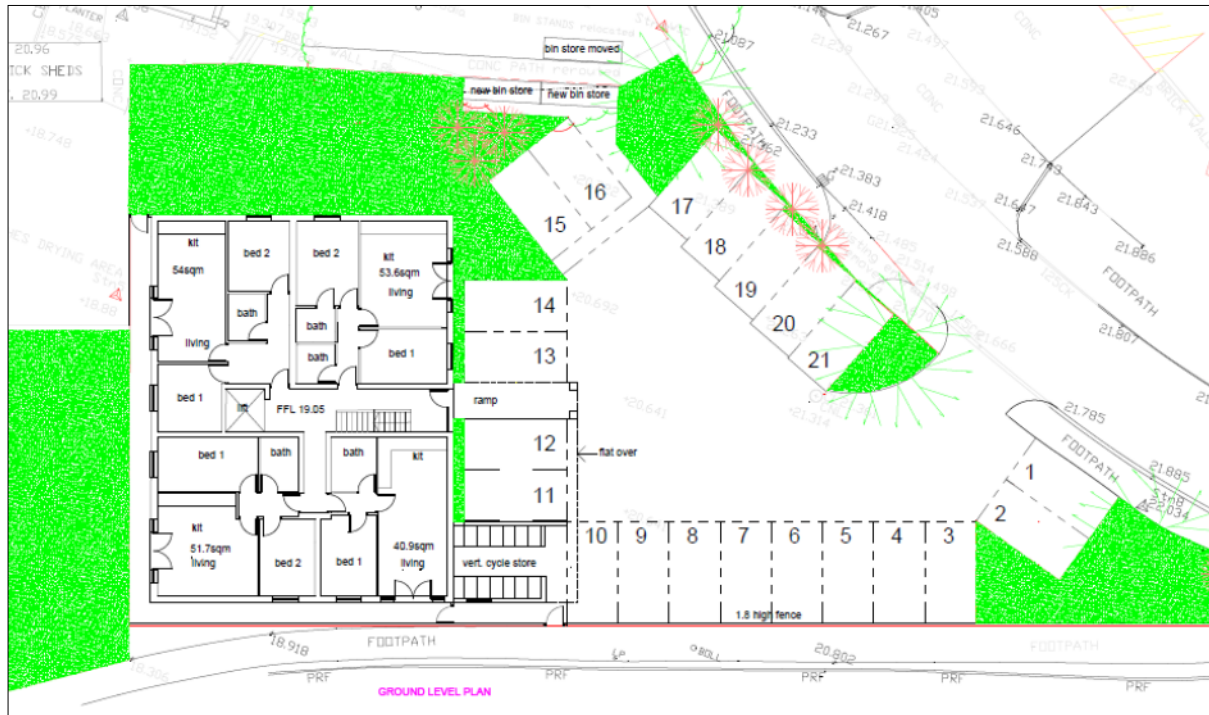
#### GARAGE COURT ADJ 83 TURNERS HILL, HEMEL HEMPSTEAD, HP2



**Item 5e**

**4/00545/17/MFA - DEMOLITION OF EXISTING GARAGES AND CONSTRUCTION OF 14 FLATS WITH CAR-PARKING**

**GARAGE COURT ADJ 83 TURNERS HILL, HEMEL HEMPSTEAD, HP2**







**4/00545/17/MFA - DEMOLITION OF EXISTING GARAGES AND CONSTRUCTION OF 14 FLATS WITH CAR-PARKING.  
GARAGE COURT ADJ 83 TURNERS HILL, HEMEL HEMPSTEAD, HP2.  
APPLICANT: SURFBUILD LTD.**

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[Case Officer - Briony Curtain]

### **Summary**

The application is recommended for approval subject to the completion of a legal agreement (unilateral undertaking) under s.106 of the Town and Country Planning Act 1990.

The application seeks planning permission to demolish 18 domestic garages and construct a three storey block of 14 residential flats served by 21 parking spaces. This application follows a previous outline planning permission (4/01783/13/OUT) for 9 flats served by a minimum of 15 parking spaces.

The increased quantum, scale and design of the residential development now proposed is considered appropriate to the site and its context. The amended proposal for 14 new dwellings would remain acceptable in principle in accordance with Policies CS1 and CS4 of the Core Strategy (2013). The proposal seeks to optimise the use of the land whilst respecting the character of the area, and ensuring a satisfactory relationship to adjoining properties. In addition a commuted sum has been secured for affordable housing. Despite the orientation, position and relative height to neighbouring properties a 'Daylight and Sunlight Assessment' has been submitted and demonstrates that the development fully achieves all of the relevant guidelines in the BRE report and that all of the windows analysed would continue to receive the recommended amount of sunlight both year round and in winter months. Given the separation distance and otherwise open aspect, the building would not appear unduly oppressive or dominant when viewed from adjacent properties. The proposed development provides an over-provision of off-street parking for future residents, exceeding the Councils maximum demand based standards and would not therefore have an undue impact upon highway safety. Parking is at a premium in the area, and parking provision is a key concern for residents and local councillors, as such no objection is raised to the over provision in this instance. No parking for existing residents to mitigate the loss of the garage court has been provided. However, the garages which were demolished had a rented occupancy rate (from DBC) of 38%; 7 of the 18 garages, in 2013, and it is important to note that the majority of these 7 were rented for domestic and commercial storage purposes as they were too small to accommodate most modern cars. There remain vacant garages for rent in the immediate area and these were offered to tenants. In addition the garages were demolished almost a year ago. Any displaced parking is therefore considered to be minimal and would not give rise to significant adverse highway issues. 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 site is located in a residential area close to the centre of Hemel Hempstead, east of the town centre. It is bound to the south by an area of open space which acts as a buffer zone to the A414 St Albans Road. the western edge of the site is also bound by open space. A mixture of dwelling types surround the site. To the north there are 3 blocks of flats, each three storeys high. To the east are two storey terraces.

Turners Hill lies within an area of pre-dominantly 1960s development. The surrounding area consists of short terraces and semi-detached dwellings. Houses within this area are arranged on a series of residential streets and large cul de sacs.

Parking is generally in the curtilage of a dwelling, either in a front drive way or an adjacent garage. Parking is also provided on street in front of the dwellings. The area is interspersed with green areas that break up the streets and allow space for trees and landscaping. The existing flats do not provide off-street parking.

The site previously consisted of 18 garages, many of which were void. The lack of overlooking, meant the garages were often a focus for anti-social behaviour and rubbish dumping. The applicants acquired the site in January 2017 and the garage were demolished shortly afterwards. The application site has been hoarded up since.

## **Proposal**

Full planning permission is sought for the demolition of 18 garages and the construction of 14 flats with car parking.

## **Referral to Committee**

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

## **History of the site**

In 2015 an outline application was granted at Development Control Committee for a new residential development of 9 units of three storey height, with a minimum of 15 parking spaces. This outline consent included a parameter plan, which set out the development area. All details of the design of the block of flats were reserved.

4/01738/13/OUT DEMOLITION OF 18 GARAGES. CONSTRUCTION OF UP TO 9  
RESIDENTIAL FLATS IN ONE THREE STOREY BLOCK WITH PRIVATE  
PARKING  
Granted  
09/02/2015

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS17 - New Housing  
CS19 - Affordable Housing  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS31 - Water Management

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 3, & 5

### Supplementary Planning Guidance / Documents

Area Based Policies (May 2004) - Residential Character Area HCA 22  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)  
Affordable Housing (Jan 2013)

### **Summary of Representations**

Contaminated Land Officer - Recommends Conditional Approval.

The use of the site as garages, presents a potentially contaminative use (possible leaks and spills of fuel, oils and chemicals). The site is also located within the vicinity of potentially contaminative former land uses, including a gravel pit (adjacent), chalk pit, hospital and industrial estate. Consequently there may be land contamination issues associated with this site. I recommend that the contamination conditions be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website ([www.dacorum.gov.uk/default.aspx?page=2247](http://www.dacorum.gov.uk/default.aspx?page=2247)).

### **Air Quality:**

The application site is not located within an Air Quality Management Area (AQMA), however, current industry guidance states that even where developments are proposed outside of 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 1000m<sup>2</sup> of commercial floor space, 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.

As the application proposes the erection of >10 new dwellings, where possible, I recommend the incorporation of good design principles and best practice measures as detailed in Chapter 5 of the above-mentioned industry guidance document (*'EPUK & IAQM Land-Use Planning & Development Control: Planning For Air Quality - January 2017'*) to minimise emissions.

### Crime Prevention Officer

I would encourage the applicants to build the development to the preferred police minimum security standard, Secured by Design. I have undertaken a crime analysis of the area and the crime is relatively high, including instances of Burglary, Criminal Damage, Arson and, Anti-Social Behaviour. Building to the physical security of Secured by Design will reduce the potential for burglary by 50% to 75%, meet the requirements of Approved Document Q (ADQ) and would mitigate the majority of concerns I have regarding this development.

Secured by Design physical security - This would involve

- All exterior doors to have been certificated by an approved certification body to BS PAS 24:2016, or LPS 1175 SR 2, If the balcony doors are accessible by climbing, they would

need to be PAS 24:2016 or LPS 1175 SR2.

- All individual flat front entrance doors to have been certificated by an approved certification body to BS PAS 24:2016
- Any ground level exterior windows (not commercial) 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.
- Access control standard for flats is: 4 to 10, audible audio visible– 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.
- Secure mail delivery - Mail Boxes, we would prefer these to be through the wall or in the entrance lobby, this reduces the risk of unauthorised people wandering around the building.
- Bin Stores - Secured with LPS 1175 SR2 doors and Digi lock with a self-closer.
- Cycle storage – Requires a secure lock on the door
- Lighting – Dusk to Dawn lighting, we do not advise movement sensor or bollard lighting.
- Boundary fencing to be 1.8m high
- Defensive planting, where possible.

I do have concerns regarding the alleyway surrounding the flats at the rear of the development, although the drawings indicate a gate at either end. I would strongly advise that there is access control fitted to the gates to stop intruders as burglaries normally occur from the rear of the building.

Herts County Council Highways - Recommend Conditional Approval (with Informatives).

This latest proposal follows on from an outline planning permission in 2013, 4/01738/13/OUT demolition of 18 garages and construction of up to 9 residential flats and a reserve matters application in 2017, 4/00039/17/RES. This application is proposing to demolish the 18 domestic Dacorum Borough owned garages and redevelop with a mix of residential dwellings. This will be made up of 14 flats, (2x 1 bedrooms and 12 x 2 bedrooms with 21 off street parking spaces. The access will be repositioned, slightly but remain as the only vehicular access to the site.

#### ACCESS

The existing garage access off Turners Hill, Hemel Hempstead will be made redundant, as a new 4.2 metres wide access is proposed, 12 metres to the south of the current access, with a new pedestrian access running alongside. The highway authority does not maintain the service road. The applicant has not offered this short section of road for adoption. It follows that it is unlikely that the highway authority would wish to adopt such a section of road.

The existing dropped kerb will be required to be closed off and the kerb raised and footpath reinstated to the same line as the kerb. I notice that there is a streetlamp in the vicinity of the proposed new vxo. The applicant should be advised that if this is required to be moved for the construction and visibility of the new access, this may be at their own expense.

PARKING 21 off street parking spaces are proposed. The layout drawings do not show a lot of detail, therefore a swept path drawing is required to show that vehicles are able to access the parking spaces.

Strategic Planning & regeneration - Acceptable in principle subject to detailed assessment.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

No.s 73,79,80,81,181 Turners Hill, No.s 1 & 2 Coxfield Close - Object [ s ]:

- loss of garages means alternative parking should be provided
- People already park in the area to go into town to avoid charges
- inappropriate density
- loss of light and over shadowing
- development would lead to vehicles overhanging footpaths to the detriment of pedestrian users and would compromise highway safety
- adverse impact on drain and water flow
- the narrowness of the road and the excessive car parking means the bus service was cancelled some years ago as it could not safely access the area. the same could apply to emergency services and refuse vehicles. the development would make this worse.
- increased pollution from additional cars
- the size, depth and massing of the building would adversely affect privacy and be visually overbearing
- the position of the block means there would be direct views into existing flat windows
- the proposed building would appear out of place in the area and does not respect the street pattern, scale or proportions of surrounding properties.
- redevelopment is inevitable but 14 flats is an over-development.
- the development would overlook the adjacent communal washing and bin areas.

## **Considerations**

### Principle of Development

The application site is located within an established residential area of Hemel Hempstead wherein residential development is acceptable in accordance with Policy CS4 of the Core Strategy. Further, there would be a strong presumption in Policy CS17 in favour of promoting residential use of the land to address a need for additional housing within the Borough. 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.

In addition it is important to note that the redevelopment of the site to accommodate 9 dwellings was approved at outline stage under application ref: 4/00925/14/MOA. The principle of the residential redevelopment has thus been established. The nature of the current proposal is similar to that approved above, the main difference being the increase in quantum from 9 approved units to 14 proposed units.

The provision of 14 flats would optimise the use of the land. When the 2013 outline application was considered it was noted that the occupancy rate of the 18 garages at that time was 7, equating to 38%. The site was sold in January 2017, and the garages were demolished. The use of the land for residential purposes would therefore represent a significantly more efficient use of urban land.

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). The development would be

located in a sustainable location and seeks to optimise the use of previously developed urban land; the proposal is therefore 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).

### The Quality of the Design and the Impact on the Character and Appearance of the Area

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 HCA22: Adeyfield South Area Character Appraisal sets out general housing principles for the area. The principles pertinent to this application are;

- *Design*: No special requirements.
- *Type*: Terraces are encouraged; detached houses will not normally be permitted.
- *Height*: Should not exceed two storeys. Three storey development may be permitted where adjacent or nearby to buildings of a similar height, depending upon its impact on the character and appearance of the area.
- *Size* : Small to medium sized dwellings are encouraged. Large, bulky buildings are strongly discouraged.
- *Layout*: Dwellings should front onto the road and follow or set clear building lines. Where possible, new dwellings should be linked strongly to existing or newly provided areas of amenity land. New development should contribute to or create serial views in the area.
- Spacing in the medium range (2 m to 5 m) should be provided.
- *“Redevelopment: Strongly discouraged. The redevelopment of **garage blocks** will only be acceptable if **alternative provision** is made for displaced vehicle parking and where proposals accord with the development principles.”*

The simple, modern, flat roof design of the proposed three storey block is considered acceptable and would integrate into the existing street scape. The application site is situated at the end of an existing series of three storey blocks of flats such that the proposal would not appear incongruous or unduly prominent in height. The mass and bulk of the proposed building would exceed that of the adjacent blocks but given the sites position at the bend of the road and the mature landscaping which forms its backdrop, the building would not appear unduly excessive in size or scale. In addition this part of the street scene abuts open land such that the development would not appear cramped or oppressive. Furthermore the outline consent permitted a three storey building, which while 'L' shaped had an overall width and depth comparable to the current proposal. The development fronts the road, and fenestration has been added to the sides and a range of materials used to break up and avoid bland, uninterrupted elevations. Each elevation addresses the street and has an active frontage. The adjacent blocks of flats are stepped to the east to follow the bend in the road. The proposed unit is set forward of the adjacent buildings to echo the existing stagger and in terms of spacing has only a slightly lesser degree of separation in comparison to the positioning and relationship between the other blocks. The site abuts open land to the south and west. The building would not appear out of scale or cramped within the open surroundings.

The policy suggests that given the 18 garages are demolished then the development is required to provide alternative provision. The provision of 21 parking spaces for the new development is not alternative provision. However it is important to note that many of the garages were not

being used as parking and as such the requirement to provide alternative provision needs to be reconsidered in this context. This is addressed under the highway considerations below.

The design, form and layout of the proposal is considered acceptable. The set back position of the building, the separation distances and the broken up nature of the block through architectural design and a well thought-out palette of materials, mean that the proposed building would not appear overtly intrusive or incongruous within the street scene. The visual appearance would be softened by its position at the end of the road, the open space separating this development from the street and the surrounding mature landscaping. The proposal thus adheres with Policies 10, 18, 21, 111 and Appendix 3 of the Decorum Local Plan (2004) and Policies CS10, CS11 and CS12 of the Core Strategy (2013), and the National Planning Policy Framework (2012).

#### 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 application site is situated at the end of an existing series of three storey blocks of flats. The proposed unit is set forward of the adjacent buildings and has a lesser degree of separation in comparison to the positioning and relationship between the other blocks. The mass and bulk of the proposed building would impact on the neighbouring block of flats and concern has been raised from residents.

With regard to loss of light, a 'Daylight / Sunlight Assessment' was requested and adequately demonstrates that an acceptable level of light will continue to reach all of the nearest adjacent habitable windows of No.s 73-83 and No. 80 Turners Hill and No 1 Coxfield Close. The development fully achieves all of the relevant guidelines set out in the Building Research Establishment (BRE) guidelines. As such, whilst the position and form of the proposed building would undoubtedly reduce light levels, this loss would be small and not to such a degree as to warrant a refusal.

With regard to visual intrusion, the proposed development would result in the presence of a large building, three storeys in height, projecting to the front of the adjacent block of flats, in close proximity to their front and side facing habitable windows. Despite its height and proximity however, the building is not considered to appear unduly prominent to the extent that it would loom above the existing properties to an overbearing degree. In addition given the separation distance and otherwise entirely open aspect to the front and rear of the existing flats (No.s 73-83) existing residents would continue to enjoy an acceptable level of residential amenity and aspect. The main living areas (lounge / dining areas) of the adjacent flats are served by rear facing windows which would not be significantly affected by the development

There would be no significant adverse privacy or overlooking issues as a result of the development, particularly when compared to existing levels. There is already a degree of mutual overlooking in the vicinity, and this is a common scenario in urban locations, such as



this. It is proposed to have habitable windows to the northern side elevation however these would permit slightly oblique views over the front of the adjacent block of flats,( which at ground floor level already possible from the public communal footpaths than run around the building) and would not permit direct views into the front facing windows. . The slightly angled orientation of the blocks to each other and separation distance would not result in an unacceptable level of overlooking or significant loss of privacy.

The proposed development would not significantly 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).

#### 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 14 units comprising 3x 1 beds, and 11x 2 beds which would require 20.25 off street parking spaces at maximum provision. The proposed 21 spaces therefore would exceed the 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 and parking is at a premium in the area no objection is raised in this regard.

As set out above the housing development principles for HCA22 state that; *“Redevelopment: Strongly discouraged. The redevelopment of **garage blocks** will only be acceptable if **alternative provision** is made for displaced vehicle parking and where proposals accord with the development principles.”* No alternative provision is made. However there are a number of factors to consider when assessing the need for alternative provision.

As part of a wider Council initiative looking at council owned garage courts and their scope for re-development, the occupancy rate of garages was analysed. The occupancy rate of the Turners Hill garages (at the time of the outline application in 2013) was 7 of the 18, equating to 38%. It was also noted that the majority of these 7 were rented for domestic and commercial storage purposes as they were too small to accommodate most modern cars. The garage court was thus predominantly vacant and not used for vehicle parking. The requirement for alternative provision must therefore be re-assessed. In addition it is important to note that there are a number of other garage sites within the vicinity of the Turners Hill site. In 2013 it was identified that there were some 26 vacant garage spaces within 250m of the site, 10 of which were within very close proximity to the site. These were offered to all previous garage tenants.

Given the garages were under used in the first place, the fact they have already been demolished, and the site has been hoarded off for some time therefore preventing parking, it is considered that the level of cars being displaced by this development would be very small and

thus would not lead to significant detrimental impacts to highway safety in the surrounding area. It is acknowledged that parking is at premium. The site is however considered reasonably sustainable, with easy access to local services. Any adverse impact would not be significant enough to warrant a refusal.

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).

#### 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.

Mature trees were removed from the application site. However these were removed prior to the submission of the application, were not protected and as such can not be considered as part of the current application or replacements requested as mitigation. A landscaping condition will be included to ensure a satisfactory appearance to the development. It is not proposed to remove any of the landscaping that lines the public footpaths and there would thus be no adverse impact on the visual amenity of the open land adjacent.

#### Other Material Planning Considerations

- *Contaminated Land*

Policy CS32 of the Core Strategy (2013) seeks to maintain soil quality standards and ensure any contaminated land is appropriately remediated. Given the comments of the Scientific Officer the standard contamination land conditions have been added.

- *Refuse and Recycling*

Saved Policy 129 of the Local Plan (2004) seeks to ensure that developments have adequate storage for refuse and recycling. Notwithstanding the submitted details these will be requested as part of the landscaping condition.

- *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 should include 35% affordable housing, in accordance with Policy CS19 of the Core Strategy (2013) and the recently adopted Affordable Housing Supplementary Planning Document.

The Council aims to ensure that the policies help the delivery of both market and affording

homes across the Borough.

The proposal seeks consent for 14 flats and provides an affordable housing commuted sum of £167,000. The Councils Strategic Housing Team has been consulted, and given problems securing registered social housing providers, and following a review of recent and local sales and marketing data in the area, they are satisfied with a commuted sum and the figure put forward.

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

- Affordable Housing commuted sum of £167,000

The application would also be subject to CIL contributions. 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.

#### 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 £167,000 commuted sum for affordable housing.

RECOMMENDATION - That determination of the application be **DELEGATED** to the Senior Manager, Development Management, following the expiry of the consultation period and no additional material considerations being raised, with a view to grant for the following reasons.

- 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 fully in accordance with the materials specified on the approved drawings and documents.**

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

- 3 **Prior to construction of the development hereby approved 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:

- i. hard surfacing materials (including roads/footpaths/driveways/courtyards etc);
- 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; and
- external lighting.
- trees to be retained and measures for their protection during construction works;
- arrangements for bin storage

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).

- 4 **Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition:**

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

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

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

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

- 5 **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](http://www.dacorum.gov.uk)

- 6 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation, and access shown on Drawing No. 3199 1. Rev B shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved.**

**Upon completion of the development, unused access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb and reinstating the footway and highway boundary to the same line, level and detail as the adjoining footway verge and highway boundary.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities.

- 7 **Pedestrian visibility splays of 2 m x 2 m shall be provided before any part of the development is first brought into use, and they shall thereafter be maintained, on both sides of the entrance to the site, within which there shall be no obstruction to visibility between 600 mm and 2 m above the carriageway.**

Reason: In the interests of highway safety.

- 8 **Visibility splays of not less than 2.4 m x 4.3 m shall be provided before any part of the development hereby permitted is first brought into use, and they shall thereafter be maintained, in both directions from the crossover, within which there shall be no obstruction to visibility between a height of 0.6 m and 2.0 m above the carriageway.**

Reason: In the interests of highway safety.

- 9 **The development hereby permitted shall be carried out in accordance with the**

**following approved plans/documents:**

**3199.1.Rev B**

**3199.2.Rev B**

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 pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

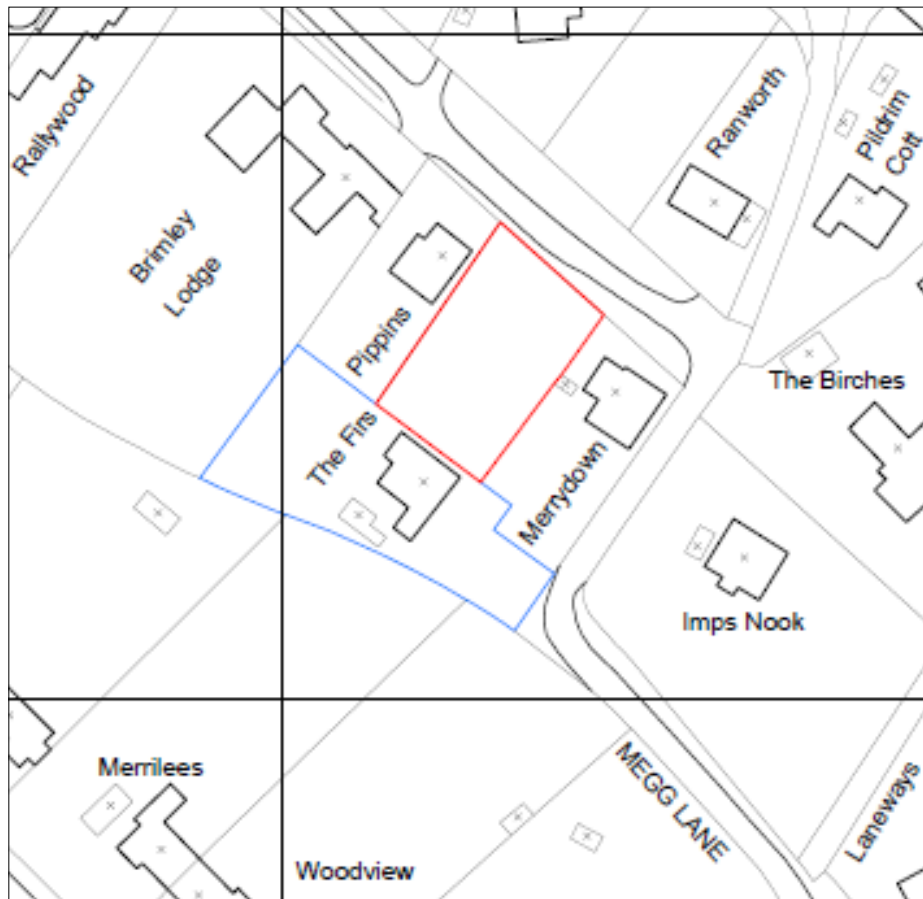
INFORMATIVES:

1. The Highway Authority requires the alterations to or the construction of the vehicle crossovers to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.), the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. The applicant may need to apply to Highways (Telephone 0300 1234047) to arrange this, or use link:-  
<https://www.hertfordshire.gov.uk/droppedkerbs/>
2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

## Item 5f

4/01008/17/FUL - NEW 3-BED DWELLING

THE FIRS, MEGG LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9JN



**Item 5f**

**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.**

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[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 19<sup>th</sup> 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 5g

## Item 5g

**4/01804/17/FUL - TWO STOREY, SINGLE STOREY EXTENSION, FRONT AND REAR DORMER TO EXISTING DWELLING. CONSTRUCTION OF NEW 4 BED DWELLING ADJACENT TO EXISTING DWELLING**

**17 CHESTNUT DRIVE, BERKHAMSTED, HP4 2JL**



Item 5g

4/01804/17/FUL - TWO STOREY, SINGLE STOREY EXTENSION, FRONT AND REAR DORMER TO EXISTING DWELLING. CONSTRUCTION OF NEW 4 BED DWELLING ADJACENT TO EXISTING DWELLING

17 CHESTNUT DRIVE, BERKHAMSTED, HP4 2JL



**4/01804/17/FUL - TWO STOREY, SINGLE STOREY EXTENSION, FRONT AND REAR DORMER TO EXISTING DWELLING. CONSTRUCTION OF NEW 4 BED DWELLING ADJACENT TO EXISTING DWELLING.  
17 CHESTNUT DRIVE, BERKHAMSTED, HP4 2JL.  
APPLICANT: Mr & Mts J Bennett.**

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[Case Officer - Briony Curtain]

### **Summary**

The application is recommended for approval.

The application proposes extensions to the existing property No. 17 Chestnut Drive and the construction of an attached four-bedroom dwelling.

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. Furthermore, in accordance with policy CS4 of the Core Strategy the principle of residential development in a town such as Berkhamsted is generally held to be acceptable subject to planning considerations such as impact upon visual amenity, residential amenity, amenity provision, trees and landscaping, and parking and access.

The additional dwelling would essentially mirror the form, scale and detailing of the existing dwelling creating a symmetrical, semi-detached pair. The layout and design is acceptable and would achieve an acceptable level of integration with the neighbouring properties. The extensions are considered an acceptable addition in terms of their size, scale and form and would not harm the host building. Given the design, position and orientation the development would not adversely affect the residential amenities of adjacent properties (neither the existing properties or those recently granted planning permission). Adequate parking and private amenity space is provided.

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.

### **Application Site and Surrounding Area**

The application site is located on the south side of Chestnut Drive, Berkhamsted which resides within the Swing Gate Character Area Appraisal (BCA2). The application site currently comprises a detached two-storey dwelling, detached single garage which is set well back within the plot and associated gardens and parking.

The application site currently comprises the side garden of No. 17.

The surrounding area is characterised by a mixture of semi-detached and detached dwellinghouses and bungalows. Each property is relatively uniform in regards to build line but varied in terms of architectural style, roof form, size, separation distances and height.

There have been a number of recent developments and in-fill dwellings in the street scene and planning permission has very recently been granted for the demolition of the adjacent bungalow and construction of a pair of semi-detached dwellings.

## **Proposal**

Planning permission is sought for extensions to the existing dwelling and the construction of an attached, 4 bedroom property.

## **Referral to Committee**

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

## Relevant History

None on record

## **Policies**

### National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

### Adopted Core Strategy (2013)

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

### Saved Policies of the Dacorum Borough Local Plan (2004)

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

### Supplementary Planning Guidance (2004)

Swing Gate Character Area Appraisal (BCA2).

## **Constraints**

Established residential area of Berkhamsted

- Green Belt land to rear of site

## **Summary of Representations**

Berkhamsted Town Council

Amended Plans;

### **Object**

Notwithstanding the removal of a dormer, the proposals continue to represent an overdevelopment of the site contrary to Policies CS12; appendix 7 (vi).

Original Plans;

### **Objection**

The proposals which include dormers to front and rear represent an overdevelopment of the site.

CS 12; appendix 7 (vi)

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:

There is no material difference between this amendment and the original application from a Highways perspective, therefore the same response applies: Hertfordshire County Council as Highway Authority does not object to the development, subject to the conditions and informative notes below.

#### **CONDITIONS:**

1. Vehicular visibility splays of 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety.

2. Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the new vehicle crossovers, which will be restricted to a double width, ie as per Roads in Herts - Highway Design Guide 3rd ed guidance, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety.

3. The proposed parking spaces shall have measurements of 2.4m x 4.8m respectively. Such spaces shall be maintained as a permanent ancillary to the development shall be paved and shall be used for no other purpose.

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

4. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted

and disposed of separately so that it does not discharge into the highway.

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

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

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

6. The gradient of the vehicular access shall not exceed 1:10 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway .

Reason: In the interests of the safety of persons using the access and users of the highway.

The Highway Authority would ask that the following note to the applicant be appended to any consent issued by the local planning authority:-

#### INFORMATIVES:

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

<https://www.hertfordshire.gov.uk/droppedkerbs/>

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

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

#### COMMENTS

This application is for Two storey, single storey extension, front and rear dormer to existing dwelling. Construction of new 4 bed dwelling adjacent to existing dwelling

#### PARKING

Each property will have two parking spaces on a new hard standing to the front. I notice from drawing no "DBC/17/6/2 A" that the measurements for minimum parking space size have been met.

ACCESS The current property has an existing vxo onto Chestnut Drive, which will be altered to provide access to the parking spaces for the new dwelling, while a new double vxo is proposed for the existing dwelling. The maximum size for a double width VXO is 7.2m (6 standard kerbs plus two dropped kerbs). Chestnut Drive is an unclassified local access road with a speed limit of 30 mph, so vehicles are not required to enter and exit the site in forward gear.

## CONCLUSION

Hertfordshire County Council as Highway Authority considers the proposal would not have an increased impact on the safety and operation of the adjoining highways.

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

Two representations received - OBJECT.

- dormer to front would effect privacy to properties opposite
- any increase in ridge height would effect light levels to properties opposite
- parking is already a problem with cars overhanging the footpath. how many cars will be catered for as many recent developments and the amount of extra cars wanting to park is of concern.
- flat roof to rear out of keeping
- second floor dormer to front out of keeping

### **Key Considerations**

#### Policy and principle

The application site is located within the town of Berkhamsted.

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. Furthermore, in accordance with policy CS4 of the Core Strategy the principle of residential development in a town such as Berkhamsted is generally held to be acceptable subject to planning considerations such as impact upon visual amenity, residential amenity, amenity provision, trees and landscaping, and parking and access.

Moreover, as stated, there have been a number of in-fill dwellings and residential developments (bungalows replaced with semi-detached dwellings) recently approved and as such the principle has been established.

Taking the above into account, the proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). The development would be located in a sustainable location and seeks to optimise the use of previously developed urban land, the proposal is therefore in accordance with Policies CS1, CS4, CS17, CS18 and CS33 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (2004) and the NPPF (2012).

#### Layout, density and design

The application site comprises the side garden area of No. 17, a two storey detached dwelling.

The spatial layout of Chestnut Drive comprises predominantly of residential dwellings which all have a relatively linear relationship with the street. The surrounding properties comprise a variation of detached bungalows, dwellinghouses and semi-detached properties. Each property is relatively varied in regards to height, size, separation distance and architectural detailing. The roof forms within the immediate area are varied with hip, gable and half hip roof forms prevalent. Parking is predomiantly provided to the front.

The proposal seeks to subdivide the plot creating a pair of symmetrical dwellings. The additional dwelling would mirror the height, build line and form of the existing building. The



subdivision would maintain the conventional layout pattern within the wider neighbourhood and the resulting 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 BCA2 and essentially mirror the existing building, which itself does not appear incongruous. Parking would be provided to the front.

Spacing between dwellings in the area is highly varied. The separation distances created would not be noticeably smaller than gaps within the existing street or those recently approved on other developments. The proposed street setback would be appropriate, equalling the existing dwelling and noting the established line of buildings on the southern side.

With regard to design, the scheme has been amended during the course of the application. The flat roof to the two storey rear addition, which was considered incongruous has been replaced with a hipped roof to better relate to the host building. The front dormers, which were considered out of keeping with the remainder of the street scene have been omitted and replaced with roof lights. It is proposed to alter the materials, the tiles being replaced with slate to the front and render being applied at first floor over brick at ground floor. The street scene is varied and the materials will harmonise well.

Other detached bungalows within the street scape have been demolished and replaced with semi-detached dwellings, such examples include No. 8 Chestnut Drive (4/00413/12/FUL) and more recently the immediate neighbour No. 15. The proposal would have an acceptable relationship to both the existing and the recently approved buildings on the neighbouring plot.

The proposed design and layout would be acceptable in its context and achieve a suitable level of integration with the neighbouring properties and therefore not have any adverse impact on the character or appearance of the street scene.

The proposal therefore accords with Policies CS11 and CS12 of the Core Strategy.

#### Impact on residential amenity

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. 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 on neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion and loss of light and privacy. Moreover, saved appendix 7 of the Local Plan advises that alterations should be set within a line drawn at 45 degrees from the nearest neighbouring habitable window.

The proposal would not have a significant adverse impact on the residential amenities of adjacent properties in terms of light, privacy or visual intrusion. Despite extending further to the south than No. 19 to the west, the proposed extensions and new dwelling would not breach the 45 degree line as drawn from the rear or front habitable windows. Moreover, due to the layout and orientation, the development would not result in a significant loss of outlook or daylight to neighbouring habitable windows than the existing site situation. It is not proposed to introduce any windows to the side elevations and the dwelling follows the same front building line as the existing building and remainder of the street scene, as such, overlooking and privacy levels would remain similar to existing.

With regard to the amenity of future residents, an acceptable standard and layout of

accommodation is provided. Saved appendix 3 of the Local Plan (1991) states that a dwelling house should be provided with a minimum 11.5 metre deep garden space. The proposed rear garden depth, for both the new units would be far in excess of this and therefore both sufficient to meet the needs of the future occupiers.

The proposal accords with the NPPF (2012), saved appendices 3 and 7 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

#### Highway Safety and Parking Provision

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

The application seeks to provide off street parking provision for two domestic cars per dwelling. Although this would create a total shortfall of two off street parking space (at 100% provision) this is not considered reason enough to refuse permission due to the availability of on street parking and DBC parking standards outlining maximum provision only. Furthermore the provision of two spaces is in line with existing properties and all other recent approvals for residential development in the immediate area.

The parking would cover the majority of the frontage of the site, which is not ideal, but in light of recent consents on adjacent sites, which had similar arrangements it is concluded that a refusal could not be sustained. In addition, it is important to note the the entire existing frontage could be hard surfaced in a porous material without the need for planning permission and this would result in the same overall visual appearance. The proposed block plan does indicate a landscaping strip between the two parking areas and one to the side, which should help soften the overall visual impact. A condition will be imposed.

Concern has been raised with regard to vehicles overhanging the footpath, however 6m is provided to the front of the dwelling which exceeds the 4.8m standard depth and would thus ensure no overhang. Conditions have been imposed with regard to the parking layout.

Hertfordshire County Highways were consulted on the proposal and provided the following conclusive representation: "Hertfordshire County Council as Highway Authority considers the proposal would not have an increased impact on the safety and operation of the adjoining highways." Numerous conditions were requested to be imposed. Some have not been included as they would not meet the necessary tests of being reasonable and necessary for the development to proceed without harm. For example the plans clearly show parking spaces exceeding 2.4m x 4.8m in size and as such a condition requiring this is not necessary. In addition it is an offence to store goods / obstruct the highway and this could be enforced using alternative legislation. The remainder of the requested conditions have been included.

Due to sufficient off street parking proposed for maximum guidelines and Highways raising no objection, the development would not result in significant impact to the safety and operation of adjacent highway. Thus, the proposal would be considered compliant with Policy CS12 of the

Core Strategy (2013) and Saved Policy 58 and Appendix 5 of the Local Plan (2004).

### 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; the application is CIL liable.

### Other Considerations

Given the amendments sought during the course of this application and the relationship of the proposal with adjacent properties it is considered necessary and reasonable to remove PD rights with regard to class A extensions.

**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 / 17 / 6 / 1**  
**DBC / 17/ 6 / 2A**  
**DBC / 17/ 6 / 3A**  
**Design and Access Statement**  
**Application form.**

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

- 3 **The development hereby permitted shall be constructed fully in accordance with the materials specified on the approved drawings and application form.**

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

- 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**

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 **The additional dwelling hereby permitted shall not be occupied until the arrangements for vehicle parking, shown on Drawing No. DBC/17/6/3A 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.

- 6 **Pedestrian visibility splays of 2 m x 2 m shall be provided before the new dwelling is first brought into use, and they shall thereafter be maintained, on both sides of the entrance to the site, within which there shall be no obstruction to visibility between 600 mm and 2 m above the carriageway.**

Reason: In the interest of highway safety; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

- 7 **The gradient of the vehicular access shall not exceed 1:10 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway .**

Reason: In the interests of the safety of persons using the access and users of the highway; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

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.

INFORMATIVES:

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

<https://www.hertfordshire.gov.uk/droppedkerbs/>

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

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning

0300 1234047.

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

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

Informative:

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

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

Article 35 Statement

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

# Agenda Item 5h

## Item 5h

**4/02266/17/FHA - TWO STOREY FRONT EXTENSION, SINGLE STOREY FRONT/SIDE EXTENSIONS, TWO STOREY REAR EXTENSION, RE-TILING OF EXISTING ROOFS AND CHANGES TO EXTERNAL FINISHES AT THE REAR.**

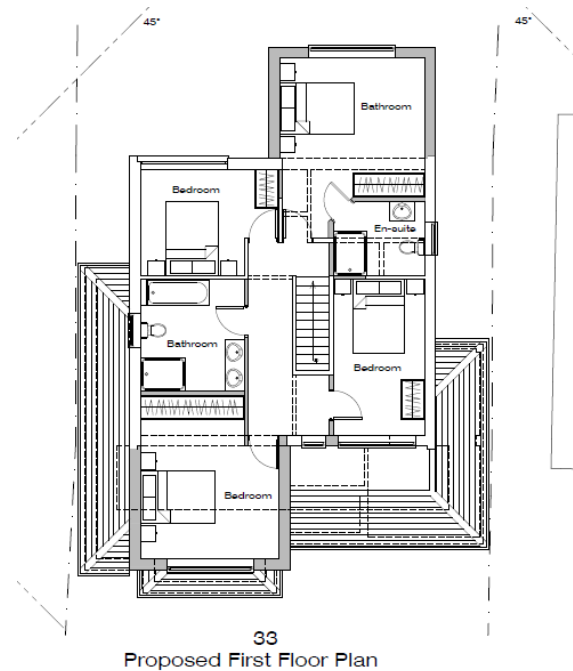
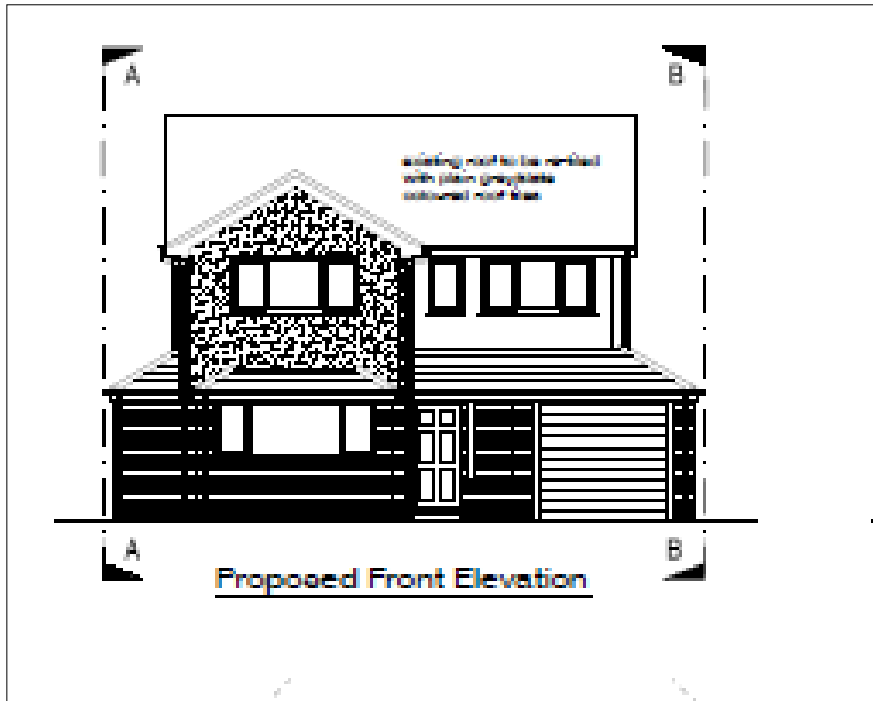
**33 STATION ROAD, TRING, HP23 5NW**



Item 5h

4/02266/17/FHA - TWO STOREY FRONT EXTENSION, SINGLE STOREY FRONT/SIDE EXTENSIONS, TWO STOREY REAR EXTENSION, RE-TILING OF EXISTING ROOFS AND CHANGES TO EXTERNAL FINISHES AT THE REAR.

33 STATION ROAD, TRING, HP23 5NW



**4/02266/17/FHA - TWO STOREY FRONT EXTENSION, SINGLE STOREY FRONT/SIDE EXTENSIONS, TWO STOREY REAR EXTENSION, RE-TILING OF EXISTING ROOFS AND CHANGES TO EXTERNAL FINISHES AT THE REAR..  
33 STATION ROAD, TRING, HP23 5NW.  
APPLICANT: MR/MRS PLUMRIDGE.**

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[Case Officer - Briony Curtain]

### **Summary**

The application is recommended for approval.

### **Site Description**

35 Station Road, Tring, is a detached two storey dwelling on the north side of Station Road.

The area is characterised by similar residential development and there is public open space opposite the house.

### **Proposal**

Permission is sought for the construction of a two storey front extension, single storey front/side extension and two storey rear extension, re-tiling and changes to the external finishes.

### **Referral to Committee**

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

### **Planning History**

4/01338/12/FHA SINGLE STOREY REAR EXTENSION (AMENDED SCHEME)  
Granted  
03/09/2012

4/00893/12/FHA TWO STOREY REAR EXTENSION  
Withdrawn  
16/07/2012

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

#### Adopted Core Strategy

CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS29 - Sustainable Design and Construction  
CS30 - Sustainability Offset Fund



## **Summary of Representations**

### Tring Town Council

#### OBJECT

The Council recommended refusal of this application on the grounds that the scale of the proposed development was over-bearing and out-of-keeping with the surrounding properties.

### Response to Neighbour Notification / Site Notice

#### No. 29, and 32 Station Road & 5 Hawkwell Drive - Object

- development too big for the area
- overlooking properties and interfere with privacy
- the development would be out of keeping and fundamentally change the appearance of the row of 6 houses
- the scale and design are detrimental to the house and vicinity
- the appearance of the existing group is coherent and attractive
- the staggered design if the street is designed so that there is no visibility to each other. The 2 storey rear extension proposed will adversely affect light and views
- No. 35 does not set a precedent as it forms part of a different group of houses.

#### **Considerations**

##### Policy and Principle

The site is situated within the urban area of Tring, where, in accordance with Policy CS4 of the Core Strategy residential extensions are acceptable in principle.

##### Effects on appearance of building / street scene

Given the size, scale and position of the two storey front extension, the overall character and appearance of the dwelling would alter, however, it would not be discordant with the existing building or wider street scene.

The extension will harmonise with the original design, appear subservient to and be of coherent appearance and materials. Although front extensions should be small scale this extension sits within a good sized plot with good set back from the front boundary and the new L-shape of the building from a broadly rectangle block will break up the bulk of the building and add visual interest to the existing building. Although the scale of the property will be increased it will not dominate the building. The matching tiles and brick work will be in keeping with the character of the property.

This part of Station Road is characterised by regular detached dwellings. In particular, the application property forms part of a group of six dwellings that are almost identical in their appearance. Whilst there have been some additions and alterations to the respective frontages overall the dwellings do maintain rhythm to the street scene. In addition, there is a group of 3 properties immediately to the north-east which are also very similar in appearance. Whilst uniformity is clearly evident, the design is not so exceptional it is considered it should be rigidly conformed to. Members attention is particularly drawn to No. 35 Station Road, two properties further to the west, which originally formed one of a group of three identical properties. No. 35 has been extended by way of an almost identical sized two storey front extension to that currently proposed. Neither Tring Town Council nor the Local Planning Authority objected to

this and it was granted permission under delegated powers in 2015. Contrary to what objecting neighbours assert, and despite the boundary wall, No. 35 is considered to form part of the same street scene as the application property and forms one of the larger group of 9 similar properties. As the extension approved at No. 35 is very similar in size, form and position to the current proposal, its acceptance would be considered to set a precedent and would be a material consideration that should be afforded weight in current considerations.

In addition it is important to note that the properties are set a generous distance back from the highway. The set back is sufficient to avoid an overbearing impact upon the street scene.

The property will be modernised in appearance as part of the proposal and although a little different to elsewhere in the street, the street is considered to benefit from a slight variation and individuality of properties. The extension will not dominate the street scene or significantly alter its character.

The rear and side extensions are also considered acceptable.

It is considered the proposal would preserve attractive streetscapes in accordance with CS11 and integrate with the streetscape character in accordance with CS12.

#### Impact on Neighbours

The development would not significantly adversely affect the residential amenities of adjacent properties in terms of light, privacy or visual amenity. The proposal would thus comply with Policy Cs12 of the Core strategy in this regard.

Given the stagger of the properties, the two storey front and rear extensions would partially align with the side flank elevations of the adjacent properties and thus provide a generous clearing of the 45 degree angle of light. Given there is no infringement there would not be significant light loss or visual intrusion. There would be no adverse privacy impacts.

#### Other Material Planning Considerations

There would be sufficient on-site parking for this proposal.

No trees or landscape of significant value would be lost by virtue of this proposal and the proposal would accord with saved DBLP policy 99 and CS12.

Sufficient amenity space would remain post development in accordance with saved DBLP Appendices 3 & 7.

#### 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 100m<sup>2</sup> proposed floor space.

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

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

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

- 2 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings and documents.**

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

- 3 **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 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.

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

**001 Rev 00 - Existing plans and elevations**

**002 Rev 00 - Proposed plans and elevations**

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 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 5i

Item 5i

4/01547/17/FHA - CAR PORT

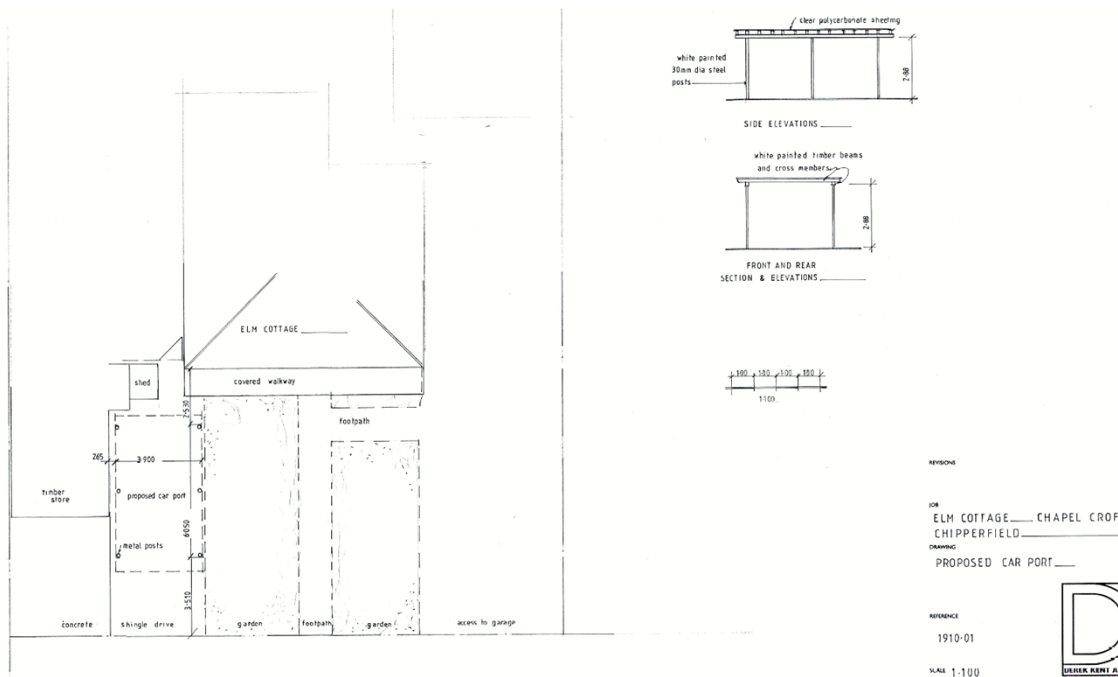
ELM COTTAGE, CHAPEL CROFT, CHIPPERFIELD, KINGS LANGLEY, WD4 9EQ



Item 5i

4/01547/17/FHA - CAR PORT

ELM COTTAGE, CHAPEL CROFT, CHIPPERFIELD, KINGS LANGLEY, WD4 9EQ



**4/01547/17/FHA - CAR PORT.  
ELM COTTAGE, CHAPEL CROFT, CHIPPERFIELD, KINGS LANGLEY, WD4 9EQ.  
APPLICANT: Mr & Mrs Webster.**

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[Case Officer - James Gardner]

## **Summary**

This application is recommended for APPROVAL. The car port would not be conspicuous in the street and would satisfactorily blend in with its surroundings. There would be no adverse impacts on residential amenity or the Chipperfield Conservation Area.

## **Site Description**

The application site is located to the north of Chapel Croft, Chipperfield and comprises a brick built chalet bungalow with a hipped roof and a small dormer window on the front roof slope. The site is accessed via the car park of the nearby garden centre and turning left into an un-adopted road. The site falls just outside of the Chipperfield Conservation Area.

## **Proposal**

Retrospective planning permission is sought for the erection of a car port located forward of the front elevation.

The car port is constructed from white painted 30mm diameter steel posts and has timber beams and cross members. The roof covering is proposed to be clear polycarbonate sheeting. It has a maximum height of 3.15 metres, an eaves height of 2.88 metres and covers an area of 27.70 square metres. The structure is currently being used to protect the applicants' camper van.

## **Referral to Committee**

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

## **Policies**

National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

Adopted Core Strategy (2013)

CS6 – Small Village in Green Belt

CS12 - Quality of Site Design

CS27 – Quality of the Historic Environment

Saved Policies of Local Plan (2004)

Policy 22 – Extensions to Dwellings in Green Belt and Rural Area

Supplementary Planning Guidance

Chipperfield Village Design Statement

## **Summary of representations**

### Chipperfield Parish Council

**19/07/17**

CPC planning committee objected strongly due to inappropriate materials used and design in the Conservation area.

**25/07/17**

For clarification

The draft minutes sent to Councillors following the meeting on the 17<sup>th</sup> July have been amended:

Conservation area has been adjusted. The minutes now read: Due to inappropriate materials and design this application does not comply with the Chipperfield Design Statement. Also CPC objected strongly. Albeit it is on the border of the Conservation area.

### Neighbour Comments

None received.

## **Relevant Planning History**

No recent history.

## **Considerations**

### Policy and Principle of the Development

The application site is located within the Green Belt wherein planning policies seek to restrain built development.

Saved Policy 22 states that extensions of existing dwellings will not be permitted unless:

- (a) The extension is compact and well-related to the existing building in terms of design, bulk, scale and materials used.
- (b) The extension is well-designed having regard to the size and shape of the site and retains sufficient space around the building to protect its setting and the character of the countryside.
- (c) The extension is not visually intrusive on the skyline.
- (d) The extension does not prejudice the retention of any significant trees and hedgerows.
- (e) The extension is limited in size.

The application site has recently been included in the village envelope and therefore Policy CS6 is applicable. Policy CS6 states that extensions to existing buildings are acceptable provided they are sympathetic to their surroundings and retain and protect features essential to the character and appearance of the village.

It is important to note that there are no restrictions on extension sizes within the village envelope.

### Impact on Street Scene and adjacent Conservation Area

There would be no adverse effects.

Policy CS11 and CS12 of the Core Strategy seek to ensure that development preserves attractive streetscapes and satisfactorily integrates with the character of the area. The Chipperfield Village Design Statement does not provide specific guidance on car ports.

The access road is dead-end and therefore only visitors or residents are likely to walk along it. The structure is not conspicuous when standing at the junction of the access road and the garden centre car park; indeed, as mentioned above, the structure is of lightweight construction. Furthermore, it is effectively screened by shrubbery along the frontage.

There are two examples of corrugated iron garages, in varying degrees of decay, along the access road, one of which is in close proximity to the garden centre car park.

Outbuildings / garages forward of the main building line are generally discouraged as they can detract from attractive streetscapes; however, an important consideration in this instance is that the application site does not front a street in the traditional sense.

The car port is in close proximity to the Chipperfield Conservation Area and thus has the potential to affect its setting. Consequently, the case officer has discussed the matter with the Conservation Officer who has confirmed that he does not wish to object to the application. If permission is granted, a condition will be included requiring the timber and metal posts to be painted dark brown in order to aid integration with the surroundings. Both the Chipperfield Village Design Statement and saved Policy 120 of the Local Plan encourage the use of traditional materials. However, were thick wooden supports to be used to support the roof of the car port, then this would be more likely to draw attention to the structure. As a result, the use of lightweight materials in this inconspicuous location is preferable.

#### Impact on Surrounding Properties and Occupiers

There would be no adverse effects.

The car port would not be in close proximity to the New Bungalow, and the former commercial premises to the east are understood to be presently unoccupied.

No objections have been received from the surrounding properties.

#### Community Infrastructure Levy (CIL)

This application is not liable to CIL as the total new floor area created would not exceed 100m<sup>2</sup>.

#### **Summary and Conclusion**

For the reasons outlined above, the proposal is considered acceptable and complies with the NPPF and policies CS5, CS11 and CS12 of the Core Strategy (2013) and saved Policies 22 and 120 of the Dacorum 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 not be retained other than in accordance with the following approved plans/documents:**

**1910-01**



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

- 2 **Within two months of the date of this decision the timber beams, cross members and metal posts shall be painted in dark brown colour.**

Reason: To ensure that the development is not visually prominent and satisfactorily integrates into the street scene, in accordance with Policies CS11 and CS12 of the Core Strategy.

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 5j

## Item 5j

**4/02236/17/ROC - VARIATION OF CONDITION 16 (APPROVED PLANS)  
ATTACHED TO PLANNING PERMISSION 4/00276/16/FUL (DEMOLITION OF  
EXISTING BUNGALOW AND CONSTRUCTION OF 2 SEMI-DETACHED  
DWELLINGS AND CREATION OF NEW ACCESS.)**

**WOODTHORPE, 1B BOXWELL ROAD, BERKHAMSTED, HP4 3ET**



Item 5j

4/02236/17/ROC - VARIATION OF CONDITION 16 (APPROVED PLANS)  
ATTACHED TO PLANNING PERMISSION 4/00276/16/FUL (DEMOLITION OF  
EXISTING BUNGALOW AND CONSTRUCTION OF 2 SEMI-DETACHED  
DWELLINGS AND CREATION OF NEW ACCESS.)

WOODTHORPE, 1B BOXWELL ROAD, BERKHAMSTED, HP4 3ET



**4/02236/17/ROC - VARIATION OF CONDITION 16 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00276/16/FUL (DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS AND CREATION OF NEW ACCESS.).**

**WOODTHORPE, 1B BOXWELL ROAD, BERKHAMSTED, HP4 3ET.**

**APPLICANT: Beris Homes.**

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[Case Officer - Andrew Parrish]

### **Summary**

The application is recommended for approval. The proposal comprises an amendment to the overall slab level of the development, raising it by 300 mm in relation to the road. It is also proposed to marginally raise the sill height of the utility window serving each dwelling. All other aspects would remain unchanged from that approved in 2016. The changes would not adversely affect the character or appearance of this part of the Berkhamsted Conservation Area and there would be no material harm to residential amenities.

### **Site Description**

The site formerly comprised a mid C20 detached bungalow of no particular architectural merit which is situated within the Berkhamsted Conservation Area on the south east side of Boxwell Road close to the town centre. Permission was granted in May 2016 to demolish the existing bungalow and to erect a pair of semi-detached 2-storey dwellings. The development has been implemented and is currently under construction.

The site falls in a road that is comprised mainly of a 2-storey terraced Georgian, Victorian and Edwardian properties. The site is steeply sloping such that the neighbouring bungalow, Kriana, to the north east is at a significantly lower level (approximately 2 m), and conversely the Boxwell Road Surgery to the south west is at a significantly higher level (approximately 2 m). The site backs onto residential properties in Park View Road.

### **Proposal**

In May 2016 planning permission was granted to demolish the existing bungalow and to erect a pair of semi-detached 2-storey dwellings in a Victorian pastiche style with off-road parking and vehicular accesses from Boxted Road (4/00276/16/FUL).

This current application seeks amendments to Condition 16 of the approved scheme through section 73 of the Planning Act, wherein the list of the approved plans is to be amended to list the updated plan numbers and formalise the amendments to the scheme.

The amendments relate to a change in levels which differ from the approved plans by approximately 300 mm. There is said to be a slight discrepancy in the road level, with the result that the ridge of the lower plot ('Kriana' bungalow) is slightly lower and the ridge of the upper plot (Doctors surgery) slightly higher than shown on the approved plans. However, the principle change is that the construction is built on higher ground levels (relative to the road) with the overall effect that the ridge height of the new construction is 300 mm higher than approved.

A minor amendment is also proposed in respect of the utility room window sill heights to the front elevation which have been raised by 150 mm.

### **Referral to Committee**

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

## Planning History

- 4/00803/17/DRC DETAILS REQUIRED BY CONDITIONS 2 (MATERIALS), 3 (APPROVED PLANS), 4 (HARD AND SOFT LANDSCAPING) AND 6 (SUSTAINABILITY) ATTACHED TO PLANNING PERMISSION - 4/00276/16/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS AND CREATION OF NEW ACCESS.  
Granted  
23/05/2017
- 4/00804/17/NM A NON MATERIAL AMENDMENT TO PLANNING PERMISSION 4/00276/16/FUL - DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS AND CREATION OF NEW ACCESS.  
Granted  
25/04/2017
- 4/00238/17/DRC DETAILS AS REQUIRED BY CONDITION 5 (RECYCLE AND REUSE DEMOLITION AND CONSTRUCTION MATERIALS) AND 15 (CONSTRUCTION MANAGEMENT PLAN) OF PLANNING PERMISSION 4/00276/16/FUL (DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS AND CREATION OF NEW ACCESS.)  
Granted  
23/03/2017
- 4/00276/16/FUL DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS AND CREATION OF NEW ACCESS.  
Granted  
03/05/2016
- 4/01456/14/PRE NEW DWELLINGS TO REPLACE EXISTING BUNGALOW.  
Unknown  
03/11/2014
- 4/00230/13/FHA LOFT CONVERSION WITH REAR DORMER. FRONT PORCH, REMOVAL OF REAR BAY WINDOW AND REPLACEMENT WITH FRENCH DOORS. NEW RETAINING WALL.  
Granted  
23/04/2013

## Policies

### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)  
Circular 1/2006, 05/2005

### Adopted Core Strategy

NP1 - Supporting 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  
CS13 - Quality of Public Realm  
CS19 - Affordable Housing  
CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 51, 54, 58, 99, 100, 111, 120, 122 and 124  
Appendices 1, 3 and 5

### Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of Car Parking Standards (July 2002)  
Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Conservation Area Character Appraisal and Policy Statement for Berkhamsted  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)

### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)  
Article 4(2) Direction (Land at 1 to 28 Boxwel Road, Berkhamsted)  
Refuse Storage Guidance Note March 2015

## **Summary of Representations**

### Berkhamsted Town Council

Objects: The Committee strongly objects.

The original planning permission does not appear to have been complied with. The Town Council would request that a Planning Officer and an Enforcement Officer visit the site. Then, as necessary, the application should be withdrawn and resubmitted to reflect accurately what is actually being built. The houses appear to be substantially higher and nearer to the front of the site than is shown on the plans. This impacts adversely on the amenity of neighbouring properties and those opposite.

P120, Appendix 3 (i) and (iv); CS11 and CS12.

### HCC Highways

Does not wish to restrict the grant of permission. The variation is to approve new drawings which take into account more accurate construction site levels, and a minor amendment to the utility room window sill.

### Building Control

No comment

### Conservation

The proposals involve minor changes due to a discrepancy between levels assumed at the application stage and those found when construction had begun. On review of the drawings we believe that any alteration would have a minimal impact on the character of the conservation area given the previous approval. As such we would not object to the proposal.

### Historic Environment Officer

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 proposed variation of Condition 16.

### 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 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.

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

16, 17, 21, 22, 24 Boxwell Road, 1 and 3 Park View - Object for the following reasons (in summary):

- The building has been constructed 500 mm higher than approve, not 300 mm
- The building is sited 500 mm closer to the road than approved
- The "rights of light" document is invalid
- A revised roof line should be considered
- Loss of sunlight to No. 22 Boxwell Road and Kriana
- Overlooking of 1 and 3 Park View Road
- Loss of sunlight to No. 1 and 3 Park View Road

### **Considerations**

#### Key issues

The principle issue is whether the change in levels would be detrimental to the appearance and character of the Conservation Area or would impact adversely on residential amenities.

Condition 16 lists the approved plans. It is therefore proposed to substitute these with the amended plans. It would also be expedient to include that agreed under the NMA application.

#### Discussion

Reference should be made to the report on 4/00276/16/FUL which granted permission for 2 dwellings

(<https://democracy.dacorum.gov.uk/documents/g215/Public%20reports%20pack%2028th-Apr->

The only consideration with this application is the impact of the change in levels and the sill heights of two windows. It is not possible to revisit the principle of two dwellings on the site or their siting and overall appearance.

In terms of the Conservation Area, the raised ground level of the construction by 300 mm would have minimal impact on the overall height and scale of the dwellings and is not considered to result in any material harm to the appearance or character of the street scene or Conservation Area. The stepped configuration of the pair of dwellings is a main design element which does not change. There is no change to the layout of the approved development and the detailed design, appearance and materials also does not change. The proposal would still result in an enhancement to the Conservation Area compared with the pre-existing bungalow.

In visual terms, the amendments are considered acceptable and would comply with Policies CS11 and 12 and 27, as well as saved Policy 120.

Individual objections have been received from a number of residents and neighbours, principally on grounds of loss of sunlight / daylight. Objectors allege that the applicant's agent / architect has been asked to comment on the above and has stated:

- "The buildings location in relation to the road is as per the planning drawings. Dimensions have been confirmed on site.
- The dimensions suggested on the comments received are incorrect. The scale bar should be referred to in order to check that the building has been printed to the correct scale.
- The daylight and sunlight study does reflect the updated position of the house. Please note Appendix 1B in relation to further survey information gathered which the centre of the pair of No.22 is 250mm higher than the original daylight report and thus improving the daylighting from the original application. Please also note that DLA undertook the second test in relation to the BRE Site Layout Planning for Daylight and Sunlight Test and the site is well above the 27% visible daylight recommended therefore adequate daylight would be achieved. "

The only change from the approved plans therefore is in relation to an increase in height by 300 mm. The position relative to the road has been checked on site by the case officer and found to be correct within a tolerance of 100 mm. There is no repositioning of the building. A revised Daylight and Sunlight Assessment supports the application. The figures therein were recalculated by the consultant using the amended plans based on the 300 mm discrepancy in measured levels. The study concludes that the proposed dwellings would only have a minimal effect on the daylight or sunlight reaching No 22 Boxwell Road or 'Kriana', the worst affected properties, and the daylight and sunlight received by these dwellings would be well within the acceptable levels as set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide'. The position of the reference point in the bay window of No. 22 Boxwell Road has also been resurveyed and found to be 225 mm higher than previously assessed, thereby off-setting any harm caused by the 300 mm raised slab level of the development. Based on this it is considered a refusal on loss of light grounds would be very difficult to justify on appeal. The impact on other properties in Boxwell Road would be even less and therefore a refusal on loss of light grounds here could not be substantiated.

Nos. 1 and 3 Park View Road to the rear both object on grounds of loss of sunlight and loss of privacy to rear facing habitable rooms and visual impact. However, given the distance of some 30 metres to rear windows in No. 1, the proposal would accord with the minimum back to back distance of 23 metres set out in Appendix 3 of the Borough Plan. There is a 2 metre dividing rear fence and an intervening high outbuilding in the garden of No. 1 which prevents any overlooking between rear facing ground floor windows. Therefore it is not considered that there would be any loss of privacy.



No. 3 is set closer at 26 metres although its siting is slightly offset to the application site. It has a 1.6 - 1.7 m high dividing rear garden wall which offers some privacy but would not have prevented complete overlooking even with the previous bungalow. However, due to the increase in slab level height of 300 mm, the rear boundary wall no longer offers a suitable visual screen to prevent overlooking between rear facing ground floor windows. In recognition of this issue, the applicant has agreed to erect a rear fence 0.4 metres higher than the existing wall. This is shown on a revised landscaping plan 17002\_AL(0)013 Rev D and is considered to mitigate the issue of overlooking and loss of privacy to No. 3. A condition would be expedient to ensure its erection prior to occupation.

With regards to the height, it is not considered that the proposal would be excessively imposing or, given the favourable orientation and distance, that there would be any loss of sunlight that could justify refusal in this case.

Based on the above, it is concluded that there would be no significant harm to adjoining residential amenities as a result of the development and the proposal would accord with Policy CS12.

#### Other matters

Due to the introduction of CIL from July 2015, there is no general requirement for other contributions to physical and social infrastructure as required by the Council's adopted Planning Obligations Supplementary Planning Document. The amendments do not result in any increase in floorspace above the 100 sqm. threshold that would trigger an additional CIL requirement. It is understood that charges have been issued and instalments received under the original approval. The proposal therefore complies with saved Policy 13 and CS35 of the Core Strategy.

The development has been implemented. Condition 1 is therefore not relevant anymore.

Conditions 2, 3, 5, 6 and 15 of PP 4/00276/16/FUL have been approved under 4/00238/17/DRC and 4/00803/17/DRC and these conditions should be reworded accordingly to reference these approvals.

Condition 4 relates to landscaping, including privacy fencing, and should be reworded accordingly to refer to revised Drg. No. 17002\_AL(0)013 Rev D.

Conditions 7, 8, 9, 10 are compliance conditions and remain relevant and should be reattached.

Conditions 11 and 12 remain relevant but should be reworded to refer to the amended elevation drawings.

Conditions 13 and 14 remain relevant and should be reattached.

Condition 16 lists the approved plans and should be updated to refer to the revised plans. The revised plans submitted under 4/00804/17/NMA should also be incorporated for clarity and avoidance of doubt. The NMA will effectively fall away as it only relates to the original permission 4/00276/16/FUL and a new permission will be issued.

In conclusion, there is no objection to this minor material amendment.

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

- 1 **The development shall be carried out in accordance with the materials**

**approved under application reference 4/00803/17/DRC.**

Reason: To ensure a satisfactory appearance to the development in the interests of the character and appearance of the Berkhamsted Conservation Area in accordance with saved Policy 120 of the Dacorum Borough local Plan 1991-2011 and Policies CS12 and CS27 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

- 2 **The development shall be carried out in accordance with the approved plans and elevations and in accordance with the 1:20 details approved under application reference 4/00803/17/DRC.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the character and appearance of the Berkhamsted Conservation Area in accordance with Policies CS12 and 27 of the Dacorum Core Strategy (September 2013) and saved Policy 120 of the Dacorum borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

- 3 **The development shall be carried out in accordance with the details of hard and soft landscaping shown on Drg. No. 17002\_AL(0)013 Rev D. The approved landscape works, including privacy fencing to the rear boundary, shall be carried out prior to the first occupation of the development hereby permitted.**

**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 Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and 13 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority and potentially increasing costs and delays for the applicant if they have to be changed.

- 4 **The development shall be carried out in accordance with the details of measures to recycle and reduce demolition and construction waste approved under application reference 4/00276/16/DRC.**

Reason: To accord with the waste planning policies of the area, Policy CS29 of the Dacorum Core Strategy (September 2013) and saved Policy 129 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as if they are deferred until after the development has begun, the building will already have been demolished and the materials disposed of, thereby

undermining the control of the local planning authority in respect of achieving a sustainable form of development.

- 5 **The development shall be carried out in accordance with the details of sustainable drainage approved under application reference 4/00803/17/DRC. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy CS29 of the Dacorum Core Strategy September 2013 and adopted Supplementary Planning Guidance. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority in respect of achieving a sustainable form of development and potentially increasing costs and delays for the applicant if they have to be changed.

- 6 **The development hereby permitted shall be carried out in accordance with the CS29 Sustainability Checklist approved under application reference 4/00276/16/FUL.**

Reason: To ensure the sustainable development of the site in accordance with Policy CS29 and Para. 18.22 of the Dacorum Core Strategy September 2013.

- 7 **The gradient of the vehicular access shall not exceed 1:20 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.**

Reason: In the interests of the safety of persons using the access and users of the highway in accordance with saved Policies 51 and 54 of the Dacorum Borough local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 8 **Prior to the first occupation of the development hereby permitted pedestrian visibility splays shall be provided in full accordance with the details indicated on the plan 15066\_AL(0)010 G and 15066\_AL(0)011 G approved under application reference 4/00276/16/FUL. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway.**

Reason: In the interests of highway safety in accordance with saved Policy 51 and 54 of the Dacorum Borough local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 9 **Prior to the first occupation of the development hereby permitted the vehicular accesses and driveways shall be provided and thereafter retained in the position shown on plan 15066\_AL(0)010 G approved under application reference 4/00276/16/FUL, in accordance with Roads in Hertfordshire. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the carriageway.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities, satisfactory access into the site and to avoid the carriage of extraneous material or surface water into the highway in the interests of highway safety in accordance with saved Policies 51, 54 and 58 of the Dacorum Borough local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 10 **The window at second floor level in the North East elevation of the development hereby permitted as indicated on Drg. No. 15066\_AP(0)117 A shall be non opening and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents in compliance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 11 **The windows at first and second floor level in the South West elevation of the development hereby permitted as indicated on Drg. No. 15066\_AP(0)119 A shall be non opening and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents in compliance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 12 **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 and D  
Part 2 Class A**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the character and appearance of the Berkhamsted Conservation Area and in the interests of ensuring adequate car parking provision in accordance with Policies CS12 and 27 of the Dacorum Core Strategy (September 2013) and Policies 58 and 120 of the Dacorum Borough Local Plan 1991-2011.

- 13 **The permission hereby granted shall be limited to the provision of no more than 4 bedrooms to each of the two dwellings, and no additional bedrooms shall be created without the further specific permission of the local planning authority by way of a separate planning application.**

Reason: For the avoidance of doubt, and to ensure control over the development in the interests of limiting the demand for additional parking on the highway and associated congestion and highway safety issues, in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policy 58 of the Dacorum Borough local Plan 1991-2011.

- 14 **The development shall be carried out in accordance with the Construction Management Plan approved under application reference 4/00276/16/DRC. The approved statement shall be adhered to throughout the construction period.**

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as it is necessary to ensure that the measures are planned and in place at the start of demolition / construction.

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

**15066\_AL(0)001 Rev A  
15066\_AL(0)002 Rev A**

**15066\_AL(0)003 Rev A**  
**15066\_AL(0)004 Rev A**  
**15066\_AL(0)005 Rev A**  
**15066\_AL(0)006 Rev A**  
**15066\_AL(0)007 Rev A**  
**15066\_AL(0)008 Rev A**  
**15066\_AL(0)009 Rev A**  
**15066\_AL(0)010 Rev G**  
**15066\_AL(0)011 Rev G**  
**15066\_AL(0)012 Rev D**  
**15066\_AL(0)013 Rev E**  
**15066\_AL(0)014 Rev D**  
**15066\_AP(0)115 Rev A**  
**15066\_AP(0)116 Rev A**  
**15066\_AP(0)117 Rev A**  
15066\_AL(0)018 Rev B- should be updated  
**15066\_AP(0)119 Rev A**  
**15066\_AL(0)020 Rev D**

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 pre-application stage and determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

INFORMATIVES:

Thames Water

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

Water comments

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

Highway Authority

S278 Agreement: Where works are required within the public highway to facilitate the

new 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 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, Herts, SG13 8DN. Their telephone number is 0300 1234047.

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.

Mud on the Road: 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.

#### Environmental Health

- Piling Works

If piling is considered the most appropriate method of foundation construction. Prior to commencement of development, a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

Reason: In the interests of the amenities of residents of neighbouring properties and in accordance with and to comply with Dacorum Borough Councils Policies

1) 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'.

2) Construction 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

3)        Dust

As advised within the application documentation, dust from operations on the site should be minimised by spraying with water or by carrying out 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 the control of dust and emissions from construction and demolition Best Practice Guidance, *Produced in partnership by the Greater London Authority and London Councils*.

4)        Bonfires

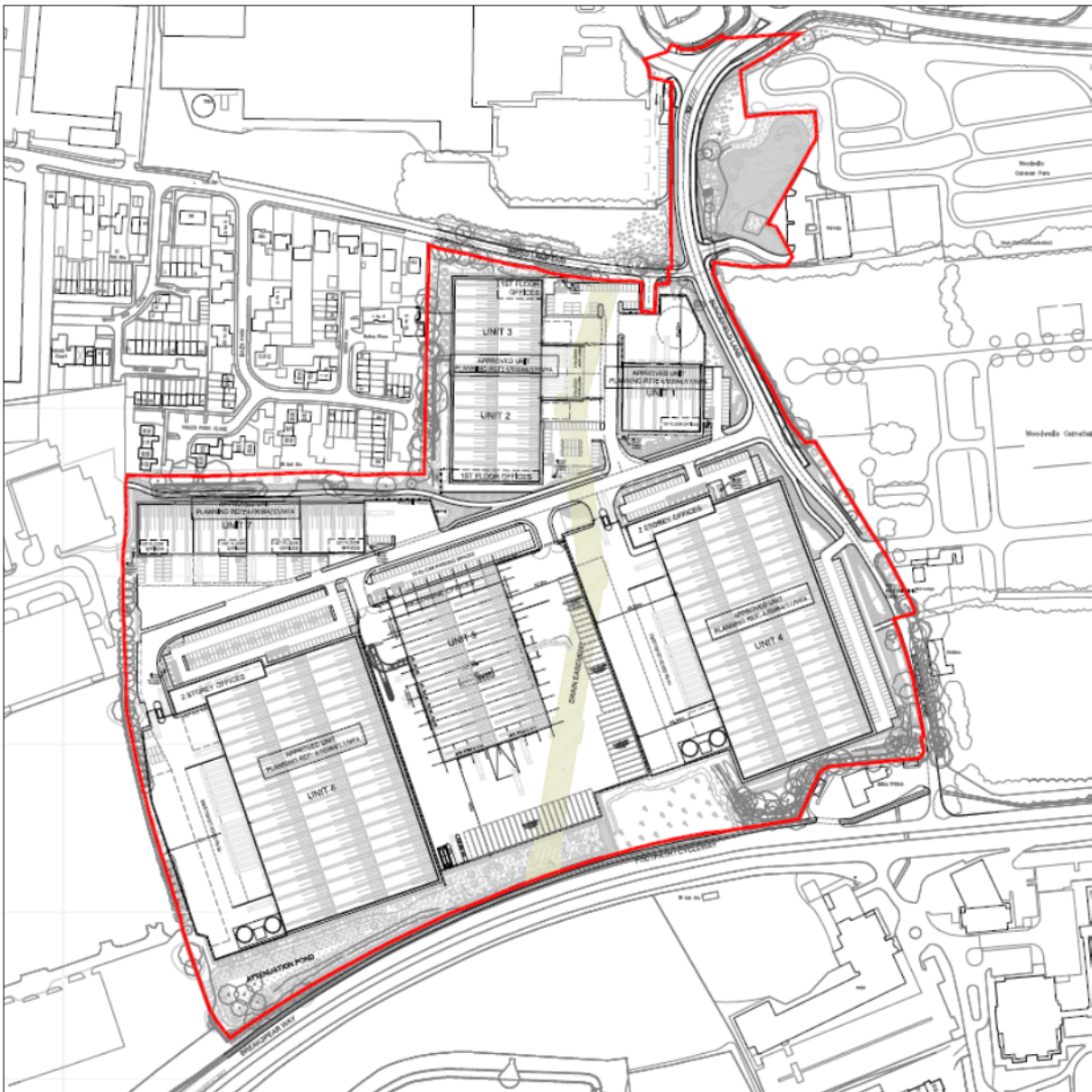
Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be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

# Agenda Item 5k

## Item 5k

**4/02214/17/ROC - VARIATION OF CONDITIONS 12 (FLOOD RISK ASSESSMENT), 19 (CONSTRUCTION PHASE MITIGATION MEASURES), 20 (NOISE MITIGATION) AND 26 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00064/17/MFA (COMPREHENSIVE REDEVELOPMENT OF THE SITE TO PROVIDE 54,714 SQM OF FLEXIBLE COMMERCIAL FLOORSPACE WITHIN USE CLASSES B1C / B2 / B8 AND ANCILLARY OFFICES, TOGETHER WITH CAR AND CYCLE PARKING, ACCESS AND LANDSCAPING)**

**MAYLANDS GATEWAY, MAYLANDS AVENUE, HEMEL HEMPSTEAD**





Item 5k

**4/02214/17/ROC - VARIATION OF CONDITIONS 12 (FLOOD RISK ASSESSMENT), 19 (CONSTRUCTION PHASE MITIGATION MEASURES), 20 (NOISE MITIGATION) AND 26 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00064/17/MFA (COMPREHENSIVE REDEVELOPMENT OF THE SITE TO PROVIDE 54,714 SQM OF FLEXIBLE COMMERCIAL FLOORSPACE WITHIN USE CLASSES B1C / B2 / B8 AND ANCILLARY OFFICES, TOGETHER WITH CAR AND CYCLE PARKING, ACCESS AND LANDSCAPING)**

**MAYLANDS GATEWAY, MAYLANDS AVENUE, HEMEL HEMPSTEAD**



**4/02214/17/ROC - VARIATION OF CONDITIONS 12 (FLOOD RISK ASSESSMENT), 19 (CONSTRUCTION PHASE MITIGATION MEASURES), 20 (NOISE MITIGATION) AND 26 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00064/17/MFA (COMPREHENSIVE REDEVELOPMENT OF THE SITE TO PROVIDE 54,714 SQM OF FLEXIBLE COMMERCIAL FLOORSPACE WITHIN USE CLASSES B1C / B2 / B8 AND ANCILLARY OFFICES, TOGETHER WITH CAR AND CYCLE PARKING, ACCESS AND LANDSCAPING).**

**MAYLANDS GATEWAY, MAYLANDS AVENUE, HEMEL HEMPSTEAD.**

**APPLICANT: PROLOGIS UK LTD.**

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[Case Officer - Alison Young]

## **Summary**

The application is recommended for approval.

The application seeks permission for a variation of the planning permission granted earlier this year for the comprehensive redevelopment of this site to provide new commercial floorspace comprising Class B1(c), B2 and B8 uses (application ref: 4/00064/17/MFA). A copy of that earlier report to the committee is attached to this report as Appendix A.

This report therefore concentrates solely on the proposed amendments to the approved plans and does not revisit the principle of the development, already accepted under that earlier permission.

The permitted scheme comprised 7 commercial units, including three large units fronting Breakspear Way. The developer has now secured an occupier for unit 5 (the central unit of the three fronting Breakspear Way) and that company, a national parcel distributor, requires a smaller building footprint with a larger service yard. The new unit would remain set behind a comprehensive (and enlarged) landscaped belt along Breakspear Way and Officers have sought a high quality, mature landscape scheme in this particular area to ensure that, from the outset, the development is adequately screened from Breakspear Way, and that the development has an acceptable visual impact at this important entrance to the town.

The proposals are not considered to have any adverse impact on other material considerations relating to the development, such as transport and highway safety matters; sustainability and energy efficiency; employment creation, air quality; and sustainable drainage and flooding matters. The development would be subject to the same mitigation requirements as the previous scheme – to be secured by the imposition of conditions similar to those imposed previously (with some minor consequential amendments) and a Deed of Variation of the earlier s.106 agreement. These mitigation measures would include, for example, those relating to ecology; works to the immediate road network; and improvements to the Green Lane/Breakspear Way junction as approved previously.

## **Site Description**

The application site is located at the southern end of Maylands and forms the central part of the Maylands Gateway area as defined in the Maylands Masterplan. The site itself covers an area of approximately 14.9 ha, approximately half of the Maylands Gateway area, and is bounded by Breakspear Way to the south; the former Lucas Aerospace site to the west; the residential area of Hales Park in the northwest corner and Wood Lane End to the north. Buncefield Lane aligns the site to the east with Woodwells Cemetery and greenfield land beyond. A petrol filling station adjoins the site at its southeast corner at the junction of Breakspear Way and Buncefield Lane.

The site extends in the northeast corner to include the access link from Buncefield Lane to Boundary Way which is currently closed to vehicles together with an area of open land. A daycare nursery is located to the east of the application site.

The site comprises generally of open land that now appears to be used for the grazing of horses. It was divided into three former uses: the former Kodak sports ground located at the junction of Buncefield Lane and Boundary Way; the former caravan park and associated reception building; and the former Lucas sports ground in the southwestern part of the site. Evidence of this division remains today with hedgerows and mature vegetation delineating the former uses. Mature hedges and vegetation also align the boundary of the site; a block of mature woodland is located in the southeast corner to the south of the former caravan park.

The site generally slopes down from the north east to the south western corner dropping in level by approximately 12m; this drop occurs mainly where the western half forms a level area reflecting its former use as a sports ground (football and cricket pitches) for Lucas.

Two public footpaths currently run through the site. PRow 51 connects Breakspear Way to Maylands Avenue travelling north along the boundary of the former caravan park and turning to the west along the boundary with Hales Park. PRow 50 connects Buncefield Lane to PRow 51.

The site is located within an Area of Archaeological Importance with a Scheduled Ancient Monument (a Roman-Celtic temple complex) located to the north in Hales Park.

### **Proposal**

The proposed amendments to unit 5 comprise the reduction in floorspace from approximately 12,000sqm to 7,737sqm which includes offices at first floor level. The unit would be sited centrally within the plot, between the remaining larger units 4 and 6, and parking and service bays would be provided on the eastern, southern and western sides. As a result in the reduction of its size, the building would be sited significantly further away from Breakspear Way and an additional 10m landscaped buffer zone is proposed along the southern boundary of the site.

The building height would remain broadly similar to that approved previously, at 15.7m above finished floor level, and its form and design would remain consistent with the approved scheme, incorporating the same colours and external cladding finish.

Access to the unit is the same as within the permitted scheme but with a second HGV access to allow vehicles in and out without manoeuvring within the site.

The remainder of the wider development is not proposed to change as a result of this application and remains as approved previously.

As with the previous scheme, the existing Public Right of Ways (PRowS) 50 and 51 are required to be diverted to enable the implementation of the development and Members may be aware that the formal application process under S257 of the Town and Country Planning Act 1990 has commenced in that respect.

### **Referral to Committee**

The application is referred to the Development Control Committee as it is a Large Scale Major Development which is linked to proposed planning obligation under S.106.

### **Planning History**

Full planning permission was granted in August 2017 under ref: 4/00064/17/MFA for the redevelopment of the site to provide 54,714sqm of flexible commercial floorspace within Use Classes B1c/B2/B8 and ancillary offices, together with car parking, access and landscaping.

That permission was granted subject to conditions and a legal agreement.

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS14 - Economic Development  
CS15 - Office, Research, Industry, Storage and Distribution  
CS23 - Social Infrastructure  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS27 - Quality of the Historic Environment  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS30 - Sustainability Offset Fund  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS34 - Maylands Business Park  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 13, 31, 37, 51, 54, 55, 58, 61, 62, 63, 75, 79, 99, 111, 113, 116, 118.  
Appendices 4, 5, 8.

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)  
Accessibility Zones for the Application of car Parking Standards (July 2002)  
Landscape Character Assessment (May 2004)  
Planning Obligations (April 2011)

### Advice Notes and Appraisals

Sustainable Development Advice Note (December 2016)

Planning Policy Statement

Maylands Master Plan: The Gateway to a Greener Future (September 2007)

Maylands Gateway Development Brief (July 2013)

## **Summary of Representations**

### 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.

Hertfordshire County Council (HCC) as highway authority has reviewed the application for a variation to the planning consent for the Maylands Gateway development (ref: 4/00064/17/MFA). The revised proposals seek to provide a change in use of one of the units (Unit 5).

A Transport Statement (TS) was provided to quantify the effect of a B8 land use (a parcel distribution centre) in place of the previously assessed B2 use. Additionally, the changes include a reduction in floorspace from a previously assessed 12,000sqm GFA to 7,433sqm.

#### Traffic Impact

The TS provides a comparison of the consented B2 trip rates applied to 12,000sqm and the agreed B8 trip rates applied to 7,433sqm.

The B8 trip rates are lower in the AM peak period, and higher in the PM peak period. Combined with the reduction in floor space, this results in a reduction in AM peak trips from 51 vehicles to 25 vehicles and an increase in the PM peak from 32 vehicles to 33 vehicles.

As such, the proposed variation is not considered to have an impact on the local highway network, and the conclusions reached in determining the existing consent remain valid.

#### Conclusion

HCC as highway authority has reviewed the application submission and does not wish to raise objection to the proposed development.

### Highways England

No objection

### Environmental Health

No objection. The revised acoustic report is thorough and credible. The figures it contains would support the conclusion that there will not be significant adverse effects on nearby residents, if the controls imposed are as described in the report.

### Trees and Woodlands

The Council's Trees and Woodland Officer has no objection to the revised proposals.

### Lead local Flood Authority

No objection.

### BPA pipelines

No objection

## County Archaeology

No comments

## Ecology

No objection. This proposal will create a little extra space within the development which will be filled with additional landscaping elements of trees and shrubs. Given that the permitted application will largely destroy all of the existing landscape and ecological features within the site, this change will have the effect of enhancing the development site's ecology and Green Infrastructure which is to be welcomed.

## Response to Neighbour Notification / Site Notice

Four letters of objection have been received from third parties. The key objections can be summarised as follows:-

- The development results in the destruction of an ancient hedgerow along the public footpath
- Loss of the existing public footpath route, and
- Loss of trees on the site
- Other objections raised in the respect of the original scheme remain valid within this application

## **Considerations**

### Policy Context

The principle of the redevelopment of this site has already been established by the granted planning permission ref: 4/00064/17/MFA. Policy considerations remain as set out in in the August report, attached as Appendix A, and there are no changes in planning policy or site circumstances that would lead to a different conclusion being reached on the principle of the development at this stage.

The key determining issues in respect of this amended application therefore relate to the layout, scale and design of the new unit; its visual impact in the surrounding area; landscaping and highways matters.

### Layout, Scale and Design of Development

The proposed new unit 5 would be set significantly further away from the southern boundary of the site with Breakspear Way than previously approved. It will therefore be less prominent than the originally proposed unit and will, to some extent, be partially hidden by the larger, more prominent buildings either side of it (units 4 and 6). Its form, design and detailing all remain in keeping with the approved scheme, however, and no objections are raised to the building's design or visual impact on the surrounding area.

A key aspect of the proposed changes is the provision of a larger service yard to the south of the new unit and, therefore, close to the boundary with Breakspear Way. In that respect, there is the potential for the new development to have a less positive visual impact on the Gateway area. Officers have, however, very carefully considered this aspect of the proposals and have secured an enhanced landscaping scheme that comprises a wider buffer zone to Breakspear Way and a landscaped bund to run along the southern boundary of the site. The proposed landscaping scheme would consist of extra heavy standard (mature) tree planting and would include a line of 'instant' hedging at the top of the bund. This hedging is provided initially at a height of 1.5-1.8m tall and 800mm wide and they provide a dense mature screen from the outset. That, together with the proposed bunding and mature tree and shrub planting, will

ensure that an effective soft screen is established along this part of Breakspear Way from the outset.

This would effectively screen the less attractive service yard from the road, but allow views of the new building(s) beyond. Units 4 and 6 would remain as prominent buildings in the area as originally approved and, together with the mature landscaping proposed within this application, Officers are satisfied that the overall development would present a high quality, positive and attractive Gateway entrance to the town.

The third party representations that have been received in respect of the loss of ancient trees on the site are acknowledged. However, it is important to note that the loss of these trees has already been accepted within the earlier scheme and Members may recall that the Council's Trees and Woodlands Officer advised previously that, whilst a lot of trees to be removed are of some cultural value to the area, they are of low quality in arboricultural terms and therefore their retention is not sought. The proposed landscaping scheme for the site is considered to be appropriate to the area and, in the case of this amended proposal, additional semi-mature tree planting will further enhance the appearance of the development.

### Highways matters

The application has been submitted with a revised Transport Statement (TS) that compares the traffic generation from the proposed new unit with those that were used to assess the original scheme. The TS concludes that, due to the reduction in the size of Unit 5, the proposals will have no material impact on the surrounding highway network over and above that already accepted within the previous approved scheme. The Highway Authority has reviewed the revised TS and raises no objection to the application as a result.

As per the previously approved application the existing pedestrian PRowS 50 and 51 will be repositioned and surfaced to provide a shared use foot/cycle path. The shared use foot/cycleway will also be extended along Buncefield Lane past the amended PRow 50 to Boundary Way. It will be constructed alongside the new access road and will be lit. The diversion of the footway has been opposed by a number of residents and therefore separate formal confirmation of the diversion under Section 257 of the Town and Country Planning Act 1990 (as amended) will be required from the Secretary of State.

There are a number of agreed mitigation measures, secured through s.106 obligations and conditions which will address any highways issues resulting from the wider redevelopment of the site and these measures will be applied to this amended scheme in the same way.

### Employment

The proposed use of the site remains in accordance with adopted Core Strategy Policies CS14 (Economic Development), CS15 (Offices, Research, Industry, Storage and Distribution), CS34 (Maylands Business Park) and the Maylands Gateway Development Brief.

The proposal would secure a future tenant for Unit 5 and the early provision of employment on the site. This should be given positive weight in the overall planning balance.

### Air Quality and Noise

The revised Air Quality and Noise Assessments conclude that the revisions to Unit 5 would not have a material impact on the findings of the previous assessments which were approved by the local planning authority. The Council's Environmental Health team has considered the revised assessments and raise no objection to the proposals. Officers are satisfied therefore that, subject to the same mitigation measures as previously, the amended proposals would not result in any unacceptable air pollution or noise in the surrounding area. Whilst one consultation

response has expressed a preference for the restriction of night time operations at the site, Officers do not consider such a restriction to be necessary or reasonable. The Noise Assessment shows that the site can operate a night without adversely affecting neighbouring residential occupiers and it is also important to note that no such condition was imposed on the original approved scheme. A restriction on night-time operations would be unjustified therefore and would be likely to result in fundamental operational difficulties for the future occupier of the site. Such a condition is not therefore recommended.

#### Other matters

In respect of the following matters, Officers are satisfied that the revised proposal would have no additional impacts over and above those that have already been assessed within the grant of planning permission for the previous scheme. The proposed mitigation measures, secured by condition and legal agreement, are considered sufficiently robust to ensure that the development would remain acceptable in respect of:-

- Contamination
- Archaeology
- Flood Risk and Drainage
- Impact on Neighbours
- Sustainability
- Fire and Rescue Services

#### CIL and Planning Obligations

There are no proposed changes to the Planning obligations previously agreed, and Officers will ensure that the existing legal agreement also relates to this revised proposal through a deed of variation or similar legal mechanism.

#### RECOMMENDATIONS

1. That the application be DELEGATED to the Head of Development Management and Planning with a view to approval subject to the completion of a Deed of Variation (or other legal mechanism) to the planning obligation under s.106 of the Town and Country Planning Act 1990 to ensure that its provisions (listed below) relate equally to this revised proposal:-

#### **Highways**

- Provision of highway improvement works to Breakspear Way / Green Lane roundabout details of which are to be agreed by the LPA and applicant, in consultation with HCC and Highways England, by [insert date] and construction commenced by [insert date]. The works shall be completed prior to occupation of the development hereby permitted.
- Traffic Regulation Orders to address signage and speed limit changes in the vicinity of Wood End Lane
- S278 works to upgrade the Boundary Way / Buncefield Lane link to accommodate vehicular traffic as shown on RPS drawing ref: NK018226-RPS-XX-XX-DR-C-0100-A

#### **Maylands Urban Realm Improvements**

- Contribution of £13,267.40 towards delivery of urban realm improvements identified on Sheet 22 of the Maylands Business Park Improvements Specification.
- Contribution of £47,250 towards delivery of urban realm improvements identified on Sheet



23 and 24 of the Maylands Business Park Improvements Specification.

### **Public Open Space**

- Provision of Public Open Space as identified on Barry Chinn Associates drawing ref: 1644/16-08 Rev D
- Commitment to ongoing management and maintenance of the public open space by Prologis in perpetuity

### **Ecology**

- Contribution towards delivery of ecological enhancements on land owned by Dacorum Borough Council
- Provision of management plan

and on completion of the completion of the variation to the legal agreement be 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 Notwithstanding the details hereby approved, no development above ground shall take place until samples of the materials proposed to be used on the external walls and roofs of the development shall have been submitted to and approved in writing by the local planning authority. The samples shall comprise of panels no less than 1.0 sqm. 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 and to accord with adopted Core Strategy Policy CS12.

- 3 Prior to the commencement of above ground development, 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. Measures shall include hand-carried equipment only for all tree work within protected areas. The use of excavators for stump removal within Root Protection Areas is not permitted;
- proposed finished levels or contours;

- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**

**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 and to accord with adopted Core Strategy Policy CS12.

- 4 **Prior to the commencement of above ground development, details of the surface design of the footpaths hereby permitted shall have been submitted to and approved in writing by the local planning authority. These details shall include a construction methodology and areas identified on a plan as 'No-dig' areas close to significant site trees.**

**The footpath works shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to accord with adopted Core Strategy Policy CS12.

- 5 **All work shall be carried out in accordance with B.S.3998:2010 "Tree Work Recommendations".**

Reason: To ensure a satisfactory standard of tree work in accordance with the aims of Policy 99 of the Dacorum Borough Local Plan 1991 - 2011.

- 6 **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 adopted Core Strategy Policy CS12.

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to accord with adopted Core Strategy Policy CS12.

- 8 **Prior to the commencement of any works a Construction Traffic Management Plan which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway shall be submitted to and approved in writing with**

**the Local Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic. The Construction Traffic Management Plan shall include details of:**

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

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

- 9 **During the first year of occupation a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.**

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

- 10 **Prior to the commencement of the use hereby permitted, a Framework Servicing and Delivery Plan shall be submitted to and approved in writing with the Local Planning Authority. The Framework Servicing and Delivery plan shall incorporate the servicing arrangements for the use and adequate provision for the storage of delivery vehicles within the site.**

Reason: In the interests of maintaining highway efficiency and safety

- 11 **A detailed plan illustrating the junction geometries of the proposed access junctions shall have been submitted to and approved in writing by the local planning authority. The required details include, but are not limited to, site access dimensions (kerb radii, grade, width, etc.) and visibility/sight lines.**

Reason: In the interests of maintaining highway efficiency and safety

- 12 **The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by RPS reference RCEF39546-002R dated January 2017, Flood Risk Assessment Addendum reference RCEF55348-001R dated August 2017 and Drainage Philosophy Statement carried out by RPS reference NK018226-RPS-SI-XX-CA-**

D-0031 A dated 16<sup>th</sup> August 2017, and the following mitigation measures:

- Implementing appropriate SuDS measures to include attenuation tank, porous surfacing and attenuation pond.
- Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
- Discharge into Thames Water Sewer restricted to greenfield run-off rate

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

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 13 **No development shall take place until a detailed surface water drainage scheme for the site based on the approved FRA and sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

The scheme shall also include:

- Details of how the scheme shall be maintained and managed after completion.
  - Details of the proposed drainage scheme providing a drainage plan showing the location of any proposed SuDS, pipe runs and all areas of proposed informal flooding (including depth and extent).
1. Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

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

Reason: To reduce the risk of flooding to the proposed development and future users.

Informative:

For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance please refer

to our surface water drainage webpage

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/>

- 14 **Demolition/development shall take place in accordance with the Written Scheme of Investigation for Archaeological Mitigation by CgMs dated March 2017.**

**Each phase of the development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation. The final phase of development shall not be occupied until the site investigation has been completed and the provision made for analysis in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: For the avoidance of doubt.

- 15 **Construction of the development hereby approved shall not commence until a Site Waste Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.**

Reason: To ensure the sustainable construction in the development of the site in accordance with Policies CS29 of the Dacorum Core Strategy.

INFORMATIVE:

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. 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](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html)

- 16 **The development hereby permitted shall be carried out in accordance with the approved sustainability and energy statement submitted by Turley Sustainability dated December 2016.**

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

- 17 **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.

- 18 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 17 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](http://www.dacorum.gov.uk)

- 19 **The development shall be constructed fully in accordance with the construction phase mitigation measures, as detailed within Section 7, sub-**

**section 7.2 (pages 29 and 30) of the Air Quality Assessment; Project No. JAP9002; Revision: 4; RPS; 18 August 2017.**

Reason: To safeguard the local environment in terms of air quality in accordance with Policy CS32 of Dacorum Core Strategy and to accord with section 7, subsection 7.2 of the following document: Air Quality Assessment; Project No. JAP9002; Revision: 4; RPS; 18 August 2017.

- 20 **The noise mitigation measures outlined in Paragraphs 4.13 and 4.14 (pages 8 and 9) of the Noise and Vibration Assessment Project No. JAE9001; Revision: 3; RPS; 18 August 2017 shall be implemented prior to the occupation of the development.**

Reason: To safeguard the local environment in accordance with Policy CS12 of Dacorum Core Strategy.

- 21 **Noise from industrial processes and plant within the development shall not exceed a rating level of 43 dB LArTr during any 1 hour period of the daytime 07:00 to 23:00 hours (i.e. 5 dB below the representative daytime baseline noise levels of 48 dB LA90); nor exceed a rating level of 38 dB LArTr during any 15 minute period of the night-time 23:00 to 07:00 hours (i.e. 5 dB below the representative night-time baseline noise levels of 43 dB LA90). Rating levels should be determined in accordance with BS 4142:2014 and assessed at a free-field location representative of the nearest residential properties to the site.**

Reason: To safeguard the local environment in accordance with Policy CS12 of Dacorum Core Strategy.

- 22 **Prior to the commencement of development, details of measures to ensure reptiles will not be harmed shall have been submitted to and approved in writing by the local planning authority.**

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

Reason: To avoid harming reptiles which may potentially be present and to accord with adopted Core Strategy Policy CS26.

- 23 **No above ground development shall take place until a scheme has been submitted to and approved in writing by the local planning authority for the provision of a fire hydrant(s) to serve the development. The development shall not be occupied until the approved scheme of fire hydrant(s) has been installed.**

Reason: To ensure water supplies are provided to adequately serve the site in accordance with BS 9999.

- 24 **No part of the development hereby permitted shall be occupied prior to the implementation of the public footpath / cycleway as shown on Drawing No. 30830-PL-200A.**

Reason: To ensure public right of way access is maintained in accordance with

adopted Core Strategy Policy CS8.

- 25 **Details of any lighting shall be submitted to and approved in writing by the local planning authority before the buildings are occupied. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to accord with adopted Core Strategy Policy CS12.

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

**30830-PL-220A;  
30830-PL-201;  
30830-PL-202;  
30830-PL-203A;  
30830-PL-221;  
30830-PL-205;  
30830-PL-206;  
30830-PL-207;  
30830-PL-208;  
30830-PL-209A;  
30830-PL-223A;  
30830-PL-211A;  
30830-PL-212;  
30830-PL-214;  
30830-PL-215;  
30830-PL-216;  
30830-PL-217C;  
30830-PL-219A;  
1644/16-07 07 O;  
1644/16-07 08 E;  
1644/16-07 11 L;  
1644/16-04-05 06 04;  
1644/16-04-05 06 05;  
1644/16-04-05 06 06;  
NK018226-RPS-Y-XX-DR-X-SK0265;  
NK018226-RPS-SI-XX-DR-X-SK0300;  
NK018226-RPS-SI-XX-DR-X-SK0602 Rev C;  
MJA-P105-4447-C;  
MJA-P105-4447-D.**

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 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.





ITEM 5K

APPENDIX A

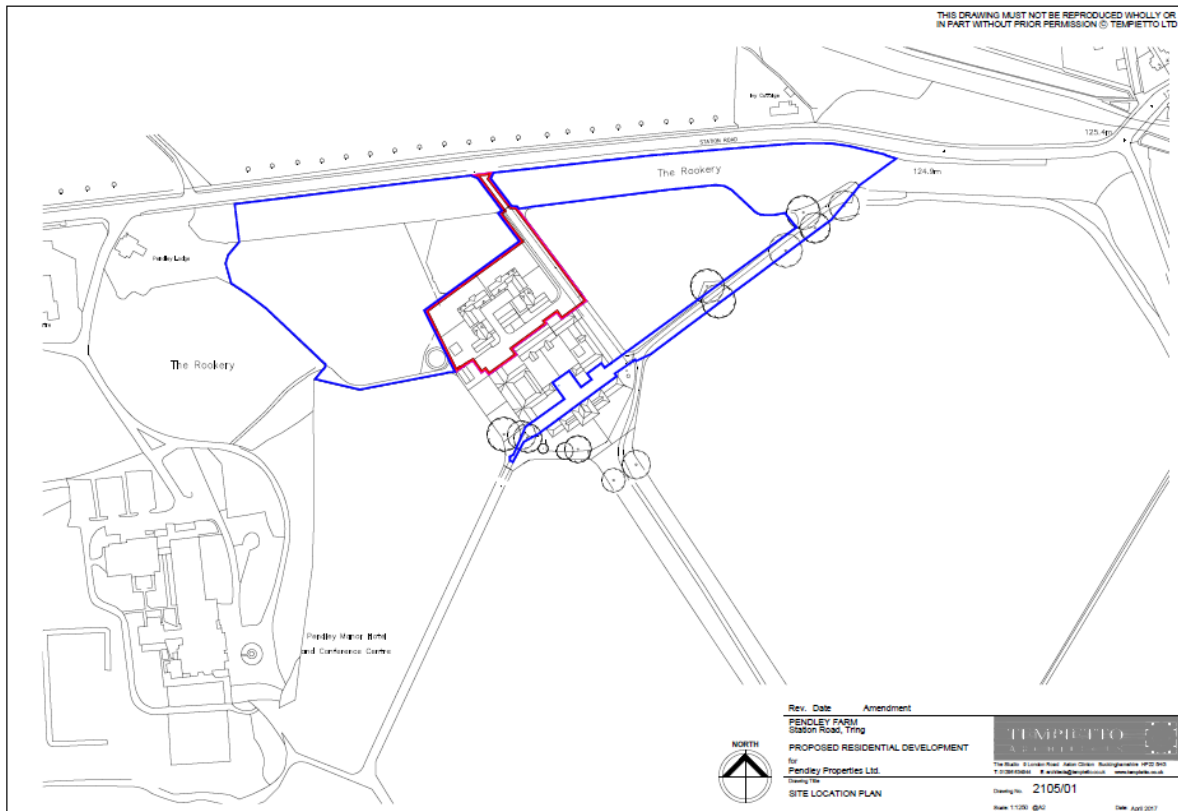
See Item 5C below

<https://democracy.dacorum.gov.uk/ieListDocuments.aspx?CId=159&MId=1424>

## Item 51

**4/02073/17/FUL - REDEVELOPMENT OF INDOOR SCHOOL BUILDING,  
STORAGE BARN, HARDSURFACE AND AREA OF OUTDOOR STORAGE FOR 4  
NO. DWELLINGS**

**PENDLEY FARM, STATION ROAD, TRING, HP23 5QY**





**4/02073/17/FUL - REDEVELOPMENT OF INDOOR SCHOOL BUILDING, STORAGE BARN, HARDSURFACE AND AREA OF OUTDOOR STORAGE FOR 4 NO. DWELLINGS. PENDLEY FARM, STATION ROAD, TRING, HP23 5QY. APPLICANT: PENDLEY PROPERTIES LTD.**

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[Case Officer - Rachel Marber]

## **Summary**

### **The application is recommended for approval**

The application seeks planning permission for the redevelopment of a dis-used indoor horse school into four new dwellings. The principle of redevelopment is acceptable in the Green Belt due to the occupying of previously developed land. The proposed dwellings are considered to have no greater visual impact to the openness and purpose of the Green Belt. In addition, the proposal would not result in detrimental impact to the visual amenity of the street scene, adjoining countryside, undue impact to the residential amenity of the neighbouring residents or highway safety and parking provision. The proposed development therefore complies with the National Planning Policy Framework (2012), Policies NP1, CS5, CS8, CS10, CS11, CS12, CS17, CS24, CS26 and CS29 of the Core Strategy (2013), Saved Policies 18, 21, 58, 97, 99, 100, 118 and Appendices 3 and 5 of the Local Plan (2004).

## **Site Description**

The application site comprises Pendley Farm and is located to the south of Station Road. The site comprises two large concrete framed buildings formally used as a race horse stud and equestrian yard. These buildings are no longer in use and the surrounding land is currently being used as a storage dump. The site lies within the Green Belt, AONB and an area of archaeological importance.

To the south of the site the former stable buildings and brick barn have been converted into 4 live/work units and three dwellings granted permission in app ref: 4/03572/14/FUL.

## **Proposal**

Planning Permission is sought for the redevelopment of the former indoor horse riding school buildings and storage barn into four detached houses.

## **Referral to Committee**

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

## **Planning History**

Planning consent was granted in March 2014 for the part demolition of the existing stables and barn to form a mixed business (B1), shop (A1) and four live/work units; this permission was subsequently amended in 2015 to include additional units.

**Address:** PENDLEY FARM, STATION ROAD, TRING, HP23 5QY

- 4/03448/15/RO C VARIATION OF CONDITION 10 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/03572/14/FUL (DEMOLITION OF STABLES AND BARN, CONVERSION OF STABLES AND STORAGE BUILDINGS TO 4 NO. LIVE/WORK UNITS AND 1 NO. DWELLING; ALTERATIONS AND EXTENSIONS TO 2 NO. DWELLINGS AND OFFICE WITH PRIOR APPROVAL FOR CONVERSION TO A DWELLING, TO FORM 2 NO. DWELLINGS; AND CONSTRUCTION OF GARAGES.)  
Granted  
07/12/2015
- 4/01764/15/RO C VARIATION OF CONDITION 10 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/03572/14/FUL (DEMOLITION OF STABLES AND BARN; CONVERSION OF STABLES AND STORAGE BUILDINGS TO 4 NO. LIVE / WORK UNITS AND 1 NO DWELLING; ALTERATIONS AND EXTENSIONS TO 2 NO. DWELLINGS AND OFFICE WITH PRIOR APPROVAL FOR CONVERSION TO A DWELLING, TO FORM 2 NO. DWELLINGS; AND CONSTRUCTION OF GARAGES.)  
Granted  
24/06/2015
- 4/03572/14/FUL DEMOLITION OF STABLES AND BARN; CONVERSION OF STABLES AND STORAGE BUILDINGS TO 4 NO. LIVE / WORK UNITS AND 1 NO DWELLING; ALTERATIONS AND EXTENSIONS TO 2 NO. DWELLINGS AND OFFICE WITH PRIOR APPROVAL FOR CONVERSION TO A DWELLING, TO FORM 2 NO. DWELLINGS; AND CONSTRUCTION OF GARAGES.  
Granted  
18/03/2015
- 4/00857/14/OPA CHANGE OF USE FROM OFFICES (B1) TO RESIDENTIAL (C3)  
Prior approval not required  
29/05/2014
- 4/00082/14/FUL DEMOLITION OF STABLES AND BARN. CONVERSION OF BARN TO MIXED BUSINESS (B1), SHOP (A1) AND EQUESTRIAN USE AND CONSTRUCTION OF HAY STORE. ALTERATIONS TO INDOOR SCHOOL. CONVERSION OF STABLES AND STORAGE BUILDINGS TO FOUR LIVE/WORK UNITS AND CONSTRUCTION OF GARAGES FOR EXISTING DWELLINGS  
Granted  
25/03/2014

## **Policies**

### National Policy Guidance (2012)

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

### Adopted Core Strategy (2013)

Policy NP1- Supporting Development

CS5 - Green Belt  
CS8 - Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17- New Homes  
CS19 - Affordable Housing  
CS24 - The Chilterns Area of Outstanding Natural Beauty  
CS26 - Green Infrastructure  
CS29 - Sustainable Design and Construction

Saved Policies of the Dacorum Borough Local Plan (2004)

Policy 18- The Size of New Dwellings  
Policy 21 – Density of Residential Development  
Policy 58 - Private Parking Provision  
Policy 97- Chilterns Area of Outstanding Natural Beauty  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands  
Policy 100- Tree and Woodland Planting  
Policy 118 – Important Archaeological Remains  
Appendix 3- Gardens and Amenity Space  
Appendix 5- Parking Provision

Supplementary Planning Documents (SPD)

Affordable Housing SPD- Clarification note (2016)  
Affordable Housing SPD (2013)

**Constraints**

Area of Archaeological Significant  
Area of Outstanding Natural Beauty  
The Green Belt  
Special Control for Advertisement

**Summary of Representations**

**Comments received from consultees:**

DBC Contaminated Land

No information relating to contamination has been submitted with this application.

The following report was submitted in respect of planning application 4/00082/14/FUL:

- Phase 1 Environmental Site Assessment; Document Reference: 20409R1; Issue A; WDE Consulting; September 2013

Comments were provided in my memo dated 16 April 2014 as follows:

*‘...The report provides a satisfactory preliminary risk assessment of the site. Based on the information provided within the Phase 1 Environmental Site Assessment Report, the conceptual site model and qualitative assessment has identified there to be a very low to moderate/low potential risk to both controlled waters and human health from the proposed residential redevelopment of the site. No further actions have been recommended prior to development of the site.*

In respect of the current application, the report must be updated to reflect any changes on/off-site that have occurred since the time of writing. The proposed site use and layout must also be included. The amended report can be submitted for review prior to determination or requested via condition should planning permission be granted.

#### 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.

#### 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.

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

As there are no supporting/mitigating details from the applicant regarding trip generation and distribution that this level of development will generate. However, this level of development is unlikely to generate significantly high levels of movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity.

The creation of these new residential dwellings will only impact on the highway if the development fails to provide sufficient off street parking space. This includes visitor parking if applicable. New or additional trips associated with this development would be low.

There are two vehicular accesses serving the site, which join with Station Road. The application form states that there will not be any additional vehicle accesses proposed. The main vehicular access will therefore remain as it is and there are no plans to amend or modify it at present.

The assessment does not indicate any significant issues with the proposal. The highway authority would not wish to restrict the grant of planning permission subject to the inclusion of the above conditions and informatives.

#### Herts Archaeology

The proposed development is located within Area of Archaeological Significance No.7, as identified in the Local Plan. This covers the area occupied by present day Pendley farm, along



with a substantial area to its west and south.

Documentary evidence suggests that there was a medieval village at Pendley, which was destroyed in 1440 by the then owner Robert Whittingham. Remains of the deserted medieval settlement may lie in the vicinity of Pendley Farm, with slight earthworks visible in the field to the south.

In addition, cartographic evidence indicates that the 16<sup>th</sup> century manor house (Historic Environment Record no. 16043) formerly stood on, or very close to, the site of Pendley Farm (Dury and Andrews' Topographic Map of Hertfordshire 1766).

Pendley Farm (HER no. 16044) was built as a model farm in the mid 1870s, associated with the construction of the new manor house to the west. Much of the planned layout survives, including 3 (possibly 4) of the original ranges, with one added in the late 19<sup>th</sup>C. The farm buildings were partially built of Tudor brick, which is likely to have come from the above mentioned manor house, Pendley Hall.

Archaeological monitoring of groundworks (KDK Archaeology 2015) during the construction of new structures in the farmyard to the south revealed an undated ditch and up to 1m of made ground, presumably related to the construction of the farm in the 1870s, with the fields to the east and north east less disturbed by comparatively recent activity.

I believe therefore that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent.

Recommended Conditions A and B (5 and 6)

Tring Town Council

### **Objection**

The Council recommended refusal of this application on the grounds that the proposed development was a change of use and construction of new buildings of a size and scale inappropriate within the Green Belt and to the Chilterns A.O.N.B. The development did not satisfy the exceptions in National Planning Policy Framework paragraph 89

Herts Fire and Rescue

Provision for Hydrants does not appear to be adequate to comply with BS9999 2008.

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 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.

DBC Conservation

The two current buildings on the site are bulky and of no historic interest. If Green Belt policy allows this development, the design proposal for 4 houses works well as a courtyard layout and complements the development already constructed. It would be preferable to break the roofing up – currently proposed as all slate but would be better to mix tiles and slate – tiles along the range facing Station road consisting of the main ranges of Houses 2 and 3, and the carport, for example. The only other observation is that there is a mix of rooflight sizes - -the ones on House 1 and House 4 lighting the bathrooms appear particularly overscaled.

All bargeboards to be in timber and rainwater goods in black painted metal.

I support the recommendations made regarding the importance of archaeological investigations.

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

#### Verney House, Pendley Farm

##### **Support**

I am fully supportive of this application, the reason being: it will enhance the area and replace unsightly buildings with attractive houses which are in keeping with the surrounding houses/dwellings. There is a strong demand for houses in Tring and adjacent communities; this development will add value to the community.

#### The Stables, Pendley Farm

##### **Support**

I am pleased to confirm, as a resident at Pendley Farm, that we are happy in principle with the proposals for the development of the barns and indoor school, our only concern being that the distance between the frontage of Harcourt House and Verney House, and the edge of the new development area, is sufficient for both resident parking, and access for service/delivery/emergency vehicles.

#### Harcourt House, Pendley Farm

I live at the proposed site for the development of 4 new houses and I have concerns about the limited additional parking of 3 spaces for visitors to accommodate 8 houses on this site. Each property has allocated parking but there is not sufficient spaces for visitors and this will become an issue and access to the property problematic. The developer's feel this has been addressed in the plans but if each house had 1 visitor or additional cars then there is no safe parking & emergency services could be restricted.

##### **Considerations**

#### Principle of Development within the Green Belt

The application site is located within the Metropolitan Green Belt. 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. There is the presumption against inappropriate development in the Green Belt, as advised by The National Planning Policy Framework (2012). Inappropriate development is, by definition, harmful to the Green Belt unless a case of special circumstances can be demonstrated which would outweigh this harm.

Therefore, the main issues to consider in terms of Green Belt policy are the appropriateness of the development, effect on the purpose of including land in the Green Belt, effect on the openness of the Green Belt and the impact on the visual amenity of the Green Belt. If the development is inappropriate development a case of very special circumstances would need to be put forward to justify its approval.

*Appropriateness*

The site lies within the identified Green Belt, where the Green Belt Strategy is set out in the NPPF (Section 9: Protecting Green Belt Land). Therefore aside from the presumption in favour of sustainable development and core planning principles set out in paragraphs 6-17 of the NPPF the most relevant paragraph in this regard is 89. This states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, unless they fall within one of the exceptions set out.

Policy CS5 of the Core Strategy (2013) summarises the following acceptable small-scale development which would be permitted:

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

The proposal, being a former horse riding school (Class D2) complies with criteria e, constituting a partial redevelopment of previously developed land. In accordance with the NPPF (2012) limited infilling or 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 would be appropriate.

Annexe 2 of the NPPF confirms that the definition of previously developed land extends to 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.

*Openness*

As such development within previously developed land is appropriate subject to preserving the openness of the Green Belt.

The existing structures on site equate to the following floorspace and volume calculations:

EXISTING BUILDINGS TO BE	GEA	Volume

DEMOLISHED / CONVERTED		
Barn	598.6m <sup>2</sup>	4,340 m <sup>3</sup>
Indoor School	694.3m <sup>2</sup>	4,070 m <sup>3</sup>
Hay Store	33.6m <sup>2</sup>	134 m <sup>3</sup>
<b>Total</b>	<b>1,326.5 m<sup>2</sup></b>	<b>8,544 m<sup>3</sup></b>

The proposed replacement four new houses and associated Hay Store Office and Car-port would result in the following floorspace and volume calculations.

PROPOSED	GEA	Volume
House 1	250.8m <sup>2</sup>	715 m <sup>3</sup>
House 2	319.4 m <sup>2</sup>	879 m <sup>3</sup>
House 3	319.4 m <sup>2</sup>	879 m <sup>3</sup>
House 4	250.8 m <sup>2</sup>	715 m <sup>3</sup>
Hay Store Office	33.6 m <sup>2</sup>	134 m <sup>3</sup>
Car-port	72.0 m <sup>2</sup>	312 m <sup>3</sup>
<b>Total</b>	<b>1,246.0 m<sup>2</sup></b>	<b>3,634 m<sup>3</sup></b>

From the above tables it can be seen that the proposal would result in an overall reduction in floor area and volume to the structures currently existing.

The proposed replacement units would relatively retain the placement of the existing structures and hard standing with little further encroachment into the countryside and site boundaries. As such, the overall site mass and sprawl would relatively maintain as existing circumstances resulting in little further harm to the openness of Green Belt.

Furthermore, the existing site has a hardstanding sprawl equating to 815.524m<sup>2</sup> and the proposed replacement development would result in a more concentrated form of hard standing, to the centre of the site, of 656.2m<sup>2</sup>. This would result in a reduction of hard standing and important to the verdant aspect character of the site.

There are limited views into the site from the open countryside and Station Road due to private farm land surrounding and heavy boundary treatment to the North. Further, the proposed dwellings would be at a lower height to existing barns, (7.5 metres approximately compared to existing 9 metre high barns) which would result in limited further visual harm to the openness of the Green belt.

The additional residential units would result in the introduction of further built physical permanence in the form of landscaping and boundary treatment such as, cars, vegetation and fencing; nonetheless this can be control by way of a landscaping detailing condition.

Taking this into considered the redevelopment of the equestrian site into five residential units would not result in an increase in physical permanence or visual harm the openness of the Green Belt. As such, the proposal complies with Polices CS5 of the Core Strategy (2013) and NPPF (2012).

Permitted Development Rights for Part 1, Class A, B, C, D, E, F and H, Class 2 A, B and C and Part 3 Class L have been removed in order for the Local Authority to retain control of the appearance of the site and prevent further build form and sprawl and residential paraphernalia which may detriment the openness of the Green Belt.

#### *Purposes of including land in the Green Belt*

It is necessary to consider whether the proposal would result in harm in terms of the five purposes of including land in the Green Belt. Paragraph 80 of The NPPF states that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring town merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposal does not result in the unrestricted sprawl of a large built-up area, two towns merging into one another or encroachment of the countryside due to the proposal being located within a brown field site. Furthermore, the development does not harm the setting of a historic town and would not make urban regeneration any less likely.

#### *Summary*

The proposed redevelopment of the horse school into four dwellings would not result in an inappropriate form of development within the Green Belt due to constituting part redevelopment of previously developed land. Further consideration has been given to the impact of the proposed structures on the openness and purpose of the Green Belt, in which the proposed scale and placement of structures are considered acceptable. As such, very special circumstances are not necessary to justify retention in the Green Belt location.

#### Impact on Street Scene and Chilterns AONB

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

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

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

Saved Policy 97 of the Local Plan (2004) and Policy CS24 of the Core Strategy (2013) states that the prime planning consideration for development within the Chilterns Area of Outstanding Natural Beauty should give regard to the conservation of the beauty of the area in addition to the economic and social well-being of the area and its communities. Thus, although development is permitted it will be on the basis of its satisfactory assimilation into the landscape. The policy continues to state that every effort will be made to discourage development and operations that would adversely affect the beauty of the area.

The proposal seeks to redevelopment the existing site which comprises two concrete stable blocks into four detached dwellings which would form a U-shaped courtyard road layout. The architectural style, materials, height and spatial form of the units would be reminiscent of country farm buildings, and assimilate well with the dwellings granted on the other half of the site under app ref: 4/03572/14/FUL and surrounding AONB.

Spacing between units would be maintained at least 1 metre in order to preserve the open, suburban character environment of the area. Further 10-15 metres (approximately) will be preserved to site boundaries in order to maintain the open character of the area and countryside border.

There are views into the site from the neighbouring private agricultural plots and Station Road. Nonetheless, the boundary treatment to the north and south of the site in respect of the wooded trees and 1.8 metre high close boarded wooden fences are such that the proposal would not be overtly visible from the adjacent highway or public rights of way, which are located (at a minimum) over 200 metres away. As such, the proposed development would not impact upon the visual amenity or character of the street scene.

It is further considered that the redevelopment of the site would result in a visual improvement to the existing concrete stables and clearing up of the existing site debris. The DBC conservation officer was consulted on the proposal and provided the following summary comments:

*'The two current buildings on the site are bulky and of no historic interest. If Green Belt policy allows this development, the design proposal for 4 houses works well as a courtyard layout and complements the development already constructed.'*

As a result the redevelopment of the former horse school into a courtyard development of four detached houses is considered to relatively blend into the immediate environment and be screened from the adjacent countryside and therefore not considered visually intrusive or

harmful to the character and appearance of the immediate area, AONB or countryside; accordingly the proposed coheres with the NPPF (2012) and Policies CS10, CS11, CS12 and CS24 of the Core Strategy (2013) and Saved Local Plan (2004) Policies 18, 21 and 97 and Appendix 3.

### Effect 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 on neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

The proposed units would maintain a 15 metre separation distance to neighbouring properties at Pendley Farm. Moreover, this relationship would be front to side which DBC have no policy guidance standard on minimum separation distance. Additionally, House 1 and 4 would have no flank elevation windows which would result in a loss of privacy to neighbouring residents at Pendley Farm.

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

House 1: 20 metres

House 2: 17.5 metres

House 3: 11.5 metres

House 4: 13 metres

Thus, the proposed would not detrimentally impact the residential amenity of neighbouring properties, or future occupiers, thus is considered acceptable in terms of the NPPF (2012), Saved Appendices 3 and 7 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

### Impact on Highways Safety and Parking Provision

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

The Council's Parking Standards, set out within Saved Appendix 5 of the Local Plan (2004) requires 3 parking spaces for four+ dwellings within residential zones 2-3. The application

proposed four units comprising 2x four bed and 2x five bed, which would require 12 off street parking spaces. The application seeks to provide two parking spaces per dwelling with a further two parking spaces integrated into the double garages serving two of the properties. Three visitor spaces would also be provided a total of 15 off street parking spaces which exceeds the maximum standard. It is important to note that ample parking is also available on the site access road to the existing properties at Pendley Farm and proposed units.

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

*'The assessment does not indicate any significant issues with the proposal. The highway authority would not wish to restrict the grant of planning permission subject to the inclusion of the above conditions and informatives.'*

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

#### Impact on Trees and Landscaping

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

The proposed scheme has the potential to provide soft and hard landscaping on site. The boundary treatment would comprise of close boarded wooden fences, brick walls and hedges. Hardstanding has also been kept to a minimum, restricted to small areas of parking, properties entrances and patios only. The remainder of the site will be soft landscaped and grassed, maintaining the verdant aspect character of the area and countryside.

#### 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 has been submitted alongside application outlining sustainability measures for the proposed development; such as minimised carbon levels by adopting airtightness and high levels of insulation and recycling and repacking of site waste where possible.

#### Protected Species

The presence of protected species is a material consideration, in accordance with the NPPF (2012) (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.

Herts Ecology were consulted on the demolition of the existing site structures and provided the



following conclusive comments:

Consequently I consider that Dacorum BC may determine the application having taken bats reasonably into account. However the usual informative should be applied to any permission, namely:

- ***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.***

#### Archaeology

In accordance with Saved Policy 118 of the Local Plan (2004) and NPPF (2012) planning permission will not be granted for development which would adversely affect scheduled ancient monuments or other nationally important sites and monuments, or their settings. Where the Council considers that physical preservation of archaeological remains in situ is not merited, planning permission will be subject to satisfactory provision being made for excavation and recording. Herts Archaeology were consulted on the proposal and provided the following conclusive comments:

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

#### Affordable Housing

Policy CS19 of the Core Strategy (2013) sets out the site criteria for affordable housing. This should be read alongside the Affordable Housing SPD and Housing SPD clarification note version 2: July 2016. The 2016 clarification note clarifies that proposals for less than 5 units in rural areas would not require an affordable housing contribution. Moreover, vacant building credit is relevant to the proposal given the floor area of the existing buildings exceed that of the proposed development. Therefore, no affordable housing contribution would be sought for this site.

#### **Conclusions**

**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:**

**Application form**  
**Planning Support Statement**

Historic Building Recording July 2014  
Design, Access and Heritage Statement August 2017  
File Note: Post Development Monitoring (PDM) for replacement bat loft at  
Pendley Farm 3rd August 2017  
Bat Survey- Preliminary Roost Assessment 4th January 2016  
Policy CS29 Checklist  
2105/02  
2105/04  
2105/05  
2105/06  
2105/07  
2105/08  
2105/09  
2105/10  
2105/11  
2105/12  
2105/13  
2105/14A

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

- 3 **Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition:**

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

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

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development; in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

- 4 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 3 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion**

**Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development; in accordance with Policy CS12 of the Core Strategy (2013) and the NPPF (2012).

Informative:

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

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

- 5 Prior to commencement of any built development hereby permitted information on the number and position of fire hydrants shall be submitted to and approved in writing with the Local Planning Authority. The relevant details shall include information on how the hydrants will be incorporated into the mains water services whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus. The fire hydrants shall be implemented prior to occupation of the dwellings hereby approved.**

Reason: In the interests of health and safety; in accordance with Policy CS12 of the Core Strategy (2013).

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

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

Reason: In order to provide properly for the likely archaeological implications of this development proposal; in accordance with Policy 12 (para. 141, etc.) of the National Planning Policy Framework, Saved Policy 118 of the Local Plan (2004) and the

guidance contained in the Historic Environment Planning Practice Guide.

**7 i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 7.**

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

**If planning consent is granted, then this office can provide details of requirements for the investigation and information on archaeological contractors who may be able to carry out the work.**

Reason: In order to provide properly for the likely archaeological implications of this development proposal; in accordance with Policy 12 (para. 141, etc.) of the National Planning Policy Framework, Saved Policy 118 of the Local Plan (2004) and the guidance contained in the Historic Environment Planning Practice Guide.

**8 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 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; in accordance with Policy CS12 of the Core Strategy (2013).

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.

Highway Informative

**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.

**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

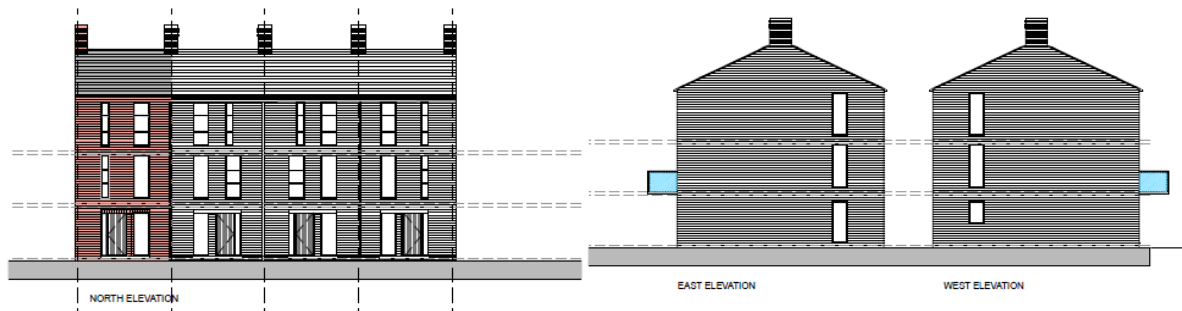
Bats and their roosts remain protected at all times under National and European law. If bats or evidence for them is discovered during the course of development works, work must stop immediately and advice sought on how to proceed lawfully from Natural England (tel: 0300 060 3900) or a licensed bat consultant.



**Item 5m**

**4/01977/17/FUL - CONSTRUCTION OF 4 NEW DWELLINGS WITH AMENITY SPACE, CAR PARKING AND CYCLE STORAGE. PRIVATE GATED ACCESS DRIVE. PROPOSED NEW RETAINING WALL OF CONTIGUOUS PILING AND STEPOC BLOCK RETAINING WALL WITH GREEN WALL AND NATIVE TREE AND SHRUB SOFT LANDSCAPING.**

**LAND TO THE REAR OF THE OLD SILK MILL, BROOK STREET, TRING, HP23 5EF**



**4/01977/17/FUL - CONSTRUCTION OF 4 NEW DWELLINGS WITH AMENITY SPACE, CAR PARKING AND CYCLE STORAGE. PRIVATE GATED ACCESS DRIVE. PROPOSED NEW RETAINING WALL OF CONTIGUOUS PILING AND STEPOC BLOCK RETAINING WALL WITH GREEN WALL AND NATIVE TREE AND SHRUB SOFT LANDSCAPING.. LAND TO THE REAR OF THE OLD SILK MILL, BROOK STREET, TRING, HP23 5EF. APPLICANT: Hounsfild LLP.**

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[Case Officer - Andrew Parrish]

## **Summary**

The application is recommended for approval. The application is for 4 x 3-bed dwellings within a 3 storey terrace with car parking to the rear and private access from Brook Street. The site is part of a General Employment land site but is currently a vacant, undeveloped site and has been subject to fly tipping. It comprises a generally rectangular site which sits substantially below the level of dwellings immediately to the west at Kingsley Walk. The intervening land comprises a steep earth embankment which will be cut back and supported by a retaining wall to enable the development to take place. The retaining wall will be landscaped and tree planting introduced between it and an existing brick and flint wall on top of the embankment. The frontage of the terrace would be landscaped and front onto existing public open space alongside Brook Street. The site adjoins two existing dwellings to the east. In policy terms, the loss of the employment land is considered acceptable in this case as it is not currently in active use for employment purposes and has no existing buildings that could be used or reused for employment purposes. The site accommodated two semi-detached dwellings which were demolished in 1976 and the site historically has not been part of the Old Silk Mill site. Residential is arguably appropriate given the siting adjacent to a pair of semi-detached houses. Given the siting on lower land there would be no material loss of light or visual impact on dwellings in Kingsley Walk and, subject to further information, no material loss of privacy to surrounding properties. In design and appearance terms, the proposal is considered acceptable in relation to adjoining development, with sufficient and good quality landscaping and amenity space and would maintain the character and setting of the adjoining Silk Mill Grade II listed building. Access and car parking provision is acceptable and the Highway Authority has raised no objections on highway safety grounds. The proposal would comply with sustainability principles, would cause no material harm to ecological interests and would not be at risk of flooding.

## **Site Description**

The site is located off the western side of Brook Street in the town of Tring and extends to 0.14 ha. The site is part of the Old Silk Mill General Employment Area but is currently a vacant, undeveloped site comprising a car park which is said to be surplus to requirements and has been subject to fly tipping. It is accessed via a narrow private unmade driveway from Brook Street which also serves Nos. 21 and 22 Brook Street, a pair of semi-detached C19 properties, to the east. The site is generally rectangular and sits substantially below the level of dwellings immediately to the west at Kingsley Walk by the equivalent of a two storey building. The western boundary therefore comprises a steep earth embankment which included a number of mature trees that have recently been felled. To the south of the site is The Old Silk Mill, a Grade II listed building which is currently used for various small industrial and commercial uses. To the north is an area of public open space that follows the line of the brook. Along the east side of Brook Street are C19 terraced properties.

## **Proposal**

Permission is sought for the erection of four number 3-bed dwellings with associated parking, landscaping and amenity space. The dwellings would be formed into a terrace of four on three stories with red brick under a slate roof. Each dwelling would have two off-street parking bays and there would be one visitor space, all behind a private gated access. Landscaping is



proposed to the front and rear of the dwellings with the earth embankment cut back and supported by a retaining wall with green wall planting and shrub and tree planting to the top of the retaining wall.

### **Referral to Committee**

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

### **Planning History**

4/00378/17/FUL CONSTRUCTION OF FOUR 4-BED DWELLINGS WITH DOUBLE GARAGE  
Withdrawn  
09/05/2017

### Concurrent application

4/02221/17/MFA CONSTRUCTION OF FIVE 3-BED TERRACED DWELLINGS AND FIVE 2-BED MEWS STYLE DWELLINGS OVER THREE STOREYS WITH ASSOCIATED AMENITY SPACE, CAR PARKING, CYCLE AND BIN STORAGE AND PRIVATE GATED ACCESS DRIVE. PROPOSED RETAINING WALL. REDUCED GARDEN TO NO. 22 BROOK STREET  
Delegated

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)  
Circular 1/2006, 05/2005

#### Adopted Core Strategy

NP1 - Supporting 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  
CS13 - Quality of Public Realm  
CS19 - Affordable Housing  
CS27 - Quality of the Historic Environment  
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, 13, 18, 21, 51, 54, 58, 99, 100, 111, 122 and 124

Appendices 1 , 3 and 5

Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of Car Parking Standards (July 2002)  
Environmental Guidelines (May 2004)  
Area Based Policies (2004) - TCA15 Brook Street  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)  
Refuse Storage Guidance Note March 2015

**Summary of Representations**

Tring Town Council

The Council recommended refusal of this application on the grounds of:

- Access. This would be highly dangerous as it is not possible to increase the vision splay, particularly to the right as one exits the property because of the neighbouring wall and cottage. There is also parking on the open space to the left of the exit. Agreement would have to be reached with Dacorum Borough Council who own the land to remove the parking or allow the exit to be relocated onto their property
- Neighbours have expressed concern at the potential for overlooking from the third storey of the proposed properties. It is felt that the proposed hedging and planting was inadequate. The proposal is overdevelopment of the site, is not in keeping with the area and would reduce parking availability to the commercial units.

Strategic Planning (in summary)

Housfield's Supporting Statement

A 'Supporting Statement for the loss of General Employment Area site' has been produced on behalf of the owners (Housfield). The following points in the statement are particularly important:

- The previous owners (Margisal) marketed the site to selected prospective purchasers to encourage bids over the 30 years, with no reasonable offer having been received for sale or rent during that period. Housfield purchased the site which was marketed as a redundant car park and yard with planning gain opportunities.
- During the course of Margisal's ownership of the site, there was a period where a haulage company leased the vacant site, which permitted lorries to be parked on the vacant site. However, there were problems of nuisance from vandals and theft.
- There are a considerable number of units in the Old Silk Mill which have been vacant for over a year. Thus there are units already available for commercial purposes and there is limited market interest in this type of property.
- The site was occupied by two semi-detached houses until 1976. It is understood that these dwellings were demolished as the then owner was pursuing a scheme for replacement development on the site. However, this did not occur and the site was

turned into an informal parking area.

- The car park was not created to address any need for additional parking spaces for the Old Silk Mill. It is not used and has been subject to fly tipping and unsocial behaviour.

#### Employment land supply in Tring

It is also important to take account of the changing overall supply of employment land in Tring:

- The town is experiencing a loss of employment land. Proposed housing sites H/15-H/17 in the Site Allocations Development Plan Document are all sites previously on GEAs. Also, most of the Akeman Street GEA not within housing site H/17 has been granted prior approval for change of use from offices to housing.
- Site Allocations Policy LA5 (Icknield Way, west of Tring) proposes an extension of around 0.75 hectares to the Icknield Way Industrial Estate for B-class use.
- The Dacorum Employment Land Availability Assessment (ELAA), produced by consultants PBA, will be published on or before 1 November 2017 (when the Dacorum Local Plan Issues and Options consultation document is published). The ELAA recommends that the Brook Street GEA is retained in employment use. It also concludes that there is market demand in the Borough for more smaller scale industrial units of less than 3,000 sq. metres. PBA considers that sites in the A41 corridor, including Dunsley Farm in Tring, could be considered as potential employment locations to meet this demand.
- The Local Plan Issues and Options consultation document (paragraphs 7.3.3. and 7.3.4) proposes to accept PBA's recommendation regarding Dunsley Farm and allocate up to 5 hectares of land currently in the Green Belt for employment development. However, there is no certainty that this proposal will be carried forward into the new Local Plan.

#### Conclusions

I consider that the proposed loss of employment land at the rear of the Old Silk Mill is acceptable in planning policy terms given:

- the first set of bullet points in the initial comments (see below);
- the points made in Hounsfeld's supporting statement; and
- the potential for new employment development in Tring on the LA5 site and Dunsley Farm.

#### Initial comments

The main issue is the appropriateness of the general use in this location. The starting point is that the site falls within the Brook Street (Silk Mill) GEA (Policy SA5). Therefore, the principle of the proposal is contrary to policy.

The amount and quality of employment space in the town (and in the other main settlements) is going to be explored through the emerging Local Plan and we would acknowledge that the supply of such land has gradually been reducing over time. This application is a reflection of the pressure on such GEAs in the town. We note that Silk Mill currently provides a ready supply of accommodation for small businesses in Tring.

The conclusions of the 2010 employment study stressed the retention of commercial uses within the GEA, but recognised that this could be reconsidered in the longer term.

We note in this case that:

- The proposal would result in a small loss of the GEA (0.15ha);
- The application site does not have any active employment use(s) on the site;
- The land is physically separated from the rest of the GEA by a commercial building and does not share access from the main body of the GEA;
- The site lies adjacent to existing housing (it would effectively continue this frontage) and may have a better relationship with this in amenity terms.

Therefore, there may be scope to be flexible regarding the proposal, providing there are clear local and site-specific justifications to take a more pragmatic approach and to justify a policy exception.

The applicant does not appear to have provided any detailed employment justification to accompany their application to set out why they feel a policy exception should be made (other than their arguments that the land is not functionally part of the GEA). This would usually be a basic requirement for us when considering if such exceptions should be made, in order to try to control the continued loss of small employment uses, for which our Economic Wellbeing team have advised there is a strong demand across the Borough combined with an ever diminishing supply. We would be particularly interested to understand whether there has been:

- an issue with the long term vacancy of the site; and
- active interest in bringing forward the site/marketability of the land.

Without such justification it is obviously harder to warrant making an exception to a policy designation that has recently been subject to review and the decision taken to retain the site in B-class use.

A final decision on acceptability will therefore depend on the weight accorded to all these considerations.

#### HCC Highways (in summary)

Considers that the proposal would not have an increased impact on the safety and operation of the adjoining highways and does not object to the development, subject to conditions / informatives securing parking dimensions, surfacing, storage of materials on site, wheel washing and obstruction of the highway.

Parking: Each proposed new house will have two tandem parking spaces, and two visitors spaces will be provided on hard standing to the front of the properties. Provision is also made onsite for cycle storage.

Access: Vehicular and pedestrian access will be achieved using the existing access onto Brook Street, which is a numbered classified road, the B486, subject to a 30mph speed limit. Vehicles are therefore required to enter and leave the highway in forward gear. There has been one slight accident in the vicinity of the access in the last five years.

Retaining wall: There is a Dacorum public footpath running along the line of the proposed retaining wall. The Structures officers of the LPA would need to be consulted to insure the integrity and safety of this footpath.

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

## Conservation and Design (in summary)

The site is located adjacent to the Silk Mill. From examination of historical mapping it appears to have been an open area to the north of the silk mill. On the first edition OS map it appears as an orchard with a structure in a corner of this site adjacent to the footpath and bank. By the 1924 map 2 pairs of semi-detached houses are shown one pair which survives to the present adjacent to Brook St. They would appear to follow the same building line as the houses demolished. In 1978 the site was cleared for redevelopment but no further work took place. The only surviving above ground element of interest is the brick and flint wall to the top of the bank which appears to date from at least the 19<sup>th</sup> century. At present it is overgrown with ivy.

The proposals would have a relatively minimal impact on the setting of the nearby listed buildings. They are located some distance to the north and are separated from the site by a collection of later non listed industrial units. As the proposals are of 3 storeys they would be visible from the site. However given that they replace former dwellings and that they are designed to be a contemporary approach to traditional mill village housing we do not believe that they would cause harm to the setting of the listed building or its significance.

The original pair of semi-detached dwellings have been demolished and we do not believe that it would be appropriate in this instance to replace it with a similar design if photographs or drawings can be found. The proposed new dwellings are of a more contemporary design but follow the scale, mass, bulk and form of traditional mill housing associated with the period of the silk mill. As such they would reflect the wider context of the site. However the contemporary approach to the detailing of the fenestration adds interest and variety to the streetscape whilst retaining the vertical character associated with traditional properties. Overall we therefore believe that the proposals for the dwellings would be acceptable but would recommend that the details are conditioned to ensure that the proposals best reflect the character of the area.

The proposed landscaping would appear to be acceptable in principle. We would welcome the restoration of the brick and flint boundary wall. The proposed green wall would appear acceptable in principle however it with the new trees on the bank above will need to be carefully monitored to ensure that it is maintained in the longer term as a large wall without planting could appear somewhat out of place within the area. The proposed boundary treatments and surfacing will also need to be conditioned to ensure that the proposal sits comfortably within the wider landscape.

Recommendation: The proposal would be considered acceptable. Eaves details, window details, finishes and sections including set back within the elevation, door and surround details and finishes, chimney details, tiles, rainwatergoods, brick sample panel showing brick bond(not stretcher bond) and balcony details subject to approval. Landscape materials and details including brick wall bricks and bond, coping details fences and gates materials and finishes subject to approval. Materials and detailing used in relation to the repairs/ rebuilding of brick and flint boundary wall subject to approval.

## Trees and Woodlands

Two of the proposed trees, *Prunus Accolade* and *Ligustrum lucidum* (Privet Tree), do not have the stature to provide amenity value in a short time. Although they are beautiful trees, I believe that other trees are a better choice. The narrow planting strip is likely to be a dry site so trees need to be tolerant of dry conditions. To replace the above trees, I suggest the list below:

*Alnus cordata*  
*Cornus mas*  
*Corylus colurna* (Turkish Hazel)  
*Koelreuteria paniculata* (Pride of India)  
*Circis siliquastrum*

Alnus and Corylus are medium size trees at maturity, are very quick growing and provide good tree cover in a relatively short time. I also recommend that any crown reduction is carried out to British Standard 3998: 2010 Tree Work Recommendations and supervised by a tree expert.

#### Housing Services

Due to the number of units being developed, the site will be exempt from any affordable housing contribution.

#### Scientific Officer (in summary)

The site is located adjacent to the Old Silk Mill Industrial Estate (electricity powerstation with large transformers, metal casting and munitions, textile manufacture). It is also located within the vicinity of a former gas works. The site itself was residential until 1976 then used as a car park. Consequently there may be land contamination issues associated with this site. Recommend that the contamination conditions (CONT1 and CONT2) be applied to this development should permission be granted.

#### Building Control (in summary)

Orally states that the authority has no control over the structural integrity of the retaining wall.

#### HCC Fire & Rescue

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. This should be secured via a s106 agreement.

#### HCC Ecology Advisor

The Hertfordshire Environmental Records Centre does not have any habitat or species records for the application site itself and no ecological information has been provided with the application. The site is currently used for parking and photos in the Design and Access Statement suggest low ecological value.

The application includes proposals for landscaping using native species, which are welcomed as providing enhancement to biodiversity on the site and the delivery of which should be ensured through the addition of an appropriate condition relating to approved plans.

Additional enhancement, in the form of integrated bat roost units (bricks and tubes) and nest boxes (for Swifts, House Sparrow and Starling) in the new properties, is encouraged. Advice on type and location of these features should be sought from an ecologist.

#### Environment Agency

Any comments received will be reported at the meeting

#### NATS Ltd

Any comments received will be reported at the meeting

#### Thames Water Utilities

Any comments received will be reported at the meeting

#### Three Valleys Water

Any comments received will be reported at the meeting

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

104 and 126 Kingsley Walk - object on grounds of:

- Overbearing height
- Overshadowing
- Overlooking

134 and 138 Kingsley Road - objects on grounds of:

- Overshadowing
- Loss of daylight and sunlight to back garden, kitchen and bedroom
- Overlooking from windows causing loss of privacy
- Building not in keeping with surrounding buildings of The Old Silk Mill or Edwardian and Victorian properties of Brook Street
- Height not in keeping
- Concerned at loss of trees - 1 m space insufficient for replacements and would not allow for suitable height screening
- Potential road safety risk at the access with Brook Street
- Development contrary to character appraisal TCA15

### **Considerations**

#### Background

Pre-application advice has been provided following withdrawal of a scheme earlier this year which has generally been positive regarding the layout, height and design of the scheme.

#### Policy and Principle

The site lies within an existing General Employment Area (GEA) within the urban area of Tring wherein, under Policy CS4 appropriate employment generating development is encouraged and, in accordance with Policy CS15, GEAs will be protected for B-class uses.

The site lies in close proximity of The Old Silk Mill, a Grade II listed building where, under Policy CS27 and saved Policy 119, proposals should retain the character and setting of the listed building.

Subject to Policy CS15, Policy CS17 encourages the development of housing to meet the district housing allocation. Saved Policy 10 of the Dacorum Borough Local Plan 1991-2011 encourages the use of urban land to be optimised.

Policies CS10, 11, 12 and 13 of the Core Strategy are overarching policies applicable to all development which seek a high quality of design in all development proposals. These are relevant to any residential development.

Market towns are able to accommodate much of the housing requirement for the Borough after Hemel Hempstead and small scale developments such as this are important to the housing provision in Dacorum. Core Strategy Policy CS18 states that housing developments of any size should provide an appropriate mix of house size.

The key issues in this case are whether any material circumstances exist that justify an

exception being made for residential development of this employment site, the effect of the proposal in terms of the character and setting of the listed building and the appearance of the area, the impact in terms of trees and landscaping, the impact on residential amenities and the acceptability in terms of highway safety.

Policies CS10, 11, 12, 13 and CS27 are relevant, together with saved Policies 51, 54, 58, 99 and 119 of the Local Plan.

#### Impact on employment land and suitability for residential development

The site forms the northern tip of the Silk Mill GEA off Brook Street, Tring. It comprises a vacant, underused car park which is understood to be surplus to the requirements of the employment area and has been subject to fly tipping. In historic terms, the site included a pair of semi-detached properties which followed the same building line as the existing pair of properties at 21 and 22 Brook Street. It is understood that the site was cleared in 1976, parts of the foundation of which were still visible at the case officer's site visit within the area of the earth embankment. A related brick and flint wall forming the boundary of the site exists at the top of the embankment. The site has not been used for any productive employment purposes since demolition of the dwellings in 1976.

In policy terms, the loss of the employment land is not considered unacceptable in this case as it is not currently in active employment use and has no existing buildings that could be used or reused for employment purposes. The site historically has not been part of the Old Silk Mill site, being clearly separated from it by an existing commercial building marking the southern edge of the site and there is no clear vehicular or pedestrian access between the two sites.

Furthermore, as the site sits adjacent to existing dwellings at Nos. 21 and 22 Brook Street, and shares access, residential development is considered a more compatible and appropriate use for the site than B1 use and, furthermore, in visual terms could be designed to relate better to those dwellings and the adjacent public open space / public footpath than B class buildings. According to the Hounslow supporting statement, marketing attempts for employment have not been successful and the site has suffered from fly tipping and vandalism. Given potential new employment land in Tring on the LA5 site and Dunsley Farm, there is considered to be no major issue about the loss of the employment land in this case given the other supporting factors outlined above.

For the above reasons, it is considered that an exception for residential development of this part of the employment site is justifiable.

The site falls adjacent to existing residential uses, is generally flat and can provide amenity areas that are private and meet minimum garden sizes, would not cause overlooking of adjacent properties and has available access and car parking to serve the development. The site is therefore considered suitable for residential development.

The overall density of the scheme at 28 dph is not considered to be excessive or out of keeping with the surrounding context, and is in line with policy to make good use of urban land. In view of the above, the proposal is not considered to be an overdevelopment of the site and would accord with saved Policy 10 which seeks to ensure the use of urban land is optimised.

#### Design, layout and impact on character and setting of listed building

The site does not fall within a Conservation Area. However, the Conservation Officer has assessed the proposal in terms of the adjoining Old Silk Mill buildings which are listed / curtilage listed.

He has said that the proposals would have a relatively minimal impact on the setting of the nearby listed buildings. They are located some distance to the north and are separated from the



site by a collection of later non listed industrial units. As the proposals are of 3 storeys they would be visible from the site. However given that they replace former dwellings and that their design follows a contemporary approach to traditional mill village housing he does not believe that they would cause harm to the setting of the listed building or its significance.

The development should arguably follow the development principles of character area TCA15 Brook Street. This states that there are no special design or type requirements although small to moderate sized dwellings are appropriate and encouraged. The proposed terrace is of traditional brick and pitched form with references to the surrounding context in terms of the chimneys and vertical alignment of fenestration. The Conservation Officer has noted that the proposed new dwellings are of a more contemporary design than nearby buildings in Brook Street but follow the scale, mass, bulk and form of traditional mill housing associated with the period of the silk mill. As such they would reflect the wider context of the site. However the contemporary approach to the detailing of the fenestration adds interest and variety to the streetscape whilst retaining the vertical character associated with traditional properties. Overall he therefore believes that the proposals for the dwellings would be acceptable but would recommend that the details are conditioned to ensure that the proposals best reflect the character of the area.

The proposed terrace would follow the building line already set by Nos. 21 and 22 Brook Street and would follow best practice in terms of perimeter block principles with good enclosure of the site following the general mantra of public fronts - private backs which has general advantages in terms of security for residents and the appearance of the street scene for the public realm. In the latter respect, the site is highly prominent in that it adjoins the southern edge of the Brook Street public open space and is also bordered by a frequently used public footpath to its frontage onto that space. As such the layout is considered appropriate to its immediate context and accords with the Development Principles.

Whilst the proposed terrace would be three storey, it is not considered harmful to the general street scene or the immediate relationship with the adjoining two storey development at Nos. 21 and 22 Brook Street. This is because there is a reasonable gap between the two sites formed by the proposed access road and side garden to No. 22, and in relation to two storey residential development at Kingsley Walk to the west, the difference in height is concealed by the ground difference of some 6 metres. In these terms, the proposal is justifiable in relation to a departure from the Development Principles.

In terms of density, the development at 28 dph. would accord with the Development Principles.

It is considered there would be no harm to the street scene or character of the area either as a result of the height or design of the houses. The proposal would accord with Core Strategy Policies CS10, 11, 12, 13 and 27, and saved Policy 119 of the Dacorum Local Plan.

#### Impact on trees and landscaping

Policy CS12 and saved Policy 99 seeks the retention and protection of visually important trees as part of development proposals where reasonably possible and Policies CS11, 12 and 13 and saved Policy 100 seek soft landscaping as an integral part of new development to help integrate it into the surroundings.

There are no trees currently on the site although there are a number of mature off-site trees to the east, west and north of the site. The embankment to the western boundary of the site included a number of mature trees that were visually prominent in the street scene. However, these were not subject to a TPO and were felled by the applicant prior to the submission of the application despite assurances that this would not be done and pre-application advice seeking their retention. This is unfortunate because their loss has resulted in a significant gap in the otherwise treed backdrop to the site in views from Brook Street and has impacted the general

character of the public realm and footpath along the top of the embankment.

Some residents have raised concern at the loss of the trees and the lack of opportunity for suitable replacement.

The development proposes to cut into the bank to accommodate the dwellings with the introduction of a piled retaining wall, fronted by a "stepoc" block wall system with integral soil planters. This would enable a living green wall to be created with the incorporation of shrubs, herbaceous ground cover, ferns, mosses and grasses which would both encourage wildlife whilst providing a soft landscaped appearance that would help conceal the retaining wall. It is stated that a gardener would be employed to maintain the soft landscaping of the site on a permanent basis and it is recommended that this should be secured by an appropriate condition should permission be granted.

In addition to the above, it is proposed to introduce a row of native trees and shrubs to the top of the retaining wall, between it and the existing brick and flint boundary wall alongside the public footpath. Species such as Holly and Hawthorn were proposed within the small 1.5 metre gap and whilst the principle of replacement trees for those previously removed is welcomed, the proposed size and species of trees is not considered to represent a suitable replacement for those removed, being significantly smaller in stature at maturity and having the appearance of small bushes and shrubs rather than woodland trees. In response to this, the applicant has submitted a detailed Arboricultural Impact Assessment and a Landscape Plan that proposes alternative species to address this concern. The Council's Tree Officer has advised that some further amendments to the tree species should be made. The scheme is otherwise of good quality. The proposal includes 15 replacement trees of various species along the top of the embankment. Shrubs, herbaceous plants and hedges are also proposed to the stepoc wall / embankment and amenity spaces to the front, rear and side of the dwellings.

Subject to the amendments requested, it is considered the planting would in time provide suitable visual continuity with the trees either end of the site and also help integrate the site into the adjoining public open space and surroundings. A landscape compliance and maintenance condition is recommended together with details of the stepoc wall and planting scheme.

#### Impact on highway safety, access and parking

The proposal would gain access from Brook Street via the existing private unsurfaced driveway which is to be block paved. Residents have raised road safety issues at the access with Brook Street. However, the Highway Authority has raised no objections to the proposal on highway safety grounds and has not mentioned the need for any visibility splays. As a private unadopted road, bins would need to be drawn to the Brook Street frontage for collection, particularly as there is no suitable turning facility on site for refuse trucks.

The development would provide tandem parking for each dwelling with suitable turning on site which would accord with the maximum demand-based car parking standards in Appendix 5 of the Dacorum Borough Local Plan. Sheds for bicycles are proposed in each garden with refuse bins consealed within the gardens which is acceptable.

Parking spaces scale at 2.4 x 4.8 m and therefore it is not necessary to include a condition to this effect as suggested by the Highway Authority. A condition is recommended seeking surface materials and sustainable drainage which ensures control over the Highway Authority's concern over materials and disposal of surface water away from the highway. A condition to require the submission of a Construction Management Plan would deal with the issue of materials storage outside the highway boundary and the deposit of mud and debris on the highway, as well as the parking of site operatives vehicles, loading and unloading.

The proposal would accord with Core Strategy Policy CS12 and saved Policies 51, 54 and 58.

### Impact on Ecology

The site is not part of a designated wildlife site or nature reserve, or green corridor, as set out in saved Policy 102. Nevertheless, Policy CS26 (Green Infrastructure) states inter alia, that development will contribute towards the conservation and restoration of habitats and species.

Some concern has been raised by residents regarding the impact on bats from the felling of trees. However, as there are no trees or buildings currently on site, the potential for bats being adversely affected by the development is considered minimal.

The proposed green wall and landscaping would provide some opportunity for ecological enhancements to the site.

The HCC Ecology Advisor has raised no objections to the application but would encourage bat and bird boxes. It is recommended that details be provided as part of the landscape condition.

Subject to the above, there are not considered to be any constraints to the development of the site by reason of harm to protected species.

### Impact on Neighbours

There is general concern from residents of Kingsley Walk that the proposed dwellings would be overbearing, cause loss of light and result in overlooking.

The proposal is not considered likely to cause any significant loss of amenity for surrounding properties. No. 104 is well away from the site (nearly 70 m) and will not be affected. No. 126 is also a significant distance away (over 30 m) and will not be materially affected.

No. 134 is at its closest point some 18.5 metres from dwelling 1 and there is the potential for overlooking from second floor bedroom windows facing the rear. However, given the oblique angle of overlooking (over 45 degrees) and the proposal to introduce additional fencing above the height the wall, it is not considered that there would be any material loss of privacy in this case. In addition, planting along the top of the retaining wall will also provide an element of privacy. Nos. 130 and 132 would be further away (over 25 metres) and therefore would not be materially affected.

Balconies are proposed on the first floor rear elevation of the new dwellings. However, views from these would be concealed by the retaining wall and brick and flint boundary wall on top of this. With regards to No. 138 and adjoining properties, there would potentially be overlooking from the proposed second floor window in the gable of dwelling 1. However, these properties front onto the existing public footpath and are therefore already overlooked by passing pedestrians, so the introduction of a gable window is not considered to cause any material loss of privacy in this case.

With regards to No 22 Brook Street, there would be an element of overlooking from the proposed first and second floor gable windows in the side of dwelling 4 and it is therefore recommended that these be fixed shut and obscure glazed by condition. It is also recommended that privacy screens are incorporated into the proposed balconies in order to protect the privacy of Nos. 21 and 22 Brook Street from overlooking. These would also provide an element of privacy between the new dwellings. Details can be secured by condition.

With regards to the visual impact of the proposal and loss of light, given the low height of the gable wall of the development above the existing brick and flint wall (effectively a 1 storey development when viewed from the nearest properties in Kingsley Walk), it is not considered that the proposal would be overbearing, nor that it would cause any material loss of light that

could justify refusal in this case. The proposal would not subtend an angle greater than the recommended BRE guideline figure of 25 degrees when measured from the centre of the ground floor windows in the affected dwellings. The figure is nearer 15 degrees which would indicate that no further assessment is required.

Based on the above, it is concluded that there would be no significant harm to adjoining residential amenities as a result of the development.

The proposal would therefore accord with Policy CS12.

### Sustainability

Policy CS29 of the Core Strategy seeks to ensure that development within the Borough is carried out sustainably and meets a number of criteria, inter alia, in respect of water conservation, SUDS, energy conservation, waste reduction, reuse of materials, etc. A sustainability statement has been submitted which satisfactorily demonstrates that the criteria of the Policy will be addressed. The proposals include, inter alia, permeable hard surfacing to the car park and access, timber form verified sustainable sources, proposals to reduce water usage during construction, recycling of construction waste, specification of water efficient appliances, proposals to minimise energy use during construction, compliance with Part LA2 of the Building Regulations, potential consideration of solar panels, provision of more than one new tree per dwelling, encouragement to supporting ecology enhancement through the landscaping proposals, encouragement of cycling through provision of cycle storage, adaptable internal layout to allow for changing life stages. In the circumstances the development would meet the basic principles for a sustainable form of development on the site.

### Other matters

There is no need for any affordable housing within the development because the number of homes proposed and the site area are below the thresholds in Core Strategy Policy CS19 and also below the national threshold of 11 dwellings or 1000 sq m gross combined internal floorspace as set out in the NPPG. Furthermore, a financial contribution is not required in view of the waiver in paragraph 8.3 of the Council's Affordable Housing Supplementary Planning Document (September 2013).

Due to the introduction of CIL from July 2015, there is no general requirement for other contributions to physical and social infrastructure as required by the Council's adopted Planning Obligations Supplementary Planning Document. The proposal therefore complies with saved Policy 13 and CS35 of the Core Strategy.

The site ostensibly falls within Flood Risk Zones 2 and 3. However, the applicant's analysis of the Environment Agency's Flood Maps indicates that the site falls just outside of the area of Flood Zone 2 and a long way from Flood Zone 3. On this basis it is concluded that the site does not need to provide a flood risk assessment. The development of the site for housing is therefore acceptable, having regard to Policy CS31 of the Core Strategy, which states that development should avoid Flood Zones 2 and 3. The applicant also notes that the site has not flooded in living memory.

The Council's Scientific Officer has recommended the standard contamination condition in view of previous use of the site as a car park.

Fire hydrants have been requested by HCC Fire & Rescue via a s106 agreement. However, it is considered satisfactory to seek these via a Grampian style condition.

### **Conclusions**

Exceptional circumstances are considered to exist in this case to justify residential development of this part of the Silk Mill GEA. The site is suitable for residential development and would provide adequate amenity space, landscaping and car parking to serve the four dwellings. There would be no harm to the setting of The Old Silk Mill listed buildings and in design terms, subject to details, the Conservation Officer has raised no objection to the height, form and contemporary design of the dwellings which follow the scale, mass, bulk and form of traditional mill housing associated with the period of the silk mill. The Highway Authority has raised no objections on highway safety grounds and there would be no harm to residential amenities as a result of the development.

**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 other than site preparation, groundworks, site investigation and remediation shall take place until samples of the materials proposed to be used on the external surfaces of the development (including the driveway surfacing and brick bond) hereby permitted shall have been provided on site as a sample panel at least 1 metre by 1 metre and summary details submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

Reason: To ensure a satisfactory appearance to the development in the interests of the character and setting of the adjoining listed building and surrounding area in accordance with saved Policy 119 of the Dacorum Borough local Plan 1991-2011 and Policies CS12 and CS27 of the Dacorum Core Strategy September 2013.

- 3 The development shall be carried out in accordance with the approved plans and elevations and no development other than site preparation, groundworks, site investigation and remediation shall take place until 1:20 details of the design and appearance of the following shall have been submitted to and approved in writing by the local planning authority:**

- all new windows, external doors and openings (including materials, finishes, cills, window headers, surround details). The details shall include vertical and horizontal cross-sections through the openings to show the position of joinery within the openings;
- eaves joinery and rainwater goods;
- Chimneys;
- Balconies;
- Bin and cycle stores;
- Front boundary walls / gates (including brick bond);
- Vehicle access gates.

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

Reason: To ensure a satisfactory appearance to the development in the interests of the character and setting of the adjoining listed building and surrounding area in accordance with saved Policy 119 of the Dacorum Borough local Plan 1991-2011 and

Policies CS12 and CS27 of the Dacorum Core Strategy September 2013.

- 4 **The development shall not be occupied until details of the extent and form (including materials) of the general repairs to the existing brick and flint wall shown annotated on Drg. No. PL-102 Rev D shall have been submitted to and approved in writing by the local planning authority. The approved details shall be carried out prior to the first occupation of the development.**

Reason: To ensure a satisfactory appearance to the development in the interests of the character and setting of the adjoining listed building and surrounding area in accordance with saved Policy 119 of the Dacorum Borough local Plan 1991-2011 and Policies CS12 and CS27 of the Dacorum Core Strategy September 2013.

- 5 **The approved soft landscape works shown on Drg. No. 170925-L-10 Rev a and hard landscape works shown on Drg. No. PL-102 Rev D shall be carried out prior to the first occupation of the development hereby permitted and notwithstanding any details submitted, no development other than site preparation, groundworks, site investigation and remediation shall take place until full details of the following shall have been submitted to and approved in writing by the local planning authority:**

- an elevation showing the soft landscape works to the "stepoc" wall 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;
- Irrigation lines;
- biodiversity features such as bat boxes;
- proposed finished levels or contours;
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);
- minor artefacts and structures (e.g. furniture, play equipment, signs, lighting etc);
- details of a management plan for the ongoing maintenance of the landscaped areas.

**The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted and the management plan implemented in accordance with the details approved therein.**

**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 Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and 13 of the Dacorum Core Strategy September 2013.

- 6 **The development hereby permitted shall be carried out in accordance with the approved Policy CS29 Sustainability Checklist.**

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

- 7 **Notwithstanding any details submitted, no development other than site preparation, site investigation and remediation shall take place until plans and details showing how the development will provide for sustainable urban drainage shall have been submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy CS29 of the Dacorum Core Strategy September 2013 and adopted Supplementary Planning Guidance.

- 8 **The development shall be carried out in accordance with the approved levels and heights shown on Drg. No. PL300 Rev C.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policies CS11, 12 and 13 of the Dacorum Core Strategy September 2013.

- 9 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation and access shown on Drawing No. PL-102 Rev D shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the carriageway.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities, satisfactory access into the site and to avoid the carriage of extraneous material or surface water into the highway in the interests of highway safety in accordance with saved Policies 51, 54 and 58 of the Dacorum Borough local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy September 2013.

- 10 **No development shall take place until a Construction Management Plan shall have been submitted to and approved in writing by the local planning authority. The statement shall provide for:**

- **the parking of vehicles of site operatives, contractors and visitors;**
- **loading and unloading of plant and materials;**
- **storage of plant and materials used in constructing the development;**
- **construction access arrangements;**
- **wheel washing facilities;**
- **measures to control dust and dirt during construction;**

**The details shall include a plan showing the proposed location of these areas. The approved statement shall be adhered to throughout the construction period.**

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with saved Policy 51 of the Dacorum Borough Local Plan 1991-2011. The details are required before commencement of development as it is necessary to ensure that the measures are planned and in place at the start of construction.

- 11 **Prior to commencement of development, a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.**

Reason: In the interests of the amenities of residents of neighbouring properties and in accordance with and to comply with Dacorum Borough Councils Policies.

- 12 **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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the opportunity to decontaminate the land will have been lost to the detriment of human health and other receptors.

- 13 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 16 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy September 2013. The details are required before commencement of development as if they are deferred until after the development has begun, the opportunity to decontaminate the land will have been lost to the detriment of human health and other receptors.

- 14 **The development shall not be occupied until details of a fire hydrant(s) to serve the development shall have been submitted to and approved in writing by the local planning authority.**

Reason: In the interests of the health and safety of the residents of the development.

- 15 **The first and second floor windows in the east elevation of Dwelling 4 of the development hereby permitted shall be non opening and shall be permanently fitted with obscured glass.**

Reason: In the interests of the amenity of adjoining residents in compliance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 16 **The development shall not be occupied until details of a privacy screen to the balconies hereby permitted, together with an elevation drawing from the east of the proposed willow hurdle fence shown on plan hereby permitted, shall have been submitted to and approved in writing by the local planning authority. The approved screens and fence shall be installed as an integral component of the development prior to first occupation and shall thereafter be permanently retained in position.**

Reason: In the interests of the residential amenities of the adjacent dwellings at Nos. 21 and 22 Brook Street and 132 and 134 Kingsley Walk in accordance with Policy CS12 of the Dacorum Core Strategy September 2013.

- 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, B and C  
Part 2 Class A  
Part 14 Class A**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the street scene and the character and setting of the adjoining listed building in accordance with saved Policy 119 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and CS27 of the Dacorum Core Strategy September 2013.

- 18 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the existing brick and flint wall on the**

**western boundary of the site shall not be demolished, lowered, removed or replaced by another fence, gate or wall.**

Reason: In the interests of the character and setting of the adjacent listed building and the residential amenities of the occupants of the adjacent dwellings.

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

**PL-101 Rev A**  
**PL-102 Rev D**  
**PL-201**  
**PL-300 Rev C**  
**170925-L-10 Rev a**  
**5460-1 Rev 01B**  
**5460-1 Rev 02B**

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 pre-application stage and determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

INFORMATIVES:

Thames Water

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

Water comments

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

Highway Authority

S278 Agreement: Where works are required within the public highway to facilitate the new 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 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, Herts, SG13 8DN. Their telephone number is 0300 1234047.

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.

Mud on the Road: 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.

#### Environmental Health

##### 1) Piling Works

If piling is considered the most appropriate method of foundation construction, prior to commencement of development, a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

Reason: In the interests of the amenities of residents of neighbouring properties and in accordance with and to comply with Dacorum Borough Councils Policies

##### 2) 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'.

##### 3) Construction 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

##### 4) Dust

As advised within the application documentation, dust from operations on the site should be minimised by spraying with water or by carrying out 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 the control of dust and emissions from construction and demolition Best Practice Guidance, *Produced in partnership by the Greater London Authority and London Councils*.

5) Bonfires

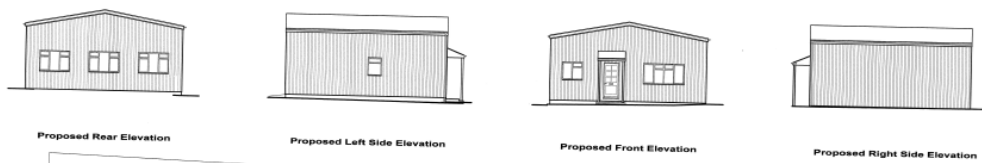
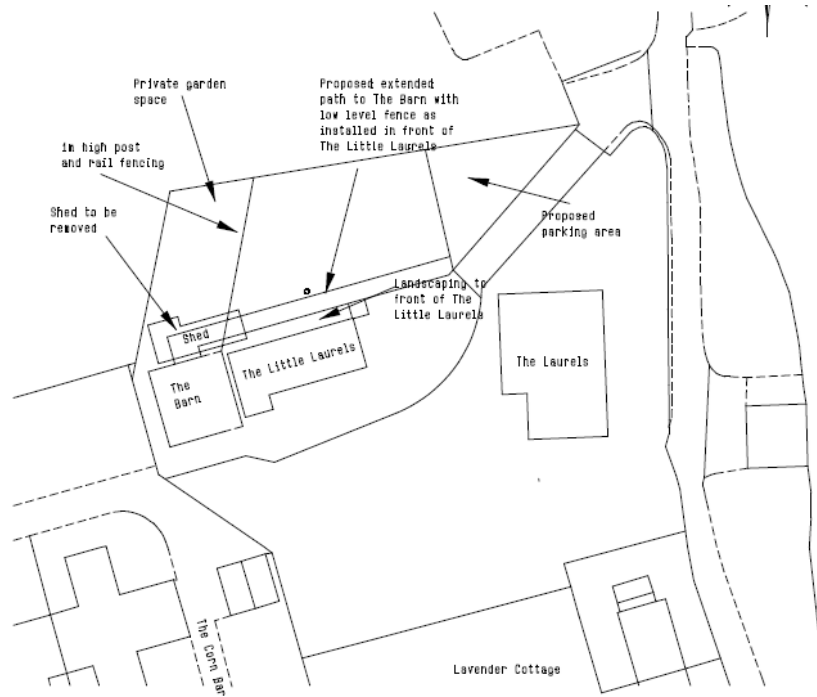
Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be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



Item 5n

4/02557/16/FUL - CHANGE OF USE OF HOME WORKSHOP TO THREE BED DWELLING

THE LAURELS, SHENDISH DRIVE LEADING FROM LONDON ROAD, SHENDISH, HEMEL HEMPSTEAD, HP3 0AA



**4/02557/16/FUL - CHANGE OF USE OF HOME WORKSHOP TO THREE BED DWELLING.  
THE LAURELS, SHENDISH DRIVE LEADING FROM LONDON ROAD, SHENDISH, HEMEL  
HEMPSTEAD, HP3 0AA.  
APPLICANT: MR & MRS D CHAPMAN.**

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[Case Officer - Intan Keen]

### **Summary**

This application is recommended for approval.

The principle of conversion to residential is acceptable in principle however the impact of the associated change of use of the surrounding land has been carefully considered in this Green Belt location and would not conflict with the aims of Green Belt policy. The workshop proposed for conversion is an ancillary outbuilding to the parent dwelling at The Laurels and is not a commercial use; additionally ancillary buildings are not protected under any policy. The development would not have an adverse impact on the character and appearance of the surrounding area or countryside, would not adversely impact upon the residential amenities of neighbouring properties, and would benefit from sufficient car parking.

The proposal would therefore accord with the aims of the National Planning Policy Framework and Policies CS5, CS11 and CS12 of the Dacorum Core Strategy 2013 and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

### **Site Description**

The application site is currently occupied by a detached workshop and storage shed which form part of an open garden area within the curtilage of a dwelling at Little Laurels, all of which lie within the grounds and ownership of a larger dwelling at The Laurels.

The site at The Laurels is located on the western side of a drive forming part of the local highway network, and lies within the north-eastern corner of a small collection of isolated units within the grounds of Shendish Manor and golf course.

Directly north and to the east is the golf course and other low density residential units lie to the south. The site falls within the Green Belt and is situated outside of the town of Hemel Hempstead. Specifically, Shendish Manor and grounds are separated from the town by the long driveway leading off London Road (Apsley).

### **Proposal**

Planning permission is sought for the conversion of the existing domestic workshop outbuilding to be used as a three-bedroom dwelling and associated subdivision of the site to provide appropriate amenity space serving the new dwelling.

The building would feature all accommodation and amenities at ground floor level.

The shed to the north of the proposed dwelling would be removed as part of the proposals.

Amended plans indicate the areas for parking provision for the existing dwelling at Little Laurels and the proposed dwelling, which would share vehicular and pedestrian access in the site's north-eastern corner. The main dwelling at The Laurels benefits from a separate in-out access.

### **Referral to Committee**

The application has been referred to the Development Management Committee due to the

contrary views of Kings Langley Parish Council.

## **Planning History**

For reference, applications 4/00829/01/FUL and 4/02321/01/FUL granted the demolition of the existing bungalow and construction of new chalet style house and subsequent revised scheme, planning permissions dated 24 September 2001 and 21 February 2002, respectively.

There are no available historical applications for the existing building proposed for conversion.

Historical aerial photographs show the following:

1940 - inconclusive with respect to buildings however road layout can be identified roughly as existing

1970 - unavailable

2000 - garden area of The Laurels has been extended to the north and the outbuilding subject to conversion exists on the site

2006 - building currently occupied by the dwelling at Little Laurels exists on the site

2010 - shed to the rear of subject building for conversion exists on the site

## **Policies**

### National Policy Guidance

National Planning Policy Framework  
National Planning Policy Guidance

### Core Strategy

Policies NP1, CS1, CS5, CS8, CS11, CS12, CS15, CS17, CS18, CS29, CS31, CS32, CS35

### Saved policies of the Dacorum Borough Local Plan

Policies 10, 13, 18, 21, 58, 99

Appendices 3 and 5

## **Summary of Representations**

### Neighbours

No formal representations received.

### Kings Langley Parish Council

The council objects as this proposal involves the effective development of a new residential house in the green belt. No evidence has been provided that the workshop, which was only granted planning permission and built in 2004, is no longer viable as a workshop, which would enable the re-use of an existing building in the green belt. Moreover, such facilities in the green belt are extremely limited, and so the council is of the view that this use should be conserved.

### 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.



## Description of the Proposal

Change of use of workshop to three bedroom residential dwelling

## Analysis

A Design and Access Statement and a Transport Statement or Assessment were not required as part of the application due to the small size of the proposed development. This is in line with Roads in Hertfordshire: Highway Design Guide requirements.

## Highway Impact

### Trip Generation

The trip generation profile is not required as the proposed development is unlikely to impact on the overall function of the local highway network.

### Road Safety

There are no collisions recorded within the vicinity of the development site. Given that the development is unlikely to add a measurable level of additional two way trips to the road network, it is also unlikely that the changes to the development site will negatively impact the safety of the highway.

### Vehicle Access

The workshop/ proposed new home is accessed via the existing arrangements that serve The Laurels. Looking through the application form there are no plans to change the current access arrangements which is confirmed in section 6 of the application form attached to this submission. HCC road hierarchy states that the Shendish Drive is part of the Shendish Manor estate, which is served via a private road from the A4251 London Road and does not form part of the adopted public highway. As a private road, Hertfordshire County Council as highway authority has no jurisdiction over this section of road and considers that the proposal will not have an unreasonable impact on the safety and operation of the adjoining highways.

## Conclusion

The assessment does not indicate any significant issues with the proposal to change the use of the workshop to a home. The highway authority would not wish to restrict the grant of planning permission subject to the above conditions and informatives.

## Thames Water

No objection

## **Considerations**

### Policy and principle

Policy CS5 of the Core Strategy states that small-scale development would be permitted in the Green Belt including the appropriate re-use of permanent, substantial buildings. The re-use of buildings under this policy is conditional; provided that it has no significant impact on character and appearance of the countryside, and it supports the rural economy and maintenance of the wider countryside.

There is no specific definition for small-scale under Policy CS5, however the proposal relates to

an ancillary outbuilding to provide a three-bedroom dwelling and in this instance based on the locational characteristics of the site and nature of the proposal it is generally considered to be small-scale. (Matters relating to the character and appearance of the countryside shall be discussed in relevant sections that follow.)

Similarly, paragraphs 89 and 90 of the NPPF list the exceptions to inappropriate development in the Green Belt. Specifically, one of the exceptions under paragraph 90 is the re-use of buildings, provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt.

The use of the land surrounding the building would continue to be used for residential purposes although as part of a separate curtilage. Any other impact on openness with respect to subdivision and parking to create a separate curtilage would be appropriately offset by the loss of the existing shed building. The proposal therefore would not conflict with any of the key purposes of the Green Belt under paragraph 80 of the NPPF.

Based on the above, it is considered that very special circumstances exist for the proposed change of use, the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt in accordance with the NPPF and Policy CS5 of the Core Strategy.

#### Impact on appearance of countryside and street scene

It is important to note in considering any development including hard landscaping proposals that the site is well-contained and screened from the surrounding countryside by existing intervening boundary treatment and vegetation particularly to the public path to the north and golf course forming the wider grounds of Shendish. The main part of the site comprising the proposed building for residential conversion and its allocated garden area would be set back substantially from its principal road frontage. The frontage of the wider site at The Laurels consists of hardstanding and parking and this would remain unchanged with the exception of added vehicles associated with the proposed development. As noted above, any increase in parking would not unduly detract from the wider countryside noting the amount of hardstanding and off-road parking evidenced in the residential street scene.

The proposed development as alluded to above would maintain the rural residential setting of the site and surrounding area noting low and permeable boundary treatment and the retention of soft landscaping. The proposed demolition of another ancillary residential outbuilding would represent a significant benefit to the openness of the site and surrounding area, contributing to the Green Belt policy aim of controlling encroachment into the countryside, and therefore considerable weight is attached to this factor in favour of the proposal.

It is also considered reasonable that permitted development rights to the proposed dwelling are removed if planning permission is granted, specifically for Classes A, D and E (extensions, porches and outbuildings, respectively). As the building does not directly front a road, there is potential for the building to be significantly extended under these classes that could result in building sprawl that would conflict with the aims of preserving the openness of the Green Belt under paragraph 90 of the NPPF and Policy CS5 of the Core Strategy.

It follows that the proposal would not have an adverse impact on the appearance of the street scene within the Shendish estate or the surrounding golf course and countryside.

#### Impact on neighbouring properties

The proposed site layout, siting and single-storey scale of the building and its associated conversion to a dwelling would not give rise to concerns relating to visual intrusion, overlooking or loss of light to the neighbour immediately east (Little Laurels) or the main dwelling at The

Laurels. A high boundary fence exists to the western (rear) boundary of the site at The Laurels and there would be adequate separation from the nearest neighbouring dwelling located over 10m to the south-west to ensure no adverse impacts. As such, the proposal would not have a detrimental impact on the residential amenity of neighbouring properties in accordance with Policy CS12 of the Core Strategy.

#### Impact on car parking and highway safety

The provision of one small-scale residential unit would not result in significant additional traffic movements and the highway authority has found the proposals satisfactory.

There would be adequate parking provision for all dwellings noting the proposal would create additional parking to the north of the existing drive within an open gravel area which would be sufficient to accommodate parking for at least three cars which would be sufficient for both the proposed dwelling and the existing adjacent residential unit at Little Laurels. The proposal would therefore meet maximum parking standards for the two dwellings under saved Appendix 5 of the Local Plan.

Adequate parking provision would remain on site for the existing dwelling at The Laurels (on its unchanged forecourt and garage parking opposite (east of the dwelling)).

It follows that the proposal would not detriment highway safety in accordance with Policies CS8 and CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

#### Community Infrastructure Levy (CIL)

The application is CIL liable if it were to be approved and implemented. Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 July 2015. This application is CIL liable.

The Charging Schedule clarifies that the site is in Zone 2 within which a charge of £150 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

**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 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 and their location;**
- **means of enclosure within or around the approved residential curtilage;**

- **soft landscape works following removal of outbuilding which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained and measures for their protection during construction works;**
- **proposed finished levels or contours;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas.**

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and the openness of the Green Belt in accordance with Policy CS5 of the Dacorum Core Strategy 2013.

- 3 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.

- 4 The proposed car parking spaces shall have minimum dimensions of 2.4m by 4.8m and be located on land in the ownership of the applicant. Such spaces shall be maintained as a permanent ancillary to the development and shall be used for no other purpose.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Policy CS12 of the Dacorum Core Strategy 2013 and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

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

**Schedule 2 Part 1 Classes A, D and E  
Part 2 Class B**

Reason: To preserve the openness of the Green Belt in accordance with the National Planning Policy Framework and Policy CS5 of the Dacorum Core Strategy 2013.

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

**Site Location Plan (received September 2017)  
Block / Site Plan (received August 2017)**

**2892/7A (proposed plans and elevations)**

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

Article 35

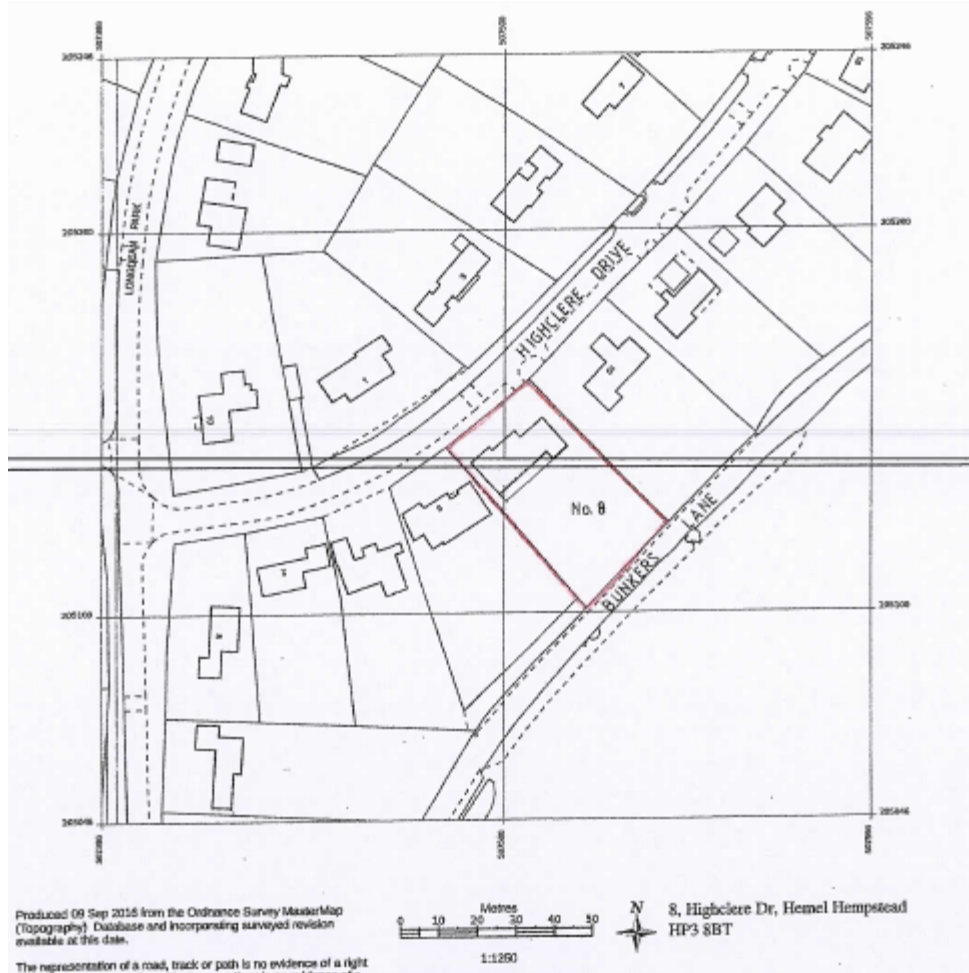
Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination stage to justify the proposal in its sensitive location. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

# Agenda Item 5o

## Item 5o

### 4/02124/17/FHA - FIRST FLOOR SIDE EXTENSION AND EXTERNAL ALTERATIONS

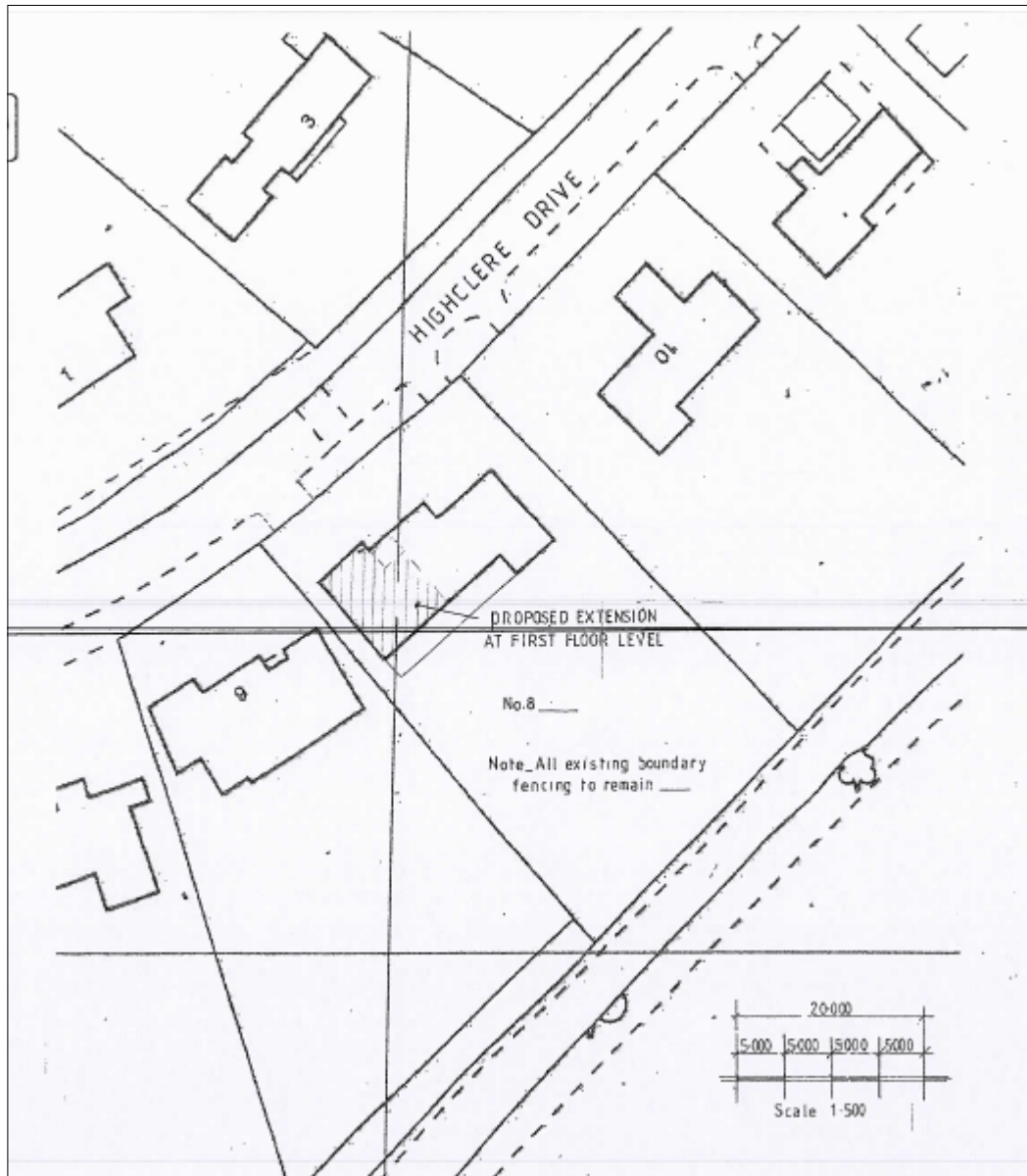
8 HIGHCLERE DRIVE, HEMEL HEMPSTEAD, HP3 8BT



Item 5o

4/02124/17/FHA - FIRST FLOOR SIDE EXTENSION AND EXTERNAL ALTERATIONS

8 HIGHCLERE DRIVE, HEMEL HEMPSTEAD, HP3 8BT



**4/02124/17/FHA - FIRST FLOOR SIDE EXTENSION AND EXTERNAL ALTERATIONS.  
8 HIGHCLERE DRIVE, HEMEL HEMPSTEAD, HP3 8BT.  
APPLICANT: Mr & Mrs Ansell.**

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[Case Officer - Ross Herbert]

### **Summary**

The application is recommended for approval.

The proposals would have no significant adverse effect on the character and appearance of the parent dwelling, the street scene or the amenity of the neighbouring properties. As such they would comply with Policies CS11 and CS12 of the Core Strategy (2013).

### **Site Description**

The site is located within the urban area of Hemel Hempstead and comprises of a large detached two storey dwelling, set on a large plot.

### **Proposal**

It is proposed to construct a first floor side extension, along with some external alterations.

### **Referral to Committee**

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

### **Planning History**

4/01224/99/4      DETAILS OF BOUNDARY TREATMENT REQUIRED BY CONDITION 3  
                         OF PLANNING PERMISSION 4/0673/99 (SINGLE STOREY EXTENSION)  
                         Granted  
                         03/08/1999

4/00673/99/4      SINGLE STOREY EXTENSION  
                         Granted  
                         14/06/1999

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

#### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction



CS30 - Sustainability Offset Fund  
CS31 - Water Management

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

Policies 10, 12, 13, 58  
Appendices 3, 5, 7

#### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area HCA 25: Longdean Park  
Water Conservation & Sustainable Drainage (June 2005)  
Energy Efficiency & Conservation (June 2006)  
Accessibility Zones for the Application of car Parking Standards (July 2002)

#### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

### **Summary of Representations**

#### Nash Mills Parish Council

Nash Mills Parish Council met on Monday 11<sup>th</sup> September and reviewed these applications.

These applications do not satisfy Dacorum's Core Planning Policies CS11 and CS12.

Nash Mills Parish Council therefore oppose the proposals and request DBC to seek amendments to ensure compliance with CS11 and CS12.

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

None.

### **Considerations**

#### Policy and Principle

The site falls within the urban area of Hemel Hempstead wherein the principle of residential extensions is acceptable. The issues that most affect the consideration of this application relate to the impact of the proposed works on the character and appearance of the original building, the street scene and the impact on the amenity of neighbouring properties.

#### Effect on Appearance of Building

There would be no significant adverse effects.

The proposals have been designed to mitigate the impact on the character and appearance of the host dwelling. The proposed first floor side extension utilises a matching gable end roof and includes a gable end front projection, which would be sympathetic to the existing gable end front projections at the property, despite being larger. Due to its larger size the front projection element of the side extension would alter the balance of the front elevation, with the visual emphasis switching from the left to the right hand side. However, due to the sympathetic design, in combination with the other external alterations proposed, it is not considered that the proposals would result in any significant adverse impact on the character or appearance of the

property.

On balance it is considered that the proposed extension would be sympathetic to the character and appearance of the existing property. It is considered that the proposals are in compliance with Policy CS12 of the Core Strategy (2013).

#### Effect on Street Scene

There would be no significant adverse effects.

Policies CS11 and CS12 of the Core Strategy (2013) seek to ensure that new development preserves attractive streetscapes and satisfactorily integrates with the streetscape character. The proposed extension is considered satisfactory in terms of design, bulk, scale and height. The proposal comprises of a design that harmonises with the overall aesthetic of the parent building and this part of the street scene.

Despite the extension being at first floor level it is considered that spacing would remain adequate to avoid the proposals resulting in a cramped appearance. The extension would not be unduly prominent within this part of the street. This part of Longdean Park has seen a large amount of extensions and replacement dwellings, with the street scene illustrating a variety of designs.

The proposed extension is therefore not considered to be visually intrusive or harmful to the character and appearance of the street scene. Therefore, it is not considered that the proposal would detract from the character of the street scene in accordance with Policy CS11 and CS12 of the Core Strategy.

#### Effect on Amenity of Neighbours

There would be no significant adverse effects.

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

The proposed extension would be located above the existing ground floor wing and would extend no further towards the neighbouring property, No. 6. Despite the extension being at first floor level it is considered that spacing would remain adequate to avoid any sense of visual intrusion.

With regards to loss of light, it is considered that the proposals would result in no significant adverse effect. The neighbouring property, No. 6 has no flank windows which could be affected by the proposed extension. The front projecting element would not breach the 45 degree line drawn from the nearest habitable room window at the front of No. 6. It is considered that there would be no significant loss of daylight or sunlight as a result of the proposed development.

When considering a potential loss of privacy it is considered that the proposals would not result in any unreasonable loss to the neighbouring properties. The proposed extension contains no flank windows and it is considered that there would be no increased overlooking as a result of the proposed development.

In conclusion, it is considered that there would be no significant harm to the residential amenities of the neighbouring properties as a result of these proposals. The proposed first floor side extension would not significantly impact upon the immediate neighbouring properties in terms of visual intrusion, loss of light and loss of privacy in accordance with Policy CS12 of the

Core Strategy and saved Appendix 7 of the DBLP.

### Access and Parking

The property currently has ample off-street parking available on the driveway and parking area to the front of the property. Whilst the proposals would add an extra bedroom, it is not considered that this would result in any significant adverse effects on highway safety or the free-flow of traffic.

Off-street parking would not be affected by the proposals and the Council's parking standards set out in Appendix 5 of the Saved Dacorum Borough Local Plan would continue to be met. The local roads have no parking restrictions and on-street parking is available.

### **Other Considerations**

#### Community Infrastructure Levy (CIL)

Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 July 2015. This application is not CIL liable due to resulting in less than 100sqm. 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 **No development shall take place until samples of the render proposed to be used on the external walls 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. Other than the proposed render, the development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings. 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.

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

1868/S & L  
1868-01  
1868-02  
1868-03  
1868-04

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

### Article 35 Statement

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

## 6. APPEALS LODGED

- 4/00445/17/FUL RELX (UK) Ltd  
CONSTRUCTION OF SECURITY FENCING  
LAND AT NEW MILL, ICKNIELD WAY/GROVE ROAD, TRING  
[View online application](#)
- 4/00620/17/FUL MR & MRS D JOHNSTON  
DEMOLITION OF SINGLE STOREY SIDE EXTENSION AND  
CONSTRUCTION OF TWO STOREY SIDE AND REAR EXTENSION AND  
SINGLE STOREY REAR EXTENSION. DIVISION OF PROPERTY TO  
CREATE AN ADDITIONAL SEMI-DETACHED DWELLING WITH  
ASSOCIATED PARKING AND VEHICULAR ACCESS  
  
10 WRENSFIELD, HEMEL HEMPSTEAD, HP1 1RN  
[View online application](#)
- 4/00829/17/FUL MR C ALLAND  
CONSTRUCTION OF 4-BED DWELLING  
BAG END, HOGPITS BOTTOM, FLAUNDEN, HEMEL HEMPSTEAD, HP3  
0PX  
[View online application](#)
- 4/00918/17/FUL CONSTRUCTION OF NEW DWELLING (AMENDED SCHEME).  
28 MERLING CROFT, NORTHCHURCH, BERKHAMSTED, HP4 3XB  
[View online application](#)
- 4/01135/17/FUL WILLIAMS  
DEMOLITION OF EXISTING PART TWO STOREY, PART SINGLE STOREY  
BUILDINGS AND THE CONSTRUCTION OF 9 RESIDENTIAL APARTMENTS  
ON 2 AND A HALF FLOORS WITH PART UNDERGROUND PARKING.  
THE STORES, ST PAULS ROAD, HEMEL HEMPSTEAD, HP2 5BD  
[View online application](#)
- 4/01194/17/FHA MR ANIL PATEL  
LOFT CONVERSION TO FORM HABITABLE ROOM WITH REAR DORMER  
WINDOW  
12 KITSBURY ROAD, BERKHAMSTED, HP4 3EG  
[View online application](#)
- 4/01395/17/FHA Sterling  
TWO STOREY EXTENSION AND INTERNAL WORKS.  
OLD PALACE LODGE, 69A LANGLEY HILL, KINGS LANGLEY, WD4 9HQ  
[View online application](#)

4/02686/17/ENA

APPEAL AGAINST ENFORCEMENT NOTICE (INTERNAL FENCING AND GATES).  
GREYWOLF FARM, UPPER BOURNE END LANE HEMEL HEMPSTEAD,  
HP1 2RR  
[View online application](#)

4/02687/17/ENA

APPEAL AGAINST ENFORCEMENT NOTICE (FRONT GATES AND COMPOUND).  
GREYWOLF FARM, UPPER BOURNE END LANE, HEMEL HEMPSTEAD,  
HP1 2RR  
[View online application](#)

4/02688/17/ENA

APPEAL AGAINST ENFORCEMENT NOTICE (TOP GATE).  
GREYWOLF FARM, UPPER BOURNE END LANE , HEMEL HEMPSTEAD,  
HP1 2RR  
[View online application](#)

**B. WITHDRAWN**

None

**C. FORTHCOMING INQUIRIES**

None

**D. FORTHCOMING HEARINGS**

None

**E. DISMISSED**

4/00837/17/FHA

Mr & Mrs P Wallace  
TWO STOREY SIDE EXTENSION  
2 THE ORCHARD, KINGS LANGLEY, WD4 8JR  
[View online application](#)

The main issue is the effect of the development on the living conditions of the occupiers of Flint Cottage,

with regards to outlook and the loss of daylight and sunlight.

Whilst the close proximity of the existing garage attached to the appeal property appears prominently in the outlook from this bedroom, its flat roof relatively low height allow for a reasonably open aspect above and to either side of it.

The proposed development would result in the presence of a two storey side elevation very close to this bedroom. In this regard, I find that the proposal would, due to its height and proximity, appear unduly dominant to the extent that it would loom above Flint Cottage to an overbearing degree. Further levels of light entering the bedroom would be severely reduced and there is no substantive evidence to the contrary.

The proposed development would harm the living conditions of the occupiers of Flint Cottage with regards to outlook, sunlight and daylight. This would be contrary to the Framework, Dacorum Local Plan (1991) Saved Appendices 3 and 7, and Dacorum Core Strategy (2013) Policy CS12, which together amongst other things, seek to protect residential amenity.

In support of their case, the appellants note that, typically, bedrooms are seldom used during the day. However, the bedroom in question currently provides for the only reasonable outlook from this side of Flint Cottage and the proposed development would result in significant harm to this outlook.

The appellants consider it unfair that they have been 'prejudiced from extending' their property in the manner that they would like due to the previous approval of the development of Flint Cottage. However, this does not alter the harm that would arise from the proposed development.

4/01737/16/RET

Mr B Adams

CHANGE OF USE FROM GREEN BELT GARDEN AREA TO THE PARKING AND STORAGE OF MOTOR VEHICLES.

40 TOWER HILL, CHIPPERFIELD, KINGS LANGLEY, WD4 9LH

[View online application](#)

#### Main Issues

The main issues are:

Whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;

The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area; and

If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

#### Reasons

##### Inappropriate development

The appeal site is described as the 'rear garden' and is a large area of hardstanding to the rear of the property, currently used for the parking and storage of motor vehicles. The site lies within the Green Belt and the Framework tells us that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It adds that inappropriate development is by definition harmful. Exceptions to this are given in paragraphs 89 and 90 of the Framework. However, a material change of use such as the appeal development is not one of the listed exceptions. The appeal development does not keep the appeal site permanently open to prevent urban sprawl. Therefore, the proposal is inappropriate development within the Green Belt. It thus conflicts with the Framework aims and purposes of including land in the Green Belt and Policy CS5 of the Dacorum Borough Council Core Strategy 2006-2031 (adopted 2013) in this regard.

##### Openness and character and appearance

Paragraph 79 of the Framework tells us that openness is an essential characteristic of the Green Belt. The site is not readily visible through the access although it is visible from surrounding properties. The site is quite large and has the capacity to park more than the 36 cars as stated on the application form. The storage and parking of numerous motor vehicles at the site reduces the openness of the Green Belt. Notwithstanding that the site is only visible to surrounding properties it does not alter the physical reality

that the change of use alters the characteristics of the Green Belt which would be significantly less open than its use as a garden.

Although I acknowledge that commercial uses are in the area, the site is surrounded by residential gardens, which is the prevailing character of the area. There is a pleasant residential quality to the area that is reinforced by the presence of mature landscaping. The introduction of such a large number of motor vehicles onto the site, along with the extensive hardstanding is a stark, urbanising and incongruous feature that is out of keeping with the prevailing character of the area, and thus harmful to its appearance. I therefore conclude that the use of the site for the parking and storage of motor vehicles leads to a material and harmful loss of openness to the Green Belt, which undermines one of the essential characteristics of the Green Belt as defined in the Framework. The development also harms the character and appearance of the area. The proposal is thus in conflict with Policy CS5 of the Core Strategy.

**Conclusion**  
The Framework states that substantial weight should be given to any harm to the Green Belt, and that inappropriate development should not be approved except in very special circumstances. It explains that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I have found that the development represents inappropriate development in the Green Belt and results in a harmful loss of openness to the Green Belt. I have also found that the development harms the character and appearance of the area, and this is a matter to which I attach significant weight. Against this, the appellant has not advanced any other considerations that would clearly outweigh the harm that I have identified and that would amount to very special circumstances necessary to allow the appeal.

For the above reasons, and having regard to the development plan when read as a whole, the development is in conflict with Policy CS5 of the Dacorum Borough Council Core Strategy 2006-2031 (adopted 2013). I therefore conclude that the appeal should be dismissed.

## **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.