



Public Document Pack

DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 15 MARCH 2018 AT 7.00 PM
COUNCIL CHAMBER**

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

Membership

Councillor Guest (Chairman)	Councillor Ritchie
Councillor Birnie	Councillor Whitman
Councillor Clark	Councillor C Wyatt-Lowe (Vice-Chairman)
Councillor Conway	Councillor Fisher
Councillor Maddern	Councillor Tindall
Councillor Matthews	Councillor P Hearn
Councillor Riddick	Councillor Bateman

For further information, please contact Katie Mogan or Member Support

AGENDA

1. MINUTES

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

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

To receive any declarations of interest

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

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

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

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

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

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

4. PUBLIC PARTICIPATION

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

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

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

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

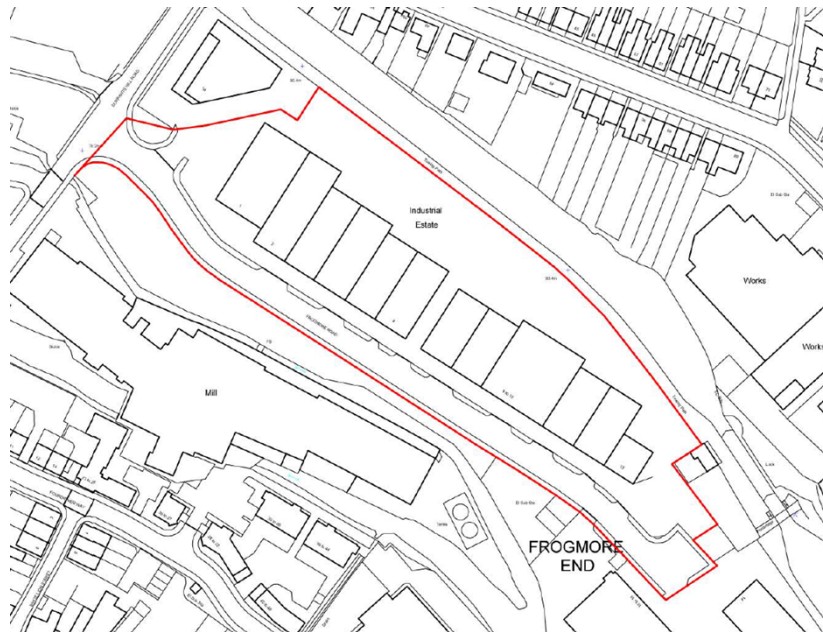
- (a) 4/02601/17/MFA - DEMOLITION OF ALL EXISTING BUILDINGS AND CONSTRUCTION OF TWO BUILDINGS COMPRISING 184 RESIDENTIAL UNITS WITH ASSOCIATED ACCESS, PARKING, AMENITY SPACE AND LANDSCAPING - LAND AT FROGMORE ROAD, FROGMORE ROAD, HEMEL HEMPSTEAD, HP3 9RW (Pages 5 - 53)
- (b) 4/01865/17/LDE - LAND USED FOR STORAGE AND ANCILLARY PURPOSES (B8) - HS SCAFFOLDING LTD, THREE CHERRY TREES LANE, HEMEL HEMPSTEAD, HP2 7HN (Pages 54 - 59)
- (c) 4/02069/17/RET - RETENTION OF OUTBUILDING AND STORAGE CONTAINER - 1 CHALKDELL COTTAGES, PUDDEPHATS LANE, FLAMSTEAD, ST ALBANS, AL3 8BA (Pages 60 - 67)
- (d) 4/03265/17/FHA - DEMOLITION OF REAR CONSERVATORY AND STORE AND CONSTRUCTION OF SINGLE STOREY SIDE AND REAR EXTENSIONS - 56 BEACONSFIELD ROAD, TRING, HP23 4DW (Pages 68 - 74)
- (e) 4/03156/17/FHA - TWO STOREY EXTENSION AND FIRST FLOOR FRONT EXTENSION WITH OPEN PORCH - 34 MORTAIN DRIVE, BERKHAMSTED, HP4 1JZ (Pages 75 - 81)
- (f) 4/03159/17/FHA - SINGLE STOREY SIDE/FRONT EXTENSION - 9 THORNTREE DRIE, TRING, HP23 (Pages 82 - 89)
- (g) 4/02539/16/MOA - OUTLINE PLANNING APPLICATION TO INCLUDE UP TO 600 DWELLINGS (C3), LAND FOR PRIMARY SCHOOL (D1), LAND FOR LOCAL CENTRE USES (A1,A3,A4,A5,D1,D2), LAND FOR UP TO 7,500 SQUARE METRES OF EMPLOYMENT USES (B1,B2,B8), LANDSCAPING, OPEN SPACE AND PLAY AREAS, ASSOCIATED INFRASTRUCTURE, DRAINAGE AND ANCILLARY WORKS, NEW ROUNDABOUT ACCESS OFF THREE CHERRY TREES LANE, NEW PRIORITY JUNCTION OFF THREE CHERRY TREES LANE, NEW VEHICULAR ACCESS TO SPENCER'S PARK PHASE 1 AND AN EMERGENCY ACCESS TO THE EMPLOYMENT LAND OFF CHERRY TREE LANE. DETAILED APPROVAL IS SOUGHT FOR ACCESS ARRANGEMENT ONLY, WITH ALL OTHER MATTERS RESERVED (CROSS-BOUNDARY APPLICATION FALLING WITHIN DACORUM BOROUGH COUNCIL AND ST ALBANS CITY AND DISTRICT ADMINISTRATIVE AREAS) - SPENCER'S PARK PHASE 2, LAND BETWEEN THREE CHERRY TREES LANE AND CHERRY TREE LANE, HEMEL HEMPSTEAD (Pages 90 - 92)

6. APPEALS UPDATE (Pages 93 - 94)

Item 5a

4/02601/17/MFA - DEMOLITION OF ALL EXISTING BUILDINGS AND CONSTRUCTION OF TWO BUILDINGS COMPRISING 184 RESIDENTIAL UNITS WITH ASSOCIATED ACCESS, PARKING, AMENITY SPACE AND LANDSCAPING

LAND AT FROGMORE ROAD, FROGMORE ROAD, HEMEL HEMPSTEAD, HP3 9RW



**4/02601/17/MFA - DEMOLITION OF ALL EXISTING BUILDINGS AND CONSTRUCTION OF TWO BUILDINGS COMPRISING 184 RESIDENTIAL UNITS WITH ASSOCIATED ACCESS, PARKING, AMENITY SPACE AND LANDSCAPING.
LAND AT FROGMORE ROAD, FROGMORE ROAD, HEMEL HEMPSTEAD, HP3 9RW.
APPLICANT: BELLWAY HOMES (NORTH LONDON).**

[Case Officer - Jason Seed]

Summary

The application proposes 184 units of residential accommodation with associated parking and amenity space on a site which is currently in commercial use, but which is allocated for residential use within the Site Allocations Development Plan Document (adopted July 2017).

Sufficient on-site car parking is provided and the proposals are considered acceptable with regards to highways impact, subject to conditions and the financial contributions which will be secured / provided through legal agreements.

In addition to providing a valuable contribution towards the Borough's housing stock (including 35 percent affordable housing to be provided on site), a substantial Community Infrastructure Levy (CIL) would be liable following approval which will fund / part-fund infrastructure projects within the Borough.

It is considered that, subject to the aforementioned agreements, the securing of other relevant contributions and the conditions which are recommended at the foot of this report, the proposals will comply with national and local planning policy and as such, are recommended for delegation to the Group Manager with a view to approve, subject to the signing of the relevant Section 106 Agreement including the following Heads of Terms:

- Affordable housing at 35%;
- The provision of fire hydrants;
- A contribution of £80,000 towards towpath improvements, and ;
- Highways contributions/Highway Improvements (TBA)
- Travel Plan

Site Description

The application site is located on the northernmost side of Frogmore Road, Hemel Hempstead and comprises a number of commercial units and associated curtilage / parking which fronts the roadside. It is noted that a large number of the units on the site are now vacant.

The surrounding area comprises a variety of uses including a bathroom showroom located to the north-west of the application site, the Grand Union Canal and residential properties of Ebbens Road present to the north / east, commercial properties to the east and south-east, Frogmore Paper Mill to the south and Durrants Hill Road to the west. Further residential properties are located beyond the Paper Mill to the south.

The site is subject to the following relevant designations: CIL3, Grand Unions (North and South Bank) 25m Buffer, General Employment Area, Flood Zone 2/3, Former Land Use.

Proposal

The application seeks full planning permission for the demolition of all of the existing buildings and construction of two buildings comprising 184 residential units and associated access, parking, amenity space and landscaping.

Referral to Committee

The Chairman of the Development Management Committee has exercised their power to call-in the application in an email to the Group Manager for Planning (email dated 15/10/2018).

Relevant Planning History

4/02580/17/SCE CONSTRUCTION OF 184 ONE, TWO AND THREE BED DWELLINGS
WITH CAR AND CYCLE PARKING (SCREENING OPINION)
Raise no objection
28/11/2017

Procedure - Environmental Impact Assessment

Prior to the determination of this application, a request for an Environmental Impact Assessment Screening Opinion under Regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 was submitted to the Local Planning Authority.

Following consultation with the relevant parties, it was concluded that whilst the proposals constituted Schedule 2 development and exceeded the threshold for Screening, it was considered that they would not adversely affect any 'sensitive areas' or result in significant effects on the environment with reference to the selection criteria provided within Schedule 3. As such, it was considered that an Environmental Statement was not required.

The proposals which are being considered under this planning application are consistent with those which accompanied the Screening Opinion request. The Regulations have not changed since the Screening Opinion was issued and as such, the opinion remains relevant and valid in respect of this planning application.

Summary of Responses (Technical Consultees)

- Affinity Water – No objection. Informative provided.
- Conservation and Design - The design of the proposals appear to be acceptable and in keeping with the wider canal environment. Materials condition recommended.
- Design Out Crime Officer - I am content with the layout as it provides active edges. I would look for stair cores, communal entrances and ground floor windows to be to the Secured by Design standard (BS PAS 24), which also meets the standards of Part Q of Building Regulation.
- Environment Agency – No objection, subject to conditions and informatives.
- Environmental Health – No objection, subject to conditions in relation to noise, vibration, air quality, lighting and piling. Advisories also provided.
- Hertfordshire Ecology – No objection, subject to conditions in respect of dusk emergence / dawn re-entry surveys for bats.
- Hertfordshire Fire and Rescue – Provision of fire hydrants required by S106.
- Spatial Planning & Economy Unit Minerals and Waste Team – Condition for the submission and approval of a Site Waste Management Plan.
- Historic England - We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.
- Historic Environment Advisor – No objection, subject to conditions.
- Herts and Middlesex Wildlife Trust - On the basis of the information provided, HMWT are happy to withdraw their initial objection provided that the outline mitigation strategy is conditioned in the planning decision.
- Lead Local Flood Authority - No objection, subject to conditions.
- Natural England – Stated that they have no comments to make on this application.

- Strategic Housing - To meet the affordable housing policy requirements, 35% of the dwellings should be agreed for affordable housing. Therefore, 64 units should be provided 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. Having already reviewed the application form details, we are happy with the proposals suggested.
- Thames Water - No objection, subject to conditions.
- Trees and Woodlands – There is nothing in this application that warrants an objection. Condition recommended in respect of tree species / planting size / planting specification / maintenance.
- Strategic Planning - Adoption of the Site Allocations document, including the H/13 proposal for housing at Frogmore Road, means that housing development is acceptable in principle.
- Canals and Rivers Trust - On the basis of the information available our advice is that suitably worded conditions and a legal agreement are necessary.
- Highway Authority - Hertfordshire County Council (HCC) as Highway Authority wish does not wish to object to the proposed application, subject to planning conditions and legal agreements.

Summary of Representations (Local Community)

A total of 23 representations have been received in response to the community consultation which was undertaken.

The issues raised can be summarised as follows:

- Adequacy of car parking;
- Increase in congestion;
- Overlooking (Ebbens Road);
- Overshadowing (Ebbens Road);
- Overbearingness (Ebbens Road);
- Increased noise;
- Density;
- Flooding;
- Impact upon wildlife;
- Wind impact;
- Increase in pollution;
- Design out of keeping with surrounding area;
- Loss of views (Ebbens Road);
- Ground stability;
- Impact upon archaeology and local history;
- Insufficient local infrastructure.

In addition to these representations, 3 letters were received from Sir Mike Penning MP, expressing concerns regarding air quality and requesting that constituent's comments be taken into consideration during the determination of the application.

Each of the matters raised are addressed within the relevant sections of this report.

Considerations

Policy and Principle

Policy CS1 of the Core Strategy states that Hemel Hempstead will be the focus for new homes.

In the Dacorum Borough Local Plan 1991-2011, the site was located in the Frogmore General Employment Area (GEA) and was allocated for industry, storage and distribution in Policy 31. However, the Site Allocations Development Plan Document (adopted July 2017) reallocated the Frogmore GEA, except Frogmore Mill, for housing development – Site H/13 in the Schedule of Housing Proposals and Sites. H/13 covers an area of 3.0 hectares, and consists of the current application site, the Ebberns kitchen and bathroom showroom adjacent to Durrants Hill Road and the industrial buildings at the eastern end of Frogmore Road.

A net housing capacity of 100-150 homes is proposed on H/13 in the Site Allocations. The planning requirements for the site in the Plan are as follows:

“Access from Durrants Hill Road. Retain access/servicing to Frogmore Paper Mill. Improvements to London Road and Lawn Lane junctions may be required. High density housing is acceptable. Building design and layout must respect the canal frontage. Flood risk assessment required. Development can be brought forward in phases based on landownership, but design, layout and parking must be coordinated with each other. Maintain and enhance footpath link across site to canal footbridge. Lock Keepers Cottage to be retained. Early liaison required with Thames Water to develop a Drainage Strategy to identify any infrastructure upgrades required in order to ensure that sufficient sewage and sewerage treatment capacity is available to support the timely delivery of this site.”

Paragraph 51 of the National Planning Policy Framework (NPPF) states that local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (the application site comprises buildings in the B Use Classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Furthermore, Paragraph 111 states that decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Taking the above into consideration with regards to the site’s particulars and allocation status, it is considered that the principle of the development is acceptable, subject to the satisfactory addressing of other planning considerations.

Summary of Design

Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 60 further states that 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.

Saved Appendix 3 of the Dacorum Borough Local Plan (DBLP) states that there is a need for variety and imagination in the layout and design of housing so as to avoid residential developments which lack character and identity.

Prior to the submission of the application, substantial pre-application discussions were undertaken between the applicant, their representatives, Planning Officers and the Council's Conservation and Design Officer. The proposals which have been submitted reflect the discussions and the comments which were provided by LPA's Officers.

The development is formed of two blocks (which for the purposes of this report are identifiable as Blocks A and B) with variations in height and angle to the parapet. When viewed from the canal this provides a strong vertical character formed of appropriate, traditional materials seen in many industrial canal developments. The fenestration arrangements are considered to add to this general character and appear neat and well-balanced.

Block A is situated to the north-west of the site (close to the site entrance) and Block B is located behind to the south-east and they are divided by a new public realm area which links the area beyond the new site frontage to the tow path. The blocks are broken down further into 4 slender wings, with shorter blocks and courtyards in between. The blocks vary in height from 2 to 4 storeys facing the Grand Union Canal side and 1 to 5 storeys facing Frogmore Road.

234 parking spaces are provided on the ground floor and the majority of these will be contained within the two internal car parking areas below the podiums and accessed via roller shutter doors on the east side of each block. Secure refuse, plant and bike storage locations adjacent to cores are proposed inside the car parks at ground floor. Secure bike storage for 184 cycles is provided.

The Council's Conservation and Design Officer has been formally consulted on the design of the proposals and has confirmed that they are found to be acceptable. They further stated that they would welcome the (proposed) landscaping enhancements which would provide a beneficial space for the residents and add to the setting of the lock keepers cottage and bridge over the canal. Finally, they stated that it would be beneficial to ensure that the canal tow path links in with the new access points and any new surfacing should be appropriate to the character of the canal. Ideally the bridge over the canal should be restored and enhanced as part of any proposals.

Density

Policy CS10 of the Core Strategy states that at broad settlement level, development should promote higher densities in and around town centres.

Saved Policy 21 of the DBLP states that careful consideration will be given to the density of all new housing proposals to ensure that they make the most efficient use of the land available.

The policy further states that densities will generally be expected to be in the range of 30 to 50 dwellings per hectare net. Higher densities will generally be encouraged in urban areas at locations where services and / or workplaces can be reached without the need for motorised travel or which are served well by passenger transport, for example at town and local centres.

The application proposes 184 homes on a 1.32 hectare site, giving a density of 139 dwellings per hectare. If this density is repeated across H/13, it would result in well over 400 homes, far higher than the 100-150 units proposed in the Site Allocations.

However, the Strategic Planning Team has confirmed that when the Site Allocations document was prepared, it was uncertain what type of housing would be proposed on H/13. The estimate of 100-150 homes reflects the likely density that would be achieved with a scheme for townhouses. As the application proposes flats, this has resulted in a much higher density.

It should be noted that Paragraph 6.21 of the Site Allocations document states that:

“The net capacity figures specified provide an estimate of expected capacity and should not be treated as maxima. Final dwelling capacities will be tested through the planning application process, where detailed schemes will be expected to demonstrate compliance with specified planning requirements and other relevant policies and guidance.”

Therefore, the Strategic Planning Team has confirmed that it has no objection in principle with the density proposed. It is considered that the proposals make the most efficient use of land in accordance with Saved Policy 21 and will assist the Council in meeting the average of 430 net additional dwellings which it aims to provide each year (between 2006 and 2031) as specified by Policy CS17 of the Core Strategy.

It should be noted that the recently-announced draft revised NPPF provides further support and emphasis on housing delivery and also promotes the use of brownfield land and developing at densities which optimise site potential.

Dwelling Mix

Policy CS18 of the Core Strategy states that new housing development will provide a choice of homes. This will comprise a range of housing types, sizes and tenure, housing for those with special needs and affordable housing in accordance with Policy CS19.

Saved Policy 18 of the DBLP states that the development of a range of dwellings (size and type) will be encouraged. Regard will be paid to the need to provide accommodation for new, small households and the floor area of individual buildings. Units for small households needing 1 or 2 bedrooms will be sought by requiring the provision of some 1 and 2 bedroom units on large housing sites (i.e. sites over 2 hectares in area and/or capable of accommodating at least 50 dwellings) and those sites specifically identified in the Schedule of Housing Proposal Sites.

The proposals are comprised as details below:

184 dwellings

50 x 1b2p flats
37 x 2b3p flats
85 x 2b4p flats
8 x 3b5p flats
4 x 3b6p flats

Open market housing: 120 dwellings (65%) as:

30 x 1b2p flats
23 x 2b3p flats
62 x 2b4p flats
3 x 3b5p flats
2 x 3b6p flats

Affordable housing: 64 dwellings (35%) as:

Social Rent (48) (75%) total)

13 x 1b2p flats
7 x 2b3p flats
21 x 2b4p flats
5 x 3b5p flats
2 x 3b6p flats

Shared Ownership (16) (25%) total)

7 x 1b2p flats
5 x 2b3p flats
4 x 2b4p flats
0 x 3b5p flats
0 x 3b6p flats

It is considered that the above mix strikes an appropriate balance between providing a variety of unit sizes and an appropriate level of affordable housing which meets with the Council's relevant policy as discussed below.

Affordable Housing

Policy CS19 of the Core Strategy states that affordable homes will be provided on sites of 10 dwellings (and larger) in Hemel Hempstead. 35% of the new dwellings should be affordable homes.

The proposals provide 48 units of social rented housing and 16 units of intermediate housing (shared ownership), a total of 64 units which represents 35 percent of the total provision. Both the Strategic Housing and Strategic Planning teams have confirmed that the level of provision is acceptable and will be secured through the Section 106 Agreement.

Impact upon Neighbouring Properties

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

With regards to visual intrusion, consideration of this matter relates primarily to the impacts experienced by the receptors of Durrants Hill Road to the west, the rear amenity areas / elevations of the properties within Ebberns Road to the north / north-east, Frogmore Road itself which is situated to the immediate south of the proposals and the canal side environment which is also situated to the north / north-east of the site. The consideration of the impacts upon each of these receptors takes account of the fact that planning does not concern itself with or allow for any right to a view.

Durrants Hill Road is situated approx. 50m from the proposed north-west elevation. Existing views from this receptor via the Frogmore Road access are of the existing bathroom centre to the north, with the westernmost end of the current two-storey commercial buildings visually evident within longer range views.

The proposals, given their distance from this receptor and modest four-storey height (with a fifth floor of the rear of Block A evident in the distance), whilst visible, are not considered to be visually intrusive.

Separation distances between the southernmost elevations of the properties in Ebberns Road and the northernmost elevations of the proposed units increases from approx. 30m at the north-west of the site, increasing in distance to approx. 67m between the relevant elevations at the south-eastern end. Views of the proposals from these receptors are of 2, 3 and 4 storey blocks which, when viewed from the aforementioned distances, are not considered to result in a visually intrusive form of development.

With regards to the consideration of visual intrusion along Frogmore Road, it is considered that the site will be significantly enhanced by the replacement of the existing unattractive

commercial buildings with a well-landscaped, high quality development which does not impose itself upon the street scene and as such, the proposals would not be visually intrusive from this receptor. The relationship between the proposals and the bathroom store to the north-west of the site will remain similar to the existing relationship between this building and the current structures, albeit the proposals are of a greater height. In the case of the Lockkeeper's Cottage located to the south / east of the proposal site, a greater separation between this structure and the neighbouring structures will be provided than at present.

Impacts of the proposals upon the canal side environment are considered later in the report.

In terms of wind impact, it is considered that the scale of the proposals are not so significant/substantial that wind impacts and/or microclimate would create an unacceptable environment for occupiers of the new units or the surrounding area.

In respect of impacts upon sunlight and daylight, Saved Appendix 3 of the DBLP states that residential development should be designed and positioned in such a way that a satisfactory level of sunlight and daylight is maintained for existing dwellings. Significant overshadowing should be avoided.

Given the height of the proposals and the aforementioned separation distances between the proposed buildings and the residential properties within Ebbens Road, it is considered that no loss of sunlight / daylight and overshadowing would result.

The application is accompanied by a Daylight and Sunlight Assessment which has been prepared using methodology and criteria provided by the Building Research Establishments guidance 'Site layout planning for daylight and sunlight: a guide to good practice' (BRE, 2011) and the British Standard document BS8206 Pt2. Each of the surrounding residential properties with windows serving habitable rooms overlooking the site has been included within the assessment.

The result of the Vertical Sky Component (VSC) assessment shows no material reduction to any windows relevant for assessment with all windows retaining VSC levels in excess of 0.8 times their former value. Overall retained amenity is excellent with the majority of VSC levels also exceeding the absolute target of 27% 6.4. In addition, the results of the No Sky Line Contour (NSC) analysis indicates that all rooms relevant for assessment would experience no noticeable change to the No Sky Line. As such, the proposed scheme remains fully in line with the BRE guidelines.

The windows of the properties facing the proposal are within 90 degrees of due south and are therefore potentially relevant for APSH sunlight assessment. Whilst not all windows are likely to serve main habitable living rooms they have been assessed for completeness.

The results of the assessment demonstrate that all windows retain excellent sunlight levels exceeding the BRE target 25% APSH with at least 5% enjoyed during the winter months. The effects of the proposal are therefore fully in line with the BRE targets.

In respect of loss of privacy, Saved Appendix 3 of the DBLP states that the minimum distances of 23m between the main rear wall of a dwelling and the main wall (front or rear) of another should be met to ensure privacy. This distance may be increased depending on character, levels and other factors.

The nearest residential properties to the proposal site are those which are located to on Ebbens Road. The rear elevations and garden areas face southwards towards the application site and the proposals would result in a 'back to back' relationship with these properties.

The proposals would result in the rear build line of the site moving closer to the Ebbens Road

properties than the existing structures, provide balconies at all levels and the height of the proposals would also be greater than the existing structures.

However, taking account of the aforementioned separation distances between the proposal's canal side elevations and the rear elevations of the properties in Ebbens Road, it is considered that with regards to the Council's standards prescribed by Saved Appendix 3 of the DBLP, this separation is considered acceptable and will ensure that no unacceptable loss of privacy will result from the proposals.

Impact on the Character of the Area

Policy CS12 of the Core Strategy states that on each site, development should integrate with streetscape character. It is noted that the site is not situated within any of the character areas as defined by the Area Based Policies Supplementary Planning Guidance.

It is considered that the proposals will be visible from two key visual receptors; Durrants Hill Road to the west and the canal side environment and rear elevation windows of the properties located to the north in Ebbens Road.

With regards to the former, views of the north-west elevation will be those which are readily evident from this receptor where the view is comprised of a four storey development with fifth storey elements visible in the backdrop. The primary corner has an articulated parapet to create a focal point corner when entering the site giving a sense of direction. The overall storey height of the building at the site entrance is reduced to minimise impact on arrival. The entrance will also be shaped by a new tree lined avenue. A high degree of visual interest is evident and the use of a mix of material pallets makes a valuable contribution in this respect.

The long ribbon elevations facing north and south have interrupted facades, with cladding is brickwork throughout and two brick colours are introduced to express a primary and secondary tier.

Although the massing has been broken into smaller blocks, the architects have stated that it was important that the scheme should still be read as a single harmonious 'family' of elements, rather than a disparate group of blocks. The architects have further considered that a common architectural style was required that would connect the different scaled blocks whilst providing enough scope of variation. To achieve this, unity comes from the fenestration and balcony design that links the elements and reinforces verticality in the smaller parts i.e by grouping windows with balconies which gives the appearance of voids and so further breaks the elevations. The brick helps to link this contemporary proposal with the existing traditional materials of the local area.

On the canal side the fragmented form and scale of the proposed buildings respects the domestic grain of the existing surrounding houses and intimate scale of the tow path. The height is reduced in places to reduce overshadowing and to allow views across the site from the opposite side of the canal. The shorter 2 storey blocks which sit between taller wings lessen the building mass creating a non-oppressive form for passers-by on the tow path.

It is therefore considered that the proposals respond positively to surrounding streetscapes and are therefore in accordance with Policy CS12 of the Core Strategy.

Amenity Provision

Saved Appendix 3 of the DBLP states that all residential development is required to provide private open space for use by residents whether the development be houses or flats. Residential development designed for multiple occupancy will be required to provide a private communal amenity area to the rear of the building at least equal to the footprint of the building

for two storey developments, and increasing with building height.

Two podium courtyards are located on the 1st floor, creating communal amenity, and private gardens. They will be landscaped to provide a balance of hard and soft areas with seating areas, informal play space and routes connecting to circulation cores and exits. They will have visual interest such as raised planters that are incorporated with natural ventilation grilles to assist airflow from the lower ground car park. Private amenity is also provided via gardens on the ground floor, with roof terraces on the 3rd floor and further amenity areas provided via balconies.

In addition to the on-site provision detailed above, the site is located immediately adjacent to the adjacent towpath which provides recreational opportunities. A financial contribution would be made by the developer to Canals and Rivers Trust to be spent on improvements to the towpath.

The canal and surrounding area (including the park to the immediate west of Durrant Hill Road) provide substantial public amenity space, and the site's location in relation to Hemel Hempstead Town Centre and its close proximity to Apsley also ensure that sufficient opportunities for recreation are within walking distance of the site.

It is therefore considered that the on-site provision detailed above, coupled with the publically accessible amenity areas close to the site ensures that sufficient amenity and recreation opportunities for occupiers of the new units is provided / available.

Trees and Landscaping

Policy CS12 of the Core Strategy states that on each site, development should retain important trees or replace them with suitable species if their loss is justified and plant trees and shrubs to help assimilate development and softly screen settlement edges

In its current condition, the site is covered mainly with hard standing. Substantial trees are located outside of the site boundary on the western side of Frogmore Road and within the Frogmore Paper Mill site; this is a prominent group of birch trees. The only tree of significance within the site is a Weeping Willow that is apparent when the entering from Durrants Hill Road. A Silver Birch is situated within close proximity to this tree.

The Willow Tree is proposed to be removed although all off-site trees will be protected during construction as confirmed by the submitted Tree Protection Plan which forms Appendix B1 of the submitted Tree Survey and Arboriculture Implications Assessment.

The application is accompanied by Landscape General Arrangement Plan which provides initial / indicative details in respect of paving, soft landscaping, fencing / edging and furniture.

The Trees and Woodlands Officer has been consulted on the proposals and has stated that they have no objection to the proposals and has recommended that further details in respect of tree species / planting size / planting specification and landscaping maintenance.

It is therefore considered that, subject to conditions, the proposal complies with Policy CS12 of the Core Strategy.

Pedestrian Access and Movement

Policy CS12 of the Core Strategy states that on each site, development should provide a safe and satisfactory means of access for all users.

Currently there is limited green public link from Frogmore Road to the canal tow path as the

route to the tow path is relatively subservient i.e steps located next to the former Lock Keepers cottage. The proposals provide an opportunity resolve current poor connectivity.

To achieve this the proposal provides a tree-lined central public realm, a permeable link for foot and cycle traffic and visual link through the site from Frogmore Road to the tow path with potential for 'visual' connection beyond to the River Bulbourne.

It is considered that the proposals form a transitional space from Frogmore Road to the canal creating activity with a tree lined avenue, soft landscaping, pedestrian friendly shared surface public route and street furniture. This is the main pedestrian thoroughfare to the residential entrances of each block. The central vista will be strengthened with an avenue of trees.

Gradients of ramps, door openings widths and internal corridors will be sized according to Part B and Part M4 (1) of the Building Regulations. Two Part M compliant lifts per block are proposed to give access to all floors which in turn gives access to all apartments and communal amenity on the 1st floor.

The buildings are designed to comply with the latest Part B Building Regulations allowing for evacuation of all occupants from the buildings in case of an emergency via the four stair cores located in each block. There is space for manoeuvring of emergency vehicles at the western and eastern parking courts allowing for ease of access to stair cores by fire fighters in the event of a fire.

Towpath / Canal Side Environment

Saved Policy 106 of the DBLP states that development adjoining the Grand Union Canal will be expected to make a positive contribution to the canal side environment. As such, the design, scale and materials of new developments and canal side facilities must be appropriate to the environmental and historic character of the canal and have no adverse impact on its nature conservation interest. Encouragement will be given to proposals to improve pedestrian access to the canal.

It is noted that both the canal and the towpath are covered by the Open Land designation. Saved Policy 116 of the DBLP states that Open Land forming part of the urban structure will be protected from building and other inappropriate development, and measures to conserve and improve the attractiveness, variety and usefulness of all open land will be investigated, encouraged and promoted.

The Canal and Rivers Trust has been consulted on the application and during the course of the application, requested further details with regards to the car park grilles which front the canal, and the landscaping for the strip of land between the existing boundary and the ground floor balcony / top of car park podium, both of which CRT considers to be acceptable.

A 1.5m wide transitional planting zone will be provided between the car park area and the towpath, with the existing native hedge row trimmed and topped to 1.8m high to allow views from 1st floor balconies. A 1100mm high metal railing is proposed to replace the existing timber close boarded fence. The edges are to be supplemented with new double staggered row native whips. The improved access to the canal via the proposed new link is also considered desirable.

As stated previously, an £80,000 financial contribution is to be made to CRT to provide for upgrades to the towpath. It is considered that the replacement of the existing unattractive buildings / boundary treatment with the proposals detailed above will significantly enhance the canal side environment (and access to it) which accords with the relevant planning policy environment.

Highways

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

Policy CS9 of the Core Strategy states that the traffic generated from new development must be compatible with the location, design and capacity of the current and future operation of the road hierarchy, taking into account any planned improvements and cumulative effects of incremental developments.

Furthermore, Saved Policy 51 of the DBLP states that development must be compatible in locational and general highway planning, design and capacity terms with the current and future operation of the defined road hierarchy and road improvement strategy.

With regards to site access, it is proposed that the new development will be served by the existing access direct from Durrants Hill Road which HCC considers to be acceptable.

In respect of impact upon the highway, HCC as Highway Authority has reviewed the submitted Transport Assessment and have stated that it does not wish to object to the proposed application, subject to conditions and legal agreements requiring the following improvements:-

- Box junction on bridge.
- TRO for keep clear markings in front of Frogmore Road on Durrants Hill Road.
- Box junction at Durrants Hill Road and London Road junction.
- Improvements to London Road junction with Durrants Hill Road.
- Improvements to Lawn Lane junction with Durrants Hill Road.
- TRO for Frogmore Road to enforce no parking by Heavy Goods Vehicles and/or possible weight restrictions set for Frogmore Road.

A copy of the Highway Authority's response is provided to Members within its entirety as Appendix 1 of this report.

Parking

Policy CS12 of the Core Strategy states that on each site development should provide sufficient parking and sufficient space for servicing.

The site is situated within Zone 3 as defined by the Council's Accessibility Zones SPG. Within Zone 3, the following maximum standards are application for residential development:

- 1 bedroom dwellings = 1.25 spaces
- 2 bedroom dwellings = 1.5 spaces
- 3 bedroom dwellings = 2.25 spaces

50 x 1 bedroom dwellings x 1.25 = 62.5 spaces

122 x 2 bedroom dwellings x 1.5 = 183 spaces

12 x 3 bedroom dwellings x 2.25 = 27

Total maximum parking requirement = 272.5 spaces

The application proposes a total of 234 parking spaces, a deficit of 38.5 spaces beneath maximum. As the standards are maximum and the site is within close proximity to the amenities of both Apsley and Hemel Hempstead, the proposed level of provision is considered acceptable.

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

'The National Planning Policy Framework 2012 (the Framework) has a core principle of making the fullest possible use of public transport, walking and cycling, and advises that parking standards should take account of (amongst other things) the accessibility of development and the levels of car ownership. Subsequently, the Government issued a Written Ministerial Statement (WMS) on 25 March 2015, which highlights that any local parking standard should only be imposed where there is clear and compelling justification'.

With their decision, the Inspector stated that in the absence of a detailed evidence of a clear parking problem (within the area), it had not been demonstrated that the proposal would materially harm highway safety. They further stated that as the site lay in a sustainable location, where development using alternative means of transport should be encouraged, the proposed development would not cause harm to the surrounding road network, congestion and highway safety. The proposed development was therefore broadly in accordance with Policies CS8 and CS12 of the Core Strategy and Saved Policies 57 and 58 and Appendix 5 of the DBLP. It would also meet the aims of the Framework and WMS outlined above.

The proposals are therefore considered to comply with the parking requirements of Policy CS12 of the Core Strategy and Saved Appendix 5 of the DBLP.

Ecology

Policy CS26 of the Core Strategy states that development will contribute towards the conservation of habitats and species.

Whilst the site itself is not designated, it is situated within the Impact Risk Zone of Roughdown Common SSSI. The submitted Ecological Constraints Report highlights the value of the adjacent canal and associated vegetation to foraging bats and recommends that a lighting plan be prepared to prevent spill and so ensure that there is no adverse effect on foraging behaviour.

An Outline Bat Mitigation Strategy (OBMS) has also been provided which recorded the emergence of Three Common pipistrelle bats from one of the existing buildings during the single bat emergence survey, which took place outside of the maternity period in mid-September.

Hertfordshire Ecology (HE) has been consulted on the proposals and has advised that the development proposals will result in the loss of a known bat roost, currently assumed to be an occasional Pipistrelle roost of low conservation significance. Suitable outline mitigation has now been provided to safeguard bats and ensure their conservation status is maintained. With these mitigation measures in place, HE considers that the OBMS provides enough information to enable the LPA to fully consider the impact of the proposal on bats, i.e. to satisfy and discharge their obligations under the Conservation of Habitats and Species Regulations 2017 prior to determination. As such, a condition is recommended in addition to the aforementioned pertaining to lighting details.

It should be noted that Natural England were consulted on the application and stated that they had no comment to make.

Impact on Built Heritage Assets

There is statutory duty to pay special regard to the desirability of preserving the setting of nearby Listed Buildings / heritage assets under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The advice in Paragraph 132 of the NPPF that any harm or loss to the value that a Listed Building has by virtue of a development within its setting requires clear and convincing justification as “great weight” should be given to the asset’s conservation since it is irreplaceable.

The applicants have submitted a Built Heritage Statement assessing the impact of the development on both the fabric of any Listed Buildings / heritage assets and their settings.

The harm to the setting of Mill building is judged to be less than substantial and this assessment is accepted by the Council’s Conservation Officer. Nevertheless any adverse impact should be given great weight in assessing the proposal (see assessment below). This notwithstanding, it is noted that the proposal site is already allocated for housing.

Policy CS27 of the Core Strategy states that all development will favour the conservation of heritage assets. Furthermore, Saved Policy 119 of the DBLP states that there is a general presumption in favour of the preservation of listed buildings of special architectural or historic interest.

The site is situated adjacent to the Grand Union Canal, lock, bridge and lock keepers cottage. These structures date from the early 19th century. All of these structures have been constructed in brick and both the cottage and the bridge have been painted white. The bridge has much graffiti, inappropriate railings and landscaping and is not in an ideal condition. The Conservation and Design Officer has confirmed that the aforementioned features would be considered to be non-designated heritage assets.

Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Conservation and Design Officer has stated that the impact on the setting of the above structures would have a minimal impact on their significance. As such the harm would be at the low level of less than substantial when considered in the balancing exercises of the Framework.

The Grade II Listed paper mill is situated approximately 30 metres to the southwest of the application site. The Listed office block is 19th century constructed of brick and of 2 storeys. It is surrounded by brick built industrial buildings mainly roofed in sheeting.

The Conservation and Design Officer has confirmed that that the mills significance is in principle in relation to its physical fabric and historical interest rather than planned views. However the connection to the river and the canal is important as this provides the reason for the mills location but unlike other mill complexes there are no designed views over this site towards the canal.

The site provides some significance through its location but we the Officer does not consider that demolishing the existing industrial buildings will harm the Listed Building’s significance and agrees with the heritage statement that the proposed new buildings in themselves would cause less than substantial harm to the significance of the Listed Building. There would be some impact on the significance due to the change in character from an industrial site to residential but given that this was the case in the past and that housing (although at a much lower density) was found at this location any harm would be of a low level. Some views through to the canal would be retained and the historic structure of the canal and layout of the land, waterways and their forms would remain unaltered. Therefore the Officer considers that that any harm would be to a low level on the scale of less than substantial harm.

Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It is considered that the benefits of utilising the existing brownfield site for housing (including 35 percent affordable provision on site) and the improved towpath connectivity are both public benefits which outweigh this low level of harm.

Archaeological Impact

Core Strategy Policy CS27 states that all development will favour the conservation of heritage assets. Features of known or potential archaeological interest will be surveyed, recorded and wherever possible retained.

Furthermore, Saved Policy 118 of the DBLP states that where advice indicates that a proposed development will affect remains of archaeological significance or areas of archaeological potential, developers will be expected to provide the results of an archaeological evaluation as part of their planning application.

The proposed development is located at Frogmore End in Hemel Hempstead, in the valley of the River Gade. It lies circa 800m to the north of Area of Archaeological Significance no. 52, as identified in the Local Plan, which is concerned with an area of known prehistoric settlement overlooking the river valley.

Due to its position within the flood plain there is potential for the recovery of palaeo-environmental and archaeological data at this location. A Geological Assessment, submitted with the application, noted that the site is underlain by layers of alluvium, with possible pockets or layers of peat. These surviving alluvium and peat bands have the potential to contain significant archaeo-environmental remains (dating to between c.9000 – 2000 B.C.). Residual prehistoric flints were found during an archaeological evaluation at Frogmore Mills, adjacent to the proposed development area to the south (Historic Environment Record no. 11961).

The County's Historic Environment Advisor has been consulted on the application and has stated that it is considered that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and conditions are recommended in this respect. Such conditions will ensure that the proposals do not conflict with the relevant planning policies with regards to impact upon archaeological interests.

It is considered that the aforementioned conditions are required and recommended to be attached to the decision notice should permission be granted.

Air Quality

Policy CS32 of the Core Strategy states that Development will be required to help support improvements in identified Air Quality Management Areas and maintain air quality standards throughout the area. Any development proposals which would cause harm from a significant increase in pollution into the air by virtue of the emissions of fumes, particles, or noxious substances, will not be permitted.

Whilst not designated an Air Quality Management Area (AQMA) itself, the site is within close proximity to two AQMAs; Lawn Lane which is situated approx. 120m to the north / north-east, and Apsley which is situated approx. 135m to the south-west.

The application is accompanied by the submission of an Air Quality Assessment which has been prepared by RSK Environment Limited.

The assessment acknowledges that construction phase impacts may have the potential to

occur, due to dust and particulate matter emissions during the period of construction. The risk of dust impacts was assessed in accordance with the IAQM 2014 guidance and was predicted to be a maximum of 'medium risk' during the construction phase. The report recommends mitigations measures to reduce the risk for general site activities and construction activity-specific activities, in accordance with this guidance. If appropriate mitigation (such as that identified within Section 7 of the report) is implemented, the residual impact of construction phase air quality impacts is likely to be 'not significant'.

Operational phase air quality impacts were assessed using detailed dispersion modelling to predict the impact of existing sources of relevant air pollutants in the local area on receptors to be introduced at the proposed development site, and the impacts of changes in road traffic attributable to the development on local air quality.

The following three scenarios were assessed:

- S1: 'Base case' scenario representing the 'existing' air quality situation in 2016;
- S2: 'Without development' scenario; and,
- S3: 'With development' scenario.

The results of the modelling indicated that exceedances of the annual mean PM10 and PM2.5, the hourly mean NO2, and daily mean PM10, AQSs, are not predicted at any of the modelled receptor locations, in any of the modelled scenarios.

The results of the modelling indicate that exceedances of the annual mean PM10 and PM2.5, the hourly mean NO2, and daily mean PM10, AQSs, are not predicted at any of the modelled receptor locations, in any of the modelled scenarios.

The development is predicted to expose one additional receptor to annual mean NO2 concentrations exceeding the AQS (albeit very marginally) which was not predicted to exceed without the development in place, although this is located within the existing Lawn Lane AQMA.

As per the EPUK-IAQM guidance, the impact of the development on annual mean NO2 concentrations at existing sensitive receptor locations was assessed as 'negligible' at 18 of the 19 locations, and 'moderate adverse' at one location.

Therefore, the overall impact of the development on local air quality has been assessed as 'slight adverse'.

Mitigation measures are recommended in Section 7.2 of the report document as follows:

- Selection of 'ultra low' NOx boilers throughout the development. The EPUK-IAQM indicates that gas boilers installed in domestic buildings should achieve a NOx rating 40mg NOx/kWh;
- Provision of on-site 'rapid charge' electric vehicle charging points, which should be maintained in good condition. As a guide, it is recommended that at least one is installed per 10 residential dwellings; and,
- Implementation of measures facilitating modal shift, discouraging the use of driving and encouraging walking, cycling, public transport and/or car sharing. Such measures may include the promotion of car share schemes and provision of up-to-date public transport information (i.e. timetables, bus maps and routes, etc.) to residents; the development of a designated car sharing scheme, cycle bank scheme; subsidised cycling proficiency testing; subsidised discounted cycling equipment; and the provision of on-site cycle parking.

By implementing an appropriate selection of mitigation measures to reduce the impacts of the development on local air quality, the residual impacts of the scheme are likely to have

reduced.

Whilst formal consultation comments from the Council's Environmental Health Officer were not available at the time of this report being completed, the Air Quality Assessment and its conclusions have been provided by qualified professionals and it is therefore considered to be sufficient for the purposes of the planning assessment.

It is anticipated that the EHO's comments will be provided within the Addendum to this report.

Flood Risk and Drainage

The application site is situated within both Flood Zones 2 and 3.

Policy CS31 of the Core Strategy states that water will be retained in the natural environment as far as possible. Measures to restore natural flows in the river systems and the water environment will be supported. Supply to the Grand Union Canal will be maintained.

Development will be required to avoid Flood Zones 2 and 3 unless it is for a compatible use. Flood Risk Assessments must accompany planning applications for development in these areas, explaining how the sequential approach to development has been taken into account and outlining appropriate mitigation measures. However, it is noted that the application site is already allocated for housing as previously discussed.

The submitted flood risk assessment (FRA) 'Bellway Homes North London: Frogmore Road, Hemel Hempstead: Flood Risk Assessment & Surface Water Drainage Strategy' prepared by RSK LDE Ltd (project number: 132917-R1(01) - FRA), and associated plans demonstrate that finished floor levels and flood resilience measures shall be set no lower than 79.00m AOD.

In the event of a flood, safe access and egress from the site will be via the proposed pedestrian access to the canal tow path at the rear of the site. A number of the ground floor dwellings front onto Frogmore Road; to ensure that these users can access the canal tow path, there will also be rear access to the car park area. Additionally there will be internal access to higher floors, and the northern and western areas of the site are located in Flood Zone 1. A flood management plan should be implemented to ensure site users are aware of flood risk.

The Environment Agency has been consulted on the application and has stated that they have no objections to the proposed development on flood risk safety grounds. They recommend that finished floor levels for the proposed development are set as high as is practically possible, ideally 300mm above the 1 in 100 year 35% flood level, or, where this is not practical, flood resilience/resistance measures are incorporated up to 300mm above the 1 in 100 year 35% flood level. This is to protect the proposed development from flooding.

Furthermore, the Lead Local Flood Authority has also been consulted on the application and has confirmed that has no objection on flood risk grounds and advises the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.

The drainage strategy is based upon attenuation and discharge into Thames surface water sewer network. The SuDS strategy has been design to cater for all rainfall events up to and including 1 in 100 plus 40% for climate change and surface water flows will be restricted to 28.8 l/s.

Thames Water has raised no objection to the proposals, subject to conditions.

Land Contamination

Policy CS32 of the Core Strategy states that any development proposals which would cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances, will not be permitted.

Comments from the EHO are anticipated to be provided at Development Management Committee.

Refuse Collection

Saved Policy 129 of the DBLP states that developers will be expected to provide adequate space and facilities for the separation, storage, collection and recycling of waste within developments of 100 or more dwellings.

The proposed refuse strategy has been designed to comply with Dacorum's Refuse Storage Guidance Note February 2015.

The requirements for waste storage for flatted developments are:

- a 1100ltr mixed recycling blue lid container which will be provided by the borough and emptied weekly. One container is shared between 5 residences.
- a 1100ltr non recycling green lid container which will be provided by the borough and emptied weekly. One container is shared between 5 residences.
- For food waste, 240ltr wheeled bins are provided shared by up to 10 flats.
- Each euro bin is to be separated by a minimum 150mm gap around it.

Refuse stores are designated for Block A and B at Ground Floor and are placed for maximum accessibility adjacent to the circulation cores (lift & stairs), of no more than 30m (horizontally) from any residential unit they serve.

The capacity of each storage area for each location is in proportion to the total number of units per tenure. These store rooms will be indicated with clear signage and level access, in compliance with accessibility requirements, with the furthest euro bin being within 25m travelling distance from the kerb side as required by refuse collection operatives.

Fire Safety

Hertfordshire fire and Rescue have been consulted on the application and has stated that based on the information provided to date they would seek the provision of fire hydrant(s) as all developments must be adequately served by fire hydrants in the event of fire.

Such provision is contained within the Heads of Terms of the S106.

Sustainable Construction and Design

Policy CS29 of the Core Strategy states that new development will comply with the highest standards of sustainable design and construction possible including the recycling and reduction of construction waste which may otherwise go to landfill.

The County Spatial Planning & Economy Unit Minerals and Waste Team has been consulted on the application and has stated that they would like to ensure that a Site Waste Management Plan (SWMP) is submitted prior to the commencement of the demolition phase to set out how waste will be managed and if possible, how it can be re-used in the construction.

Large quantities of inert waste and made ground will be produced from the demolition and

when extracting material for the foundations. It is therefore considered that given the scale of the development and the potential for wastes arising, it is appropriate to impose a condition on the planning permission requiring the submission of a SWMP prior to commencement to ensure the proposals comply with National waste policy and Core Strategy Policy CS29.

It is considered that the scale of the proposal and potential for large quantities of wastes arising confirm that such a condition is appropriate in this instance.

With regards to energy efficiency, the application is accompanied by an Energy Demand Statement which states that renewable and low carbon technologies have been considered and discounted for justifiable reasons and therefore the developer has elected for a fabric only approach to meet the necessary energy efficiency and CO2 targets as required by planning policy.

Emphasis has been placed on the attention to detail around non-repeating thermal bridges to ensure that heat loss is further reduced and that an airtight dwelling is achieved. An efficient mechanical ventilation system is proposed that will introduce fresh air to the building to ensure that the internal comfort of the building is maintained.

The available options for delivery of energy have been appraised and highly efficient individual condensing gas boilers are the optimal method of supplying the homeowners with efficient, cost effective space heating and hot water. The heating design will be enhanced by specifying full zone and optimum start controls to ensure that the homeowners have an effective, easy to control system. A high percentage of internal lights will be low energy which will reduce energy and CO2 emissions further. CO2 has been reduced on the scheme through a fabric only approach.

Developer Contributions

Policy CS35 of the Core Strategy states that all development will provide or contribute to the provision of the on-site, local and strategic infrastructure required to support the development. This may be provided in-kind or through financial contributions.

A Draft S106 Agreement has been prepared which secures the following:

- Affordable housing at 35% as discussed elsewhere within this report;
- The provision of fire hydrants;
- A contribution of £80,000 towards towpath improvements, and ;
- Highways contributions/Highway Improvements (TBA)
- Travel Plan

In addition to those matters secured by the S106 Agreement, the proposals will be liable to payments arising under the Council's Community Infrastructure Levy Charging Schedule which came into effect on 1st July 2015.

The site is situated within CIL Zone 3 and as such, is liable to a charge of £100 per square metre.

The total CIL liable will be advised at Development Management Committee.

Under Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) the Council is expected to publish a list of infrastructure projects that may benefit from CIL funding. The purpose of the list is to differentiate between those types of infrastructure that the authority intends to fund through CIL and those areas where a planning obligation under S.106 of the Town and Country Planning Act 1990 (as amended) or another source of funding

may be pursued to deliver the relevant infrastructure item.

Summary and Conclusion

The proposals would provide 184 units to the Borough's housing stock without resulting in unacceptably adverse impacts in respect of air quality, highway safety, residential amenity, heritage assets or the adjacent canal-side environment.

Additionally, the proposals provide a full, policy-compliant affordable housing provision of 35 percent, a financial contribution towards towpath improvements, and wider infrastructure improvements through a sizeable CIL liability.

As such, the proposals are considered to comply with the relevant national and local planning policy environment and are therefore recommended for delegation to the Group Manager with a view to approve, subject to the signing of the relevant Section 106 Agreement.

RECOMMENDATION - That determination of the application be **DELEGATED** to the Group Manager, Development Management and Planning, subject to the completion of a S106 agreement securing the following Heads of Terms

- Affordable housing at 35% as discussed elsewhere within this report;
- The provision of fire hydrants;
- A contribution of £80,000 towards towpath improvements, and ;
- Highways contributions/Highway Improvements (TBA)
- Travel Plan

And subject to the following suggested 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:**

TBC

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

- 3 Notwithstanding the details provided within the application, no development (excluding demolition and groundworks) shall take place until details of the materials to be used in the construction of the external surfaces (including brick bond and mortar, joinery details and finish) of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To ensure a satisfactory appearance to the development in accordance

with Policy CS12 of the Core Strategy.

4 **Notwithstanding the information submitted with this application, no development (excluding demolition and groundworks) shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

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

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

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

5 **The development shall be constructed in accordance with the details contained within the submitted flood risk assessment 'Bellway Homes North London: Frogmore Road, Hemel Hempstead: Flood Risk Assessment & Surface Water Drainage Strategy' prepared by RSK LDE Ltd (project number: 132917-R1(01) - FRA), and associated plans.**

Reason: To ensure that matters pertaining to flood risk are suitably mitigated in accordance with Policy CS31 of the Core Strategy.

6 **Prior to first occupation of the development hereby approved, a Flood Evacuation Plan will be submitted to and approved in writing by the Local Planning Authority. Following approval, the measures contained within the Plan will be adhered to in full.**

Reason: To ensure that sufficient escape arrangements for all occupants in the event of flooding are secured in accordance with Policy CS31 of the Core Strategy.

7 **Before the use commences a noise assessment should be carried out in accordance with BS4142 to establish whether the (plant/machinery) that are to be installed or operated in connection with carrying out this permission are likely to give rise to complaints at any adjoining or nearby noise sensitive**

premises. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise from the (plant/machinery) does not, at any time, increase the ambient equivalent continuous noise level.

Reason: To protect the amenities of adjoining development in accordance with Policy CS12 of the Core Strategy.

- 8 **Before any plant and / or machinery specify is used on the premises it shall be enclosed with sound insulating materials and installed / mounted using appropriate anti vibration mountings in a way that minimises the transmission of structure borne sound and vibration in accordance with a scheme to be approved in writing by the Local Planning Authority**

Reason: To prevent detriment to the amenity from the transmission of structure borne vibration in accordance with Policy CS12 of the Core Strategy.

- 9 **Details of any external lighting proposed in connection with the development shall be submitted to and approved by the Local Planning Authority prior to installation, and no external lighting shall be provided without written consent.**

Reason: In the interest of the visual amenities of the area in accordance with Policy CS12 of the Core Strategy.

- 10 **Prior to demolition of Building 2 (Units 7-13), two dusk emergence / dawn re-entry surveys should be undertaken during May – August inclusive to determine with confidence what type of bat roost is present, and the outline mitigation strategy should be modified as appropriate based on the results and submitted to the Local Planning Authority for approval. Thereafter the development shall be carried out in accordance with these approved details, subject to any licensing requirements.**

Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with National Planning Policy Framework.

- 11 **Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:**

a) identify those areas/features on site where artificial light is likely to cause disturbance to bats in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

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

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning

Authority.

Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance in accordance with National Planning Policy Framework.

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

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

- 13 **No demolition / development shall 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: The proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and it is therefore considered that further pre-commencement investigation measures are secured and implemented prior to commencement of the development in accordance with the requirements of Policy CS27 of the Core Strategy and Saved Policy 118 of the Dacorum Borough Local Plan.

- 14 **Demolition / development shall take place in accordance with the Written Scheme of Investigation approved under Condition (13). 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 (13) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: The proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and it is therefore considered that further investigation measures are secured in accordance with the requirements of Policy CS27 of the Core Strategy and Saved Policy 118 of the Dacorum Borough Local Plan.

- 15 **The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by RSK reference 132917-R1(01)-FRA dated October 2017, the following mitigation measures detailed within the FRA:**

- 1. Limiting the surface water run-off to a maximum of 28.8 l/s with discharge into the Thames Water Sewer.**
- 2. Providing a minimum of 834m³ attenuation volume (or such storage volume agreed with the LLFA) 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. Undertake drainage strategy to include to the use permeable paving, attenuation tanks and oversized pipes as indicated on drainage strategy drawing no.10-00.**

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 31 of the Core Strategy and the National Planning Policy Framework.

- 16 **No development (excluding demolition) 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; The scheme shall also include:**

- 1. Detailed engineered drawings of the proposed SuDS features and discharge control devices including their, location, size, volume, depth and any inlet and outlet features.**
- 2. Detailed surface water calculations for all rainfall events up to and including the 1 in 100 year + 40% 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 the increased risk of flooding, both on and off site in accordance with Policy CS31 of the Core Strategy and the National Planning Policy Framework.

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

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure and as such, the above is required to enable the proposals to comply with Policy CS32 of the Core Strategy and the National Planning Policy Framework.

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

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

The drawings should incorporate the necessary amendments to the access geometries, set out as follows (Note, accesses numbered from left to right on drawing reference 02-02-01 Rev P01):

- Access 1: road width between the junction and start of parking area to be confirmed;
- Access 1: left-hand radius should be increased owing to dominant flow, plus non-perpendicular access alignment (any footway link may be better served on the opposite side to avoid constant overrun);
- Access 2: would be better served by a traditional kerbed bell-mouth type junction owing to the number of vehicles proposed, complete with internal footway link and appropriate junction visibility;
- Access 2: vegetation proximity to be reviewed;
- Internal access ramps and gradients served from Access 2 should be sensitive to the needs of the site and necessary internal visibility;
- Access 3: internal access widths to be confirmed;
- Access 3: left-hand radius should be increased to minimum of 6.0m (dominant flow direction); and,
- Accesses 4 & 5: appear suitable for simple vehicular access construction.

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy CS9 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan.

- 19 **Construction of the development hereby approved shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:**

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

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CS9 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan. The nature of the activity at the site is such that this condition is required to be pre-commencement.

- 20 **Prior to first occupation of the development, a Car and Cycle Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. It shall include the information prescribed in the TA and the following:**

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

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

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

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

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy CS9 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan.

- 22 **The gradient of the vehicular access to the car park shall not exceed 1:20 for the first 5 meters 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 Policy CS9 of the Core Strategy and Saved Policy 51 of the Dacorum Borough Local Plan.

Article 35 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant through the pre-application advice process and 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

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".

Design Out Crime Officer

Basement / undercroft car parking:

This will need to be secure to prevent cars being broken into, stair cores being broken into and youths gathering causing damage and Anti-Social Behaviour (ASB). Such security will need access control and full height gates or roller shutters, decent lighting with white painted ceiling. The white ceiling and walls will help reflect light, so there can be less lighting units, as well as helping users see others using the car park and thus feel safe. Any exit button for residents on bikes exiting should be nearby the exit, but around a corner and with a protective cover over to stop persons on the outside activating the push button from outside with some sort of tool or stick.

Safety and Security:

Stair cores, communal entrances and ground floor windows should be to Secured by Design standard (BS PAS 24), which also meets the standards of Part Q of Building Regulation.

Environment Agency

Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed permanent or enabling works or structures, in, under, over or within 8 metres of the top of the River Bulbourne, designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Please contact us at PSO-Thames@environment-agency.gov.uk for further information. The applicant will need to demonstrate:

- That access to the watercourse is not restricted for future maintenance or improvement works.
- That works will not obstruct flood flows thereby increasing the risk of flooding to other properties within the locality of the site.
- That works will not adversely affect the stability of the river bank.
- That all the conditions/requirements of the Flood Risk Activity Permit are met.

Environmental Health Officer

Noise on Construction/Demolition Sites

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

Construction hours of working – plant & machinery

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1800hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.

Contaminated Land

If the site is known to be contaminated you should be aware that the responsibility for safe development and secure occupancy of the site lies with the developer.

Dust

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

Asbestos

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

Bonfires

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

Highway works

You are advised to contact the Hertfordshire Highways at The Rotunda, Old London Road, Hertford, SG13 7XP, tel: 01992 526900, with regard to the carrying out of any works on footway, carriageway, verge or other land forming part of the highway.

Thames Water

We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality□

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

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Supplementary Comments

A significant assets run beneath the site. We would seek protection of these assets and may require several wayleaves / easements.

To the south, there are easements and wayleaves running through the site. These are Thames Water Assets. The company will seek assurances that it will not be affected by the proposed development. On the Map yellow dashed lines show the easements and wayleaves and the proposed development area is identified by a red outlined box.

The applicant should contact Thames Water to discuss their proposed development in more detail. All enquiries from developers in relation to proposed developments should be made to Thames Waters Developer Services team. Their contact details are as follows:

Thames Water Developer Services
Reading Mail Room
Rose Kiln Court
Rose Kiln Lane
Reading
RG2 0BY
Tel: 0800 009 3921
Email: developer.services@thameswater.co.uk

Highway Authority

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

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

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

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

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

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

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

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

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

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

Director of Planning

Dacorum Borough Council
Civic Centre
Marlowes
Hemel Hempstead
HP1 1HH

District ref: 4/02601/17/MFA
HCC ref: DA/487/2017 (Amended)
HCC received: 07/03/2018
Area manager: Nick Gough
Case officer: Lindsay McCauley

Location

Land at Frogmore Road
Frogmore Road
Hemel Hempstead
HP3 9RW

Application type

Full application

Proposal

Demolition of all existing buildings and construction of two buildings comprising 184 residential units with associated access, parking, amenity space and landscaping

Amendment

Additional Amendments Received

Decision

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

Decision

Hertfordshire County Council (HCC) as Highway Authority does not wish to object to the proposed application, subject to the following planning conditions.

Condition 1: Detailed Plans

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

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

The drawings should incorporate the necessary amendments to the access geometries, set out as follows (Note, accesses numbered from left to right on drawing reference 02-02-01 Rev P01):

- Access 1: road width between the junction and start of parking area to be confirmed;
- Access 1: left-hand radius should be increased owing to dominant flow, plus non-perpendicular access alignment (any footway link may be better served on the opposite side to avoid constant overrun);
- Access 2: would be better served by a traditional kerbed bell-mouth type junction owing to the number of vehicles proposed, complete with internal footway link and appropriate junction visibility;
- Access 2: vegetation proximity to be reviewed;
- Internal access ramps and gradients served from Access 2 should be sensitive to the needs of the site and necessary internal visibility;
- Access 3: internal access widths to be confirmed;
- Access 3: left-hand radius should be increased to minimum of 6.0m (dominant flow direction); and,
- Accesses 4 & 5: appear suitable for simple vehicular access construction.

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

Condition 2: Construction Traffic Management Plan

Construction of the development hereby approved shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

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

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

Condition 3: Car Parking Management Plan

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

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

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

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

Condition 4: Servicing and Delivery Plan

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

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

Condition 5: Road Safety Audit

Prior to the commencement of the development hereby permitted a Stage 2 Road Safety Audit, for the proposed highway improvements and access junction shall be completed and submitted for approval by the Local Planning Authority.

Reason: In the interests of highway safety.

Condition 6: Access Gradient for Car Park

The gradient of the vehicular access to the car park 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.

HIGHWAY INFORMATIVES:

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

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the

development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

AN4) Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". Before works commence the applicant would need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

S278 Agreement

Any works within the highway boundary (including alterations to the footway and the proposed site access) would need to be secured and approved via a S278 Agreement with the HCC.

The proposed mitigation measures for the following locations would be secured and approved via a S278 agreement:

- Box junction on bridge.
- TRO for keep clear markings in front of Frogmore Road on Durrants Hill Road.
- Box junction at Durrants Hill Road and London Road junction.
- Improvements to London Road junction with Durrants Hill Road.
- Improvements to Lawn Lane junction with Durrants Hill Road.
- TRO for Frogmore Road to enforce no parking by Heavy Goods Vehicles and/or possible weight restrictions set for Frogmore Road.

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 administering and monitoring the objectives of the Travel Plan Statement and engaging in any Travel Plan Review.

Contributions for improvements at the Lawn Lane and Durrants Hill Road junction would be sought. The proposed improvements would be to improve pedestrian safety at the junction. Hertfordshire County Council have identified a scheme due for delivery in 2018 / 2019.

Contributions for providing induction loop(s) on Durrants Hill Road near Fourdrinier Way junction will be sought. Contributions would go toward the installation, hardware, software to make it work, reprogramming the black box at the traffic signals and future maintenance.

Description of the Proposal

The proposals are for the demolition of all existing buildings and for the construction of two buildings comprising 184 residential units, with associated access, car and cycle parking, amenity spaces and landscaping. The proposed development will comprise a mixture of 1-bed, 2-bed and family units. The composition of the dwellings, as set out in the Design and Access Statement (DAS) would be as follows:

- 50 x one bedroom flats;

- 122 x two bedroom flats; and,
- 12 x three bedroom flats.

It is proposed that 65% of the dwellings would be privately owner dwellings and 35% would be affordable housing. This equates to 120 privately owned flats and 64 affordable flats.

Site Description

At present the site is occupied by several industrial units across two buildings.

The site covers an area of 1.32 hectares and forms part of the Frogmore Industrial Estate, which is located in the Apsley area of Hemel Hempstead, about 1 km south-east of Hemel Hempstead town centre. The site is located on the eastern side of Frogmore Road and Frogmore Paper Mill to the west.

The site is located near a number of local facilities including retail outlets, a doctor's surgery, pharmacy, public houses, restaurants/takeaways, a Nursery and Apsley Railway Station.

History

Pre-application discussions have been undertaken with Dacorum Borough Council and Hertfordshire County Council as the Highway Authority to inform the application submission. During these discussions it was agreed at which junctions the impact of the proposed development would be assessed.

Analysis

Policy Review

The applicant has provided a Transport Assessment (TA), a Design and Access Statement (DAS) and a Travel Plan (TP) that provide policy review of the following documents:

- National Planning Policy Framework (Department for Communities and Local Government, 2012);
- Manual for Streets (DfT, 2007);
- Roads in Hertfordshire: A Design Guide, Section 1, Chapter 7;
- Dacorum Borough Council Adopted Core Strategy 2013; and
- Dacorum Borough Council Car Parking Standards.

HCC noted that some policy areas had been overlooked, including some elements of the Dacorum Borough Council Adopted Core Strategy 2013, the Hemel Hempstead Urban Transport Plan and the emerging Two Waters Master Plan. HCC typically require a more detailed analysis of local and national policy as part of any formal planning application.

The applicant has since submitted amendments to the application including a Technical Note and Amended Transport Assessment, including swept path assessments and other design drawings. Following HCC comments on these documents, the applicant again submitted further amendments to address concerns relating to the swept path assessments provided as part of the first amendment and to address comments relating to the site access arrangement geometries.

Transport Assessment

A Transport Assessment (TA) was provided as part of the planning application package for consideration by HCC. This is in line with requirements set out in Roads in Hertfordshire Highway Design Guide 3rd Edition (Roads in Herts).

The applicant has since submitted an amended TA and Technical Note for HCC consideration to address comments in HCC's original response to the planning application. Additional swept path assessment and access arrangement drawings were provided for HCC consideration.

Trip generation

A trip generation profile for both the existing site use and proposed site use were provided in the TA. The TRICS online database was interrogated to obtain trip rates for the trip generation profiles for both lane uses. This approach is considered acceptable for the purposes of this application.

An amended trip generation profile was provided in the amended TA for consideration to address HCC's concerns with the trip generation profile within the original submitted TA.

Existing traffic

For the existing site, the applicant considered the category 'Employment ' Industrial Unit' in TRICS to obtain trip rates which is considered acceptable. The applicant also applied the following TRICS parameters to obtain their trip rates in the originally submitted TA:

- Vehicle only trip rates;
- England sites, excluding Greater London;
- 300 to 43325 SQM GFA;
- Monday - Friday sites; and,
- Edge of Town Centre, Suburban Area and Edge of town sites.

These were considered acceptable for the purposes of the existing site use; however, typically multimodal trip rates would be sought if a suitable number of multi-modal trip surveys from comparable sites were available.

The interrogation yielded the following typical peak hour trip rates per 100sqm:

- AM Peak: 0.232 arrivals, 0.063 departures totalling 0.295 two-way trips
- PM Peak: 0.043 arrivals, 0.204 departures totalling 0.247 two-way trips

To obtain the trip generation profile for the site, the applicant applied the trip rates to a gross floor area of 5491m². The trip generation for the existing site use during typical peak hour trips are set out as follows:

- AM Peak (0800-0900) - 13 arrivals, 3 departures totalling 16 two-way trips
- PM Peak (1700-1800) - 2 arrivals, 11 departures totalling 13 two-way trips

It was noted that these were miscalculated in the TA and the TA stated that the PM arrivals trip rate was 0.430 and the departures was 0.240. This error appeared to be carried through the report. It was stated in the TA that the trip rates, and respective trip generation, were as follows:

- AM Peak: 0.232 arrivals, 0.063 departures totalling 0.295 two-way trips
- PM Peak: 0.430 arrivals, 0.240 departures totalling 0.670 two-way trips

To obtain the trip generation profile for the site, the applicant applied the trip rates to a gross floor area of 5491m²:

- AM Peak (0800-0900) - 13 arrivals, 3 departures totalling 16 two-way trips
- PM Peak (1700-1800) - 24 arrivals, 13 departures totalling 37 two-way trips

It was noted that this would need to be amended in the report as the net trip impact will differ and the impact at neighbouring junctions will be greater.

An amended trip generation profile was provided in the amended TA for the existing traffic. The amended trip generation profile was obtained using the following parameters:

- Multi-modal Vehicles;
- England Sites, excluding Greater London;
- 1000 - 10000 sqm;
- Monday to Friday; and,
- Suburban Area and Edge of Town.

These are considered acceptable for the purposes of the existing site used. The resultant trip rates per 100sqm and associated trip generation based on 5491sqm are as follows:

- AM Peak:
 - Trip Rate: 0.323 arrivals and 0.099 departures
 - No. Trips: 18 arrivals and 5 departures resulting in 23 two-way trips
- PM Peak:
 - Trip Rate: 0.037 arrivals and 0.335 departures
 - No. Trips: 2 arrivals and 18 departures resulting in 20 two-way trips

Proposed Use

The category 'Residential - Flats Privately-Owned' was utilised for the purposes of obtaining trip rates in TRICS for the proposed development. This is considered acceptable. The following parameters were also used in the interrogation of TRICS for obtaining the trip rates in the originally submitted TA:

- Vehicle trip rates only;
- England sites, excluding Greater London;
- 6 - 215 units;
- Monday to Friday;
- Town Centre, Edge of Town Centre, Suburban Area and Edge of town sites.

These were not considered acceptable. Town centre sites conflict with sites in other areas and should not be included in the selection. Furthermore, as the site is residential, a multimodal trip profile would be preferred to demonstrate the number of users expected on public transport, footways and cycle facilities.

These parameters yielded the following trip rates:

- AM Peak: 0.059 arrivals, 0.181 departures totalling 0.240 two-way trips
- PM Peak: 0.180 arrivals, 0.090 departures totalling 0.270 two-way trips

Resulting in the following number of trips for 184 flats:

- AM Peak: 11 arrivals, 33 departures totalling 44 two-way trips
- PM Peak: 33 arrivals, 17 departures totalling 50 two-way trips

An interrogation of the TRICS online database using similar parameters for a multi-modal interrogation, excluding Town Centre sites, yielded the following trip rates:

- AM Peak: 0.068 arrivals, 0.217 departures totalling 0.285 two-way trips
- PM Peak: 0.214 arrivals, 0.104 departures totalling 0.318 two-way trips

Resulting in the following number of trips for 184 flats:

- AM Peak: 13 arrivals, 40 departures totalling 53 two-way trips
- PM Peak: 39 arrivals, 19 departures totalling 58 two-way trips

It was noted that the net increase between the amended trip rates would be 9 two-way and 8 two-way trips for the AM and PM peaks, respectively. These increases are equivalent to a 20% and 16% increase in trips overall. This net difference in proposed trip generation, in conjunction with the miscalculated existing trips, would result in a larger net impact which may impact the operation of the surrounding highway network.

HCC noted that vehicular trip rates for 'Flats Privately Owned' have been applied to all 184 units and the affordable element has therefore not been accounted for. This is acceptable for the purposes of the assessment as it provides a robust assessment.

An amended trip generation profile was included in the amended TA for the proposed land use. The amended trip generation profile was obtained using the following parameters:

- Multi-modal Vehicles;
- England Sites, excluding Greater London;
- 50 - 154 units;
- Monday to Friday; and,
- Suburban Area and Edge of Town.

These are considered acceptable for the purposes of the proposed site use. The resultant trip rates per unit and associated trip generation based on 184 units are as follows:

- AM Peak:
 - Trip Rate: 0.066 arrivals and 0.201 departures
 - No. Trips: 12 arrivals and 37 departures resulting in 49 two-way trips
- PM Peak:
 - Trip Rate: 0.181 arrivals and 0.104 departures
 - No. Trips: 33 arrivals and 19 departures resulting in 52 two-way trips

Saturday Peak Hour

Further traffic surveys were undertaken as part of the original TA for a Saturday at Durrants Hill Road to demonstrate the number of two-way trips occurring on Durrants Hill Road during the Saturday peak. The traffic data taken on Saturday demonstrated that the peak total traffic on Durrants Hill Road was 517 two-way vehicles, compared to a weekday evening peak period total of 1408 two-way vehicles. This demonstrates that traffic on Saturday is significantly less than the traffic on a weekday. This was backed up by the paragraph in the Executive Summary, which states: 'The traffic on Durrants Hill Road during the 12:00-13:00hrs peak shopping on the Saturday was about 74% and 63% of the amount of traffic that used Durrants Hill Road during the weekday AM and PM peak periods, respectively.'

The peak hour trip forecast on a Saturday, based trip rates obtain by taking traffic volumes of for Ebbens Road and divided it by the number of dwellings, is expected to be 38 arrivals and 33 departures. This is at least 21 more vehicles than TRICs predicts for the AM and PM forecasts which are normally higher than a weekend peak.

It was noted that it is unusual to use two methods for forecasting trip generation. However, the impression from the original TA was that the Saturday was considered to appease residents. Whilst this may be the case, the Saturday peak hour trips are notably higher than the weekday predicted trips and there was concern that the TRICS assessments may not represent what may actually occur at the site based on the survey at the residential development near the proposed development site.

HCC recommended that suitable justification and/or a sensitivity test is provided, which addresses the discrepancy between the AM and PM Peak trip generation compared to the Saturday trip generation.

Alternatively, HCC suggested that surveys can be undertaken at the same residential development to ascertain the trip rates for the AM and PM peak hours at the site. These trip rates can then be applied to the proposed development to provide an appropriate trip generation for the AM and PM peak hours.

The applicant has addressed the discrepancy between the Saturday peak hour trip rates and the proposed TRICS trip rates. They have provided a sensitivity test using the trip rates generated by Ebbens Road development and applied them to the appropriate weekday peak hour.

HCC also noted that multi-modal trip generation would have been preferred for the trip generation in the original submission, in order to gain an understanding of any additional pressure on walking/cycling infrastructure and public transport as well as the local highways. HCC noted that it would require trip generation to be assessed multi-modally as part of any formal planning application.

A multi-modal trip generation profile was not provided as part of the amended TA. However, the applicant has since provided HCC with an updated section of the TA which includes a multimodal trip generation profile. It was demonstrated that there would not be a severe impact on sustainable transport modes and infrastructure.

Net impact

As stated above, the existing and proposed trip generation profiles required further justification and the net impact was therefore not considered appropriate for the purposes of assessment.

The amended TA has provided an amended net trip generation profile which is considered acceptable. The amended net trip generation profile was determined to be as follows:

- AM Peak: -6 arrivals and 32 departures resulting in 26 two-way trips
- PM Peak: 31 arrivals and 1 departures resulting in 32 two-way trips

Sensitivity Test

The applicant has provided a sensitivity test in the amended TA for consideration. The applicant used the trip rates generated by the Ebbens Road Housing Estate for the Saturday peak period and determined the hours where the highest number of departures occurred to provide the AM peak rates and the hour where the highest number of arrivals occurred to provide the PM peak rates. This approach is considered acceptable for the purposes of the sensitivity test.

The resultant trip rates are as follows:

- AM Peak: 0.151 arrivals, 0.184 departures for a total 0.335 two-way trips
- PM Peak: 0.204 arrivals, 0.180 departures for a total 0.384 two-way trips

The associated trip generation is as follows:

- AM Peak: 28 arrivals, 34 departures for a total 62 two-way trips
- PM Peak: 38 arrivals, 33 departures for a total 71 two-way trips

The applicant used this trip generation to provide amended junction modelling to demonstrate the impact on the highway network. This is acceptable.

Impact on the highway

Junction assessment

During the discussions with Dacorum Borough Council and Hertfordshire County Council it was agreed that the impact of the proposed development would be assessed at the following junctions:

- Durrants Hill Road/Frogmore Road;
- Lawn Lane/Durrants Hill Road; and,
- London Road/Durrants Hill Road.

HCC noted that justification may need to be provided as to why the Durrants Hill Road signalised bridge, A4251/A414 junction and The Plough junction have been omitted. HCC stated that they were aware that there are congestion hot spots in the area surround the Durrants Hill Road Bridge and the Lawn Lane / Durrants Hill Road junction.

In order to gauge the potential impact of the proposed development, each of the junctions had been modelled with and without the anticipated development related traffic; these are known as the Do Nothing and Do Something scenarios. This was considered acceptable.

Capacity assessments had been undertaken using the industry standard computer modelling software packages for non-signalised and signalised junctions, 'Junctions 8' and 'LINSIG 3'. This was considered acceptable.

The applicant had stated in the original TA that junction geometries had been taken via google images and this was not considered acceptable. In particular, the visibility at the junctions would not be accurately measured using google.

It is known that there is existing congestion in the area, in particular surrounding the bridge on Durrants Hill Road between Fourdrinier Way and Frogmore Road and at Lawn Lane/Durrants Hill junction during peak times.

The bridge on Durrants Lane is a single lane bridge which is signal controlled to control vehicles crossing the bridge. The bridge is a key contributor to congestion in this location and the addition of the traffic onto the highway from the proposed development is likely to exacerbate existing queuing. Queuing from the signals at the Durrants Hill Road Bridge tend to queue back to Frogmore Road during busy periods. This queuing would impact the operation of the junction. The applicant should consider the signals at this location and compare the baseline model to existing queue lengths to ensure that the modelling is providing a representative result. The applicant should consider the additional traffic generated by the site and the impact these trips will have on the queuing at the bridge.

Lawn Lane / Durrants Hill junction is congested and there are issues with the safety at the junction, in particular with right turning vehicles from Lawn Lane into Durrants Hill Road as vehicles have to wait for a red signal to turn. This is unsafe for pedestrians, in particular school aged children, crossing at these lights. HCC are currently reviewing possible schemes to improve pedestrian facilities at this junction.

The junction modelling could not previously be confirmed as the trip generation required amendment. Therefore, the junctions required remodelling. It was suggested that for the 2017 base scenario, the applicant confirms the queuing observed in the junction modelling to the queueing observed on site to validate the models.

The applicant has since provided revised junction modelling considering the above changes to the trip generation profile. The results of the revised junction modelling demonstrate that:

- The Durrants Hill Road / Frogmore Road T-junction would continue to operate within capacity;
- The Durrants Hill Road / London Road T-junction would continue to operate within capacity;

- The Durrants Hill Road / Lawn Lane signalised junction would experience a negligible increase in delay and the PRC of the junction would be minimally reduced compared to the do-nothing scenario; and,
- The Durrants Hill Road signalised bridge would be negligibly impacted by the proposed development.

This is considered acceptable.

Sensitivity Test

The applicant has carried out additional junction modelling to demonstrate the impact on the highway network if the site produces a higher trip generation than the agreed TRICS trip rates. The modelling demonstrated:

- The Durrants Hill Road / Frogmore Road T-junction would continue to operate within capacity;
- The Durrants Hill Road / London Road T-junction would continue to operate within capacity;
- The Durrants Hill Road / Lawn Lane signalised junction would experience a notable increase in delay and the PRC of the junction would be significantly reduced compared to the original assessments; and,
- The Durrants Hill Road signalised bridge would be negligibly impacted by the proposed development.

Highway safety

Highway safety records have been considered within the TA for the three junctions that were agreed to be assessed following the discussions with Dacorum Borough Council and Hertfordshire County Council.

HCC provided Personal Injury Collision data for the five year period between 01/01/ 2012 and 31/12/2016 at these junctions. The results indicated that in total across the three junctions six collisions took place, all were slight in nature. HCC do not anticipate that any existing highway safety issues will be exacerbated by the development proposals.

HCC notes that Durrants Hill Road cannot accommodate any more traffic until the safety issues surrounding pedestrians crossing during peak times at the Lawn Lane / Durrants Hill Road junction is rectified. It is noted that at present there are four schools whose pupils must cross the junction and the lights are set so that traffic has to wait in the intersection before turning into Durrants Hill Road. This results in right turners turning during pedestrian phases which may ultimately result in a collision.

HCC also note that as a consequence of the safety concerns at the junction, parents of children attending the nearby Scouts facility are choosing to drive because of the danger crossing the road. Additional traffic at the junction would increase the frequency of conflict and would exacerbate the existing safety issues at the location.

Proposed Mitigation

HCC have reviewed the proposed mitigation options in the amended TA and have the following comments:

- Proposals for induction loop on Durrants Hill Road near Fourdrinier Way junction would be beneficial to the highway network and Durrants Hill in general. This is suitable to avoid potential blockage of the single lane bridge;
- Box junction on bridge;
- TRO also for keep clear markings in from of Frogmore Road on Durrants Hill Road. This would be acceptable and expected;
- Box junction at Durrants Hill Road / London Road junction - this would be acceptable;

- Noted regarding additional improvements to London road junction with Durrants Hill Road;
- Noted regarding changes to Lawn Lane junction with Durrants Hill Road; and,
- Consultation with Canal and Rivers Trust would be expected and contributions likely required to facilitate improvements to the shared path.

Other suggestions for mitigation include:

- HCC would require a TRO for Frogmore Road to enforce no parking by HGVs;
- HCC would want to seek contributions for improvements at the Lawn Lane and Durrants Hill Road junction, this if for pedestrian safety;
- HCC would require mitigation to potentially link the signals at the bridge to the signals at London Road / Durrants Hill Road, i.e. have the signals go green at the same time but turn the signals to red at the bridge slightly before the signals change on London Road (linking southbound movements);

Any proposed changes to signals would need to be agreed with HCC.

Highway layout

Vehicle site access

HCC acknowledged that at present there is a lack of detail in terms of the vehicular access to the site. All that is specified is that the site will be accessed via the priority junction on Frogmore Road.

HCC will require further information such as detailed drawings and swept path analysis in line with the requirements set out in Roads in Herts as part of any formal planning application.

HCC had no issue with the access arrangements for the development in principle. However, the applicant was required to provide the kerb radii, visibility splays, gradient, width, etc. of the access arrangements to demonstrate that they are safe and suitable for the scale of the development.

Swept path assessments were also be requested to demonstrate that the access can accommodate two way movement. These were provided in the amended TA and are discussed in the swept path assessment section.

The applicant had submitted access arrangement drawings as part of the amended TA. A conceptual review was undertaken of the drawings and the following comments should be considered as part of any future submission:

- The access dimensions appear non-standard and in some cases inappropriate; Area 1 and Area 2 radii and access widths are also non-standard (and potentially inappropriate for access widths shown)
- Area 1 footway should not overlap the access extent
- Standardised accesses should incorporate a footway link into the site
- It is anticipated that indicative (i.e. minimum) vehicular visibility would be plotted for an access layout GA.

The applicant has since submitted amended access arrangement drawings and the following comments are required to be addressed within the Section 278 Works drawings and will be conditioned as part of this response:

- Access 1 (from left to right) road width between the junction and start of parking area to be confirmed
- Access 1 left-hand radius should be increased owing to dominant flow, plus non-perpendicular access alignment (any footway link may be better served on the opposite side to avoid constant overrun)
- Access 2 would be better served by a traditional kerbed bell-mouth type junction owing to the number of vehicles proposed, complete with internal footway link and appropriate junction visibility

- Access 2 vegetation proximity to be reviewed
- Internal access ramps and gradients served from Access 2 should be sensitive to the needs of the site and necessary internal visibility
- Access 3 internal access widths to be confirmed.
- Access 3 left-hand radius should be increased to minimum of 6.0m (dominant flow direction)
- Accesses 4 & 5 appear suitable for simple vehicular access construction

Pedestrian access

Again, HCC acknowledges that at present there is a lack of detail in terms of the pedestrian access to the site. The applicant is required to provide information pertaining to pedestrian and cyclist access to the site and include this information on and detailed design submissions. Further information such as the location of pedestrian access points are required.

It is noted that the developer has agreed to providing contributions to Canal and Rivers Trust for improvements to pedestrian/cycle facilities.

Swept Path Assessment

The applicant is required to provide swept path assessments for the following scenarios:

- Demonstrate that two vehicles manoeuvring within the car park can safely pass;
- Demonstrate that a large personal vehicle can enter and depart the more difficult to access parking spaces; and,
- Demonstrate that a vehicle can safely enter the car parking areas while there is a vehicle waiting to depart.

The applicant had provided swept path assessment drawings for the proposed car park. A conceptual review had been undertaken of the swept path drawings and the following comments were to be considered for any future submissions:

- Inappropriate vehicle use - swept-path analysis should use a larger standard vehicle to ensure the layout can accommodate the largest possible likely use (i.e. a large car with length greater than 4.8m)
- Internal turning should also incorporate parking manoeuvre(s), including those into and out of worst-case parking bays
- Internal turning manoeuvre inappropriate (Figure 2 Rev P1)
- Apparent tracking of the footway upon access
- Greater than 90-degree access may encourage overrun (Area 2)
- Swept-path appearing to drive through proposed vegetation (Area 2 Figure 2, Rev P1)
- Swept-path appearing to drive through proposed parking bays (Area 2 Figure 2, Rev P1)
- No details of Area 1 access
- Bin Store appears to be at the rear of the site - swept-path analysis should therefore include 11.6m refuse collection vehicle
- Poor quality PDF

The applicant has since provided new swept path assessment drawings and HCC have the following comments:

Drawing 02-01-01 Rev P01 Tracking Layout (number by manoeuvre):

Top Viewport

1. Minor conflict with boundary - could be rectified with more appropriate starting point. Not considered to be significant
2. Minor conflict with boundary. Not considered to be significant

- 5. No issue
- 8. Minor conflict with boundary. Not considered to be significant
- 10. No issue
- 11. Minor conflict with boundary. Not considered to be significant
- 13. No issue
- 15. No issue
- 16. Minor conflict with boundary. Not considered to be significant
- 18. Conflict with vegetation and/or boundary. Offsets required (details within response comments below)
- 20. Conflict with vegetation and/or boundary. Offsets required (details within response comments below)

Bottom Viewport

- 3. No issue
- 4. No issue (potential impact with access alteration - see comments below)
- 6. No issue
- 9. Conflict with vegetation and/or boundary. Offsets required (details within response comments below)
- 12. Conflict with vegetation and/or boundary. Offsets required (details within response comments below)
- 14. Minor conflict with boundary. Not considered to be significant
- 17. Conflict with vegetation and/or boundary. Potential boundary wall issue.
- 19. No issue

Drawing 02-01-02 Rev P1 Tracking Layout (number by manoeuvre):

- 7. Conflict with vegetation and/or boundary. Offsets required (details within response below)

Drawing 02-01-03 Rev P01 Refuse Vehicle Tracking Layout (number by manoeuvre):

- 1. Swept-path suitable (reverse in manoeuvre). No details of turning refuse vehicle within the site (if appropriate)
- 2. Swept-path suitable (reverse in manoeuvre). No details of turning refuse vehicle within the site. Possible visibility issue for vehicles emerging from car parking area (ramp gradients also to be sensitive to stopping). Access layout inappropriate (see comments below)
- 3. Swept-path suitable (reverse in manoeuvre). No details of turning refuse vehicle within the site. Possible visibility issue for vehicles emerging from car parking area. Access layout inappropriate (see comments below)

Refuse and Servicing Arrangements

Servicing arrangements would occur from Frogmore Road, which is consistent with the existing arrangements. This is considered acceptable to HCC. However, it was noted on the drawings (see above) that the bins appeared to be stored at the rear of the car park. Further information will be required by way of a Servicing and Delivery Management Plan on how this will be managed.

Parking

Car parking provisions and layout

It is stated in the TA that the applicant will provide 236 under croft and off-street car parking spaces that will be accessed from Frogmore Road. The provision of disabled spaces, electric charging spaces and cycle spaces was not confirmed in the TA.

The Dacorum Borough Council Car Parking Standards state the following car parking requirements for residential use outside of the defined zones 1 and 2:

- One Bedroom: 1.25 spaces per dwelling;
- Two Bedroom: 1.5 spaces per dwelling; and,
- Three Bedroom: 2.25 spaces per dwelling.

Based on the composition of flats, 50x one bedroom, 122 x two bedroom and 12 x three bedroom, the applicant would be required to provide a maximum of 273 car parking spaces. 236 car parking spaces represents 86% of the parking provision. This is acceptable to HCC; however, it is ultimately the decision of DBC to determine the suitability of the car parking provision.

The car park is proposed to be a mix of under-croft parking and off-street open air parking spaces. The applicant will need to provide swept path assessment so the car parking area to demonstrate that a large vehicle can safely enter and depart from the parking spaces and that vehicles can safely manoeuvre within the car parks.

Disabled parking provisions

Dacorum Borough Council Car Parking Standards require that for residential use 1 disabled space is provided for every dwelling built to mobility to standard. It is not clear from the submitted plans how many spaces are designated disabled spaces; however, it is ultimately the decision of DBC to determine the suitability.

Cycle parking provisions

Dacorum Borough Council Car Parking Standards for residential use state that 1 cycle parking space should be provided per unit if there is no garage or shed provided. It is stated in the TA that 1 secure cycle parking spaces would be provided per dwelling. This is considered acceptable to HCC; however, it is ultimately the decision of DBC to determine the suitability of the cycle parking provision.

The cycle parking will be provided within the under-croft parking area. This is considered acceptable.

Accessibility

Public transport

Bus

The public transport infrastructure surrounding the site provides easy access to and from a range of locations. HCC notes that a map showing the locations of the local bus stops in relation to the site would have been of use, particularly if advised walking/cycling routes were identified.

The closest bus stops are located on Lawn Lane, approximately 400m from the furthest point of the site, meaning most dwellings are within the recommended maximum distance to a bus stop. HCC notes that given the shape of the site, residents from the eastern part of the development may be over the recommended distance. There are also bus stops located on London Road, approximately 500m from the site.

HCC notes that the closest westbound stop to the site, located on Lawn Lane, has a shelter but not easy access kerbing and is in a lay-by. The closest eastbound stop, also located on Lawn Lane, has neither a shelter nor easy access kerbing and the footway width is somewhat limited which would make improvement problematic.

HCC notes that the eastbound stop on London Road is located on a build out between parking bays which also forms an access to parking at the rear of a row of shops, it has no easy access kerbing or shelter and due to its location cannot be improved. The westbound stop on London Road has both easy access kerbing and a shelter.

A summary of the bus services available on Lawn Lane and London Road is included within Table 3.4a of the TA. HCC will require a review of walking/cycling routes to these bus stops as part of any formal planning application.

These services are summarised below:

Lawn Lane

- 1 Leverstock Green - Adeyfield (Circ): Mon - Sat Hourly, No services Sun
- 300 Stevenage - Hemel Hempstead: Mon-Fri Half Hourly, Sat Hourly, No services Sun
- 318 Hemel Hempstead to Watford: Mon - Sat Hourly, No services Sun
- 5 Marlowes - Bennetts End: Mon - Sat every 10 mins, Sun every 20 mins
- 501 Aylesbury - Watford: Mon - Fri every 20 mins, Sat half hourly, No services Sun

London Road

- 500/501 Aylesbury - Watford: Mon-Fri every 20 mins, Sat half hourly, no Sun
- H19 Abbots Langley - Hemel Hempstead: Tues & Thurs, 1 per day in each direction

The above summary illustrates the variety of bus routes available, including local town services and inter-urban routes. Route 5 from the Lawn Lane stops is the most frequent local service and would give residents access to the town centre. The 300 and 500/501 bus routes are key inter-urban routes within Hertfordshire with regular timetables and good coverage of the day. The 300 would give residents access to St Albans, Welwyn Garden City and Stevenage and the 500/501 to Aylesbury and Watford.

Rail

Apsley Railway Station is the closest station, it is located approximately a 1.1km walk away from the site. Apsley Railway Station lies on the West Coast Main Line, which runs from London to Scotland via Birmingham and Manchester. It is served by the London Midland Train Operating Company. A summary of the direct services to and from the station is shown in Table 3.4b of the TA.

Again, HCC notes that a map showing the location of the Railway Station in relation to the site, and suggested walking/cycling would be of benefit. Further detail is sought as to the specific services, for example whether bicycles are allowed on the trains, this would be conducive to sustainable travel for longer journeys.

Walking and Cycling

Unlike the Public Transport section, a summary of the benefits of suitable walking and cycling infrastructure has been provided within the TA.

It is noted in the TA that there are street lights on the footways along the roads in the vicinity of the site. There is a shared pedestrian and cycle path along the Grand Union Canal to the east of the site, with a footbridge located near to the site. HCC notes that the proximity of The Grand Union Canal and associated shared use path should encourage walking and cycling.

Hemel Hempstead is served by Sustrans National Cycle Route 57 which runs from Welwyn Garden City to Farringham, near Cheltenham, where it meets Route 48.

The existing footways provide access to local amenities including Apsley Mills Retail Park, Apsley Railway Station and the retail offer and amenities on London Road.

HCC notes that the site appears reasonably well situated in terms of access to the facilities within Apsley.

Travel Plan

A Framework Travel Plan (TP) has been produced with the purpose of encouraging sustainable transport modes to reduce the reliance on private vehicles, and to ensure minimal impact to highway safety and function as a consequence to the development.

The FTP states that the Travel Plan (TP) will be drawn up in accordance with the County Council's document Hertfordshire's Travel Plan Guidance which is available via www.hertfordshire.gov.uk/travelplans or travelplan@hertfordshire.gov.uk.

HCC Travel Plan Guidance requires a Travel Plan for this development. A Travel Plan Evaluation and Support Fee of £6000 is required.

HCC has the following comments on the TP that has been produced:

- It is an interim rather than framework TP, framework TPs are for developments with multiple site occupiers/land uses;
- TP co-ordinator contact details are required, as well as the details of a second person in case of personnel change. A forecast of time to be allocated to this role and proposed frequency on site is also required;
- Thought needs to be given to the appropriate membership of the Steering Group and the frequency of meetings;
- Appropriate residential TP contributions and possible uses need to be finalised, guidance can be found at www.hertfordshire.gov.uk/travelplans;
- Car parking detail is lacking including provision of disabled parking, electric vehicle parking and car share spaces etc.;
- Modal shift targets need to be confirmed once monitoring has taken place;
- Monitoring needs to take place annually for a period of 5 years with a review after each phase of monitoring;
- Reference is made to a 7 day taster voucher for local buses, this may be problematic due to the fact that there are multiple bus operators using the local stops, discussion would need to be made between the developer and local bus operators.

Construction

A Construction Traffic Management Plan will be required to ensure that construction vehicles would not have a detrimental impact on the highway network within the vicinity of the site and 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. It will also need to take account of vulnerable pedestrians and delivery and servicing arrangements to ensure conflict is avoided at all times.

Planning Obligations / Community Infrastructure Levy (CIL)

Dacorum Borough Council adopted a Community Infrastructure Levy (CIL) in July 2015.

Contributions towards local strategic schemes will be sought by DBC via CIL.

Developer contributions sought by S106 agreement could go towards upgrading the nearest westbound stop on Lawn Lane which would benefit from easy access kerbing (£8000 approx) and display screen (£8000 approx). The westbound stop on London Road also lacks a display screen which would be of benefit in this location (£8000 approx).

The TA lists suggested improvements to improve traffic flow and safety, including box junctions, mirrors, changes to signal operation, and keep clear markings. However, the impacts of these improvements have not been considered within junction modelling. When this has been done to the satisfaction of the highway authority it may be that elements are secured by planning obligation.

A Section 106 Agreement will be required to secure Travel Plan Monitoring fees, contributions would also be sought for improvement schemes in the area, in particular schemes to improve pedestrian and cycling infrastructure and mitigate any parking displacement.

Conclusion

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

Signed

Date 07/03/2018

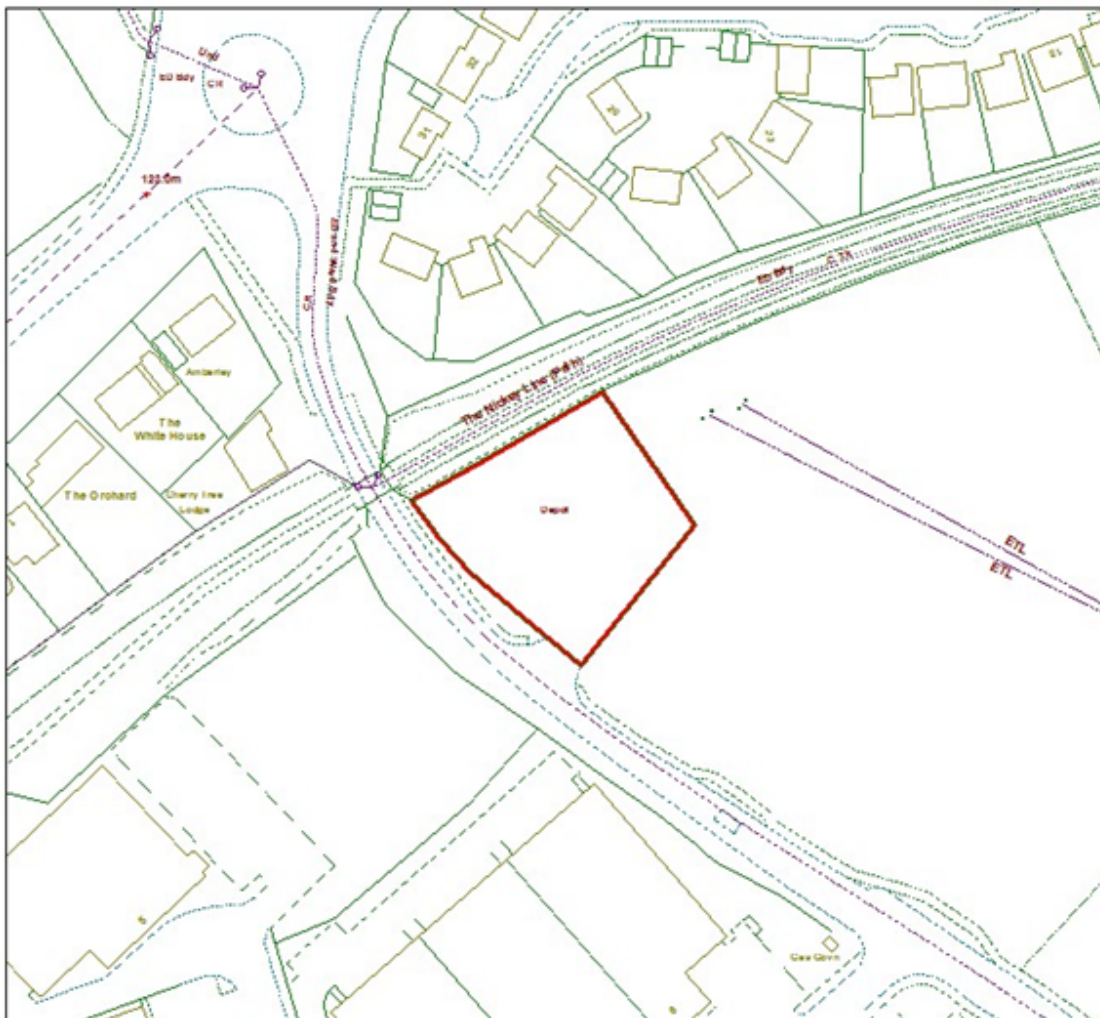
Agenda Item 5b

Item 5b

4/01865/17/LDE - LAND USED FOR STORAGE AND ANCILLARY PURPOSES (B8)

HS SCAFFOLDING LTD, THREE CHERRY TREES LANE, HEMEL HEMPSTEAD, HP2 7HN

open storage land
Cherry Trees Lane



**4/01865/17/LDE - LAND USED FOR STORAGE AND ANCILLARY PURPOSES (B8).
HS SCAFFOLDING LTD, THREE CHERRY TREES LANE, HEMEL HEMPSTEAD, HP2 7HN.
APPLICANT: DACORUM BOROUGH COUNCIL - MS A LIVINGSTONE.**

[Case Officer - Amy Harman]

Summary

It is recommended the CLEUD is granted for use of the site for Storage and ancillary purposes (B8).

Background

A Certificate of Lawful Existing Use or Development (CLEUD) is a legal document (not a planning permission) issued by the Local Planning Authority that is generally used to regularise unauthorised development and prevent enforcement action being taken by that Authority against any breach of planning policy or conditions.

The certificate establishes that an existing use, operation or activity named in it is lawful and as such cannot be enforced against.

In many situations, such as selling or mortgaging a property, a CLEUD can be vital to provide assurance to a prospective owner or security for a lender, that no enforcement action can be taken by the Local Planning Authority.

There are minimum time periods for eligibility depending on the type of development. The breach of planning must be continuous and current. An application for a CLEUD must be accompanied by evidence to show the following time limits have been exceeded:

- 4 years for operational development (including the erection of a new building);
- 4 years for a material change of use of a building, or part of a building, to use as a single dwelling-house; and
- 10 years for all other development, such as a change of use or breach of a planning condition.

Site and surroundings

This site forms approximately 1,200 square metres of open land located on the north-eastern edge of Hemel Hempstead.

The site is surrounded on its eastern and southern boundary by existing woodland. The site's northern boundary abuts the wooded Nickey Line footpath and cycleway. The Nickey Line separates the site from Hunters Oak housing estate.

The access to the site is to the west, off of Three Cherry Tree Lanes which is accessed from Redbourn Road.

Proposal

A Lawful Development Certificate is sought for the "*use of the land and buildings for storage purposes*".

The determination of a CLEUD does not involve an assessment of the planning merits. The onus is on the applicant to prove on the balance of probabilities that the use applied for is not capable of being enforced against.

For the purposes of this application the applicant needs to provide evidence that the storage use (B8) has taken place for at least 10 years from the date of the application (13 July 2017).

Relevant planning history

- 4/00486/98/4 STORAGE OF LPG IN CYLINDERS IN ACCORDANCE WITH HSE REGULATIONS
Temporary permission
11/05/1998
- 4/00032/97/4 LIQUEFIED PETROLEUM GAS STORAGE
Granted
06/03/1997
- 4/01300/94/RET RETENTION OF USE FOR OPEN STORAGE OF GAS CYLINDERS
Granted
30/11/1994
- 4/01114/92/FUL CONTINUED USE OF LAND FOR STORAGE OF LIQUIFIED PETROLEUM GAS
Temporary permission
07/10/1992
- 4/00953/90/FUL USE OF LAND FOR STORAGE OF L.P GAS (RENEWAL)
Temporary permission
13/08/1990

Referral to Committee

The application is referred to the Development Control Committee due to being called in by Cllr Wyatt-Lowe.

Considerations

Principle Onus of Proof

The onus of proof in a Lawful Development Certificate is formally on the applicant.

The Local Planning Authority need not go to great length to show that the use specified in the application is unlawful. While Local Planning Authorities are statutorily required to maintain the planning register, this is not a complete record of the planning status of all land in their area. In many cases, the applicant is required to produce evidence based information on any present and previous activities which take place on the land. Some information, especially about the history of any unauthorised activity on the land will be within the applicant's remit.

The fact that a Certificate of Lawfulness may be refused because the onus of proof is not discharged by the applicant does not preclude the submission of a further application if better evidence is subsequently available. A refusal to issue a Certificate of Lawfulness is therefore not necessarily conclusive that something is unlawful; it may merely mean that, so far, insufficient evidence has been presented to satisfy the Local Planning Authority, on a balance

of probabilities, that the use is lawful.

The Courts have held that the relevant test of evidence on such matters is 'the balance of probability'. As this test will accordingly be applied by the Secretary of State on any appeal against their decision, a Local Planning Authority should not refuse a certificate because the applicant has failed to discharge the stricter, criminal burden of proof, namely 'beyond reasonable doubt'.

Moreover, the Court has held that the applicant's own evidence does not need to be corroborated by 'Independent' evidence to be accepted. If the Local Planning Authority have no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate 'on the balance of probability'. The Local Planning Authority should proceed on the basis that neither the identity of the applicant (except in the extent that he or she may or may not be able personally to confirm the accuracy of any claim being made about the history of a parcel of land), nor the planning merits of the use, are relevant to the consideration of the purely legal issues which are involved in the determination an application.

Evidence submitted by applicant / agent

- The application form
- Business Rates dating from
 - 01 Apr 1990 - 02 May 2007 - Edwards of Hemel Hempstead Ltd
 - 3 May 2007 - 15 Oct 2008 - Flogas UK Ltd
 - 16 Oct 2008 to 31 March 2016 - DBC
 - 01 April 2016 - to current - Hs Scaffolding Ltd

(NB – 1 April 1990 is the start of the current Business Rates legislation so may have been there prior but we have no record prior to this date.

As above we have been billing for Business Rates since 1 April 1990)

- Lease dated October 2015 - HS Scaffolding Ltd
- Lease dated 22 July 1996 - Edwards of Hemel Hempstead Ltd - Term 15 years (storage of gas cylinders)
- Lease dated 21st February 1992 - Edwards of Hemel Hempstead Ltd (storage of gas cylinders)
- Lease dated 22nd February 1960 - open storage
- Nicholas Brown Group Manager (commercial Assets and Property Development) of Dacorum Borough Council statutory declaration that;

i) Edwards of Hemel Hempstead Ltd lease of the land ran from 14th December 1995 (use as storage of gas cylinders) to 16th October 2008 (the lease was assigned to FLogas for the period between 3rd May 2007 to 16th October 2008)

ii) Anthony Moore Team Leader Building Services confirmed that Dacorum Borough Council used the site for general storage of barriers, equipment for the town centre and items required during repairs to the bridge adjacent to the Property- from October 2008 to October 2015

ii) The site was leased to HS Scaffolding Ltd from 2nd October 2015 (with the lease due to expire 1st October 2020)

- Anthony Moore (Team Leader Building Services) of Dacorum Borough Council statutory declaration that;

i) During the period of October 2008 to October 2015 the site was used for the general storage of barriers, equipment for the town centre and items required during repairs to Three Cherry Trees Land Bridge to be temporarily stored on Dacorum Borough Council's land known as land off Three Cherry Trees Lane Hemel Hempstead

Aerial photos

An analysis of aerial photographs show use of the yard area for storage covering the period 2000 to 2010. As such these photographs do not contradict or otherwise make the applicant's version of events less than probable regarding the use for B8 storage use.

Planning history

The planning history as detailed details that the last temporary permission for the site expired 31 December 1992.

Consideration

It is not sufficient to show simply that the material change of use took place more than 10 years ago; it must also be shown that the use of the property for this purpose was continuous throughout that 10-year period. Any discontinuity in the unauthorised use during the claimed 10-year period will be a matter of fact and degree in each case, and could be open to dispute. As a general rule, continuous use would need to be demonstrated, and any period other than a very brief one in which the use ceased could amount to discontinuity in the use, so that later resumption of the use would be a fresh breach of planning control, with time for the purposes of the 10-year rule starting again from zero.

A ten year period for the purposes of this Certificate would cover the period October 2007 to the present date.

The evidence above would suggest that business rates have been paid on this site from a period of 1 April 1990 to current relating to storage uses.

Lease evidence has been provided to support this.

Analysis of 10 year use for the site

Edwards occupied the site up until 2 May 2007 (lease and business rates to support)
Flogas occupied the site from 3 May 2007 to 15 October 2008 (business rates to support)
DBC occupied the site 16th October 2008 to 31 March 2016 - (business rates and statutory declaration)
Hs Scaffolding Ltd 01 April 2016 to present day (lease and business rates)

The applicant needs to give evidence which is precise and unambiguous which can justify the grant on the 'balance of probability', to the effect that the land has been within storage use for at least the last 10 years.

Case Officers consider that the evidence accompanying the application to support the Lawful Development Certificate is sufficiently precise and unambiguous so as to conclusively demonstrate that the land has been within storage use for at least the last 10 years.

Conclusion

The determination of a CLEUD does not involve an assessment of the planning merits. The onus is on the applicant to prove on the balance of probabilities that the use applied for is not capable of being enforced against. Section 191(2) provides the following test:

For the purposes of this Act uses and operations are lawful at any time if-

- (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
- (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

On reviewing the evidence submitted officers consider that there is sufficient evidence to clearly demonstrate that the land has been in a continuous storage and ancillary use for the last 10 years. On this basis a Certificate of Lawful Development should be issued.

RECOMMENDATION – That the CLEUD is **GRANTED** for the use of the land for Storage and ancillary purposes (B8).

- 1 **The applicant has provided sufficient evidence to prove that the site (as shown within the red outline of the submitted Site Plan) has been used continuously for storage and ancillary purposes for a period of ten years preceding the date of this application. This decision is based on the evidence provided by and on behalf of the applicant. The land therefore has a lawful use as described above at Three Cherry Trees Lane.**

Agenda Item 5c

Item 5c

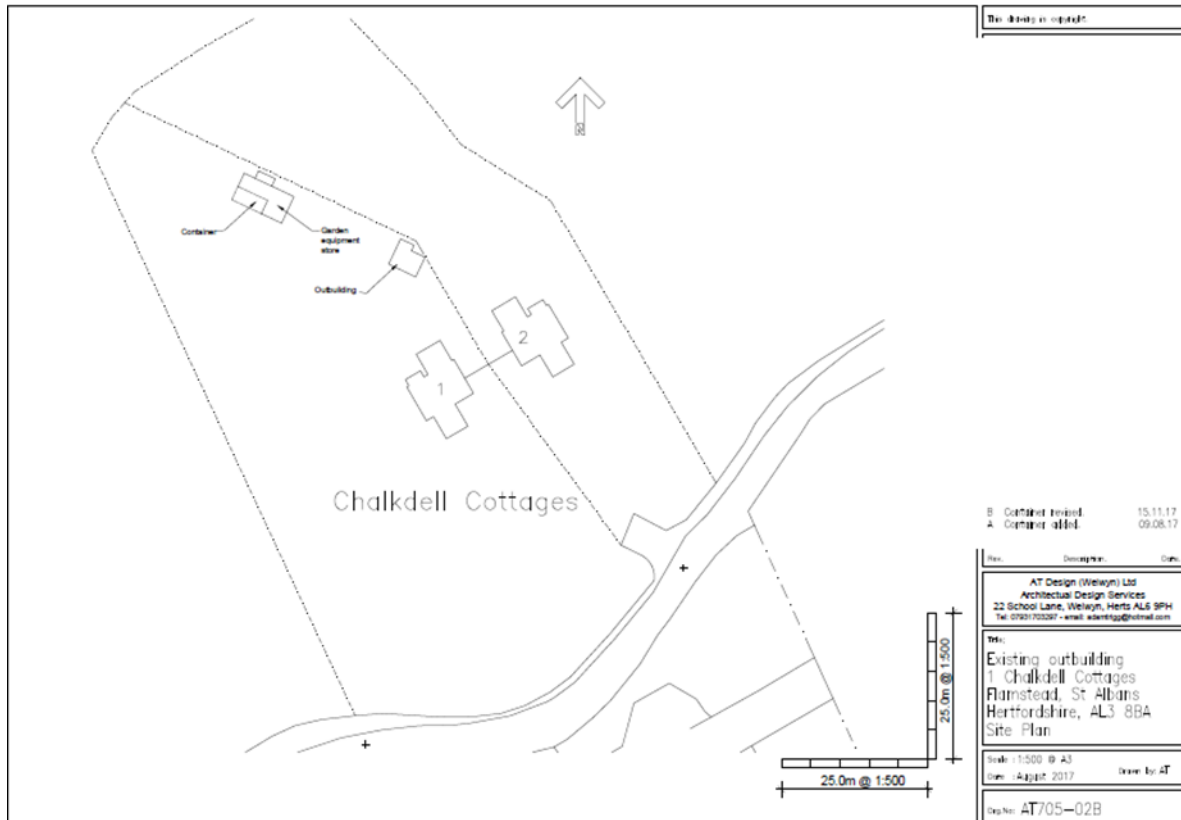
4/02069/17/RET - RETENTION OF OUTBUILDING AND STORAGE CONTAINER

1 CHALKDELL COTTAGES, PUDDEPHATS LANE, FLAMSTEAD, ST ALBANS,
AL3 8BA

Site Location Plan



Proposed/Existing Site Plan



**4/02069/17/RET - RETENTION OF OUTBUILDING AND STORAGE CONTAINER.
1 CHALKDELL COTTAGES, PUDDEPHATS LANE, FLAMSTEAD, ST ALBANS, AL3 8BA.
APPLICANT: Mr & Mrs Papworth.**

[Case Officer - Elspeth Palmer]

Summary

The proposal is recommended for approval for the following reasons:

- it will not have a significant impact on the character and appearance of the countryside (CS 7);
- it will not have a detrimental impact on the special qualities of the CAONB (CS24);
- it will not have negative impact on the street scene (CS 12);
- it will not result in a loss of amenity for neighbours (CS 12); and
- no significant trees are affected by the proposal (CS 25 and 26).

The proposal would therefore comply with all the relevant policies listed above.

Site Description

No. 1 Chalkdell Cottages comprise one of a pair of 2 storey detached 4 bedroom dwellings granted in December, 2004 in replacement of two semi-detached farm workers cottages and subsequently amended during construction in 2006 to add conservatories. The site is situated in a primarily open countryside location on the north western side of Puddephats Lane, near the bottom of Trowley Bottom Valley. The replacement dwellings stand in modest sized plots opposite Grove Farm. The pair are set some distance back from the lane and are accessed from the front via a shared driveway. The site falls within the Rural Area and designated CAONB.

Proposal

The proposal is for the retention of two outbuildings to the rear of the house and close to the north-eastern side boundary:

- a summer house built of feather edged timber boarding stained green with a felt roof (approx. 4.7 metres by 5.11 metres); and
- a garden equipment store built of green stained timber boarding with cement based corrugated sheet roof, including a container (5 metres by 9.4 metres)- both used for storage of a drive along lawn mower, push lawn mower, garden strimmers, leaf blower, grass sweeper, trailer, chain saw, garden tools and hand tools.

Referral to Committee

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

Planning History

4/0113/03/FHA - Two storey front and single storey rear extensions and demolition of garages. Granted 14 April 2004.

4/1550/04/FUL - Demolition of existing cottages, construction of two detached cottages. Refused 5 August 2004.

4/2194/04/FUL - Demolition of existing cottages and reconstruction of two detached cottages. Granted 2/12/04.

4/1150/06/FUL - Demolition of existing cottages and reconstruction of two detached cottages (amended scheme). Granted 29/06/06.

Under this planning permission Permitted Development Rights were removed for outbuildings - see below.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within the following Classes of the Order shall be carried out on either the land edged in red or blue on the approved plans without the prior written approval of the local planning authority:

**Schedule 2 Part 1 Classes A, B, C, D and E
Part 2 Class A.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality.

4/1187/07/FUL - Retention of two dwellings. Refused 6/07/07.

4/00743/12/FHA - Two Storey Side Extension. Refused 01/06/2012.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS7 - Rural Area
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS24 - Chilterns Area of Outstanding Natural Beauty
CS25 - Landscape Character
CS26 - Green Infrastructure

Saved Policies of the Dacorum Borough Local Plan

Policies 13, 21.

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Chilterns Buildings Design Guide (Feb 2013)

Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

Summary of Representations

Flamstead Parish Council

Amended Plans (showing correct dimensions of container)

The Parish Council strongly objects to this application as it is inappropriate development in a rural setting.

Original Plans

No objections to this application.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Amended Plans

2 Chalkdell Cottages - Object:

- The additional building (described as container) is an industrial building with corrugated sheet roof.
- The drawings submitted are not correct. The building is approx 10m in depth, not 3.8m as claimed on the submitted drawings.
- The building is only 760mm from the boundary to our garden. The 760mm gap is filled with building materials and plant, e.g cement mixers, digger buckets, wheel barrows etc all against our post and rail boundary fence.
- No dimension to the boundary is shown on the submitted drawings but scale indicates more than 2m from the boundary. This is incorrect.
- This building has been constructed without any sensitivity or consideration to the view from our side. It is an eyesore which devalues the environment our views and we believe the monetary value of our property.

Original Plans

2 Chalkdell Cottages - Object:

- I object to the out building.
- The building is too high and too close to the boundary fence. It has a height of 3.075m and is built right up to the back garden boundary fence.
- The view from my kitchen and conservatory is significantly degraded. We look out onto the rear and side of an eyesore of a building. One of the reasons we purchased our property was for its location in a AONB area with natural landscape views.
- I am aware that the property 1 Chalkdell Cottage has had permissible development rights removed but had the building at least been constructed with sensitivity and with consideration to our views and had it been constructed within normal permissible development guidelines I would not have objected.
- This building has caused me and my wife distress and we believe devalues our environment and the value of our property.

Grove Farm - Supports

- The summerhouse has been in place for around five years, it has been tastefully constructed and painted in a muted green colour.
- This building fits perfectly well into its surroundings and offers the owners a glorious view without compromise to its setting.

- The summerhouse is a perfectly acceptable addition to the applicant's garden and planning should be granted without delay.

Strategic Planning

Outbuildings do not strictly fit into the CS7 policy criteria but it's not unusual for people living in Rural Areas to want outbuildings to store equipment to allow them to care for their larger gardens. The key consideration is to assess if there is any harm to the open countryside.

Considerations

Policy and Principle

Limited extensions to existing buildings are acceptable in the Rural Area under Policy CS7 of the Core Strategy but the policy is silent with regard to outbuildings.

However, CS 7 does state that the redevelopment of previously developed sites will be permitted provided that it has no significant impact on the character and appearance of the countryside; and it supports the rural economy and maintenance of the wider countryside.

The rear garden would fall within the definition of previously developed land under Annex 2 of the NPPF.

"Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land This excludes: land in built-up areas such as private residential gardens."

The outbuildings are within the curtilage of the dwelling and the dwelling is not in a built up area.

As such the key consideration with respect to this development in the Rural Area is that it would have no significant impact on the character and appearance of the countryside and would support the rural economy. The proposal is considered to support the rural economy in a limited way through construction and would therefore meet the objectives of Policy CS7 of the Core Strategy and would not conflict with the general aims of saved Policy 22 of the Local Plan.

Permitted Development Rights

As mentioned above in the relevant history section this dwelling has no permitted development rights for outbuildings.

The larger outbuilding would not have been permitted development as it is over 2.5 metres in height and is within 2 metres of the boundary of the site.

The Summer House however if moved two metres away from the boundary would have been permitted development. This would however have more of an impact on the character of the countryside.

Impact on the Street Scene, Rural Area and Chilterns Area of Outstanding Natural Beauty

The outbuildings are of a scale, design, height and materials which are considered to be fit for purposes and would not result in harm to the character of the street scene, countryside or CAONB.

The larger outbuilding is approximately 35 metres from the existing dwelling and is set down in a small valley thus making it almost invisible from most viewpoints within the curtilage of the

dwelling and longer views from the south-west.

The summer house is located approximately 12 metres from the existing dwelling and is close to the side boundary. There are no other outbuildings on the site with the exception of a small gazebo tucked into the tree lined slope of the rear garden.

The proposal therefore complies with CS 7, 12, and 24.

Impact on Neighbours

No 2 Chalkdell Cottage is the only neighbour whose dwelling is remotely close to the site.

There will be no loss of privacy for this neighbour as a result of the proposal as no windows face No. 2 Chalkdell Cottages.

There will be no significant loss of sunlight and daylight as a result of the proposal as they are single storey and well removed from the neighbour's dwelling.

The neighbour's objections refer to loss of view and devaluation of their property - these are not material planning considerations so cannot be used as a reason to refuse the application.

The proposal complies with CS 12.

Impact on Trees

No significant trees will be affected by the proposal.

Conclusions

The proposal is recommended for approval for the following reasons:

- it will not have a detrimental impact on the character and appearance of the countryside or impact on the special qualities of the CAONB; and
- it will not have negative impact on the street scene or result in a loss of amenity for neighbours.

RECOMMENDATION – That planning permission be **GRANTED** for the reasons referred to above and subject to the following condition.

- 1 **The development hereby permitted shall be retained in accordance with the following approved plans/documents:**

Site Location Plan AT795-01

Site Plan AT705-02B

Existing Outbuilding Summer House Floor Plans and Section AT705-03

Existing Outbuilding Summer House Elevations AT705-04

Existing Outbuilding Container Floor Plans and Roof Plan AT05-05A

Existing Outbuilding Container Elevations AT705-06

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

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

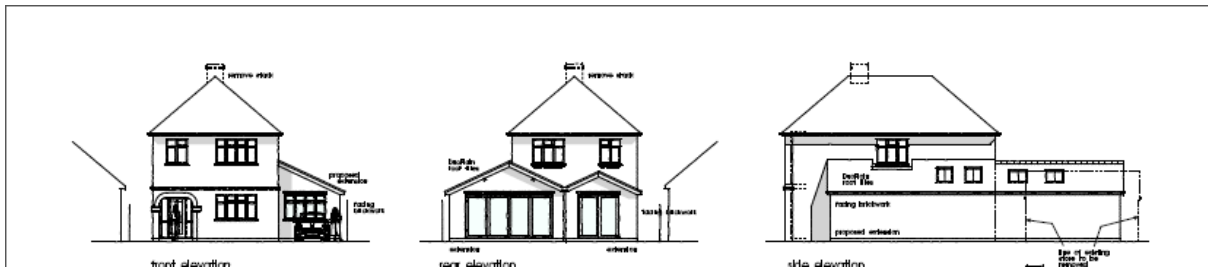
Order 2015.

Agenda Item 5d

Item 5d

4/03265/17/FHA - DEMOLITION OF REAR CONSERVATORY AND STORE AND CONSTRUCTION OF SINGLE STOREY SIDE AND REAR EXTENSIONS

56 BEACONSFIELD ROAD, TRING, HP23 4DW



**4/03265/17/FHA - DEMOLITION OF REAR CONSERVATORY AND STORE AND CONSTRUCTION OF SINGLE STOREY SIDE AND REAR EXTENSIONS.
56 BEACONSFIELD ROAD, TRING, HP23 4DW.
APPLICANT: Mr & Mrs Prescott.**

[Case Officer - Sally Robbins]

Summary

The application is recommended for approval.

Site Description

The application site is located in a residential area of Tring. The site comprises a two storey detached dwellinghouse with a detached single storey store and rear conservatory extension. The house is composed of painted render to the front elevation with red brick detailing around the front door. The roof is hipped and finished in plain clay roof tiles. The property is set in a generous sized plot with a fairly large rear garden. The surrounding area is varied in character and includes single storey and two storey detached and semi-detached dwellings in a wide range of architectural styles and materials.

Proposal

The application seeks full planning permission for the demolition of the existing store and rear conservatory followed by the construction of a single storey side and rear extension. The side extension would have a lean to roof with an eaves height of 2.2m and a ridge height of 4m. It would be set back from the principal elevation by 2.2m and would contain one window. The rear extension would have an M shaped roof with an eaves height of 2.2m and a maximum ridge height of 4m.

Referral to Committee

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

Planning History

4/01894/02/FHA CONSERVATORY
Granted
01/11/2002

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan

Appendices 3, 5 & 7

Summary of Representations

Tring Town Council

The council recommended refusal of this application on the grounds that the extension's wall was so close to the neighbouring property that the result would be out of keeping with the character in a neighbourhood of detached properties. The development would result in loss of car parking spaces and the proposed provision would be unworkable in practice.

Response to Neighbour Notification

54 Beaconsfield Road- Objection

1. Because of the distance and length by which it is planned to extend 56's side wall, the necessary foundation work is likely to have an adverse effect on the foundations / condition of 54.

2. The side wall of the planned extension (parallel to the side wall of 54) is within half a metre of the fence dividing 56 from 54. This means that the edge of the eaves, guttering etc will be virtually overhanging the dividing fence, which (on the 54 side) is the only usable means of front to back access. As a result -

a) access between new wall and current fence for any subsequent maintenance work will be made extremely difficult (from either side)

b) any runoff from heavy rain, thawing snow etc from the new sloping roof will fall on or inside the 54 side of the dividing fence. The passage alongside this fence is the only front to back access at 54

Further to 1 & 2 above, it is suggested that the distance between the extension side wall and the fence should be increased to at least 1 metre

The Location Plan 2207-LP1 does not show the outline of 54 Beaconsfield Road correctly. The errors are that -

- the house is shown as built right up to the boundary with 56. This is not so - between the side of the house and the dividing fence there is a passageway, providing 54's only front to back access

- the rear of the house does not extend as far back as the plan shows - the back of the house is level with a point halfway along the side wall of 56's existing store

- the proportion of the (reverse) L shape is wrong - the rear wall of the L's base extends at least a yard beyond the current rear wall of 56

- 54's integral garage is not shown at all. The front extends slightly forward of the main house, and half of the garage extends sideways from the house towards the boundary with 52

Considerations

Policy and Principle

The application site is located in a residential area of Tring. Core Strategy (2013) Policy CS4 states that appropriate residential development is acceptable in towns and large villages subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed extension upon the character and appearance of the parent dwelling, the streetscene and residential amenity of neighbouring properties.

Effect on appearance of building

Saved appendix 7 of the Dacorum Local Plan (2004), policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height. TCA5 relates to the Miswell Lane area and states that extensions should normally be subordinate in terms of scale to the parent dwelling and that the use of the architectural themes, design, proportions, colours and materials on the parent building will be expected to be followed.

The proposed side extension would project 3m from the flank elevation of the host property, to provide a 0.5m separation between the northeast flank elevation and the boundary. It would be finished in facing brickwork, to match the brickwork detailing surrounding the front door. It would contain one window that would match the existing ground floor window in terms of size, proportion, divisions and material. There would be four roof lights within the lean to roof of the side extension.

The rear extension would project from the rear elevation by 6m and would comprise an M shaped roof with two sets of doors opening onto the rear garden. The eaves of the roof would measure 2.2m and the ridge would measure 4m. It would be finished in plain concrete tiles in a colour to match the existing tiles of the main roof.

The proposed build and form of the extension is considered to respect the overall design, scale and bulk of the parent dwelling and therefore not considered to be visually intrusive or harmful to the character and appearance of the dwelling. In accordance with Residential Character Area [TCA2 Miswell Lane], the proposed extension is subordinate in scale and follows the architectural themes of the parent dwelling. The proposal therefore coheres with the NPPF (2012) and is in accordance with Policies CS11 and CS12 of the Core Strategy (2013) and Saved Appendix 7 of the Dacorum Local Plan (2004).

Impact on Street Scene

Tring Town Council recommended refusal of the application on the grounds that the extension's wall would be so close to the neighbouring property that the result would be out of keeping with the character in a neighbourhood of detached properties.

As outlined above, the surrounding area is varied in terms of character and scale of residential properties. There are several pairs of two storey semi-detached properties within the immediate vicinity on Beaconsfield Road, including numbers: 57 and 59; 50 and 52; and 46 and 48. There are also detached bungalows as well as other two storey detached dwellings. There are examples of dwellings that extend right up to the boundary (such as number 44) and also front and side extensions that extend right up to the boundary (such as 41 and 48).

The side extension would be set back from the front elevation of the parent dwelling by 2.2m and away from the boundary by 0.5m. As the side extension is single storey it is not considered that there would be a terracing effect. A separation distance of 5m would be maintained between first floor elements of the host property and number 54. The proposal includes the removal of the chimney stack, however this will not have a significant impact upon the streetscene and could be carried out under Permitted Development.

It is considered that the modest scale and sympathetic design of the extension would integrate with the streetscape character and would not have a detrimental impact on the character and appearance of the surrounding area.

Impact on Neighbours

There has been an objection from number 54 Beaconsfield Road. The concerns raised are addressed in turn below.

1. Impact on foundations of number 54

This is not a material planning consideration and is covered by separate legislation.

2. Proximity to boundary, eaves overhanging number 54 resulting in:

a) Limited access for maintenance

b) Rain/snow melt runoff into 54's side of fence

In accordance with the submitted elevational drawings, the eaves of the proposed side extension would be 15cm from the boundary at the front and 10 cm from the boundary at the rear. In terms of access for maintenance, this is not a material planning consideration.

3. Inaccuracies on location plan with respect to the outline and shape of number 54.

The submitted location plan is an Ordinance Survey style map that has not been altered by the applicant.

Taking into account all neighbouring properties, it is not considered that the proposed extension would have a significant impact in terms of residential amenity. As outlined above, the proposed extension would be single storey with an eaves height of 2.2m and a ridge height of 4m. The extension would project from the rear elevation of number 54 by 4m and would be in line with the existing single storey rear extension of number 58. As such it is not considered that there would be a significant impact in terms of light provision to these neighbouring properties.

Though visible from surrounding residential units, the proposed single storey side and rear extension will not have a significant impact upon the residential amenity, daylight provision or privacy of neighbouring residents. As a result the rear extension in regards to residential amenity is acceptable in terms of the NPPF (2012), Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

Impact on Trees and Landscaping

No trees of significance are affected by the proposal, the Trees & Woodlands Officer has raised no objection.

Other Material Planning Considerations

- Contamination

The site is located within an area of potentially contaminative material. No comments have been received from the Contaminated Land Officer, however the developer is advised to keep a watching brief during ground works on the site for any potentially contaminated material.

- Parking

Tring Town Council raised an objection with regards to the loss of one car parking space and that the proposed parking arrangement would be unworkable in practice.

The proposal includes the addition of one bedroom, taking the property from a three to a four bedroom property. There would be two off-road parking spaces provided. The Council's Parking guidelines within Saved Appendix 5 of the Local Plan (2004) set out the 'maximum' parking standards. The guidance sets out that a maximum of three spaces should be provided for a four bed house.

Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision and 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. As such, each application is considered on its own merits, taking factors such as the location and accessibility of the site into consideration. It is considered that the application site is in an accessible location, in close proximity to Tring town centre and within walking distance of local bus routes. Furthermore, there are no parking restrictions evident on Beaconsfield Road. As such it is not considered that the proposal would have a significant impact upon local parking provision nor would impact upon the safety and operation of the adjacent highway. The proposal meets the requirements of policy CS12 of the Core Strategy (2013) and Saved Appendix 5 of the Local Plan (2004) in this regard.

- 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 it resulting in less than 100m² of additional floor space.

Conclusions

The proposed single storey side and rear extension through size, position and design would not adversely impact upon the visual amenity of the existing dwelling house, immediate street scene or the residential amenity of neighbouring occupants. The proposal is therefore in accordance with Saved Appendixes 3 and 7 of the Dacorum Local Plan (2004), Policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2012).

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

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

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

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

2207-P1

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

Article 35

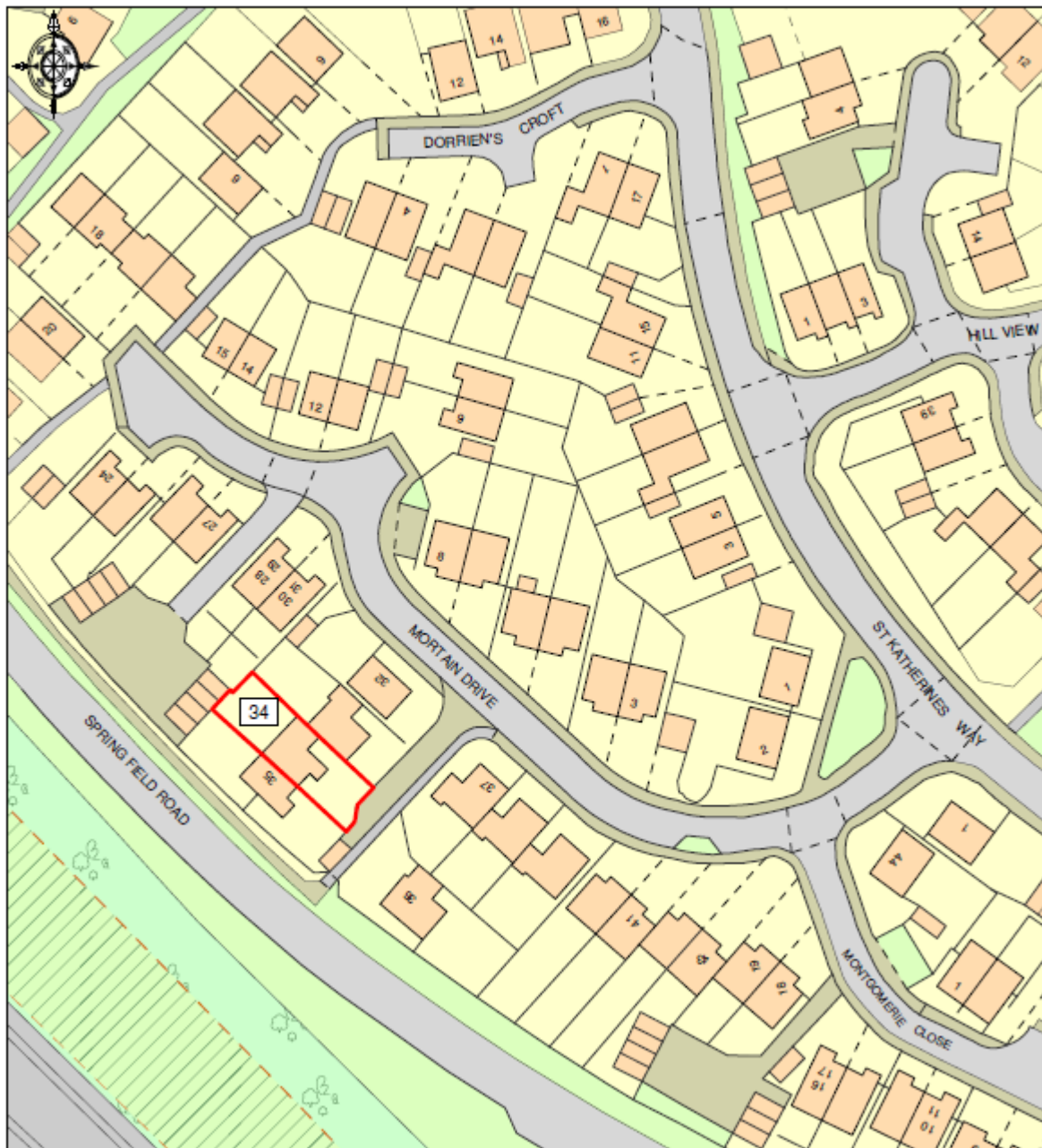
Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town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

Order 2015.

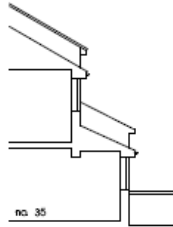
Item 5e

4/03156/17/FHA - TWO STOREY EXTENSION AND FIRST FLOOR FRONT EXTENSION WITH OPEN PORCH.

34 MORTAIN DRIVE, BERKHAMSTED, HP4 1JZ



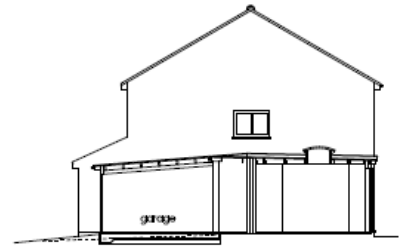
Existing



side elevation

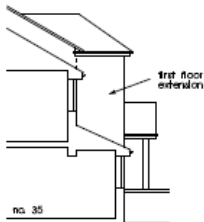


front elevation



side elevation /garage section

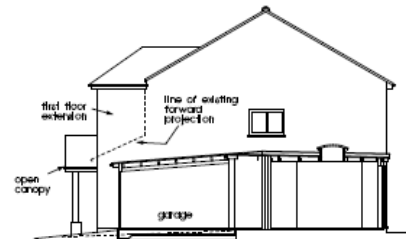
Proposed



side elevation of front extension



front elevation



side elevation /garage section

4/03156/17/FHA - TWO STOREY EXTENSION AND FIRST FLOOR FRONT EXTENSION WITH OPEN PORCH..
34 MORTAIN DRIVE, BERKHAMSTED, HP4 1JZ.
APPLICANT: Mr Elder.

[Case Officer - Amy Harman]

Summary

The proposed two storey extension through size, position and design would not result in severe detriment to the appearance of the parent dwellinghouse or surrounding street scene. Furthermore, the proposed would not adversely impact upon the residential amenity of neighbouring residents. The proposal therefore coheres with the NPPF (2012), saved appendices 3, 5 and 7 of the Dacorum Local Plan (1991), policies CS4, CS11 and CS12 of the Core Strategy (2013) and the Chilterns Park (BCA14) area character appraisal.

The application is recommended for approval.

Site Description

The application site comprises of a 3 bedroom two-storey semi-detached property located on Mortain Drive, to the north of Spring Field Road. The property has a front driveway with an integral garage. The plot also benefits from a modest garden to the rear.

Proposal

The application seeks planning permission for a two storey extension and first floor front extension with open porch.

Referral to Committee

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

Relevant History

4/00420/09/FHA SINGLE STOREY AND FIRST FLOOR FRONT EXTENSIONS
Granted
06/05/2009

4/01272/06/FHA SINGLE STOREY FRONT EXTENSIONS AND GARAGE CONVERSION
Granted
31/07/2006

Site Constraints

halton dotted black
15.2m air dir limit
railway (100m buffer)
area of archaeological importance

cil1
former land use

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

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

Saved Policies of the Dacorum Borough Local Plan

Appendix 3 - Gardens and Amenity Space
Appendix 5 – Parking Provision
Appendix 7 - Small-scale House Extensions

Supplementary Planning Guidance

Chilterns Park Character Area (BCA14)

Summary of Representations

35 Mortain Drive - object

Our reasons for objecting planning permission are

- A) loss of light and overshadowing of kitchen velux window and front bedroom
- B) Design and appearance is not consistent with all other properties in Mortain Drive

We have no objections to original plans for single story extension to the kitchen, it is only the first floor extension to the bedroom which we object to.

Berkhamsted Town Council

Object.

The proposals are out of keeping with the street scene and would have an adverse impact on the amenity of the neighbours through loss of light.

Appendix 3 (iv); CS11; CS12.

Key Considerations:

Principle of Development

The application site is located within a residential area, wherein accordance to policy CS4 of the Core Strategy (2013) the principle of a residential extension is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed extension upon the character and appearance of the existing dwellinghouse, immediate street scene and residential amenity of neighbouring properties.

Effect on Appearance of the Existing Building and Street Scene

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

Moreover, under the development guidelines of the Residential Character Area BCA14 (Chilterns Park), extensions should normally be subordinate in terms of scale and height to the parent dwelling.

In accordance with the submitted application the proposed extensions would be of simple, traditional design, comprising of exposed brickworks with tile hang to match existing and UPVC windows and doors. These materials are considered acceptable and in-keeping with the existing dwellinghouse; complying with policy CS12 of the Core Strategy (2013).

The two storey element would project a maximum of 1.58 metres from the existing front elevation and 5 metres in width. This proposal, although double fronted, seeks to harmonise with the existing dwelling, featuring a double hipped roof to reduce bulk. The open porch is an attractive feature which adds interest.

A separation distance from the neighbouring boundary with No.33 has also been maintained, preserving the open and suburban character of the area and preventing a terracing effect from occurring. Furthermore the set back from number 33 is retained which somewhat obscures the front extension from views down from Mortain Drive.

The application property gained permission in 2009 (now expired) for a front extension, including a first floor front extension. It was considered by the applicant that this did not provide sufficient accommodation for the growing needs of the family and therefore these alterations for a larger front extension have now been submitted.

There is diversity in terms of the character and appearance of the dwellings some of which have been extended. It should be noted that several properties along the street have been granted planning permission for various additions. On this basis the proposals would not disrupt any existing uniformity in terms of design or appearance within the street scene. Given that the proposals are sympathetic to the dwelling it is not considered that they would have an adverse visual impact on the surrounding area.

Therefore based upon its individual merits, focusing upon no. 34's location/ immediate locality and the staggered nature of the adjacent dwellings, the previous acceptance of a front extension, the proposal is considered acceptable. Any other similar proposals in the locality will need to be considered upon their individual circumstances/ merits with regard to their location in relation to the street scene.

Overall, it is considered that the two storey front extension would not severely detriment the appearance of the parent dwellinghouse and street scene; accordingly the proposed coheres with the NPPF (2012), saved appendix 7 of the Dacorum Local Plan (1991), policies CS4, CS11 and CS12 of the Core Strategy (2013) and the Chilterns Park (BCA14) area character appraisal.

Effect on Amenity of Neighbours

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

The two storey extension would be flush with the single storey front extension (already constructed) and flush with number 35's single storey front extension. It would therefore not breach the 45 degree line taken from the ground floor window nearest the application site. The second floor extension would marginally breach the 45 degree line taken from the adjacent bedroom window, however given the orientation (east facing) this will have a very limited impact on the sunlight / daylight into this room.

Due to the marginal scale (1.58 metre depth), it is not considered to result in significant loss of daylight and sunlight to the neighbouring property, including the velux window in the single storey extension. In conjunction with orientation of the application site it is not considered that during peak sunlight hours that any significant loss to neighbouring properties would result.

Number 35 Mortain Drive have objected on the basis that the proposed extension would cause a loss of light and overshadowing of kitchen velux window and front bedroom, however given the above assessment, it is not considered that this is a sustainable objection.

There are no windows proposed on the side elevations and therefore there is no loss of privacy to neighbours.

Thus, the proposal would not further impact upon the residential amenity or privacy of neighbouring residents and is acceptable in terms of the NPPF (2012), saved appendices 3 and 7 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

Impact on Trees and Landscaping

No impact

Impact on Highway Safety

No impact - the extension is limited to additional ground floor living and upstairs bathroom accommodation and therefore there is no requirement for additional parking.

Community Infrastructure Levy (CIL)

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

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

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

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

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

2219-S1
2219-P10

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

- 3 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.**

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

Article 35 Statement

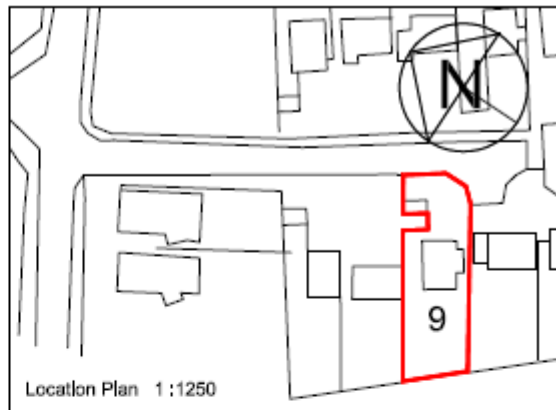
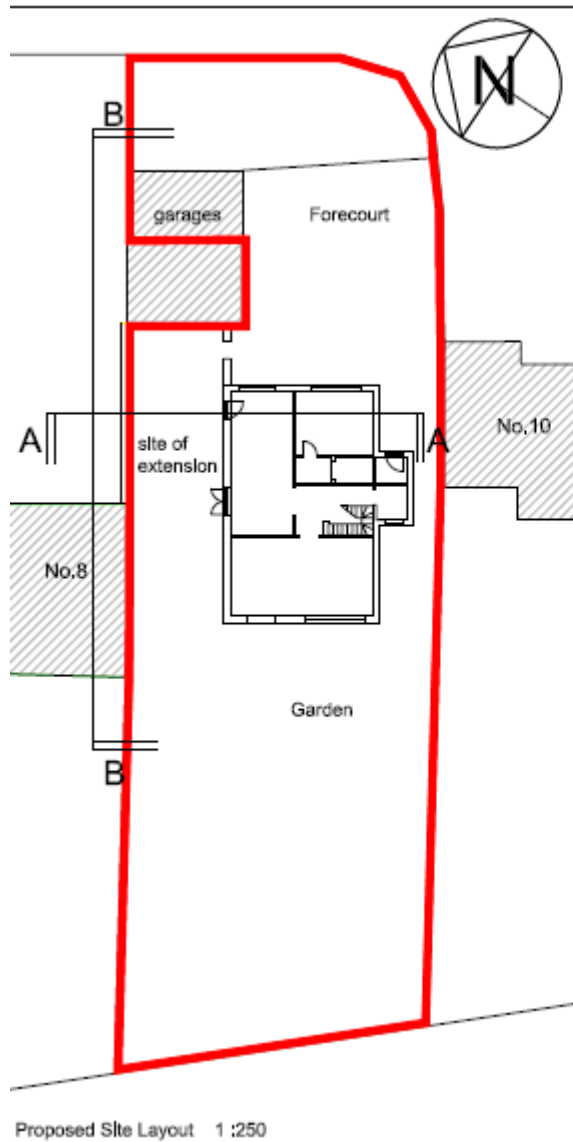
Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town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

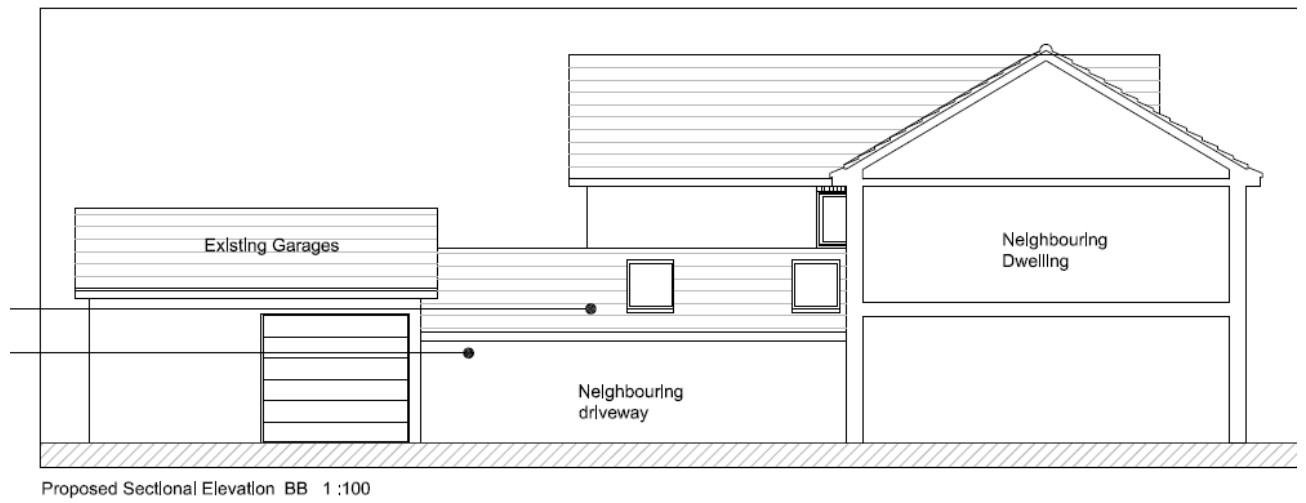
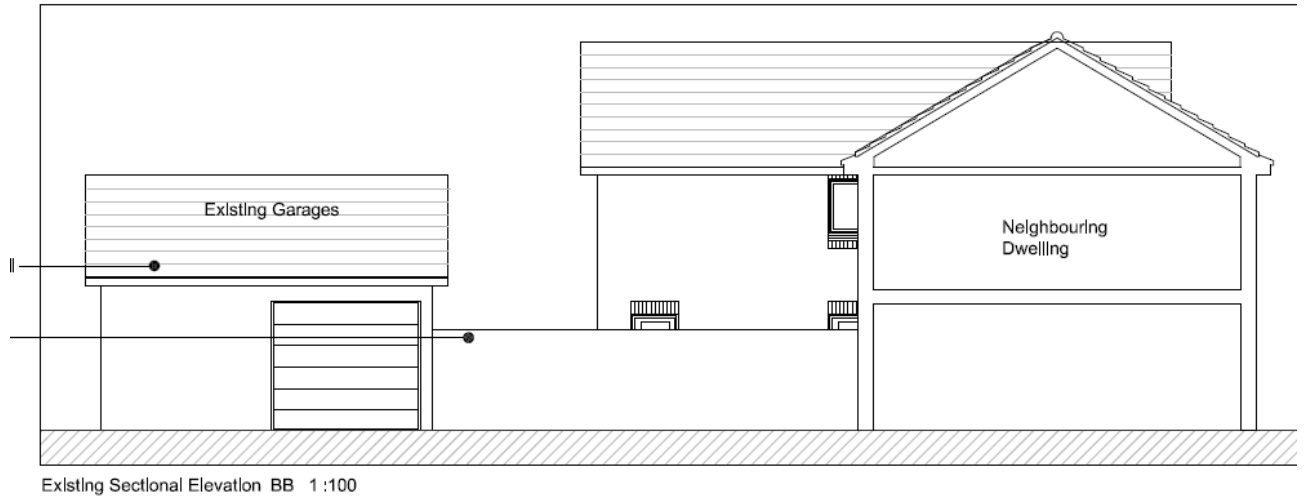
Agenda Item 5f

Item 5f

4/03159/17/FHA - SINGLE STOREY SIDE/FRONT EXTENSION

9 THORNTREE DRIVE, TRING, HP23





**4/03159/17/FHA - SINGLE STOREY SIDE/FRONT EXTENSION.
9 THORNTREE DRIVE, TRING, HP23 4JE.
APPLICANT: Mrs Hands.**

[Case Officer - Amy Harman]

Summary

The application is recommended for approval.

Site Description

9 Thorntree Drive is a detached property is located within a cul-de-sac on a 1980's planned estate to the north west of Tring. The property has a large rear garden and a detached garage located to the front of the property adjacent to the driveway. The dwelling is constructed of a simple brick with a pitched roof. The Estate is relatively uniform and the overall design of the area is evident, however there have been extensions and alterations recently granted.

Proposal

SINGLE STOREY SIDE/FRONT EXTENSION

Referral to Committee

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

Planning History

None Found

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design

Saved Policies of the Dacorum Borough Local Plan

Appendices 4, 7

Supplementary Planning Guidance / Documents

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

Advice Notes and Appraisals

Summary of Representations

Tring Town Council

Object

The council recommended refusal of this application on the grounds that the abutment of the extension's wall created a situation that was out of keeping with the character in a neighbourhood of detached properties.

Response to Neighbour Notification / Site Notice

Numbers 1,10 and 11 Thorntree Drive - Object

10 Thorntree Drive

We own the property at 10 Thorntree Drive, Tring, next door to 9 Thorntree Drive, and wish to oppose the above application on numerous grounds. Thorntree Drive is a small close, consisting of 10 detached houses. We feel that this, large, proposed extension is entirely out of keeping with the look and feel of the street and will affect our property in the following ways:-

1. Loss of light into and already dark lounge by building so far forward of both our house and theirs. Whilst the proposed extension is only single storey, because it is very wide, the top of the pitched roof will reach second storey level.
2. As there will no distinguishable gap between our property and this extension, it will be very difficult to prevent damp building up between the properties and no way of keeping this dry. We have taken professional advice on this and been advised that a small gap is worse than no gap at all in terms of damp, not that we are proposing that they build right up against our wall either!
3. We are also concerned that the trench required for the footings of this proposed extension will be too close to our property and could cause problems in terms of subsidence to our property.
4. No provision for us to maintain our property in the future, for instance soffits and chimney will require extremely difficult access to reach.
5. The garage at the front of the property, which they intend to build up to is ours, as is the wall between the garage and our house. The proposed 'few' centimetre gap between these and their extension will look unsightly, especially as their bricklayers will be unable to effectively lay bricks neatly in this situation.

We would like to draw to your attention also to a 'Restrictive Covenant' in our Deeds that states "Not to erect or permit to be erected upon such part of the property that falls between the front face of the building erected thereon and the front boundary of the property any wall fence or other linear feature above ground level of any nature". Whilst we appreciate that this may not be something that you are able to enforce, this was written by the developer, in order to prevent the close from being overdeveloped, which this proposal does.

Further to our email, yesterday, regarding the above application, we have noticed a number of additional issues that we feel are important and should be brought to your attention, regarding the above application:-

1. It should be noted that the 'garage' shown in the drawings should say 'neighbour's garage', as this end of the garage belongs to us and not them.
2. We note on the application form that the agent has described the property as an 'existing semidetached' property, which is incorrect, as this, and all of the properties in Thorntree Drive, are detached.
3. On the plans shown on your portal, the architect has proposed a watertight seal joined to our property. This is totally unacceptable to ourselves as water will sit in the dip between the two properties and will have no way of flowing without a slope and will be difficult to keep clear of leaves etc. This feature will also make both properties look semidetached, which is out of keeping with the look of the street and something that we were reassured by the neighbours that they would not do (when we wrote yesterday's email, we were unaware that they had changed this detail from the original drawings that we were shown, which though also unacceptable to us, allowed for a few centimetres gap between the two properties).

We hope that you will take our concerns into consideration, when looking into this application.

Additional comments;

We feel that a 75% increase in footprint is somewhat excessive, especially as the properties will become attached making them the only semi-detached houses in the street. This is not in character with the current look and feel of the street and will make our house feel hemmed in. Our tree does not stop the morning winter sunlight streaming into our lounge, as the proposed extension will do (being so far forward of the front of our house). We are not happy about having the two properties joined in such a way and cannot see how you will be able to prevent ponding between the properties during heavy rain. Surely the Restrictive Covenant was written to protect against over development and we would be grateful to know why you feel this is not relevant? All references to no.8 in your Design & Access Statement should read no.10 as no.8 is unaffected! Also, the garage shown as 'existing garages' is in fact ours at the end to be joined to.

11 Thorntree Drive

There are a number of extensions in Thorntree Drive but they enhance the properties. Importantly, they all retain the individual properties' detached appearance. In this instance, we feel that two properties will appear like one large semi-detached property and that will be detrimental to the general look/feel of the road. We have no objection to a scaled back extension but feel this is too big for the size of the plot

1Thorntree Drive

The extension is not in keeping with the surrounding houses, the type of extension will remove the status of the neighbouring dwelling from detached, and make it a semidetached, this is not in keeping with the remaining properties within the road

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 and street scene

Given the size, scale and position of the single storey side extension, the overall character and appearance of the dwelling would only slightly alter, in addition 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. It is small in scale and the extension sits within a good sized plot with good set back from the front boundary and the new single storey side extensions will 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.

Due to the location of the extensions, to the rear of the detached garage and the existing trees and landscaping, it is only visible if you are standing in the driveway of the application site itself. The ridge height of the extension is kept lower than that of the existing garages however the pitch of the new roof will be in line with the garage roofs.

This part of Thorntree Drive is characterised by regular detached dwellings. In particular, the application property forms part of a group of dwellings that are almost identical in their appearance. There have however been some significant recent extensions and alterations to the respective frontages which have disrupted the overall rhythm to the street scene.

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. 4 Thorntree Drive which has benefited from a front and side extension and number 7 Thorntree Drive which has recently gained approval for significant two storey side extensions.

Neither Tring Town Council nor the Local Planning Authority objected to this and it was granted permission under delegated powers in 2016 and 2017 respectively.

This proposal is much less significant when viewed in the street scene. These recent approvals 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. In this particular case, the extension would be set to the rear of an existing detached garage which obscures the view of the extension from the street scene.

The extension is a single storey extension and therefore it is not considered that it would change the character of the property by way of it appearing semi-detached in nature.

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

Due to the location of the proposed extension (hidden from the public realm behind an existing detached garage and landscaping), there would not be a detrimental impact on the appearance of the dwelling or streetscene. The proposal is therefore considered acceptable in accordance with Policy CS12 of the Dacorum Borough Core Strategy and saved Appendix 7 of the Dacorum Borough Local Plan (DBLP).

Impact on Trees and Landscaping

No impact

Impact on Highway Safety

No impact - the extension is limited to additional ground floor living accommodation and therefore there is no requirement for additional parking.

Impact on Neighbours

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 proposal is of a single-storey composition and limited in height. Therefore, the surrounding properties would not be negatively affected by the proposal in accordance with Policy CS12 of the Core Strategy.

It was noted on site that the front elevations of both 9 and 10 Thorntree Drive face North East and hence receive limited sunlight after mid-morning due to their orientation. Winter sunlight is obscured by the location of the properties' detached garaging in front of the dwellings. Daylighting to No 10 Thorntree Drive largely remains unchanged throughout the year due to the single storey nature of the extension, furthermore the extension does not impact on the 45 degree line taken from the centre of the nearest habitable room.

Neighbours have raised concerns about party wall issues and a restrictive covenant, however these are not planning considerations.

Other Material Planning Considerations

Community Infrastructure Levy (CIL)

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

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

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

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

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

9THD 003/PL/A1/100 C
9THD 003 /PL/A4 /102 /102 3 D Sketches
9THD 003/ PL/ A4 /103 Site location and site layout
Design and Access Statement

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**

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

Article 35 Statement

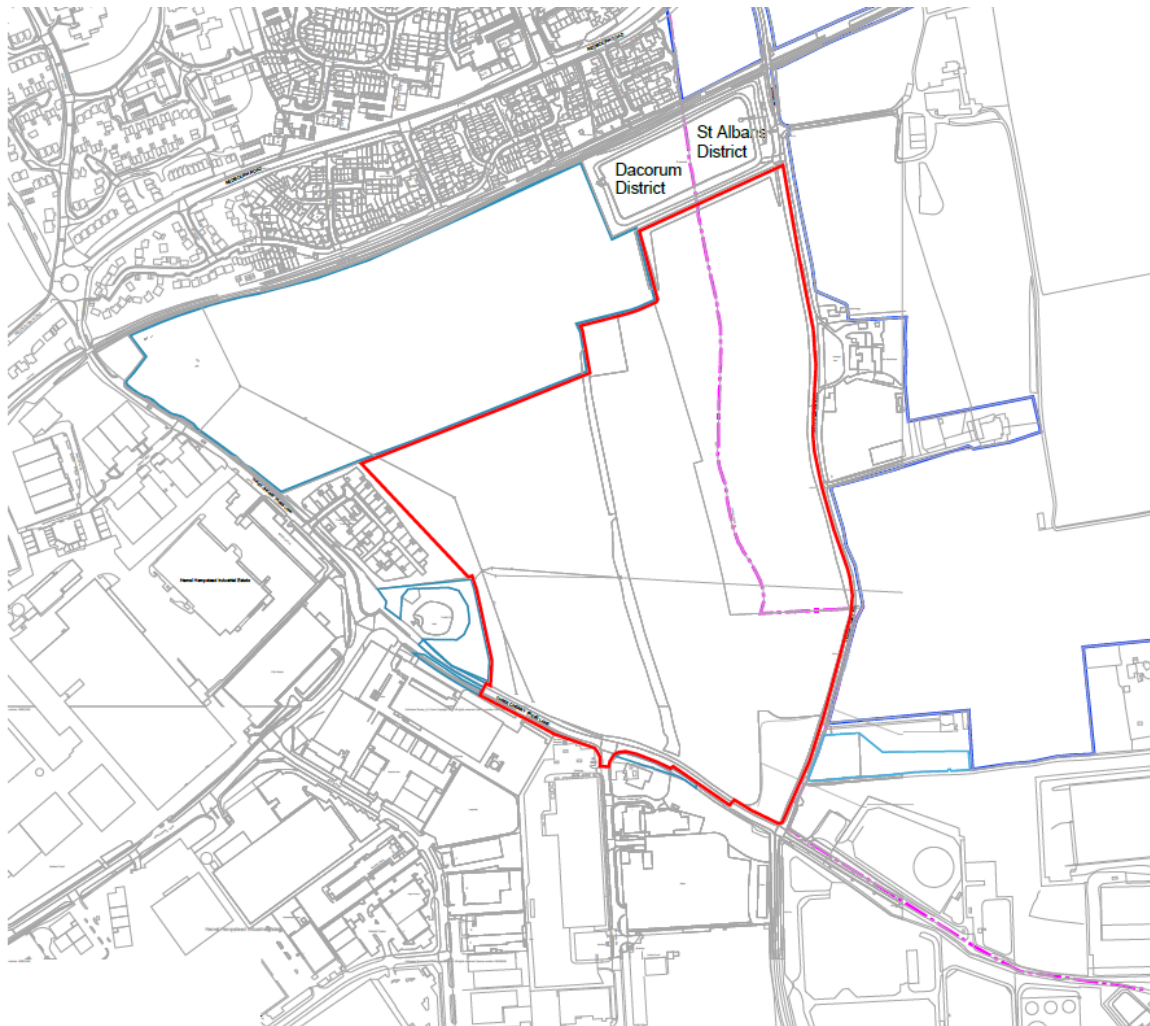
Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town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

Agenda Item 5g

Item 5g

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

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



**4/02539/16/MOA - OUTLINE PLANNING APPLICATION TO INCLUDE UP TO 600 DWELLINGS (C3), LAND FOR PRIMARY SCHOOL (D1), LAND FOR LOCAL CENTRE USES (A1,A3,A4,A5,D1,D2), LAND FOR UP TO 7,500 SQUARE METRES OF EMPLOYMENT USES (B1,B2,B8), LANDSCAPING, OPEN SPACE AND PLAY AREAS, ASSOCIATED INFRASTRUCTURE, DRAINAGE AND ANCILLARY WORKS, NEW ROUNDABOUT ACCESS OFF THREE CHERRY TREES LANE, NEW PRIORITY JUNCTION OFF THREE CHERRY TREES LANE, NEW VEHICULAR ACCESS TO SPENCER'S PARK PHASE 1 AND AN EMERGENCY ACCESS TO THE EMPLOYMENT LAND OFF CHERRY TREE LANE. DETAILED APPROVAL IS SOUGHT FOR ACCESS ARRANGEMENT ONLY, WITH ALL OTHER MATTERS RESERVED (CROSS-BOUNDARY APPLICATION FALLING WITHIN DACORUM BOROUGH COUNCIL AND ST ALBANS CITY AND DISTRICT ADMINISTRATIVE AREAS). SPENCER'S PARK PHASE 2, LAND BETWEEN THREE CHERRY TREES LANE AND CHERRY TREE LANE, HEMEL HEMPSTEAD.
APPLICANT: HOMES AND COMMUNITIES AGENCY AND THE CROWN ESTATE.**

[Case Officer - Ross Herbert]

Update for Members

The application was brought before Members at the Development Management Committee meeting of 17th August 2017. A link to the agenda document pack and addendum are included below:

<http://dbcgfeshare:9070/mgA.aspx?M=1427&LLL=0>

Members resolved to agree the officer's recommendation for the application to be Delegated to the Group Manager, Development Management with a view to approval subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 and notification being sent to the Secretary of State, due to the objections from Sport England.

Given the amount of time which has elapsed since the resolution last August, together with a recent change in approach concerning the Secretary of State notification, officers have deemed it prudent to provide Members with a brief update in relation to this application, despite it now being a delegated item.

S106

The primary reason for the application being delegated with a view to approval was to allow the completion of the S106 agreement, with the Secretary of State notification being a secondary procedural matter.

The S106 negotiations have been on-going since the August 2017 meeting and are nearing a conclusion. The final draft of the S106 should hopefully be agreed shortly.

Secretary of State notification

The applicants have recently asked us to confirm whether the Secretary of State notification is indeed required, as they are keen to avoid any further delays in determining the planning application once the S106 has been completed.

Having undertaken a procedural review of the Town and County Planning (Development Management Procedure) (England) Order 2015 (as amended) and the Town and Country Planning (Consultation) (England) Direction 2009, both the case officer and the Council's

solicitor have concluded that there is no need to refer the application to Secretary of State as there was no requirement to consult Sports England.

We consulted them due to the scale of the application and their involvement at pre-application stage. We tend to consult them on major planning applications which involve playing pitches/sports facilities and in this respect we go sometimes go beyond the minimum requirements for consultation.

However, because there was no actual requirement to consult Sports England under the Town and County Planning (Development Management Procedure) (England) Order 2015 (as amended) and the Town and Country Planning (Consultation) (England) Direction 2009, there is no need to refer the application to Secretary of State in this instance.

Therefore, once the S106 has been completed the application can be granted under delegated authority.

6. APPEALS UPDATE

A. LODGED

4/00516/18/ENA Barrett
APPEAL AGAINST ENFORCEMENT NOTICE APP/A1910/C/18/3196025
(RAISED DECKED AREA AND ASSOCIATED FENCING)
17 LANGLEY AVENUE, HEMEL HEMPSTEAD, HP3 9NP
[View online application](#)

4/03286/16/FUL MR DAVIS MARTIN
DETACHED DWELLING

21a HALL PARK, BERKHAMSTED, HP4 2NU
[View online application](#)

B. WITHDRAWN

4/02686/17/ENA

APPEAL AGAINST ENFORCEMENT NOTICE (INTERNAL FENCING AND
GATES).
GREYWOLF FARM, UPPER BOURNE END LANE HEMEL HEMPSTEAD,
HP1 2RR
[View online application](#)

4/02687/17/ENA

APPEAL AGAINST ENFORCEMENT NOTICE (FRONT GATES AND
COMPOUND).
GREYWOLF FARM, UPPER BOURNE END LANE, HEMEL HEMPSTEAD,
HP1 2RR
[View online application](#)

4/02688/17/ENA

APPEAL AGAINST ENFORCEMENT NOTICE (TOP GATE).
GREYWOLF FARM, UPPER BOURNE END LANE , HEMEL HEMPSTEAD,
HP1 2RR
[View online application](#)

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

4/01845/17/MFA

McCarthy & Stone Lifestyles Ltd
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
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E. DISMISSED

None

F. ALLOWED

None