



# Public Document Pack

# DEVELOPMENT MANAGEMENT

# AGENDA

**THURSDAY 14 DECEMBER 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@dacorum.gov.uk](mailto:member.support@dacorum.gov.uk)

## AGENDA

### 1. MINUTES

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

### 2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

### 3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

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

#### **4. PUBLIC PARTICIPATION**

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

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

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

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

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

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

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

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

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

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

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

## 5. INDEX TO PLANNING APPLICATIONS

- (a) 4/01804/17/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 5 - 16)
- (b) 4/02266/17/FHA - TWO STOREY FRONT EXTENSION, SINGLE STOREY FRONT/SIDE EXTENSION, TWO STOREY REAR EXTENSION, RE-TILING OF EXISTING ROOFS AND CHANGES TO EXTERNAL FINISHES AT THE REAR - 33 STATION ROAD, TRING, HP23 5NW (Pages 17 - 22)
- (c) 4/01547/17/FHA - CAR PORT - ELM COTTAGE, CHAPEL CROFT, CHIPPERFIELD, KINGS LANGLEY, WD4 9EQ (Pages 23 - 28)
- (d) 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 29 - 37)
- (e) 4/02124/17/FHA - FIRST FLOOR SIDE EXTENSION AND EXTERNAL ALTERATIONS - 8 HIGHCLERE DRIVE, HEMEL HEMPSTEAD, HP3 8BT (Pages 38 - 44)
- (f) 4/01845/17/MFA - DEMOLITION OF FOUR EXISTING DWELLINGS. REDEVELOPMENT TO FORM 40 UNITS OF RETIREMENT LIVING (CATEGORY II SHELTERED HOUSING) APARTMENTS FOR THE ELDERLY WITH ASSOCIATED COMMUNAL FACILITIES, PARKING AND LANDSCAPING - 27-33 HEMPSTEAD ROAD, KINGS LANGLEY (Pages 45 - 77)
- (g) 4/02553/17/MFA - CHANGE OF USE FROM AGRICULTURAL LAND TO CEMETERY, TO INCLUDE VISITOR ADMINISTRATION BUILDINGS, ROAD AND PATHWAYS, CAR PARKING AND LANDSCAPING - LAND SOUTH WEST, BEDMOND ROAD, HEMEL HEMPSTEAD, HP3 8LN (Pages 78 - 100)
- (h) 4/02649/17/FUL - CONSTRUCTION OF SIX 2-BED FLATS (AMENDED SCHEME) - GARAGE SITE ON CORNER OF TEESDALE AND WESTERDALE, HEMEL HEMPSTEAD, HP2 (Pages 101 - 114)
- (i) 4/02269/17/MFA - DEMOLITION OF 20 GARAGES AND CONSTRUCTION OF NINE TWO-BED AND TWO ONE-BED DWELLINGS IN TWO BUILDINGS WITH LANDSCAPING, BIN STORE AND CYCLE STORE AND 16 PARKING SPACES - LAND NORTH EAST OF 25 GOLDCROFT, HEMEL HEMPSTEAD (Pages 115 - 142)
- (j) 4/02647/17/FUL - CONSTRUCTION OF FOUR 2-BED AND TWO 1-BED FLATS (AMENDED SCHEMES) - GARAGES ADJ STORNOWAY, NORTHEND, HEMEL HEMPSTEAD, HP3 (Pages 143 - 154)
- (k) 4/02224/17/FUL - CONVERSION OF BOXMOOR HALL INTO 7 RESIDENTIAL UNITS - BOXMOOR HALL, ST JOHNS ROAD, HEMEL HEMPSTEAD, HP1 1JR (Pages 155 - 176)

## 6. APPEALS UPDATE

Report to follow



## Item 5a

**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 5a

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 & Mrs 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 predominantly 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.

## Item 5b

**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.**

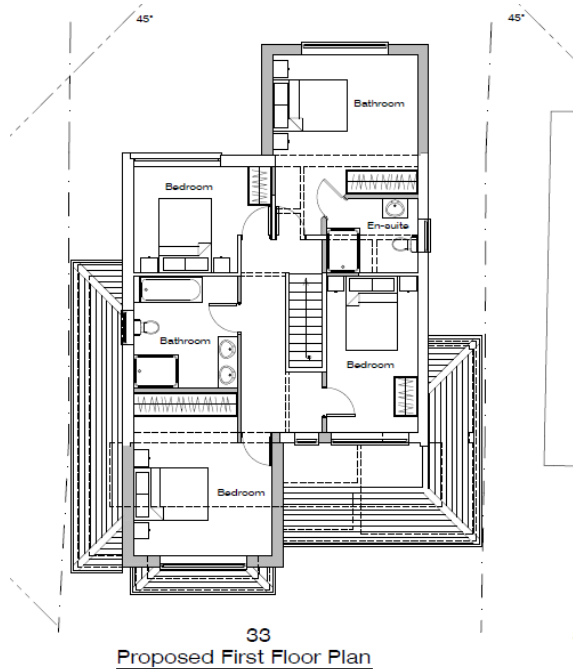
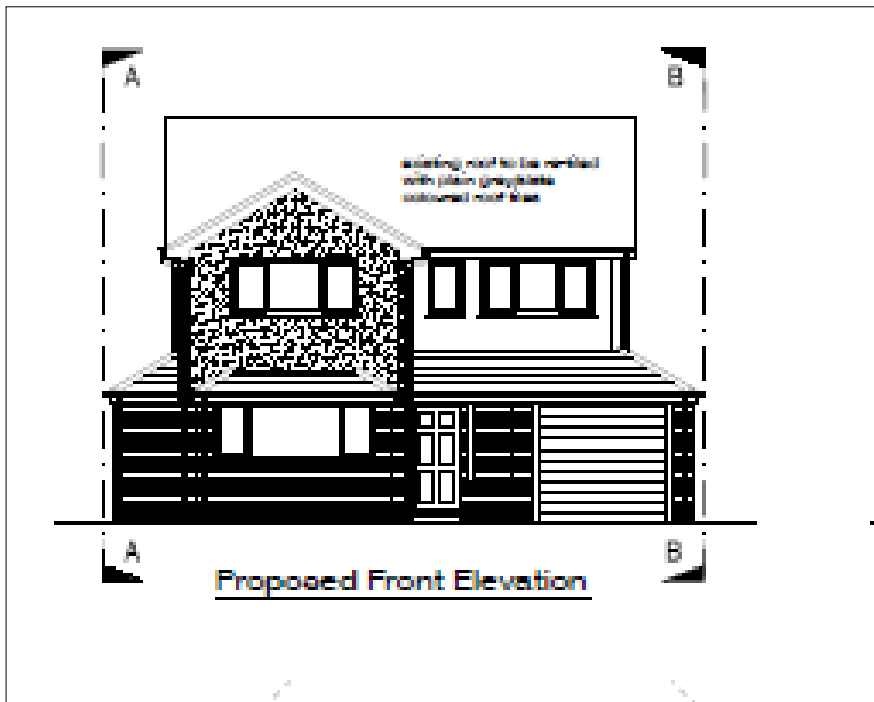
**33 STATION ROAD, TRING, HP23 5NW**



Item 5b

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.

Item 5c

4/01547/17/FHA CAR PORT

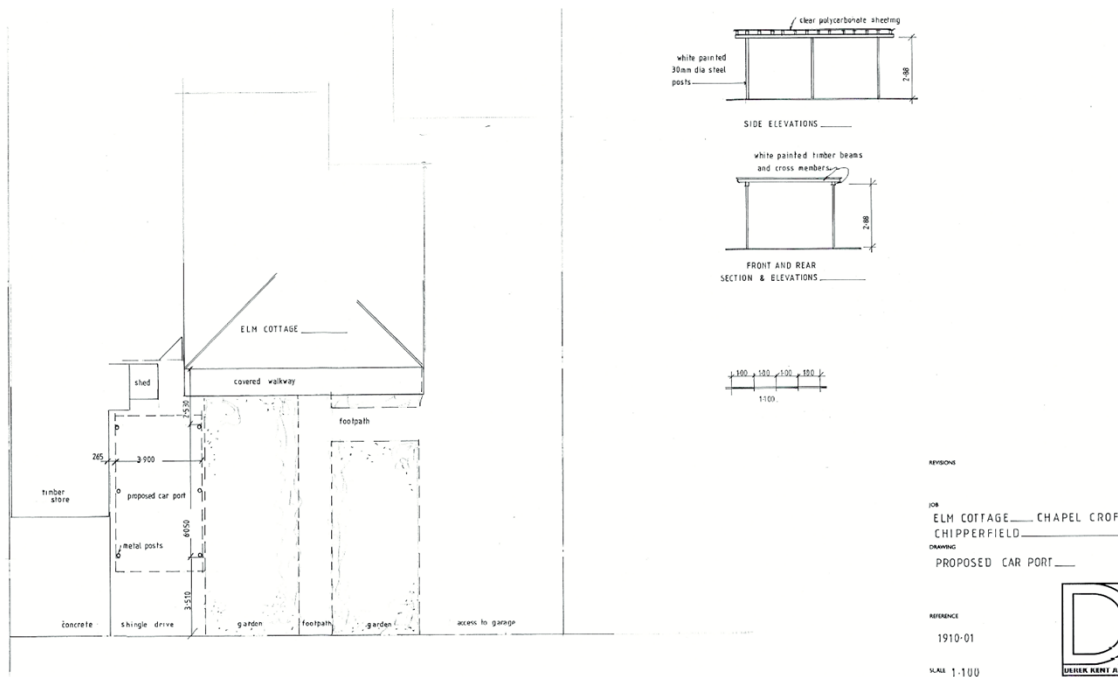
ELM COTTAGE, CHAPEL CROFT, CHIPPERFIELD, KINGS LANGLEY, WD4 9EQ



Item 5c

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.

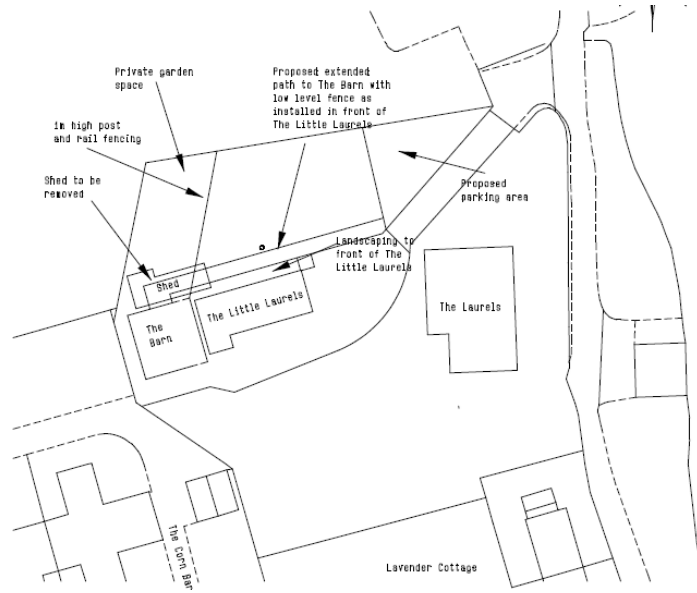




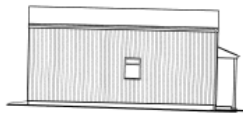
Item 5d

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



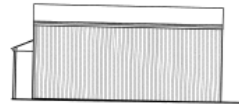
Proposed Rear Elevation



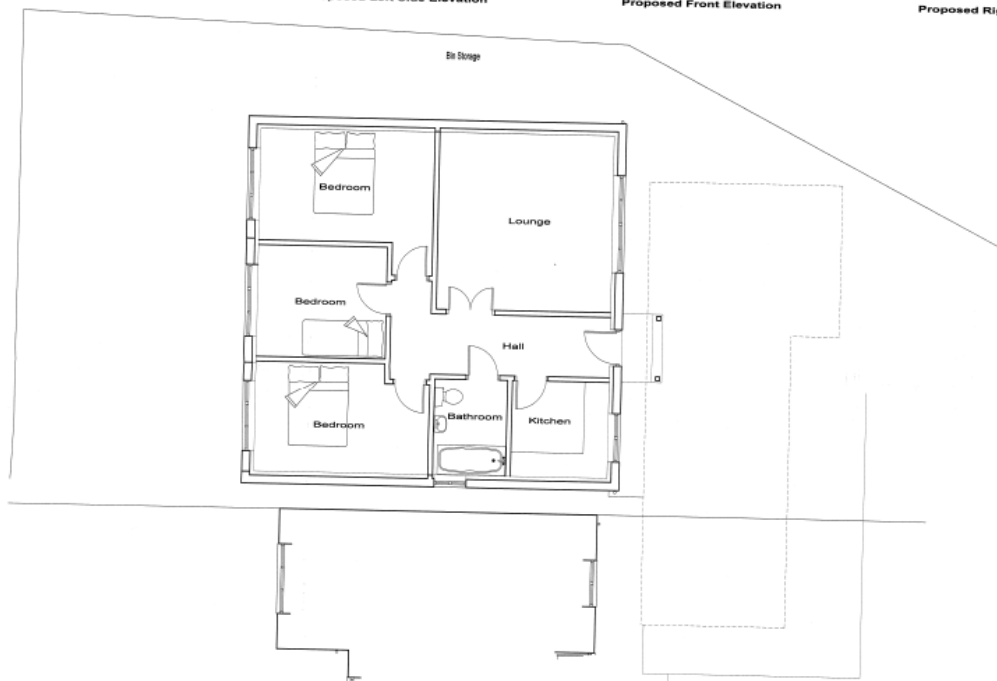
Proposed Left Side Elevation



Proposed Front Elevation



Proposed Right Side Elevation



**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 5e

## Item 5e

4/02124/17/FHA FIRST FLOOR SIDE EXTENSION AND EXTERNAL ALTERATIONS

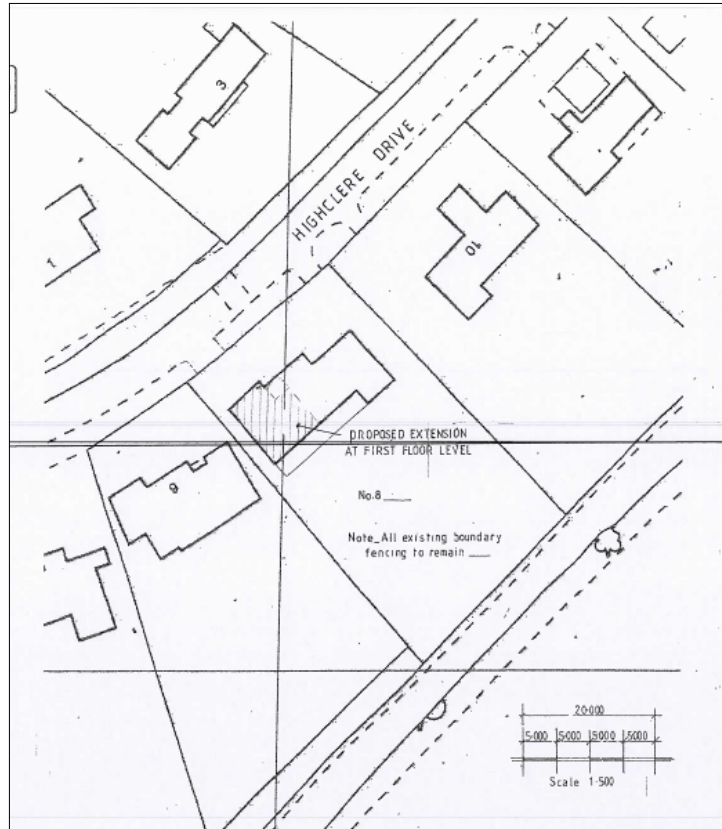
8 HIGHCLERE DRIVE, HEMEL HEMPSTEAD, HP3 8BT



Item 5e

4/02124/17/FHA FIRST FLOOR SIDE EXTENSION AND EXTERNAL ALTERATIONS

8 HIGHCLERE DRIVE, HEMEL HEMPSTEAD, HP3 8BT



front elevation n.w.

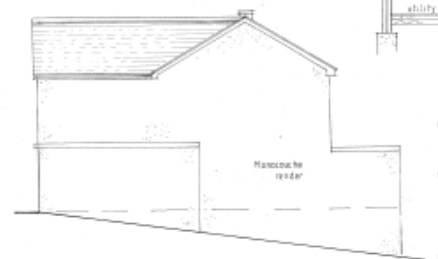


side elevation n.e.

- 1) spec. windows, door, soffits and fascias
- 2) No. 10/10 brown concrete tiles
- All vertical tile hanging removed and replaced with horizontal boarding colour - charcoal
- All external wall to be rendered with 'Mono-coche' self-coloured render colour to be agreed



rear elevation s.e.



side elevation s.w.



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.



## Item 5f

**4/01845/17/MFA DEMOLITION OF FOUR EXISTING DWELLINGS. REDEVELOPMENT TO FORM 40 UNITS OF RETIREMENT LIVING (CATEGORY II SHELTERED HOUSING) APARTMENTS FOR THE ELDERLY WITH ASSOCIATED COMMUNAL FACILITIES, PARKING AND LANDSCAPING**

**27-33 HEMPSTEAD ROAD, KINGS LANGLEY**



**Item 5f**

**4/01845/17/MFA DEMOLITION OF FOUR EXISTING DWELLINGS.  
REDEVELOPMENT TO FORM 40 UNITS OF RETIREMENT LIVING (CATEGORY  
II SHELTERED HOUSING) APARTMENTS FOR THE ELDERLY WITH  
ASSOCIATED COMMUNAL FACILITIES, PARKING AND LANDSCAPING**

**27-33 HEMPSTEAD ROAD, KINGS LANGLEY**



**Front Elevation**



LEVATION

**South Elevation**

**4/01845/17/MFA - DEMOLITION OF FOUR EXISTING DWELLINGS. REDEVELOPMENT TO FORM 40 UNITS OF RETIREMENT LIVING (CATEGORY II SHELTERED HOUSING) APARTMENTS FOR THE ELDERLY WITH ASSOCIATED COMMUNAL FACILITIES, PARKING AND LANDSCAPING.**

**27-33 HEMPSTEAD ROAD, KINGS LANGLEY.**

**APPLICANT: McCarthy & Stone Lifestyles Ltd.**

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[Case Officer - Rachel Marber]

## **Summary**

### **The application is recommended for approval**

The application seeks planning permission for the demolition of four existing dwellings and construction of a 40 unit retirement block. The principle of residential development in this location is considered acceptable as it comprises redevelopment of a brownfield site within a sustainable location and it would make a valuable contribution towards the Borough's housing stock. In addition, the proposal would not result in detrimental impact to the visual amenity of the street scene, adjoining conservation area or have an undue impact to the adjacent listed building. Further, the proposal is also considered acceptable in terms of residential amenity of the neighbouring residents, highway safety and parking provision. The proposed development therefore complies with the National Planning Policy Framework (2012), Policies NP1, CS1, CS2, CS4, CS8, CS11, CS12, CS17, CS19, CS26 and CS29 of the Core Strategy (2013), Saved Policies 10, 18, 21, 58, 97, 99, 100, 118 and Appendices 3 and 5 of the Local Plan (2004).

## **Site Description**

The application site is situated on the west side of Hempstead Road, Kings Langley and currently comprises Nos. 27-33 which are large detached dwellings situated on generous plots, totalling 0.52 h/a in size. The properties on the western side of Hempstead Road are predominately characterised by detached and semi-detached properties with generous front build lines and heavy landscaping to screen the properties from the street scene. Immediately north of the site resides Kings Langley Methodist Church which creates a transition from residential dwellings to institutional and commercial units. Adjoining the site to the south west reside two Grade II Listed Buildings, Pound Cottage and Vine Cottage.

## **Proposal**

Planning Permission is sought for the demolition of the existing four detached dwellings and construction of 40 unit retirement apartments.

The unit mix comprises 20 x 1 bed flats and 20 x 2 bed.

Facilities include a guest suite at second floor level and a club lounge, office at ground floor and a mobility scooter store.

29 parking spaces are proposed to serve the development.

## **Referral to Committee**

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

Kings Langley Parish Council.

## **Planning History**

No Relevant History (extensions to existing properties)

## **Policies**

### National Policy Guidance (2012)

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

### Adopted Core Strategy (2013)

Policy NP1- Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17- New Homes  
CS19 - Affordable Housing  
CS26 - Green Infrastructure  
CS29- Sustainable Design and Construction

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

Policy 10 – Optimising the Use of Urban Land  
Policy 18- The Size of New Dwellings  
Policy 21 – Density of Residential Development  
Policy 57 - Provision and Management of Parking  
Policy 58 - Private Parking Provision  
Policy 62 – Cyclists  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands  
Policy 100- Tree and Woodland Planting  
Policy 111 – Height of Buildings  
Appendix 3- Gardens and Amenity Space  
Appendix 5- Parking Provision

### Supplementary Planning Guidance / Documents (2004)

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

## **Constraints**

Residential area of Kings Langley

Adjacent to Tree Preservation Orders

Near Open Land and Wildlife Site

Near Kings Langley conservation area

Grade II Listed dwelling- Vine Cottage, The Common

Grade II Listed dwelling- Pound Cottage, The Common

Close to Kings Langley local centre

## **Summary of Representations**

### **Comments received from consultees:**

#### Contaminated Land

A review of the application documents indicate that a Phase I Desk Study has not been submitted. This can be requested via condition should planning permission be granted.

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

#### Affinity Water

You should be aware that the proposed development site is located close to or within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Hunton Bridge Pumping Station. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.

#### Lead Local Flood Authority

Thank you for re-consulting us on the above application for the redevelopment to form 40 units of retirement living (category II sheltered housing) apartments for the elderly with associated communal facilities, parking and landscaping.

We have analysed the following documents provided in support to this planning application:

- Flood Risk Assessment and Surface Water Drainage Strategy, Reference IDL/846 Rev B, produced by iD Ltd Infrastructures Design Limited, including
- Soakaway Assessment Report, Reference CCL02914.CF32, dated October 2017, produced by Crossfield Consulting, Geotechnical Environmental

The drainage strategy is based on attenuation and shallow infiltration by using a cellular soakaway.

The car parking area will include permeable paving which will be connected to the soakaway. This will function as treatment train before the surface water from these areas reaches the

soakaway tank and infiltrate.

The proposed drainage strategy will provide a betterment to the existing situation as the surface water currently discharges into public combined sewer network.

We therefore recommend the following condition to the LPA should planning permission be granted. LLFA position Condition 9 attached to the grant recommendation.

#### Strategic Housing

To meet the affordable housing policy requirements 35% of the dwellings (14 units) should be agreed for affordable housing. We would specify that the tenure mix of the affordable housing provision is 75% affordable rented and 25% shared ownership in line with our Affordable housing SPD.

However, given the nature of the development as sheltered housing, it may not be feasible to provide on-site provision.

#### Herts and Middlesex Wildlife Trust

We are happy to withdraw our objection on the basis of the information supplied, provided that the recommendations are implemented by the development. I would advise that the recommendations that have been proposed are conditioned in any planning decision. I would also advise that the position of the proposed cavity boxes – which are integrated into the brickwork of the building – need to be marked on plans in order to discharge the condition.

#### Herts Property Services

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 2 and does not fall within any of the CIL Reg123 exclusions.

#### Herts Fire and 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.

#### Kings Langley Parish Council

### **Objection**

- The proposal would be higher than the existing buildings, and would be visible and have a detrimental impact on the Conservation Area to the rear.
- The proposal would involve an increase in the amount of traffic movements on a busy road with a history of fatal RTIs. The applicant's claim that the type of accommodation would not require as much parking, meanwhile, is incompatible with the goal of providing independent living for pensioners.
- The council supports other objections which have referred to the impact on the character of the village, as there is no other residential accommodation in the village of this type and size. The proposal would therefore be out of keeping with the rest of the

village, and is incompatible with the setting of a village.

#### Environmental Health

On purely environmental health grounds I can see no reason to object or raise any issues with this proposal.

#### Herts Archaeology

The proposed development is located circa 100m north of Area of Archaeological Significance no. 42, as identified in the Local Plan. This covers the historic core of King's Langley, which has medieval origins.

While the proposed development is slightly outside the medieval core of the town, it will involve substantial ground disturbance and landscaping over a comparatively large area. The wider surrounding area does contain a considerable number of prehistoric, Roman and medieval archaeological sites.

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 conditions be attached (conditions 7 and 8).

#### Thames Water

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

#### Herts Ecology

Historically the site was open ground and in the 1920s were allotment gardens although by 1938 development had begun. This indicates there is nothing of long standing ecological significance on the site.

A preliminary ecological appraisal has been undertaken. This identified no habitats of any significant ecological interest, although together I consider the trees and shrubs do provide an ecological resource at the site level. In this context the large apple trees are of some site value for their blossom, fruiting and cultural value reflecting the historic horticultural use of the site. However the site was never mapped as an orchard.

Any vegetation loss which could affect nesting birds should be addressed as recommended, namely it be undertaken outside of the breeding season (March – August inc.) or if unavoidable, not without a prior check by a suitably experienced ecologist. This should be advised as an Informative if approved.

If approved, I consider a formal landscaping /ecology scheme and management plan should be provided as a Condition of Approval to provide guidance for the creation and management of the open grounds around the buildings.

I have no reason to believe there are any other ecological constraints associated with the

proposals.

### Clean, Safe and Green

The waste storage area should be large enough to house 10 x 1100ltr Eurobins and 5 x140ltr wheeled bins. The route should be as short as possible and there should be no steps between the storage area and the collection vehicle.

### 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:

Decision Hertfordshire County Council (HCC) as Highway Authority does not wish to raise an objection to the proposed development, subject to the following conditions.

Condition 1: Construction Traffic Management Plan Construction of the development hereby approved shall not commence until a Construction 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. Timing of construction activities to avoid school pick up/drop off times;
- g. Provision of sufficient on-site parking prior to commencement of construction activities;
- h. 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: Travel Plan Prior to the first occupation of the development hereby permitted an Interim Travel Plan shall be submitted, approved and signed off by the Local Planning Authority, such a Travel Plan shall accord with Hertfordshire County Council document 'Hertfordshire's Travel Plan Guidance for Business and Residential Development'

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

Condition 3: Implementation of Travel Plan No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan referred to in Condition 2. During the first year of occupation an approved Full Travel Plan based on the Interim Travel Plan referred to in Condition 2 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 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.

#### Condition 4: Gradient

The gradient of any 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.

#### Condition 6: Car Parking Management Plan

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

- Details of car parking allocation and distribution;
- Methods to minimise on-street car parking; 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.

S106 Agreement A Travel Plan for the residential and commercial developments, consisting of a written agreement with the County Council setting out a scheme to encourage, regulate, and promote green travel measures for owners, occupiers, and visitors to the Development in accordance with the provisions of the County Council's 'Travel Plan Guidance for Business and Residential Development', which is subject to a sum of £6,000 towards the County Council's costs of administrating and monitoring the objectives of the Travel Plan Statement and engaging in any Travel Plan 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.

Description of the Proposal The proposal is for the demolition of four existing dwellings at Hempstead Road and the redevelopment of the land to form 40 units of retirement living apartments on Hempstead Road, Kings Langley. The development will consist of associated community facilities and landscaping. 30 car parking spaces will be provided for the units. The applicant has since provided amended drawings which demonstrate that 29 car parking spaces would be provided for the development.

Site Description The site is currently occupied by four residential dwellings, each with access from Hempstead Road. The site is situated approximately 100 metres north of Kings Langley Village and 5km south of Hemel Hempstead. The site is bordered by Kings Langley Methodist Church and residential developments to the south and west. Hempstead Road borders the site to the east.

Analysis The applicant has provided a Transport Statement (TS) and a Design and Access Statement (DAS) as part of the application. Associated drawings and images have also been provided.

Policy The applicant has not provided evidence that relevant policy documents have been considered in the TS.

Transport Statement A Transport Statement (TS) has been provided as part of the application to support the proposed development.

### Trip Generation

Existing Trip Generation The TRICS 7.4.1 database has been interrogated in the TS to establish the trips generated by the existing dwellings. The parameters used were:

- Residential – ‘Houses Privately Owned’
- Sites in England and Wales (excluding Greater London)
- 6-10 Dwellings
- Weekday surveys only
- ‘Edge of Town’ ‘Suburban’ locations

The results of TRICS assessment are demonstrated below:

- Trip Rate per Dwelling: AM Peak (08:00 – 09:00) – 0.476 PM Peak (17:00 – 18:00) – 0.69
- Total Daily Trips - 5.022
- Trip Generation (4 Dwellings): AM Peak – 2 PM Peak – 3 Total Daily Trips – 20

Proposed Trip Generation The TRICS database has been interrogated in the TS to establish the likely number of trips generated by the proposed database. The parameter used were:

- ‘Residential’ – ‘Retirement Flats’
- Sites in England and Wales (Excluding Greater London)
- 28-75 Dwellings
- Weekday surveys only
- ‘Edge of Town’ ‘Suburban’ locations

The parameter ‘Retirement Flats’ was used as it is considered by the applicant to be the closest approximation to Retirement Living developments. This is considered acceptable.

The applicant has also considered the likely trips generated by the proposed development on the basis of traffic surveys carried out at existing McCarthy & Stone Retirement Living developments.

The number of anticipated trips at the proposed development are shown below:

- Trip Rate per retirement flat (TRICS): AM Peak (08:00 – 09:00) – 0.182 PM Peak (17:00 – 18:00) – 0.119 Daily Trips – 2.155
- Trip Generation (40 Retirement flats, TRICS): AM Peak – 7 PM Peak – 5 Total Daily Trips – 86

- Trip Rate per retirement flat (Traffic Surveys): AM Peak – 0.060 PM Peak – 0.078 Daily Trips – 1.55
- Trip Generation (40 Retirement flats, Traffic Surveys): AM Peak – 2 PM Peak – 3 Daily Trips - 62

Net Trip Generation A comparison between the existing and proposed trips has been undertaken in the TS, to understand the likely vehicular traffic impact of the proposed development. The net difference in trips is shown below:

- Net Difference (TRICS): AM Peak - +5 PM Peak - +2 Daily Trips - +66
- Net Difference (Traffic Surveys): AM Peak – 0 PM Peak – 0 Daily Trips - +42

Considering the worst case scenario trips from the TRICS database the proposed development is anticipated to generate just five more trips in the AM Peak and two more trips in the AM Peak.

The applicant also claims that the addition of 66 trips is negligible and will not have a significant impact on the surrounding highway network. This is considered acceptable by HCC.

Trip Distribution Trip distribution has not been included in the TS. Due to the small amount of additional trips generated in the AM and PM peak, this is considered acceptable. Road Safety The applicant has included the analysis of personal injury accident data in the TA. This analysis has been based off of 'CrashMap', considering the five year period of January 2012 to December 2016. PIA data should be obtained from HCC, however due to the small number of accidents and the disparity of the accident locations the use of 'CrashMap' is considered acceptable.

The scope of the study area covers Hempstead Road in the vicinity of the site, including junctions with Vicarage Lane, The Nap, Common Lane, Rectory Lane and access points to Kings Langley Methodist Church and Premier Inn Kings Langley.

A total of five accidents have been recorded in the study area in the five year timeframe. Four of the accidents recorded were slight in severity while one was fatal.

The 'Crashmap' incident report for the fatal crash has been provided in the TS which shows that the accident was not associated with the highway conditions.

The applicant claims the PIA data shows that there is not any specific highway safety concerns for future use. This conclusion is acceptable due to the small number of accidents in the vicinity of the site.

Highway Layout Access Arrangements The development will accessed via a vehicular access point onto Hempstead Road. The access will be in the form of a bellmouth junction, leading onto a 6m wide internal access road.

Swept paths and visibility splays measured a 2.4m x 43m have been provided to show the suitability of the junction and internal road.

The junction had been designed in a way so that the trees adjacent to the site can be retained

without impacting on visibility. Hempstead Road is also subject to parking restrictions directly outside the proposed access meaning visibility will not be impacted on by parked cars between 8am and 6pm.

Existing vehicular crossovers will be closed off and reinstated as footways.

**Refuse and Servicing Arrangements** It is proposed that all servicing will take place within the site boundary to minimise the impact on the local highway network. Swept paths have been provided to show that refuse and servicing vehicles are able to enter the site, before turning around and exiting in a forward gear.

## Parking

The original proposals had proposed the provision of 30 car parking spaces. According to the 'Dacorum Borough Council's Supplementary Planning Guidance (2004)'. A total of 1.75 spaces should be provided per retirement unit, this includes 0.25 visitor spaces per unit. This would result in a requirement for a maximum of 70 parking spaces to be provided at the site and a minimum of 53 parking spaces based on the minimum requirement of 75% of the maximum standards. The original proposals of 30 car parking spaces represented a shortfall of 23 car parking spaces at the site.

Amended layout drawings have been provided by the applicant that show that a total of 29 parking spaces is now proposed at the development. The provision of 29 spaces is one space fewer than the original proposals and represents a minimum shortfall of 24 car parking spaces at the site.

McCarthy and Stone have also undertaken independent research into parking provision. This is due to residents of McCarthy & Stone homes being encouraged to live an independent lifestyle, resulting in parking demand not correlating with traditional retirement dwellings. The research suggests that an average of 0.55 parking spaces are provided per dwelling at McCarthy & Stone developments. According to the research done by McCarthy & Stone, 22 parking spaces would be suitable for the proposed development.

The surveys conducted suggest that 22 parking spaces would be suitable for the proposed development. However, there are concerns of displacement of parking onto the local highway network as the highway is not subject to parking restrictions. HCC would therefore recommend a Car Parking Management Plan to demonstrate how the applicant will ensure that displacement onto the local highway does not occur as a consequence of the proposed development.

However, it is ultimately the decision of the LPA to determine the suitability of parking provisions.

## Local Parking Availability

Despite not anticipating any overspill onto the local highway network, given local concerns parking surveys of the local road network were undertaken to determine whether there is sufficient capacity to accommodate any overspill parking.

Parking surveys were undertaken in accordance with the Lambeth Methodology on Saturday 1st July at 13:30 and Tuesday 4th July at 00:30 and 14:00. The surveyed roads were roads within a 200m walking distance of the site, which included:

- Hempstead Road • Rectory Lane • Gade Valley Close • Common Lane

The results of the parking survey are shown in the below.

- Hempstead Road – Parking Capacity – 18 Spaces Occupied – Saturday 13:30 – 0 Tuesday 13:30 – 0 Tuesday 14:00 – 0 Minimum Availability – 18
- Rectory Lane – Parking Capacity – 18 Spaces Occupied – Saturday 13:30 – 7 Tuesday 13:30 – 10 Tuesday 14:00 – 6 Minimum Availability – 8
- Hempstead Road (Spur) – Parking Capacity – 11 Spaces Occupied – Saturday 13:30 – 7 Tuesday 13:30 – 9 Tuesday 14:00 – 7 Minimum Availability – 2
- Glade Valley Close - Parking Capacity – 8 Spaces Occupied – Saturday 13:30 – 1 Tuesday 13:30 – 2 Tuesday 14:00 – 2 Minimum Availability – 6
- Total - Parking Capacity – 55 Spaces Occupied – Saturday 13:30 – 15 Tuesday 13:30 – 21 Tuesday 14:00 – 15 Minimum Availability – 34

It is anticipated that there will be no overspill from the development onto the public highway, however the parking survey shows that there is sufficient space for vehicles to park on the surrounding highway. The survey does also not include the areas of Hempstead Road with parking restriction on during the day, meaning that there is the capacity for an additional 51 spaces on the carriageway, further to those included in the parking surveys. As previously stated, a Car Parking Management Plan will be required to discourage parking on-street.

#### Disabled Parking

No information has been provided on the provision of disabled parking spaces at the proposed development. According to standards set out in the 'Dacorum Borough Council's Supplementary Planning Guidance (2004)' one disabled space should be provided for every 4 spaces. As it is proposed that 30 spaces are provided at the development 8 disabled spaces should be provided at the development. However, it is ultimately the decision of the LPA to determine the ultimately of parking standards.

#### Car Parking Layout

All parking spaces will be provided with geometries of 2.4m x 4.8m in line with Manual for Streets (MfS) guidance. Drawings have also been provided of the layout including swept paths to show vehicles can navigate the car park with minimal manoeuvres and that two cars are able to pass side by side.

Amended plans have been provided by the applicant that show slight changes to the car parking layout. These changes include the removal of one car parking space and provision of verges in lieu of this space. These changes are considered minor and are not considered to have a detrimental impact on the accessibility of the car park. The swept paths previously provided by the applicant are still considered appropriate to demonstrate that the proposed layout is functional and safe for its intended use.

#### Cycle Parking

It is proposed cycles will be accommodated within the mobility scooter store within the building. The capacity of the mobility scooter store is not specified in the TS. According to standards in the 'Dacorum Borough Council's Supplementary Planning Guidance (2004)' one short term parking space should be provided for every three units and one long term parking spaces for every five units. The proposed cycle parking provision at the proposed development is not in line with these standards. Previous pre application advice has also identified that the proposed cycle parking provision is below standards, however it is ultimately the decision of the LPA to determine the suitability of cycle parking provision.

The independent research undertaken by McCarthy & Stone indicates that for their developments the cycle ownership rate is approximately 0.0289 cycles per apartment. The cycle ownership rate equates to approximately 1 cycle for every 35 apartments. It is ultimately the decision of the LPA whether to take this into consideration when determining the suitability of cycle parking provision.

#### Accessibility

#### Bus Services

The closest bus stops to the site are situated approximately 160-300 metres north of the site. The northbound stop comprises of a single pole and timetable while the southbound stop comprises of a sheltered seating area. The stops are served by the 318 bus from Hemel Hempstead to Watford and the 500 service from Aylesbury to Hemel Hempstead and continuing to Watford.

#### Rail Service

Kings Langley Railway Station is situated 1.7km east of the site. The station provides direct access to Tring, Milton Keynes and London Euston. Trains to Tring and Milton Keynes typically operate at two trains per hour, while trains to Milton Keynes typically operate once per hour.

#### Walking

Footways are provided on both side of the carriageway, providing a safe and direct route to the village centre. A number of amenities are available in the village centre including a post office, convenience store, doctors, dentist and pharmacy.

A signalised pedestrian crossing supported by dropped kerbs and tactile paving is in operation on Hempstead Road in the village centre, approximately 200m south of the site.

The site is also in close proximity of a number of Public Rights of Way (PRoW).

#### Travel Plan

A Travel Plan (TP) will be required to encourage sustainable transport modes and to reduce the reliance on private vehicles to ensure minimal impact to the highway safety and function as a consequence of the development.

The TP should be drawn up in accordance with the County Council's document 'Hertfordshire's

Travel Plan Guidance for Business and Residential Development' as set out at <https://www.hertfordshire.gov.uk/media-library/documents/highways/development-management/travel-plan-guidance.pdf>

### Road Safety Audit

A Stage 1 Road Safety Audit will be required as new access arrangements are proposed to illustrate that the new access arrangements are safe and appropriate. Any Road Safety Audit should also consider the road network through the site as well due to the interactions with pedestrians.

### Construction

No construction logistics, or construction traffic management plan has been provided. This is required to ensure construction vehicles will not have a detrimental impact on the vicinity of the site. The construction Traffic Management Plan should include details of: - Construction vehicle numbers, type, routing; - Traffic management requirements; - Construction and storage compounds (including areas designated for car parking); - Siting and details of wheel washing facilities; - Cleaning of site entrances, site tracks and the adjacent public highways; - Timing of construction activities, site tracks and the adjacent public highway; - Provision of sufficient on-site parking prior to commencement of construction activities; - Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Summary HCC as highway authority has reviewed the application submission and does not wish to raise objection to the proposed development, subject to suitable conditions.

### Environment Agency

Thank you for the soak away assessment report (Crossfield consulting) which we received on the 31 October. As deep borehole soakaways are no longer being proposed we are now in a position to remove our objection and have no further comments to make.

### Secured by Design

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

For this site the physical requirements would be:

- a. Communal entrance doors to blocks of flats:
- b. Individual Flat Entrance doors:
- c. Ground level exterior windows or windows at other levels that are easily accessible:
- d. Access control standard for flats is: More than 10 flats sharing a communal entrance then audible and visual access control is required at the pedestrian entrances to the block.
- e. Mobility Store and Bin Store external doors:

## DBC conservation

The proposal involves the demolition of the existing properties and creation of the nursing home. As noted above the existing houses have some merit but could not be considered non designated heritage assets. The demolition would not have a detrimental impact on the conservation area. Therefore this element of the proposal would be acceptable.

The proposed development has been redesigned a number of times during the application. It now better reflects the wider character with more emphasis on the 4 dwellings of the proposed design with the link elements set back from the frontage. It could however be enhanced with a deeper set back to more fully emphasis the change between the "house" elements and the link behind. The use of a variety of materials including brickwork, render and applied timber framing below clay tiled roofs would be an acceptable design solution. It would not stand out within the street scene, is in the building line of the existing properties and set back from the interesting post war church. We would also welcome the retention of the planting to the road side to limit any impact.

The building extends substantially at the rear towards the conservation area and the adjacent listed buildings. The site and its open space would have some impact on the immediate setting of these heritage assets. The main perception when viewed from the surrounding area is that of openness particularly when viewed across the common. The sloping topography of the site and lower ridge height of the proposed building would ensure that it does not detrimentally impact upon these longer views or the significance of the heritage asset. It would sit subserviently in relation to the assets with the main impact being the views of the roof tiles. Provided that these are a high quality clay tile sympathetic with the surrounding area any impact on views and the setting would be relatively minimal.

However given that there would be a change from the relatively open space of the gardens to that of a developed site within the village and from some points it may be visible between the assets it would be considered that there would be an impact on the setting of the buildings and the conservation area as the open space would be reduced increasing the sense of enclosure. We believe that as the site makes a contribution that this change would cause harm. This impact would not impact upon the fabric and therefore would be less than substantial.

Given that there would be an impact paragraph 134 of the Framework of the framework should be engaged. The harm to the designated heritage assets would be less than substantial and should be weighed against the public benefits. The harm caused would be at a minor/ low level due to the topography, proximity of the proposals and the design and detailing. This would need to be given the appropriate weight as part of the final consideration on the acceptability of the scheme or not.

Recommendation we would not object to the proposed scheme however it could be enhanced by having a greater set back to the link elements to the roadside. The harm should be weighed against the public benefits of the scheme having special regard to the protection of the historic buildings. To ensure that it is built to a high standard to reflect the character of the nearby conservation area and listed buildings we would recommend that sample panels be erected on site to agree brick, brick bond (not stretcher bond) mortar, tiles, render colour. It would also be recommended that joinery details and finish, rainwater goods, eaves and chimney details and



landscaping materials and detailing be subject to approval.

**Comments received from local residents:**

**18 Letters in Support from local residents as summarised**

- Development located on brownfield land therefore no open, green space would be lost;
- Aging population in Kings Langley;
- Close to village centre;
- Public transportation around site is good;
- Flats will free up houses in Kings Langley through people downsizing
- Support local services and shops;
- Build of development will be of high standard and in-keeping with local area;
- Proposal would not result in an increase in accidents or traffic; and
- Development would not threaten wildlife.

**90 Letters in Objection Received from local residents as summarised**

- Detrimental to character and appearance of conservation area due to height and scale of development;
- Density of proposal;
- Nature of accommodation;
- Insufficient parking;
- Change in Kings Langley population demographic;
- Large number of care/residential homes in immediate area;
- Loss of four homes which have high visual amenity value;
- Removal of landscaping at The Common;
- Ecology concerns as a result of proposal being so close to The Common;
- Over demand/ strain on local services/infrastructure; especially GP practices and schools;
- Site intensification would result in Highway accidents;
- Design not in keeping with street scene or character of Kings Langley village;
- Cutting down of trees fronting Conservation area and towards rear of site;
- Harm to neighbouring residential amenity in terms of overshadowing and loss of outlook and privacy;
- Access to site is not safe;

- Catchment for care home not from within Kings Langley;
- Apartments look small, only one lift servicing all apartments;
- Loss of open space between village centre and conservation area;
- Dust, noise and dirt during construction would be detrimental to health and environment;  
and
- Loss of Green Space/countryside feel of village.

## **Considerations**

### Principle of Development

The application site is a windfall site located within the residential village of Kings Langley and the infrastructure in the immediate area has been developed to provide good transport links for existing residents. There are also services and facilities available within close proximity of the site.

Core Strategy (2013) Policy CS1 states that Hemel Hempstead will be the focus for homes and Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged.

Furthermore, the National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed. Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas. Para. 50 of the NPPF expands this further encouraging the delivery of a wide choice of high quality homes with a mix of housing based on current and future demographic trends and needs; such as older people, people with disabilities etc.

Section 5 in the submitted planning statement outlines the need for specialist accommodation for older people in the area. This document outlines the National push for Older Person housing, citing the May 2011 Michael Ball report, 'Housing Markets and Independence in Old Age: Expanding the Opportunities' and 2013 Demos report 'The Top of the Ladder'; in addition to National Planning Practice Guidance and National Planning Policy Framework. The local need for older person's accommodation is also highlighted through the 'Three Dragons and Celadine Strategic Housing Assessment – June 2017' requiring 100 new units for older person's accommodation to be built in the Borough by 2020. Further to this Three Dragons and Celadine Consulting were commissioned in May 2017 by The Planning Bureau Ltd. to undertake a housing need and demand study for a retirement living development proposal to further support the demand and requirement for sheltered housing in Kings Langley.

Taking all of the above into account, the proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17) and complies with the Council's settlement strategy. As such, given that the development would be located in a sustainable location and comprises residential accommodation for over 55s the principle of

development is acceptable in accordance with Policies, CS1, CS4, CS17, CS23 of the Core Strategy, Saved Policy 10 of the Local Plan (2004) and NPPF (2012).

#### Impact on Street Scene and Character of Area

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

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

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

The site currently comprises four detached dwellings situated on spacious plots with large front and rear gardens. The proposed development seeks permission to demolish these houses, which although add to the amenity of the area are not of significant historic interest or architectural merit to warrant a refusal of planning permission on these grounds.

The proposed development would retain the linear build line of adjacent properties, 17 – 25 Hempstead Road. Further, a 3 – 4 metre separation distance to site boundaries would be maintained in order to preserve the open, suburban character of the area.

Turning to architectural detailing, the proposed development has been amended in design so as to retain the appearance of four, traditionally designed detached dwellings. This has been achieved through variation in material and fenestration detailing, front gables, modulated build line and chimney detailing. The proposal would retain the two storey height (8 metres) of neighbouring properties in the street scene with subordinate, residential formed dormer windows proposed at second floor level. This architectural approach has lessened the development's bulk and mass and resultant dominance in the street scene. As such, it is not considered that the design of the development would appear overtly incongruous within the street scene.

Further, due to the generous front build line of the development (22 metres approximately) in conjunction with the dense front boundary treatment, which would be retained as part of the proposed development, it is considered that views of the proposed from Hempstead Road would be restricted.

The mass of the proposed front parking provision has been revised so as to be broken up through the introduction of intermittent landscaping and mix of paving material. Land levels have also been modified in order to reduce the visibility of the parking from the street scene. Further, the proposed front parking bays would also not be overtly visible from the street scene of Hempstead Road due to heavy front boundary treatment which would be strengthened

as part of the proposal. Further the density of the proposed development is considered acceptable with 88 dwellings per h/a; in line with Saved Policy 10 of the Local Plan (2004) which seeks to maximum the use of the brownfield, urban land.

The proposed retirement accommodation is therefore not considered visually intrusive or harmful to the character and appearance of the street scene; accordingly the proposed coheres with the NPPF (2012) and Policies CS10, CS11 and CS12 of the Core Strategy (2013) and Saved Local Plan (2004) Policies 10, 18, 21 and Appendix 3.

#### Impact of the Proposal on the Kings Langley Conservation Area and Listed Buildings

Paragraph 64 of the NPPF states that permission should be refused for developments of poor design which fail to improve the character and quality of an area. Policies CS27 of the Core Strategy (2013) and Saved Policy 120 of the Dacorum Local Plan (2004) reinforce this, in addition to stating that great weight should be given to the conservation of designated heritage assets in considering the impact of proposed developments within a conservation area.

Due to thick boundary treatment and lower land levels of the application site the proposal would not be prominent from the adjacent conservation area, to the rear (west) of the site. As such the proposal would not result in detrimental impact to the visual amenity of the area, Kings Langley conservation area or character and setting of the adjacent listed buildings.

The DBC conservation officer was consulted on the proposal and provided the following summarised comments:

*'The proposal involves the demolition of the existing properties and creation of the nursing home. As noted above the existing houses have some merit but could not be considered non designated heritage assets. Their demolition would not have a detrimental impact on the conservation area. Therefore this element of the proposal would be acceptable...The sloping topography of the site and lower ridge height of the proposed building would ensure that it does not detrimentally impact upon these longer views or the significance of the heritage asset. It would sit subserviently in relation to the assets with the main impact being the views of the roof tiles. Provided that these are a high quality clay tile sympathetic with the surrounding area any impact on views and the setting would be relatively minimal.'*

*'Given that there would be an impact paragraph 134 of the Framework of the framework should be engaged. The harm to the designated heritage assets would be less than substantial and should be weighed against the public benefits. The harm caused would be at a minor/ low level due to the topography, proximity of the proposals and the design and detailing. This would need to be given the appropriate weight as part of the final consideration on the acceptability of the scheme or not.'*

In sum, it is therefore considered on balance the limited harm caused to the conservation area and Listed Buildings is outweighed by the benefit of securing 40 new retirement units within a sustainable, brownfield location. There would also be the economic benefits of the construction including jobs secured in building the dwellings and in the manufacture of building materials. People living in the homes would spend money in the local area including the shop and public houses and would participate in community activities, they would help to support local services; these benefits of the scheme would carry modest weight. These public benefits together they

would be significant to outweigh the less than substantial harm to conservation area and designated heritage assets.

As such, the proposal is not considered to significant impact upon the Kings Langley conservation area or designated heritage assets, adhering to Policies CS27 of the Core Strategy (2013), Saved Policy 120 of the Local Plan (2004) and the NPPF (2012).

#### 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 development would not be set within the 45 degree line as drawn from the front and rear habitable windows of No. 25 Hempstead Road as a result no loss in outlook to this neighbouring resident would result. Further due to orientation of the proposal, north of this property no loss in daylight would also result.

No significant loss of privacy is considered to result from the proposed development due to no windows located on the flank elevation directly facing No.25. Moreover, the proposed windows to the two storey rear element would be located 24 metres (approximately) away from the boundaries of No.21 -25 Hempstead Road so as not to result in a significant loss of privacy to the rear facing gardens.

A minimum 24 metres separation distance would be maintained between the rear elevation of the proposed development and rear elevation of properties, Bernard Cottage, Merlins Cottage and Woodbine Cottage and No.7 Common Lane. This would adhere to the 23 metre rear-to-rear separation standard outlined within Saved Appendix 3 of the Local Plan (2004). Taking this separation distance into account in conjunction with the fall in land levels, the height of the proposal would be visualised as one and half storeys from this perspective. Moreover, only one window to the rear of the development has been proposed and this would be obscure glazed. As such, it is not considered that the proposal would result in significant harm to the living conditions of the occupants of surrounding units, in terms of overbearing, loss of light or privacy.

In terms of the amenity for future residents the proposal would achieve the acceptable amenity and spaces requirements. Saved Appendix 3 of the Local Plan (2004) states that for a multiple occupancy residential development an amenity area at least equal to the footprint of the building should be provided. In accordance with the submitted application an area of 2050m<sup>2</sup> (approximately) of landscaped external amenity provision has been allocated to serve the site, which is sufficient provision in relation to the 1575m<sup>2</sup> approximate footprint of the proposal.

Concerns were raised that the apartments were of inadequate size. Although DBC have no internal size guidance the proposal meets the internal national described space standards set out in the NPPG.

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 application seeks to provide 40 retirement units comprising 20xone bed flats and 20x two bed flats. The application proposes 29 off street parking spaces to serve the units. DBC car parking policy standards require 1.5 spaces per retirement unit with a further 0.25 visitors spaces per unit. This would require provision of maximum 70 parking spaces required (100%) and minimum 52.5 spaces required (75%); resulting in a shortfall of 23.5 off street parking spaces.

Paragraph 32 of the National Planning Policy Framework outlines 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 in Kings Langley 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'.*

HCC Highways also conducted parking surveys in accordance with the Lambeth Methodology on Saturday 1st July at 13:30 and Tuesday 4th July at 00:30 and 14:00. The surveyed roads were roads within a 200m walking distance of the site, which included:

Hempstead Road- 18 available spaces  
Rectory Lane- 8 available spaces  
Hempstead Road (spur)- 2 available spaces  
Glade Valley Close- 6 available spaces

Creating a total minimum availability of parking spaces of 34, although HCC Highways anticipate that there will be no overspill from the development onto the public highway.

The survey does also not include the areas of Hempstead Road with parking restriction on during the day, meaning that there is the capacity for an additional 51 spaces on the carriageway, further to those included in the parking surveys.

In addition to this the site is located within a sustainable area with the closest bus stops to the site situated approximately 160-300 metres to the north. The stops are served by the 318 bus from Hemel Hempstead to Watford and the 500 service from Aylesbury to Hemel Hempstead and continuing to Watford. Rail Service Kings Langley Railway Station is situated 1.7km east of the site. The station provides direct access to Tring, Milton Keynes and London Euston. Trains to Tring and Milton Keynes typically operate at two trains per hour, while trains to Milton Keynes typically operate once per hour. Walking Footways are provided on both side of the carriageway, providing a safe and direct route to the village centre (approximately 5 minutes' walk). A number of amenities are available in the village centre including a post office, convenience store, doctors, dentist and pharmacy.

The HCC Highways have also stated that the difference in the number of trips generated by the existing and the proposed development would at worst case scenario generate five more trips in the AM Peak and two more trips in the AM Peak. Therefore, no severe impact is likely to be generated by the proposed development on the surrounding highway network.

HCC Highways also considered the safety of site access and concluded the submitted swept paths and visibility splays measured a 2.4m x 43m to show the suitability of the junction and internal road. The junction would be designed in a way so that the trees adjacent to the site can be retained without impacting on visibility. Hempstead Road is also subject to parking restrictions directly outside the proposed access meaning visibility will not be impacted on by parked cars between 8am and 6pm. Existing vehicular crossovers will be closed off and reinstated as footways.

HCC Highways have also requested for a £6,000 travel plan monitoring contribution. The LPA are no longer permitted to request financial contribution for administration. A condition has been recommended requesting travel plan monitoring.

Due to Highways raising no objection and providing sufficient evidence off street parking availability in the local car parks and government push for car free developments the proposed development would be located in a sustainable area and would not result in significant impact to the safety and operation of adjacent highway to warrant a refusal on parking and highway safety grounds. 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.

The proposed site plan illustrates that a hard and soft landscaping scheme would be provided which would soften the appearance of the development and help screen the proposal from public vantage. Existing boundary trees (both front and rear) have been retained and would be reinforced where possible; therefore no loss to the boundary screen shielding the conservation area would result.

#### Flood Risk and Drainage

Policy CS31 of the Core Strategy (2013) seeks to minimise the risk of flooding. With regard to the nature of the development and as the application site is not within Flood Zones 1 or 2, it is not considered that the proposal would be susceptible to flooding or increase the overall risk of flooding in the area. A Flood Risk Assessment and Drainage Strategy was submitted as part of the planning application in which the Lead Local Flood Authority were consulted on and provided no objection outlining that the proposed drainage strategy will provide a betterment to the existing situation as the surface water currently discharges into public combined sewer network subject to the recommendation of a condition.

### 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 the application outlining sustainability measures for the proposed development; such as appointing a special waste management company, site attenuation of 200m<sup>3</sup> of water by way of cellular tank, reduced water consumption through low flow rate appliances and planting of 30 trees.

### 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 and Herts and Middlesex Wildlife Trust were consulted on the demolition of the existing buildings on site who confirmed historically the site was open ground and in the 1920s were allotment gardens although by 1938 development had begun. This indicates there is nothing of long standing ecological significance on the site. Further the ecological appraisal submitted alongside the planning applications confirms no habitats of any significant ecological interest reside on site.

### 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.'* Two conditions are subsequently recommended, should the development be granted.



## Contaminated Land

Policy CS32 of the Core Strategy (2013) seeks to maintain soil and air quality standards and ensure any contaminated land is appropriately remediated. The DBC Contaminated Land Officer has recommended that a Phase I Desk Study be requested via condition. Furthermore, an informative recommending the incorporation of good design principles and best practice measures as detailed in Chapter 5 of the following industry guidance document entitled 'EPUK & IAQM Land-Use Planning & Development Control: Planning For Air Quality - January 2017' to minimise emissions has been attached should permission be granted.

## Affordable Housing and Community Infrastructure Levy (CIL)

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.

A S106 agreement to secure the following obligations has been agreed and is currently being processed by the Agent's and DBC solicitors. This application is recommended for approval subject to the competition of this S106 agreement to secure £243,442 as an offsite affordable housing contribution. This affordable housing contribution would not be provided on-site due to the type of tenure and associated costs and management of the development on-site affordable housing would not be feasible. This has been taken on board by the housing team and it is noted that Inspectors considering similar developments for sheltered accommodation have always accepted off site commuted sums in lieu of affordable housing provision on site due to the nature of the development.

This stance is considered to be acceptable in accordance with policy CS19 above in particular allowing for judgements to be made in respect of viability of the scheme and the Affordable housing SPD. A commuted sum of £243,442 will be paid in lieu of affordable housing provision which allows flexibility for the DBC housing team to utilise the contribution elsewhere.

## RECOMMENDATIONS

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

- Off-site affordable housing contribution of £243,442.
- Restriction on tenure use of over 55s only.

That determination of the application be **DELEGATED** to the Group Manager, Development Management and Planning, with a view to approval subject to the expiry of the consultation

period and no additional material considerations being raised 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:**

**Verified Views - Methodology November 2017**  
**Verified Visual Montages November 2017**  
**External Finishes Schedule Rev A 05.07.2017**  
**Evidence of housing demand and supply Three Dragons and Celandine Strategic Housing June 2017**  
**Energy Statement Rev A 23rd June 2017**  
**Statement of Community Involvement July 2017**  
**Transport Statement July 2017**  
**Preliminary Ecological Appraisal 13th January 2017**  
**Arboricultural Report KTK/9368/WDC**  
**Planning Statement July 2017**  
**Built Heritage Statement June 2017**  
**Site Investigation Report January 2017**  
**Townscape & Design Assessment 18th October 2017**  
**Bat Survey Report 10th June 2017**  
**Flood Risk Assessment and Surface Water Drainage Strategy IDL/846 Rev B 1st November 2017**  
**CCL02914.CC32 October 2017**  
**NL-2422-03-LA-001**  
**NL/2422/03/DE/200 Rev P2**  
**EMS\_397002\_530987**  
**EMS\_397002\_530988**  
**EMS\_397002\_530989**  
**17768-P02**  
**17768-P04C**  
**17768-P05C**  
**17768-P06C**  
**17768-P07A**  
**17768-P03D**  
**17713-P08B**  
**17768-P09B**  
**17768-P14**  
**17768-7-850A**  
**9368-KC-XX-YTREE-TPP02Rev0**

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

- 3 Prior to construction of the development hereby approved 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. Material details shall include:**

- Joinery details and finish
- Rainwater goods
- Eaves and chimney details
- Tiles
- Brickwork
- Brickwork bond (not stretcher bond)
- Mortar
- Render colour
- Fenestration

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

**Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

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

- 4 **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:**

- 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; and
- proposed finished levels or contours;

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

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

- 5 **The trees shown for retention on the approved Drawing No. NL-2422-03-LA-001 shall be protected during the whole period of site excavation and construction by the erection and retention of a 1.5 metre high chestnut paling fence on a scaffold framework positioned beneath the outermost part of the branch canopy of the trees.**

**Any trees which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

Reason: In order to ensure that damage does not occur to the trees during building operations; in accordance with Policy CS12 of the Core Strategy (2013) and Saved Policies 99 and 100 of the Local Plan (2004).

- 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 CS12 of the Core Strategy (2013) and the NPPF (2012).

- 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 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)

8 **Demolition 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.

9 **i) Demolition shall take place in accordance with the Written Scheme of Investigation approved under condition 8.**

**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.

10 **The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Surface Water Drainage Strategy, Reference IDL/846 Rev B, carried out by iD Ltd Infrastructures Design Limited, drawing No. NL/2422/03/DE/200 Rev P3, and the following mitigation measures detailed within the FRA:**

1. **Implementing an appropriate drainage strategy based on shallow infiltration with SuDs features placed where infiltration tests proved the feasibility of the proposed mechanism.**
2. **Providing a minimum attenuation volume of 242.88 m<sup>3</sup> to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**
3. **Detailed engineered drawings of the proposed SuDS features including their**

size, volume, depth and any inlet and outlet features including any connecting pipe runs.

**4. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.**

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

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

- 11 **Prior to construction of the development hereby approved a maintenance plan that explains and follows the manufacturer's recommendations for maintenance or that follows the guidelines explained by The SuDS Manual by CIRIA shall be submitted and approved in writing by the Local Planning Authority. A maintenance plan should also include an inspection timetable with long term action plans to be carried out to ensure efficient operation and prevent failure.**

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

- 12 **Prior to construction of the development hereby approved the details of the position and type of the proposed bat cavity boxes, which are to be integrated into the brickwork of the building shall be submitted to and approved in writing by the Local Planning Authority.**

Reason: In order to protect the presence of protected species in line with Policy CS26 of the Core Strategy (2013) and the NPPF (2012).

- 13 **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).

- 14 **Demolition and construction of the development hereby approved shall not commence until a Construction 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. Timing of construction activities to avoid school pick up/drop off times; g Provision of sufficient on site parking prior to commencement of construction activities; h. 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 CS12 of Core Strategy (2013).

- 15 **Prior to the first occupation of the development hereby permitted an Interim Travel Plan shall be submitted, approved and signed off by the Local Planning Authority, such a Travel Plan shall accord with Hertfordshire County Council document 'Hertfordshire's Travel Plan Guidance for Business and Residential Development'.**

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).

- 16 **No part of the development hereby permitted shall be occupied prior to implementation of the approved Interim Travel Plan referred to in Condition 15.**

**During the first year of occupation an approved Full Travel Plan shall be submitted to and approved in writing by the local planning authority. The Full Travel Plan shall be based on the Interim Travel Plan approved under Condition 14 and in accordance with Hertfordshire's Travel Plan Guidance. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented in full for the lifetime of the development.**

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policies 51 and 58 of the Dacorum Borough Local Plan 1991-2011.

- 17 **The gradient of any 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 Policies CS8 and CS12 of the Core Strategy (2013).

- 18 **Prior to first occupation of the development, a Car Parking Management Plan shall be submitted to and approved in writing by the local planning authority. It shall include the following:**

- Details of car parking allocation and distribution;
- Methods to minimise on-street car parking; 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 (2013).

**Informatives**

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.

Air Quality

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

Affinity Water

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

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

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

Ecology

Any vegetation loss which could affect nesting birds should be undertaken outside of the breeding season (March – August inc.) or if unavoidable, not without a prior check by a suitably experienced ecologist.



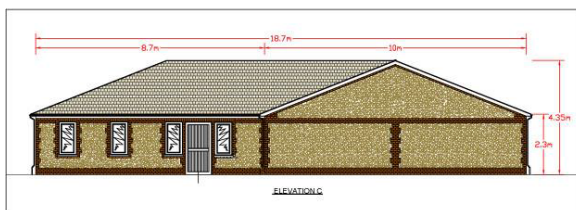
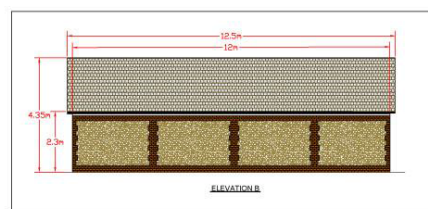
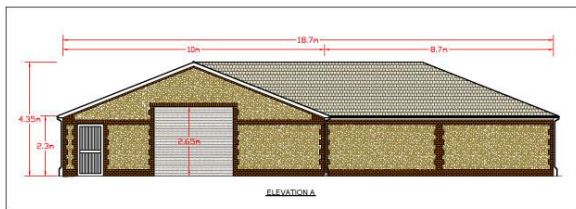
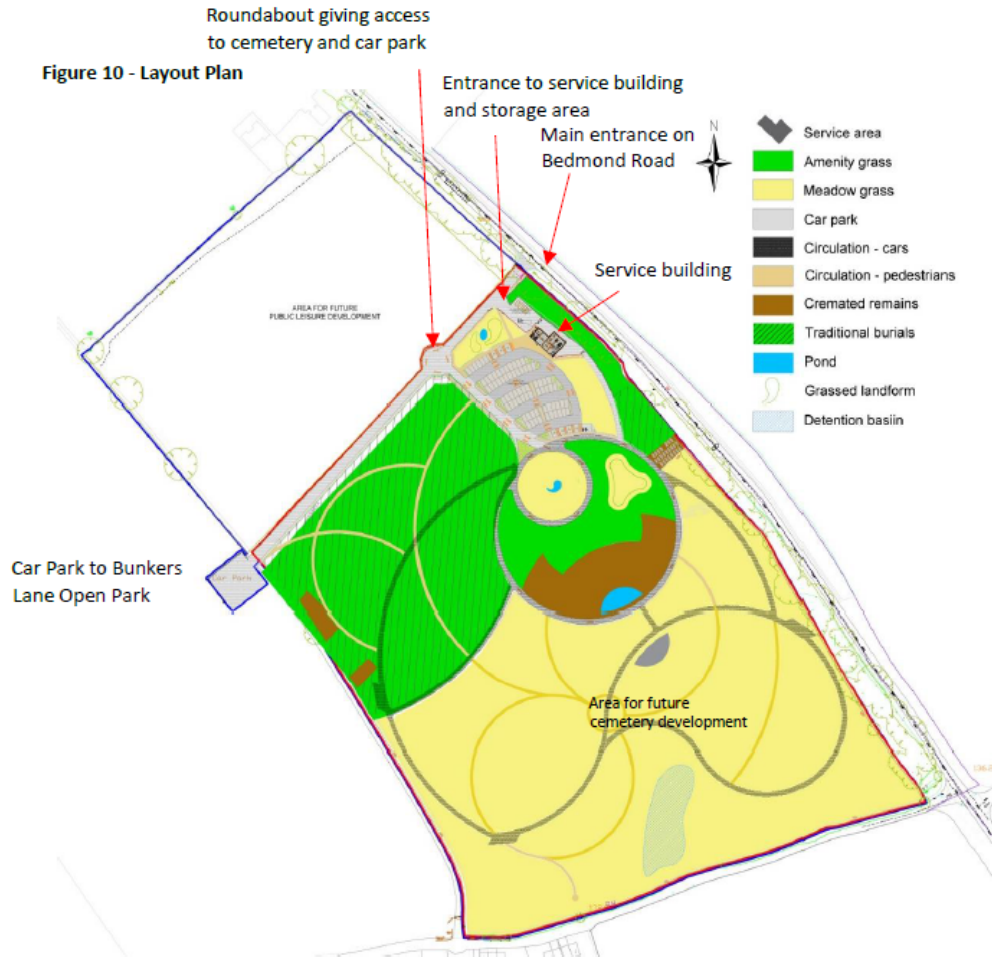


# Agenda Item 5g

## Item 5g

### 4/02553/17/MFA CHANGE OF USE FROM AGRICULTURAL LAND TO CEMETERY, TO INCLUDE VISITOR ADMINISTRATION BUILDINGS, ROAD AND PATHWAYS, CAR PARKING AND LANDSCAPING

### LAND SOUTH WEST, BEDMOND ROAD, HEMEL HEMPSTEAD, HP3 8LN





**4/02553/17/MFA - CHANGE OF USE FROM AGRICULTURAL LAND TO CEMETERY, TO INCLUDE VISITOR ADMINISTRATION BUILDINGS, ROAD AND PATHWAYS, CAR PARKING AND LANDSCAPING.**

**LAND SOUTH WEST, BEDMOND ROAD, HEMEL HEMPSTEAD, HP3 8LN.**

**APPLICANT: Dacorum Borough Council - Mr N Brown.**

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[Case Officer - Briony Curtain]

### **Summary**

The application is recommended for approval.

Despite its location in the Green Belt, there is an identified need for additional burial space in Hemel Hempstead and the land at Bunkers Park has been allocated for this purpose. The site is designated as mixed use site MU/5; Bunkers Park, Bunkers Lane (leisure space and cemetery) in the adopted Site Allocations DPD. The provision of the cemetery element of proposal MU/5 is thus welcomed.

The size of the proposed cemetery has been determined by the burial rates and the duration the Council wish the cemetery to be active for. It is estimated that the site would expect 100 burials per year. Phase 1 occupying the northern part of the site (3.8 hectares) has space for 3,600 graves giving 36 years of burial space and 1846 cremated remains plots. The southern part of the site would be available for future expansion as and when needed.

By its nature the majority of the cemetery site would remain open and free from buildings. The proposal does, however, include the construction of a building and other facilities (hard surfacing for parking, lighting, etc) to support the cemetery use.

The provision of new buildings in the Green Belt would normally amount to inappropriate development, however para 89 of the NPPF sets out clear exceptions to this. Of relevance is;

- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*

The buildings, lighting, and hard surfacing (car parking) are considered essential for the day to day running of the cemetery. They are thus concluded as 'appropriate facilities' and fall into one of the exceptions outlined in para 89. The buildings and other facilities are therefore considered appropriate development provided they preserve the openness and do not conflict with the purposes of including land within the Green Belt.

Given the existing site is agricultural land, entirely open, and free from physical structures, any new facilities would have an adverse impact on the openness of the Green Belt. However, the adverse impact of the proposal would be minimal. There are several factors that would minimise the visual impact and ensure the overall openness of the area is preserved. These, together with the lands formal designation for cemetery use via the Site Allocations DPD are considered to amount to very special circumstances. The Borough's existing burial ground is nearing capacity and there is therefore a proven need for additional cemetery space. The site has been formally allocated via the Site Allocations DPD, but cannot function / operate as a cemetery, without a basic level of facilities. The proposed facilities are concentrated to the north of the site, are modest in their size and scale, and their visual impact would be softened by the substantial planting being proposed. Given their very modest size, scale and height, their proposed location within the site and its wider context, the provision of the proposed building would not conflict with the purposes of including land within the Green belt (check unrestricted sprawl, prevent towns merging; safeguard countryside; preserve setting of historic towns and to assist in urban regeneration by encouraging recycling of urban land).

The benefits the scheme would bring in meeting the longer term burial needs of the Borough clearly outweigh the very limited harm the ancillary service buildings would cause to the openness of this part of the Green Belt.

A transport Statement supports the proposal and demonstrates that there would be no adverse impact on the safety or operation of the adjacent highway. Herts County Council are satisfied and have raised no objection subject to the imposition of a series of conditions. The site would provide parking for 80 vehicles which is considered adequate and the arrangements acceptable. An impressive planting plan has been proposed which will ensure an attractive rural setting to the entire site. Given the predominantly open nature of the proposed use, the planting proposed and the separation distance to the nearest residential properties, there would be no harm to residential amenity. On the contrary the proposal would provide an attractive outlook for existing residents.

As stated, the site is allocated as a mixed leisure / cemetery use. The current proposal relates only to the cemetery use. Whilst it would be preferable for a comprehensive scheme coordinating the different uses across the site (leisure and cemetery), the plans submitted clearly show an acceptable area of land to the north that has been retained for leisure purposes. The cemetery development would not preclude the delivery of the leisure use at a later date.

### **Site Description**

The application site is located to the west of Bedmond Road, north of Bunkers Lane in Bedmond, Nash Mills and comprises the southern section of a large area of arable land. The northern section of land is also owned by Dacorum Borough Council but does not form part of the application site (it is outlined in blue). To the very north of the application site is an existing access track which leads to the fields to the west (Bunkers Lane Park).

The site abuts Bunkers Lane Open Park to the west which is public amenity land and incorporates Chambersbury Wood. To the north of the site is a residential area of Leverstock Green (Woodfield Drive).

### **Proposal**

The application is for the change of use of the land from agricultural to cemetery. The proposal seeks consent for the provision of a burial ground to include service building, toilets, visitors room, reception and administration office and staff facilities along with a machinery store and workshop. An external soil storage area would be provided adjacent to the storage building. There will be provision for 80 car parking spaces. A dedicated crossing point would also be provided across Bedmond Road at the site access leading to a new footpath link into the site. Associated landscaping is also proposed.

The proposal allows for the phased development of site. The first phase being the northern area and would include 8 acres of land to accommodate 50 years of burials. It is anticipated that approximately 100 burials will take place at the site every year. In the future if demand requires it the southern section (the remaining 4.8 hectares) would be expanded into.

### **Referral to Committee**

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

### **Planning History**

### **Policies**

## National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

## Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS3 - Managing Selected Development Sites  
CS5 - The Green Belt  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS23 - Social Infrastructure  
CS25 - Landscape Character  
CS26 - Green Infrastructure  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS30 - Sustainability Offset Fund  
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 1, 2, 3, 4, 5,

## Supplementary Planning Guidance / Documents

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)

## **Summary of Representations**

### Nash Mills Parish Council

Awaiting comments.

### Hertfordshire Highways - Recommend Conditional Approval.

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 does not wish to raise an objection to the proposed development, subject to the following conditions.

#### Conditions

Condition 1: Construction Traffic Management Plan

Construction of the development hereby approved shall not commence until a Construction

Management Plan has been submitted to and approved in writing by the local planning authority. The plan should consider all phases of the development including the demolition of the existing extensions, any excavation works required and the construction phase of the development. 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;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. 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: Swept Paths

Prior to the commencement of any part of the development, swept path drawings are required to demonstrate that a refuge vehicle safely entering and manoeuvring within to depart the site in a forward gear.

Reason: In order to protect highway safety and the amenity of users of the site.

#### Condition 3: Servicing and Delivery Plan

Prior to commencement of the development, the applicant shall submit a Servicing and Delivery Plan. This plan is to be submitted and approved in writing by the Local Planning Authority. The Servicing and Delivery Plan shall contain the delivery and servicing requirements (including refuse collection) for the proposed use, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles, and access to / from the site for delivery and servicing vehicles. As part of the servicing and delivery plan, the applicant will need to highlight how refuse collection will be undertaken as there is a height restriction over the existing access which may prevent refuse vehicles from entering the site. Details on the arrangements, including any proposals to relocate the height restriction, should be provided.

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

#### S106 Agreement / Planning Obligations

The Community Infrastructure Levy is a planning charge tool for local authorities to help deliver infrastructure to support the development of their area. Dacorum Borough Council has a Community Infrastructure Levy (CIL), contributions may be sought for maintaining or widening the existing footway along Bedmond Road, as the applicant proposed to provide a crossing from the site to this footway.

#### Description of the Proposal

The application is for the Change of Use for Land to the Southwest of Bedmond Road from agricultural to a cemetery. The proposal is for phase 1 of the site's development and would include 8 acres of land to accommodate 50 years of burials. It is anticipated that approximately 100 burials will take place at the site every year.

The proposed site would include service and ancillary buildings, internal roads, walkways and 80 car parking spaces. A dedicated crossing point would also be provided across Bedmond Road at the site access leading to a new footpath link into the site. Associated landscaping is also proposed.

#### Site Description

The site is currently comprised of agricultural land and is approximately 8 acres in size. There is

an existing vehicular access point to the site from Bedmond Road. Bedmond Road is a C class secondary distributor road with a speed limit of 40mph in the vicinity of the site, dropping to 30mph approximately 75m north of the site.

Phase 1 of the development is on agricultural land south of the existing access. The site is bordered by agricultural land intended for future public leisure development to the north, Bedmond Road to the east, agricultural land intended for cemetery expansion to the south and Bunker's Park Open Space to the west.

#### History

Pre-application advice from HCC as highway authority was sought for the proposed development. The comments from HCC were based on a site visit and provided a generic overview of the site as well advice on what may be required as part of a full application.

#### Analysis

The applicant has provided a Transport Statement (TS) as part of the application package. Associated drawings have also been provided.

#### Policy

A number of relevant national and local transport policies have been reviewed as part of the development proposals. The policies included in the TS are:

- National Planning Policy Framework;
- The Manual for Streets
- The Manual for Streets 2
- The Design Manual for Roads and Bridge

Due to the size of the proposals this is considered acceptable; however, the inclusion of review of the following key policy documents would have been beneficial to the application:

- National Planning Practice Guidance (NPPG)
- Dacorum Borough Council Core Strategy
- Dacorum Borough Council Local Plan
- Hertfordshire County Council's Highway Design Guide 3rd Edition
- Hertfordshire County Council Local Transport Plan 3, 2013 - 2031

#### Trip Generation and Distribution

A Transport Statement (TS) has been provided as part of the application to support the proposed development.

#### Trip Generation

##### Existing Traffic Flows

To consider the existing traffic flows on Bedmond Road a 7 day classified traffic volume survey was undertaken 17th June 2017 - 23rd June 2017. The results of the two-way flows are summarised below:

- Weekday Average: 9556
- Saturday: 7241
- Sunday: 6132
- 7 Day Total: 61153

##### Existing Trip Generation

As the site is an agricultural site, it can be considered that the existing trip generation is negligible and it is robust to assume 0 trips are generated by the site.

##### Proposed Trip Generation

Due to the nature of the proposed site as being a cemetery, there is no TRICS data available to assess the likely trip generation of the proposals. Therefore, applicant has utilised the results of a two week traffic survey of traffic movements at a comparable site - the Redstone Cemetery, in Redhill, Surrey.

It stated in the TS that the Redstone Cemetery accommodates approximately 150 burials per



year, compared to the 100 burials per year expected at the proposed site. It is stated that this ensures a robust assessment and that a 'worst-case' scenario is considered. This is considered an acceptable assumption. It is also assumed by the applicant that all trips to the site will be by car, this again ensures a 'worst-case' scenario is considered and is considered an acceptable assumption.

The traffic survey at Redstone Cemetery was undertaken for a two week period within May and June 2016. On weekdays, the number of vehicles arriving at the site varied from between 39 vehicle to 75 vehicles. Of these vehicles, the number arriving specifically for a funeral varied from between 9 vehicles and 20 vehicles. The highest number of vehicles arriving at the cemetery was recorded on Thursday 26th May 2016, when 150 two-way trips were recorded at Redstone Cemetery. The figures from this day have been used to forecast the traffic flows for the proposed development.

#### Impact on the Highway

##### Net Impact Assessment

The worst case scenario of 150 two-way trips represents 1.6% increase of the existing traffic flows on Bedmond Road. It is also stated in the TS that the majority of vehicle movements associated with the cemetery would be outside of peak network times. However, this is not demonstrated in the supplied data.

The applicant also considered the wider implications of the additional traffic generated by the proposed cemetery. Using 2016 Department for Transport (DfT) transport statistics for the A4147 and A414, the applicant determined that the additional 150 trips would equate to an increase in traffic on the respective highways by 0.9% and 0.4%. It is demonstrated that the net impact on traffic in the area would be negligible.

Therefore, it is demonstrated that the proposed cemetery would not have a detrimental impact on the operation of the highway.

##### Junction Assessment

Junction assessment has not been provided as part of the Transport Statement. This is considered acceptable as the applicant has demonstrated that the proposed development would not have a net impact on the local highway greater than 5%.

##### Road Safety

A review of Personally Injury Collisions (PICs) has been undertaken as part of the application. The review of PICs covered the five year period from 2012 to 2016. The review showed that no collisions have occurred on Bedmond Road in the vicinity of the site during the most recent five year period. The closest recorded collisions to the site are at the staggered junction of Bunkers Lane / Blackwater Lane. The review of PIC data shows that there is no existing safety issues in the vicinity of the site which would be exacerbated by the proposed development.

##### Highway Layout

##### Vehicle Access Arrangements

The site will be accessed via the existing junction with Bedmond Road. The access would lead to an internal road network which the applicant states has been provided in accordance with standards set out in the Design Manual for Roads and Bridges.

Pre-application advice from HCC suggested that visibility splays of 66m x 2.4m should be possible in both directions from the existing access point. Drawings provided by the applicant show that this visibility splay is possible, subject to the trimming back of boundary vegetation. Maintenance of the visibility splays should be conditioned as part of any planning permission.

##### Pedestrian Access

A dedicated crossing point is proposed on Bedmond Road, as well as a footpath link into the site. The existing footway on Bedmond Road is only provided on the east side of the road and is a narrow path that appears to be overgrown. Improvements would be sought for the provision of standard width footway along the eastern edge of highway to ensure that the site is accessible to all users.

### Refuse and Servicing Arrangements

The drawings provided by the applicant show that a waste and soil storage area will be provided at the north east boundary of the site. However, no details on the servicing arrangements have been provided as part of the application. It is also noted that the existing access arrangements include a height restriction, the application will need to detail how the refuse collection and servicing would take place as the height restriction may affect a refuse vehicle entering the site. The height restriction, at present, is not located far enough within the site to allow for a refuse vehicle to leave the highway safely and not obstruct Bedmond Road. A Servicing and Delivery plan should be submitted and agreed with the LPA prior to commencement of the works. The plan should detail the delivery and servicing requirements and arrangements of the proposed development.

Swept path drawings should also be provided to demonstrate that refuse and servicing vehicles are able to safely enter the site in a forward gear and manoeuvre within to depart in a forward gear.

### Swept Path Analysis

Swept path assessments have not been provided as part of the application and will be required to demonstrate that refuse, servicing and delivery can occur within the site and that a refuse vehicle can safely enter the site and manoeuvre within the depart in a forward gear.

### Road Safety Audit

A Stage 1 Road Safety Audit may be required for the proposed development for the proposed pedestrian crossing and if any changes are required for the access.

### Parking

#### Car Parking Provision

It is proposed that 80 car parking spaces would be provided at the cemetery, including 7 designated disabled spaces. The data from the Redstone Site shows that the highest number of vehicles arriving for a funeral was 20 vehicles. However, it is stated that the provision of 80 car parking spaces is based on available space, rather than the expected number of visitors. It is considered by the applicant that the provision of 80 parking spaces will ensure that there is no overspill onto the surrounding highway network. This is considered acceptable to HCC. However, the suitability of parking provision will ultimately be the decision of the LPA.

#### Disabled Parking

It is proposed that seven designated disabled spaces are provided at the development. According to standards set out by DBC, 3 spaces or 6% of the total capacity (whichever is greater) should be provided at the proposed development. The provision of seven designated disabled spaces would meet these standards. However, the suitability of disabled parking provision will ultimately be the decision of the LPA.

#### Car Parking Layout

The car parking layout is shown on the site plan provided as part of the application. The drawing shows that overflow parking will be provided to the east of the main car park. It is stated in the TS that the internal layout has been designed in accordance with standards such as Design Manual for Roads and Bridges.

Swept Path assessments should be provided to demonstrate that two large cars are able to pass each other in the car park and are able to enter and leave car parking spaces safely.

#### Cycle Parking

There is no designated cycle parking proposed for the development. There are no cycle parking standards set out by DBC for a cemetery land use. Therefore, as there are no cycle provisions on the highway network and the highway is not considered suitable for cycling, this is considered acceptable. However, the suitability of cycle parking provision is ultimately the decision of the LPA.

### Accessibility

#### Bus Services

The nearest bus stops to the proposed development site are approximately 200 metres north west of the access on Bedmond Road. The bus stops are served by route Sapphire 320 which provides access to areas such as Boxmoor, and Hemel Hempstead for the northbound direction and Berry Lane Estate and Watford for the southbound direction. Alternative bus stops are available approximately 350 metres south east of the site at Bedmond Road's junctions with Bunkers Lane and Pimilico. These bus stops are served by the same service as the bus stops to the north west.

#### Rail Service

The nearest railway station is Apsley Station approximately 2.3 miles to the south west, an approximate 40 minute walk from the site access. The station provides access to destinations such as London Euston and Tring.

#### Walking

There is an existing footpath along the east side of Bedmond Road. The footway seems to be narrow and overgrown in the vicinity of the site. There is no street lighting in the vicinity of the site access. It is proposed that a designated pedestrian crossing point is provided on Bedmond Road as well as a footpath link into the proposed site. In addition to the proposed crossing, improvements would be sought for the provision of formalised standard width footway along the eastern edge of highway to ensure that the site is accessible to all users.

#### Cycling

There are no designated cycling facilities in the vicinity of the site. The speed limit on the Bedmond Road is 40mph in the vicinity of the site which is not considered suitable for cycling.

#### Travel Plan

Due to the nature of the development a Travel Plan would not be required.

#### Construction

A Construction Traffic Management Plan will be required to ensure construction vehicles will not have a detrimental impact on the highway in the vicinity of the site. A condition will be required to provide adequate parking for construction vehicles on-site to prevent on-street conflict and impacts to the highway safety. A Construction Traffic Management Plan will be required for all phases of the construction, including demolition, excavation and construction of all elements of the building.

#### Section 184 or 278 Agreement

As changes to the public highway are proposed, a Section 184 or 278 agreement, whichever is most appropriate, will need to be secured and approved with HCC.

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

The Community Infrastructure Levy is a planning charge tool for local authorities to help deliver infrastructure to support the development of their area. Dacorum Borough Council has a Community Infrastructure Levy (CIL), contributions may be sought for maintaining or widening the existing footway along Bedmond Road, as the applicant proposed to provide a crossing from the site to this footway.

#### Summary

HCC as highway authority has reviewed the application submission and does not wish to raise objection to the proposed development, subject to suitable conditions.

#### Crime Prevention

No Objection - the following security questions should be considered;

**Security**

- **Boundary** – A secure boundary ( Fencing ) would be required
- **Control Access / Access control signage** - to deter unauthorised entry
- **CCTV**- There is little natural surveillance
- **Lights** – Many old cemeteries are not lit, however the more modern ones are ,lighting will need to considered for the car park and visitor buildings.
- **Visitor Buildings** – Secure doors/ locks and windows

**NATS**

No Objection

**Environment Agency**

- **Recommend conditional approval.**

Conditions are included on any planning permission granted.

**Condition 1** All burials in the cemetery shall be:

- a minimum of 50 m from a potable groundwater supply source;
- a minimum of 30 m from a water course or spring;
- a minimum of 10 m distance from field drains; and
- not in standing water and the base of the grave must be above the local water table.

**Reasons** To protect the quality of groundwater in the local area. Groundwater is particularly sensitive in this location because the proposed development site is within Source Protection Zone 3, meaning it is used for drinking water supplies, and is located upon a Principal Aquifer. In addition, the Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery; without this condition, the proposal could cause deterioration of a drinking water protected area located within the Mid-Chilterns Chalk groundwater body.

This is in line with your Local Plan policy CS31 to avoid damage to Groundwater Source Protection Zones, and also paragraph 109 of the National Planning Policy Framework to prevent unacceptable risks to groundwater resources.

**Advice on Condition 1**

The developer should conduct a protected rights survey to ensure that no licensed or unlicensed groundwater abstraction (to include abstractions from springs, wells and boreholes) in the adjacent areas will be derogated in either quality or quantity as a result of this development. The Environment Agency does not keep records of where private water supplies are located. These details are held by local authorities and the Drinking Water Inspectorate.

**Condition 2** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

**Reasons**

To protect the quality of groundwater in the local area as no investigation can completely characterise a site. Groundwater is particularly sensitive in this location because the proposed

development site is within Source Protection Zone 3, meaning it is used for drinking water supplies, and is located upon a Principal Aquifer. In addition, the Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery; without this condition, the proposal could cause deterioration of a drinking water protected area located within the Mid-Chilterns Chalk groundwater body. This is in line with your Local Plan policy CS31 to avoid damage to Groundwater Source Protection Zones, and also paragraph 109 of the National Planning Policy Framework to prevent unacceptable risks to groundwater resources.

**Condition 3** The development hereby permitted may not commence until such time as a scheme to agree both surface water drainage and the management of any effluent generated by the proposed welfare facilities has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

**Reasons** To ensure that the proposed surface water drainage and the management of any effluent generated by the proposed welfare facilities does not harm groundwater resources. Groundwater is particularly sensitive in this location because the proposed development site is within Source Protection Zone 3, meaning it is used for drinking water supplies, and is located upon a Principal Aquifer. In addition, the Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery; without this condition, the proposal could cause deterioration of a drinking water protected area located within the Mid-Chilterns Chalk groundwater body. This is in line with your Local Plan policy CS31 to avoid damage to Groundwater Source Protection Zones, and also paragraph 109 of the National Planning Policy Framework to prevent unacceptable risks to groundwater resources.

#### Trees and Woodlands

recommend conditional approval.

#### Planting Plan (CDS\_BED\_DCR\_06 01)

- The proposed planting scheme is very much suited to the site and its intended use.
- The utilisation of 61% native planting is welcomed on a site bordered by natural open spaces and fields. The intention to plant native Hornbeam (*Carpinus betulus*) and native mixed species hedges towards to the front of the site will be aesthetically pleasing and also link with surrounding vegetation / species on adjacent land.
- It is proposed to plant a number of tree avenues, again of native provenance. The use of *Tilia cordata*, Small-leaved Lime, will be an appropriate species along the site frontage, forming an uniform green line with visual impact, that is also easy to maintain.
- A Wild Cherry avenue is also proposed, this line running within the site. During spring these trees will be covered with blossom, adding subtle colour to the vehicular section of the plot.
- The planting of 41 fruit trees of local provenance will both be visually attractive and of benefit to wildlife, especially pollinating insects.
- Species diversity proposed is good, including those suited to meadow and pond settings. These environments are to be found locally but not in large numbers, and so any addition to their number will enhance their viability within the area.
- Non-native trees are proposed where their aesthetic impact, through colour, texture or size, will enhance the particular use of that part of the site, e.g. Tulip trees (*Liriodendron tulipifera*) to provide height, colour and a focal point for the cremated remains area.
- The overall planting plan is impressive in its design.

#### Landscape and Ecology Statement and Management (August 2017)

- The cutting back of “vegetation in order to maximise visibility at the entrance and exit to the site on Bedmond Road” is acceptable.

- The use of Hornbeam hedgerows within the site providing year round shelter, roosting, nesting and foraging opportunities for wildlife is welcomed.
- The statement that “it is not proposed to remove any existing trees on site” is acceptable.
- Restoration of existing hedgerows through mitigation planting of native species is acceptable.
- The statement “all mature trees on site should be protected during construction following BS5387:12” is inaccurate. All trees should be protected prior to any works on site, not just ‘construction’ activity. Protection should be place before any site equipment is delivered and unloaded, and before any ground works take place. The British Standard to which work must conform is BS5837:2012, and not as stated.
- Tree planting should conform with British Standard 8545:2014 ‘Trees: from nursery to independence in the landscape – Recommendations’, not the standards listed.
- In hot, dry months from April to September, tree watering should occur far more regularly than proposed. To ensure tree establishment and survival, it may be necessary to put up to 20 litres of water per week onto young tree bases.

As the manager of Bunkers Park open space, the adjacent site, I would also make a number of points in relation to the vehicular access shared by both sites.

- I would advise that the height barrier at the junction of Bedmond Road is retained, although I recognise that I haven’t seen information relating to its removal. The access road and existing car park are frequently targeted by persons wishing to fly-tip, race cars around the park or move caravans into the site temporarily.
- To ensure the cleanliness of the cemetery access road, it would be necessary to install the same hard surface along the entire length of the access road and across the car park for users of the open space.
- The installation of a smooth tarmac access road with roundabout may become attractive to anti-social behaviour with vehicles racing up and down. In addition to the retention of the height barrier, it may be warranted to install speed bumps wherever possible. If this is not suited to the first section of roadway used by hearses, it would definitely be suited to the section between the proposed roundabout and the open space car park.

### Strategic Planning & Regeneration

Previous comments have been made as part of pre-application 4/00214/17/PRE which remain relevant with regards to the planning policy position. For completeness our previous comments are shown below.

Since these pre-application comments were made, the Site Allocations DPD has been adopted by the Council on 12<sup>th</sup> July 2017.

#### **(i) Green Belt**

Normally a new-building is inappropriate development in the Green Belt. Although we note that the NPPF (para. 89) states that there are exceptions, the one relevant to this proposal is:

- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*

Therefore, Core Strategy Policy CS5 (Green Belt) (a) is also relevant in this case, subject to the proposal being considered to have no significant impacts on the character and appearance of the countryside (part (i)). It is for the case officer to determine whether parts of the proposal would benefit from these NPPF exceptions.

This proposal includes wider changes on the site, especially in terms of the car park and use of the land which would require very special circumstances to be satisfied. The proposal would add hard surfacing, lighting columns and other structures to the site; therefore, the openness of the Green Belt could be affected.

We note that the built development proposed is relatively compact in size and is single storey. This and the car parking area are concentrated in the northern part of the site to minimise its impact. These points are welcomed.

### **(ii) Car and cycle parking provision**

Saved Policy 51 (Development and Transport Impacts), Policy 57 (Provision and management of parking) and Policy 58 (private parking provision) of the Dacorum Borough Local Plan 1991-2011 should be complied with to ensure the additional development meets its demand for parking. The proposal would also need to have regards to the car parking standards in saved Appendix 5 (Policies CS8(h) and CS12(b)), although there are no specific standards identified for a cemetery.

### **(iii) Conclusion**

We welcome the delivery of the cemetery-element of proposal MU/5 this application represents. We recognise a number of benefits that the scheme will bring locally and in meeting longer term needs for burial spaces, and are supportive of the proposed development in principle. However, we accept that a careful assessment on the scale of the development and its impact on the openness and character of the Green Belt is still required.

### Herts and Middlesex Wildlife Trust

One of the stated objectives of the scheme is to create a more diverse ecology with flower rich grassland. However the landscape proposals show large areas of amenity grass and meadow grass to be created. These could be made far more visually interesting and much better for wildlife by replacing with a flowering lawn wildflower and grass mix. This can be maintained short or left to grow longer and will still produce carpets of native wildflowers among the grass. A suitable mix is Emorsgate Seeds EL1 but wildflower turfs are also available. HMWT recommend that the plans are altered in this way to improve the opportunities for biodiversity.

### Herts Archaeology

Recommend Conditional Approval

*“The site is not in an Area of Archaeological Significance, and no heritage assets of archaeological or historic interest relating to the application site are recorded on the County Historic Environment Record.*

*However, the site is of substantial size and is in a situation favourable to settlement. It overlooks the valley of the River Gade, to the west, and formed part of the hinterland of Roman Verulamium, to the east. The area is known to have been densely settled in the Late Iron Age and Roman periods. Both Bedmond Road and Bunkers Lane are surviving parts of a ‘ladder-like’ pattern of roads and trackways in the area that date to at least the medieval period, but which may have much earlier origins.*

*I therefore believe that the proposed development site possesses moderate potential for heritage assets to be present, and it is likely that should a planning application be submitted that this office would recommend that provision should be made, via appropriate conditions, to mitigate the impact of the development.”*

I believe therefore that the proposed development is such that it should be regarded as likely to

have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:

1. A programme of geophysical survey of the proposed development site, carried out by an appropriately qualified specialist,
2. A programme of archaeological trial trenches,
3. And such appropriate mitigation measures indicated as necessary by the results of the evaluation.

These may include:

- a) the preservation of any archaeological remains *in situ*, if warranted, by amendment(s) to the design of the development if this is feasible;
- b) the appropriate archaeological excavation of any remains before any development commences on the site;
- c) the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);
- d) the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive, and the publication of the results, as appropriate;
- e) such other provisions as may be necessary to protect the archaeological interests of the site.

#### Contaminated Land Officer

The site is located within the vicinity of potentially contaminative former land uses (infilled ponds and cemetery). There is the potential that these features may be producing ground gas, and as such there may be a plausible pollutant linkage associated with the generation, migration and ingress of gas into the proposed new building. I recommend that the contamination conditions (CONT1 and CONT2) 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)).

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

Awaiting expiration of neighbour notification period.

#### 25 Silverthorn Drive -

- I am the Co-ordinator for the Friends of Bunkers Park and personally welcome the application as long as the road to the car park for Bunkers Park is made up to an acceptable standard with Tarmac or similar hard wearing surface and the car park itself is also made up and extended as in the summer the car park is often full and cars park in the roadway.

There are concerns that vans and trailers use the current roadway which is why there is a height restriction enforced by a physical barrier. This does need to remain in place or be moved further down the road after the proposed entrance to the cemetery as there has been fly tipping in the past and the barrier has also been damaged by attempts to enter the road by high sided trucks.

Can we be advised of the plans for the car park as we are to position an information board and would not want to move it unnecessarily.

#### **Considerations**

##### Policy and Principle

The site is situated within the Green Belt (Policy CS5) and is designated as a mixed use site MU/5 (Bunkers Park, Bunkers Lane) in the adopted Site Allocations DPD. The designation proposes a new leisure space and cemetery.



There is an identified need to plan for future burial space, particularly in the Hemel Hempstead area of the Borough. Therefore, in addition to existing space at Woodwells Cemetery, land at Bunkers Park has been identified to deliver a mix of leisure uses and cemetery space (Proposal MU/5). The principle of the development in terms of it delivering on elements of Proposal MU/5 and in the scheme meeting the future need for burial space in the town are therefore welcomed.

As stated, the site is allocated as a mixed leisure / cemetery use. The current proposal relates only to the cemetery use. Whilst it would be preferable for a comprehensive scheme coordinating the different uses across the site, the plans submitted clearly show an acceptable area of land to the north that has been retained for leisure purposes. The cemetery development would not preclude the delivery of the leisure use at a later date. The design and access statement sets out that the size of the proposed cemetery has been determined by the burial rates and the duration the Council wish the cemetery to be active for. It is estimated that the site would expect 100 burials per year. Phase 1 occupying the northern part of the site (3.8 hectares) has space for 3,600 graves giving 36 years of burial space and 1846 cremated remains plots. The southern part of the site would be available for future expansion as and when needed. The remaining land to the north would be available for leisure uses in accordance with the Site Allocations DPD.

By its nature the majority of the cemetery site would remain open and free from buildings. The proposal does however include the construction of a building and other facilities (hard surfacing for parking, lighting, etc) to support the cemetery use. The provision of new buildings in the Green Belt would normally amount to inappropriate development, however para 89 of the NPPF sets out clear exceptions to this. Of relevance is;

- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*

The buildings, and other facilities are considered essential facilities for the day to day running of the cemetery as set out above. There is sound justification for the proposed buildings / facilities, and their scale directly relates to the size of the cemetery and predicted yearly burials. The building and ancillary facilities are thus acceptable in principle provided they preserve the openness. There are several factors that ensure they preserve the general openness of the area and do not conflict with the purposes of including land within the Green Belt, these together with the sites formal allocation amount to very special circumstances.

The proposal is therefore considered acceptable subject to a detailed assessment of its impact.

#### Scale, Layout, Design and Effects on appearance of area / countryside / Green Belt.

Only small scale buildings should be acceptable on the site in accordance with policy CS5 of the Core Strategy.

The proposal has been designed to have a minimal impact on the character, appearance or openness of the Green Belt. Due to the nature of the proposed use, the majority of the site will remain open and free from buildings. It is proposed to introduce a service building, toilets, visitors room, reception and administration office and staff facilities along with a machinery store and workshop. However these are clustered to the north-east of the site adjacent to the existing access, are single storey in height and modest in size and scale. The size and scale of the buildings proposed is commensurate to the operational and logistical requirements of the cemetery. It is also proposed to introduce an area of hard surface for the parking of circa 80 vehicles and erect lighting columns. Whilst these features would all amount to inappropriate development, which by definition is harmful, given their sensitive siting within the site, the

relatively flat topography of the area, and the comprehensive planting scheme which covers the entire site, these would not be readily visible from wider views and would not cause visual harm. The site would retain its rural appearance and assimilate with the surrounding open countryside setting.

The proposed cemetery would provide for around 100 burials a year and in association with this the design and access statement indicates the need for a toilet/facilities block, external soil storage area and car parking. There is sound justification for the proposed buildings / facilities, and the scale of new buildings is considered to relate to the size of the cemetery and predicted yearly burials. The buildings, at the scale proposed, would not have significant adverse visual implications for the appearance of the site. The site would not be intrusive in the countryside even in the early years before planting has matured and would not significantly reduce the open character and appearance of the landscape.

#### Impact on Trees and Landscaping

The application is supported by a comprehensive planting scheme and a management plan. The Woodlands Officer is satisfied with the plans and considers the overall planting plan impressive in its design. The proposed development will be screened by the provision of additional landscaping around the periphery of the site and it is also proposed to create an attractive landscaped setting within the cemetery. The provision of landscaping to the site is beneficial in terms of the impact of development upon the visual amenities of the countryside and protecting and improving biodiversity on the site and its immediate surroundings.

The proposed development will result in the removal of a small amount of vegetation along the existing highways verge to provide the necessary visibility splays in accordance with the advice of the County Highways section. Whilst unfortunate the Woodlands Officer considers this acceptable, especially given the substantial planting proposed including the restoration of existing hedgerows.

Slight concern has been expressed with regard to the watering schedule set out in the management plan, during tree establishment stage and the British Standards referred to. A condition / informative has been included to cover these areas.

#### Impact on Highway Safety

The proposal would not have an adverse impact on highway safety.

A full transport statement accompanies the application. This statement draws on data and evidence from a similar sized cemetery at a comparable site in Surrey and has also been informed and makes assumptions based on current movements at the Council's existing Woodwells site. Herts County Council Highways are satisfied with its content and findings subject to the imposition of conditions. The transport statement identifies that the development would have a net impact on the local highway of less than 5% and that the proposed access arrangements provide the necessary vehicle and pedestrian visibility splays. The development would not have a significant adverse impact on the safety or operation of the adjacent highway.

The proposal also includes a designated pedestrian crossing point on Bedmond Road and improvements for the provision of formalised standard width footway along the eastern edge of highway to ensure that the site is accessible to all users. These works are welcomed, however, Herts County Council Highways do not consider them necessary as a direct result of the proposal. As such, their inclusion in a legal agreement or condition would not meet the necessary tests. An informative has been included advising the applicant that these elements would be subject to a Section 184 or Section 278 Agreement (works on public highway) with the County Council.

## Impact on Neighbours

Given the nature of the proposal and the fact that the site is separated some distance from all residential properties, the change of use of the land and the provision of modest service buildings would not have a significant adverse impact on adjacent dwellings in terms of light, privacy, visual intrusion, noise or disturbance. Given the proposed use as a cemetery, the majority of the land would remain open and free of development. A small service building is proposed, but its siting to the north-east of the site, adjacent to the existing access and well over 150m from all existing residential properties, would minimise or eliminate any adverse impact. In addition the building is single storey, modest in size and scale, and would from most vantage points be entirely screened by the proposed landscaping. The landscaping proposed has been concluded as impressive in its design and should therefore provide an attractive outlook for existing residents.

The proposal complies with Policy CS12 in this regard.

## Refuse / Servicing

Saved Policy 129 of the Local Plan seeks to ensure that development has adequate storage for refuse and recycling. The submitted plans clearly illustrate a bin storage area adjacent to the service building. Notwithstanding this additional information is required to ensure these facilities can be accessed. A condition will be imposed requiring additional information.

**RECOMMENDATION** - That determination of the application be **DELEGATED** to the Group Manager, Development Management and Planning , 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 in accordance with the materials specified on the approved drawings.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy Cs12 of the Core Strategy.

- 3 All burials in the cemetery shall be:**
  - a minimum of 50 m from a potable groundwater supply source;
  - a minimum of 30 m from a water course or spring;
  - a minimum of 10 m distance from field drains; and
  - not in standing water and the base of the grave must be above the local water table.

Reasons To protect the quality of groundwater in the local area. Groundwater is particularly sensitive in this location because the proposed development site is within Source Protection Zone 3, meaning it is used for drinking water supplies, and is located upon a Principal Aquifer. In addition, the Thames River Basin Management

Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery; without this condition, the proposal could cause deterioration of a drinking water protected area located within the Mid-Chilterns Chalk groundwater body.

This is in line with your Local Plan policy CS31 to avoid damage to Groundwater Source Protection Zones, and also paragraph 109 of the National Planning Policy Framework to prevent unacceptable risks to groundwater resources.

#### **Advice on Condition 1**

The developer should conduct a protected rights survey to ensure that no licensed or unlicensed groundwater abstraction (to include abstractions from springs, wells and boreholes) in the adjacent areas will be derogated in either quality or quantity as a result of this development. The Environment Agency does not keep records of where private water supplies are located. These details are held by local authorities and the Drinking Water Inspectorate.

- 4 **If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.**

Reasons; To protect the quality of groundwater in the local area as no investigation can completely characterise a site. Groundwater is particularly sensitive in this location because the proposed development site is within Source Protection Zone 3, meaning it is used for drinking water supplies, and is located upon a Principal Aquifer. In addition, the Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery; without this condition, the proposal could cause deterioration of a drinking water protected area located within the Mid-Chilterns Chalk groundwater body. This is in line with your Local Plan policy CS31 to avoid damage to Groundwater Source Protection Zones, and also paragraph 109 of the National Planning Policy Framework to prevent unacceptable risks to groundwater resources

- 5 **The development hereby permitted may not commence until such time as a scheme to agree both surface water drainage and the management of any effluent generated by the proposed welfare facilities has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.**

Reasons To ensure that the proposed surface water drainage and the management of any effluent generated by the proposed welfare facilities does not harm groundwater resources. Groundwater is particularly sensitive in this location because the proposed development site is within Source Protection Zone 3, meaning it is used for drinking water supplies, and is located upon a Principal Aquifer. In addition, the Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery; without this condition, the proposal could cause deterioration of a drinking water protected area located within the Mid-Chilterns Chalk groundwater body.

This is in line with your Local Plan policy CS31 to avoid damage to Groundwater Source Protection Zones, and also paragraph 109 of the National Planning Policy Framework to prevent unacceptable risks to groundwater resources.

- 6 **No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan should consider all phases of the development including any excavation works required and the construction phase of the development. 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;**
  - f. **Cleaning of site entrances, site tracks and the adjacent public highway;**
  - g. **Timing of construction activities to avoid school pick up/drop off times;**
  - h. **Provision of sufficient on-site parking prior to commencement of construction activities;**
  - i. **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.

- 7 **Prior to commencement of the development, the applicant shall submit a Servicing and Delivery Plan. This plan is to be submitted and approved in writing by the Local Planning Authority. The Servicing and Delivery Plan shall contain the delivery and servicing requirements (including refuse collection) for the proposed use, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles, and access to / from the site for delivery and servicing vehicles (including swept path drawings). As part of the servicing and delivery plan, the applicant will need to highlight how refuse collection will be undertaken as there is a height restriction over the existing access which may prevent refuse vehicles from entering the site. Details on the arrangements, including any proposals to relocate the height restriction, should be provided.**

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

Reason: In order to protect highway safety and the amenity of users of the site.

- 8 **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.

- 9 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 8 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)

- 10 **No 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: [www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)**

1. The programme and methodology of site investigation and recording;
2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation;
3. The programme for post investigation assessment;
4. Provision to be made for analysis of the site investigation and recording;
5. Provision to be made for publication and dissemination of the analysis and

records of the site investigation;

**6. Provision to be made for archive deposition of the analysis and records of the site investigation;**

**7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence and to ensure no adverse archaeological implications in accordance with Policy CS27 of the Dacorum Core Strategy.

- 11 **i) Development shall take place in accordance with the Written Scheme of Investigation approved under condition (10).**  
**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 10 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 and to ensure no adverse archaeological implications in accordance with Policy CS27 of the Dacorum Core Strategy.

- 12 **All soft landscape works shall be carried out in accordance with the approved details. Notwithstanding the submitted landscaping plans all trees should be protected prior to any works on site. Protection should be place before any site equipment is delivered and unloaded, and before any ground works take place. The British Standard BS5837:2012 must be adhered to. All tree planting should conform with British Standard 8545:2014 ‘Trees: from nursery to independence in the landscape – Recommendations’. The works shall be carried out prior to the first use of the site.**

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

- 13 **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.**

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

- 14 **No development shall take place until full details of hard 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, including height restriction barriers and security fencing;**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **minor artefacts and structures (e.g. signs, lighting, cctv etc);**

**The approved landscape works shall be carried out prior to the first use of the site hereby permitted.**

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

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

HERITAGE STATEMENT  
DESIGN AND ACCESS STATEMENT  
SHEET 1 OF 2 TOPOGRAPHIC SURVEY  
SHEET 2 OF 2 TOPOGRAPHIC SURVEY  
CDS\_BED\_DCR\_02\_01  
CDS\_BED\_DCR\_06\_01  
CDS\_BED\_DCR\_08\_03  
CDS\_BED\_DCR\_03 REV 07  
CDS\_BED\_DCR\_11 REV 01  
CDS\_BED\_DCR\_12  
VISUAL IMPACT ASSESSMENT  
TRANSPORT STATEMENT  
LANDSCAPE AND ECOLOGY STATEMENT  
EXTENDED PHASE 1 HABITAT SURVEY  
SUSTAINABILITY STATEMENT  
FLOOD RISK ASSESSMENT

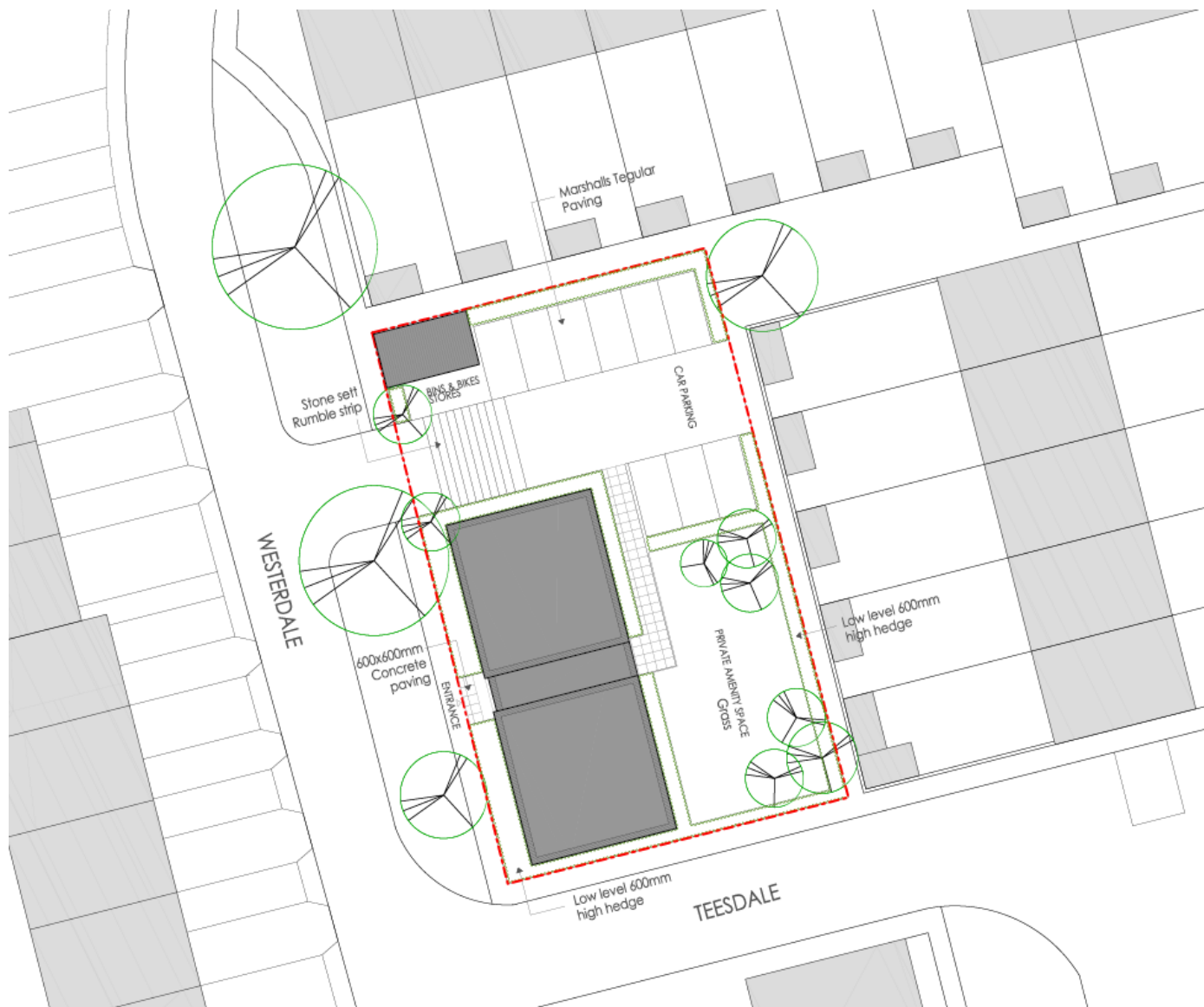
Reason: For the avoidance of doubt and in the interests of proper planning.



## Item 5h

4/02649/17/FUL CONSTRUCTION OF SIX 2 - BED FLATS (AMENDED SCHEME)

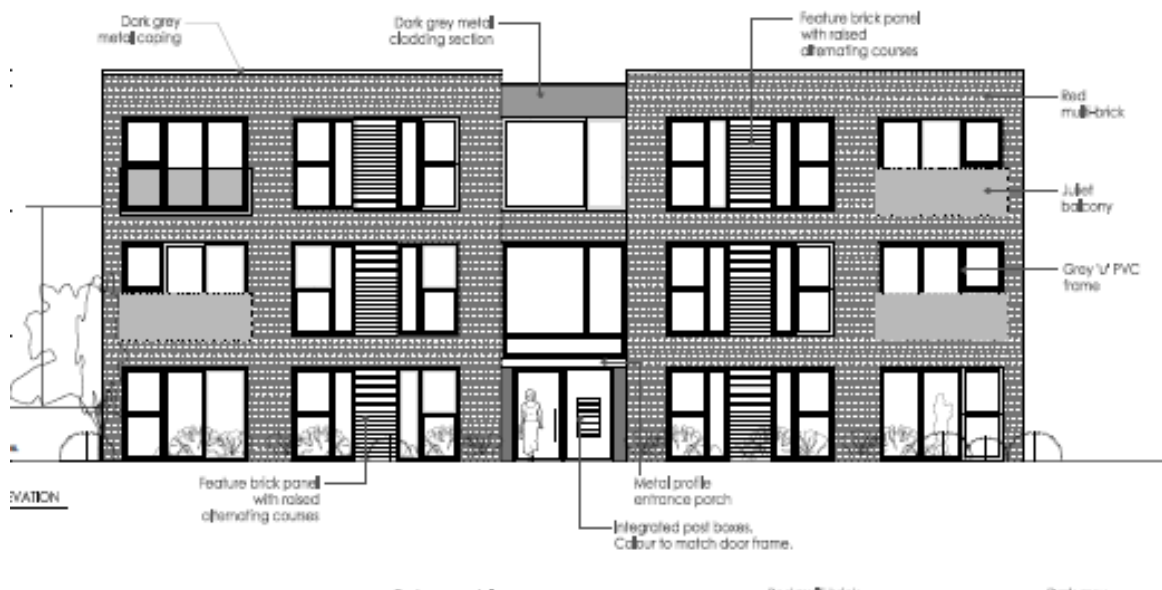
GARAGE SITE ON CORNER OF TEESDALE AND, WESTERDALE, HEMEL HEMPSTEAD, HP2



Item 5h

4/02649/17/FUL CONSTRUCTION OF SIX 2 - BED FLATS (AMENDED SCHEME)

GARAGE SITE ON CORNER OF TEESDALE AND, WESTERDALE, HEMEL HEMPSTEAD, HP2



**4/02649/17/FUL - CONSTRUCTION OF SIX 2 - BED FLATS (AMENDED SCHEME).  
GARAGE SITE ON CORNER OF TEESDALE AND, WESTERDALE, HEMEL HEMPSTEAD,  
HP2.**

**APPLICANT: MR S BRAMLEY - DACORUM BOROUGH COUNCIL.**

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[Case Officer - Briony Curtain]

### **Summary**

The application is recommended for approval.

The application seeks planning permission to demolish 23 domestic garages and construct a three storey block of 6 residential flats served by 9 parking spaces. This application follows a previous outline planning permission (4/02209/12/OUT) for four residential units; two dwellings and two flats.

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 6 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. The proposal provides for 100% affordable housing (social rent).

The development would not have a significant adverse impact on existing adjacent properties in terms of light, privacy or visual intrusion, especially when compared to existing levels. There is already a high degree of mutual overlooking in the area, and levels would not be significantly increased as a result of the development. Given the separation distance and siting of the building all adjacent properties would continue to receive an acceptable level of daylight and sunlight, and the development would not appear unduly prominent or oppressive. The proposal complies with Policy CS12 in these regards.

The proposed development provides an acceptable level of off-street parking for future residents, 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. No parking for existing residents to mitigate the loss of the garage court has been provided. However, the garages to be demolished have a rented occupancy rate (from DBC) of 52%; 12 of the 23 garages and some are used for storage not parking. There are currently vacant garages for rent in the immediate area (15 in Borrowdale within 100m of application site) and these will be offered to existing tenants. Displaced parking would therefore be minimal and would not give rise to significant adverse highway issues. As stated, parking is at a premium but this is an historic on-going problem and would not significantly increase as a result of the proposal. The Council are working with local residents to identify possible solutions, which may include the provision of verge hardening in the immediate area, however given the problems are not a direct result of the current proposals these should be explored separate to the current planning application. The development provides sufficient parking for the number of units proposed and as such it is considered that a refusal could not be sustained.

The proposal adheres with Saved Policies 10, 13, 18, 21, 51, 58, 99, 100, 111, 129 and Appendices 3, 5 and 6 of the Dacorum Local Plan (2004) and Policies CS1, CS2, CS4, CS8, CS9, CS10, CS11, CS12, CS17, CS18, CS19, CS26, CS29 and CS35 of the Core Strategy (2013), and the National Planning Policy Framework (2012).

### **Site Description**

The application site is currently occupied by two rows of 23 single garages located on the north-eastern corner of Teesdale and Westerdale in Highfield. The garage courts face each and are sited along the eastern and western boundaries of the site. Existing vehicular access to the site is via Westerdale, however secondary pedestrian accesses exist from three rights of

way, linking the site to the northern part of Westerdale, Lonsdale and Teesdale.

The garage court is entirely surrounded by terraced residential properties ranging between two and three storeys in height. There is a gentle fall in the land in a northerly direction. Given the siting and orientation of the dwellings, there is a high level of mutual overlooking. Many of the properties in the immediate area do not benefit from off street parking and as such parking is at a premium.

### **Proposal**

Permission is sought for the demolition of the garage court and the construction of six 2-bedroom flats in a three storey block served by 9 parking spaces and an area of communal amenity space. The existing access onto Westerdale would remain. The flats would be for social rent.

### **Referral to Committee**

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

### **Planning History**

4/02209/12/OUT REDEVELOPMENT OF 23 DOMESTIC GARAGES TO PROVIDE FOUR  
RESIDENTIAL UNITS WITH PRIVATE PARKING AND FURTHER  
UNALLOCATED PARKING SPACES  
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 & 7

## 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**

Hertfordshire Highways - Recommend conditional approval.

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

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

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

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

2. 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.

3. 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.

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

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

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

#### **INFORMATIVES**

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

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

#### COMMENTS

This application is for Construction of six 2-bedroom flats (Amended Scheme).

#### PARKING AND ACCESS

Eight new parking spaces will be provided for the dwellings, using the existing vxo onto Westerdale, which is an unclassified local access road, subject to a 30mph speed limit. Vehicles are not required to enter and leave the highway in forward gear. Provision is also made onsite for cycle storage.

The existing access appears to operate without any issues. Provision is made on site for storage of refuse.

#### 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.

#### HCC Planning Obligations 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 CIL Zone 3 and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

#### Scientific Officer

The garage usage represents a potential for fuel and/or chemicals spillage and leaks. The site is also located within the vicinity of a potentially contaminative former land use (old gravel pit situated approximately 190 metres to the west-northwest). Consequently there may be land contamination issues associated with this site. I recommend that the contamination conditions (CONT1 and CONT2) be applied to this development should permission be granted.

#### Trees and Woodlands

There are no trees or landscape features within the site. However, there is a mature Horse chestnut on the grass verge along Westerdale that would have to be removed to build the proposed access road to the site. Although a large feature in the local landscape, this tree suffers from some internal decay at the junction of main branches and its long term survival in good condition is in doubt. I therefore have no objections to its removal provided it is removed by the developer or applicant. Recommend landscape plan and condition.

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

Petition of 32 signatories from 14 Addresses - objecting on grounds of loss of privacy and parking.

34, 39A Westerdale, 2 Teesdale, 6 Lonsdale, 41 Glenview Road - Object

- Parking - There are already severe parking problems in the area,
- Privacy - the new block of flats overlooking Westerdale will encroach on privacy and light for

current residents.

- security - the creation of alleyways around the development would create hidden areas for crime
- Infrastructure - There is significant lack of infrastructure in this area, including sewage, lack of parking and too narrow.
- Fly Tipping - already a common problem in the area, more dwelling will create more rubbish, there aren't the necessary recycling facilities.
- Noise - during and after construction with additional residents.
- Incongruous and Out of Keeping - the building would not respect the existing buildings in the area.

## **Considerations**

### Policy and Principle

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 4 dwellings was approved at outline stage under application ref: 4/02209/12/OUT. 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 4 approved units to 6 proposed units.

The provision of 6 flats would optimise the use of the land. The occupancy rate of the 23 garages is 52%. 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.

Area Based Policies; HCA20 :Highfield sets out the key features of the area and identifies that *'in development to the north of Bellgate a more modern approach is found. Many dwellings feature flat roofs in regular, repeating patterns'*. The policy goes on to state *'Highfield is a planned area, layouts are strong and characterised by the angular positioning of groups of houses'*. The general housing principles for the area pertinent to this application are;

- *Design*: Should respect the characteristics and architectural themes of nearby and surrounding development. Alternative designs may be acceptable in cases where a clear distinction in design can be drawn from nearby and surrounding development, for example on sites clearly separated from other dwellings. Such alternative designs are unlikely to be acceptable on infill plots for single dwellings.No special requirements.
- *Type*: *All types of dwelling are acceptable*
- *Height*: In most cases, should not exceed two storeys. Three storey development may be permitted where adjacent to buildings of a similar or greater height, dependent on its impact on the character and appearance of the area.
- *Size* : Small to medium sized dwellings are encouraged.
- *Layout*: Development proposals are strongly encouraged to make use of the existing layout structure as a basis for new layouts. The feature of dwellings grouped around landscaped amenity greens is encouraged. Prevalent building lines should be followed. Spacing in the medium range (2 m to 5 m) is expected.
- *“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 design principles outlined above have been adhered to. The simple, modern, flat roof design of the proposed three storey block is considered acceptable and would successfully integrate into the existing street scape; which entirely consists of flat roof buildings ranging from two to three storeys in height. The application site is situated adjacent to and opposite existing three storey terraced dwellings, the built form follows the prevailing angular 'square' pattern, such that the proposal would not appear incongruous or unduly prominent in height. The mass and bulk of the proposed building is comparable to adjacent terraces / buildings. Furthermore the extant outline consent permits a part three storey building, with an overall width and depth comparable to the current proposal. The development fronts the road, 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 building would not appear out of scale or cramped within the surroundings. It was originally proposed to have balconies to the front elevation but following a public consultation these have been omitted and replaced with juliette balconies.

The policy suggests that given 23 garages are to be demolished the development is required to provide alternative provision. The provision of 9 parking spaces for the new development is not alternative provision. However, it is important to note that many of the garages are not being used for parking and it has been demonstrated that there is adequate alternative provision in the vicinity. 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 (behind the amenity strip), 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 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 development proposes a three storey building in place of the existing single storey garages and as such there will undoubtedly be an impact on existing residents. However, given the spacing, separation distance and design of the units, the harm caused would not be significant enough to warrant a refusal on planning grounds.

With regard to visual intrusion and light levels, the three storey building would be sited directly in front of the two storey properties of Teesdale. However, due to its orientation and separation distance of 25m, the proposed building would not appear unduly dominant to the extent that it would loom above them to an overbearing degree or reduce light levels to an unacceptable degree. Despite a lesser separation distance (22.5m), the same would apply to the front elevations of No.s 21-35 Westerdale. From No.s 1-7 Lonsdale, the end elevation of the building would be visible but again this would be sited over 25m away and thus not appear unduly intrusive.

There is already a high degree of mutual overlooking between the properties in the immediate area. Given the regular 'grid' like layout of Teesdale, Lonsdale and Westerdale, (which is identified in the character area appraisal), the terraces of dwellings are set at right angles to each other. The first floor windows of 1-5 Teesdale already therefore permit overlooking, albeit at an oblique angle, to the rear windows and garden areas of 1-7 Lonsdale and vice versa. The proposed flats would permit direct views to the rear of No.s 1-5 Teesdale but the separation distance of 25m (which exceeds the required 23m back to back distance specified in Appendix 3 of the saved Local Plan) would ensure adequate privacy is maintained. It is proposed to have dining room windows to the side elevations, which to the north would directly face the rear of No.s 1-3 Lonsdale, however again a separation distance in excess of 25m would ensure no significant adverse impact. The applicants has stated they would be willing to have the side windows of obscure glaze if necessary. Given the separation distance it is not considered necessary or reasonable to impose a condition requiring obscure glazing.

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 seeks to provide 6 two bedroom units which would require 9 off street parking spaces at maximum provision (1.5 spaces per 2-bedroom unit). The proposal provides 9 spaces and is thus in accordance with Saved Appendix 5 of the Local Plan (2004). No objection is raised in this regard.

The housing development principles for HCA20 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 Westerdale garages is 12 of the 23, equating to 52%. It should be noted that some of these are rented for domestic and commercial storage purposes. In addition it is important to note that there are a number of other garage sites within the immediate vicinity of the site with current vacancies. There are 15 vacant garages in the Borrowdale garage court less than 100m away. These will be offered to all existing garage tenants, and if accepted would eliminate any direct displacement.

Given the garages are under used, and there are alternative vacancies in the locality, it is considered that the level of cars being displaced by this development would be minimal 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.

Parking is, as stated, at a premium and is the primary concern of residents and local councillors. However it is important to note, that this is an historic and on-going problem and would not significantly increase or alter as a result of the current proposal. The Council are working with local residents to identify possible solutions, which may include the provision of verge hardening in the immediate area. Following a recent public consultation there was a mixed reaction to the suggestion of verge hardening immediately to the front of the proposed building. This has not therefore been incorporated into the current proposal until further options have been explored.

Given the parking problems in the area are not a direct result of the current proposals and would not be significantly, if at all, exacerbated by the current proposal, these should be explored separate to the current planning application.

The development provides sufficient parking for the number of units proposed and as such it is considered that a refusal could not be sustained. 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.

There are no trees or landscape features within the actual site, there are however two mature Horse trees sited in the grass verge along Westerdale. The Woodlands Officer has noted that the Horse Chestnut close to the access has some internal decay at the junction of the main branches and its long term survival is therefore in doubt. The proposal does not however currently include the felling of either tree. No objection is raised to the proposal.

#### Other Material Planning Considerations

- *Refuse and Recycling*

Saved Policy 129 of the Local Plan (2004) seeks to ensure that developments have adequate storage for refuse and recycling. Adequate bin storage facilities are provided to the north of the building.

- *Planning Obligations / CIL and Legal Agreement*

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 1 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. Exemptions in respect of payment may be available to the applicant (as proposal is 100 % affordable housing).

The proposal seeks consent for 6 flats, all of which would be social rent, this would equate to 100% affordable housing. Whilst this is welcomed, at 6 units, the quantum falls below the threshold for requiring affordable housing (10 units) and as such it would not be necessary or reasonable to insist this secured via legal agreement.

**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 **Notwithstanding the details submitted, prior to the construction (above ground works) of the development hereby approved, details of the materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To ensure a satisfactory appearance to the development.

- 3 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking, access and circulation, shown on Drawing No. WNS-AHR-S1-00-DR-A-05-002 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.

- 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 (4) shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby**

permitted.

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

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

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

DESIGN AND ACCESS STATEMENT

14277/GN/2

WNS-AHR-B2-ZZ-DR-A-05-001

WNS-AHR-B2-ZZ-DR-A-05-002

WNS-AHR-B2-02-DR-A-05-001

WNS-AHR-B2-00-DR-A-05-001

WNS-AHR-B2-01-DR-A-05-001

WNS-AHR-S1-00-DR-A-05-002

WNS-AHR-B2-03-DR-A-05-001

WNS-AHR-S1-00-DR-A-05-001

WNS-AHR-S1-00-DR-A-05-000

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.

HIGHWAY INFORMATIVES ;

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

0300 1234047.

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

## Item 5i

### 4/02269/17/MFA DEMOLITION OF 20 GARAGES AND CONSTRUCTION OF NINE TWO-BED AND TWO ONE-BED DWELLINGS IN TWO BUILDINGS WITH LANDSCAPING, BIN STORE AND CYCLE STORE AND 16 PARKING SPACES

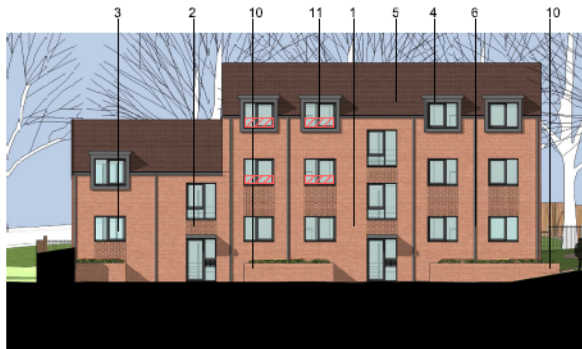
### LAND NORTH EAST OF 25, GOLDCROFT, HEMEL HEMPSTEAD



**Item 5i**

**4/02269/17/MFA DEMOLITION OF 20 GARAGES AND CONSTRUCTION OF NINE TWO-BED AND TWO ONE-BED DWELLINGS IN TWO BUILDINGS WITH LANDSCAPING, BIN STORE AND CYCLE STORE AND 16 PARKING SPACES**

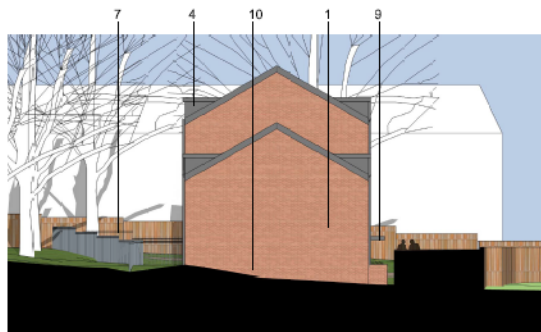
**LAND NORTH EAST OF 25, GOLDCROFT, HEMEL HEMPSTEAD**



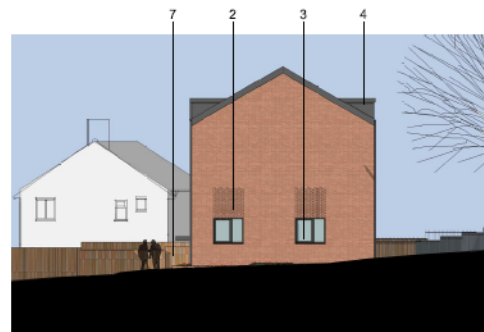
A, Building A North West Facade Scale 1:100 @A1



B, Building A South East Facade Scale 1:100 @A1



C, Building A South West Facade Scale 1:100 @A1



D, Building A North East Facade Scale 1:100 @A1



**Item 5i**

**4/02269/17/MFA DEMOLITION OF 20 GARAGES AND CONSTRUCTION OF NINE TWO-BED AND TWO ONE-BED DWELLINGS IN TWO BUILDINGS WITH LANDSCAPING, BIN STORE AND CYCLE STORE AND 16 PARKING SPACES**

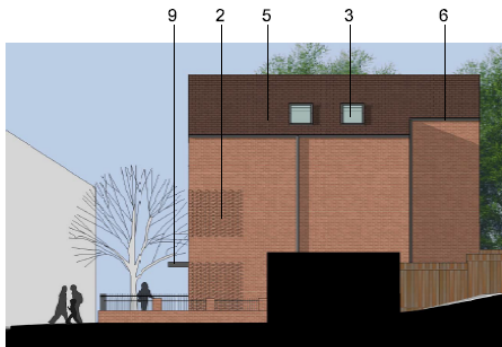
**LAND NORTH EAST OF 25, GOLDCROFT, HEMEL HEMPSTEAD**



E. Building B South East Facade Scale 1:100 @A1



F. Building B North West Facade Scale 1:100 @A1



G. Building B North East Facade Scale 1:100 @A1



H. Building B South West Facade Scale 1:100 @A1

**4/02269/17/MFA - DEMOLITION OF 20 GARAGES AND CONSTRUCTION OF NINE TWO-BED AND TWO ONE-BED DWELLINGS IN TWO BUILDINGS WITH LANDSCAPING, BIN STORE AND CYCLE STORE AND 16 PARKING SPACES.  
LAND NORTH EAST OF 25, GOLDCROFT, HEMEL HEMPSTEAD.  
APPLICANT: Watford Community Housing Trust - Mr P O'Sullivan.**

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[Case Officer - James Gardner]

### **Summary**

This application is recommended for APPROVAL.

The application seeks planning permission for the demolition of 20 lock-up garages and the construction of nine two-bedroom flats and two one-bedroom flats, housed within two blocks. The application follows pre-application discussions with the applicant.

The proposal seeks to optimise the use of urban land whilst respecting the character of the area and ensuring a satisfactory relationship with adjoining properties. The proposal, which is being brought forward by Watford Community Housing Trust (WCHT), provides 100% affordable housing.

The development would not have a significant adverse impact on existing adjacent properties in terms of light, privacy or visual intrusion. The separation distances from the adjoining properties and the orientation of the proposed blocks are such that an acceptable level of daylight and sunlight would be maintained. Furthermore, the development would not appear cramped or be overbearing. As a result, the proposal accords with Policy CS12 of the Dacorum Core Strategy.

The proposed development provides 16 off-road parking spaces and therefore meets the Council's maximum parking standard outlined in Saved Appendix 5 of the Dacorum Local Plan. There would not, therefore, be a significant impact on highway safety. Comments from local residents in response to public consultation have consistently highlighted parking availability as a major concern. Parking, or a lack thereof, is not an uncommon issue within the new town areas of Hemel Hempstead, and whilst it is noted that the proposal does not include parking for existing local residents, additional parking has in recent times been created in the local area through the Council's verge hardening scheme. In addition, the applicant has commissioned Paul Mews and Associates to carry out a detailed transport and parking assessment, based upon the methodologies utilised by the London Borough of Merton, the conclusions of which indicate that parking within the area is not at capacity.

Whilst there may be a high level of on-road parking within the area, this is not a direct result of the current proposal so should be explored separate to the current planning application – such as through the Council's Verge Hardening Scheme. The development provides sufficient parking for the number of units proposed and as such it is considered that a refusal could not be sustained.

The proposal accords with Saved Policies 10, 13, 18, 21, 51, 58, 99, 100, 111, 129 and Appendices 3, 5 and 6 of the Dacorum Local Plan (2004) and Policies CS1, CS2, CS4, CS8, CS9, CS10, CS11, CS12, CS17, CS18, CS19, CS26, CS29 and CS35 of the Core Strategy (2013), and the National Planning Policy Framework (2012).

### **Site Description**

The application comprises an area of approximately 0.12 hectares and comprises a garage court located on the northern side of Goldcroft, Hemel Hempstead.

### **Proposal**

Planning permission is sought for the demolition of the garage court and the construction of nine two-bedroom flats and two one-bedroom flats in two blocks with 16 parking spaces and bin storage.

### **Referral to Committee**

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

### **Planning History**

No planning history.

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)  
Circular 11/95

#### Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
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 & 7

#### Supplementary Planning Guidance / Documents

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

### **Summary of Representations**

#### Trees and Woodlands Officer

I agree with the recommendation of the Arboricultural report that includes tree impact

assessment and method statement. I also agree with the recommended tree work to trees T1, T2, T3, T4 and T5. T2 is a Lawson Cypress hedge that is on a private property but can be cut back to the boundary as recommended by the report. T1 is in poor condition and its removal is acceptable. The other recommended tree work is of minor nature and is acceptable. The tree protection measures are also satisfactory.

I have no further concerns or comments.

### **Lead Local Flood Authority - Herts CC**

10/11/17

Thank you for consulting us on the above application for the demolition of existing garages and construction of nine two-bed and two-one bed dwellings with landscaping, bin store and cycle store and 16 parking spaces.

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

Infiltration tests have been carried out on site and results show that infiltration is not feasible. We acknowledge that there are no watercourses within the vicinity of the site, therefore surface water run-off will be attenuated and then discharge at 3l/s to the Thames surface water sewer which runs along Goldcroft by gravity.

A Thames Water Pre-development enquiry response has been submitted and no objections have been raised in relation to the proposal. We note that the drainage strategy now incorporates permeable paving which provides source control measures and ensures that surface water run-off can be treated in a sustainable manner, reduce the size of the tank and the requirement for maintenance of underground features.

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

#### **Condition 1**

The development permitted by this planning permission shall be carried out in accordance with the approved The Drainage and SuDS Strategy carried out by Price & Myers reference 26156 Rev 2 dated August 2017 and supporting information submitted and the following mitigation measures detailed within the FRA;

- Implement appropriate drainage strategy based on attenuation and discharge into Thames Surface water sewer.
- Limiting the surface water run-off to a maximum of 3l/s generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Implement drainage strategy utilising permeable paving and attenuation tank.

#### **Reason**

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

#### **Condition 2**

No development shall take place until the final design of the drainage scheme is completed and

sent to the LPA for approval. The scheme shall also include;

1. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculation.
2. Final design should incorporate silt traps and appropriate pollution prevention methods to ensure surface water run-off from the proposed car parking and roads can be treated in a sustainable manner and reduce the requirement for maintenance of underground features.
3. Detailed surface water calculations for all rainfall events up to and including the 1 in 100 year + climate change event supported by a clearly labelled drainage layout plan showing pipe networks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

### **Reason**

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

### **Condition 3**

Upon completion of the drainage works an updated management and maintenance plan for all the SuDS features and structure must be submitted and shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

### **Reason**

To prevent the increased risk of flooding.

03/10/17

Thank you for consulting us on the above application for the demolition of existing garages and construction of nine two-bed and two-one bed dwellings with landscaping, bin store and cycle store and 16 parking spaces.

In the absence of an acceptable surface water drainage assessment we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

The drainage and SuDS Strategy carried out by Price & Myers reference 26156 Rev 2 dated August 2017 submitted with this application does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques, the following information is required as part of the flood risk assessment;

4. Confirmation from Thames Water that they are satisfied with the connection to surface water sewer.
5. Drainage plan demonstrating a SuDS management and treatment train and above ground features.

### **Overcoming our objection**

Infiltration tests have been carried out on site and results show that infiltration is not feasible. We acknowledge that there are no watercourses within the vicinity of the site, therefore surface water run-off will be attenuated to 3l/s through the implementation of a 60m<sup>3</sup> storage capacity attenuation tank which will then discharge to the Thames surface water sewer which runs along

Goldcroft by gravity.

However, we require confirmation from Thames Water regarding the use of the connection to ensure that they are satisfied with proposed rates and volumes. We require that this should be provided upfront prior to the approval of planning permission to ensure that the proposed scheme is feasible. An agreement in principle rather than formal permission at this stage would be acceptable. As this is a full planning application points of connection to the public sewer system should be identified.

Attenuation tanks have been proposed to provide underground storage, however this lies at the bottom of the SuDS hierarchy and should be technically justified within the surface water drainage strategy. Above ground measures such as basins, swales etc. could be used on impermeable sites and utilised within green space and areas of landscaping. Prioritising above ground methods and providing source control measures can ensure that surface water run-off can be treated in a sustainable manner and reduce the requirement for maintenance of underground features. Where permeable paving is proposed on site the amount of attenuation volumes to be provided and how these areas will connect into the wider system should be included.

For further advice on what we expect to be contained within the FRA to support an outline planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage>

### **Informative to the LPA**

The applicant can overcome our objection by undertaking a surface water drainage assessment which demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall and gives priority to the use of sustainable drainage methods, the SuDS hierarchy and management train. If this cannot be achieved we will consider whether there is a need to maintain our objection to the application. Production of a surface water drainage assessment will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the surface water drainage assessment. We will provide you with bespoke comments within 21 days of receiving formal consultation. Our objection will be maintained until an adequate surface water drainage assessment has been submitted.

### **Environmental Health**

In this instance I have no reason to object on purely environmental health grounds.

### **Cupid Green**

09/10/17

This application does not mention anything about waste

18/10/17

It would be better if the collection vehicle was able to reverse into the site as the road often has parked cars potentially causing us to block it while emptying the bins. With this in mind, consideration should be given to its size and manoeuvrability.

Although in this case it makes no difference to the provision you have made for food waste we no longer provide 240's as they become too heavy so we now provide 1 x 140ltr wheeled bin for per 6 flats.

## **Hertfordshire Highways**

05/10/17:

Whilst noting that I (the highway authority) still have a few days to respond to this application, I am troubled by the lack of a turning head facility within the site.

Whilst the collection of refuse is covered by a refuse collection bin area, it still means that the refuse vehicle will take some time to cycle through the collection process. This can be said for most house hold kerb side collections but in this case it is not one house but a small development which may cause delays on the highway network whilst the refuse collection/ servicing the site is carried out.

Without a turning head, all but a small car will struggle to enter and leave the site in a forwards gear if all the parking spaces are occupied. This in turn would lead to vehicles reversing back out onto the highway which is not acceptable to the highway authority.

With this in mind, could you please ask the applicant to consider putting in a turning head facility, within the site boundary, that must be kept clear and used for that sole purpose? Even if this means a loss of off street parking I could consider this more favourably. I will refresh my mind what the maximum reversing distance is in both the Dft guidance notes and RiH in the meantime.

02/11/17:

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

01: The development shall not begin until details of the disposal of surface water from the Private access have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details. Reason: To minimise danger, obstruction and inconvenience to highway users.

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

AN1) Where works are required within the public highway to facilitate 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.

AN2) Storage of materials, site parking and deliveries: 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. On-site parking for all contractors, sub-contractors, visitors and delivery shall also be off the highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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

slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

#### Description of the Proposal

Demolition of 20 garages and construction of nine two-bed and two one-bed dwellings in two buildings with landscaping, bin store and cycle store and 16 parking spaces at land north east of 25 Goldcroft, Hemel Hempstead, Herts.

Goldcroft The 2U686 is an unclassified local access road and is maintained by HCC as the highway authority. The speed limit is 30 mph and there is on street parking during the day and in the evening to . The road is part time lit. This information can be obtained from the Gazetteer (<http://www.hertsdirect.org/actweb/gazetteer/>) or Webmaps.

The rolling 5year RTC data held by HCC indicates that there has been one slight injury incident at the junction of Flatfield Road. This was recorded in February 2016 but nothing outside the site access.

#### Analysis

As part of a Design and Access statement, the application should take account of the following policy documents; • National Planning Policy Framework (March 2012); • Hertfordshire County Council (HCC) Local Transport Plan 3-2011-2031 • Roads in Hertfordshire Design Guide 3rd Edition • The LPA's parking policy.

#### Impact on Highway Network

The proposed 11 residential units will only impact on the highway if the development fails to provide sufficient off street parking space. This includes visitor parking too. Two way trips for this type of residential use are unlikely to add to the sites overall two way trip generation. However, there may be a slight increase in peak hour movements when compared to the sites former use as garages and as the up take in garage rental at present would appear to be low this may initially be the case.

Highway Layout There are no plans showing that minimum 2.4m by 43m vision splays that need to be created and maintained at the vehicular access but these can be secured by condition if the LPA are minded to. However the access has verges either side of the road and it is unlikely that the developer will be changing this arrangement. The submitted layout drawing also shows the 16 car parking spaces. Any works that are off site ie on the public highway will need to meet the requirements of Roads in Hertfordshire (RiH) and/or the Design Manual for Roads and Bridges (<http://www.dft.gov.uk/ha/standards/dmrbl/>). On a recent site visit it was noted a van and an SUV vehicle parked either side of the access. Whilst vehicular visibility in both directions is acceptable, it is compromised by owners of vehicles parking on the footway in close proximity to the garage block access road. Bearing in mind that the access will see an intensification in use, if the proposal is allowed, the highway authority would welcome the developer agreeing to install measures ( perhaps bollards) to prevent such undertakings. These works could be secured via a small legal section 278 with the highway authority

The National Planning Policy Framework (NPPF), states that "developments should be located and designed where practical to: • Accommodate the efficient delivery of goods and supplies • Give priority to pedestrian and cycle movements, and have access to high-quality public transport facilities; • Create safe and secure layouts which minimise conflicts between traffic & cyclists or pedestrians, avoiding street clutter and where appropriate • Establishing home zones • Incorporate facilities for charging plug-in and other ultra-low emission vehicles; and • Consider the needs of people with disabilities by all modes of transport."

#### Parking

Although parking is a matter for the Local Planning Authority (LPA), the applicant should always provide details of parking provision and whether or not there will be any impact on the highway. In this case the applicant is providing 16 off street parking spaces Roads in Hertfordshire highway design guide 3rd edition states that the dimension and location requirements for parking bays, driveways and turning areas shall be in accordance with the guidance in DfT Manual for Streets.



## Accessibility

Forward Planning Officers (Passenger Transport Unit) have not supplied any details of bus services and bus infrastructure to identify gaps in the service. Refer to HCC's Bus strategy (<http://www.hertsdirect.org/docs/pdf/b/busstrategy.pdf>).

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

Servicing Arrangements Refuse and recycling receptacle storage will be provided and this is shown on the submitted plan. Further discussions with the applicants Transport Consultant (TC) have resulted in additional information being submitted regarding kerb side refuse collection process. The time to cycle through the collection has been analysed and approximate time to collect empty and return the bins to the store has been estimated at 1.5 minutes. The road is wide enough to allow the stationary refuse vehicle to park but only a standard width car can pass. However, whilst this is far from ideal especially considering that some motorists will be forced to pass on the wrong side of the road over a short section of this type of situation does occur on most residential roads on the refuse collection days. The amended details also show track runs for private motor cars but not a van. The highway authority must insist that at least one of the off street parking spaces is forfeited and converted into a turning head. The applicant's TC notes this requirement at the bottom of his covering letter.

Travel Plans The applicant has not submitted a travel plan as part of this application. The scale of the development falls below the threshold that requires either a Travel Plan or a Statement Planning Obligations/ Community Infrastructure Levy (CIL)

It is not considered that any planning obligations are considered applicable to the proposed development.

## Conclusion

The assessment does not indicate any significant issues with the proposal to construct 11 dwellings with access to off street parking. The highway authority would not wish to restrict the grant of planning permission subject to the above condition and informatives.

## **Scientific Officer**

I refer to the above planning application received on 20 September 2017.

### **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 floorspace, and;
- Where development generates significant additional traffic, provision of a detailed travel plan (with provision to measure its implementation and effect) which sets out measures to encourage sustainable means of transport (public, cycling and walking) via subsidised or free-ticketing, improved links to bus stops, improved infrastructure and layouts to improve accessibility and safety.

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

#### **Contaminated Land:**

The use of the site as 20no. garages represents a potentially contaminative land use (possible storage and leaks and/or spills of fuels and chemicals).

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

- Brickworks / brickfields and associated pits and quarries, which have subsequently been infilled with unknown material.
- Garage
- Infilled pond

Consequently there may be land contamination issues associated with this site. I recommend that the contamination conditions (CONT1 and CONT2) 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)).

#### **NATS Safeguarding**

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

#### **Herts Property Services**

Thank you for your email regarding the above mentioned planning application.

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

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

#### **Strategic Housing**

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

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

### **Neighbour Comments**

#### 9 Flatfield Road

Regarding the proposed site in Goldcroft Garages.

I live at number 9 Flatfield road, thank you for your letter.

Firstly I am appalled at the proposal, I bought my house because I have no one overlooking into my house out the back. Clearly with this apartments they will be able to overlook into my garden and will be able to look through into my living room, I will have no privacy.

Secondly we have no blocks of apartments in this surrounding area, only houses, there is going to be a big issue with noise, rubbish, disturbances..

This is a quiet area, will be a great loss of privacy for us residents, my family and I, alongside a number of residents are not happy having so many apartments being built on this site.

Can you and comittee please take into account my issues. I'm sure when you buy a property with no one overlooking you and spending so much on a house, to be told apartments are going to be built out the back of your garden to intrude on your privacy no one would be happy...

If there is anything else I could do for someone to listen to my worries I would be grateful to hear from you.

#### 7 Flatfield Road

I object to this proposal on many grounds

1. This three story development will significantly block the light and over shadow my garden whereas the current single storey garage block does not
2. Having windows 3 stories high directly facing into my lounge and bedroom will be a massive loss of privacy for me
3. Goldcroft road is already significantly overcrowded with vehicles and I do not believe 16 parking spaces is adequate for 20 double bedrooms which could have as many as 40 vehicles
4. The 'Beer garden' green space is a beautiful quiet area that residents currently enjoy - by building so many apartments so close you will be ruining this tranquil space for existing residents
5. The surrounding area is all two storey houses and I believe a 3 storey apartment is not in keeping with the local landscape and will be detrimental to the look and feel of the area

#### 64 Goldcroft

\*Re: Garages which boarder the back garden of 21 Goldcroft.

The rear of garages numbers 1 to 7 provide a wall to the garden. The ground level of the garages and the garden is different varying from the garages being about 3 foot lower at the Beer Garden end to 1 foot 6 inches at the house end.

The plans appear to indicate that the garages will be removed and the boundary replaced by a 2 meter wooden fence. Because of the difference in ground levels a fence would not support a bank of soil which would doubtless eventually collapse onto the development, thus to the detriment of both the development and the garden.

- Would the garages back wall remain and a fence be placed on top of it?

- Would a new reinforced retaining wall be built and a fence be installed on top of it? Would this be the 2 metre fence referred to in the plan?

- Whatever boundary is built for the garden, would the garden have at least a substantial fence of a minimum height of 6 feet from the garden side?

### 1 Flatfield Road

Thank you for your letter advising us of the planning application you received for the planning reference number detailed above. In this letter you invited us to comment if we wished to. We are registering our objection to the above planning application and request the application is refused permission on the following 'Material planning considerations', as outlined in the headings in your letter dated 20th September 2017.

As mentioned in the planning application the original use of the plot was garages for 20 vehicles, these are one storey buildings with no windows; the proposed development is excessive for the size of the plot and will have a detrimental impact on the following ;

#### 1. Loss of light or overshadowing

The garages are 1 storey and have no windows, they do not cause any loss of light or overshadowing. The scale and proportions of the proposed development will in our opinion have an adverse effect on the quality of light and will cause overshadowing. The proposed development creates a completely different look to the current use of the land.

#### 2. Overlooking /loss of privacy

The proposed development will overlook our property, in particular our back garden, lounge and back bedrooms, thus taking away our privacy which we have enjoyed for the past 30 years.

#### 3. Visual intrusion

The garages currently on the site have no windows and when they were in use had at any one time 5 cars that moved in and out of the site, this did not cause any visual disturbance and at no time did car drivers or the passengers drive up to our fences. The plans proposed will cause visual intrusion.

#### 4. Noise and Disturbance

As mentioned earlier this area and its surrounding green space have provided excellent amenities for residents; the green area is a quiet and peaceful space for young and old to enjoy. The proposed development will take away the character of the area, furthermore the noise from the sheer number of residents will disturb the peace and tranquillity of this space.

#### 5. Adequacy of parking /turning

We do not accept that enough provision has been made for parking, the space ratio in reality is insufficient as is witnessed on a daily basis in Goldcroft Road, despite the recent, very timely new parking bays. The number of cars will increase pollution, currently we are protected by the garages as we do not have car exhaust fumes coming directly into our gardens. We are also very concerned about the volume of cars expected to turn when additional traffic, such as bin lorries, delivery vans etc are coming in and out of the proposed development.

#### 6. Design, appearance and type of materials

The design of the properties are not similar in design, the plot size of the development does not fit in with the neighbouring properties. The style of the neighbouring properties are two storey 2-

5 bedroomed semi - detached and terraced houses, not three storey flats which are the main proposal for this development. As mentioned previously by neighbours we are also concerned about the impact on the tress and wildlife in the beer garden. We do not see any reference in the plans on how these will be protected.

In this era of transparency, we would like you to advise what protocol is in place for councils selling land to other councils and then the original council, in this case Dacorum Borough Council voting on future developments on the land.

We understand that other parties share our concerns, and we fully agree with these concerns.

If the application is to be decided by councillors, please take this as notice that we would like to speak at the meeting of the committee at which the application is expected to be decided. Please let me know the date of the meeting as soon as possible.

### 3 & 5 Flatfield Road

We have read the comments by both 7 and 9 Flatfield Road and fully endorse everything they have raised.

In addition we would like the following comments taken into account during the discussion of this planning application.

- Dacorum Council should not to be responsible for deciding if this Application for Planning Permission is approved or not as they have been directly involved by their decisions to give notice to quit to all garage users and by selling the land to the proposed developers. If this recommendation is not possible for legal reasons the least Dacorum Council should do is ensure the decision is not made by a council officer and is considered by committee. Please advise your response to this comment.
- The area is difficult for parking with a large number of cars parked off the road and in resident's front gardens. The proposal to remove 20 garage parking places and replace them with four less spaces and then add a requirement for additional parking for another 16 vehicles will make the situation far worse. In accordance with the Council's residential parking standards, the proposal for two one-bedroom and nine two-bedroom dwellings would require a maximum of 16 car parking spaces at a ratio of 1.25 and 1.5 spaces respectively per dwelling. History has shown that the number of cars only increases with time so that the problem will only get worse in the future if this development goes ahead. You do not have to look far for an example of how planners can underestimate the need for parking as the recent and ongoing development of the old Nash Mills factory has seen cars parked all along and creating a traffic hazard in Red Lion Lane, we are sure the correct guidelines were thought to be adequate in that development.
- We are concerned about the future of the oak tree just outside the rear of our gardens, this tree is within the new development, numbered T3 on the attached plans. This tree was a mature tree when we (the residents of 3 Flatfield) purchased our house over forty years ago as were some of the other trees in the Beer Garden. This oak tree (T3) would obviously be affected by the proposed development as the plan clearly shows the proposed new three story building occupying space within the canopy of this tree. We cannot find any plans within the proposal for the future of this tree. Please advise where we can view the proposed plan for this tree.
- We do not want any housing development on this land but find it strange that another council is seeking to build homes for social renting in this area. This area is of mixed social and owner occupier housing so we are shocked that this proposal is not for local people with

an element of affordable housing for local residents.

- The whole dynamics and feel of the area will be adversely affected by this proposed development. When we decided to move to the area one of the main factors was the green spaces, quietness and the fact that we were not overlooked. Our thoughts about this are well explained by the comments of 9 Flatfield.
- Better use of this land would be to restore the parking spaces lost by the loss of the use of the garages and/or the provision of play equipment for use by the many local children.

This has been a very pleasant area for us all to live in please do not spoil it by approving this development.

### 27 Goldcroft

I have some concerns and objections regarding the proposals in the planning application above.

Our property is directly next to one of the proposed blocks. There will be loss of light and the property will be overshadowed by the block, limiting light going into our back garden, extension lounge and front lounge. If it is proposed that windows are installed on this wall then we will also suffer from a lack of privacy because our property will be overlooked. Further, as the entrance to one of the proposed blocks is extremely close to our property, there will be further overlooking and visual intrusion to the front of our property.

There have been many issues regarding parking on Goldcroft. Even though we have a driveway, other vehicle users sometimes block our drive and we feel this will worsen if the proposals go ahead. Coincidentally, before the proposals came to light, a small parking area was installed close to the proposal site. However, the parking issues still remain on the road, with commercial vehicles in particular taking up considerable space and some vehicles generally parking inconsiderately on the pavements.

Although the proposals include designated parking spaces, these will not be sufficient for the occupants of the proposed dwellings. Consequently, there will continue to be parking issues on an already congested road.

As already mentioned, the entrance to one of the proposed blocks is extremely close to the front of our property. This will result in noise and disturbance from use of the proposed dwellings, particularly at night time. We are extremely concerned by the close proximity of the proposed block to the boundary of our property. We feel that it will cause issues should we decide to develop or alter our garage in the future. Can Dacorum Borough Council guarantee that we will not face issues should we propose such plans if this planning application goes ahead?

I believe that the current proposals should not be allowed in light of these reasons. Unfortunately, I believe they inevitably will be allowed with disregard for local residents. If this is the case, then the proposals will need to be drastically changed in order to address the aforementioned concerns.

### **Considerations**

#### Policy and Principle

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. Furthermore, there is 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. 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

Within the Core Planning Principles outlined in the National Planning Policy Framework (NPPF) there is a strong emphasis on the planning system's responsibility to deliver more homes. Paragraph 47 of the NPPF stresses this further seeking to boost the supply of housing. In addition, the NPPF encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed. Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.

The 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.

Area Based Policy HCA21: Bennetts End describes the area as an early new town residential neighbourhood built in the 1950s, characterised by consistency in design in buildings and a traditional approach to dwelling layout fronting onto curving roads and following clear building lines.

The general housing principles for the area and relevant to this application are as follows:

#### **Housing**

Design:	No special requirements.
Type:	Terraces are encouraged.
Height:	Should not exceed two storeys. Three storey development may be permitted where adjacent buildings of a similar height, dependent 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. Normally be permitted.
Layout:	Dwellings should front onto the road, and follow or set out clear building lines. Layout of new dwellings linked strongly to existing or new areas of amenity land.
Density:	Should be provided within the medium density range (30 - 35 dwellings/ ha (net)). This may be increased to a high density (35-50 dwellings/ha (net)), or a very high density exceeding 50 dwellings/ha (net) on sites adjacent to the Bennettsgate local centre in cases where the character and appearance of the area are not affected.

The design principles outlined above have, for the most part, been complied with:

Design:	No special requirements.
Type:	Flats are not specifically discouraged.
Height:	Although predominantly of three storeys, attempt has been made to limit the height of the blocks to provide space for habitable accommodation. Furthermore, the application site is approximately 150 m from the road.

- End Road and the Bennettsgate local centre where building heights rise to three storeys.
- Size:** The proposal comprises a mixture of one and two-bedroom units. While block A is far from m that it steps down from three to two storeys helps to reduce its overall bulk. Block B is of limit
- Layout:** The immediate area does not have strong building lines. Block B would, however, follow the established by nos. 31 – 41 Goldcroft. Block A would provide greater enclosure (and natura green space to the north of the application site - known locally as the Beer Garden - resulti “positive space”, thus enhancing this important local community asset.

The simple design of the blocks is considered acceptable and would satisfactorily integrate with the existing street scape character. Gable roofs are a common feature of the area and the proposed blocks replicate this form, albeit with modest dormers set below the eaves. The other proposed materials include red bricks – a feature common to the local area – and brown concrete roof tiles. Large expanses of brick work would be broken up by small areas of projecting bricks in order to provide some visual interest. The mass and bulk of the largest block (Block A) is unlikely to be especially noticeable when travelling along Goldcroft, as it would be set back from the highway by a considerable distance. The smaller block (Block B) would front the road in a traditional manner and continue an existing build line. While the blocks are generally of three storey construction, the site is located approximately 150 metres from other three storey buildings. Block A would be set back from the highway by 35.5 metres so would not be especially prominent in the street scene. Block B would be built alongside number 27 Goldcroft, it has been sympathetically designed and would only be approximately 1.55 metres higher.

The proposal thus accords 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.

Numerous objections have been received from local residents in response to the public consultation carried out by this department. It is, however, also worth noting that Watford Community Housing Trust also carried out their own public consultation prior to submission of the planning application, enabling them to understand the issues which most concern local residents.

The objections received are provided in their entirety above, but have been summarised for ease of reference. They are as follows:

- Loss of privacy.
- Loss of light / overshadowing.
- The ‘Beer Garden’ amenity area will be ruined by building so many apartments in close proximity.



- Noise and disturbance.
- Adequacy of parking / turning.

Each point shall now be addressed in turn.

### Loss of privacy

The application is surrounded by development and therefore, without careful consideration, the potential exists for significant levels of overlooking. Through pre-application discussions with the applicant the local planning authority has sought to ensure that the design of the development is designed in such a way that such overlooking and loss of privacy is kept to a minimum.

Numbers 1 – 9 Flatfield Road are located to the north of Block A (the larger of the two blocks). The flank wall (north-eastern elevation) of Block A faces toward the gardens and rear walls of the properties on Flatfield Road and contains two windows at ground floor level - serving a kitchen and living room. Views from these windows are likely to be obscured by the existing boundary fence, and there is a substantial separation distance between the windows and the original rear walls of the properties on Flatfield Road (in excess of 23 metres).

The rear gardens of 23 – 25 are located to the south of Block A. In order to address concerns previously raised by the local planning authority in connection with potential overlooking of these gardens, a combination of mitigation methods is proposed:

- 1) The use of frosted / translucent glass up to 1.7 metres.
- 2) The planting of pleached photinia laurocerasus (grown to 2.5 metres).

The four closest windows on the north-western elevation, located at first and second floor level, are shown on the submitted plans as being fitted with frosted glass. The windows serving the ground floor units and the stairwells are not shown as being fitted with frosted glass. However, given the limited amount of time residents are likely to spend in the stairwells, it is not considered reasonable to request that these windows are fitted with frosted glass. It should also be noted that a level of natural surveillance of these communal areas is likely to have a positive impact in terms of reducing crime and residents' fear of crime.

These methods effectively limit overlooking of the gardens in question. If planning permission is forthcoming it would be reasonable to include a planning condition requiring the retention of the frosted / translucent glass in perpetuity. Additionally, number 23 Goldcroft does not have any windows in the flank wall above ground floor level, so there would be no loss of privacy to the internal area of the property.

Block B fronts Goldcroft and is roughly in line with number 27 Goldcroft. The north-eastern elevation of Block B does not contain any windows other than two roof lights which provide natural light to the stairwell.

The south-western elevation contains a number of windows that face number 25 Goldcroft, which is located approximately 27 metres away. The separation distance thus accords with saved Appendix 3 of the Dacorum Local Plan (2004) which states that minimum distances of 23 metres between the main rear wall of a dwelling and the main wall (front or rear) of another

should be met to ensure privacy.

The windows on the north-western elevation would partially overlook the rear gardens of numbers 1 – 3 Flatfield Road, but importantly would not overlook the more sensitive areas closest to the properties themselves.

#### Loss of light / overshadowing

Syntegra Consulting Ltd have prepared a daylight / sunlight report to support the proposed development. The report assessed the daylight and overshadowing effect of the proposed development on the surrounding buildings, and the assessment has been undertaken in accordance with “**BRE 209 Digest: Site Layout Planning for Daylight and Sunlight – A guide to Good Practice**”.

The impact on daylight is assessed with reference to Vertical Sky Component (VSC) and No Sky Line (NSL).

The impact on sunlight is assessed with reference to the Annual Probable Sunlight Hours (APSH) tests.

The impact of overshadowing is assessed with reference to the BRE guide “Site layout planning for daylight and sunlight”.

The report assessed the potential impact of the proposed development in relation to daylight, sunlight and overshadowing on numbers 19/21/23/25/27/42/44/46/48/50 Goldcroft and numbers 1/3/5/7/9 Flatfield Road.

The report states that in terms of daylight:

- Levels of daylight for the surrounding buildings located at 19/21/23/25/42/44/46/48/50 Goldcroft and 1/3/5/7/9 Flatfield Road will not adversely be affected by the proposed development.
- Levels of daylight for two surfaces at 27 Goldcroft would be affected by the proposed development; however, the impact would be minor as the impacted room passes the No-Sky line criteria.

The report states that in terms of sunlight:

- Levels of sunlight for the surrounding buildings 19/21/23/25/42/44/46/48/50 Goldcroft and 1/3/5/7/9 Flatfield Road will not adversely be affected by the proposed development.
- Levels of sunlight for one window at 27 Goldcroft would be impacted by the proposed development; however, the impacted window (S20) would remain greater than 20% in the proposed APSH value (24%) and close enough to the BRE criteria.

The report states that in terms of overshadowing:

- The existing amenity area / garden / open spaces located at 21/23 Goldcroft and 1/3/5/7/9/11/13 Flatfield Road would not be adversely affected by the proposed development.
- At least half of the amenity area belonging to 27 Goldcroft would never receive direct

sunlight on 21<sup>st</sup> March.

From the results of the assessment it can be concluded that, with the exception of 27 Goldcroft, the development would not result in any adverse impacts on adjoining properties in terms of loss of daylight, sunlight and overshadowing.

Consideration must now be given to the impact on 27 Goldcroft. As has been outlined above the impacts on daylight and sunlight are negligible, while the impacts of overshadowing on the amenity area severe. The report also mentions that a further simulation of the impacts of overshadowing was carried out on 21<sup>st</sup> June when the garden is more likely to be used by residents. The conclusion was that at least half of the amenity area would receive direct sunlight from 09:00 to 17:00 (9 hours).

Additionally, the ratio between existing and proposed values on 21<sup>st</sup> June would be such that the changes would not be greatly noticeable to the occupants (see table below).

<b>Time (June)</b>	<b>07:00</b>	<b>08:00</b>	<b>09:00</b>	<b>10:00</b>	<b>11:00</b>	<b>12:00</b>	<b>13:00</b>	<b>14:00</b>	<b>15:00</b>	<b>16:00</b>
<b>Existing (%)</b>	27.90	49.10	<b>66.60</b>	<b>76.80</b>	<b>82.10</b>	<b>84.70</b>	<b>87.20</b>	<b>84.20</b>	<b>77.20</b>	68.80
<b>Proposed (%)</b>	27.90	49.10	<b>66.60</b>	<b>74.30</b>	<b>75.40</b>	<b>74.50</b>	<b>76.20</b>	<b>75.00</b>	<b>70.20</b>	66.90

(Source: Syntegra Consulting – Daylight, Sunlight & Overshadowing Report)

It is acknowledged that the impact of overshadowing during the winter months is far from ideal. However, as demonstrated above, the impact during the summer months would be less severe. The community benefits arising from this scheme - i.e. the provision of 11 new units of affordable accommodation, are considerable. On this basis, therefore, it is considered that, on balance, the impact is not so severe as to warrant a refusal of planning permission.

### Noise and Disturbance

Whilst the development would undoubtedly result in an increase in population, it does not automatically follow that there will be a corresponding rise in noise and disturbance. The buildings will be constructed to modern building regulations standards, limiting noise transmission between and from within the individual units. The car parking area provides off-road parking for up to 16 cars, whereas the garage block could theoretically accommodate up to 20 cars. Therefore, were the garage block used to its full capacity it would clearly have a greater impact in terms of vehicle movements.

### Adverse impact on amenity space

Concern has been raised in connection with the impact of the development on the nearby amenity area known as the 'beer garden'. Firstly, it should be noted that it is the garage block which is being developed and that the amenity space will remain intact and will continue to be available to existing local residents. The windows on the south-eastern elevation of Block A would provide much needed natural surveillance of this area and provide a greater sense of

enclosure. By blocking all views of the road and removing the car movements from its perimeter, the tranquillity of the area is likely to be enhanced.

#### Adequacy of parking / turning

This will be dealt with under the section entitled "Highway Safety and Parking Provision".

To conclude, the proposed development would not significantly or 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 seeks to provide nine two-bedroom units and two one bedroom units which would give rise to a maximum parking requirement of 16 spaces (1.25 spaces per one bedroom unit and 1.5 spaces per two bedroom unit). The proposal would provide 16 spaces and thus accords with Saved Appendix 5 of the Dacorum Local Plan (2004).

Given that 20 garages are to be demolished, the development principles for the area state that alternative provision should be provided. The provision of 16 parking spaces for the new development does not constitute alternative provision. Verge hardening has occurred within the area which has helped to alleviate parking issues. Furthermore, the parking / transport assessment carried out by Paul Mew Associates has concluded that on-street parking demand within the survey area is within maximum capacity during peak residents' demand for parking (overnight). For the avoidance of doubt, the survey area includes all kerb space largely within a 200 metre distance of the application site.

The site is reasonably sustainable, with easy access to local services such as shops, schools and services. Any adverse impact would not be significant enough to warrant a refusal. The development provides sufficient parking for the number of units proposed and as such it is considered that a refusal could not be sustained on these grounds alone.

Hertfordshire Highways have been consulted and do not wish to raise any formal objections to the proposed scheme subject to the inclusion of a number of conditions and informatives. Concern was, however, raised by the Highways Officer over a lack of a turning head within the site which would preclude a refuse vehicle from entering the site and, furthermore, could potentially result in vehicles reversing out the site. In response, Paul Mew Associates have produced a technical note to explore this issue in more detail. Swept path analysis illustrates that a typical family car could manoeuvre past a static refuse vehicle while it is cycling through the collection process. The same assessment has taken place with reference to manoeuvrability within the car parking area itself; indeed, it has been confirmed by swept path analysis that there is sufficient space for vehicles to manoeuvre into and out of the parking spaces without the use of any other space.

In light of the above the provision of a turning head is not considered to be necessary.

Due to Highways raising no objection and satisfactory off street parking provision being 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.

The Trees and Woodlands Officer has been consulted and has not raised any objections to the tree report and the manner of protection proposed. Conditions pertaining to tree protection will be imposed.

#### Other Material Planning Considerations

- *SUDS*

The Lead Local Flood Authority (Hertfordshire County Council) have been consulted and are satisfied with the SUDS strategy. Further conditions, as suggested by the Lead Local Flood Authority, will be imposed to ensure that the development does not cause issues with localised flooding.

- *Bats*

A survey was carried out on 1st November in order to carry out a preliminary roost assessment on the garage block and oak tree. The results are summarised below:

Garage Block 1 (garages 1- 7) - no evidence of bats or bat usage was found.

Garage Block 2 (garages 8-12) - no evidence of bats or bat usage was found.

Garage Block 3 (garages 13-20) - no evidence of bats or bat usage was found.

Oak tree - the tree was found to hold no roosting potential.

- *Refuse and Recycling*

Saved Policy 129 of the Local Plan (2004) seeks to ensure that developments have adequate storage for refuse and recycling. Adequate bin storage facilities are provided close to the entrance to the site. Cupid Green have not raised any objections.

- *Planning Obligations / CIL and Legal Agreement*

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 3 as defined by the Community Infrastructure Levy Charging Schedule. As such, residential development within this area is chargeable at a rate of

£100 per square metre. Exemptions in respect of payment may be available to the applicant as proposal is for 100% affordable housing.

The proposal seeks consent for eleven flats, all of which would be social rent. The affordable housing requirement will be secured by way of a legal agreement.

**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:**

**ALP004**

**APL006**

**APL007**

**APL008**

**ALP009**

**ALP010**

**ALP011**

**ALP012**

**ALP013**

**APL014**

**APL015**

**ALP017**

**ALP018**

**Development Site Impact Assessment & Method Statement (Bartlett Consulting) Date: Thursday 12<sup>th</sup> October 2017**

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

- 3 The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development.

- 4 The development permitted by this planning permission shall be carried out in accordance with the approved The Drainage and SuDS Strategy carried out by Price & Myers reference 26156 Rev 2 dated August 2017 and supporting information submitted and the following mitigation measures detailed within the FRA:**

- **Implement appropriate drainage strategy based on attenuation and discharge into Thames Surface water sewer.**
- **Limiting the surface water run-off to a maximum of 3l/s generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.**
- **Implement drainage strategy utilising permeable paving and attenuation tank.**

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

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

- **Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculation.**
- **Final design should incorporate silt traps and appropriate pollution prevention methods to ensure surface water run-off from the proposed car parking and roads can be treated in a sustainable manner and reduce the requirement for maintenance of underground features.**
- **Detailed surface water calculations for all rainfall events up to and including the 1 in 100 year + climate change event supported by a clearly labelled drainage layout plan showing pipe networks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.**

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

**6 Upon completion of the drainage works an updated management and maintenance plan for all the SuDS features and structure must be submitted and shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.**

Reason: To prevent the increased risk of flooding.

**7 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.

- 8 All remediation or protection measures identified in the Remediation Statement referred to in Condition 7 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.

- 9 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of [1 year] from the date of the occupation of the building for its permitted use.**

**(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 1989 Recommendations for Tree Work.**

**(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.**

**(c) The erection of fencing and other ground protection measures for the protection of any retained tree shall be undertaken in accordance with the**



**approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.**

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

- 10 **No materials, plant, soil or spoil shall be stored underneath the canopy of any tree on the site which is shown for retention on the approved Drawing No. APL004**

Reason: In order to ensure that damage does not occur to the trees during building operations.

#### 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.

#### **INFORMATIVES**

AN1) 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.

AN2) Storage of materials, site parking and deliveries: 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. On-site parking for all contractors, sub-contractors, visitors and delivery shall also be off the highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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

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)

Item 5j

4/02647/17/FUL CONSTRUCTION OF FOUR 2-BED AND TWO 1-BED FLATS  
(AMENDED SCHEME)

GARAGES, ADJ STORNOWAY, NORTHEND, HEMEL HEMPSTEAD, HP3



**Item 5j**

**4/02647/17/FUL CONSTRUCTION OF FOUR 2-BED AND TWO 1-BED FLATS  
(AMENDED SCHEME)**

**GARAGES, ADJ STORNOWAY, NORTHEEND, HEMEL HEMPSTEAD, HP3**



Front elevation



Rear elevation

**4/02647/17/FUL - CONSTRUCTION OF FOUR 2-BED AND TWO 1-BED FLATS (AMENDED SCHEME).**

**GARAGES, ADJ STORNOWAY, NORTHEND, HEMEL HEMPSTEAD, HP3.**

**APPLICANT: Dacorum Borough Council - Mr S Bramley.**

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[Case Officer - Robert Freeman]

### **Summary**

The application is recommended for approval.

The redevelopment of the site for residential purposes would provide a more productive and appropriate use of the site given the decline in use of the garages and the need for new homes within the Borough.

The proposed scheme is acceptable in terms of its design, layout and impact on neighbouring properties. The proposal has been amended to ensure that there is no detrimental impact upon significant trees upon the site and it is not considered to be significantly harmful to the wider amenity value of open space upon the site.

Alternative parking provision is to be offered to those users displaced by the development of the garage court and the proposed development is unlikely to give rise to conditions prejudicial to highways safety.

The proposal adheres with Saved Policies 10, 13, 18, 21, 51, 58, 99, 11 and 116 and Appendices 3 and 5 of the Dacorum Local Plan (2004) and Policies CS1, CS2, CS4, CS8, CS9, CS11, CS12, CS17, CS19, CS26, CS29 and CS35 of the Core Strategy (2013), and the National Planning Policy Framework (2012).

### **Site Description**

The site is located on the southern side of Northend and to the south east of Stornoway. It is located opposite the existing local shop and a bus stop serving the Northend estate.

A total of 20 garages are provided on the site in two rows of 10. A small circulation area is located between the rows with the access and egress directly onto Northend. The site is part of a wider flat area comprising an amenity green backed onto by surrounding residential units. The amenity green is a triangle of grassland with tarmac footpaths to its perimeter. An Oak tree occupies the eastern corner of the site and is significant in the context of the Northend street scene. There is an existing Thames Water sewer running parallel to the western boundary of the site and under the western row of garages.

### **Proposal**

The proposal involves the demolition of an existing block of 20 garages and construction of a single block comprising 6 flats (4 x 1 bed and 2 x 2 bed) and associated parking. The accommodation would be over three floors and would utilise space within the roof structure. The site would be accessed off Northend using the existing garage access. There would be 8 parking spaces provided on the site. Amended plans have been provided to relocate a bin and cycle store to the side of the proposed dwelling. At the time of writing these were subject to consultation.

### **Referral to Committee**

The application is referred to the Development Management Committee as it involves the construction of residential development upon Council land.

## **Planning History**

This application is the third attempt to secure a planning permission for residential development on the site following the withdrawn schemes 4/01538/13/OUT (Demolition of garages and construction of three dwellings) and 4/00509/17/FUL (Demolition of garages and construction of 6 x 2 bedroom dwellings) It has been subject to pre-application consultation and exhibition.

## **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  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS17 - New Housing  
CS19 - Affordable Housing  
CS23 - Social Infrastructure  
CS26 - Green Infrastructure  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS31 - Water Management and  
CS35 - Infrastructure and Developer Contributions

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 12, 13, 18, 21, 22, 51, 58, 63, 99, 111 and 116.  
Appendices 1, 3 and 5.

### Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of car Parking Standards (July 2002)  
Affordable Housing (Jan 2013)  
Energy Efficiency & Conservation (June 2006)  
Environmental Guidelines (May 2004)  
Water Conservation & Sustainable Drainage (June 2005)

## **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 subject to the following conditions:

Hertfordshire County Council as Highway Authority considers that the proposal would not have an increased impact on the safety and operation of the adjoining highways and does not object to the development, subject to a number of conditions and informative covering the size of parking spaces

### *Conditions*

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

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

2. 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.

3. 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.

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

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

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

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

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

### *Informatives*

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

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

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud

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

#### *Comments*

This application is for the construction of 4 x 2 bed and 2 x 1 bed flats on this previous garage site.

#### *Parking and Access*

Eight new parking spaces will be provided for the dwellings. The existing vxo onto Northend will be altered and will include a rumble strip. Northend is an unclassified local access road, subject to a 30mph speed limit. Vehicles are not required to enter and leave the highway in forward gear. Provision is also made onsite for cycle storage.

Provision is made on site for storage of refuse.

#### *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

#### Hertfordshire County Council - 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 CIL Zone 3 and does not fall within any of the CIL Regulation 123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your Regulation 123 List through the appropriate channels.

#### NATS Safeguarding

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

#### Trees and Woodlands

The arboricultural survey has correctly identified 2 category A trees on this site, T2 Oak and T6 Sycamore. These are the only trees worthy of retention and protection. T6 appears to be outside of the building areas and its Root Protection Area (RPA) is expected to be undisturbed but I recommend that its RPA is protected by protective fencing in accordance with the recommendations of British Standard 5837:2012, Trees in relation to design, demolition and construction Recommendations. T2 Oak has a RPA with a radius of 4.4 m from the base of the tree. The drawing number WNS-AHR-S0-00-DR-A-05-002, entitled proposed site plan shows bins and bikes stores positioned well inside the RPA. This will cause significant damage to the RPA of this important tree and I recommend that the structure is placed outside the 4.4 m radius of the RPA and the RPA protected in accordance with the above British Standard.

I also recommend that the applicant submits an arboricultural method statement detailing tree protection as identified in the arboricultural report.

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

2 Northend - Objects on the grounds of highways safety. There are concerns that this proposal will lead to more congestion on the estate and additional on street parking on this blind bend.



1 Stornoway - Objects. The building is more empathetic to existing properties however I remain concerned regards the impact of the proposals on highways safety and parking. The proposals would also result in a loss of privacy to existing residents

## **Considerations**

### Policy and Principle

One of the core planning principles outlined in the National Planning Policy Framework (NPPF) (2013) emphasises the planning system's responsibility to deliver more homes and boost the supply of housing within the Country. These homes are directed under the NPPF towards towns and other specified settlements and the reuse of land that has been previously developed is strongly encouraged. 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. The site comprises previously developed land; the redevelopment of which would be prioritised under NP1, CS1 and CS2 and should be optimised under saved policy 10 of the Local Plan. 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 and as such the principle of residential use of the site is well established.

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

Policies CS10, CS11 and CS12 of the Core Strategy highlight the importance of high quality sustainable design in improving the character and quality of an area and seeks 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 proposed development is considered acceptable in terms of its design, siting, layout, bulk, scale and materials.

The proposed development is sympathetic in scale to neighbouring properties in Northend, Stornoway and Stronsay Close with additional accommodation incorporated within the roof space and brick detailing providing relief from the bulk and mass of flank elevations. The layout provides for six medium sized units served from a central stairwell. These units have a high level of internal space illuminated by large glazed openings and incorporating access to external amenity space where feasible. Juliette and full balconies provide useful amenity areas for future residents whilst a communal area would also be provided to the rear of the building. There is varied palette of materials used within the locality and as such there would be no significant object to the use of a red brick and contrasting details panel, notwithstanding the dominance of rendered elevations at Stornoway and Stronsay Close.

The proposals have been amended to move the bin and cycle store outside the root protection areas of significant trees on the site and to fully address the concerns of the Trees and Woodlands section.

### 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 proposals have been carefully sited to ensure that there is no significant impact upon the residential amenities of neighbouring properties. The flank elevation of the proposed dwellings would be located over 15m from the rear elevations of properties in Storonsay Close and this relationship should ensure that there is no significant loss in either daylight or sunlight to these dwellings. Likewise the juxtaposition of the proposed development to properties in Northend and Stornoway is such that the proposals would also appear to have no significant impact on light to these homes. No windows would be provided above ground level in either flank elevation to the proposal, whilst the introduction of balconies at roof level is limited to those fronting Northend. These balconies would offer limited and oblique views to neighbouring units and at a distance which is likely to prove insufficient to justify a refusal of this proposal. As such it is considered that there would be no significant overlooking or loss of privacy to surrounding dwellings.

The proposed development would not have a significantly detrimental impact on 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

The proposed development is part of a wider Council initiative looking at its assets, their use and whether there is scope for redevelopment or more productive use. In the case of garage courts within Council ownership, there has been a marked decline in their overall use for parking since the estates in which they are situated were originally constructed. This has led to number of empty units, vandalism and a decline in their general condition in many areas. The scope for optimising the use of these sites for residential purposes in support of the housing strategy is considerable, but must be carefully considered in terms of highways safety and parking provision.

The garages, subject to this application, are 55% occupied (11/20) with the bulk of tenants located within the wider Northend neighbourhood area. Of these tenants, only 3 could be considered as being located in the immediate vicinity of the application site (Stornoway) whilst 2 occupants have home addresses in Queensway, Hemel Hempstead and Luton some distance from the site. The termination of tenancy agreements in order to develop the site may result in the displacement of vehicles onto the highway, however the scale of displacement is difficult to quantify as the use of the garages is not constrained to the parking of vehicles.

The Council's strategy to the redevelopment of garages is to offer alternative facilities where they are available for use within a neighbourhood, irrespective of current use. It is acknowledged that all offers of alternative provision will not necessarily be taken. There are however 6 lettable units within the nearby garage block at Manan Close, 7 units in Westray and 7 in Arran Close should an alternative garage be required by a current tenant. Many of these sites would, in my opinion, be more convenient for residents having a closer or equal geographic connection to their home address. For these reasons, it is considered that there should be a negligible impact on highways safety from any displaced vehicles from the site.

The proposed residential scheme would provide some 8 parking spaces for the 6 flats being provided and this is considered to be satisfactory given the nature of the units provided and close proximity to public transport and services. There are no objections to the proposals on highways safety grounds from the County Council as highway authority and accordingly the proposals should be considered in broad accordance with Policies CS8 and CS12 of the Core Strategy and saved Policy 58 and Appendix 5 of the Local Plan.

A number of conditions have been recommended by the highway authority. A number of these matters are not appropriate for conditions and as such these suggestions have been

consolidated to ensure compliance with paragraph 206 of the NPPF.

### Impact on Trees and Landscaping

The application has been amended in order to remove the bin store and cycle store from the root protection area of the two significant trees upon the site and as such it is considered that the comments of the Trees and Woodlands team have been adequately addressed. It is still recommended that protective fencing is installed to protect this tree during the construction of the proposed dwellings and that the construction of hard standing be conditioned to avoid damage to its roots. Subject to the imposition of conditions the proposals would therefore accord with saved policy 99 from the Local Plan and CS12 of the Core Strategy.

### Developer Contributions:

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 supporting infrastructure within the vicinity of the application site. The site is below the affordable housing thresholds as identified in Policy CS19 of the Core Strategy (2013) and as such there is no obligation to provide the units as affordable homes in perpetuity.

The Council has an adopted Community Infrastructure Levy (CIL) under which developer contributions are collected. The site is located in Zone 3 wherein a charge of £100 per square metre of residential development would be levied. As the scheme would be brought forward by the Strategic Housing team as affordable housing it would be capable of securing an exemption to CIL.

### Other Material Planning Considerations

The former garage use of the site could give rise to issues of land contamination which may need to be addressed. The Council's scientific officer has been consulted on the proposals and has recommended the inclusion of conditions to deal with this matter.

**RECOMMENDATION** – That planning permission be **DELEGATED** to the Group Manager Development Management and Planning with a view to approval subject to the expiry of the consultation period.

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

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

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

Reason: To ensure a satisfactory appearance to the development.

- 3 No development shall take place until an Arboricultural methodology statement**

has been submitted to and approved in writing by the local planning authority. The Arboricultural methodology statement shall set out what steps are to be taken to protect the trees on the site for the duration of construction. The development shall be carried out fully in accordance with the approved details.

Reason: To safeguard those landscape features of significant upon the application site in accordance with Policy CS12 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

- 4 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation, loading and unloading shown on Drawing No. WNS-AHR-S0-00-DR-A-05-0002 Revision A 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.

- 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.

- 6 **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.

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)

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

**WNS-AHR-B1-00-DR-A-05-001 Revision A  
WNS-AHR-B1-01-DR-A-05-001  
WNS-AHR-B1-02-DR-A-05-001  
WNS-AHR-B1-03-DR-A-05-001  
WNS-AHR-B1-ZZ-DR-A-05-001  
WNS-AHR-B1-ZZ-DR-A-05-002  
WNS-AHR-S0-00-DR-A-05-002 Revision A**

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 proactively 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 5k

4/02224/17/FUL CONVERSION OF BOXMOOR HALL INTO 7 RESIDENTIAL UNITS.

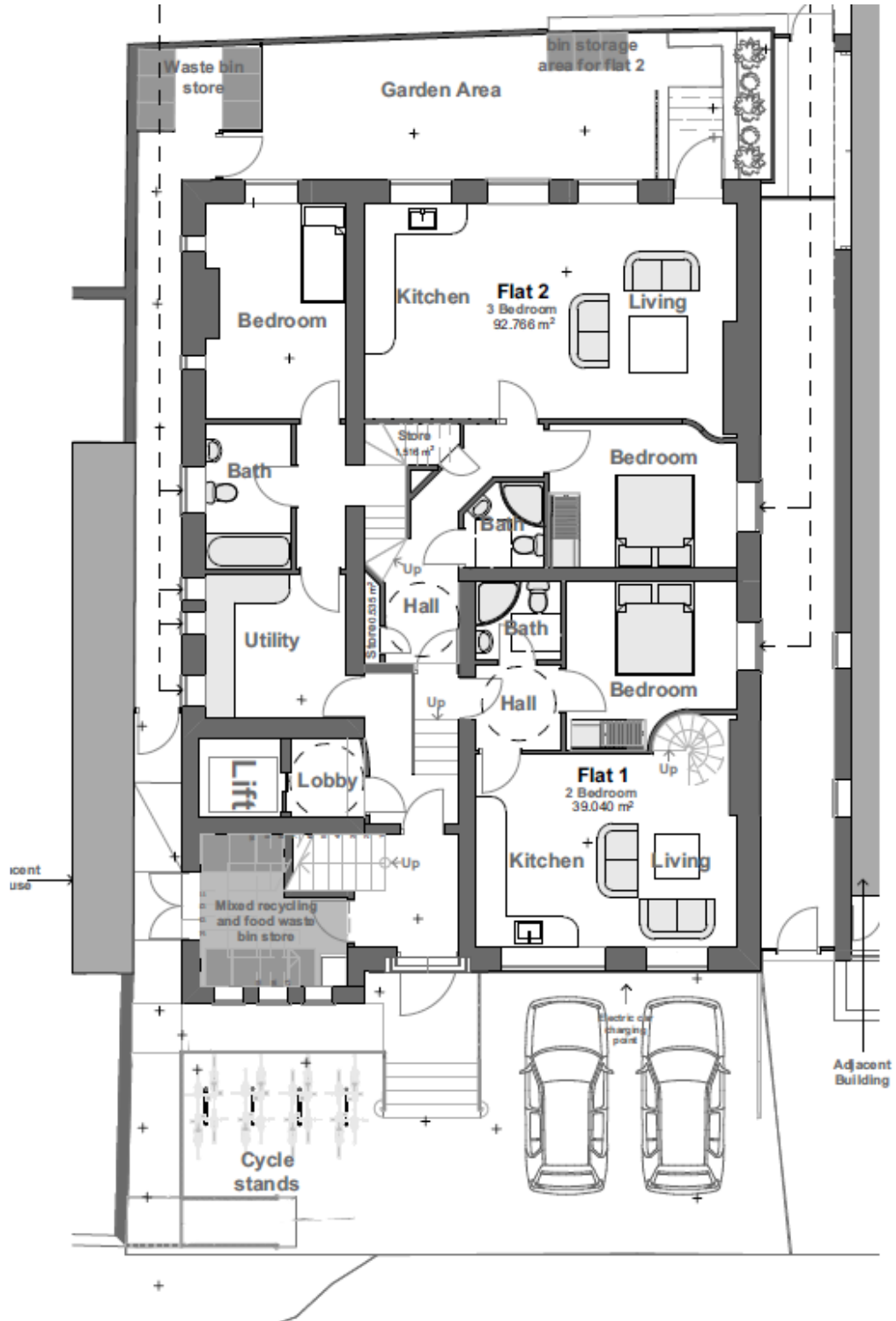
BOXMOOR HALL, ST JOHNS ROAD, HEMEL HEMPSTEAD, HP1 1JR



Item 5k

4/02224/17/FUL CONVERSION OF BOXMOOR HALL INTO 7 RESIDENTIAL UNITS.

BOXMOOR HALL, ST JOHNS ROAD, HEMEL HEMPSTEAD, HP1 1JR





**4/02224/17/FUL - CONVERSION OF BOXMOOR HALL INTO 7 RESIDENTIAL UNITS.  
BOXMOOR HALL, ST JOHNS ROAD, HEMEL HEMPSTEAD, HP1 1JR.  
APPLICANT: Mr & Mrs Lardner.**

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[Case Officer - Nigel Gibbs]

### **Summary**

The proposed conversion of this building with Class D1/ D2 use is, according to the Applicant/ Agent, due to the cumulative effect of a range of factors, notwithstanding the fact that the building was purchased from the Council to continue in such lawful uses. These factors have been examined by the Strategic Planning Unit which is very conscious of the importance of retaining the Borough's community/ social infrastructure though Dacorum Core Strategy Policy CS23, being such an important sustainable development policy. However, with due weight given to the Applicant's / Agent's submitted information regarding viability and other community buildings locally, together with issues concerning noise and site licensing issues it is considered that there is a case to support the loss of this community use building.

Despite the original intention to use the building for its lawful use as a public hall it has proved extremely problematic and has become increasingly difficult, hence the application for residential use.

The proposed loss of this historically important community use building has been very carefully considered, There are available alternative community buildings for such purposes. It has therefore been concluded that there is a case for the loss of the hall.

Set against this, the principle of a residential use is regarded as an acceptable alternative in a very sustainable location where there can be a flexible approach to the level of parking. A range of conditions are necessary. Fundamentally these include the requirement for the developer to extinguish existing highway rights at the site frontage under Highways legislation through a Stopping Up Order before the development can be carried out. There are also outstanding bat protection issues. The development, however is considered acceptable in accordance with Core Strategy Policies CS4, CS12 and CS23.

### **Site Description**

Boxmoor Hall occupies a prominent position just to the west of the St Johns Road – Park Road junction which is linked to Station Road, close to St Johns Church. This very distinctive late 19<sup>th</sup> Century Dutch gable roof 2 storey building forming the main hall features a subordinate lower three storey component and a single storey rear extension. The building is set back from the road by a deep forecourt which incorporates a stepped entrance, disabled ramp, parking and planted area . There is a small controlled parking zone/area opposite. The Hall is located between the new dwelling house (no.4 ) to the immediate west, and Heath Park House, a block of flats to the immediate east.

Hertfordshire County Council Highways has identified that the site frontage of Boxmoor Hall and the equivalent at Heath Park flats to be highway.

The Hall was closed in 2004. According to the Agent this was due to the withdrawal of public funding. The Applicant purchased Boxmoor Hall from this Council in 2007. This followed the LPA's issue of a Lawful Development Certificate for Class D1 (Non Residential Institution: for a Creche/Day Nursery, the provision of education and a Public Hall) and D2 (Assembly and Leisure for a Concert Hall uses.

The supporting Planning Statement confirms that as a privately-run facility, it is reliant on bookings from private/corporate entities to remain open, as it does not receive any public funding. The venue has been independently funded since being purchased in 2007, and

business at Boxmoor Hall has been negatively affected by the economic crash of 2008, and the subsequent lengthy recovery

## **Proposal**

This is for the conversion of the Hall into 7 residential units. These will provide 2 studio apartments, 1 one bedroom apartment, 3 two bedroom apartments and 1 three bedroom apartment. This will be facilitated by the installation of 2 mezzanine floors, a range of new windows (including 12 roof lights) and an extension to form a lift. The single storey rear extension will be demolished to provide a fenced garden and refuse facilities.

The front entrance will incorporate a redesigned disabled ramp, stepped entrance, 2 parking spaces, 4 cycle stands, an electric car charging point and railings/fencing. A revised plan has been received showing refuse facilities.

The application is supported by a range of documents which are available on the Council's web site for the application. These include:

- Planning Statement.
- Heritage Statement.
- Design and Access Statement.
- Dacorum Core Strategy CS29 Sustainable Construction Statement.
- Bat Survey Report.
- Loss of Community Facility Statement.

The supporting Planning Statement confirms amongst a range of issues:

- The owners of Boxmoor Hall have attempted to increase the venue's market share of the leisure & hospitality sector by diversifying its activities. They have invested heavily in Boxmoor Hall, specifically in marketing, branding and PR to reach a wider audience beyond the Borough. However, a number of key factors have seriously impacted upon the business, as they have restricted the activities that can be undertaken at Boxmoor Hall, meaning it no longer runs as a hub for community usage.

These factors include:

- restrictive and expensive Pay & Display parking bays- mainly occupied by K-zone permit holders,
- insufficient disabled access to the whole venue,
- irreconcilable and on-going issues with neighbouring properties,
- the issue of a Noise Abatement Notice, which has deterred music groups, live performances and performing arts, and
- competing local subsidised/charity-funded venues.

## **Referral to Committee**

The application is referred to the Development Management Committee due to the request of

Councillor Janice Marshall.

### **Relevant Planning History**

The site is subject to lawful development certificate for a D1/ D2 use. Previously the LPA granted planning permission for a disabled ramp.

There have been withdrawn applications for modifications to the front of the site and a withdrawn application for the conversion to 8 residential units.

### **Policies**

#### National Policy Guidance

National Planning Policy Framework (NPPF)

#### Dacorum 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  
CBS 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

Various Policies  
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**

Councillor Janice Marshall

As one of the ward councillors for Boxmoor it is requested that, if the Officers are minded to grant permission, this application is decided by the Development Management Committee in order that there maybe public debate and opportunity for the public (including of course the applicants) to address the Committee.

My reasons are :

- The wider public interest in the building which was built in the late 19<sup>th</sup> Century for the community and for community and social use. In view of the historic background, the Committee needs to be satisfied that the change of use from Class D2 to residential is justified, having the tested the basis upon which the applicants make their claim that continued use of the premises as Class D2 is unsustainable.
- The application provides for 2 car parking spaces at the front of the building by removal of the disabled access ramp. The car parking appears to impinge on highway land. I am aware that this issue has been a cause of concern in respect of an earlier application (which was subsequently withdrawn) but, to my knowledge, it is still unclear where the highway extends in front of Boxmoor Hall. A clear unambiguous statement from Hertfordshire Highways is needed.
- The number of residential units proposed, together with the lack of amenity space, refuse facilities and car parking is of concern.

### Strategic Planning

Formal advice awaited. The extensive previous advice regarding the withdrawn application was:

#### 1. Response to Community Facility Statement

There has been a request for a response to a statement regarding the loss of the community facility. SP welcome the additional statement which is concise, although much of this only repeats earlier information provided.

The starting point in policy terms is that if the Boxmoor Hall is unviable, and SP is satisfied that the Applicant has made a robust case for this, then under Policy CS23 there is no need to identify replacement facilities. The points below should be tempered by this position.

SP do not have a detailed knowledge of the site or the activities of the hall, so SP will have to take much of the information provided on face value. SP understand that local residents have challenged many of their assertions.

SP would acknowledge that the owners have attempted to invest in and diversify activities at the hall over a period of time. However, the facility has been struggling over the last few years due to the:

- Recent economic downturn;
- Lack of available immediate and nearby local parking;
- On-going neighbour disputes;
- Existence of a Noise Abatement Notice.
- Availability of other alternative (and often superior) facilities.

SP note that this has had an adverse impact on staffing levels, investment in the maintenance of the building and the activities that can be run from the venue. On this basis, SP would conclude that these factors would impact on the present operation and longer-term viability of the hall without additional investment.

SP would accept that there are facilities nearby that compete with and cumulatively perform a similar function to the hall. The position for the hall is worsened as many of these venues offer

better facilities in terms of location away from residential properties, outside useable space, car parking, etc.

Notwithstanding the above, SP feel that the applicant's case would benefit from further clarification

- Have they provided any details regarding the decline in revenue/profit in terms of viability? What level of investment has the owner put into the business?
- Have they any further details in terms of the decline in users over time (only two are referred to)?
- Can the alternative facilities referred to accommodate all the current users needs?
- Can they better articulate the level of investment required in the building which is not being met by current income?
- Are they able to actually list other suitable venues close to the hall e.g. church halls, private hire venues, social clubs, schools, etc.?

While it is regrettable to see the loss of this local and long established amenity, policy is clear that if the venue is unviable then there is no need to require replacement facilities. Furthermore, SP consider that on face value there are a number of factors affecting the long-term future of the hall and its viability, although some further explanation of this would be beneficial.

2.November 2016: Response to Agent's Additional Information at the Time (see below)

SP continue to welcome the additional information. Ultimately, it is not the Councils role to force an unviable operation to continue. Wherever possible, SP should take the opportunity to ensure that productive use is made of buildings and that such alternative uses are suitable in terms of their impact locally and on the property itself.

It would appear that Boxmoor Hall is facing an uncertain future. Despite the applicant investing heavily in the facility over time, there is a continued need for further investment to improve the quality and accessibility of facilities it offers and the fabric of the building. The financial situation of the Hall is being made difficult by reducing profits (down by nearly 2/3rds from the previous year) as a result of falling room bookings. This position is complicated by the lack of available parking, neighbour disputes, noise nuisance issues and the availability of alternative venues. SP are not sure to what extent these particular points individually or collectively can be fully and practically addressed. Therefore, SP accept that the hall's on-going viability is likely to prove to be increasingly difficult.

SP would readily acknowledge that the Hall is having to compete with a very wide choice of alternative venues open to users that are all within a short distance. The applicant has helpfully pointed to a list of at least a dozen venues nearby, and which on a number of occasions provide superior facilities to the Hall (particularly parking). This would make it even more difficult for it to compete effectively for bookings.

There may be theoretical scope to improve the financial situation of the Boxmoor Hall, for example, if the hall were to diversify into other activities or if a cheaper option emerges for overcoming the noise problems. We have no details of the former so we cannot comment on this. However, SP note that Environmental Health is advising on the latter, although SP do not know what practical difference this alone will make to bookings and thus future profits/viability. Furthermore, the Hall would still ultimately be left with other outstanding issues mentioned above that would continue to adversely impact in varying degrees on the potential future of the business.

Boxmoor Hall is likely to struggle to remain viable. There remains a number of other fundamental factors that are unlikely to be resolved. These will only serve to make the financial position worse for the hall. Therefore, on balance, we do not raise any objections to the loss of the community facilities.

(Response to the Agent's Statement at the Time)

The latest set of published accounts for Boxmoor Hall Limited shows a major decrease in profit from the 2015 financial year to the 2016 financial year. This rapid decrease in profit is a result of the loss of bookings/regularly-run activities at the hall, due to the reasons outlined in our original 'loss of community facility statement' i.e. the lack of available immediate and nearby local parking, on-going neighbour disputes, the existence of a Noise Abatement Notice and the availability of other alternative (and often superior) facilities).

The client has advised that she has invested a significant of her own money into Boxmoor Hall. Boxmoor Hall now requires further investment, including a new roof to satisfy the noise issue with EHO, a lift to the first-floor level to comply with DDA, and serious repairs to the brickwork adjacent to the newly-built house to the west of the site, as the brickwork no longer benefits from sunlight to dry out the damp. The profit recorded for the latest financial year(2016) is a mere minimal which will not come close to meeting the significant repair costs. The repair costs will need to be met by the client, as there is no public funding available, however, the client doesn't have the funds available at this time, nor will they in the foreseeable future, due to the lack of revenue being created by the business. If the necessary repair works are unable to be carried out, Boxmoor Hall is in danger of falling into a state of disrepair.

Boxmoor Hall used to be a venue used by business network groups, a wide variety of leisure and fitness groups, a greater number of Life & Soul Academy members/students, music rehearsal groups and band promoters. However, for the reasons outlined above, and within our original 'loss of community facility statement', these groups/individuals have been deterred and their use of Boxmoor Hall has become untenable.

#### Conservation & Design

Based upon discussions with the relevant officer there are no fundamental or detailed objections.

Note: This is set against the advice upon the withdrawn application which required a range of changes.

#### Building Control

No response.

#### Strategic Housing

Due to the number of units being developed, the site will be exempt from any affordable housing contribution.

#### Environmental Health: Noise & Pollution

There has been a previous visit to Boxmoor Hall, with a colleague, in order to offer technical advice regarding compliance with an existing Abatement Notice. The Notice was served by the Council in response to complaints made by neighbours that they were being disturbed, principally by music being played on the premises. The Boxmoor Hall is an old and historic building that has always been either an entertainment or educational venue, but the owners now find themselves in a position where even quite traditional activities could lead to constant breaches of the Abatement Notice.

The owners have in my opinion provided accurate details of the type of works that would be required to keep the Hall in something approximating its current use, but the truth is while the

building has until now remained relatively unchanged, the surrounding land uses have changed considerably. Through most of the buildings life it was situated almost opposite the old railway halt and near what was the Heath Park Hotel. This Council has in recent times approved residential developments in the immediate vicinity of the Hall and it against that background that NP have reluctantly come to the conclusion that the conversion of the Boxmoor Hall into residential units is probably the only sensible response to the current situation.

Given the above NP have no objection to make regarding this application and NP would actively support the prospect of the owner's current business relocating given the problems they are still likely to encounter if they remain in the Boxmoor Hall.

#### Scientific Officer

Due to the sensitive nature of the proposed land use, consideration should be made to the potential for contamination to affect the development. Furthermore, the site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. Standard contamination conditions are recommended.

#### Refuse Controller

The doors to the storage area open outwards, potentially blocking the path. There should be storage space and room for access for 2 x 770ltr Eurobins for residual waste, 2 x 770ltr Eurobins for recycling and a 140ltr wheeled bin for food waste. Consideration should be given to the collection vehicle size and manoeuvrability.

#### Licensing

Based upon discussions the application has been noted.

#### Hertfordshire County Council: 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

Decision: Authority recommends that permission be refused for the following reasons:

Hertfordshire County Council (HCC) recommends refusal of the proposed development, since the development includes land belonging to Highways.

Comments :This application is for Conversion of Boxmoor Hall into 7 residential units REASON FOR REFUSAL The reasons for refusal are as follows: 1. Drawing number 208-SK001J Proposed Plans, Rev J, shows a proposed new pedestrian ramp, cycle stands and parking spaces on land in front of the property which is not within the curtilage of the property. Indeed, document 208-SK004E Existing and Proposed Topographical Plans rev E, shows this land marked up as "TARMAC (footpath)".

Having consulted with the Highways Boundaries Officers, this section of land is highways maintained at public expense.

There is no evidence of a stopping up order having been applied for and 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. The applicant will need to apply for a stopping up order. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

It is necessary, therefore, for the applicant to provide details of how the public footpath will be maintained with this development. Conclusion: HCC as Highway Authority recommends that this application be refused.

#### Hertfordshire Ecology

Response awaited.

Hertfordshire Fire & Rescue Service

Note that the access for fire appliances and provision of water supplies appears to be adequate. Further comments will be made when details of the Building Regulations are received.

Hertfordshire Constabulary: Crime Prevention / Reduction Officer

The submitted documents and previous applications relating to this site have been studied. There has also been the study of the crime figures for this area which are relatively high.

It has been noted that the secured by design standards were listed the Design and Access statement. However there is a need for additional measures for access control to each apartment.

Hertfordshire Property Services

Do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Dacorum's CIL Zone 3 and does not fall within any of the CIL Reg123 exclusions.

Thames Water

No response.

Affinity Water

No response.

EDF Energy

No response.

Boxmoor Trust

No response.

Comments received from local residents/ Response to Site Notice

4 and 6 St Johns Road

Important Note: It has been decided that due to the very extensive nature of the this will be sent to Members to enable them to be aware of the range of planning and non planning issues referred to by the representations. It is understood that one of the documents has been sent to some Councillors.

Error in the application: Highway Rights. The proposals require the extinguishment of the highway / stopping up of the highway. Hertfordshire County Council has to date to taken no action regarding the construction of a patio on the highway land. No parking facilities which involve an obstruction can be approved without HCC's consent on this highway land. The Applicants proposed fence replaces one that HCC Highways previously directed should be removed as an obstruction to the highway.

Heritage. The proposals will be permanently detrimental to the historic street scene with the



loss of public accessibility to a building which is has huge historical significance for the town. There are no submitted details of the alterations to the front elation. The Hall was conveyed to the Borough in 1897 specified as a public hall with reading rooms. For many years the building was used for charitable community and social uses. The handover of the building to the Council was a powerful moral obligation to maintain the premises for community and social use. The Council remain entrusted to these obligations.

Loss of the Community Facility. Reference to the LPA's pre application advice under Dacorum Core Strategy Policy CS23. It should be the viability of the facility and not the applicants businesses which is the determining factor. In August 2017 the Hall was considered to be under consideration for conversion to a Mosque with another theatre company expressing an interest in the building in 2016.

Planning Agreement. In selling the premises to the Applicant , following a campaign to save the hall from developers, the Council sought to ensure the building would continue to be used for community purpose. The Transfer Deed included a covenant that the current Applicant neither 'shall nor use the Property otherwise than for social, voluntary, educational arts and community activities'. This is subject to a Land Registry requirement . There was an associated s106 Agreement to ensure that the premises would continue to be used for Class D21 and Class D2. The building should remain in its currency use.

How the Applicants have used the Hall and why it was necessary for the Council to serve a Noise Abatement Notice / Licensing Issues. The Applicants operational reference to the implications of the notice are the result of their own actions. Promotion to this background in support of the proposed residential conversion.

Neighbour Views from No. 4. The Applicants state that their neighbours oppose the existing use. This is not so subject to compliance with the terms of the license and noise rules.

Release of Covenants.

Evidence of the Lack of D1/ D2 Viability. It is extremely important that in weighing the continued use as a community faculty there is a need to not look at the viability of a particular business being operated from the premises by the Applicant , but a potential loss of the facility for all every community use. Whether the Applicants are able to make a profit is not the test. Detailed reference and analysis of the evidence base to the Applicant's case and hoe this should interpreted.

Impact upon Residential Amenity. The changes to the rear elevation are unknown which may have implications / overlooking issues.

Over deployment. Inadequate parking.

Loss of privacy.

Disabled Access/Ramp. Inadequate design

Refuse Disposal. Inadequate arrangements.

Side Gateway. Legal issues.

Potential Structural Integrity of the Building from lowering the floor level.

Major problems during construction.

### **Considerations**

The key issues are the loss of a community facility, the availability of an alternative and whether the development can be accommodated at the site, with particular regard to the design, layout and parking/ highway issues.

#### Policy and Principle

The site lies within a Residential Area (Dacorum Core Strategy Policy CS4) wherein the principle of conversion of properties to residential is generally acceptable.

The associated fundamental issue is the proposed loss of this community facility, Dacorum Core Strategy Policy CS23 seeks to safeguard social and community facilities unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable.

As a background at pre application stage in 2015 no evidence was provided to support the loss of this use and therefore the LPA 's Strategic Planning Team could take no view upon the strength of the Applicant's case in justifying this. SP stressed that it would be difficult to support the scheme in policy terms without such evidence being provided with the application.

Since then through the previously withdrawn application for the conversion to 8 units, the SP Team has been providing further advice upon the implications of the loss of the community facility entirely upon the Agent's / Applicant's submitted information. The Applicant/ Agent have both confirmed the availability of alternative locations and declining viability.

The loss of the hall will represent an undoubted fundamental change in the site's historic role, previously functioning in public ownership and now privately. In providing initial pre application advice the SP Team has been precautionary given the strength of Policy CS23 . In assessing the submitted information predating the current application, it has balanced the expectations of this policy against the submitted information. Members will also be circulated a redacted version of the Applicant's latest supporting statement.

There are evidently a range of documented factors which have militated against the functioning of the venue, despite the Applicant's commitment to purchasing the site for D1/ D2 uses. Those material considerations relating the serving of the noise abatement notice and the need for continued coexistence with the adjoining housing are a key part of this very difficult equation.

This consideration is set against the following referred to by the submitted Planning Statement:

- The Applicant's attempts to increase the venue's market share of the leisure & hospitality sector by diversifying its activities. However, the funds are limited and not sufficient to compensate for the reduction in bookings from private/corporate entities on which the business depends. Boxmoor Hall is currently only open on an ad-hoc basis as the owners can no longer afford to operate 7 days a week.
- As a result, fewer employees are required, which has resulted in job losses. In 2014, Boxmoor Hall employed 4 people on a full-time basis and 9 on a part-time basis, however, this has reduced to 1 full-time employees and 4 part-time employees in 2016.
- Following the economic crash of 2008, the hall has struggled to generate enough revenue to cover maintenance works and repairs, employee salaries etc. The latest set of published accounts for Boxmoor Hall Limited shows a decrease in profit of 62% from the 2015 financial year to the 2016 financial year. This rapid decrease in profit is a result

of the loss of bookings/regularly-run activities at the hall.

- This puts the future long-term conservation of this historically significant building at risk, and it could potentially fall into a state of disrepair if required maintenance works cannot be afforded. The lack of revenue also prevents the commission of building works to reinstate original features, such as bull-nose steps and the circular window on the rear elevation. The decline in business has been caused by a number of key factors, which have limited the number of activities that can be run successfully at the hall. These factors include restrictive and expensive Pay & Display parking bays- mainly occupied by permit holders of the K-zone parking area, which has now been extended to include the bays opposite Boxmoor Hall, insufficient disabled access to the whole venue, irreconcilable and on-going issues with neighbouring properties, the issue of a Noise Abatement Notice, which has deterred music groups, live performances and performing arts competing local subsidised/charity-funded venues.
- As a result of the issues listed above, the Applicant has incurred legal fees in excess of £100,000, which is money that could have otherwise been spent on the maintenance of Boxmoor Hall.
- Despite the obstacles listed above, the Supporting Statement confirms that the Applicant has endeavoured to continue to deliver dance/performing arts tuition to local children and has run these services from Boxmoor Hall for almost a decade. However, the issues listed above have ultimately taken their toll on our client's finances and health and on the viability of the continued use of the hall for assembly & leisure.
- The business has experienced a reduction in the number of bookings as a result of the restrictions listed above, which has resulted in a loss of revenue.
- Boxmoor Hall now requires further investment, including for a new roof to satisfy the noise issue with EHO, a lift to the first-floor level to comply with DDA, and serious repairs to the brickwork adjacent to the newly-built house to the west of the site, as the brickwork no longer benefits from sunlight to dry out the damp. The client has obtained quotes for the acoustic work that would need to be carried out to meet the requirements of the noise abatement notice, and these alone would cost £123,000 (quotes for the work have been included within this submission).
- The profit recorded for the latest financial year (2016) is a mere £809, which will not come close to meeting the significant repair costs. The repair costs will need to be met by the client, as there is no public funding available, however, the client doesn't have the funds available at this time, nor will they in the foreseeable future, due to the lack of revenue being created by the business. If the necessary repair works are unable to be carried out, Boxmoor Hall is in danger of falling into a state of disrepair.
- Boxmoor Hall used to be a venue used by business network groups, a wide variety of leisure and fitness groups, a greater number of Life & Soul Academy members/students, music rehearsal groups and band promoters. However, for the reasons outlined above, these groups/individuals have been deterred and their use of Boxmoor Hall has become untenable. Those who have had to cease using Boxmoor Hall for their activities (due to reasons outlined above) have chosen to use council-run venues, such as community centres or local schools, as many of these venues have had their facilities upgraded and can provide modern studio spaces and free on-site parking.
- To ensure the ongoing availability of the one remaining activity that Boxmoor Hall operates, our client has identified alternative venues. Therefore, the loss of the hall as a community facility will not have a significant negative impact of the local community.

- Life & Soul Academy will continue to operate from studios within HP1 and HP2 post codes specifically at venues that can offer free parking. Biennial performances will be held at the new Performing Arts facility at Westbrook Hay School.
- There are also a number of venues in the locality that can be used for similar purposes to that of Boxmoor Hall, such as church halls, private hire venues, social clubs, schools with facilities managers etc. More specifically, the following alternative venues are all located within a 0.3 mile radius of Boxmoor Hall . These are at The Hemel Hempstead Town Cricket Club Pavilion, The Boxmoor Playhouse , The Steam Coach, Boxmoor Cricket Club, St John's Church Hall, Hemel Hempstead School, Hemel Hempstead School, Dacorum School Old Barn, The Church of St Mary & St Joseph Parish Centre and St Joseph's Hall, The Three Blackbirds Public House, Boxmoor Lodge Hotel, South Hill Centre and Cottrell's Club.
- The use of the hall for events/classes has declined significantly and the loss of revenue has resulted in a significant decrease in profit. The repair bills for Boxmoor Hall cannot be met from the business' funds, therefore, Boxmoor Hall does not have a long-term, or even short-term future as class D2 use.
- This planning application to convert the Hall from D2 use to residential use comes as a very last resort, after running the performing arts/events business from Boxmoor Hall for the past 9 years. A sympathetic, respectful residential conversion is the only foreseeable way of preserving this building of historic significance and to ensure that it stands for another 100 years as a much-loved landmark in Boxmoor.

With the expected presence of the Applicant/ Agent at the meeting there is an opportunity for Members to request for clarification upon the Hall's operation if required. This will also be with due regard to the Applicant's supporting statement received since the receipt of the application which will be circulated to Members.

With due regard to the submitted information and SP's advice there is evidence of the Applicant's initial commitment to the Hall's role, however, for the subsequently documented specified interacting range of reasons there are now major questions over the Applicant being able to continue to operate the hall, with alternative venues available nearby. This is the context which the Committee need with Officers to most carefully consider the application, weighting the permanent loss of this historic venue with the benefits of the alternative residential use.

Viability is always a difficult planning issue. In this decision there has to be reliance upon the submitted information and of all the representations received and a non expert assessment of such.

It is concluded that there is case to support the loss of the hall and its replacement with a residential use which, as clarified, is acceptable in this area.

#### Design, Effect upon the Character and Appearance of the Area, Layout

Although not listed the building is of significant heritage quality in terms of its design and role within Hemel Hempstead. The proposed design changes to the front respect/ enhance its important role at the gateway /entrance to Hemel. The range of changes to the rear is extensive to facilitate the conversion. These are not considered to be detrimental to the character and appearance of the locality or building itself.

Although there is very limited scope for 'standard' planting/ soft landscaping the building will feature an ecological living wall. This is an integral part of the submitted approach to the conversion's sustainable construction which has addressed, where technically feasible the

expectations of Policy CS29 of the Dacorum Core Strategy.

In terms of Other Non Highway Related Layout Issues there is inbuilt natural surveillance, some amenity space for the ground floor units (in a location where flats do not generally feature such) with all the units providing adequate floor space. The Scientific Officer has not identified any air quality issues.

#### Effect upon Residential Amenity /Effect upon- Relationship with the Adjoining/ Nearby Uses

This is with reference to the expectations of Dacorum Core Strategy Policies CS12 and CS32 and the NPPF regarding residential amenity.

The building had harmoniously coexisted with its surroundings for a substantial period. The LPA has subsequently supported new residential development to either side and to the rear of the building. The flats replaced a public house, previously being the Heath Park Hotel.

The serving of the noise abatement notice for amplified music in 2014 was indicative of the problems of ongoing coexistence. The Applicant has confirmed the financial difficulties of complying with the notice.

It will be noted that Noise & Pollution recognise the benefits of the residential conversion in contrast to the lawful use, by reinforcing the residential use of the immediate locality.

There would not be a case to refuse permission based upon the residential amenity of the adjoining dwellinghouse's garden due to loss of privacy. This takes into account the window design and much of its garden would be wholly safeguarded.

#### Highway Safety/ Traffic Generation, General and Fire Access

##### *The Site Frontage and Highway Land/ Highways Rights and their Extinguishment*

As a background HCC Highway Authority are aware of the issues associated with the withdrawal of recent applications at the site as the frontage has been identified as highway land. Although under the Applicant's ownership it is land which is 'publicly accessible'.

It is understood that the existence of these highway rights was not known when the Applicant purchased the site. Also this Council previously granted planning permission and built the current disabled access to the building on this land. In addition the land forming parking and an amenity space serving the Heath Park flats is designated highway land.

In providing its initial recommendation upon the application HCC Highways Officer was unaware of the whole background and in reviewing the situation HCC Highways consider that the application should be refused.

Based upon site observations and previous responses from HCC Highways it is unclear what highway benefits to the public derive from the frontage/forecourt subject to the application remaining as highway.

Notwithstanding this it is fully recognised that the reversing of vehicles from the two proposed parking spaces will need care as these will adjoin such a very well used footpath link. Exiting in forward gear would be safer. HCC Highways has not specifically identified this to be an issue.

Remodelling the ramp will ensure there is an inclusive access to the building. The matter has been previously subject to legal advice from HCC Highways and DBC Legal. It is concluded that the if the LPA supports the development a condition can be imposed which requires a Stopping Up Order through the highways legislation for the highway rights to be extinguished on part of

the land relevant to this application. Therefore a condition is recommended to this effect. This will enable the provision of the remodelled disabled ramp, two parking spaces and cycle stands.

If the highway rights were extinguished the development could not proceed.

#### *Other Access Issues*

There are no objections from Hertfordshire Fire & Rescue Service. The scheme incorporates a lift is designed for the needs of persons with disabilities and limited mobility.

The modifications to the refuse storage and collection facilities appear acceptable. Advice is being sought from the Refuse Controller.

#### *Parking/ Sustainable Location*

Dacorum Borough Local Plan saved Appendix 5 provides the Councils maximum parking standards. The parking provision of two spaces is well below that necessary.

For residential development, all parking demand is expected to be accommodated at the site. Lower levels can be supported for high-density residential proposals in appropriate locations. Saved DBLP Policy 58 confirms 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.

There is no doubt that this is a highly sustainable location in terms of transportation and accessibility to a wide range of facilities. This is in terms of walking, public transport and cycling. There are also nearby public car parks at Park Road and the Water Gardens. Despite the significant shortfall in parking, due to the sustainable location and with due weight to NPPF paragraph 32 and the subsequent Written Ministerial Statement supporting a flexible approach to parking, there is a case to support a low level of parking. Clearly if the extinguishment of highway rights was refused this situation would need to be reviewed based upon a car free development, with the building continuing to rely upon the retention of the existing disabled ramp.

#### Drainage, Water Supply and/ Contamination

There are no apparent issues. The building will be adapted to the current drainage and water supply, with the imposition of two contamination conditions.

#### Ecological Implications for Bats and Exterior Lighting

There has been no response from Hertfordshire Ecology. It is expected that this will be reported at the meeting. Therefore the assessment below is with this factor not fully addressed.

The building was identified with 2 bat roosts- a summer day roost for 2 bats. The proposed conversion will result in the removal or disturbance of any roosts present. The report confirmed that without mitigation the development will result in the temporary or permanent loss for a known bat roost.

It was expected that a further survey was to be carried out, with the report for the withdrawn planning application only applicable for 12 months up to October 2017.

At this stage in the absence of HE's advice and with reference to the submitted information, a 'bat friendly condition' involving the installation of two bat boxes recommended and other measures are recommended at this stage.

An integral part of the approach will be to carefully control any additional exterior lighting at the site, which is also important for other environmental, highway safety and crime prevention reasons.

#### Other Matters

This development is CIL liable, the development is too small to require affordable housing, an Environmental Impact Assessment is not necessary and there are no air safeguarding issues.

There are a range of matters referred to by one of the neighbours response which are not material to the Councils decision upon the planning merits. For clarification the s106 Agreement for the future use of the hall was not through a submitted planning application.

#### **Conclusion**

Boxmoor Hall is an historic building which makes a most valuable contribution to the 'visual gateway' to Hemel from Station Road, complementing St Johns Church and the Moor. This is set amongst and against the modern development within the immediate area. Also its heritage value is its longstanding community role. The conversion in physical / visual terms will reinforce the building's importance with the gateway.

The proposed conversion of this D1/ D2 use is according to the Applicant/ Agent due to the cumulative effect of a range of factors, notwithstanding that the building was purchased from the Council to continue such lawful uses. These factors have been examined by the Strategic Planning Unit which is very conscious of the importance of retaining the Borough's community/ social infrastructure though Dacorum Core Strategy Policy CS23, being such an important sustainable development policy. However, with due weight given to the Applicant's / Agent's submitted information regarding viability and other community building's available locally and with reference to the Strategic Planning Team's advice there is a case to support the loss of this community use building with residential being an acceptable alternative.

A range of conditions are necessary, including that relating to the pre commencing of the stopping up of the highway / extinguishment of existing highway rights.

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, hereby permitted, shall commence until the land at the site frontage required for the provision of the access ramp, stepped entrance, 2 parking spaces and cycle stands has been subject to the separate extinguishment of highway rights. Once, such highway rights have been extinguished full details of the site frontage shall then be submitted to the local planning authority. The submitted details shall include a 1:100 site layout plan**

**showing the precise land subject to extinguishment and how this relates to the access ramp, stepped entrance, 2 parking spaces and cycle stands. These details shall be approved before the commencement of the development hereby permitted.**

Reason: In the interests of highway safety at all times in accordance with Policies CS8 and CS12 of Dacorum Core Strategy, in conjunction with the provision of access, parking and cycle storage for the development.

- 3 Subject to the compliance with Condition 2 the development hereby permitted shall not be occupied until the access ramp, 2 parking spaces, cycle stands, pedestrian access and electric charging point shown by the approved site layout plan shall have been provided. All these shall be retained thereafter at all times and they shall not be used thereafter otherwise than for the respective approved purposes.**

Reason: In the interests of highway safety at all times in accordance with Policies CS8 and CS12 of Dacorum Core Strategy, in conjunction with the provision of access, parking and cycle storage for the development.

- 4 The access ramp, parking spaces, cycle stands and pedestrian access subject to Condition 3 shall not be brought into use until details of the drainage design for these is submitted to the local planning authority. The drainage shall be installed and thereafter retained and maintained fully in accordance with the approved details.**

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12 of Dacorum Core Strategy.

- 5 All new external rainwater and soil pipes shall be formed in metal and painted black and all the rooflights shall be of a Conservation type.**

Reason: In the interests of the character and appearance of the building and its to accord with the requirements of Policies CS10, CS12 and CS27 of the Dacorum Core Strategy.

- 6 Full details of the living wall shall be submitted to the local planning authority within the planting season following the first occupation of the building hereby permitted. Any shrub/ plant 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, section of equivalent shrub/ plant of a species, size and maturity to be approved by the local planning authority. For the purposes of this condition the planting season is between 1 October and 31 March.**

Reason: In the interests of biodiversity and to accord with the sustainable approach to development to accord with Policy CS29 of the Dacorum Core Strategy.

- 7 All the approved boundary treatment shall be installed prior to the first use of**



**any part of the development and thereafter the approved boundary treatment shall be retained at all times.**

Reason: In the interests of the character and appearance of the locality and in the interests of the residential amenity to accord with the requirements of Policies CS10 ,CS12 and CS32 of the Dacorum Core Strategy.

- 8 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 Policies CS31 and CS32 of the Dacorum Core Strategy.

- 9 All remediation or protection measures identified in the Remediation Statement referred to in Condition 8 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 Policies CS31 and CS32 of the Dacorum Core Strategy.

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)

- 10 **All the windows of the development hereby permitted shall be installed with glazing to limit noise transmission fully in accordance with details submitted to and approved by the local planning authority and :**

- **All the bathroom windows of the development hereby permitted shall be permanently fitted with obscured glass, and**
- **All the other windows shown to be fitted with obscure glass shall be permanently fitted with obscured glass.**

Reason : In the interests of residential amenity to accord with Policies 12 and 32 of the Dacorum Borough Core Strategy.

- 11 **The development hereby permitted shall be carried in accordance with the submitted Dacorum Core Strategy Policy CS29 Checklist subject to the requirements of other conditions of this planning permission.**

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

- 12 **The approved facilities for the storage of refuse shall be provided before any of the dwelling units hereby permitted are first brought into use and thereafter shall be retained at all times.**

Reason: To ensure a refuse facility is provided at all times at the site in accordance with Policy CS12 of the Dacorum Borough Local Plan.

- 13 **Notwithstanding the specified details referred to on the submitted application form alternative details of all exterior lighting to be installed at the application site shall be submitted to and approved in writing by the local planning authority. The scheme shall include the removal of the existing luminaires. The exterior lighting shall be installed and thereafter retained fully in accordance with the approved details.**

Reason: In the interests of safeguarding the ecological environment / biodiversity as observed by the submitted Bat Report , the residential amenity of the locality, highway safety, biodiversity, access for persons with disabilities and crime prevention/security in accordance with Policies CS12, CS27, CS29 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 14 **Two bat boxes shall be installed at the site fully in accordance with the**

**submitted Bat Report. Thereafter all these bat boxes shall be retained at all times.**

Reason: In accordance with Policy CS29 of the Dacorum Core Strategy and the approach of the National Planning Policy Framework to biodiversity and the submitted Bat Mitigation Strategy.

- 15 **In addition to the requirements of Conditions 14 (Bat Boxes) and 13 (Exterior Lighting) all the other Bat Mitigation measures shall be carried out fully in accordance with the submitted Bat Report.**

Reason: In the interests of biodiversity in accordance with Policies CS26 and CBS 29 of Dacorum Core Strategy.

- 16 **The development hereby permitted shall be subject to a Management Plan for the building's future maintenance of the front gable clock. The Plan shall be submitted to the local planning authority within 6 months of the first occupation of the building and carried out at all times fully in accordance with the approved scheme.**

Reason: In the interests of the character and appearance of the building to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy.

- 17 **In conjunction with the requirements of Condition 2 no development hereby permitted shall commence until a Construction Management Plan is submitted to and approved in writing by the local planning authority in consultation with the Highway Authority.**

Reason: In the interests of highway safety and residential amenity in accordance with Policies CS8 and CS12 of Dacorum Core Strategy.

- 18 **Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plans:**

**208-SK004E, , SK001J, SK010D , SK002H**

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

#### 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**

Bats

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;  
Recklessly disturb bats;  
Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

#### Land Stability

It has drawn to the Council's attention that there may be land stability issues at the site. The government advice is that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

#### Contamination

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](http://www.dacorum.gov)

#### Highway Issues

1. 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.

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