



Public Document Pack  
**DEVELOPMENT MANAGEMENT  
AGENDA**

**THURSDAY 12 APRIL 2018 AT 7.00 PM  
COUNCIL CHAMBER, THE FORUM**

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

Membership

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

For further information, please contact Katie Mogan or Member Support

**AGENDA**

**1. MINUTES**

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

**2. APOLOGIES FOR ABSENCE**

To receive any apologies for absence

**3. DECLARATIONS OF INTEREST**

To receive any declarations of interest

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

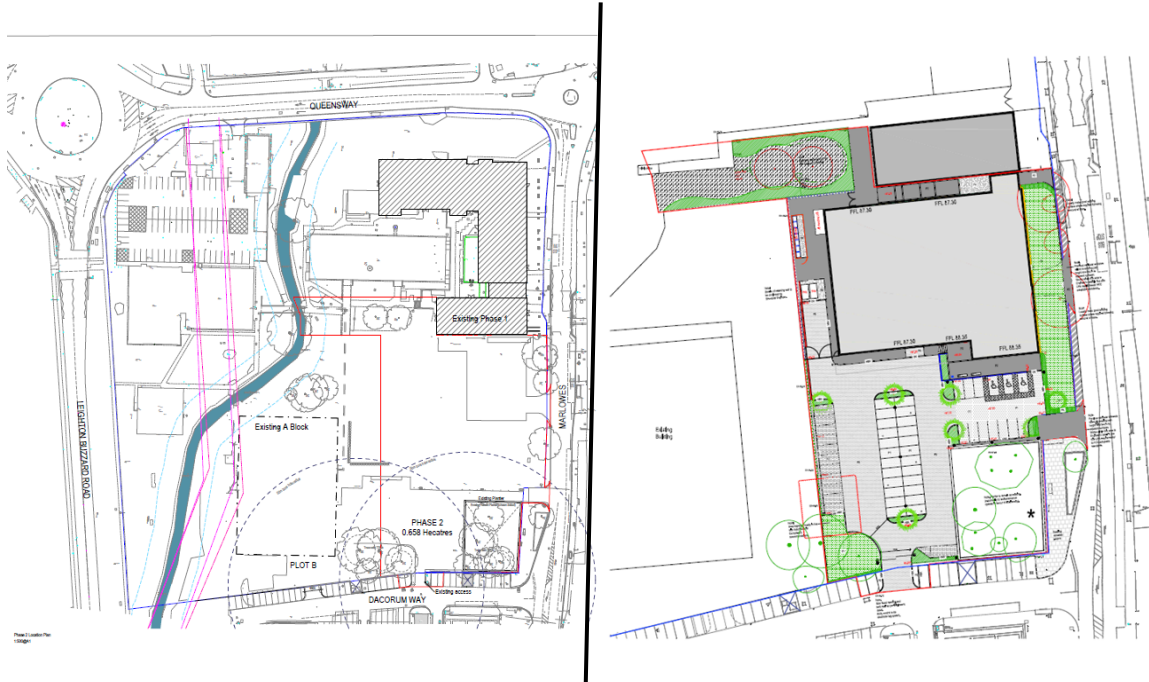
At a meeting of the Development Management Committee, a person, or their representative, may speak on a particular planning application, provided that it is on the agenda to be considered at the meeting.

## 5. INDEX TO PLANNING APPLICATIONS

- (a) 4/00473/18/MFA - DEVELOPMENT OF AN EDUCATIONAL BUILDING WITH ASSOCIATED LANDSCAPING, BOUNDARY TREATMENTS, PARKING AND ACCESS ARRANGEMENTS INCLUDING WIDENED ACCESS TO DACORUM WAY AND INFRASTRUCTURE - WEST HERTS COLLAGE, DACORUM CAMPUS, MARLOWES, HEMEL HEMPSTEAD, HP1 1HD (Pages 5 - 42)
- (b) 4/00472/18/MOA - RESIDENTIAL (CLASS C3) DEVELOPMENT FOLLOWING DEMOLITION OF EXISTING BLOCK A BUILDING (OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT ACCESS) - LAND NORTH OF DACORUM WAY, WEST HERTS COLLEGE, DACORUM CAMPUS, MALOWES, HEMEL HEMPSTEAD, HP1 1HD (Pages 43 - 102)
- (c) 4/02084/17/FHA - REPLACE EXISTING GARAGE AND SUMMER HOUSE WITH OUTBUILDING TO PROVIDE NON-HABITABLE ANNEX WITH GARAGE AND NON COMMERCIAL ART STUDIO - 32 STOCKS ROAD, ALDBURY, TRING, HP23 5RU (Pages 103 - 124)
- (d) 4/03325/17/MFA - DEMOLITION OF FORMER GARAGE BUILDINGS AND REDEVELOPMENT TO PROVIDE 12 NEW DWELLINGS THROUGH A COMBINATION OF CONVERSION AND NEW BUILD - 9-11 & 13 HIGH STREET, BERKHAMSTED, HP4 2BX (Pages 125 - 146)
- (e) 4/00054/18/FHA - PART SINGLE STOREY AND FIRST FLOOR SIDE EXTENSIONS AND INTERNAL ALTERATIONS - 73 SCATTERDELLS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9EU (Pages 147 - 155)
- (f) 4/00124/18/FHA - GROUND AND FIRST FLOOR EXTENSIONS TO FRONT AND REAR AND LOFT CONVERSION - 24 HALL PARK, BERKHAMSTED, HP4 2NU (Pages 156 - 162)
- (g) 4/00130/18/FUL - DROPPED KERB AND CROSSOVER - 64-66 AKEMAN STREET, TRING, HP23 6AF (Pages 163 - 177)
- (h) 4/00533/18/FHA - PITCHED ROOF TO GARAGE. REPLACEMENT GARAGE DOOR - 16 BARTEL CLOSE, HEMEL HEMPSTEAD, HP3 8LX (Pages 178 - 185)

**6. APPEALS UPDATE** (Pages 186 - 189)

**5a 4/00473/18/MFA DEVELOPMENT OF AN EDUCATIONAL BUILDING, WITH ASSOCIATED LANDSCAPING, BOUNDARY TREATMENTS, PARKING AND ACCESS ARRANGEMENTS INCLUDING WIDENED ACCESS TO DACORUM WAY AND INFRASTRUCTURE WEST HERTS COLLEGE, DACORUM CAMPUS, MARLOWES, HEMEL HEMPSTEAD, HP1 1HD**



View from Marlowes

<b>4/00473/18/MFA</b>	<b>DEVELOPMENT OF AN EDUCATIONAL BUILDING, WITH ASSOCIATED LANDSCAPING, BOUNDARY TREATMENTS, PARKING AND ACCESS ARRANGEMENTS INCLUDING WIDENED ACCESS TO DACORUM WAY AND INFRASTRUCTURE</b>
<b>Site Address</b>	<b>WEST HERTS COLLEGE, DACORUM CAMPUS, MARLOWES, HEMEL HEMPSTEAD, HP1 1HD</b>
<b>Applicant</b>	<b>West Herts College - Mrs G O'Connell, West Herts College</b>
<b>Case Officer</b>	<b>Intan Keen</b>
<b>Referral to Committee</b>	<b>Major proposal affecting land which the Borough Council has an interest</b>

## **1. Recommendation**

1.1 That the application is delegated with a view to approval subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and the expiry of the final notification of the application, and subject to the conditions set out below.

## **2. Summary**

2.1 This application seeks full planning permission for an education building at West Herts College (Dacorum Campus) which comprises the second phase of its redevelopment. This application is to be considered alongside a separate concurrent application for residential development on an adjacent parcel of land to the west, both of which are in the ownership and grounds of West Herts College. The proposed residential development would enable funding for the delivery of this education building.

2.2 The proposal for an education building is acceptable in principle as part of strategic site Proposal MU/1 under the Site Allocations 2006-2031 (Written Statement adopted July 2017) and specifically the replacement building at West Herts College has strong policy support under the Hemel Hempstead Town Centre Masterplan and the Gade Zone Planning Statement. Off-site benefits have also been identified as a result of providing a replacement education building at West Herts College, noting its location between and forming part of the link between the Old and New Towns of Hemel Hempstead, as well as supporting the retail function the of Old Town to the north, and visual improvements along Marlowes.

2.3 The development is considered to be acceptable with respect to the impact on the appearance of the street scene and the impact upon nearby heritage assets and protected trees. Parking and cycle provision on-site would be appropriate on a demand-based approach also noting the site's town centre location proximate to public transport facilities. The proposed education building would have a satisfactory relationship with the residential development proposed on the adjacent site.

2.4 The proposal is therefore in accordance with the aims of Policies CS1, CS2, CS4, CS8, CS10, CS11, CS12, CS13, CS23, CS27, CS29, CS31, CS32 and CS33 of the Dacorum Core Strategy 2013, saved Policies 10, 51, 54, 58, 69, 99, 119 and 120 of the Dacorum Borough Local Plan 1991-2011, Site Allocations Written Statement (2017), Hemel Hempstead Town Centre Masterplan 2011-2021, and Gade Zone Planning Statement (2012).

### **3. Site Description**

3.1 The application site forms the south-eastern corner within the Dacorum Campus of West Herts College. It is located at the north-western corner of the junction of Marlowes and the unadopted road of Dacorum Way. The site has a town centre designation and importantly has a long prominent frontage to Marlowes, open views rising up from Leighton Buzzard Road and the River Gade and located along a key link between the Old and New Town Centres of Hemel Hempstead.

3.2 The campus at West Herts College including the application site is characterised by older, low profile buildings in a parkland setting and noting its frontage to the built-up section of Marlowes and proximity to Hemel Hempstead Old Town it therefore represents a key strategic regeneration opportunity.

### **4. Proposal**

4.1 Full planning permission is sought for the second phase of the replacement building at West Herts College. It would have a total floor area of 3,600m<sup>2</sup> over two floors, with a height of 10.25m to Marlowes (recessed pop-up section to a height of 10.85m measured from the principal elevation). The development would effectively consolidate the College making the building footprint more compact with a linear arrangement along the College's Marlowes street frontage.

### **5. Relevant Planning History**

5.1 As noted above, the application shall be determined within the same timeframe as the separate concurrent application 4/00472/18/MOA on the adjacent site which seeks outline planning permission for residential development. The sale of this adjacent site with planning permission would assist in funding the education building proposed under the current application.

5.2 Both current applications have been subject to screening opinions dated December 2017 where it was determined that an Environmental Impact Assessment was not required for either of the two proposals.

5.3 The applications follow the recently completed and now occupied (as of May 2017) first phase of the new replacement education building at West Herts College, where planning permission was granted under 4/02013/15/MFA on 6 August 2015 (for construction of two educational buildings with associated landscaping, disabled parking and servicing area); subject to non-material amendment 4/02173/16/NMA granted on 13 September 2016.

### **6. Policies**

#### **6.1 National Policy Guidance**

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

#### **6.2 Dacorum Core Strategy 2013**

Policies NP1, CS1, CS4, CS8, CS10, CS11, CS12, CS13, CS23, CS27, CS29, CS31, CS32, CS33, CS35

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

Policies 10, 13, 18, 21, 51, 54, 58, 69, 99, 111, 119, 120.

### 6.4 Supplementary Planning Guidance / Documents

- Site Allocations Written Statement 2006-2031 (2017)
- Environmental Guidelines (May 2004)
- Hemel Hempstead Town Centre Masterplan 2011-2021
- Gade Zone Planning Statement (2012)
- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Planning Obligations (April 2011)

## 7. Constraints

- Town Centre
- Flood Zones 2 and 3
- Source Protection Zone 1 (Affinity Water boreholes)
- Tree Preservation Order
- Former land use
- CIL Zone 3
- 45.7m air direction limit

## 8. Representations

### Consultation responses

8.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

8.2 None received at the time of writing this report.

## 9. Considerations

### Main issues

9.1 The main issues of relevance to the consideration of this application include:

- Policy and principle
- Layout and impact on street scene
- Impact on heritage assets
- Impact on protected trees
- Traffic, access and car parking
- Flood risk and drainage
- Contaminated land
- Ecology



- Impact on neighbouring properties
- Section 106 and planning obligations

## Policy and principle

### *Policy context*

9.2 The site forms part of the town centre and the Gade Zone character area under Policy CS33 of the Core Strategy and the proposed education building would contribute to furthering the objectives for the town centre which includes to deliver new leisure, education and cultural facilities. The background text to Policy CS33 sets out that within the Gade Zone there are significant regeneration opportunities, primarily for educational, civic, residential, community leisure and cultural, business and retail uses.

9.3 References and policy support for a replacement college building are set out under the Site Allocations noting the site forms part of strategic Proposal MU/1 which seeks to deliver a replacement further education building (amongst other things), the Hemel Hempstead Town Centre Masterplan with an end date of 2021, as well as local provisions including Policy CS23 of the Core Strategy and saved Policy 69 of the Local Plan together with the National Planning Policy Framework.

### *Need*

9.4 It is acknowledged that the existing classrooms for construction students are currently accommodated within Block A (located on the site for the proposed residential scheme under 4/00472/18/MOA), which suffers from poor design when compared with current standards. It is submitted that the space within Block A does not best reflect modern requirements and is therefore identified for improvement, hence the proposals for the new facility sought under the current application.

9.5 An addendum to the Planning Statement has been submitted on behalf of the applicant which sets out local statistics and demographic where there is an identified need for delivery of a replacement further education building. The Statement notes that in Dacorum that the new campus will provide a state of the art provision which will enable more local residents to develop the skills that local employers require and therefore increase employment opportunities of the population within the Borough.

9.6 The Statement continues in that it is anticipated that the investment in the new facilities will result in an 1,050 additional qualifications per annum of which 60% will be at Level 3 or above; of these 285 will be additional apprenticeships, of which approximately 50% will likely be new jobs. This would drive around 145 new jobs per annum.

9.7 The ability to provide funds to build the second phase of the replacement College will allow new specialist courses to be introduced. An increased requirement for engineers will come about as a result of the proposed large infrastructure projects including within the M1 growth where the site is suitably-located to meet this demand. Specialist carpentry provision will be developed and aligned with the requirement for skills to support housing growth, local and regional infrastructure projects as well as the film making industry.

9.8 West Herts College in their supporting statement have also noted their intention

that Higher Level Apprenticeships will be developed in collaboration with other providers to develop appropriate progression routes within the engineering and construction sectors to support housing growth, local and regional infrastructure projects and town centre regeneration in collaboration with BRE, University of Hertfordshire and the Enterprise Zone.

9.9 It has been established that the further education building and consolidation of the College is acceptable in principle, however there are additional planning benefits to the redevelopment of the College with a high-quality building as follows:

- High-class further education facility;
- Visually enhancing the main link (Marlowes) between the Old and New town centres;
- Contributing to overall modernisation of Hemel Hempstead Town Centre;
- Increase in students and staff numbers bringing more people to the town centre which would strengthen the retail function of the Old Town.

9.10 All of the above would support the vitality of the town centre which is supported under Section 2 of the NPPF as well as the vision set out under Policy CS33 of the Core Strategy.

#### Layout and impact on street scene

9.11 In terms of building design and bulk the proposal would generally reflect the approved and recently completed College building however would also differentiate from it and assist in breaking up a resultant long building elevation through the use of projecting and cantilevered elements and contrasting external materials. The Council's Conservation and Design officer has not raised any principle concerns with respect to design, form and massing although has suggested alternative surface materials are explored. As such if planning permission is granted it would be reasonable to attach conditions requiring samples of external materials given the extensive frontage to Marlowes and the site's prominence along this key route between the Old and New Towns. Details of landscaping shall also be reserved by condition.

9.12 The proposal would not raise any concerns with respect to layout, noting an active frontage would be continued along the principal road frontage of Marlowes extending from the first phase of development.

9.13 Parking is discussed in greater detail below with respect to provision however it is important to note that any parking shortfall should be balanced by the need for the site to minimise areas of hardstanding both in visual and environmental terms, in order to maintain the open verdant setting particularly along the River Gade, and importantly specifically to the application site, to enhance the frontage to Marlowes which would be preferably through a high-quality building with an active frontage instead of an expansive car park.

9.14 The consolidation of the College buildings and the subsequent loss of the southern part of the site adjoining the River Gade would not significantly reduce the available open space for students on campus. It is noted that further education students are not confined to the grounds of the facility and the site is well-located with respect to Gadebridge Park in providing open space for the needs of staff and students.

9.15 The proposal would therefore accord with the aims of Policies CS10, CS11, CS12 and CS33 of the Core Strategy.

#### Impact on heritage assets

9.16 The assessment of the proposal in this regard requires development to positively conserve and enhance heritage assets as set out under Policy CS27 of the Core Strategy and the NPPF.

9.17 To the east of the application site is the Grade II listed Marlowes Methodist Church. The proposal has been considered by the Council's Conservation and Design team and would not have a significant adverse impact on its setting noting that the listed building is surrounded by development, including buildings on the rising slope further eastward.

9.18 Additionally, the development would not compromise any significant views looking north along Marlowes towards the Hemel Hempstead Old Town Conservation Area or the Grade II\* listed building at The Bury.

9.19 As such, the development would appropriately conserve nearby heritage assets and in considering the proposal it is important to note the planning benefits of the scheme which have been outlined above, as well as the site's allocated status under Proposal MU/1.

9.20 The proposal would not compromise archaeological heritage assets noting comments from the County Archaeologist below.

9.21 It follows the development would satisfy the aims of Policy CS27 of the Core Strategy and saved Policies 118, 119 and 120 of the Local Plan.

#### Impact on protected trees

9.22 The submitted layout would ensure the retention and protection of trees covered by a Tree Preservation Order. Importantly, no Category A trees are identified for removal as part of the proposals. An Arboricultural Report has been submitted in support of the proposals and sets out how retained trees shall be protected for the duration of site works and construction in accordance with Policies CS12 and CS29 of the Core Strategy and saved Policy 99 of the Local Plan.

#### Traffic, access and parking

9.23 With respect to traffic and access, no objections have been raised from the highway authority.

9.24 In assessing the acceptability of the scheme in terms of parking provision it is important to note existing conditions at the wider College site. The submitted Transport Statement sets out that the Dacorum Campus currently has capacity to accommodate a maximum of approximately 450 staff and students on-site.

9.25 The main car park at West Herts College is barrier controlled with an access point from Dacorum Way as well as from Marlowes, and provides car parking for 73 vehicles. A small secondary car park lies to the south of the recently constructed education building which includes four disabled spaces and was for use by construction traffic.

Lastly, the campus features a car park to the west of the river accessed via Queensway which shall not be affected by the proposals.

9.26 Student parking is entirely to the College's discretion and students are only permitted to park on site due to sufficient spaces being available. The submitted Transport Statement outlines that following the redevelopment of the southern part of the site (both the second phase of the replacement College and the residential scheme), students will no longer be permitted to park on-site unless there are mitigating circumstances such as mobility issues.

9.27 Travel surveys were carried out as a result of the assessment on behalf of the applicant which demonstrated that travel to the College by car was extremely high by staff (86% as a car driver alone, and a further 7% as a car driver with others or a car passenger). Students also preferred to travel by car (representing 22% of students surveyed) however a significant proportion of students either walk (36%) or take the bus (37%) to the College which is encouraging from a sustainable transport perspective.

9.28 Therefore whilst the Transport Statement anticipates that a total of around 900 students could be on-site at any one time following the redevelopment, students shall not be permitted to park on campus and the Travel Plan secured under the previous College development (under 4/02013/15/MFA) would also be implemented to encourage sustainable modes of transport to and from the site.

9.29 In considering the proposal with respect to parking provision it should be noted that local guidance set out under saved Appendix 5 are maximum standards and should be considered in conjunction with the Written Ministerial Statement (25 March 2015) highlights that any local parking standard should only be imposed where there is clear and compelling justification.

9.30 Based on the above-identified demand for parking and actual usage of the on-site College car parks it is considered that the provision of 49 spaces would be sufficient (the majority of on-site parking would be accommodated within the north-western portion of the site accessed via Queensway).

9.31 In terms of cycle parking, a covered secure cycle store providing stands for up to 40 bicycles has been provided to the south of the new building, which will need to be relocated once the current application is implemented, if planning permission is granted. It is understood that this cycle stand is highly underused, as is also the case for existing cycle parking opportunities on the site (currently in front of Block A building). This is confirmed by the findings of the recent travel surveys carried out from both students and staff, with cycling overall as the least chosen mode of travel to the College.

9.32 It follows that the proposal for this particular use would be acceptable with respect to traffic, access and parking provision, noting the above assessment; together with the Written Ministerial Statement referred to above, and the locational factors of the site in a sustainable location where alternative means of transport should be encouraged, the availability of sustainable modes of transport serving the area particularly bus services, on-street restrictions and the site's proximity to public car parks.

9.33 Therefore the development would not conflict with the aims of Policies CS8, CS9 or CS12 of the Core Strategy and saved Policies 51, 54 or 58 of the Local Plan.

### Flood risk and drainage

9.34 Flood risk and drainage matters have been adequately addressed in the submission noting the site's constraints and as such no objections have been received from Hertfordshire Lead Local Flood Authority, the Environment Agency, Thames Water or Affinity Water. Conditions have been requested from the above requiring further details of drainage

### Contaminated land

9.35 Contamination can be adequately dealt with by conditions as suggested by the Environment Agency and the Council's Environmental and Community Protection team to meet the requirements of Policies CS31 and CS32 of the Core Strategy.

### Ecology

9.36 The County Ecologist (Hertfordshire Environmental Records Centre) has commented on the proposals stating that following consideration of the submitted Preliminary Ecological Appraisal there was no significant ecological constraints to the proposals.

9.37 In accordance with the recommendations set out under the submitted ecological appraisal, a condition shall be included requiring provision of bat and bird boxes to satisfy Policy CS29 of the Core Strategy.

### Impact on neighbouring properties

9.38 The impact on the proposed residential development to the west of the site has been detailed under the report for 4/00472/18/MOA however it is noted that any overlooking would be mitigated as the proposed education building would feature high-level windows without compromising natural light into the classrooms.

9.39 Immediately north of the building is the first phase of the replacement College, and to the south lies Dacorum Way, beyond which is the vacant Civic Centre building which do not represent sensitive interfaces for this particular development given existing conditions.

9.40 The scale of the development proposed would not give rise to concerns relating to visual intrusion, loss of light or overlooking relative to properties to the east noting the wide road reserve of Marlowes and the mixed use character along the eastern side of the road.

9.41 The proposal would therefore accord with Policy CS12 of the Core Strategy.

### Section 106 and planning obligations

9.42 It is important to note that this application for a new education building has been submitted alongside a separate application for residential development (this plot lies immediately west of the application site). The proposed residential scheme would assist in funding the education building subject to the current application through the sale of this plot.

9.43 It is important to note that the proposed education building is subject to a greater level of environmental constraints (Flood Zones, Source Protection Zone and boreholes buffer as well as level differences across the site and TPO trees) when compared with the recently constructed education building (under 4/02013/15/MFA) which has resulted in a significantly increased build cost.

9.44 In accepting an enabling development argument for delivery of the proposed further education building it would be essential to ensure that there would be no possibility of the residential development (under 4/00472/18/MOA) coming forward as an all-private development without delivery of the proposed education building sought under this application.

9.45 The Section 106 shall secure a review mechanism triggered at a point at which the costs of the education building development have been agreed. In the event that a surplus is identified, specifically where the sum of the College's funding sources is greater than the actual development costs, a portion of the surplus shall go towards a commuted sum for affordable housing.

## **10. Conclusions**

10.1 For reasons above the proposed education building would be acceptable and in accordance with policy, and would represent a key regeneration proposal contributing to the delivery of the vision for modernising the town centre, linking the Old and New town centres and strengthening the retail function of the Old Town.

10.2 It follows the proposal would accord with the aims of Policies CS1, CS2, CS4, CS8, CS10, CS11, CS12, CS13, CS23, CS27, CS29, CS31, CS32 and CS33 of the Dacorum Core Strategy 2013, saved Policies 10, 51, 54, 58, 69, 99, 119 and 120 of the Dacorum Borough Local Plan 1991-2011, Site Allocations Written Statement (2017), Hemel Hempstead Town Centre Masterplan 2011-2021, and Gade Zone Planning Statement (2012).

## **11. RECOMMENDATIONS**

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

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

Review to provide a comparison between the costs incurred by the College in delivering the proposed education building to an agreed specification and the funding sources identified in West Herts College's business plan, with the aim of identifying whether a surplus has been obtained.

In the event of a surplus being declared this shall be split between the College and the Council subject to a payment cap based on policy compliant affordable housing provision.

And subject to 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. Installation of the external surfaces of the development hereby permitted shall not take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

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

**3. The development hereby permitted shall not be occupied 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;**
- **boundary treatments including means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **proposed finished levels or contours;**
- **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;**
- **a Landscape Management Plan to incorporate details of maintenance regimes, including any tree management objectives, details of any new habitat created on site and habitat improvement proposals and management responsibilities.**

**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 in accordance with Policy CS12 of the Dacorum Core Strategy 2013 and to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Policy CS29 of the Dacorum Core Strategy 2013.

**4. Any tree or shrub which forms part of the approved landscaping scheme which**

**within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

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

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

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

**6. The development hereby permitted shall not commence (with the exception of enabling works required to provide full access to the site to allow for further site investigation including demolition where required), a Remediation Strategy to deal with the risks associated with contamination of the site shall be submitted for approval in writing by the local planning authority. This Strategy shall include the following components:**

**1. A preliminary risk assessment which has identified:**

- **All previous uses;**
- **Potential contaminants associated with those uses;**
- **A conceptual model of the site indicating sources, pathways and receptors;**  
**and**
- **Potentially unacceptable risks arising from contamination at the site.**

**2. A site investigation scheme, based on the preliminary risk assessment above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.**

**3. The results of the site investigation and the detailed risk assessment referred to in the site investigation scheme above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**

**4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

**The scheme shall be implemented in accordance with the approved details.**

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109



of the National Planning Policy Framework and Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

**7. The development hereby permitted shall not commence (with the exception of enabling works required to provide full access to the site to allow for further site investigation including demolition where required), a Verification Report demonstrating the completion of works set out in the approved Remediation Strategy under Condition 6 above and the effectiveness of remediation shall be submitted for approval in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.**

Reason: To ensure that the site does not pose any further risk to human health or the water environment in accordance with paragraph 109 of the National Planning Policy Framework and Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

**8. In the event that contamination not previously identified is found to be present at the site during development, no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination shall be dealt with has been submitted for approval in writing by the local planning authority. The remediation strategy shall be implemented as approved.**

Reason: To ensure that the site does not pose any further risk to human health or the water environment in accordance with paragraph 109 of the National Planning Policy Framework and Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

**9. Piling and other deep foundations or intrusive groundworks using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that the proposed use of CFA piles does not harm groundwater resources in accordance with paragraph 109 of the National Planning Policy Framework.

**10. Construction of the development hereby permitted 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, including all demolition works and piling shall only be carried out in accordance with the approved Plan. The Plan shall include details of:**

- a. Construction vehicle numbers, type and 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 the interests of highway safety and rights of way in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

**11. The development hereby permitted shall not be occupied before further details in the form of scaled plans and written specifications are submitted for approval by the local planning authority, which shall illustrate the following:**

- Roads and footways;
- Existing and proposed access arrangements including visibility splays;
- Parking layout and provision of cycle parking;
- Servicing areas, loading areas and turning areas for all vehicles;
- Provision of fire hydrants.

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policies CS8 and CS12 of the Dacorum Core Strategy 2013 and saved Policies 51, 54 and 58 of the Dacorum Borough Local Plan 1991-2011.

**12. In the event any boreholes are installed for the investigation of soils, groundwater or geotechnical purposes, a scheme for their management shall be submitted for approval in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained post-development, for monitoring purposes shall be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the development hereby approved.**

Reason: To avoid groundwater pollution or loss of water supplies in accordance with paragraph 109 of the National Planning Policy Framework and Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

**13. Prior to the construction of the building hereby permitted, an Air Quality Report assessing the impacts of the proposed redevelopment shall be submitted for approval in writing by the local planning authority. The Report shall have regard to the Environment Act 1995, Air Quality Regulations and subsequent guidance. The Report shall also indicate areas where there are, or likely to be, breaches of an air quality objective noting the site's location within close proximity of an area designated as an Air Quality Management Area. If there are predicted exceedances in exposure to levels above the Air Quality objectives then a proposal for possible mitigation measures shall be included.**

Reason: To satisfactorily address air quality matters arising from the development in accordance with Policies CS8 and CS32 of the Dacorum Core Strategy 2013.

**14. The development hereby permitted shall be carried out in accordance with the recommendations set out in the submitted Preliminary Ecological Appraisal. Demolition of buildings shall not commence before details of the location, number and type of bird and bat boxes shall be submitted and approved by the local planning authority together with timeframes of their installation to ensure adequate compensation is available prior to commencement of works affecting**

**roost sites. The bird and bat boxes shall be installed in accordance with the approved details and agreed timeframes.**

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

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

**Location Plan - 50188-IBI-WS-XX-PL-A-100-0007 Rev 3**

**Proposed site plan/ External works - SL-IBI-WS-XX-PL-L-700-0001 Rev D**

**Proposed floor plans:**

**Ground Floor - 50188-IBI-XX-00-PL-A-200-0100 Rev 7**

**First Floor - 50188-IBI-XX-00-PL-A-200-0101 Rev 6**

**Proposed elevations:**

**50188-IBI-XX-ZZ-EL-A-200-1100 Rev 4**

**50188-IBI-XX-ZZ-EL-A-200-1101 Rev 4**

**Proposed sections:**

**50188-IBI-XX-ZZ-SE-A-200-1200**

**50188-IBI-XX-ZZ-SE-A-200-1201**

**50188-IBI-XX-ZZ-SE-A-200-1202**

**50188-IBI-XX-ZZ-SE-A-200-1203**

**Proposed roof plans 50188-IBI-XX-RF-PL-A-241-0900 Rev 3**

**Illustrative material (Streetscene) 50188-IBI-WS-XX-PL-A-100-0009**

**Proposed cycle store location SL-IBI-WS-XX-SK-L-700-0001Rev B**

**Western Boundary Details – SL-IBI-WS-XX-DT-L-721-0002 Rev B**

**CCTV Plan 100358-E-EXT-270 Rev A**

**Car Park Lighting Layout 100-E-EXT-230 Rev B**

**Planning, Heritage, Design and Access Statement 50188 P,H,DAS, February 2018;**

**Sustainable Development Checklist, 15 February 2018;**

**Flood Risk and Drainage Strategy Statement 12500267-GHD-RP-C-2005 Rev P02 February 2018;**

**Preliminary Drainage Layout 12500267-GHD-DR-C-5601 Rev P03;**

**Proposed Levels 12500267-GHD-DR-C-5603 Rev P03;**

**Groundwater Protection Details 12500267-GHD-SK-9010 Rev P01;**

**Groundwater Protection Preliminary Mitigation Statement GHD-RP-C-2003 Rev 2.0;**

**Assessment of Risks to Public Water Supply Boreholes AG2710-17-AD95 Issue 1 dated February 2018;**

**Environmental Noise Survey Report 20511-ENS1 dated 4 January 2018;**

**Arboricultural Impact Assessment 180220-1.1-WHC2-AIA-MS dated 26 February 2018;**

**Transport Statement X/WHCDacorum.1 Rev V2 February 2018;**

**Dacorum Campus Phase 1 Travel Plan Version 2 dated 15 February 2015;**

**Travel Plan Monitoring Report 2017/2018;**

**Construction Management Plan February 2018 Issue 2;**

**Archaeology Desk Based Assessment Appendix J.2 Report 4176 October 2012**

**and Appendices Appendix J.1 Figures 15.1-15.10;  
Archaeological Trial Trench Evaluation Report Appendix J3 Report 3673 October 2010;  
Phase 1 Risk Assessment and Phase 2 Ground Investigation AG2710-17-AD27 December 2017;  
Preliminary Ecological Appraisal Version 2 dated 6 November 2017;  
External Lighting Calculations Summary 100358-E-R001 Rev 0 dated 19 February 2018.**

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

#### Article 35

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the pre-application stage and progressing the scheme throughout the determination stage which led to improvements to the scheme and working towards the delivery of a strategically important development. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

#### **Appendix A**

Representations received for 4/00473/18/MFA at West Herts College, Dacorum Campus, Marlowes

#### Dacorum Strategic Planning and Regeneration

These applications follow on from the implemented 'Phase 1' development at the site (planning application number 4/02013/15/MFA).

The extent of the areas referred to throughout this response are shown in the image below: (image showing red outlines for both applications has not been copied)

One planning application relates to 'Phase 2' of the college redevelopment (4/0473/18) while the other is for an associated residential proposal (on the remaining part of the college site labelled 'Plot B' (4/0472/18)).

These two schemes require a comprehensive approach to be taken (as they are intrinsically linked proposals). This is because they are located adjacent to one another and the applicant states that *'the viability of Phase 2 college building is dependent on the sale of this surplus land (Plot B) as residential development for the funding for College'*. The applicant also documents that *'the need for Phase 2 was driven by the requirement to consolidate curriculum delivery at Kings Langley and Dacorum onto a single campus and to respond to the growth of the Construction and Engineering curriculum'*.

Summary of proposals (Phase 2 and Plot B)

Phase 2 will provide 3,600m<sup>2</sup> of educational building use over 2 floors, primarily for Engineering and Construction teaching. The applicants confirm that *'the built form will*

*consist of a two storey educational block which will adjoin the Phase 1 building to the north.’ The submission ‘estimates that construction could begin in February 2019, taking approx. 12 months to reach completion’.*

For Plot B, the applicants suggest that *‘up to 110 apartments can be accommodated within the illustrative residential development zone’*. This would be made up of a *‘mix of one and two bedroom properties ... subject to market demands’*. A maximum height for the development is shown to be 7 storeys.

(i) Principle of Development for the site

Within the Core Strategy, Hemel Hempstead is identified as the focus for development with emphasis placed on regeneration, as many buildings and public areas in the town centre are dated (it goes on to say that this must be underpinned by growth and investment in business, homes and infrastructure).

The site is located within Hemel Hempstead Town Centre (saved Policy CS4/Policy CS33) and forms part of a River Gade character zone (in the Hemel Hempstead Town Centre Master Plan/ Hemel Hempstead Place Strategy). The vision for Hemel Hempstead Town Centre also includes reference to a new college facility.

The proposal does contribute to the regeneration of a key town centre and underutilised brownfield site and will bring forward part of the associated mixed use allocation MU/1. These points are welcomed. Policy 10 (Optimising the use of urban land) of the saved Dacorum Borough Local Plan (DBLP) is relevant in this regard, especially as it makes references to implementing individual phases across a site. Points (a) to (d), (i) and (iv) are relevant.

Phase 2:

The principle of further education use on this site has been long established. As such, this proposal is acceptable in broad planning terms (Policy CS4). It is also worth recognising that numerous teaching blocks have already been demolished to *‘smooth the delivery’* of a new teaching block for the college and that proposal MU/1 of the Site Allocations DPD (which covers this broad area) includes a planning requirement for a replacement college campus on the site. Policy 69 (Education) of the DBLP is relevant in this regard, especially Points (i) to (iv).

We would generally support a move towards purpose built facilities as these are more likely to provide satisfactory accommodation for end users and local impacts can be better accommodated. Policy CS23 of the Core Strategy is supportive of new social and community provision, although this does not override normal development management considerations. This policy does go on to say *‘All new development will be expected to contribute towards the provision of social infrastructure. For larger developments this may include land and/or buildings’*.

Plot B:

Proposal MU/1 envisages 500-600 homes on the West Herts College and wider Civic Zone land. We note this area covers a much larger parcel of land than this site alone (as shown in the image below). The policy does state that high density housing is acceptable within the wider site area and this position is reinforced by the aims of the applicant.

The proposal seeks to accord with the settlement hierarchy by focusing new residential development at Hemel Hempstead (see Policy CS1 (Distribution of Development)) and by seeking to regenerate an accessible, brownfield site (see Policy CS2 (Selection of Development Sites) points A (1) and A (2)).

In addition to this, relevant planning guidance for this site is held in Policy CS33 (Hemel Hempstead Town Centre) of the Core Strategy, as well as in the Hemel Hempstead Town Centre Masterplan ([http://www.dacorum.gov.uk/docs/default-source/strategic-planning/final-masterplan---adopted-jan-13-\(low-res\).pdf?sfvrsn=4](http://www.dacorum.gov.uk/docs/default-source/strategic-planning/final-masterplan---adopted-jan-13-(low-res).pdf?sfvrsn=4)) and Gade Zone Planning Statement (<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/mp6-gade-zone-planning-statement-2012.pdf>).

Specifically, Policy CS18 (Mix of Housing) of the Core Strategy, DBLP Policy 18 (The size of new dwellings) and DBLP Policy 21 (Density of residential development) is relevant in this regard given the scale and location of the land.

(ii) Affordable housing provision on Plot B

Policy CS19 (Affordable Housing) makes clear that a scheme of this scale should normally be providing 35% affordable housing. The Affordable Housing SPD (September 2013) is also relevant in this regard. However, criterion (c) of Policy CS19 does allow for the overall viability of the scheme and any abnormal costs to be taken into account as part of the assessment process.

While this advice would be most relevant when the reserve matters application(s) (or full application) is received for Plot B, we note the concerns of the applicant over the delivery of affordable homes (the affordable housing section of the Design and Access Statement):

*‘The Viability Assessment clearly indicates the inability of the scheme to deliver affordable housing, ‘whilst providing the other benefits and allowing for a competitive return to a developer to enable the development to be delivered.’*

The applicant elaborates on this by saying that *‘the sale of the residential site will fund the delivery of a new educational building for West Herts College. Again, the delivery of this building, meets the aspirations of the local policy, which seeks the delivery of a new College building as part of the Vision for the town’*. This is a disappointing position in terms of delivering much needed affordable housing. The delivery of a new college campus should not necessarily be at the expense of other Plan policy objectives, although we recognise that ultimately a balanced judgement will need to be made taking into account other benefits of the scheme.

Given the preceding points, advice on affordable housing contributions and viability should be sought from the Strategic Housing team. We consider that the applicant’s viability argument should be tested further.

(iii) Design, use and height of buildings for Phase 2 and Plot B

The applicant states that the *‘the old town centre and the primary commercial and retail area is linked by [the] Marlowes, a key connection between old and new. The application site will have a role to play in connecting the two’*. We agree with this statement which

thus places an emphasis on all parties to work together to achieve a high standard of design in this important area of transition.

Consideration should be given to the important views to/from St Mary's Church as the spire is a prominent and well recognised historic feature on the town's skyline, especially from along the Marlowes (but this is not the only important viewline). The bulk, massing and design of this scheme should avoid creating a permanent built feature which obliterates those shorter (and longer) distance views which can currently be glimpsed, especially if the building line is being brought closer to the Marlowes road edge. Consideration should be given to whether the scheme will negatively impact upon these short and longer distant views (especially from along the length of the Marlowes looking back towards St Mary's Church).

The 'Design and Access Statement' recognises that the best views of the spire are provided when you look down the Marlowes, but that from the application site views are very limited (due to the built form and trees). Views to St Mary's Church spire can also be limited in places along the Marlowes generally speaking by the extent of well established trees. However, this is dependent on the season (i.e. winter will affect the extent of leaf coverage to that experienced in the summer) and how established the tree coverage is (over expansive periods of time this will vary i.e. as new trees are planted, existing trees grow or older/dangerous trees are removed).

It is imperative that the layout, design, massing and height of buildings across the site do not result in the loss of key views to St Mary's Church from across Hemel Hempstead Town Centre as a key landmark. Policy CS27 (Quality of the Historic Environment) of the Core Strategy is relevant in this regard, as it states that *'the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced'*.

Plot B: While this is an outline planning application (and everything but access is reserved) we note the applicant's suggested appearance for the residential development. These are examples alongside very urbanised, highly engineered and hard landscaped riverside settings. We would thus query how relevant they are to this site wherein the River Gade is much more rural / natural and meandering in its layout. These suggestions may not necessarily be that appropriate and responsive to the site and its setting.

We would also raise potential concern over the proximity/separation of the two new buildings and whether they will adversely affect the amenity of the new residents in any way.

Phase 2:

The applicants confirm that Phase 2 of the college will be *'constructed of a mix of brick and render, with glazing to its frontage'* and that *'the elevations of dark brick and white cladding provide a striking contrast to the brown brick elevations of Phase 1'*. The applicant states that *'the design addresses the need to respect the Phase 1 building as well as to be sympathetic to the existing surrounding buildings and conservation area'* and *'has been designed to achieve BREEAM Very Good accreditation'*.

The applicant states that the new building height is aligned to a similar height of the ridge and eaves of the adjacent buildings, although it is complex to gauge what is the most

appropriate approach with the potential for such significant regeneration across the extent of proposal MU/1. As the area is likely to undergo quite significant regeneration, we need to give thought to what sort of area we wish it to be and ensure it is master planned comprehensively. It should not be automatically the case that the bulk, massing and height should be replicated from Phase 1 to Phase 2. The design will also set a context for future development of the remaining land.

We note that the application documents refer back to the '*civic buildings bounding the south of the application site*', although it is worth noting that the buildings immediately adjacent to the site have all been vacated and will in due course be demolished. So referencing this building rather than the potential changing aspects of the existing streetscape does not appear to provide a particularly useful link to what will be in this area in the future. For example, will the old Civic Centre site retain a 'large open plaza' as currently seen? Will the use change and so the bulk, density and massing of the buildings reflect this across the wider MU/1 site? How will the change across the wider site cumulatively affect the area and its character?

The applicant states in the Design and Access Statement (para 3.49) that '*the location of the recently constructed new college building increases enclosure across the street, reinforcing the significance of Marlowes and the High Street as important urban streets. This reinforcement should be extended to the second phase*'. We have concerns over the height/enclosure experienced by Phase 1 and whether this is an approach that should be continued into Phase 2. It is certain that the College's Phase 1 development creates a very dominant form which encloses the streets (especially on the junction of the Marlowes and Queensway). Phase 1 provides a very 'hard frontage' (having lost the softer tree planting/vegetation) and it has not been designed to soften its impact. How will Phase 1 + 2 buildings affect the street enclosure? Should Phase 2 necessarily follow the same street line as Phase 1?

We would also direct you to saved Policy 111 (Height of Buildings) as this remains relevant to proposal. In particular, it states that higher buildings will be permitted provided there is no harm:

- to the character of the area, its surrounding or open land,
- views of open land, countryside and skylines and
- appearance and setting of conservation areas and listed buildings.

It goes on to say that the higher buildings must make a positive contribution to the townscape of the area.

Policies CS11 (Quality of Neighbourhood Design), CS12 (Quality of Site design) and CS13 (Quality of the Public Realm) of the Core Strategy are of critical importance in this regard.

The applicant should also give consideration to any amenity issues this raises in terms of hours of operation and noise impacts (Policy CS12c)).

The views of the Design and Conservation team should be sought on the above matters, particularly the relationship between the two phases and their wider cumulative impact.

(iv) Easement and Groundwater Source Protection Zone



We recognise that there are 'hard' site constraints which affect this site and inevitably influence the site's layout. This includes the River Gade Easement (where the Environment Agency requires an 8m buffer zone to be provided from river bank to minimise the impact to biodiversity along the river).

Although the applicant states that the main site constraint is the 50m borehole radius (which affects the south of the site). The site is located within an Environment Agency Groundwater Source Protection Zone 1. This is imposed as ground works in this area can pose a risk to drinking water abstraction undertaken by Affinity Water. The 50m zone (shown on the plan below) is considered to be the most vulnerable zone (where new development could have a negative impact on the groundwater, for example, through contamination or foundation works).

Policy CS31 (Water Management) and CS32 (Air, Soil and Water Quality) of the Core Strategy is relevant in this regard. Both the views of the Environment Agency and Affinity Water should be sought where relevant.

(v) Historic Environment, Biodiversity and Green Infrastructure

Due to the proposal's proximity to the heritage assets (including Hemel Hempstead Old Town Conservation Area and St Mary's Church, The Bury and Carey (not Marlowes) Baptist Church) and the inclusion of a Heritage Statement, the views of the Design and Conservation Team should be sought. Policy CS27 (Quality of the Historic Environment) of the Core Strategy is relevant in this regard.

The applicant acknowledges there are TPO trees along Dacorum Way and that there are anticipated impacts on ecology (through the potential for the site to be used by bats for foraging and commuting) and the loss of trees, the views of the County Councils ecologist and Trees and Woodlands team should be sought. Saved Policies 99 (Preservation of trees, hedgerow and woodlands) and 104 (Nature conservation in River valleys) and Policy CS12d) and e) are relevant in this respect.

For Phase 2, the applicant states that 50% of site is open space (i.e. used for cycle stores, car parking, amenity, communal spaces and landscape). While for Plot B the applicant states that 10% of the site will be provided as public open space with a further 10% of the space making use of possible roof terraces. Appendix 6 of the DBLP provides guidance on adequate levels of open space and play provision for new developments (alongside Appendix 3(ii)). However, we would accept some flexibility over the levels of amenity space given the proximity to Gadebridge Park and The Water Gardens.

Policy CS33 (Hemel Hempstead Town Centre) Point 2(c) states the principles guiding development include: continuation of the riverside walk from the Plough Zone to Gadebridge Park (as part of improving general north-south accessibility and connectivity). This point is also reflected in the Hemel Hempstead Town Centre Masterplan and the Gade Zone Planning Statement. Thus policy seeks to ensure this is delivered as a key movement objective for this immediate location and the wider town centre.

We acknowledge that the applicant puts forward a variety of points to counter this principle within paragraphs 5.19-20 and on hardcopy page 49 of the Design and Access Statement for Plot B. Until now, this principle has not been challenged on the basis of

viability or inability to deliver this proposal.

The Infrastructure and Project Delivery Team reiterates the importance of the riverside walk and cycleway as a key piece of infrastructure improving north south accessibility and connectivity. This would need to be delivered as per plans in the Hemel Hempstead Town Centre Masterplan and relevant land/area reserved for it. The riverside walk and cycleway should be identified in the Transport Assessment for the site. Surrounding development would be expected to contribute through S106 contributions towards its delivery including a pedestrian and cycle bridge.

(vi) Highways and on-site car parking

Saved Policy 51 (Development and Transport Impacts) specifically point (d) and Policy 57 (Provision and management of parking) of the DBLP should be complied with. Policy 58 (Private Parking Provision) states that for residential development:

*“parking needs will normally be met on site. Car free residential development may be considered in high accessibility locations. Parking provision may also be omitted or reduced on the basis of the type and location of the development (e.g. special needs/affordable housing, conversion or reuse in close proximity to facilities, services and passenger transport).”*

Policy 62 (Cyclists) of the DBLP encourages *“adequate provision of cycle parking should be made.”*

Phase 2:

The applicant states that it is expected that approximately 20 full time members of staff will be employed in the Phase 2 building. As a result, the following parking provision is proposed:

- 47 staff parking spaces plus 3 disabled spaces.
- 50 cycle parking spaces (provided to the north west of the wider West Herts College campus). This is to meet the needs for both Phases 1+2.

The applicant confirms that *‘students will no longer be able to park on site, except for in mitigating circumstances’*. They go on to say that *‘all other car parking, including motorcycle parking, students and visitors will be in the existing car parks to the west of the river’*.

For further education development Appendix 5 of the DBLP states that:

- Car parking: 1 space per full-time member of staff plus 1 space per 5 full-time students
- Cycle parking: 1 l/t space per 5 students

The Case Officer will need to determine whether the levels of student car parking and cycle parking spaces are adequate to meet the needs of Phases 1 and 2 and taking into account the generally high accessibility of this town centre location. Given its location within Accessibility Zone 2, 25-50% of the demand based parking standards would be acceptable for the non-residential elements of the overall scheme.

Plot B:

The applicant states that *'as the site will be sold as residential development, a new and separate access off Dacorum Way will be proposed'* with plans showing *'an area of landscaped parking, which could accommodate around 100 cars'*. They confirm that *'it is expected that one parking spaces per apartment could be accommodated on the site'*. The applicant states: *'Dacorum BC parking Standards set out that an average of 1.5 spaces per dwelling should be provided, but that this could be reduced by 25-50% for sites of a central location. This equates to between 0.75 and 1.13 spaces per unit'*.

This approach is incorrect because, as explained above, the zonal proportions which car parking provision can be reduced by (listed within table on page 427 of DBLP) does not apply to residential development. However the applicant does go on to say that *'considered in light of the site's highly accessible location and the provision of cycle storage areas and existing links to the town centre'* should be considered.

The proposal is for residential development (located within Accessibility Zone 2), for residential development in zones 1 and 2 Appendix 5 of the DBLP and it states that:

Car parking	
1 bedroom dwellings/bedsits	1 space
2 bedroom dwellings	1 space
3 bedroom dwellings	1.5 spaces
4 or more bedroom dwellings	2 spaces
Cycle parking	
1 l/t space per unit if no garage of shed provided	

Assuming a mix of 1 and 2-bed units, the proposed level of parking would only be marginally below Plan standards (100 planned versus 110 theoretical spaces).

If a more flexible approach to car parking standards is deemed appropriate for this proposal (as the Government has abandoned the concept of maximum parking standards in the NPPF), we believe that matters such as existing parking problems, accessibility to the Town Centre and demand generated by the development should be given consideration.

Views of HCC Highways and Travel Planning team should be sought on the new highway access/design, Transport Statement and the proposed approach to incorporate Phase 2 into the Phase 1 Travel Plan (as the applicant suggests they will seek to utilise the agreed principles applied to the existing college site). Policy 54 (Highway Design) of the DBLP is relevant in this regard.

(vii) Conclusion

We do not have any objections to the broad principles of the proposed development and indeed the scheme is much welcomed in terms of (part) delivering Proposal MU/1 and associated requirements. The scheme will continue the process begun with the completion of The Forum of transforming this key brownfield site in the town centre.

However, we consider that the applicants could provide more detailed explanation for

the design, massing, height, bulk and density of the proposals to allow the case officer to judge the cumulative impacts of the proposal on the wider area. Specialist comments should also be sought from the consultees identified in the text above.

### Dacorum Conservation and Design

A substantial amount of officer time has been spent discussing the application at a pre application stage. Therefore we believe that the proposal in relation to the height, mass, bulk and pattern of fenestration is acceptable. The proposal would sit comfortably with the previously approved and constructed adjacent college building. It would reflect its height and bulk and use the verticality of the fenestration to reflect the rhythm of the colonnade of the adjacent structure. It follows the building line and uses the double storey element on the corner to provide a visual interest and add to the general character of the new development zone. Therefore overall we believe that the proposals would sit comfortably with the adjacent college buildings and help to complete the group without detracting from or appearing overly dominant in relation to the adjacent building.

There are however two areas of concern. Substantial areas of blue engineering brick are not common in Hemel Hempstead in either the new or old towns. Therefore we would be concerned that this element could appear out of keeping and clash with the lighter reds, buffs and stock bricks seen within the wider area. It would therefore be strongly recommended that this element of the scheme be reconsidered and that a more appropriate local brick which better reflects the character of the area (whilst not clashing with the adjacent college building) be brought forward. We believe that this element could be covered by condition as could the brick bonds to be used, mortar mix, set back of the windows and colour of their frames, eaves details and the render colour.

It would also be recommended that the proposed landscaping to the street frontage of the Marlowes be reconsidered. The new college building has introduced a more substantial footway in keeping with the scale and mass of the building. Given the proposed scale of the construction and that the green space will be in shade for much of the day and adjacent to a busy road it would continue to be recommended that the footpath be widened to the front or much closer to the front of the building. This would feel more comfortable given the height and mass of the new building and in addition better reflect the emerging character of the area as seen both at the adjacent college building and in relation to the Forum.

Recommendation -

Overall we believe that the proposal is acceptable however it would be recommended that the elements noted in particular in relation to the brickwork and the landscaping of the Marlowes be reconsidered either at this stage or as a condition.

### Hertfordshire Highways

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

1: Prior to the commencement of the development hereby permitted full details (in the form of scaled plans and / or written specifications) shall be submitted to and approved

in writing by the Local Planning Authority to illustrate the following:

- i) Roads, footways, and on-site water drainage;
- ii) Access arrangements in accordance with the submitted plan;
- iii) Parking provision in accordance with adopted standard; and
- iv) Turning areas.

2: Prior to commencement of the development, the applicant shall submit a Construction Management Plan to the Local Planning Authority for approval in writing. The Construction Management Plan shall include details of:

- Construction vehicle numbers, type, routing;
- Traffic management requirements;
- Construction and storage compounds (including areas designated for car parking);
- Siting and details of wheel washing facilities;
- Cleaning of site entrances, site tracks and the adjacent public highway;
- Timing of construction activities to avoid school pick up/drop off times;
- The management of crossings of the public highway and other public rights of way; and
- Post construction restoration / reinstatement of the working areas and temporary access to the public highway.

Reason: In the interests of maintaining highway efficiency and safety. HCC as the local highway authority recommends the inclusion of the following Advisory Notes (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the constructed of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 03001234047

AN2) Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Hertfordshire, SG13 8DN. Their telephone number is 03001234047.

AN3) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with

the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN4) It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

The highway authority have been asked to comment by Dacorum Borough Council on the above planning application for permission to construct a new Engineering and Construction Centre ( phase two) of the redevelopment master plan of the whole site. ie Development of an educational building, with associated landscaping, boundary treatments, parking and access arrangements including widened access to Dacorum Way and infrastructure.

#### Location

The Dacorum campus site is bounded by three primary roads; Marlowes to the east, Queensway to the north and the A4146 Leighton Buzzard Road to the west, with Dacorum Way forming the southern boundary. The application site forms the south east quarter of the site.

#### Local road network

In terms of the wider strategic road network, Breakspear Way (A414), accessed from the Plough roundabout at the southern end of Leighton Buzzard Road / the town centre, provides an east-west link to junction 8 of the M1 which is approximately 5.5km to the east of the site. The M1 provides a major strategic north-south route which links to Luton and Milton Keynes to the north as well as to the M25 and London to the south. Just to the south of Hemel Hempstead the A41 is a strategic route running between London and the M40 at Bicester.

#### Access

The existing access and egress points to the campus are established. One is off the Marlowes and the other one is off Dacorum Way which in turn is a private road and therefore not maintained by the highway authority. The applicant wills widened the Dacorum Way to accommodate refuse and delivery vehicles. The access off the Marlowes will be closed off to vehicular movements leaving just the access of Dacorum way as the only vehicular access to the site.

#### Accessibility

The whole campus is highly accessible by foot. The roads in the vicinity of the site all benefit from footways on both sides of the carriageway which are generally well maintained. The site is conveniently located at the northern end of the town centre within

walking distance of local residential areas, services and facilities. There are two pelican crossings and a zebra crossing located near the site. The first pelican crossing is on the east side of the site across Marlowes, between the West Herts College bus stops, while the second is located at the north-west side of the campus on A4146 Leighton Buzzard Road, adjacent to the campus car park. The zebra crossing is across Queensway, immediately north-east of the Marlowes roundabout.

There are no marked cycle lanes immediately around the site. However, National Cycle Route 57 is near the site to the east. The section between Hemel Hempstead and Welwyn Garden City is mainly traffic-free as it follows a cycle path along the former railway line connecting to Midland Road. There are also local cycling routes through Gadebridge Park which is accessed via Queensway to the north of the development. The routes can also be accessed via the A4146 Leighton Buzzard Road. There are five Sheffield bicycle stands that can accommodate ten bicycles located on Marlowes adjacent to the junction of Marlowes and Hillfield Road.

Hemel Hempstead railway station is located approximately a ten minute cycle to the south of the site, with 72 cycle spaces located in the car park.

The West Herts College campus is currently a 5 minute walk from the bus station, which is serviced by buses to and from Watford, Kings Langley, Rickmansworth, Aylesbury, Tring, Chesham, Amersham and more. There are numerous bus routes that serve the area around the site. The closest bus stops are located on Marlowes adjacent to the site to the east, and on Queensway, adjacent to the site on the north and northeast. However, there are numerous other stops within a 10 minute walk.

Hemel Hempstead railway station is just over a mile from the campus to the south. It is served by London Midlands and Southern Railways services to destinations including Milton Keynes, Northampton, Birmingham and London Euston.

### Transport Statement and Trip Generation

The application is supported by a Transport Statement dated February 2018 and written by Mayer Brown. This follows on from a pre app meeting and dialogue with the above to agree the scope of the assessment and what should be surveyed. The findings of the TS are as follows. The existing construction skills building will be replaced with a purpose built teaching and learning space to modern standards and DDA compliant, located in the southeast of the site adjacent to the recently constructed Phase 1 building. Access will be taken from Dacorum Way as occurs at present. The access will be widened to enable large vehicles to serve the new Phase 2 building, as well as the existing Phase 1 building, from the new car park. The site is located in a highly sustainable position, close to the town centre and a range of bus routes; The overall car parking on the site on this section of the site will be reduced to 47 spaces. Disabled parking will be retained at current levels. New cycle parking will be provided. Students will no longer be permitted to park on-site, with the exception of those with mitigating circumstances, and will need to find alternative modes of travel to the site. There will be an increase in students studying within the department, many of whom will be transferred from the Kings Langley campus, but due to the reduction in parking provision onsite and restrictions on student parking, the vehicular trip impact of the development is predicted to result in a reduction in car travel.

Section 6 of the TS discusses the Traffic generation and the modal split which is based on surveys undertaken on behalf the college. The conclusions seem reasonable and

follow on from a similar assessment undertaken for phase 1. The TS and its findings have generally been discussed prior to this submission from pre app and continued discussion with the applicant's agent/ traffic consultant. The development proposals are not expected to result in a significant change to the numbers of service vehicles visiting the College each week. Furthermore, deliveries would generally be timed to avoid the morning peak arrival hour and so servicing activity would not be expected to be coincidental with the morning or afternoon network peak hours.

## Parking

West Herts College prior to phase 1 provided a total of 147 off-street parking spaces divided across three car parks, which are located northwest, south and southeast of the Dacorum campus, respectively. Access to these car parks was controlled by barriers and there is a permit system in operation. The proposed parking provision associated with this second phase will be as follows Cars 47 which is a net gain of 27 and cycle spaces will increase by 10 to 50. Disabled parking spaces will be just three. The HA notes that there will also be motor cycle parking spaces although a value is not stated. All of this will need to accord with the LPA parking policy. The provision of cycle parking would be monitored and managed through the Travel Plan.

## Travel Plan

There is a Travel Plan for Phase 1 and therefore the second phase will bolt onto this. The objectives of the whole site Travel Plan are to:

- Improve awareness of the transport options available to staff, students and visitors;
- Promote the health and financial benefits of walking and cycling;
- Encourage the use of more sustainable modes of travel;
- Reduce the impact of the development on the local road network, particularly at peak time;
- Minimise unnecessary journeys, especially single occupancy vehicle use; and
- Create a positive, environmentally friendly image.

## Construction

During the construction phase it is proposed that the parking and cycle stores will be provided in the existing car parks to the west of the river. The HA notes that there is a CMP by CP associates which also includes a Programme & Construction Methodology. There are also sections covering deliveries, routing of vehicles, parking on and off site, wheel washing etc. which are acceptable in principle to the HA.

## Conclusion

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

## Environment Agency

The proposed development will be acceptable subject to the following planning conditions. We ask to be consulted on the details submitted for approval to your Authority to discharge this condition and on any subsequent amendments/alterations.



Without these conditions we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework (NPPF) because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

#### Condition 1 – Site Investigation and Remediation Strategy

Prior to any part of the permitted development, with the exception of enabling works required to provide full access to the site to allow for further site investigation, a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors; and
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

#### Reason

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the NPPF and your Local Plan Policy CS31 (Water Management).

The location of the development within an area of historic industrial use, with the noted presence of made ground and an infilled channel of unknown provenance presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site:

- is within Source Protection Zone 1 for the Marlowes potable water supply
- is within 50 metres of a known borehole used for the supply of water for human consumption

- is located upon Principal aquifer within the Hollywell Nodular Chalk Formation and the New Pit Chalk Formation (undifferentiated), overlain by a Secondary Aquifer within the Alluvial deposits.

In addition, the basin river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact of contamination present could result in the deterioration of groundwater quality within the Mid Chilterns Chalk WFD groundwater body or impact the River Gade which is likely to be in hydraulic continuity with groundwater. #

#### Condition 2 – Verification report

Prior to any part of the permitted development (with the exception of enabling works required to provide full access to the site to allow for further site investigation) a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

#### Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the NPPF and your Local Plan Policy CS31 (Water Management).

This condition is also to prevent deterioration of a water quality within the Mid Chilterns Chalk WFD groundwater body and other controlled waters receptors.

#### Condition 3 - Maintenance and Monitoring Plan

The development hereby permitted may not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

#### Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the NPPF and your Local Plan Policy CS31 (Water Management).

This condition is also to prevent deterioration of a water quality within the Mid Chilterns Chalk WFD groundwater body and other controlled waters receptors.

#### Condition 4 – Unsuspected Contamination

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

#### Reason

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the NPPF and your Local Plan Policy CS31 (Water Management). No investigation can completely characterise a site. The condition may be appropriate where some parts of the site are less well characterised than others, or in areas where contamination was not expected and therefore not included in the original remediation proposals.

#### Condition 5 – Use of Infiltration Surface Water Sustainable Drainage Systems (SuDS)

No infiltration of surface water drainage into the ground West Herts College, Hemel Hempstead is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

#### Reason

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the NPPF. Infiltration of surface water has the potential to mobilise contamination present within the soil. Where the proposal involves the discharge of anything other than clean roof water via sealed drainage, within sensitive groundwater locations, a risk assessment and suitable level of treatment may be required. In certain circumstances the discharge may be classified as a groundwater activity and require an environmental permit.

The drainage strategy as per the submitted “West Herts College, 12500267 Plot B” Proposed Residential Development Groundwater Protection Preliminary Mitigation Statement (Civil 12500267 GHD-RP-C-2004, Rev 2.0)” is preliminary subject to approval be Affinity water. The finalised version should be submitted for review.

#### Condition 6 – Use of Piling, Boreholes, tunnel Shafts, Ground Source Heating and Cooling Systems

Piling and other deep foundations or intrusive groundworks using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

#### Reason

To ensure that the proposed use of CFA piles does not harm groundwater resources in line with paragraph 109 of the NPPF. Some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution. A piling risk assessment and appropriate mitigation measures should be submitted with

consideration of the EA guidance. During piling works (especially if the piles extend to the Chalk within SPZ1 saturated zone) due to the proximity of nearby potable abstractions the weekly groundwater monitoring for insitu parameters and turbidity should be considered. EA Guidance can be found here: <http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0202bisw-e-e.pdf>

Section 3.2 of the submitted “West Herts College, 12500267 Plot B” Proposed Residential Development Groundwater Protection Preliminary Mitigation Statement (Civil 12500267 GHD-RP-C-2004, Rev 2.0)” states that a foundation works risk assessment will be prepared and submitted for review by the appointed piling contractor. Several monitoring rounds will be required to establish the base line groundwater conditions. This will need to take account of any seasonal changes in groundwater quality.

#### Condition 7 – Borehole Management Scheme

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

#### Reason

To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the NPPF and Position Statement A8 of the Environment Agency’s Groundwater Protection: Principles and Practice.

#### Condition 8 – Sewage Pipe Work Specifications Scheme

The development hereby permitted may not commence until such time as a scheme to agree sewage pipe work specifications (within SPZ1) has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

#### Reason

To ensure that the proposed sewage pipe works are designed and installed in such a way to prevent harm groundwater resources in line with paragraph 109 of the NPPF and your Local Plan Policy CS31 (Water Management).

#### Advice for Applicant

#### Further Advice in relation to Condition 1

It is unclear if the nature of the fill material present within the infilled channel has been accurately characterised. Results of all groundwater samples show elevated concentrations of mercury above the Level of Detection (LOD), yet the risk posed to

controlled waters has been discounted with limited discussion. Sample marked as deviating- would expect some sort of mention/discussion around this particularly as only 4 samples were analysed in total.

Perched groundwater has been identified within the Alluvial Secondary A aquifer, with flow characterised as being towards the River Gade. Based on the risk assessment as submitted, insufficient information has been provided to demonstrate that the risks to controlled waters have been characterised:

The generic assessment criteria used for groundwater risk assessment are based on Drinking Water Standards (DWS) or the limit of detection. The use of DWS is not applicable for surface water. Only one perched groundwater sample has been referred to in the report. This was analysed as part of a 2012 investigation. As the full laboratory certificates have not been submitted from this investigation it is not possible to agree with any conclusion reached based on this data.

One sample is not considered sufficient to characterise the quality of the groundwater with the Secondary A aquifer. Elevated concentrations of numerous contaminants have been recorded within the made ground. While these have been screened against human health criteria no assessment has been made to the risks posed to the Rive Gade. Based on the information submitted the hydraulic relationship between the different aquifer units is not known. Consideration will need to be given to mitigating risks to controlled waters during the construction phase.

The "Report on Ground Investigation at Plot B, West Herts College, Hemel Hempstead (Applied Geology, dated Nov 2017, Validated Issue 1, ref AG2710-17-AD25)" submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 121 of the NPPF.

The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation."(<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>)"

#### Groundwater and Contaminated Land

We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the

type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

4. Refer to the contaminated land pages on GOV.UK for more information.

We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by land contamination.

E.g. British Standards when investigating potentially contaminated sites and groundwater, and references with these documents:

- BS5930:2015 Code of practice for site investigations;
- BS 10175:2011+A1:2013 Code of practice for investigation of potentially contaminated sites;
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
- BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality.)
- Use MCERTS accredited methods for testing contaminated soils at the site.

A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report should be prepared by a “Competent person” E.g. a suitably qualified hydrogeologist.

In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.

- Further guidance on the setting of compliance points for DQRAs can be found here (<https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>).
- Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50 metres.

Where leaching tests are used it is strongly recommended that BS ISO 18772:2008 is followed as a logical process to aid the selection and justification of appropriate tests based on a conceptual understanding of soil and contaminant properties, likely and worst-case exposure conditions, leaching mechanisms, and study objectives. During risk assessment one should characterise the leaching behaviour of contaminated soils using an appropriate suite of tests. As a minimum these tests should be:

- upflow percolation column test, run to LS 2 – to derive kappa values;
- pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario; and
- LS 2 batch test – to benchmark results of a simple compliance test against the final step of the column test.

Following the DQRA, a Remediation Options Appraisal to determine the Remediation Strategy in accordance with CRL11.

The verification plan should include proposals for a groundwater-monitoring programme to encompass regular monitoring for a period before, during and after ground works. E.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period.

Where SUDs are proposed; infiltration SUDs should not be located in unsuitable and unstable ground conditions such as land affected by contamination or solution features. Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater. For the immediate drainage catchment areas used for handling and storage of chemicals and fuel, handling and storage of waste and lorry, bus and coach parking or turning areas, infiltration SuDS are not permitted without an environmental permit. Further advice is available in the updated CIRIA SUDs manual [http://www.ciria.org/Resources/Free\\_publications/SuDS\\_manual\\_C753.aspx](http://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx)

### Water Quality

This site lies very close to a water course that falls under the legislation of the WFD. Furthermore, the site is very close to two water company abstractions which are important potable water supplies.

We would also expect that the developer, if not already done so, consults with Thames Water to ensure that they can provide capacity for foul water generated by the site throughout its residential phase.

### Water Resources

We would like to outline that this development lies in an area of 'Serious' water stress; defined as a region where the current or future demand for household water is, or is likely to be, a high proportion of the effective rainfall which is available to meet that demand. The Environment Agency's document 'Water Stressed Areas – final classification 2013 can be viewed using the link or by visiting GOV.UK. Therefore, as a recommend that development conforms to the optional requirement of 110 litres per person per day found in Section G2, Subsection 36(2b) of the Building Regulations, which can be found here. A water efficiency calculator (also detailed in Appendix A of Approved Document G of the Building Regulations), could be utilised by the developer to inform the design needs of construction.

We endorse the efficient use of water, especially in new developments. Our Water Demand Management Team can provide information and advice on any aspect of water conservation including water saving technologies. New developments could take economic advantage of these technologies and should be considered. Wide spread use of these and other technologies that ensure efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area.

For residential development we recommend this development meets the following standard to promote water efficiency:

- Dwellings should achieve the water credits required to meet Code Level 3 of the Code for Sustainable Homes.

Further advice can be obtained from our website at Environment Agency - Save Water, and from Code for Sustainable Homes.

#### Dewatering – License and Environmental Permit

It is recognised that this construction will probably require the site to be dewatered. Dewatering that occurs during any development process may need to be licensed under the new licensing legislation, in place from 1st January 2018. We recommend reviewing the guidance on licensable activities and exemptions provided here.

The water discharge associated with dewatering, dependent on quality, will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The guidance found here explains the Environment Agency's position on dewatering discharge consents. We would recommend early engagement with the National Permitting Service who manage the regulatory process. You are able to reach them by calling our Customer Contact Centre on 08708 506506.

#### Hertfordshire Environmental Records Centre

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

1. There is no existing ecological information which relates to the application site and there is nothing to suggest the site – other than a small section of the river corridor – has any significant ecological interest.
2. I note the attenuation basin is immediately adjacent to the river; presumably the quality of water within this will not be harmful if there were ever to be discharge into the river as a result of high water levels.
3. The adjacent proposed planting should also be appropriate given the riverside location of the feature. The proposed general purpose meadow mix is not of a wet grassland type which would normally be associated with floodplain grassland, although the SUDS feature may be largely dry most of the time.
4. I have no reason to consider that the PEA does not represent a fair reflection of the site. However there is little or no mention of habitat enhancements or extensions although the opportunities for this within the site are limited within what is and has been a previously developed urban location for many years.
5. On the basis of the above, I have no reason to consider that there are any significant ecological constraints to the proposals.
6. However, where possible, given the importance of the river valley location, I would wish to see appropriate habitat improvement proposals made as part of a landscaping and ecological management plan which should be a Condition of Approval. Currently I consider such details have not been provided unless I have missed something.



7. The external works drawing does show some landscaping but detail remains missing – such as for the block of ground in the SE corner of the site which only suggests an opportunity to enhance biodiversity. This issue is of relevance only within the site but should still contribute to habitat enhancements in general to meet the NPPF and local policy statements. It has an important role in fronting Marlowes and should enhance the green nature of this part of the road and provide some community benefit.

8. A minor point in the ecology report (4.28) – a gap for a hedgehog would need to be at least 13x13 cm and not 13cm<sup>2</sup> as this would be only barely sufficient for a small rat. The other recommendations are reasonable where they apply to this application site.

### Affinity Water

You should be aware that the site is located within the groundwater Source Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply comprising a number of chalk 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".

### Thames Water

#### Waste Comments

With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

#### 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

Thames Water will require the points of connection to the public sewer system, for both foul and surface water, as well as the anticipated flow (including flow calculation method) into any proposed connection point. This data can then be used to determine the impact of the proposed development on the existing sewer system. In addition please indicate what is the overall reduction in surface water flows. i.e. existing surface water discharges (pre-development) in to the public sewers for storm periods 1 in 10, 30, 100 etc... versus the new proposed volumes to be discharged for the whole development.

### Hertfordshire Archaeology

We were previously consulted on an EIA Screening Opinion for the above scheme (4/03052/17/SCE) and commented that archaeological matters could be scoped out of the EIA (19 December 2017). We added that mitigation of the impact of the development on below ground heritage assets could be taken care of post consent, by planning condition.

The applicant has submitted an archaeological desk-based assessment and the results of an archaeological evaluation with their application. While these documents relate to old schemes/former planning applications, they have provided new information relating to the archaeological implications of the current scheme. A borehole survey has also been submitted.

The results of the archaeological evaluation and the borehole survey indicate that substantial modern made ground deposits of between 0.5m and 3.5m are present across the site. The evaluation did not reveal any archaeological deposits pre-dating the 19th century, although it did uncover the remains of several 19th century buildings that are documented on the 1st edition Ordnance Survey map.

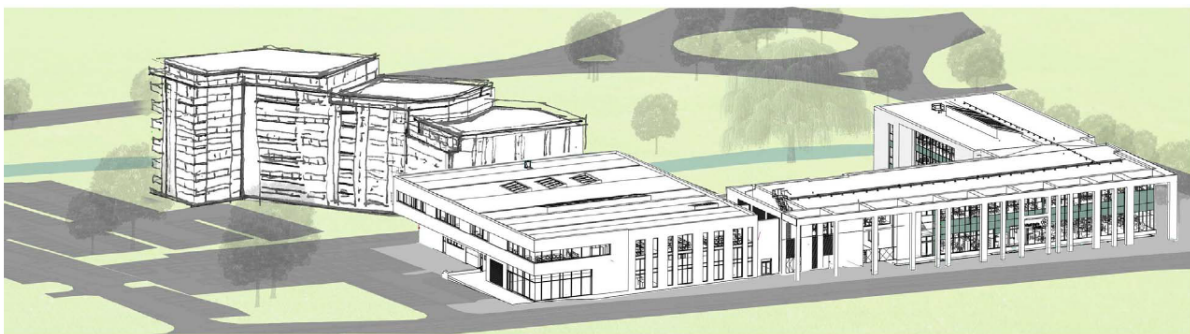
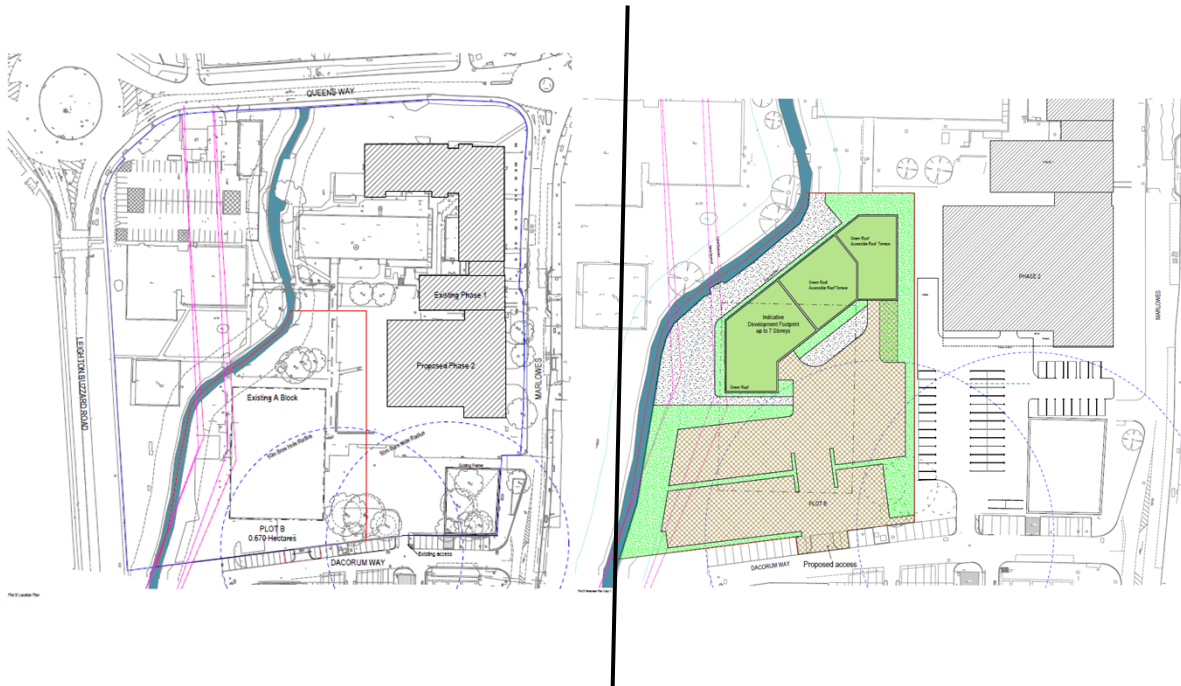
There is therefore low potential for surviving remains of archaeological interest on site.

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

### Responses to site and press notices

No formal representations received.

**5b 4/00472/18/MOA RESIDENTIAL (CLASS C3) DEVELOPMENT  
FOLLOWING DEMOLITION OF EXISTING BLOCK A BUILDING (OUTLINE  
APPLICATION WITH ALL MATTERS RESERVED EXCEPT ACCESS)  
LAND NORTH OF DACORUM WAY, WEST HERTS COLLEGE, DACORUM  
CAMPUS, MARLOWES, HEMEL HEMPSTEAD, HP1 1HD**



Indicative 3D Massing of Plot B development

<b>4/00472/18/MOA</b>	<b>RESIDENTIAL (CLASS C3) DEVELOPMENT FOLLOWING DEMOLITION OF EXISTING BLOCK A BUILDING (OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT ACCESS)</b>
<b>Site Address</b>	<b>LAND NORTH OF DACORUM WAY, WEST HERTS COLLEGE, DACORUM CAMPUS, MARLOWES, HEMEL HEMPSTEAD, HP1 1HD</b>
<b>Applicant</b>	<b>West Herts College, Land north of Dacorum Way</b>
<b>Case Officer</b>	<b>Intan Keen</b>
<b>Referral to Committee</b>	<b>Major proposal affecting land which the Borough Council has an interest</b>

## **1. Recommendation**

1.1 That the application is delegated with a view to approval subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and the expiry of the final notification of the application, and subject to the conditions set out below.

## **2. Background and Summary**

2.1 This outline application is to be considered alongside a separate concurrent application on an adjacent parcel of land to the east, both of which are in the ownership and grounds of West Herts College (Dacorum Campus). This application seeking outline planning permission for a residential development would enable funding for the delivery of the second phase of the further education building at West Herts College (sought under a current full application for planning permission). As such, an enabling development argument has been put forward by the applicant which considers a waiver of affordable housing provision so that sufficient funds from the sale of the land can be obtained to deliver the further education building. As there is strong policy support and encouragement for a replacement further education facility in this particular location, it is considered in this instance that the shortfall of affordable housing would be outweighed by planning benefits to social and community infrastructure which in turn would contribute to the vitality of the town centre.

2.2 The proposal for residential development is acceptable in principle noting the site forms part of Proposal MU/1 which is a strategic site identified under the Site Allocations 2006-2031 (Written Statement adopted July 2017) allocated for a mix of uses including residential. This strategic site forms part of the Gade Zone character area under the Dacorum Core Strategy 2013 (Policy CS33) and the Hemel Hempstead Town Centre Masterplan 2011-2021, both of which seek to provide residential development on the application site and wider area. The proposed access arrangements serving the development would be suitable, and the site area would be sufficient in order to accommodate up to 110 residential units with an appropriate level of parking and landscaping. A sufficient separation distance would be obtained from the River Gade to the west and the proposed education building to the east of the site. The proposal would be acceptable with respect to the setting of nearby heritage assets. Ecology and flood risk matters have been adequately addressed through the application submission.

2.3 The proposal is therefore in accordance with the aims of Policies CS1, CS4, CS8, CS10, CS11, CS12, CS13, CS17, CS18, CS23, CS27, CS29, CS31, CS32, CS33 and

CS35 of the Dacorum Core Strategy 2013, saved Policies 10, 18, 21, 51, 54, 58, 99, 111, 119 and 120 of the Dacorum Borough Local Plan 1991-2011, Site Allocations Written Statement (2017), Hemel Hempstead Town Centre Masterplan 2011-2021, and Gade Zone Planning Statement (2012).

### **3. Site Description**

3.1 The application site comprises an irregularly-shaped parcel of land within the grounds of West Herts College (Dacorum Campus). The site benefits from an established vehicle access via the unadopted road of Dacorum Way running parallel with the site's southern boundary. The application site is flanked by the River Gade to the west which provides an open aspect towards the site from as far as Leighton Buzzard Road, beyond which lies the residential area starting from Bury Road rising up the western Gade valley slope up to Lockers Park School. Surrounding grounds of the College lie to the north and east of the site including the recently completed College building (Phase 1). The wider College site is bounded to the north by Queensway, beyond which lie Gadebridge Park and the southern end of the Hemel Hempstead Old Town Conservation Area including the Grade II\* listed building at The Bury. Further east is the College's frontage to Marlowes, on the opposite side of which lies the Grade II listed building at Marlowes Methodist Church and retail and residential uses. To the south is the currently unoccupied Civic Centre and associated open parking area. Levels across the site fall in an east-west direction towards the River Gade down Dacorum Way.

3.2 In terms of its wider context, the application site and the wider College campus, together with the Civic Centre and relatively new public service quarter have a strategic location between Hemel Hempstead Old Town and the busier, pedestrianised Marlowes town centre. Visually, the West Herts College campus represents a gateway site on the approach to Hemel Hempstead from the main arterial of Leighton Buzzard Road from the north and has a prominence along this road due to the open landscaped setting surrounding the River Gade.

3.3 Due to its siting adjacent to the River Gade the site is constrained by Flood Zones 2 and 3 as well as Source Protection Zone 1 as a result of its proximity to two Affinity Water boreholes which supply water to most of Hemel Hempstead. Trees protected by a Tree Preservation Order are located within the southern portion of the site. There is a flood relief culvert with a 12m wide easement also running through the site (like the River Gade it runs in a general north-south direction).

### **4. Proposal**

4.1 Outline planning permission is sought to develop the site for residential (Class C3) comprising up to 110 units. All matters are reserved except for access, which is proposed off Dacorum Way which runs east-west to the south of the site and intersects with Marlowes to the east of the site. The submitted parameter plan provides an indication of where the proposed residential building would be placed on the site, and up to seven storeys in height. An area for parking would accommodate 102 spaces on the site.

### **5. Relevant Planning History**

5.1 As noted above, the application shall be determined within the timeframe of the

separate concurrent application 4/00473/18/MFA on the adjacent site within West Herts College for development of an educational building, with associated landscaping, boundary treatments, parking and access arrangements. Both current applications have been subject to screening opinions dated December 2017 where it was determined that an Environmental Impact Assessment was not required for either of the two proposals.

5.2 Both current applications follow the recently completed and now occupied (as of May 2017) first phase of the new replacement education building, where planning permission was granted under 4/02013/15/MFA on 6 August 2015 (for construction of two educational buildings with associated landscaping, disabled parking and servicing area); subject to non-material amendment 4/02173/16/NMA granted on 13 September 2016.

5.3 The wider site at West Herts College has been subject to two previous applications for redevelopment as follows:

- Application 4/01228/13/MFA for hybrid application for the demolition of existing buildings and structures for a comprehensive redevelopment of the site comprising a replacement further education college (Use Class D1), food superstore (Use Class A1), petrol filling station (Sui Generis), parking and service space, new access and vehicle bridge across the River Gade, partial diversion of the River Gade, hard and soft landscaping and other associated works (in full) and further future expansion of the college (Use Class D1) and parking and services space (outline with all matters reserved except access) was withdrawn on 24 March 2014.
- Application 4/02114/10/MFA for demolition of existing buildings and redevelopment for new college with outline proposal for 130 dwellings, access and one retail unit was withdrawn on 11 July 2014.

5.4 Lastly, of relevance is application 4/03624/14/MOA relating to land to the north of Combe Street (also forming part of Proposal MU/1 site and the Gade Zone) which granted planning permission (dated 29 June 2015) for residential development (up to 207 units) and ancillary retail unit (up to 375sqm) which was an outline application with all matters reserved except for the strategic access onto Combe Street. An application for reserved matters has not been submitted.

## **6. Policies**

### **6.1 National Policy Guidance**

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

### **6.2 Dacorum Core Strategy 2013**

Policies NP1, CS1, CS4, CS8, CS10, CS11, CS12, CS13, CS17, CS18, CS19, CS23, CS27, CS29, CS31, CS32, CS33, CS35

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

Policies 10, 13, 18, 21, 51, 54, 58, 69, 99, 111, 119, 120.

## 6.4 Supplementary Planning Guidance / Documents

- Site Allocations Written Statement 2006-2031 (2017)
- Environmental Guidelines (May 2004)
- Hemel Hempstead Town Centre Masterplan 2006-2021
- Gade Zone Planning Statement (2012)
- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Planning Obligations (April 2011)
- Affordable Housing (Jan 2013)

## 7. Constraints

- Town Centre
- Flood Zones 2 and 3
- Source Protection Zone 1 (Affinity Water boreholes)
- Tree Preservation Order
- Former land use
- CIL Zone 3
- 45.7m air direction limit

## 8. Representations

### Consultation responses

8.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

8.2 None received at the time of writing this report.

## 9. Considerations

### Main issues

9.1 The main issues of relevance to the consideration of this application are as follows:

- Policy and principle
- Mix of housing, layout and density considerations
- Traffic, access and parking
- Impact on street scene and surrounding area
- Impact on heritage assets
- Impact on trees
- Ecology
- Contaminated land
- Flood risk and drainage
- Residential amenity
- Impact on neighbouring properties
- Section 106 and planning obligations

### Policy and principle

9.2 This application which proposes a residential development on the site should be considered in the context of the neighbouring development proposal for the further education building (3,600m<sup>2</sup>) at West Herts College as part of the its redevelopment plans (considered under 4/00473/18/MFA). The policy context for consideration and assessment of the principle of the application is set out below.

#### *Site policy designation and allocation*

9.3 The site forms part of the town centre and is identified as such under Policy CS33 of the Core Strategy as well as the Hemel Hempstead Town Centre Masterplan.

9.4 Importantly, the site forms part of Proposal MU/1, which is an area of 6 hectares allocated for mixed use including residential providing between 500 to 600 homes. The location of Proposal MU/1 includes land within West Herts College and Civic Zone, bounded by Queensway, Marlowes, Combe Street (north) and Leighton Buzzard Road.

9.5 Under the Site Allocations the strategic proposal site MU/1 includes a replacement college which has been delivered in part (please see above planning history), the second phase of which is sought under the separate concurrent application. Further, the Gade Zone Planning Statement is also of relevance, acknowledging that proposals which involve the consolidation of the College site would be considered favourably (section 8.27). Based on the above, the demolition of Block A and redevelopment of this part of the College site for residential would not raise any policy objections.

9.6 The Gade Zone Planning Statement goes on to state (section 8.28) that should the consolidation of the College site result in any surplus land becoming available for redevelopment, the preference would be that this comes forward for residential. Specifically, residential development is supported within the northern part of the Gade Zone where the application site lies, in order to support and strengthen the economy and retail function of the Old Town.

9.7 The proposal is therefore acceptable in principle meeting the aims of Policies CS1, CS4 and CS33 of the Core Strategy, the Site Allocations and the Hemel Hempstead Town Centre Masterplan.

#### *Affordable housing*

9.8 Affordable housing is a key consideration in assessing the principle of the development as this application proposes up to 110 residential units which would be an all-private residential scheme. Under Policy CS19 of the Core Strategy, the development should provide 39 affordable units on site which would represent 35% of the total number of dwellings.

9.9 The proposal would represent a departure from Policy CS19 as the residential scheme does not allow for provision of affordable housing whether on-site or through a commuted sum. The reason for an all-private residential scheme is that the sale of this parcel of land with outline planning permission (if granted) would assist in funding the new education building also currently proposed (under 4/00473/18/MFA).

9.10 As such, an enabling development argument to fund the second phase of the replacement college has been submitted on behalf of the applicant, supported by a



Financial Viability Appraisal and an addendum to the Planning Statement. The Financial Viability Appraisal has been subject to review by the Council's appointed consultants, BPS Surveyors. Their findings are summarised in Appendix A.

9.11 It can be seen from BPS' advice below that their assessment of the land value generated by the application site would result in an overall project deficit. As such, it has been accepted the enabling development argument that would indicate the scheme could not viably deliver affordable housing. In fact, in addition to an allocated amount of cash funding the College would have to dip further into their reserves to fund the project based on a current analysis.

#### *Delivery of further education building*

9.12 It has been set out under the committee report for the education building (under 4/00473/18/MFA) that the delivery of the replacement West Herts College building is a key component of the vision for modernising the town centre as sought under the Hemel Hempstead Town Centre Masterplan.

9.13 In order to meet the required remaining funding level for the second phase of the new College, the financial analysis demonstrates that there would not be a surplus to contribute to affordable housing either on-site (assessment based on market housing prices) or contribution for off-site provision. The financial report submitted on behalf of the applicant has been scrutinised by the Council's consultants, BPS Surveyors, who has found in support of the argument that the residential scheme would enable development of the College building.

9.14 It has been set out in the report for the proposed education building (under 4/00472/18/MOA), also to be considered by members, that there is strong policy justification for the replacement College. For reference it is noted that provision of a replacement College would receive considerable support under the following:

- Site Allocations Development Plan Document under Proposal Site MU/1;
- Hemel Hempstead Town Centre Masterplan 2011-2021 and vision for the Gade Zone;
- Policies CS1, CS4, CS23 of the Dacorum Core Strategy 2013;
- Paragraphs 23, 69, 70 and 72 of the National Planning Policy Framework; and
- Saved Policy 69 of the Dacorum Borough Local Plan 1991-2011.

9.15 The benefits of provision of the second phase of the replacement College are summarised below:

- High quality education offer within a sustainable location;
- Contributing to the vitality of the town centre with an active college at its core;
- Strengthening the retail function of the Old Town;
- Assist in providing an alternative active use within the town centre to avoid a dominance of residential;
- Increases in courses to meet local demand;
- Improvements to Marlowes frontage both visually and in terms of interaction at pedestrian level.

9.16 In weighing up the above considerations, given the benefits of the scheme in

providing a high quality further education offer within the Borough's largest town and the site's strategically important location as a gateway site and in linking the Old and New Towns of Hemel Hempstead, it is considered that the lack of affordable housing in this particular instance would be outweighed by the social and community benefits of delivering the second phase of the replacement College.

#### Mix of housing, layout and density considerations

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

9.18 The provision of a mix of one and two-bedroom units would be acceptable under Policy CS18 of the Core Strategy. Smaller units are encouraged under saved Policy 18 of the Local Plan particularly on large housing sites.

9.19 Proposal MU/1 stipulates an upper limit of 600 homes on an area of 6 hectares under the adopted Site Allocations (2017). This equates to a density of 100 dwellings per hectare however actual residential density would be expected to be higher as the vision for the whole allocated site includes the replacement College as well as the public service quarter and a retail element. The current proposal would achieve a density of 164 dwellings per hectare which would be acceptable noting the policy support for smaller units within accessible locations. It is not considered the development would conflict with the aims of saved Policy 21 of the Local Plan with respect to density.

9.20 Although layout is a reserved matter it is essential to assess whether the site is appropriate for the quantum of development sought. Whilst the site is heavily constrained it is noted that development is most likely to be dictated by the 8m buffer from the top of the river bank, the 12m wide culvert easement, the 50m borehole radius and TPO trees. The submitted parameter plan demonstrates that the proposed residential building could be sited within the northern portion where it would fall outside all of the above. The building would still lie within Flood Zones 2 and 3 and Source Protection Zone 1 however neither the Environment Agency or Hertfordshire Lead Local Flood Authority have raised any concerns on the basis of the submitted plan.

9.21 It is unfortunate that a large portion of the site would likely be allocated for open parking to serve the development, however due to the presence of two Affinity Water boreholes at the southern edge of the application site this represents a significant constraint with respect to provision of a building in this location. As such, the proposal site is considered to satisfactorily balance the quantum of development and the requirement to provide the majority of parking on the site and in a convenient location relative to the residential building.

9.22 Affinity Water has raised no concerns with respect to the car parking area shown within the 50m radius of their boreholes.

9.23 The development would therefore be acceptable under Policies CS11, CS12 and CS18 of the Core Strategy and saved Policies 10, 18 and 21 of the Local Plan.

#### Traffic, access and parking

9.24 With respect to proposed access arrangements and the traffic generated by the development, the highway authority (Hertfordshire County Council) has not raised any objection subject to the imposition of conditions relating to provision of a Construction Traffic Management Plan, details of car and cycle parking, swept path assessments to demonstrate manoeuvrability and implementation of a Travel Plan.

9.25 In terms of car parking, the submitted indicative layout plan demonstrates that up to 102 spaces could be accommodated on site. This is considered acceptable noting the site's location within walking distance of both centres at the Old and New Town and public transport facilities along Marlowes. The development would achieve a parking ratio of 0.93 spaces per dwelling also acknowledging that the highway authority has required the preparation of a Travel Plan.

9.26 Notwithstanding this, the Gade Zone Planning Statement expects large-scale uses to accommodate the majority of their parking demand on site. It is considered that the proposal would meet this objective and therefore would not raise any concerns with respect to the level of parking provision.

9.27 The proposal would therefore accord with the aims of Policies CS8 and CS12 of the Core Strategy and saved Policies 51, 54 and 58 of the Local Plan.

#### Impact on street scene and surrounding area

9.28 From the street scene of Marlowes, the application site is some 2m on lower ground as levels fall towards the River Gade. The proposed building of up to seven storeys would be acceptable in this context, noting its siting away from this road frontage behind the proposed education building at West Herts College. The eastern side of Marlowes is diverse with buildings rising up from footpath level and the proposal would not appear unduly out of context also noting its allocation for higher density residential development.

9.29 Views of the proposed building would also be obtained from Leighton Buzzard Road (to its east) beyond the open parkland setting between the River Gade and the footpath, particularly on the approach to the Plough Roundabout entering Hemel Hempstead from the north. The site's allocation as part of the wider Gade Zone is expected to see higher densities achieving between 500 and 600 homes and as such a building of this scale would not raise concerns in this location.

9.30 Due to the site's prominence from a key entrance to the town along Leighton Buzzard Road it is considered to be a gateway site where a high quality development would be expected. As such, if planning permission is granted it would be reasonable to attach conditions requiring submission of further details with respect to external materials and landscaping.

9.31 The proposal would be acceptable having regard to the aims of Policies CS10, CS11 and CS12 of the Core Strategy and saved Policy 111 of the Local Plan.

### Impact on heritage assets

9.32 The assessment of the proposal in this regard requires development to positively conserve and enhance heritage assets as set out under Policy CS27 of the Core Strategy and the NPPF.

9.33 There are three heritage assets of note within proximity of the proposed development. These include Hemel Hempstead Old Town Conservation Area, Grade II\* listed building at The Bury and Grade II listed building at Marlowes Methodist Church.

9.34 The development would not compromise any significant views towards the Old Town Conservation Area or the Grade II\* listed building at The Bury, both of which lie some 80m to the north of the application site.

9.35 Views from Leighton Buzzard Road down Dacorum Way to the Methodist Church would be maintained (this largely falls outside of the application site), also noting that the listed church is already dominated by immediately surrounding buildings on the Marlowes and rising land levels further east.

9.36 As such, the development would appropriately conserve nearby heritage assets and in considering the proposal it is important to note the planning benefits of the scheme which have been outlined above, as well as the site's allocated status under Proposal MU/1.

9.37 The proposal would also be acceptable with respect to the impact on archaeological remains noting comments from the County Archaeologist below.

9.38 It follows the development would satisfy the aims of Policies CS27 of the Core Strategy and saved Policies 118, 119 and 120 of the Local Plan.

### Impact on trees

9.39 The submitted application form states that development would not impact upon TPO trees on site, confirmed in the tree protection plan attached to the Arboricultural Report submitted under the separate application (4/00473/18/MFA). It is noted that layout is not a consideration under the outline application (both layout and landscaping are reserved matters to be determined at a later stage if outline planning permission is granted) and as such a condition shall be placed on any permission requiring adequate protection of the trees during construction. The proposal would comply with the objectives of Policy CS12 of the Core Strategy and saved Policy 99 of the Local Plan.

### Ecology

9.40 It is firstly noted that the Environment Agency and Hertfordshire Environmental Records Centre are the relevant authorities and have not raised objections on the grounds of ecology, including development shadowing the River Gade. Conditions have been suggested and shall be attached to any planning permission.

9.41 The submitted Preliminary Ecological Appraisal noted a negligible likelihood of occurrence for bats, great crested newts, otters and water voles. There was a low likelihood of occurrence for reptiles and breeding birds was assessed to have a high

level of presence. There is a moderate level of presence of invasive species.

9.42 This report goes on to make recommendations including the provision of bird and bat boxes. A condition shall be included requiring details of the positioning of boxes to support bird and bat roosting and development shall be carried out in accordance with the Preliminary Ecological Appraisal in accordance with Policy CS29 of the Core Strategy.

#### Contaminated land and air quality

9.43 Comments have been received from the Council's Environmental and Community Protection team as well as the Environment Agency which have raised no objections to the proposal on the basis of contaminated land matters. Conditions have been suggested particularly noting the site's location within SPZ1 if planning permission is granted, relating to submission of a remediation scheme as well as management of boreholes and buffer zone to the River Gade. A condition requiring details to address air quality matters shall also be included on any permission due to the scale of the development and its proximity to a designated Air Quality Management Area. These conditions are considered reasonable and necessary to make the development acceptable under Policies CS31 and CS32 of the Core Strategy.

#### Flood risk and drainage

9.45 As noted above, the Environment Agency and Hertfordshire Lead Local Flood Authority have commented on the proposals and raised no objections subject to the inclusion of conditions requiring details of the final drainage scheme and management in order for the proposal to satisfy Policies CS31 and CS32 of the Core Strategy.

#### Residential amenity

9.46 The application has been subject to consultation to the Council's Environmental and Community Protection team who has reviewed the submitted Environmental Noise Survey and External Lighting report to assess the impact of the proposed new education building on residents of the proposed development.

9.47 The proposed education building on the adjacent site would be fitted with high-level windows to prevent any overlooking in the instance that windows within the building are facing directly eastwards towards the new College.

9.48 As the application has been submitted in outline form, details of private amenity space have not been submitted. The site's central location and proximity to the River Gade and Gadebridge Park to the north offer sufficient recreational space and opportunities such that the development would be acceptable with respect to amenity space serving the proposed units.

9.49 It follows the proposal would accord with Policy CS12 of the Core Strategy in this regard.

#### Impact on neighbouring properties

9.50 The site is bordered by West Herts College buildings and grounds to the north and east. The vacant Civic Centre lies to the south. Immediately west is the River

Gade and associated open space within the ownership of the College. Beyond the river is the footpath and road reserve of Leighton Buzzard Road, then land levels rise steeply westwards featuring predominantly two-storey dwellings fronting Cotterells.

9.51 Directly east is the proposed second phase of the new College comprising a two-storey building fronting Marlowes.

9.52 To the south of the site is the Civic Centre which is also allocated for residential development under the Gade Zone. As the site is vacant and subject to a prior approval for demolition, this does not represent a sensitive interface and the proposal would be acceptable.

9.53 The development would not compromise residential amenity of the nearest properties on Bury Road to the west noting their long-distance relationship which not raise concerns with respect to visual intrusion, loss of light or overlooking.

9.54 The proposal would accord with Policy CS12 of the Core Strategy.

#### CIL, Section 106 and planning obligations

9.55 The application site falls within CIL charging zone 3 and as such the proposal shall be subject to a CIL rate liability of £100 per square metre noting that an exemption would apply with the demolition of building Block A on the site. Based on submitted working figures for the residential development a CIL figure has been factored into the financial viability assessments referred to above and within BPS' comments below.

9.56 The Town Centre Masterplan seeks to secure contributions from development towards provision of a river cyclepath and footbridge to increase north-south links between Gadebridge Park to the north and the Watergardens to the south. On-site provision (along the eastern side of the River Gade) would not be a suitable option due to security between the College and the proposed residential development. The Gade Zone benefits from an existing footpath to the west of the river which largely runs parallel with Leighton Buzzard Road. Due to existing north-south links within the Gade Zone it is not considered that a contribution towards provision of an additional path would be required to make the development acceptable.

9.57 Provision of affordable housing as required under Policy CS19 of the Core Strategy has been detailed earlier.

9.58 As the proposal would result in a shortfall of the standard local affordable housing provision it would be essential that the delivery of the proposed education building is secured and the two sites linked under a Section 106 agreement, as without providing funding for the education building the residential scheme would be unacceptable. This would include a restriction that the developer of the residential scheme on the application site would not be permitted to implement the planning permission until such time that the College has entered into an irrevocable construction contract for the delivery of the education building under 4/00473/18/MFA.

9.60 The College would be required to enter into an overage agreement with the residential developer / purchaser of the application site. These would be two elements to this overage agreement:

a) A planning overage agreement whereby if the developer secures a more valuable planning consent, defined by an increase in overall development in terms of floor area or unit numbers; and

b) A viability-based overage, typically requiring a further payment to West Herts College in the event that residential sales values exceed an identified level. This level would be related through a developer's appraisal to the initial purchase price.

9.61 Both provisions would look to share a proportion of the uplift in value with West Herts College.

## **10. Conclusion**

10.1 Based on the assessment above it is considered that the benefits of the development to enable the proposed education building under 4/00473/18/MFA would outweigh the lack of affordable housing provision as part of this residential development. The identified planning benefits in this particular instance include specifically the delivery of the second phase of the replacement education building at West Herts College within a modern, high quality facility, which would meet expected demand noting the projected demographics within the town of Hemel Hempstead. The replacement College building would in turn benefit the retail function of the Old Town and assist in providing the continuous active frontage along Marlowes linking both the Old and New Towns.

10.2 The proposal would therefore satisfy the objectives of Policies CS1, CS4, CS8, CS10, CS11, CS12, CS13, CS17, CS18, CS23, CS27, CS29, CS31, CS32, CS33 and CS35 of the Dacorum Core Strategy 2013, saved Policies 10, 18, 21, 51, 54, 58, 99, 111, 119 and 120 of the Dacorum Borough Local Plan 1991-2011, Site Allocations Written Statement (2017), Hemel Hempstead Town Centre Masterplan 2006-2021, and Gade Zone Planning Statement (2012).

## **11. RECOMMENDATIONS**

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

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

Restriction that the developer of the residential scheme on the application site would not be permitted to implement the planning permission until such time that the College has entered into an irrevocable construction contract for the delivery of the education building under 4/00473/18/MFA.

And subject to following conditions:

**1. Approval of the details of the siting, scale, design and external appearance of the building and the layout and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

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

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

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

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

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

**4. Installation of the external surfaces of the development hereby permitted shall not take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

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

**5. The development hereby permitted shall not be occupied 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;**
- **boundary treatments including means of enclosure and buffers around water bodies;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **proposed finished levels or contours;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**
- **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;**
- **a Landscape Management Plan to incorporate details of maintenance regimes, including any tree management objectives, details of any new habitat created**



**on site and management responsibilities.**

**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 in accordance with Policy CS12 of the Dacorum Core Strategy 2013 and to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Policy CS29 of the Dacorum Core Strategy 2013.

**6. No development shall commence before a plan showing trees to be retained and measures for their protection for the duration of site works and construction of the development hereby approved has been submitted for approval in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure the protection of significant landscape features in accordance with Policies CS12 and CS29 of the Dacorum Core Strategy 2013 and saved Policy 99 of the Dacorum Borough Local Plan 1991-2011.

**7. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

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

**8. The details to be submitted for approval in writing by the local planning authority in accordance with Condition 1 above shall include details of the proposed slab, finished floor and ridge levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land including the River Gade and Dacorum Way. The building(s) shall be constructed in accordance with the levels that have been approved in writing by the local planning authority.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

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

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

**10. The development hereby permitted shall not commence (with the exception of enabling works required to provide full access to the site to allow for further site investigation including demolition where required), a Remediation Strategy to deal with the risks associated with contamination of the site shall be submitted for approval in writing by the local planning authority. This Strategy shall include the following components:**

**1. A preliminary risk assessment which has identified:**

- **All previous uses;**
- **Potential contaminants associated with those uses;**
- **A conceptual model of the site indicating sources, pathways and receptors;**  
**and**
- **Potentially unacceptable risks arising from contamination at the site.**

**2. A site investigation scheme, based on the preliminary risk assessment above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.**

**3. The results of the site investigation and the detailed risk assessment referred to in the site investigation scheme above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**

**4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

**The scheme shall be implemented in accordance with the approved details.**

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework and Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

**11. The development hereby permitted shall not commence (with the exception of enabling works required to provide full access to the site to allow for further site investigation including demolition where required), a Verification Report demonstrating the completion of works set out in the approved Remediation Strategy under Condition 10 above and the effectiveness of remediation shall be submitted for approval in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.**

Reason: To ensure that the site does not pose any further risk to human health or the water environment in accordance with paragraph 109 of the National Planning Policy Framework and Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

**12. In the event that contamination not previously identified is found to be present at the site during development, no further development (unless otherwise agreed**

**in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination shall be dealt with has been submitted for approval in writing by the local planning authority. The remediation strategy shall be implemented as approved.**

Reason: To ensure that the site does not pose any further risk to human health or the water environment in accordance with paragraph 109 of the National Planning Policy Framework and Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

**13. Piling and other deep foundations or intrusive groundworks using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that the proposed use of CFA piles does not harm groundwater resources in accordance with paragraph 109 of the National Planning Policy Framework.

**14. Construction of the development hereby permitted 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, including all demolition works and piling shall only be carried out in accordance with the approved Plan. The Plan shall include details of:**

- a. Construction vehicle numbers, type and 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 the interests of highway safety and rights of way in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policies 51 and 54 of the Dacorum Borough Local Plan 1991-2011.

**15. The development hereby permitted shall not be occupied before further details in the form of scaled plans and written specifications are submitted for approval by the local planning authority, which shall illustrate the following:**

- Roads and footways;
- Existing and proposed access arrangements including visibility splays;
- Parking layout and provision of cycle parking;
- Servicing areas, loading areas and turning areas for all vehicles;
- Provision of fire hydrants.

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

Reason: In the interests of maintaining highway efficiency and safety in accordance

with Policies CS8 and CS12 of the Dacorum Core Strategy 2013 and saved Policies 51, 54 and 58 of the Dacorum Borough Local Plan 1991-2011.

**16. The development hereby permitted shall not be occupied before a Travel Plan has been submitted and approved by the local planning authority. The Travel Plan shall have regard to Hertfordshire's Travel Plan Guidance and development shall be carried out in accordance with the approved details.**

Reason: To promote sustainable transport measures to the development in accordance with Policy CS29 of the Dacorum Core Strategy 2013.

**17. The development hereby permitted shall not commence (excluding ground works) before swept path assessments have been submitted for approval by the local planning authority. These shall include details showing:**

- **A refuse vehicle can safely manoeuvre through the site access, enter the site, manoeuvre within and depart in a forward gear;**
- **A large car can safely enter and depart the proposed car parking spaces;**
- **Emergency vehicles (including fire) can safely enter, manoeuvre within and depart the site in a forward gear.**

Reason: In the interests of highway safety in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policies 51, 54 and 58 of the Dacorum Borough Local Plan 1991-2011.

**18. The development hereby permitted shall not be occupied before a Car and Cycle Parking Management Plan has been submitted for approval in writing by the local planning authority, including 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.**

**The Plan shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

Reason: In the interests of highway safety and to ensure sufficient available on-site car and cycle parking and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies CS8, CS12 and CS29 of the Dacorum Core Strategy 2013 and saved Policy 58 of the Dacorum Borough Local Plan 1991-2011.

**19. The development hereby permitted shall not be occupied before a Servicing and Delivery Plan has been submitted for approval in writing by the local planning authority. This Plan shall contain details of the delivery and servicing requirements (including refuse collection) for the proposed use, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles, and access to / from the site for delivery and servicing vehicles.**

Reason: In the interests of highway safety in accordance with Policies CS8 and CS12

of the Dacorum Core Strategy 2013.

**20. The development hereby approved shall be carried out in accordance with the Drainage Strategy Statement by GHD (reference 12500267-GHD-RP-C-2006 Rev P01, dated January 2018) and the following mitigation measures:**

- 1. Undertaking appropriate drainage strategy based on attenuation and discharge into River Gade at 5l/s;**
- 2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event;**
- 3. Implementing drainage strategy including green roof, permeable paving and detention basin as indicated on the Preliminary Drainage layout Plot B reference 12500267-GHD-DR-C-5602 Rev P02.**

Reason: To prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

**21. No development (excluding ground works) shall take place until the final design of the drainage scheme has been submitted for approval in writing by the local planning authority. The surface water drainage system will be based on the submitted Drainage Strategy Statement by GHD (reference 12500267-GHD-RP-C-2006 Rev P01, dated January 2018).**

**The scheme shall also include:**

- 1. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The 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.**
- 2. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.**
- 3. Details of final exceedance routes, including those for an event which exceeds to 1:100 + climate change rainfall event.**
- 4. Sewage pipe specifications and any off-site drainage works.**

**Development shall be carried out in accordance with the approved details and no discharge of foul or surface water from the site shall be accepted into the public system before the completion of the approved drainage works.**

Reason: To prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants, to prevent harm to groundwater resources, and to ensure that sufficient capacity is made available to cope with the development in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

**22. Upon completion of the approved drainage works under Condition 21 above, a management and maintenance plan for the SuDS features and drainage network**

**must be submitted for approval in writing by the local planning authority. The scheme shall include maintenance and operational activities; arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.**

Reason: To prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

**23. In the event any boreholes are installed for the investigation of soils, groundwater or geotechnical purposes, a scheme for their management shall be submitted for approval in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained post-development, for monitoring purposes shall be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the development hereby approved.**

Reason: To avoid groundwater pollution or loss of water supplies in accordance with paragraph 109 of the National Planning Policy Framework and Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

**24. Prior to the construction of the building hereby permitted, an Air Quality Report assessing the impacts of the proposed redevelopment shall be submitted for approval in writing by the local planning authority. The Report shall have regard to the Environment Act 1995, Air Quality Regulations and subsequent guidance. The Report shall also indicate areas where there are, or likely to be, breaches of an air quality objective noting the site's location within close proximity of an area designated as an Air Quality Management Area. If there are predicted exceedances in exposure to levels above the Air Quality objectives then a proposal for possible mitigation measures shall be included.**

Reason: To satisfactorily address air quality matters arising from the development in accordance with Policies CS8 and CS32 of the Dacorum Core Strategy 2013.

**25. The development hereby permitted shall be carried out in accordance with the recommendations set out in the submitted Preliminary Ecological Appraisal. Demolition of buildings shall not commence before details of the location, number and type of bird and bat boxes shall be submitted and approved by the local planning authority together with timeframes of their installation to ensure adequate compensation is available prior to commencement of works affecting roost sites. The bird and bat boxes shall be installed in accordance with the approved details and agreed timeframes.**

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

**26. There shall be no light spill from external artificial lighting into the watercourse or adjacent river corridor habitat. To achieve this, the specifications, location and direction of external artificial light should be such that the lighting levels within 8 metres of the top of the bank of the watercourse are maintained at**

## **background levels (Lux level of 0-2).**

Reason: To protect the adjacent river corridor habitat in accordance with Policy CS29 of the Dacorum Core Strategy 2013.

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

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

### Article 35

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the pre-application stage which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **Appendix A**

Representations received for 4/00472/18/MOA at land to north of Dacorum Way, West Herts College

### Dacorum Strategic Planning and Regeneration

These applications follow on from the implemented 'Phase 1' development at the site (planning application number 4/02013/15/MFA).

The extent of the areas referred to throughout this response are shown in the image below: (image showing red outlines for both applications has not been copied)

One planning application relates to 'Phase 2' of the college redevelopment (4/0473/18) while the other is for an associated residential proposal (on the remaining part of the college site labelled 'Plot B' (4/0472/18)).

These two schemes require a comprehensive approach to be taken (as they are intrinsically linked proposals). This is because they are located adjacent to one another and the applicant states that *'the viability of Phase 2 college building is dependent on the sale of this surplus land (Plot B) as residential development for the funding for College'*. The applicant also documents that *'the need for Phase 2 was driven by the requirement to consolidate curriculum delivery at Kings Langley and Dacorum onto a single campus and to response to the growth of the Construction and Engineering curriculum'*.

### Summary of proposals (Phase 2 and Plot B)

Phase 2 will provide 3,600m<sup>2</sup> of educational building use over 2 floors, primarily for Engineering and Construction teaching. The applicants confirm that *'the built form will consist of a two storey educational block which will adjoin the Phase 1 building to the north.'* The submission *'estimates that construction could begin in February 2019,*

*taking approx. 12 months to reach completion*'.

For Plot B, the applicants suggest that *'up to 110 apartments can be accommodated within the illustrative residential development zone'*. This would be made up of a *'mix of one and two bedroom properties ... subject to market demands'*. A maximum height for the development is shown to be 7 storeys.

(i) Principle of Development for the site

Within the Core Strategy, Hemel Hempstead is identified as the focus for development with emphasis placed on regeneration, as many buildings and public areas in the town centre are dated (it goes on to say that this must be underpinned by growth and investment in business, homes and infrastructure).

The site is located within Hemel Hempstead Town Centre (saved Policy CS4/Policy CS33) and forms part of a River Gade character zone (in the Hemel Hempstead Town Centre Master Plan/ Hemel Hempstead Place Strategy). The vision for Hemel Hempstead Town Centre also includes reference to a new college facility.

The proposal does contribute to the regeneration of a key town centre and underutilised brownfield site and will bring forward part of the associated mixed use allocation MU/1. These points are welcomed. Policy 10 (Optimising the use of urban land) of the saved Dacorum Borough Local Plan (DBLP) is relevant in this regard, especially as it makes references to implementing individual phases across a site. Points (a) to (d), (i) and (iv) are relevant.

Phase 2:

The principle of further education use on this site has been long established. As such, this proposal is acceptable in broad planning terms (Policy CS4). It is also worth recognising that numerous teaching blocks have already been demolished to *'smooth the delivery'* of a new teaching block for the college and that proposal MU/1 of the Site Allocations DPD (which covers this broad area) includes a planning requirement for a replacement college campus on the site. Policy 69 (Education) of the DBLP is relevant in this regard, especially Points (i) to (iv).

We would generally support a move towards purpose built facilities as these are more likely to provide satisfactory accommodation for end users and local impacts can be better accommodated. Policy CS23 of the Core Strategy is supportive of new social and community provision, although this does not override normal development management considerations. This policy does go on to say *'All new development will be expected to contribute towards the provision of social infrastructure. For larger developments this may include land and/or buildings'*.

Plot B:

Proposal MU/1 envisages 500-600 homes on the West Herts College and wider Civic Zone land. We note this area covers a much larger parcel of land than this site alone (as shown in the image below). The policy does state that high density housing is acceptable within the wider site area and this position is reinforced by the aims of the applicant.

The proposal seeks to accord with the settlement hierarchy by focusing new residential



development at Hemel Hempstead (see Policy CS1 (Distribution of Development)) and by seeking to regenerate an accessible, brownfield site (see Policy CS2 (Selection of Development Sites) points A (1) and A (2)).

In addition to this, relevant planning guidance for this site is held in Policy CS33 (Hemel Hempstead Town Centre) of the Core Strategy, as well as in the Hemel Hempstead Town Centre Masterplan ([http://www.dacorum.gov.uk/docs/default-source/strategic-planning/final-masterplan---adopted-jan-13-\(low-res\).pdf?sfvrsn=4](http://www.dacorum.gov.uk/docs/default-source/strategic-planning/final-masterplan---adopted-jan-13-(low-res).pdf?sfvrsn=4)) and Gade Zone Planning Statement (<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/mp6-gade-zone-planning-statement-2012.pdf>).

Specifically, Policy CS18 (Mix of Housing) of the Core Strategy, DBLP Policy 18 (The size of new dwellings) and DBLP Policy 21 (Density of residential development) is relevant in this regard given the scale and location of the land.

(ii) Affordable housing provision on Plot B

Policy CS19 (Affordable Housing) makes clear that a scheme of this scale should normally be providing 35% affordable housing. The Affordable Housing SPD (September 2013) is also relevant in this regard. However, criterion (c) of Policy CS19 does allow for the overall viability of the scheme and any abnormal costs to be taken into account as part of the assessment process.

While this advice would be most relevant when the reserve matters application(s) (or full application) is received for Plot B, we note the concerns of the applicant over the delivery of affordable homes (the affordable housing section of the Design and Access Statement):

*'The Viability Assessment clearly indicates the inability of the scheme to deliver affordable housing, 'whilst providing the other benefits and allowing for a competitive return to a developer to enable the development to be delivered.'*

The applicant elaborates on this by saying that *'the sale of the residential site will fund the delivery of a new educational building for West Herts College. Again, the delivery of this building, meets the aspirations of the local policy, which seeks the delivery of a new College building as part of the Vision for the town'*. This is a disappointing position in terms of delivering much needed affordable housing. The delivery of a new college campus should not necessarily be at the expense of other Plan policy objectives, although we recognise that ultimately a balanced judgement will need to be made taking into account other benefits of the scheme.

Given the preceding points, advice on affordable housing contributions and viability should be sought from the Strategic Housing team. We consider that the applicant's viability argument should be tested further.

(iii) Design, use and height of buildings for Phase 2 and Plot B

The applicant states that the *'the old town centre and the primary commercial and retail area is linked by [the] Marlowes, a key connection between old and new. The application site will have a role to play in connecting the two'*. We agree with this statement which thus places an emphasis on all parties to work together to achieve a high standard of design in this important area of transition.

Consideration should be given to the important views to/from St Mary's Church as the spire is a prominent and well recognised historic feature on the town's skyline, especially from along the Marlowes (but this is not the only important viewline). The bulk, massing and design of this scheme should avoid creating a permanent built feature which obliterates those shorter (and longer) distance views which can currently be glimpsed, especially if the building line is being brought closer to the Marlowes road edge. Consideration should be given to whether the scheme will negatively impact upon these short and longer distant views (especially from along the length of the Marlowes looking back towards St Mary's Church).

The 'Design and Access Statement' recognises that the best views of the spire are provided when you look down the Marlowes, but that from the application site views are very limited (due to the built form and trees). Views to St Mary's Church spire can also be limited in places along the Marlowes generally speaking by the extent of well established trees. However, this is dependent on the season (i.e. winter will affect the extent of leaf coverage to that experienced in the summer) and how established the tree coverage is (over expansive periods of time this will vary i.e. as new trees are planted, existing trees grow or older/dangerous trees are removed).

It is imperative that the layout, design, massing and height of buildings across the site do not result in the loss of key views to St Mary's Church from across Hemel Hempstead Town Centre as a key landmark. Policy CS27 (Quality of the Historic Environment) of the Core Strategy is relevant in this regard, as it states that *'the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced'*.

Plot B: While this is an outline planning application (and everything but access is reserved) we note the applicant's suggested appearance for the residential development. These are examples alongside very urbanised, highly engineered and hard landscaped riverside settings. We would thus query how relevant they are to this site wherein the River Gade is much more rural / natural and meandering in its layout. These suggestions may not necessarily be that appropriate and responsive to the site and its setting.

We would also raise potential concern over the proximity/separation of the two new buildings and whether they will adversely affect the amenity of the new residents in any way.

Phase 2:

The applicants confirm that Phase 2 of the college will be *'constructed of a mix of brick and render, with glazing to its frontage' and that 'the elevations of dark brick and white cladding provide a striking contrast to the brown brick elevations of Phase 1'*. The applicant states that *'the design addresses the need to respect the Phase 1 building as well as to be sympathetic to the existing surrounding buildings and conservation area'* and *'has been designed to achieve BREEAM Very Good accreditation'*.

The applicant states that the new building height is aligned to a similar height of the ridge and eaves of the adjacent buildings, although it is complex to gauge what is the most appropriate approach with the potential for such significant regeneration across the extent of proposal MU/1. As the area is likely to undergo quite significant regeneration,

we need to give thought to what sort of area we wish it to be and ensure it is master planned comprehensively. It should not be automatically the case that the bulk, massing and height should be replicated from Phase 1 to Phase 2. The design will also set a context for future development of the remaining land.

We note that the application documents refer back to the '*civic buildings bounding the south of the application site*', although it is worth noting that the buildings immediately adjacent to the site have all been vacated and will in due course be demolished. So referencing this building rather than the potential changing aspects of the existing streetscape does not appear to provide a particularly useful link to what will be in this area in the future. For example, will the old Civic Centre site retain a 'large open plaza' as currently seen? Will the use change and so the bulk, density and massing of the buildings reflect this across the wider MU/1 site? How will the change across the wider site cumulatively affect the area and its character?

The applicant states in the Design and Access Statement (para 3.49) that '*the location of the recently constructed new college building increases enclosure across the street, reinforcing the significance of Marlowes and the High Street as important urban streets. This reinforcement should be extended to the second phase*'. We have concerns over the height/enclosure experienced by Phase 1 and whether this is an approach that should be continued into Phase 2. It is certain that the College's Phase 1 development creates a very dominant form which encloses the streets (especially on the junction of the Marlowes and Queensway). Phase 1 provides a very 'hard frontage' (having lost the softer tree planting/vegetation) and it has not been designed to soften its impact. How will Phase 1 + 2 buildings affect the street enclosure? Should Phase 2 necessarily follow the same street line as Phase 1?

We would also direct you to saved Policy 111 (Height of Buildings) as this remains relevant to proposal. In particular, it states that higher buildings will be permitted provided there is no harm:

- to the character of the area, its surrounding or open land,
- views of open land, countryside and skylines and
- appearance and setting of conservation areas and listed buildings.

It goes on to say that the higher buildings must make a positive contribution to the townscape of the area.

Policies CS11 (Quality of Neighbourhood Design), CS12 (Quality of Site design) and CS13 (Quality of the Public Realm) of the Core Strategy are of critical importance in this regard.

The applicant should also give consideration to any amenity issues this raises in terms of hours of operation and noise impacts (Policy CS12c)).

The views of the Design and Conservation team should be sought on the above matters, particularly the relationship between the two phases and their wider cumulative impact.

#### (iv) Easement and Groundwater Source Protection Zone

We recognise that there are 'hard' site constraints which affect this site and inevitably

influence the site's layout. This includes the River Gade Easement (where the Environment Agency requires an 8m buffer zone to be provided from river bank to minimise the impact to biodiversity along the river).

Although the applicant states that the main site constraint is the 50m borehole radius (which affects the south of the site). The site is located within an Environment Agency Groundwater Source Protection Zone 1. This is imposed as ground works in this area can pose a risk to drinking water abstraction undertaken by Affinity Water. The 50m zone (shown on the plan below) is considered to be the most vulnerable zone (where new development could have a negative impact on the groundwater, for example, through contamination or foundation works).

Policy CS31 (Water Management) and CS32 (Air, Soil and Water Quality) of the Core Strategy is relevant in this regard. Both the views of the Environment Agency and Affinity Water should be sought where relevant.

(v) Historic Environment, Biodiversity and Green Infrastructure

Due to the proposal's proximity to the heritage assets (including Hemel Hempstead Old Town Conservation Area and St Mary's Church, The Bury and Carey (not Marlowes) Baptist Church) and the inclusion of a Heritage Statement, the views of the Design and Conservation Team should be sought. Policy CS27 (Quality of the Historic Environment) of the Core Strategy is relevant in this regard.

The applicant acknowledges there are TPO trees along Dacorum Way and that there are anticipated impacts on ecology (through the potential for the site to be used by bats for foraging and commuting) and the loss of trees, the views of the County Councils ecologist and Trees and Woodlands team should be sought. Saved Policies 99 (Preservation of trees, hedgerow and woodlands) and 104 (Nature conservation in River valleys) and Policy CS12d) and e) are relevant in this respect.

For Phase 2, the applicant states that 50% of site is open space (i.e. used for cycle stores, car parking, amenity, communal spaces and landscape). While for Plot B the applicant states that 10% of the site will be provided as public open space with a further 10% of the space making use of possible roof terraces. Appendix 6 of the DBLP provides guidance on adequate levels of open space and play provision for new developments (alongside Appendix 3(ii)). However, we would accept some flexibility over the levels of amenity space given the proximity to Gadebridge Park and The Water Gardens.

Policy CS33 (Hemel Hempstead Town Centre) Point 2(c) states the principles guiding development include: continuation of the riverside walk from the Plough Zone to Gadebridge Park (as part of improving general north-south accessibility and connectivity). This point is also reflected in the Hemel Hempstead Town Centre Masterplan and the Gade Zone Planning Statement. Thus policy seeks to ensure this is delivered as a key movement objective for this immediate location and the wider town centre.

We acknowledge that the applicant puts forward a variety of points to counter this principle within paragraphs 5.19-20 and on hardcopy page 49 of the Design and Access Statement for Plot B. Until now, this principle has not been challenged on the basis of viability or inability to deliver this proposal.

The Infrastructure and Project Delivery Team reiterates the importance of the riverside walk and cycleway as a key piece of infrastructure improving north south accessibility and connectivity. This would need to be delivered as per plans in the Hemel Hempstead Town Centre Masterplan and relevant land/area reserved for it. The riverside walk and cycleway should be identified in the Transport Assessment for the site. Surrounding development would be expected to contribute through S106 contributions towards its delivery including a pedestrian and cycle bridge.

(vi) Highways and on-site car parking

Saved Policy 51 (Development and Transport Impacts) specifically point (d) and Policy 57 (Provision and management of parking) of the DBLP should be complied with. Policy 58 (Private Parking Provision) states that for residential development:

*“parking needs will normally be met on site. Car free residential development may be considered in high accessibility locations. Parking provision may also be omitted or reduced on the basis of the type and location of the development (e.g. special needs/affordable housing, conversion or reuse in close proximity to facilities, services and passenger transport).”*

Policy 62 (Cyclists) of the DBLP encourages *“adequate provision of cycle parking should be made.”*

Phase 2:

The applicant states that it is expected that approximately 20 full time members of staff will be employed in the Phase 2 building. As a result, the following parking provision is proposed:

- 47 staff parking spaces plus 3 disabled spaces.
- 50 cycle parking spaces (provided to the north west of the wider West Herts College campus). This is to meet the needs for both Phases 1+2.

The applicant confirms that *‘students will no longer be able to park on site, except for in mitigating circumstances’*. They go on to say that *‘all other car parking, including motorcycle parking, students and visitors will be in the existing car parks to the west of the river’*.

For further education development Appendix 5 of the DBLP states that:

- Car parking: 1 space per full-time member of staff plus 1 space per 5 full-time students
- Cycle parking: 1 l/t space per 5 students

The Case Officer will need to determine whether the levels of student car parking and cycle parking spaces are adequate to meet the needs of Phases 1 and 2 and taking into account the generally high accessibility of this town centre location. Given its location within Accessibility Zone 2, 25-50% of the demand based parking standards would be acceptable for the non-residential elements of the overall scheme.

Plot B:

The applicant states that *'as the site will be sold as residential development, a new and separate access off Dacorum Way will be proposed'* with plans showing *'an area of landscaped parking, which could accommodate around 100 cars'*. They confirm that *'it is expected that one parking spaces per apartment could be accommodated on the site'*. The applicant states: *'Dacorum BC parking Standards set out that an average of 1.5 spaces per dwelling should be provided, but that this could be reduced by 25-50% for sites of a central location. This equates to between 0.75 and 1.13 spaces per unit'*.

This approach is incorrect because, as explained above, the zonal proportions which car parking provision can be reduced by (listed within table on page 427 of DBLP) does not apply to residential development. However the applicant does go on to say that *'considered in light of the site's highly accessible location and the provision of cycle storage areas and existing links to the town centre'* should be considered.

The proposal is for residential development (located within Accessibility Zone 2), for residential development in zones 1 and 2 Appendix 5 of the DBLP and it states that:

Car parking	
1 bedroom dwellings/bedsits	1 space
2 bedroom dwellings	1 space
3 bedroom dwellings	1.5 spaces
4 or more bedroom dwellings	2 spaces
Cycle parking	
1 l/t space per unit if no garage or shed provided	

Assuming a mix of 1 and 2-bed units, the proposed level of parking would only be marginally below Plan standards (100 planned versus 110 theoretical spaces).

If a more flexible approach to car parking standards is deemed appropriate for this proposal (as the Government has abandoned the concept of maximum parking standards in the NPPF), we believe that matters such as existing parking problems, accessibility to the Town Centre and demand generated by the development should be given consideration.

Views of HCC Highways and Travel Planning team should be sought on the new highway access/design, Transport Statement and the proposed approach to incorporate Phase 2 into the Phase 1 Travel Plan (as the applicant suggests they will seek to utilise the agreed principles applied to the existing college site). Policy 54 (Highway Design) of the DBLP is relevant in this regard.

#### (vii) Conclusion

We do not have any objections to the broad principles of the proposed development and indeed the scheme is much welcomed in terms of (part) delivering Proposal MU/1 and associated requirements. The scheme will continue the process begun with the completion of The Forum of transforming this key brownfield site in the town centre.

However, we consider that the applicants could provide more detailed explanation for the design, massing, height, bulk and density of the proposals to allow the case officer to judge the cumulative impacts of the proposal on the wider area. Specialist comments

should also be sought from the consultees identified in the text above.

BPS Surveyors (consultants reviewing submitted Financial Viability Appraisal)

Due to the sensitivity of information submitted on behalf of the applicant and referred to in BPS' Independent Viability Review, relevant extracts have been included below:

We have been provided with a business case by the College which identifies the all in cost of the proposed second phase College development... The breakdown of this cost total is set out in a Cost Plan prepared by Equals dated January 2018.

The College has also identified a number of funding sources on which it is relying to meet this total. These are again summarised below:

Grant - Hertfordshire Local Enterprise Partnership  
Asset disposals - sale of Plot B (the application site)  
Cash - College reserves  
Loans - the College is unable to borrow funds

It can be seen from the above that the sale of the subject site is identified as a necessary source of funding to meet the overall project costs. Indeed we understand the funding from the LEP is both time limited and conditioned to delivery of the outcomes identified by phase 2 of the College development. This effectively limits the College's ability to scale back its proposals without risking a substantial source of its committed funding.

Given the apparent importance of the sale of Plot B to funding the College development the application seeks to demonstrate that its site value will need to be fully maximised to achieve a site value approximating to that required. To achieve maximum value would require a relation of the application of the Council's affordable housing planning policies.

In effect the College are requesting that the residential consent sought by the College should be considered as enabling development.

The location is mixed in nature, with residential properties to the west of the site, retail / residential properties to the east, Gadebridge Park to the north and office and public-sector buildings to the south. The property sits within the campus of West Herts College. The site is not located in a conservation area nor is it listed. There is a Conservation Area approximately 80m to the north of the site. This conservation area encompasses the High Street and adjacent streets and is characterised by the survival of medieval and post-medieval buildings.

The proposals are for:

Residential (Class C3) development following demolition of Block A building

This application has been submitted in conjuncture with proposals for:

Development of an educational building, with associated landscaping, boundary treatments, parking and access arrangements with widened access to Dacorum Way and infrastructure

The basis of our review is the Financial Viability Appraisal prepared by Montagu Evans,

dated February 2018, which concludes that the scheme currently shows a deficit... and therefore no affordable housing can viably be offered.

We have downloaded documents available on Dacorum Borough Council's planning website. We have also received a live version of the Argus appraisal included in the report.

We have assessed the cost and value inputs within the the financial appraisal in order to determine whether the scheme can viably make any affordable housing contributions.

We have searched the Dacorum Borough Council planning website and have identified recent planning applications relating to the site, these mainly relate to Phase One of the development which has since been completed. A Land Registry search shows that the applicant currently owns the property. No price paid or purchase date is included within the Property Register.

#### Conclusions and recommendations

Although consideration has been given to a number of approaches to establishing site value, the College is reliant on its enabling development argument to maximise site value.

We have not been asked to assess the planning merits of this argument but instead have been requested to undertake our analysis on the assumption the Council will consider this approach when determining this planning application.

It should be noted that no site valuation has been prepared on an EUV plus approach as advocated by Draft PPG but we note the existing buildings are towards the end of the economically useful life and as such we would not anticipate a site value approaching that required by [that] required by the College business plan.

Overall, we are broadly satisfied that the sales values proposed [for the proposed one and two-bedroom units] are reasonable.

We are satisfied that [the assigned ground rent income set out on behalf of the applicant] is a reasonable approach. We are aware of the Government's recent plans that ground rents on new leases should be set to zero. Although legislation has not been put before Parliament or otherwise enacted, we note that if implemented before the completion of the proposed development it would eliminate ground rent income.

The development is proposed to provide 102 surface level parking spaces. No separate value has been included within the appraisal for the parking spaces and we assume that the spaces will be allocated xxxxxxxx

Our Cost Consultant... has reviewed the Cost Plan for the proposed scheme prepared by Equals, dated 25th January 2018, and concludes that the applicant's allowances for preliminaries, overheads and profit (OHP), and contractor's design risk contingency should be adjusted. This results in a reduction in construction costs.

[An additional developer's contingency has been added to the appraisal, however has been excluded from BPS' appraisal as a full developer's profit allowance has been included in the appraisal. A contractor's design risk contingency has been increased in



the construction cost estimate.]

We have been provided with a live version of the Argus appraisal included in Montagu Evans' report to which we have applied our suggested adjustments which include: updating the construction costs, including external works and services infrastructure, in line with the advice of our Cost Consultant and removing the 5% developer's contingency on construction costs. We have adopted Montagu Evans' profit target of 20% on GDV, which reflects a profit of 21.87% on costs. The resulting residual value... is substantially below [that] required by the College.

#### Phase 2 College Development

We are aware from the College's business plan that the proceeds of sale from Plot B are required to help fund the College development. Although the application under consideration in this report is a stand-alone application we are aware that this linkage underpins the College's need for the Plot B residential development to be considered as enabling development. In light of this consideration we also understand that the College recognises there is likely to be linkages to the two developments through any subsequent S106 Agreements.

Conclude that the College's business plan appears to be broadly correct in assuming the project costs for delivery of the phase 2 development.

#### Overall conclusion

Based on our assessment of the proposed development of Plot B and assuming it comes forward as an all private residential scheme it would generate a residual value... reflecting a current costs and value approach to assessing viability as required by PPG. It appears the College is justified in requiring [funding] from the sale of of this based on our assessment of the College development cost plan and business plan. Our assessment reveals that the land value generated by Plot B would result in an overall project deficit... therefore accepting the enabling development argument would indicate that the scheme cannot viably deliver affordable housing.

It should be noted that the scale of deficit identified is likely to be different from site sale proceeds for the following reasons:

- a) The timing of the land sale is in the future
- b) The purchaser may make assumptions that:
  - a. Reflect anticipated future costs and value
  - b. May assume higher levels of development density
  - c. More optimistic appraisal allowances
- c) The site sale will be the product of a competitive bidding process which may affect land price.

Consequent to our conclusions above there is uncertainty surrounding land value realised from this scheme. There is potential for the site sale proceeds of Plot B to exceed the financial needs of the College development. Therefore we recommend that an appropriate late stage review mechanism be included in the relevant S106 Agreements to capture a proportion of any additional value that may exist post completion of the College development above actual expenditure as a payment towards

the off-site provision of affordable housing.

Following discussions with the College we understand that in the event of a project shortfall in funding, consideration will be given to utilise remaining College reserves which for reasons of prudence have not been identified as a current source of funding. We also note that the College is already proposing to contribute... from its current reserves. Therefore there is an assurance available as to project deliverability in the event of a shortfall.

### Dacorum Strategic Housing

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

### Hertfordshire Highways

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

Condition 1:

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 to illustrate the following:

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

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

Condition 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, including all demolition works, piling etc 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: Travel Plan

At least three months prior to first occupation, a Travel Plan shall be submitted in accordance with Hertfordshire's Travel Plan Guidance to be reviewed and approved by the Local Planning Authority.

Reason: To promote sustainable transport measures to the development.

#### Condition 4: Swept Path Assessments

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

a refuse vehicle can safely manoeuvre through the site access roundabout, enter the site, manoeuvre within and depart in forward gear.

a large car can safely enter and depart the proposed car parking spaces.

Emergency vehicles, i.e. fire tender, can safely enter, manoeuvre within and depart the site in a forward gear.

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

#### Condition 5: 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 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 and Cycle 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 and Cycle 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 6: Servicing and Delivery Plan

Prior to commencement of the development, the applicant shall submit a Delivery and Servicing Plan to be submitted to and approved in writing by the Local Planning Authority. The Delivery and Servicing Plan shall contain the delivery and servicing requirements (including refuse collection) for the proposed uses, a scheme for

coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles, and access to / from the site for delivery and servicing vehicles.

Reason: In the interests of maintaining highway efficiency and safety

#### HIGHWAY INFORMATIVES:

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

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

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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

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

S278 Agreement Any works within the highway boundary (including alterations to the footway and the proposed site access) would normally need to be secured and approved via a S278 Agreement with the HCC. However, the access is off Dacorum way which is

not adopted highway so only guidance can be given.

S38 Agreement It is assumed that all roads within the site will remain under private control and management. A S38 agreement will not therefore be required and as the access is off a private road and the HA understands that legally it could not adopt the internal road off a private road.

S106 Agreement HCC will likely seek contributions via S106 for Travel Plan monitoring fees.

#### Community Infrastructure Levy (CIL)

The Community Infrastructure Levy is a planning charge tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. The proposed development may be liable for a charge under the Community Infrastructure Levy (CIL) this would be for Dacorum Borough Council to determine.

#### Description of the Proposal

The application is for full planning permission for the construction of a residential (class C3) development following demolition of existing block a building (outline application with all matters reserved except access)

The proposed development off Dacorum Way will comprise 102 flats (the breakdown and mix of units is not stated on the application form)

#### Site Description

The proposed development site is located in the West Herts College Campus development area. The proposed development site is bound by a mix of residential/shops to the east and the former Civic Centre to the South. To the west is the river and Leighton Buzzard Road, A4146 and Queensway the B487 to the north. Dacorum Way is an unclassified local access road and is not adopted by highway authority and therefore not maintained by HCC.

#### History

The site has been subject to pre application discussions and advice with both the LPA and the Highway Authority (HA) and a scoping note for the development with the HA was agreed in November 2017.

#### Analysis

As part of the application package, the applicant has provided a Transport Assessment (TA) to demonstrate the impact of the proposed development on the local highway network. This has been written by Mayer Brown and is dated the February 2018. A Design and Access Statement (DAS) is required for all planning applications that have an impact on the highway, as outlined in Roads in Hertfordshire: Design Guide (3rd Edition). A DAS has been provided (part of a heritage and planning statement) for the proposed development and is considered appropriate for the purposes of this planning application.

## Policy Review

As part of the submitted TA, the applicant has provided evidence of review of the following policy documents in their application for the proposed development:

- National Planning Policy Framework (2012)
- National Planning Practice Guidance
- Hertfordshire County Council (HCC) Local Transport Plan 3, 2011-2031
- Dacorum Borough Council Local Plan Core Strategy
- Department for Transport, Manual for Streets, 2007
- Roads in Hertfordshire: Highway Design Guide (3rd Edition)

## Trip Generation and Distribution

### Trip Generation

A trip generation profile for the outline planning permission for the site and the proposed development are provided as part of the TA. The trip rates for the residential land uses are as follows for this land based on an interrogation of TRICS which has been analysed by the HA. The trip rates are as follows:

Privately owned flats - AM Peak: 0.063 arrivals and 0.145 departures;  
weekday - PM Peak: 0.174 arrivals and 0.104 departures.

Weekday Weekday 12 hour 1.198 arrivals and 1.252 departures

This equates to a total 23 total 'in and out' during the am peak and 30 total in the pm peak. As these are agreed and are considered acceptable for the purposes of this planning application. The TA considers that the scheme is for 102 dwellings, this is considered acceptable

### Trip Distribution

A trip distribution profile has been provided as part of the TA. This is summarised in table 6.2 and the data is shown in appx G. After reviewing this HA considers it acceptable as the net impact of this residential scheme is unlikely to have a material or detrimental impact on the highway network. Impact on the Highway Junction Assessment Junction capacity assessments have been provided as part of the TA which was also part of the scoping note. This is considered acceptable and the TA concludes that the development it is unlikely to adversely impact on the junctions that were studied.

### Highway Safety

The applicant has provided a review of collision data as part of the TA. A review of the most recent 5 years of collision data available to HCC shows that there are 35 slight collisions within the wider vicinity of the development site. The collision data review established that whilst there were 33 slight and 2 serious PIC 's there were no inherent issues with the highway road layout and it is therefore expected that the proposed development will not likely have an impact on the safety of the local highway network.

### Highway Layout

## Vehicle Access

Access to the proposed development would be via a simple priority junction arrangement off Dacorum way. This would provide a 6 m wide access carriageway with radii kerbing which in turn will be designed to accommodate appropriate vehicles.

## Pedestrian Access

Pedestrian access is as shown on the submitted plan. Access will also be provided to amenity spaces too. The level of pedestrian access is considered acceptable. Pedestrian footways are required to be constructed in line with Hertfordshire County Council's Highway Design Guide.

## Swept Path Analysis

The applicant has not provided swept path assessments for the proposed development. Swept path assessments are required to demonstrate:

- a refuse vehicle can safely manoeuvre through the site access roundabout, enter the site, manoeuvre within and depart in forward gear. (Appx E of the TA shows this but it would need to be checked but not part of a section 278 agreement with the HA)
- a large car can safely enter and depart the proposed car parking spaces.
- Emergency vehicles, i.e. fire tender, can safely enter, manoeuvre within and depart the site in a forward gear.

## Road Safety Audit

A Stage 1 Road Safety Audit (RSA) is unlikely be required for the proposed development.

## Parking

### Car Parking Provisions

The proposed development would provide 102 car parking spaces,(disabled spaces or electric car parking spaces not confirmed on the application form.

DBC's current parking standards set out a maximum parking provision for zone 1: and should accord with the LPA parking standards and the SPG too.

Whilst it is unlikely that residents parking will occur onto the network, residents should be made aware of minimal parking provisions and the parking spaces should be managed appropriately. Therefore, a Car Parking Management Plan (CPMP) is recommended to ensure that the parking at the site is managed such that residents are made aware of the parking situation on site and that the limited parking provisions are monitored and managed proactively.

Additionally, the LPA may consider entering into a legal agreement with the developer whereby residents of the proposed development would not be able to apply for resident's parking permit in the neighbouring control parking zones (CPZ) of both the Queensway

and Marlowes areas.

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

#### Car Parking Layout

The applicant will need to provide details about the location and geometries of any car parking facilities. The car park will need to be designed in accordance with guidance set out in the Roads in Hertfordshire. Swept path assessments will be required for the car parking layout to ensure that the layout is safe and appropriate for a large car.

#### Disabled Car Parking

The applicant has not stated that the proposed development will include dedicated disabled car parking spaces.

#### Electric Car Parking

The applicant has not stated in the TA if electric car parking spaces will be provided.

#### Motorcycle Parking and Cycle Parking Provisions

The applicant has not stated whether the provision of motorcycle parking spaces would be included in the proposed development nor cycle spaces.

DBC cycle parking standards, for both the proposed new standards and the current standards, set out a minimum requirement of 1 long term cycle parking space per unit if no garage or shed is provided.

Therefore, cycle parking provisions have been stated in accordance with the guidance set out WBC; however, it is ultimately the decision of the LPA to determine the suitability of the cycle parking provisions.

#### Accessibility

The site is highly accessible by foot. The roads in the vicinity of the site all benefit from footways on both sides of the carriageway which are generally well maintained. The site is conveniently located at the northern end of the town centre within walking distance of local residential areas, services and facilities. There are two pelican crossings and a zebra crossing located near the site. The first pelican crossing is on the east side of the site across Marlowes, between the West Herts College bus stops, while the second is located at the north-west side of the campus on A4146 Leighton Buzzard Road, adjacent to the campus car park. The zebra crossing is across Queensway, immediately north-east of the Marlowes roundabout.

There are no marked cycle lanes immediately around the site. However, National Cycle Route 57 is near the site to the east. The section between Hemel Hempstead and Welwyn Garden City is mainly traffic-free as it follows a cycle path along the former railway line connecting to Midland Road. There are also local cycling routes through Gadebridge Park which is accessed via Queensway to the north of the development. The routes can also be accessed via the A4146 Leighton Buzzard Road. There are five



Sheffield bicycle stands that can accommodate ten bicycles located on Marlowes adjacent to the junction of Marlowes and Hillfield Road.

Hemel Hempstead railway station is located approximately a ten minute cycle to the south of the site, with 72 cycle spaces located in the car park.

The West Herts College campus is currently less than a 5 minute walk from the bus station, which is serviced by buses to and from Watford, Kings Langley, Rickmansworth, Aylesbury, Tring, Chesham, Amersham and more. There are numerous bus routes that serve the area around the site. The closest bus stops are located on Marlowes adjacent to the site to the east, and on Queensway, adjacent to the site on the north and northeast. However, there are numerous other stops within a 10 minute walk.

Hemel Hempstead railway station is just over a mile from the campus to the south. It is served by London Midlands and Southern Railways services to destinations including Milton Keynes, Northampton, Birmingham and London Euston.

### Travel Plan

A Travel Plan (TP) will be required as part of the reserved measure applications. A number of hard and soft measures will need to be recommended by the applicant in order to positively affect the modal shift towards more sustainable modes of transport and to reduce the reliance on private vehicles, including a car club for the residents of the development. A TP will be conditioned and the following points will need to be incorporated. Contributions will be required via a S106 agreement to cover TP monitoring costs.

- Details of Travel Plan Co-Ordinator to be provided on appointment as mentioned, preferably with secondary contact in case of personnel changes.
- Details of predicted time allocated to each of Co-Ordinators' duties.
- Residential Travel Pack contribution - see Appendix E of the Travel Plan guidance ([www.hertfordshire.gov.uk/travelplans](http://www.hertfordshire.gov.uk/travelplans)) for suggested contribution levels per dwelling.
- Parking - if car club/car share does go ahead, should consider provision of dedicated car share spaces.
- Interim mode shift targets - Targets need to be provided that represent an improvement from current conditions - For a development of this size yearly surveys are appropriate.
- Evaluation and support fee will be needed if this Plan is sought through S106. See Appendix E of our guidance.

### Construction

A Construction Traffic Management Plan (CTMP) will be required to ensure construction vehicles will not have a detrimental impact on 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.

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

Dacorum Borough Council has adopted Community Infrastructure Levy (CIL) and therefore any contributions would be sought via CIL, if the LPA deemed it appropriate.

Additionally, S106 contributions would be required to obtain planning contributions for the CPMP, CTMP and TP monitoring.

## Conclusion

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

## Dacorum Conservation and Design

Brief description of proposal - Outline residential building.

In principle we would not object to the proposed intensification of the use of the land. The site would be acceptable for high density housing and as further redevelopment within the wider site area takes place it would be hoped that this can sit comfortably with other housing development as proposed in the general redevelopment of this area. It would be most important given its prominent location (on the edge of the redevelopment area) that the design, materials and detailing match the high quality aspirational images shown and it is not diluted at a later stage. As the proposal is the first to come forward in potentially a group of taller buildings (notwithstanding the forum) it must be of a high quality as shown in the aspirational drawings. This should set the standard for further development within the area. The site is subject to the Gade redevelopment zone for new housing and as such we would expect further applications for housing to come forward over the next few years. This will reduce the current more open vista. Therefore we are not as concerned about this coming forward at this height had it been proposed in isolation. As noted the site will form part of the gateway into Hemel Hempstead town centre from the north and we would reiterate that the design, detailing and materials will be most important and we would only support an application of high quality.

The proposed development is set at the lowest level within the valley area and behind the modern development of the college. As such we believe that it would have a relatively limited impact upon the setting of the conservation area. It would be visible from the conservation area and could be seen in views to and from the area. However we believe that any harm would be at a low level. With regards to the impacts on the setting of the listed buildings namely the Bury and the spire of St Marys we believe that the proposals would have a limited impact on the setting. In particular from the Bury the views would be mainly blocked by the new college development. In relation to the church the views from the Marlowes northwards towards the spire would be unaltered. However they would be blocked from some views from the bypass northwards however this would be relatively limited. Therefore we would not object to the proposal. The other building impacted would be the grade II listed Baptist church. This is located on the Marlowes and is the early English Gothic style. It makes a positive contribution and the fine west elevation adds to the streetscape. The proposal will be viewed from the church (given that it is in effect opposite) however would not particularly impact upon the streetscape. Given the scale of redevelopment within the area since the construction of a new town the church no longer has a dominant position within the streetscape. The proposal therefore would have a low impact on its setting or the wider significance. This low level of less than substantial harm should be taken into account.

Any harm should be balanced against the benefits of the scheme. As noted above the harm would be less than substantial due to it not impacting on the built fabric or designed views of the heritage assets. The proposed development area does not play a

particularly important vista in relation to the significance of the heritage assets or how they are appreciated in their totality. Therefore we believe that any harm would be at a low level.

Recommendation - There would be a low level of harm caused to the setting and the views into and from the designated heritage assets. This low level of harm should be balanced against the benefits of the scheme.

#### Environment Agency

The proposed development will be acceptable subject to the following planning conditions. We ask to be consulted on the details submitted for approval to your Authority to discharge this condition and on any subsequent amendments/alterations.

Without these conditions we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework (NPPF) because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

#### Condition 1 – Site Investigation and Remediation Strategy

Prior to any part of the permitted development, with the exception of enabling works required to provide full access to the site to allow for further site investigation, a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors; and
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the NPPF and your Local Plan Policy CS31 (Water Management).

The location of the development within an area of historic industrial use, with the noted presence of made ground and an infilled channel of unknown provenance presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site:

- is within Source Protection Zone 1 for the Marlowes potable water supply
- is within 50 metres of a known borehole used for the supply of water for human consumption
- is located upon Principal aquifer within the Hollywell Nodular Chalk Formation and the New Pit Chalk Formation (undifferentiated), overlain by a Secondary Aquifer within the Alluvial deposits.

In addition, the basin river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact of contamination present could result in the deterioration of groundwater quality within the Mid Chilterns Chalk WFD groundwater body or impact the River Gade which is likely to be in hydraulic continuity with groundwater.

#### Condition 2 – Verification report

Prior to any part of the permitted development (with the exception of enabling works required to provide full access to the site to allow for further site investigation) a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

#### Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the NPPF and your Local Plan Policy CS31 (Water Management).

This condition is also to prevent deterioration of a water quality within the Mid Chilterns Chalk WFD groundwater body and other controlled waters receptors.

#### Condition 3 - Maintenance and Monitoring Plan

The development hereby permitted may not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning

Authority.

Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the NPPF and your Local Plan Policy CS31 (Water Management).

This condition is also to prevent deterioration of a water quality within the Mid Chilterns Chalk WFD groundwater body and other controlled waters receptors.

Condition 4 – Unsuspected Contamination

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

Reason

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the NPPF and your Local Plan Policy CS31 (Water Management). No investigation can completely characterise a site. The condition may be appropriate where some parts of the site are less well characterised than others, or in areas where contamination was not expected and therefore not included in the original remediation proposals.

Condition 5 – Use of Infiltration Surface Water Sustainable Drainage Systems (SuDS)

No infiltration of surface water drainage into the ground West Herts College, Hemel Hempstead is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the NPPF. Infiltration of surface water has the potential to mobilise contamination present within the soil. Where the proposal of involves the discharge of anything other than clean roof water via sealed drainage, within sensitive groundwater locations, a risk assessment and suitable level of treatment may be required. In certain circumstances the discharge may be classified as a groundwater activity and require an environmental permit.

The drainage strategy as per the submitted “West Herts College, 12500267 Plot B” Proposed Residential Development Groundwater Protection Preliminary Mitigation Statement (Civil 12500267 GHD-RP-C-2004, Rev 2.0)” is preliminary subject to approval be Affinity water. The finalised version should be submitted for review.

Condition 6 – Use of Piling, Boreholes, tunnel Shafts, Ground Source Heating and Cooling Systems

Piling and other deep foundations or intrusive groundworks using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

#### Reason

To ensure that the proposed use of CFA piles does not harm groundwater resources in line with paragraph 109 of the NPPF. Some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution. A piling risk assessment and appropriate mitigation measures should be submitted with consideration of the EA guidance. During piling works (especially if the piles extend to the Chalk within SPZ1 saturated zone) due to the proximity of nearby potable abstractions the weekly groundwater monitoring for insitu parameters and turbidity should be considered. EA Guidance can be found here: <http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0202bisw-e-e.pdf>

Section 3.2 of the submitted “West Herts College, 12500267 Plot B” Proposed Residential Development Groundwater Protection Preliminary Mitigation Statement (Civil 12500267 GHD-RP-C-2004, Rev 2.0)” states that a foundation works risk assessment will be prepared and submitted for review by the appointed piling contractor. Several monitoring rounds will be required to establish the base line groundwater conditions. This will need to take account of any seasonal changes in groundwater quality.

#### Condition 7 – Borehole Management Scheme

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

#### Reason

To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the NPPF and Position Statement A8 of the Environment Agency’s Groundwater Protection: Principles and Practice.

#### Condition 8 – Sewage Pipe Work Specifications Scheme

The development hereby permitted may not commence until such time as a scheme to agree sewage pipe work specifications (within SPZ1) has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

#### Reason

To ensure that the proposed sewage pipe works are designed and installed in such a way to prevent harm groundwater resources in line with paragraph 109 of the NPPF and your Local Plan Policy CS31 (Water Management).

#### Condition 9 – River Gade Buffer Zone Landscape Management Plan

No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- detail extent and type of new planting (NB planting to be of native species, suitable to a chalk stream character)
- details of maintenance regimes; including any tree management objectives.
- details of any new habitat created on site
- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities

#### Reason

This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site . This condition is in line with paragraph 109 of the NPPF and your Local Plan Policy CS26 (GI) as developing and enhancing a robust riparian edge is also critical when implementing Green Infrastructure improvements.

This will ensure appropriate management is in place for the buffer zone and enable a more naturally robust and self-sustaining ‘river edge’ between the chalk stream and development. To ensure that the landscape within the site is managed in such as way as to protect and enhance the ecological value of the site including the River Gade – a priority river chalk stream habitat, of nationally rare value.

As part of ongoing management plans, trees with a shading influence upon the River Gade should be taken into account and managed to balance character retention yet aim to achieve a guideline optimum ratio of light to shade throughout the corridor (chalk streams are 70:30). Schemes that create dappled light would provide a great sustainable benefit for the ecology of the river.

Furthermore, an appropriate management for the buffer zone will help to connect the site with a sequence of chalk stream restoration projects. Efforts are taking place throughout the Gade catchment, this includes due restoration projects immediately upstream (Gadebridge Park), as well as completed projects downstream (e.g. de-culverting at Marlowes Shopping Center and further at Box Moor Trust). Dacorum are consistently supportive in these ambitions and projects; it would make good ecological sense for the development to seek habitat continuity enhancements.

The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which

stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. The Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Identified pressures such as poor maintenance are stated for the Gade, and rest of the Colne catchment.

Without this condition, there is a risk for ecological impact of the scheme i.e. for inappropriate riparian management to lead to deterioration of a quality element to a lower status class and contribute towards deterioration of a nationally rare priority habitat by not acting to positively counter deterioration of river habitat quality.

#### Condition 10 – Buffer Zone Lighting Scheme

There shall be no light spill from external artificial lighting into the watercourse or adjacent river corridor habitat. To achieve this the specifications, location and direction of external artificial lights should be such that the lighting levels within 8 metres of the top of bank of the watercourse are maintained at background levels. The Environment Agency considers background levels to be a Lux level of 0-2.

#### Reason

To minimise light spill from the new development into the watercourse or adjacent river corridor habitat. Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat, and in particular is inhibitive to bats utilising the river corridor.

#### Advice for Applicant

#### Further Advice in relation to Condition 1

It is unclear if the nature of the fill material present within the infilled channel has been accurately characterised. Results of all groundwater samples show elevated concentrations of mercury above the Level of Detection (LOD), yet the risk posed to controlled waters has been discounted with limited discussion. Sample marked as deviating- would expect some sort of mention/discussion around this particularly as only 4 samples were analysed in total.

Perched groundwater has been identified within the Alluvial Secondary A aquifer, with flow characterised as being towards the River Gade. Based on the risk assessment as submitted, insufficient information has been provided to demonstrate that the risks to controlled waters have been characterised:

The generic assessment criteria used for groundwater risk assessment are based on Drinking Water Standards (DWS) or the limit of detection. The use of DWS is not applicable for surface water. Only one perched groundwater sample has been referred to in the report. This was analysed as part of a 2012 investigation. As the full laboratory certificates have not been submitted from this investigation it is not possible to agree with any conclusion reached based on this data.

One sample is not considered sufficient to characterise the quality of the groundwater with the Secondary A aquifer. Elevated concentrations of numerous contaminants have



been recorded within the made ground. While these have been screened against human health criteria no assessment has been made to the risks posed to the Rive Gade. Based on the information submitted the hydraulic relationship between the different aquifer units is not known. Consideration will need to be given to mitigating risks to controlled waters during the construction phase.

The "Report on Ground Investigation at Plot B, West Herts College, Hemel Hempstead (Applied Geology, dated Nov 2017, Validated Issue 1, ref AG2710-17-AD25)" submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 121 of the NPPF.

The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation."(<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>)"

## River Ecology

There is opportunity to further enhance the river ecology throughout the site by introducing natural in-channel features, that will create flow diversity and enhance biodiversity gain. Re-profiling the bank gradient, would also enhance the chalk stream character by enhancing marginal edges and will bolster the wildlife value and integrity of the corridor habitat. The applicant is advised to seek advice from the Fisheries, Biodiversity and Geomorphology team.

## Flood Risk Activity Permit

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Gade, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

## Groundwater and Contaminated Land

We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the

type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

4. Refer to the contaminated land pages on GOV.UK for more information.

We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by land contamination.

E.g. British Standards when investigating potentially contaminated sites and groundwater, and references with these documents:

- BS5930:2015 Code of practice for site investigations;
- BS 10175:2011+A1:2013 Code of practice for investigation of potentially contaminated sites;
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
- BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality.)
- Use MCERTS accredited methods for testing contaminated soils at the site.

A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report should be prepared by a “Competent person” E.g. a suitably qualified hydrogeologist.

In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.

- Further guidance on the setting of compliance points for DQRAs can be found here (<https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>).
- Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50 metres.

Where leaching tests are used it is strongly recommended that BS ISO 18772:2008 is followed as a logical process to aid the selection and justification of appropriate tests based on a conceptual understanding of soil and contaminant properties, likely and worst-case exposure conditions, leaching mechanisms, and study objectives. During risk assessment one should characterise the leaching behaviour of contaminated soils using an appropriate suite of tests. As a minimum these tests should be:

- upflow percolation column test, run to LS 2 – to derive kappa values;
- pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario; and
- LS 2 batch test – to benchmark results of a simple compliance test against the final step of the column test.

Following the DQRA, a Remediation Options Appraisal to determine the Remediation Strategy in accordance with CRL11.

The verification plan should include proposals for a groundwater-monitoring programme to encompass regular monitoring for a period before, during and after ground works. E.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period.

Where SUDs are proposed; infiltration SUDs should not be located in unsuitable and unstable ground conditions such as land affected by contamination or solution features. Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater. For the immediate drainage catchment areas used for handling and storage of chemicals and fuel, handling and storage of waste and lorry, bus and coach parking or turning areas, infiltration SuDS are not permitted without an environmental permit. Further advice is available in the updated CIRIA SUDs manual [http://www.ciria.org/Resources/Free\\_publications/SuDS\\_manual\\_C753.aspx](http://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx)

### Water Quality

This site lies very close to a water course that falls under the legislation of the WFD. Furthermore, the site is very close to two water company abstractions which are important potable water supplies.

We would also expect that the developer, if not already done so, consults with Thames Water to ensure that they can provide capacity for foul water generated by the site throughout its residential phase.

### Water Framework Directive

The Water Framework Directive (WFD) requires the UK to prevent deterioration of the status of surface water bodies and groundwater bodies and, through the River Basin Management Plan, identifies the actions and measures needed to prevent deterioration and to improve the status of all water bodies to Good Ecological Status.

As a result, planning applications need to recognise that they must not cause deterioration in the classification of a water body and, where possible, contribute towards improvements.

The proposed development is adjacent to a WFD waterbody: Gade (Upper Stretch Great Gaddesden to confluence with Bulbourne/GUc) which currently has a status of 'Bad'. Therefore we would like to see that the planning application recognises this and sets out to engage with feasible measures that can be found in the River Basin Management Plan, to improve the ecological status of this water body.

### Water Resources

We would like to outline that this development lies in an area of 'Serious' water stress; defined as a region where the current or future demand for household water is, or is likely to be, a high proportion of the effective rainfall which is available to meet that demand. The Environment Agency's document 'Water Stressed Areas – final classification 2013 can be viewed using the link or by visiting GOV.UK. Therefore, as a

recommend that development conforms to the optional requirement of 110 litres per person per day found in Section G2, Subsection 36(2b) of the Building Regulations, which can be found here. A water efficiency calculator (also detailed in Appendix A of Approved Document G of the Building Regulations), could be utilised by the developer to inform the design needs of construction.

We endorse the efficient use of water, especially in new developments. Our Water Demand Management Team can provide information and advice on any aspect of water conservation including water saving technologies. New developments could take economic advantage of these technologies and should be considered. Wide spread use of these and other technologies that ensure efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area.

For residential development we recommend this development meets the following standard to promote water efficiency:

- Dwellings should achieve the water credits required to meet Code Level 3 of the Code for Sustainable Homes.

Further advice can be obtained from our website at Environment Agency - Save Water, and from Code for Sustainable Homes.

#### Dewatering – License and Environmental Permit

It is recognised that this construction will probably require the site to be dewatered. Dewatering that occurs during any development process may need to be licensed under the new licensing legislation, in place from 1st January 2018. We recommend reviewing the guidance on licensable activities and exemptions provided here.

The water discharge associated with dewatering, dependent on quality, will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The guidance found here explains the Environment Agency's position on dewatering discharge consents. We would recommend early engagement with the National Permitting Service who manage the regulatory process. You are able to reach them by calling our Customer Contact Centre on 08708 506506.

#### Hertfordshire Lead Local Flood Authority

Following a review of the Drainage Strategy Statement carried out by GHD reference 12500267-GHD-RP-C-2006 Rev P01 dated January 2018 in support of the above application, we can confirm that we the Lead Local Flood Authority (LLFA) have no objection in principle on flood risk grounds and can advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy.

The proposed drainage strategy is based upon attenuation and discharge into the River Gade restricted to a maximum of 5l/s. the site currently discharges unrestricted into Thames surface water sewer located to the west of the site. We acknowledge that infiltration is not being proposed due to the proximity of Affinity Water Boreholes and to

avoid the potential contamination of groundwater.

The proposed new building will include a living roof and the car parking area will be constructed of lined porous paving which will then discharge into an attenuation basin designed to accommodate flows up to the 1 in 100 plus 40% for climate change prior to discharging into the River Gade.

Preliminary surface water drainage calculations have been provided to support the proposed scheme. As the proposed scheme has yet to provide the final detail and in order to secure the principles of the current proposed scheme we recommend the following planning conditions to the LPA should planning permission be granted.

LLFA position

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved the Drainage Strategy Statement carried out by GHD reference 12500267-GHD-RP-C-2006 Rev P01 dated January 2018 and the following mitigation measures:

1. Undertaking appropriate drainage strategy based on attenuation and discharge into River Gade at 5l/s
2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.
3. Implementing drainage strategy including green roof, permeable paving and detention basin as indicated on the Preliminary Drainage layout Plot B reference 12500267-GHD-DR-C-5602 Rev P02.

Condition 2

No development shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Drainage Strategy Statement carried out by GHD reference 12500267-GHD-RP-C-2006 Rev P01.

The scheme shall also include;

1. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The 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.
2. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
3. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

Condition 3

Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by

the Local Planning Authority. The scheme shall include maintenance and operational activities; arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

#### Reason

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

#### Affinity Water

Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

You should be aware that the site is located within the groundwater Source Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply comprising a number of chalk 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".

#### Thames Water

##### Waste Comments

With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

##### 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

Thames Water will require the points of connection to the public sewer system, for both foul and surface water, as well as the anticipated flow (including flow calculation method) into any proposed connection point. This data can then be used to determine the impact of the proposed development on the existing sewer system. In addition please indicate what is the overall reduction in surface water flows. i.e. existing surface water discharges (pre-development) in to the public sewers for storm periods 1 in 10, 30, 100 etc... versus the new proposed volumes to be discharged for the whole development

### Hertfordshire Environmental Records Centre

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

1. There is no existing ecological information which relates to the application site and there is nothing to suggest the site – other than the river corridor – has any significant ecological interest. As a chalk stream and linear habitat its intrinsic interest and corridor role is of high value although its current management leaves the area rather sterile (photo 3.44 of DAS).

2. The river and its adjacent bankside and wider area are clearly ecologically valuable and given its corridor function is part of a District-wide feature of importance. However it is not recognised as a Wildlife Site. The feature is a major feature within the context of the site.

3. The residential development has been set back from the edge of the channel to avoid disturbance but this would be a necessity in any event in respect of the standard flood defence buffer strip (8m river easement) sought for development at riverside locations. Ecology is considered as outlined within the DAS 5.74 – 5.81 and reflects liaison with the EA.

4. This is presented as follows:

Funded by the following Local Planning Authorities:

5.77. A Preliminary Ecological Appraisal comprising a Phase 1 Habitat Survey and Protected Species Assessment was carried out in September 2017.

5.78. The survey finds that there is no impact envisaged upon statutory or non-statutory designated sites as a result of the development, and that and no further surveys are required.

5.79. Notably, building B2 (the existing Carpentry Workshop on site), which is proposed for demolition, is not considered suitable to support roosting bats and as such they were assessed as having negligible potential in line with best practice (Collins, 2016).

5.80. The report clarifies however that the site contains habitats suitable for foraging and commuting bats, breeding birds, reptiles and priority species, and proposes mitigation

measures during construction and ecological enhancements through design in relation to these e.g. bat and bird boxes and sensitive lighting design.

5.81. The applicant and design team met with the Environment Agency during the pre-app discussions to discuss how any impact on the River Gade could be minimised. The design reflects the advice from the Environment Agency in the following ways:

- The illustrative design shows the highest part of the building limited to a 40m stretch along the river;
- This stretch will not be in permanent shade, and will get the afternoon sun. Please see the sun path diagram within the Design chapter of this statement;
- The north and the south of the river are open and the daylight is unobstructed;
- Trees and tall plants along the river bank would be kept to a minimum to minimise overshadowing;
- Only soft landscaping is proposed within the 8m easement zone;
- No new bridges are proposed over the River Gade

I have no reason to consider that the above does not represent a fair reflection of the site. However whilst the stated approach sets out to minimise the impacts on the river, there is no mention of habitat enhancements or extensions as outlined in the DAS below:

5.74. The NPPF (Chapter 11) identifies that the planning system should minimise impacts on biodiversity and provide net gains where possible through the conservation, enhancement and incorporation of biodiversity into development schemes.

5.75. Policy CS26 states that 'development and management action' should contribute towards 'the conservation and restoration of habitats and species,' and that the Green Infrastructure Network will be 'protected, extended and enhanced.'

5.76. Policies 102 and 103 of the Saved Local Plan reinforce the need to protect important habitats and species.

5. On the basis of the above, I have no reason to consider that there are any significant ecological constraints to the proposals. However, given the importance of the river corridor, I would wish to see habitat improvement proposals made as part of the landscaping and ecological management plans which will be required as part of the reserved matters associated with any permission. If these are not provided to the satisfaction of the LPA, the proposals as outlined within the DAS and Ecology Report will not have met the NPPF and local policy statements.

6. In this context it is stated (DAS 9.3) that open space will be more than 50% of the site as shown on the masterplan. This must refer to the whole development area, not this application site. Although the diagram in 9.1 reflects this, most of the undeveloped area will be car parking and although landscaped will not contribute to any undeveloped open space at all.

7. A minor point in the ecology report (4.28) – a gap for a hedgehog would need to be at least 13x13 cm and not 13cm<sup>2</sup> as this would be only barely sufficient for a small rat. The other recommendations are reasonable but generally fail to sufficiently recognise that the main emphasis should be on creating associated riverside enhancements as this is the key habitat resource within the site and should be enhanced where possible to



improve its ecology.

8. The river is thoroughly urbanised to the south through the water gardens despite the enhancements of this area and so opportunities to soften the nature of the corridor through this site and manage human disturbance where possible should be proposed. In this regard I support the proposal to remove the riverside walk from this site as this would only increase disturbance.

9. Furthermore, the Communal Area shown on Plot B Landscape Plan should NOT be of a hardstanding nature immediately against the river as this would actually degrade the river environment from its current character. Any landscaping which presented such an approach I would consider unacceptable.

### Hertfordshire Archaeology

We were previously consulted on an EIA Screening Opinion for the above scheme (4/03050/17/SCE) and commented that archaeological matters could be scoped out of the EIA (18 December 2017). We added that mitigation of the impact of the development on below ground heritage assets could be taken care of post consent, by planning condition.

The applicant has submitted an archaeological desk-based assessment and the results of an archaeological evaluation with their application. While these documents relate to old schemes/former planning applications, they have provided new information relating to the archaeological implications of the current scheme. A borehole/geological survey has also been submitted.

The results of the archaeological evaluation and the borehole survey indicate that substantial modern made ground deposits of between 0.5m and 3.5m are present across the site. The evaluation did not reveal any archaeological deposits pre-dating the 19th century, although it did uncover the remains of several 19th century buildings that are documented on the 1st edition Ordnance Survey map.

There is therefore low potential for surviving remains of archaeological interest on site.

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

### Dacorum Contaminated Land and Air Quality

Having given adequate consideration to the submitted Ground Investigation Report with reference AG2710 – 17 – AD25 prepared by Applied Geology and dated November 2017, Design and Access Statement and all other relevant documentations with drawings, please be advise that we have no objection to the proposed development in relation to air quality and land contamination.

However, the applicant is advise of the following planning conditions and informative should planning permission be granted.

1a). Contaminated Land Condition

Having consider the applicant submission in section 8.5 (Ground Gas), 8.6 (Discussion of Risks & Remedial Actions) and 8.7 (Disposal of Soil Arisings) of the submitted Ground Investigation Report with reference AG2710 – 17 – AD25 prepared by Applied Geology and dated November 2017:

No development, shall take place until, A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems, have been submitted to and approved in writing by the local planning authority.

For the purposes of this condition:

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

1b). All remediation or protection measures identified in the Remediation Statement referred to in Condition 1a; in addition to those mentioned in the referenced sections 8.5 (Ground Gas), 8.6 (Discussion of Risks & Remedial Actions) and 8.7 (Disposal of Soil Arisings) of the report in relation to Soil & Asbestos Removal, Ground Gas considering the proposed end user and any imported soil shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2012).

## 2). Air Quality Assessment condition

With the proposed development within a close proximity of an area designated as an AQMA by the local authority, its size and number of car parking spaces, An air quality report assessing the impacts of the proposed redevelopment is to be provided to the Local Planning Authority, having regard to the Environment Act 1995, Air Quality Regulations and subsequent guidance. The report should indicate areas where there are, or likely to be, breaches of an air quality objective. If there are predicted exceedances in exposure to levels above the Air Quality Objectives then a proposal for possible mitigation measures should be included.

The source of energy among others for the proposed development must also be consider in the air quality assessment report to be submitted.

Reason: To ensure the amenities of the neighbouring premises are protected from increased air quality arising from the development; in accordance with Policies CS8 and CS32 of the Core Strategy (2013).

### 3). Asbestos Management Plan Condition

Prior to the commencement of the development hereby permitted an Asbestos Management Plan shall be submitted to and approved in writing by the local planning authority. The recommendations within the report shall be followed.

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

### 4). Construction Management Plan Condition

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan should consider all phases of the development.

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

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

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Core Strategy (2013) Policy CS8.

### 5). Un-expected Contaminated Land Informative

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended because, the safe development and secure occupancy of the site lies with the developer.

N.B. With the size of this development and its location, a s106 agreement should be apply.

### Dacorum Environmental and Community Protection (Noise, Pollution and Housing)

I refer to the above listed application relating to the West Herts College phase two external lighting and environment noise survey.

I have reviewed both reports and comments are as follows:

External lighting report – the report identifies that the indicated lighting will not pose any potential for statutory nuisance as the predicted output would be of a low LUX received at the neighbouring properties both residential and commercial. The directional lighting and design is of a type that will only illuminate very specific locations within the boundaries of the lot and as such this department has no objections to this design and development.

Should this prove to be incorrect on implementation then this department would take enforcement action and instruct to review, replace or redirect the lighting to effectively control the light spill or impact on others.

Environmental Noise survey – the report identifies that the predicted sound output would be approximately 39 dB A weighted (fast) from plant equipment.

The measured background noise levels were 43 dB A weighted during the hours of 23:00 – 07:00, 50 dB A 19:00 – 23:00 and 56 dB A 07:00 – 19:00.

Therefore the predicted level of noise received at the nearest noise sensitive premises would not be impacted by the installation and use of the plant equipment at any period during operation at any period of the day/night.

Should the equipment be identified as tonal then there would be a 5 dB A penalty added to the predicted levels and as such the 23:00 – 07:00 measured hours would exceed the assigned level of 43 dB A although it would not be considered significant in impact although it would be expected that mitigation be undertaken where it becomes a statutory nuisance.

Based on this report, this department has no objections in regards to this application and development.

#### Hertfordshire Fire and Rescue

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

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

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

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

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is

determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request.

#### Justification

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

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

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

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

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

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

(ii) Directly related to the development;

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

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

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

I would be grateful if you would keep me informed about the progress of this application

so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.

#### Canal and River Trust

The Canal & River Trust is a statutory consultee under the Town and Country Planning (Development Management Procedure) (England) Order 2015. The current notified area applicable to consultations with us, in our capacity as a Statutory Consultee was issued to Local Planning Authorities in 2011 under the organisation's former name, British Waterways. The 2011 issue introduced a notified area for household and minor scale development and a notified area for EIA and major scale development.

This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

We are happy to comment on particular applications that fall outside the notified areas if you would like the Canal & River Trust's comments in specific cases, but this would be outside the statutory consultation regime and must be made clear to us in any notification letter you send. The document Development Management and British Waterways, issued to all LPAs with the changes to the notified areas in 2011, highlights some areas where specific cases may occur. This and further information on Planning and the Canal & River Trust can be found at: [www.canalrivertrust.org.uk](http://www.canalrivertrust.org.uk)

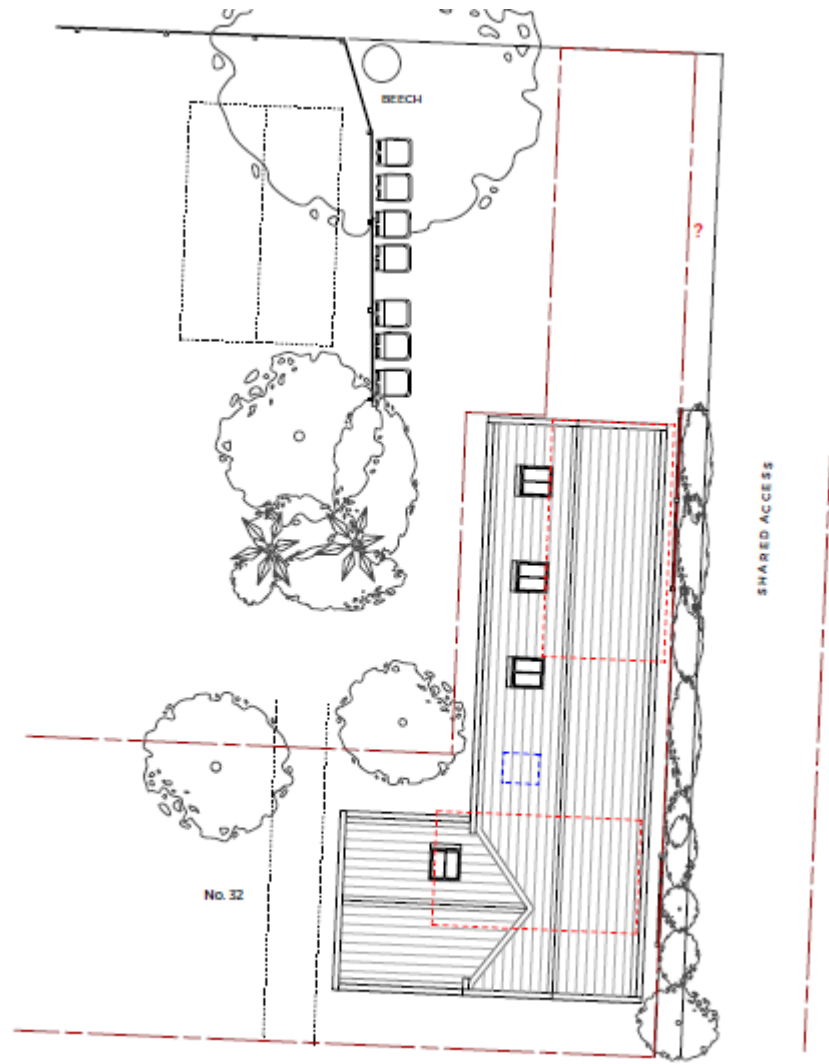
#### Hertfordshire Property Services

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

#### Responses received in relation to site and press notices

No formal representations received.





**SITE PLAN**



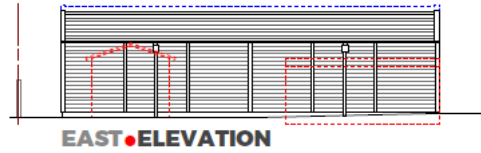
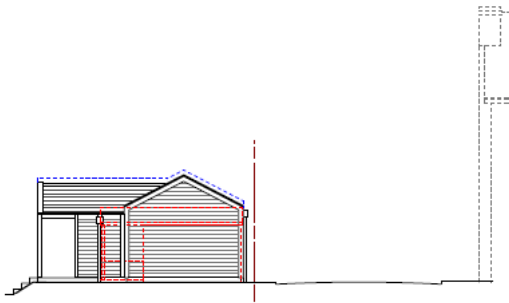
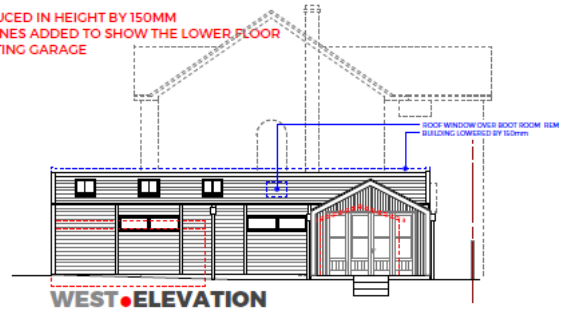
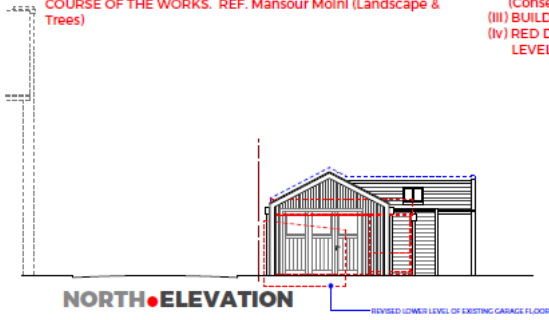
**NOTES:**

ALL GROUND WORK TO COMPLY WITH BS 5837 2012. "TREES IN RELATION TO DESIGN DEMOLITION & CONSTRUCTION": CONSISTING OF SCREW PILING WITH SUSPENDED RC SLAB & PROTECTION OF EX-MATURE BEECH TREE DURING THE COURSE OF THE WORKS. REF. Mansour Moini (Landscape & Trees)

**REVISIONS:**

REVISION A: 12-12-2017

- (I) NOTE ADDED RE: BS 5837 2012 .
- (II) ROOF WINDOW REMOVED FROM OVER THE BOOT ROOM ON THE WEST ELEVATION. REF Helen Cal-Fernandez (Conservation)
- (III) BUILDING REDUCED IN HEIGHT BY 150MM
- (IV) RED DOTTED LINES ADDED TO SHOW THE LOWER FLOOR LEVEL OF EXISTING GARAGE



<b>4/02084/17/FHA</b>	<b>Replace Existing Garage and Summer House with Outbuilding to Provide Non-Habitable Annex with Garage and Non Commercial Art Studio</b>
<b>Site Address</b>	<b>32 Stocks Road, Aldbury, Tring, HP23 5RU</b>
<b>Applicant</b>	<b>Mr &amp; Mrs E Baumard</b>
<b>Case Officer</b>	<b>Nigel Gibbs</b>
<b>Referral to Committee</b>	<b>Due to the contrary view of Aldbury Parish Council and Councillor Stan Mills</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**.

## **2. Summary**

2.1 The proposal will replace an existing summerhouse and garage providing a non-habitable outbuilding to serve no. 32. There are no objections in principle to this domestic ancillary outbuilding. The design would be compatible with the Conservation Area and the Chilterns Area of Outstanding Natural Beauty. There would be no harm to the residential amenity of the locality arising from its domestic non-residential use, with due weight to the relationship with the existing communal garden layout and the position of the adjoining dwellings. There are no other planning objections.

2.2 The development would accord with Policies CS7, CS12, CS24 and CS27 of Dacorum Core Strategy.

## **3. Site Description**

3.1 No. 32 forms part of a terrace of 2 two storey 200 year old cottages (nos. 22 to 36 even) located parallel with but substantially set back from Stocks Road. The dwellings feature elongated front gardens with frontage hedging. Nos 32, 34 and 36 feature a large communal type rear garden. These units are served by a roadway/ combined with a public footpath/ bridleway linking Stocks Road with a rear parking and bin storage area. No. 32 is served by a garage and parking space. The roadway also serves other more modern dwellings in the immediate area.

## **4. Proposal**

4.1 This is for a single storey slate gable roof timber clad truncated 'L' shaped outbuilding to replace the existing garage and summerhouse located on part of their respective footprints. It would provide a garage and non-commercial art studio, with an associated toilet and boot room. The building would measure about 13.2m in length and 3.6m depth for the main part, with 'L' shape end / 'tail' about 5.6m. Its ridge level would be 3.3m with the roof featuring three conservation type rooflights.

4.2 There are two flank wall windows serving the garage and boot room respectively facing into the communal garden.

4.3 There is no proposed residential use, with building available for other domestic purposes. The Applicant has proposed a Unilateral Undertaking which would ensure

that in perpetuity that the building is not used for residential purposes and converted into a separate self-contained residential unit.

The Original Scheme has been superseded by the Revised Scheme, involving several design changes :

- All ground work will comply with BS 5837 2012. Trees in Relation to Design, Demolition & Construction. This will comprise of screw piling with suspended reinforced concrete slab & will include the protection procedures required to preserve and protect the adjacent mature beech tree during the course of the works.
- Removal of the roof window over boot room on the west elevation, following the request by Conservation & Design.
- Reduction in the building in height by 150mm by reducing the level of the slab. As there was no tree roots whatsoever found in the excavated layer suggesting the beech tree's root system lays below the excavation depth. Under these circumstances it is feasible to lower the suspended reinforced concrete slab by 150mm with a resultant lower floor level.

## **5. Relevant Planning History**

None.

## **6. Policies**

### 6.1 National Policy Guidance

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

### 6.2 Adopted Core Strategy

NP1, CS1, CS7, CS8, CS9, CS10, CS11, CS12, CS24, CS25, CS26, CS27, CS29 and CS32

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

Various

Appendices 3, 5, and 8

### 6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)
- Water Conservation & Sustainable Drainage (June 2005)
- Energy Efficiency & Conservation (June 2006)
- Landscape Character Assessment (May 2004)
- Chilterns Buildings Design Guide (Feb 2013)
- Planning Obligations (April 2011)

## 6.5 Advice Notes and Appraisals

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

## 7. **Constraints**

- Rural Area
- Small Village
- Conservation Area
- Chilterns Area of Outstanding Natural Beauty
- Area of Archaeological Importance
- Former Land Use
- Air Limits, including the Halton Black Zone

## 8. **Representations**

### Consultation responses

8.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B.

## 9. **Considerations**

### Main issues

9.1 The main issues to consider are:

- Policy and principle.
- Compatibility with the historic environment and landscape.
- Impact upon the residential amenity of the immediate locality.
- Access implications.

### Policy and Principle

9.2 Under Dacorum Core Strategy Policy CS7 (Rural Area) small scale development will be permitted for the replacement of existing buildings for the same use. This is provided that:

(i) It has no significant impact on the character and appearance of the countryside;  
and

(ii) It supports the rural economy and maintenance of the wider countryside.

Although larger than the existing buildings the proposal is to replace the garage and summerhouse. As explained below the proposal will accord with criterion (i) and

criterion (11) is not considered to be directly relevant. Therefore the proposal is acceptable in principle.

9.3 For absolute clarification what is before the LPA is a garage and gym/ studio and not a separate dwelling or residential accommodation.

#### Effect upon Residential Amenity

9.4 This is with reference to the expectations of Dacorum Core Strategy Policies CS12 and CS32, Appendix 3 of the Dacorum Local Plan and the NPPF regarding residential amenity.

9.5 Domestic outbuildings have been ubiquitously associated with residential gardens, as longstanding recognised through 'standard Class E development' under the General Permitted Development Order and its predecessors. This is clearly reflected by the existing garage and summerhouse. These can include garages and hobby rooms.

9.6 In this respect in terms of assessing residential amenity the principle of an outbuilding within a garden should be straightforward.

9.7 What is however fundamentally materially different in this case to the usual domestic garden situation is the presence of a communal garden, shared by nos 32, 34 and 36, without the 'standard' subdivision into distinct separate areas with boundaries defined by fences, walls and hedges an array of outbuildings. On this basis there is not the level of privacy available that is normally apparent.

9.8 The building's main window faces towards the communal garden, but is closest to no. 32, reinforcing the position of the existing summerhouse. With regard to the other openings a condition is recommended requiring the two flank wall windows facing into the other part of the communal garden to be high level and fitted with obscure glass.

9.9 Given these circumstances and the building's ancillary non-residential/non-commercial use there would not be a case to refuse the application based upon the detrimental effect upon the residential amenity of nos. 34 or 36. This takes into account the issue of noise/ disturbance that the development is for domestic/ non-commercial garage.

9.10 There would not be a case to substantiate harm to the residential amenity of other dwellings in the terrace or the more modern nearby dwellings.

#### Impact on Street Scene / Conservation Area / AONB

9.11 There has been extensive specialist input by the Conservation Team.

9.12 It is fully acknowledged that the building is larger than the existing. However it is a high quality design with the use of materials to appropriate and compatible with its heritage/ AONB environment. The proposal will accord with Policies CS24 and CS27.

#### Impact on Trees and Landscaping

9.13 Notwithstanding the initial response by the Trees & Woodlands Officer , the scheme has been modified as explained by the Agent:

'Further to discussions with...Landscape & Trees, all ground work will comply with BS 5837 2012 Trees in Relation to Design, Demolition & Construction. This will comprise of screw piling with suspended reinforced concrete slab & will include the protection procedures required to preserve and protect the adjacent mature beech tree during the course of the works'.

#### Impact on Highway Safety

9.14 Hertfordshire County Council Highways has raised no objections. This would have taken into account the existing access road to the site and that the building is not to be used for residential purposes. Any use for residential purposes would otherwise require the separate consideration by Hertfordshire Fire & Rescue Service, given the use, the suitability of the roadway (width, method of construction) and the availability of fire hydrants.

#### Other Material Planning Considerations

9.15 There are no apparent ecological, crime prevention/ security, drainage, contamination, archaeological or exterior lighting objections, subject to, where necessary the imposition of conditions. This overview takes into account the site conditions and responses from the technical consultees set against the relevant policies.

#### Response to Neighbour comments

9.16 These points have been addressed above.

#### CIL

9.17 A contribution is not required.

#### S106 and Planning Obligations

9.18 A unilateral undertaking would ensure that the outbuilding is only used for the proposed domestic purposes incidental to the enjoyment of the existing dwelling house and not used for ancillary residential purposes or a separate residential unit at any time in the future. This takes into account that even with the potential future relaxation of planning controls - as evidenced in recent years through the NPPF and changes to the General Permitted Development Order (eg: to enable the 'automatic re use of buildings to alternative uses such as residential), the UU would prevent this.

### **10. Conclusions**

10.1 At the outset the Applicant's Agent sought the Council's pre application advice. A range of technical consultations were carried out. The outcome was that there was no fundamental objection in principle to an outbuilding with particular importance given to the Conservation & Design Team's advice. The Agent/ Applicant also advised that there had been liaison with the neighbours.

10.2 The consideration of the application is set against the Parish Council's objections to the Initial Scheme which is reinforced by the response to the Revised Scheme.

There is now a wide range of neighbour objections to the Revised Scheme- unlike the 'neighbour free response to the Initial Scheme and Councillor Stan Mills' representation.

10.3 It is concluded that this domestic outbuilding can be successfully accommodated within this sensitive environment. This is on the basis of the imposition of necessary conditions and through a Unilateral Undertaking that the building is not used for residential purposes in perpetuity.

## **RECOMMENDATIONS**

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

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

- The building shall only be used for a non- commercial / domestic hobby room / study/ art studio and domestic garage incidental to the enjoyment of the existing dwellinghouse.
- The building shall at no time be used for any residential purposes.
- No planning application shall be submitted to convert / adapt the building to a self-contained residential unit.

And subject to 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 building hereby permitted shall be constructed with a natural slate roof, with all walls and doors of dark stained timber , all the roof lights shall be of 'conservation type' with the gutters and rainwater downpipes comprising of zinc or black painted aluminium.**

Reason: In the interests of the character and appearance of the Rural Area, Conservation Area and Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS11, CS12 , CS24 CS25 and CS27 of Dacorum Core Strategy.

- 3 **Notwithstanding the details shown by the submitted drawings the two flank wall windows serving the garage and boot room shall be high level and fitted with obscure glass at all times. Before the commencement of the development hereby permitted details of these alternative windows shall be submitted to and approved in writing by the local planning**

**authority and before first use of any part of the building the approved windows shall be installed fully in accordance with these approved details and thereafter retained at all times. The garage shall not be used for any commercial repair purposes or a hobby workshop.**

Reason: In the interests of the residential amenity of nos. 34 and 36 Stocks Road in accordance with Policy CS12 of Dacorum Core Strategy.

- 4 The garage hereby permitted shall not be used for any commercial repair purposes or a hobby workshop.**

Reason: In the interests of the residential amenity of nos. 34 and 36 Stocks Road in accordance with Policy CS12 of Dacorum Core Strategy.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) there shall be no external changes to the building hereby permitted.**

Reason To enable the local planning authority to retain control over the development in the interests of safeguarding the residential amenity of the locality and the appearance of the building in the locality in accordance with Policies CS11, CS12 , CS24 CS25 and CS27 of Dacorum Core Strategy.

- 6 Any exterior lighting serving the development hereby permitted be shall installed and thereafter retained and maintained fully in accordance with details submitted to and approved in writing by the local planning authority.**

Reason: To safeguard the local environment in accordance with accord with the requirements of Policies CS12, CS24, CS25, CS27, CS29 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

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

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



- **Any demolition/development shall take place in accordance with the Written Scheme of Investigation approved under Condition 7.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence and to accord with Policy CS27 of Dacorum Core Strategy.

**8 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 10 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

Reason: To ensure that reasonable facilities are made available to record archaeological evidence and to accord with Policy CS27 of Dacorum Core Strategy.

- 9 **Subject to the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plans:**

**EX97-01 REV A  
EX97-02 REV A  
PL97-01 REV A  
PL97-02 REV A  
PL97-03 REV A  
PL97-04 REV A  
PL97-05 REV A  
L97-01  
PH97-0**

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

NOTE 1: Article 35 Statement

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

**Informatives**

Bats

UK and European Legislation makes it illegal to:

Deliberately kill, injure or capture bats;  
Recklessly disturb bats;  
Damage, destroy or obstruct access to bat roosts (whether or not bats are present).

*Contacts:*

English Nature                      01206 796666  
UK Bat Helpline                      0845 1300 228 ([www.bats.org.uk](http://www.bats.org.uk))  
Herts & Middlesex Bat Group      01992 581442

Detailed advice can be provided by Hertfordshire Ecology ,Environmental Resource Planning,Hertfordshire County Council (Postal Point EMG CHN109),County Hall, Pegs Lane, Hertford, SG13 8DN  
[ecology@hertfordshire.gov.uk](mailto:ecology@hertfordshire.gov.uk)

Contamination

A watching brief should be kept during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed. This takes into account the original approach to contamination in the consideration of residential development at the site .

## **Appendix A**

### **Consultation responses**

#### Aldbury Parish Council

- Original Scheme

Aldbury Parish Council discussed this application at their recent Council meeting. They would like to OBJECT to the application.

Concerns were expressed about the height and additional footprint of the proposed building. It was also noted that the description of the work (non-habitable annex with garage and non-commercial art studio), doesn't accurately reflect the nature of the plans which show a gym and a washroom and suggest that the building will be 'habitable'. The Council have asked me to mention that the neighbours of the property don't appear to have been consulted.

In summary, the Council OBJECT to the application on the grounds of its size, inappropriateness in a conservation area and because the application isn't a true

reflection of what is being proposed.

- Revised Scheme

Aldbury Parish Council discussed this application at their meeting on Monday. The want to Object to the application for the same reasons as previously namely - Concerns were expressed by both Councillors and the neighbours about the height and additional footprint of the proposed building. It was also noted that the description of the work didn't accurately reflect the exact nature of the plans which included a washroom and gym. The Council agreed to OBJECT to the application on the grounds of its size, inappropriateness in a conservation area and because the application isn't a true reflection of what is being proposed.

The Council don't feel that the amended plans have really addressed these concerns. Pease also could you check which neighbours have been consulted – a neighbour from 36 Stocks Road said she hadn't been formerly consulted and yet the proposed structure would be right at the end of her garden.

#### Councillor Stan Mills

- Original Scheme

No response.

- Revised Scheme

1.As Ward Councillor if you are minded to grant the above Planning Application I request it comes to Committee to enable local residents to have the importunately of stating their views.

I understand that the Parish Council will recommending refusal.

2.Another Comparable Site: 4/02411/03/FUL and 4/01919/16/FUL. Officers commitment in 2004 that no future development should be permitted on this site, was over ruled on the grounds that the original ruling had no place in the current scheme of things and that the Officer had no right to make a statement such as this in the first place. This refusal to stand by the commitment is wholly wrong. Therefore, if the approach to this application confirms that it not be used or developed into a dwelling in the future than I am afraid it will not be taken seriously as it could suffer the same fate as the in 2004.

#### Conservation & Design

- Original Scheme

It is noted that there was a pre-application scheme relevant to the current application for a new garage / gym building to the rear of 32 Stocks Rd. 32 Stocks Road is part of a terrace, the terrace is considered to make a positive contribution to the character of the conservation area and is of 'local architectural interest'. The frontage of the site (possible former orchard) is considered to be of significance.

Conservation and Design were supportive of the principle of replacing the existing

garage / summerhouse with a new structure of a comparable scale to that now proposed. In terms of design the proposed new building is similar to that shown at the pre-application stage.

It is questioned whether a roof light is required as well as a window for the boot room – could the roof light be omitted.

The proposed materials include slate for the roof, horizontal stained weatherboard for the walls, zinc guttering all seem acceptable.

Note: Pre Application Advice

The site is located within the village of Aldbury. This is a quintessential village with green, pond, wide selection of vernacular buildings dating from the middle ages to the present day. The building appears to date to the Napoleonic period is part of a terrace of brick buildings which are 2 storey with a slate roof and chimney stacks. There are two single storey outbuildings to the side of the main body which are single storey. This terrace has been identified in the conservation area appraisal as a building of local interest. The large area to the front is an important part of the character of the conservation area and this is noted within the appraisal. It would appear in the 19<sup>th</sup> century to have had some use as an orchard.

The application falls into two parts the proposals to the rear and those to the street frontage. To the rear the character of the conservation area has been impacted through modern housing development. There is also a substantial timber garage structure to the neighbouring property. Therefore given the surrounding context we believe that the demolition of the existing garage and construction of the proposed garage/ gym would have a relatively low impact on the character of the conservation area. Therefore if the design details, low height, materials and perhaps planting are in keeping with the character of the conservation area then C & D would not object to the proposals. It would be recommended that the boarding be horizontal weatherboarding either painted or stained to better reflect the vernacular traditions of the area and that the finish to the roof be of a natural slate. Any rooflights should be flush and not stand proud of the roof structure. Rainwater goods should be pressed aluminium or similar. It would be recommended that all PD rights are removed from this structure and that it be tied to the main dwelling.

The second aspect is the proposed garage / caravan to the front garden. C & D would strongly object to any proposal for further buildings in this important open space. This is an important feature within the character of the conservation area highlighted within the conservation area appraisal document. The proposed development would cause harm to the significance of the conservation area. C & D would rate this harm at high on the less than substantial scale of harm. Therefore this would need to be weighed against the balancing exercise outlined in the framework with regards to public benefits. C & D cannot envisage public benefit in particular as it would appear possible to develop to the rear for garaging. It would therefore be recommended that this aspect of the scheme be avoided and not submitted for consent.

Recommendation . Subject to the use of appropriate materials and detailing the proposed garage/ gym to the rear would be acceptable. The proposals to the front would be most detrimental to the character of the conservation area and could not be

supported.

- Revised Scheme

It has been noted that there has been a change to the design by the omission of the rooflight.

#### Trees & Woodlands

- Original Scheme

The only tree that would be affected by the proposed development is a mature beech tree on the edge of the site close to the lane. This tree has considerable amenity value and should be protected from the impact of the development. It has a stem diameter of about 1 metre and has a Root protection Area (RPA) of 12m. The proposed Annex would be 8 m away from the base of this tree, an encroachment on the RPA of 4m. It is recommended that the proposed building is moved back by 4m to avoid encroachment on the RPA. It is also recommended that the RPA is protected during construction by protective fencing in accordance with the British Standard 5837: 2012 Trees in relation to design, demolition and construction Recommendations.

- Revised Scheme

No response.

Note : Pre Application Advice was:

There are trees and shrubs close to the site in question. While not of anything more than immediate local interest they are part of the pleasant garden scene in this part of Aldbury. None are shown to be removed and construction should be straight forward through the parking area without need to have any impact on the adjacent garden areas.

#### Scientific Officer

The site is located within the vicinity of potentially contaminative land uses. There exists the slight possibility that these activities may have affected the application site with potentially contaminated material. Therefore it is recommended that the developer be advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

#### Hertfordshire Ecology

Due to the nature and scale of the proposals, no ecological surveys are considered necessary in this instance. However, it is recommended that a precautionary approach be taken to vegetation clearance and the removal of the existing buildings and I advise that the following **Directives** be added to any permission granted:

- The removal or severe pruning of trees, shrubs and climbing woody plants should be*

*avoided during the bird breeding season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of clearance and if active nests are found, the location should be cordoned off (minimum 5m buffer) until the end of the nesting season or until the birds have left the nest.*

□ *If bats or evidence for them is discovered during the course of any works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.*

## Hertfordshire County Council : Highways

### 1.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.

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

### 2.Informatives

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

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

### 3.Comments

The proposal is to Replace Existing Garage And Summer House With Outbuilding To Provide Non-Habitable Annex With Garage And Non Commercial Art Studio.

- Parking

No parking information was included with this application

- Access

No new or altered vehicular or pedestrian access is proposed and no works are required in the highway. The site is accessed from a public bridleway leading from Stocks Lane which is which is an unnumbered "C" classified road.

The applicant should be advised that it is an offence 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, as detailed in the informative note above

- Conclusion

The proposals are considered acceptable to the Highways Authority subject to the conditions and informative notes above

#### Hertfordshire County Council : Historic Environment

The proposed development site is in Area of Archaeological Significance No.29, as identified in the Local Plan. This denotes the medieval settlement of Aldbury and also includes evidence of later prehistoric occupation and burial.

The proposed new garage and gym studio are less than 100 metres from the site of a Late Iron Age cemetery. At least six burial groups with grave goods were excavated in 1943, by the pupils of Aldbury School [Historic Environment Record No 4242].

However, the proposed garage and studio, though of larger size, will partly occupy the footprints of the existing garage and summerhouse, which would reduce the potential impact of the scheme upon any archaeological remains present.

Therefore that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and it is recommended that the following provisions be made, should planning permission be granted :

- the archaeological monitoring of groundworks related to the development, including all ground reduction, foundation trenches, service trenches, landscaping, and any other ground disturbance. This should include a contingency for preservation or further archaeological investigation of any remains encountered;
- analysis of the results of the archaeological work with provisions for subsequent production of a report(s) and/or publication(s) of these results & an archive;
- such other provisions necessary to protect the archaeological interests of the site.

These recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. It is further believed that these recommendations closely follow the policies included within Policy 12 (para. 141, etc.) of the National Planning Policy Framework. and the guidance contained in the Historic Environment Planning Practice Guide.

In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants.

Air Authorities  
NATS

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

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

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

#### The Ministry of Defence

No objections.

## **Appendix B**

### **Neighbour notification/site notice responses**

- Original Scheme

None received.

- Revised Scheme

#### Daughter and joint Power of Attorney for the owner of 34 Stocks Road, Aldbury

The writer's brother is joint Power of Attorney and lives at 34 Stocks Road.

The writer's brother does not have concerns about the above plan, as he will not be remaining in the area.

However, the writer does:

- 1) The proposed plan will overlook, and be intrusive to, number 34, which is not currently overlooked.
- 2) The proposed plans are very large.
- 3) The proposed plans are out of character with the location.

#### Odd Spring

- First Response



On October 2nd 2017 OS objected on line to the original scheme but never received confirmation it had arrived.

Why did OS not receive any notification of these plans? OS access road is single width and the four houses, including that serving OS , above this development are very involved with traffic issues and environmental problems, living on a steep hill.

- Second Response

Reference to the previous objection.

### Foxwood

Objection.

The building proposed is far too big for the site and intended usage. The current temporary structures on site are a small garden shed and iron garage. Foxwood was approached by the owners of 32 Stocks Road about their proposed garden building and were told that it would be of a similar footprint and height – instead the footprint of the building has increased and instead of a summerhouse of approximately 2m high, the intended replacement is approximately 3.5m high. This is out of character with the surrounding buildings and excessively sized for the intended usage of non-habitable accommodation.

A revised application has been submitted, but there are no changes to the original plans other than a 15cm reduction in height and the removal of a roof window. There is nothing to suggest this revised building would sit better in the conservation area. The building should be in keeping with the existing buildings in the environs.

The visual impact of the building on both the approach to Foxwood and the house itself would be significant, and would detract from the enjoyment of our home and the open aspect it enjoys.

As well as the impact on the home, it significantly affects the outlook of neighbouring properties, and the overall village character – it is over urbanisation of the immediate locality. The proposed building would also overlook (due to the slope of the terrain) the upper floors of properties adjacent to 32 Stocks Road depriving them of privacy.

The construction of any building on this site that relies on the supply of mains water and drainage will cause significant disruption during the build as there is no utility owned water supply up the adjacent bridle path, the stop-cock for our properties being at the boundary of Stocks Road; this problem has not been addressed. This would prevent vehicle access to all the properties up the bridle path.

### Inglewood House

The application has been brought to Inglewood House's attention by a concerned neighbour.

Utterly opposed to the application.

The main reason why the writers moved to the locality was the charm of the bridlepath,

the open space around, historic Barrack Row with the long gardens all, being part of the ambience.

If people are allowed to fill existing gardens with outbuildings and studios how long will it be before " non habitable 'construction is change to 'habitable'?"

The owners of no.32 do not reside at no. 32 all the time and are proposing unnecessary buildings to block views of full time residents.

If there had been a request for the construction of a replacement garage on the same footprint as the existing there would not have been an objection. However, this is far bigger and an eyesore , limiting views of the countryside and open space.

### Hope Cottage: Initial Response

Hope Cottage is behind Barrack Row, where number 32 Stocks Road is situated.

The Proposed Plan shows that the outbuilding will have a significant impact on HC.

The concerns are:

- When initially contacted by the owner of 32 Stocks Road (many months ago) the impression was that the replacement of the existing garage/shed would be like for like in terms of its footprint. The existing plans are absolutely huge and would totally alter the existing feel of the (privately owned) driveway serving Foxwood and Hope Cottage, including the level of light received.

- HC has not been contacted about the plans as they stand at the moment. It is understood HC is not the only one of the neighbours who has not been contacted about the plans. The orange site notice that is now understood is pinned up in Stocks Road is well out of the way of Hope Cottage. Given how significantly this building would affect Hope Cottage it is questioned that the Council ought to have informed Hope Cottage.

- The "Proposed Plan" document shows very clearly that this structure Hope Cottage:  
Additional Response

The "Supporting Information" document listed on Dacorum's planning application site is totally illegible.

Some relevant measurements: from an assessment of the scale plans submitted, the height of the proposed building at it's tallest point will be 3.3 metres. The height of the top of the ground floor windows from the ground is 2.8 metres - this building will (and is even shown to do so in the plans submitted) completely block out both the light and the view from the ground floor windows on the west facing side of HC. It is worth pointing out that the existing summer house and shed are set well into the ground and below the level of the shared private driveway that provides access for Hope Cottage and

Foxwood; any building of the scale submitted will presumably need foundations laying beneath it and so it will not be built at the same elevation as the existing out buildings but start at a higher level.

### 36 Stocks Road /36 Barrack Row

Overlooking of no. 36. Given the elevation at the end of no. 36's garden, some '80 feet', to the rear of no. 36, the building will overlook the house but in line with the resident's daughter's bedroom. This is unacceptable; it will be intrusive to their privacy and therefore harmful to the value of the property.

The nature of the development is inappropriate. This is in form and in function to the site itself or to adjacent buildings. There would be no objection to the replacement if the garage, but there is no merit in building additional storage or a gym for a house in the same row as c 200 year old buildings as no. 36 already has substantial external storage. Moreover, the dimensions, positioning and design of this substantial structure so close to Barrack Row, which is widely recognised as one of Aldbury's most characterful group of buildings, are wholly inappropriate.

The scale and position of the building is disproportionate. The proposed building is significantly larger; much wider (from no. 36's perspective it will occupy the width of two gardens in the row of houses) as well as much greater height than the disused garage that it will replace. It is feared that the intention here is for the proposed building to eventually become a dwelling and the planning authorities should be mindful of such risk in this case.

The proposal for the replacement of the summerhouse is also inaccurate as the summerhouse is not a permanent building and would not have required planning permission.

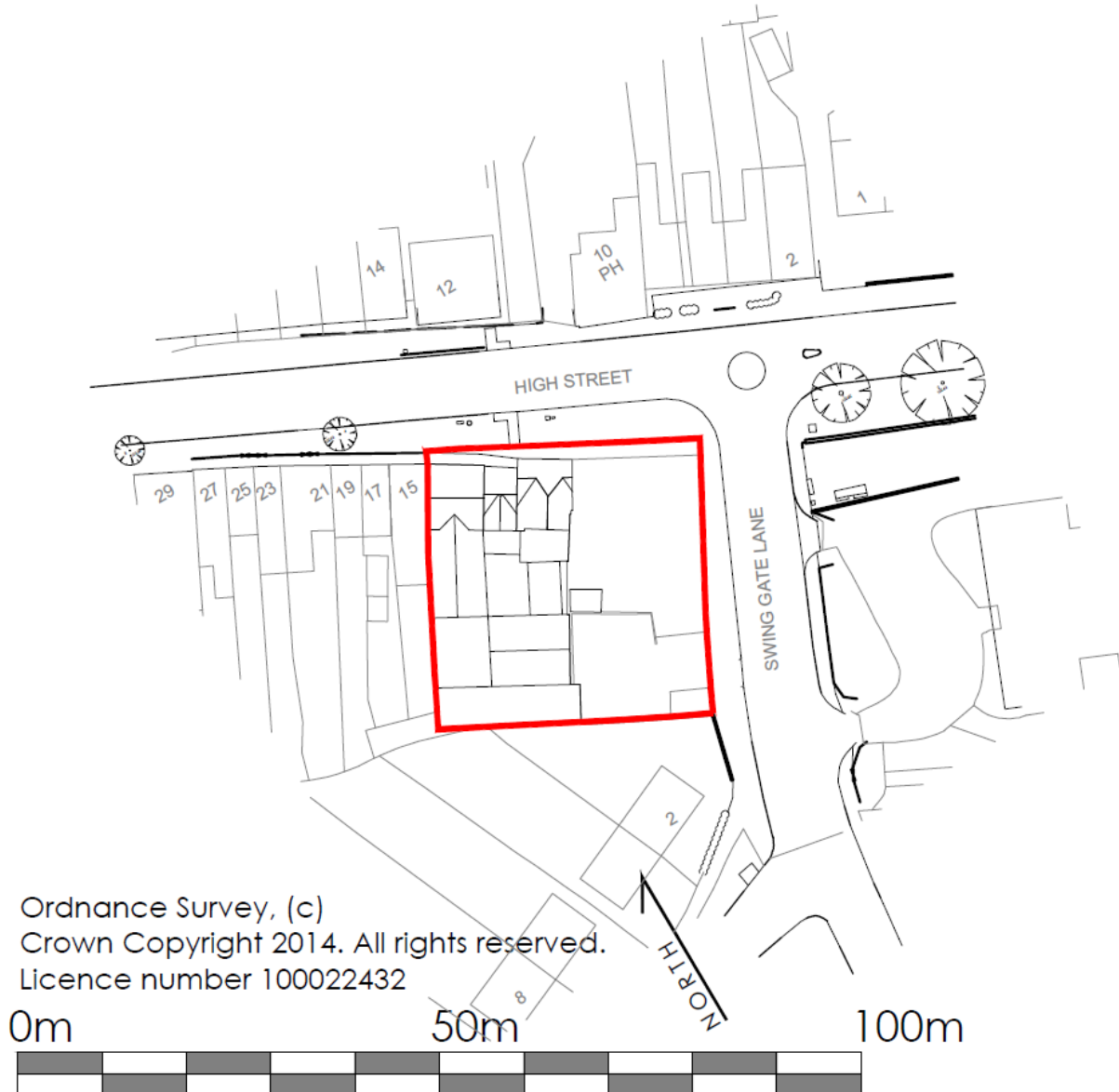
The footprint of no. 36 is 43.4 sqm. This is the same as no. 32 where the applicants currently reside. The proposed new structure has a footprint of some 53.2 sqm. It is not understood why such a large structure, which is purported to be an annex, relative to the size of the dwellings nearby, could be judged appropriate in this case.

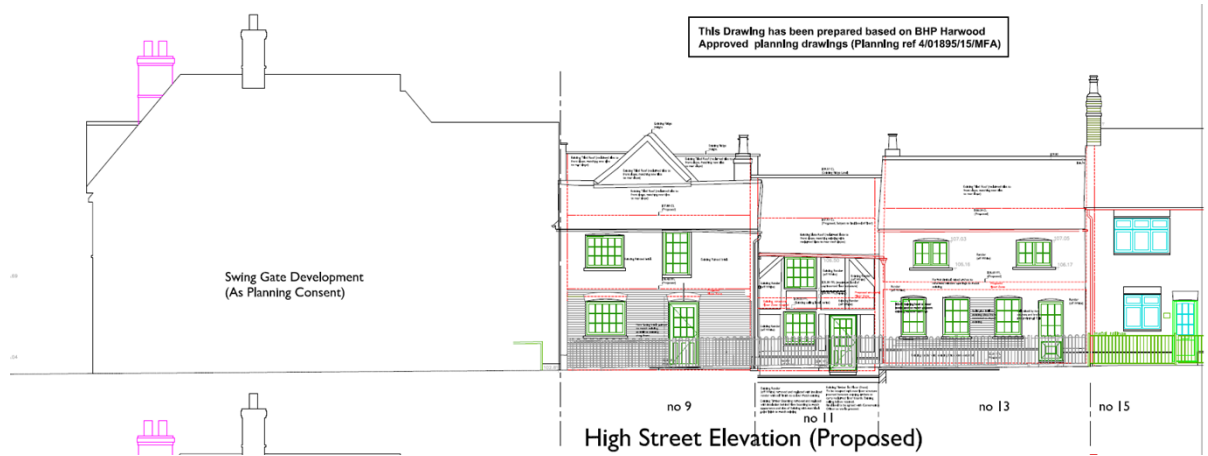


5d

**4/03325/17/MFA DEMOLITION OF FORMER GARAGE BUILDINGS AND REDEVELOPMENT TO PROVIDE 12 NEW DWELLINGS THROUGH A COMBINATION OF CONVERSION AND NEW BUILD.**

**9-11 & 13, HIGH STREET, BERKHAMSTED, HP4 2BX**





<b>4/03325/17/MFA</b>	<b>DEMOLITION OF FORMER GARAGE BUILDINGS AND REDEVELOPMENT TO PROVIDE 12 NEW DWELLINGS THROUGH A COMBINATION OF CONVERSION AND NEW BUILD.</b>
<b>Site Address</b>	<b>9-11 &amp; 13, HIGH STREET, BERKHAMSTED, HP4 2BX</b>
<b>Applicant</b>	<b>Housing and Regeneration, Dacorum Borough Council, The Forum</b>
<b>Case Officer</b>	<b>Sally Robbins</b>
<b>Referral to Committee</b>	<b>The application is a Dacorum Borough Council scheme</b>

## **1. Recommendation**

1.1 That planning permission be **DELEGATED to the Group Manager, Development Management and Planning with a view to approval**

## **2. Summary**

2.1 The site is located within a designated residential area of Berkhamsted wherein the principle of development is acceptable in accordance with Policies CS4 and CS17 of the Core Strategy (2013). This is a revised application to that approved in 2015 for 11 units, which has now been implemented. The amended scheme comprises mainly internal changes to the existing buildings facing the High Street. In the approved scheme these units were to be converted into two residential units. It is now proposed that they are converted into three residential units. No changes are proposed to the new build or car parking elements of the scheme.

2.2 There would not be an adverse impact to neighbouring properties as a result of the proposals and satisfactory parking is provided on site. The access to the development would not compromise highway safety and the site would be enhanced by additional planting and landscaping. The design and form of the development would have a positive impact on the character of the area and would enhance the character and setting of the Conservation Area.

## **3. Site Description**

3.1 The application site is located on the corner of Swing Gate Lane and High Street Berkhamsted. The site formerly comprised a used car sales business with various outbuildings, which have since been demolished. The site also comprises three locally listed buildings numbered 9, 11 and 13 High Street, which were previously used as a tool hire shop and offices. The site is square in shape and is bounded to the northwest and southwest by residential development, including 15 High Street to the northwest and 2-4 Curtis Way to the southwest. The application site is situated opposite to Swing Gate Lane School and is within Berkhamsted Conservation Area and an Area of Archaeological Significance.

## **4. Proposal**

4.1 The application seeks full planning permission for the demolition of the former garage buildings and redevelopment to provide 12 new dwellings through a combination of conversion and new build. The application is an amended scheme of planning

permission ref. 4/01895/15/MFA. The amendments are all associated with the conversion of 9, 11 and 13 High Street and comprise mainly internal reconfiguration in order to provide an additional dwelling. No changes are proposed for the new build element of the previously approved scheme and no changes are proposed to the car parking area or amenity spaces. It was planned to convert 9, 11 and 13 High Street to two units but the Council consider an improved layout would achieve three units.

4.2 The number of affordable units remains the same (11) and the additional unit would be sold on the open market.

## **5. Relevant Planning History**

5.1 An application for 11 units was granted planning permission in June 2015 (ref. 4/01895/15/MFA). Prior to this an application for 12 units was refused at Development Management Committee in March 2015 as it was considered by members that the scheme was of a scale and height not in keeping with the surrounding built form. The subsequently approved scheme was reduced in scale and it was considered to adequately address the issues raised.

5.2 The Council acquired the site and the approved scheme is currently being implemented with the construction of 9 new build dwellings. However, no work has yet been undertaken to the retained buildings at 9, 11 and 13 High Street.

5.3 A Non-Material Amendment (ref. 4/03062/17/NMA) to the approved scheme involved the reconstruction of the boundary wall between the application site and 15 High Street. The approved wall is to remain the same height, however will be constructed of conservation style facing brickwork and coping. Also amended was the rear amenity space to 9, 11 and 13 High Street, which is now to be finished in block paving rather than soft landscaping.

5.4 A further Non-Material Amendment (4/03323/17/NMA) to the approved scheme involved changes to the frontages of the retained High Street units, including replacing the shop front windows with facing brickwork on 9 High Street and replacing the large window on 13 with two smaller ones with rendered infill.

## **6. Policies**

### 6.1 National Policy Guidance

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

### 6.2 Adopted Core Strategy

CS1, CS2, CS3, CS4, CS8, CS9, CS10, CS11, CS12, CS13, CS17, CS18, CS19, CS23, CS27, CS28, CS29, CS30, CS31, CS32 and CS35

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

Policies 58, 111 and 120  
Appendices 3, 5 and 7



## 6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)
- Water Conservation & Sustainable Drainage (June 2005)
- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Planning Obligations (April 2011)
- Affordable Housing (Jan 2013)

## 6.5 Advice Notes and Appraisals

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

## **7. Constraints**

- Former Land Use
- Locally Listed Buildings (9, 11 & 13 High Street)
- AREA OF ARCHAEOLOGICAL IMPORTANCE
- CONSERVATION AREA

## **8. Representations**

### Consultation responses

8.1 These are reproduced in full at Appendix A

### Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B

## **9. Considerations**

### Main issues

9.1 The main issues to consider are:

- Policy and Principle
- Layout and Design
- Impact on Street Scene/Conservation Area
- Impact on Neighbours
- Affordable Housing Provision
- Impact on Highway Safety and Parking Provision
- Ecology
- Archaeology

### Policy and Principle

9.2 The proposal for residential development which comprises the refurbishment of numbers 9, 11 and 13 High Street is welcomed and supported in principle. Policy CS17 of the Core Strategy seeks to meet the housing need with new housing development. The site was previously used as a car sales/repairs/wash for some time and was

considered to be a poor neighbour for the residential properties surrounding it and a negative feature of the Conservation Area.

9.3 The proposal therefore conforms with the strategic policies relevant to the site. The proposals are considered to be in accordance with NP1 and CS1 of the Core Strategy as well as the NPPF and NPPG.

#### Layout and Design

9.4 The proposal seeks amendments to the three conversion units fronting the High Street. The previously approved scheme comprised 1 x three-bedroom unit and 1 x two-bedroom unit, which were arranged in a flying freehold layout. The current scheme seeks to reinstate the original built form of three dwellings, comprising 2 x three-bedroom houses and 1 x two-bedroom house. Further negotiations between the applicant and the Conservation and Design Team have resulted in slight amendments to the frontages of 9, 11 and 13 High Street, along with the retention of the first floor level to number 11.

9.5 The amendments are mainly internal and it is considered that the proposed layout would be an improvement to the approved scheme. The applicant has indicated that the proposed dwelling sizes meet the Council's social housing needs and, as far as can be achieved within the confines of the existing fabric, the dwellings would meet the Government's Technical Housing Standards.

#### Impact on Street Scene/Conservation Area

9.6 Core Strategy Policies CS11 and CS12 state that development within settlements should respect the typical density in the area and integrate with the streetscape character. Policy CS27 seeks to protect, conserve and if appropriate enhance the integrity, setting and distinctiveness of designated and undesignated heritage assets. The redevelopment of the site is welcomed and supported and is considered to enhance Berkhamsted Conservation Area providing a good quality development that is the gateway into Berkhamsted. The locally listed buildings on the High Street are proposed to be retained and converted as part of this application. No objection is raised to the works proposed to enable these buildings to convert to residential use.

9.7 The existing buildings on the site (with exception to numbers 9, 11 and 13) were identified as making a negative contribution to the character of the Conservation Area, marking a poor quality environment at the entrance of the town. These buildings have been removed in accordance with the approved scheme (ref. 4/01895/15/MFA) and it is considered that the sympathetic design and scale of the new build element of the proposal, as well as the conversion units, will make a positive contribution to this prominent site and the wider street scene and Conservation Area.

9.8 Details of materials and landscaping with regards to the new build element have been approved under application ref. 4/01359/17/DRC. The Conservation Officer has requested a condition for the submission of details pertaining to the frontage of 9, 11 and 13 High Street.

9.9 It is considered that the redevelopment of the site will positively enhance the character and appearance of the street scene and Berkhamsted Conservation Area, in accordance with Policies CS12 and CS27 of the Core Strategy.

## Impact on Neighbours

9.10 2 Curtis Way shares the southwest boundary with the application site. The previously approved scheme adequately addressed concerns raised by residents that the proposal was overbearing and would result in loss of privacy. The scheme was reduced in height and one window was removed from the flank elevation.

9.11 In terms of 4 Curtis Way, the proposals are not considered to result in any significant harm to this property in terms of privacy, loss of light or overbearing impact.

9.12 Number 15 High Street shares the boundary wall along the northwest margin of the application site and adjoins 13 High Street, which is to be converted to a residential unit. In accordance with the submitted plans, the existing boundary wall is to be retained. An objection has been received from number 15, commenting that they are currently in discussion with surveyors regarding proposed changes to the party wall. The neighbours have stated that they would object to any reduction in wall height. The plans submitted with this application state 'existing boundary wall to be retained' (plan ref. 2724.P.312 Rev G). A Non-Material Amendment relating to the boundary wall (ref. 4/03062/17/NMA) showed that the wall is to be reconstructed with facing brick and coping stone with no change in height (approved plan ref. A16-093-DT25 Rev A). The negotiations are being dealt through separate legislation (Party Wall Agreement) and any further changes will likely require planning consent.

9.13 It is considered that the proposed development will not have a significant impact on the residential amenity of surrounding units in terms of overlooking, loss of light or overbearing. The proposal complies with Policy CS12 of the Core Strategy.

## Affordable Housing Provision

9.14 The scheme proposes 12 new dwellings, 11 of which are to be affordable homes. The high level of affordable units are as a result of the displaced affordable housing requirement for the former police station and library site on the corner of High Street and Kings Road in Berkhamsted (8) together with the 3 units requirement for the site itself.

9.15 Due to the proposed internal reconfiguration, the amended scheme comprises an additional dwelling, which is to be sold on the open market. It is preferable for the site to be 100% affordable but the applicant has provided sufficient justification for the mix:

Originally approval was given for 11 units of social housing to be built on this site which comprises 9 new build flats and the conversion of three existing buildings into two houses. However the two houses would have had a 'flying freehold' in one section which could cause many problems with noise in addition to the properties being very large 4-bedroom properties. The demand within the borough is primarily for smaller units of accommodation and so after further consideration and the employment of a specialist architectural firm, new plans were drawn creating three 3-bedroom houses. The three buildings were added to at various points and although they appear to be terraced, they are actually three separate buildings. With the new plans create three separate houses with no flying freehold. The middle unit, 11 High Street, is locally listed – this is due to the Tudor-style beams on the front elevation which are deemed to be about 250 years old and will be conserved. This unit has small rooms and low ceilings and will need to be furnished in a bespoke (potentially expensive) way to make

the most of its shape and limited size. On the ground floor again the ceiling is low, there are more exposed beams and there is a large fireplace in the living room. The floor is low upstairs and as a result the window in the double bedroom is extremely low and for safety reasons it will require a bespoke window to be made which will need to have bars for safety as well as it having to operate as a means of escape. Whereas due to its location and its quiriness, the property could be very desirable to a private buyer and could attract a high market price, It is considered that this high price could be better spent building more social housing. So from a social housing point of view, whilst this house has a lot of character it will not suit many people and therefore could be quite hard to let. In addition, due to the above, the maintenance costs are likely to be high are will require specialist companies which will be costly for DBC.

It is considered that the provision of 11 affordable units and one market is acceptable as there is no loss off afforable units from the approved scheme and the income from the sale of the market unit could be better utilised to provide additional affordable housing elsewhere.

#### Impact on Highway Safety and Parking Provision

9.16 Policy CS12 of the Core Strategy seeks to ensure developments have sufficient parking provision. In accordance with the NPPF, 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.

9.17 A total of 15 car parking spaces are proposed, which provides one for each unit and three additional visitor spaces. It is considered that the application site is in an accessible town centre location, which is close to local amenities, within 15 minutes' walk of Berkhamsted train station and within 200m of bus stops on both sides of London Road. The parking requirement set out in Saved Appendix 5 is 16 car parking spaces. However, for the reasons outlined above it is not considered that the scheme would have a significant impact upon local parking provision. As such, it is considered that the parking provision is acceptable and in accordance with Core Strategy Policy CS12.

9.18 The County Council as Highway Authority have raised no objection to the proposal subject to conditions. The Highway Authority are satisfied that the car movements associated with the development would not result in an adverse impact on the existing road network and is unlikely to have an adverse impact on the safety or operation of the junction.

9.19 The existing uses contained within the site amount to greater numbers of heavy traffic movements than proposed and as such no objection is raised. It is considered that the access arrangements are acceptable subject to visibility splays being maintained which will be secured by condition.

9.20 Provision is made for cycle storage within the scheme which is supported and accords with Appendix 5 of the Local Plan.

#### Ecology

9.21 The County Ecologist has requested that, as the proposal will involve the demolition of former garage buildings, a Preliminary Roost Assessment (PRA) for bats

is carried out prior to determination of this application. It is however noted that the garage buildings have already been demolished in accordance with the previously approved scheme (ref. 04/01895/15/MFA). Bat surveys were not requested for the previous application and it is therefore considered that it would not be feasible to carry them out now. It is therefore not considered to be necessary or reasonable to impose a condition in this regard.

### Archaeology

9.22 The site is located within an Area of Archaeological Significance and occupies a prominent position at the eastern edge of the medieval core of Berkhamsted. As such, the County Archaeologist recommended archaeological conditions for the previously approved scheme including a Written Scheme of Investigation, which has been discharged under application ref. 4/00948/17/DRC. Due to the current proposals affecting the internal layout of the three locally listed buildings, the County Archaeologist has requested that further archaeological conditions be imposed in order to record all interventions to the fabric of the buildings subject to renovation and conversion.

9.23 Therefore, it is considered both reasonable and necessary that a condition is imposed requiring the investigation and recording if required of any archaeological findings in accordance with policy CS27 of the adopted Core Strategy.

### Impact on Trees and Landscaping

9.24 There are no significant trees on the site. Landscaping details have been approved under application ref. 4/00948/17/DRC. A condition will be imposed that the development shall accord with the approved landscape plan.

### Refuse

9.25 The plans show provision for a communal bin storage facility adjacent to the cycle store and car parking provision. The bin store is located within 25m from the highway and as such it is considered to be acceptable in terms of capacity, siting and design.

### CIL

9.26 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. 11 units will be exempt from CIL as they are affordable housing. One market housing unit will be CIL liable.

### S106 and Planning Obligations

9.27 A signed legal agreement is required to secure the affordable housing.

## **10. Conclusions**

10.1 The impacts of the proposal have been taken into consideration, along with representations received from consultees and the neighbouring property. The proposal is considered acceptable in terms of design, impact on street scene/Conservation Area

and neighbours. The amendments in relation to the previously approved scheme in order to provide one additional unit are considered to be acceptable. 11 of the 12 units are to be retained as affordable units by way of social rented housing.

## **11. RECOMMENDATIONS**

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

And subject to following conditions:

<b>No</b>	<b>Condition</b>
1	<p><b>The development hereby permitted shall be constructed in accordance with the materials approved under application references 4/01359/17/DRC, 4/03062/17/NMA and 4/03323/17/NMA or such other materials as may be agreed in writing by the local planning authority.</b></p> <p><u>Reason:</u> To safeguard the character and appearance of the Locally Listed Buildings, in the interests of the visual amenities of the Conservation Area and to ensure a satisfactory appearance to the development, in accordance with Core Strategy (2013) Policies CS12 and CS27.</p>
2	<p><b>Within 30 days of the commencement of development to number 9 High Street details of the insulation, render and finish and timber framing and finish shall be submitted to and approved in writing by the Local Planning Authority, and the work shall then be carried out in accordance with the details so approved.</b></p> <p><u>Reason:</u> To safeguard the character and appearance of the Locally Listed Building, in the interests of the visual amenities of the Conservation Area and to ensure a satisfactory appearance to the development, in accordance with Core Strategy (2013) Policies CS12 and CS27.</p>
3	<p><b>All hard and soft landscape works shall be carried out in accordance with the details approved under application references 4/01359/17/DRC, 4/03062/17/NMA and 4/03323/17/NMA or such other materials as may be agreed in writing by the local planning authority.</b></p> <p><b>The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.</b></p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Core Strategy (2013) Policies CS12 and CS27.</p>
4	<p><b>The approved scheme shall continue accord with the Construction Management Plan entitled <i>Construction Management &amp; Logistics Plan, Project: 015065, Rev A Issued 22/06/17</i>, approved under application reference 4/00948/17/DRC.</b></p>

	<p><u>Reason:</u> In the interests of maintaining highway efficiency and safety and pedestrian safety in accordance with policy CS8 of the adopted Core Strategy and 'saved' policy 61 of the Local Plan.</p>
5	<p><b>Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.0m x 2.0m shall be provided to each side of the vehicle accesses where they meet the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.</b></p> <p><u>Reason:</u> In the interests of highway safety and in accordance with Core Strategy (2013) Policy CS8 and Policy 58 of the Local Plan (2004).</p>
6	<p><b>(a) Implementation of Approved Remediation Scheme</b></p> <p><b>The development hereby approved shall continue to accord with the remediation scheme approved under application reference 4/00948/17/DRC.</b></p> <p><b>Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.</b></p> <p><b>(b) Reporting of Unexpected Contamination</b></p> <p><b>In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 6(a) of planning permission reference 4/01895/15/MFA, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 6(b) of permission reference 4/01895/15/MFA, which is subject to the approval in writing of the Local Planning Authority.</b></p> <p><b>Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (a) above.</b></p> <p><u>Reason:</u> To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy (2013) Policy CS32.</p> <p><u>INFORMATIVE:</u></p>

	Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website <a href="http://www.dacorum.gov.uk">www.dacorum.gov.uk</a>
7	<p><b>No development shall take place to the existing buildings known as 9, 11 and 13 High Street until an updated Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The addendum to the Written Scheme of Investigation shall include the methodology of archaeological recording of all interventions to the fabric of 9, 11 and 13 High Street in areas where renovation and conversion works might reveal additional information relating to the development of the buildings, and for the purpose of recording any original historic features that may be exposed. This will include any structural interventions, soft stripping and the removal of floors. The scheme shall include an assessment of significance and research questions; and:</b></p> <ol style="list-style-type: none"> <li><b>1. The programme and methodology of site investigation and recording</b></li> <li><b>2. The programme for post investigation assessment</b></li> <li><b>3. Provision to be made for analysis of the site investigation and recording</b></li> <li><b>4. Provision to be made for publication and dissemination of the analysis and records of the site investigation</b></li> <li><b>5. Provision to be made for archive deposition of the analysis and records of the site investigation</b></li> <li><b>6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.</b></li> </ol> <p><u>Reason:</u> In order to ensure investigation and preservation of archaeological findings in accordance with Core Strategy (2013) Policy CS27.</p>
8	<p><b>a) Development shall take place in accordance with the Written Scheme of Investigation approved under Condition 7.</b></p> <p><b>b) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</b></p> <p><u>Reason:</u> In order to ensure investigation and preservation of archaeological findings in accordance with Core Strategy (2013) Policy CS27.</p>
9	<p><b>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out to 9, 11 and 13 High Street, Berkhamsted</b></p> <p><b>Schedule 2, Part 1, Classes A and E.</b></p>



	<p><u>Reason:</u> To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with policy CS12 of the adopted Core Strategy.</p>
10	<p><b>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</b></p> <p><b>EL (P) 01 rev H</b>  <b>EL (P) 02 rev B</b>  <b>Pr 04 rev C</b>  <b>Pr 05 rev B</b>  <b>2724.P.310 Rev C</b>  <b>2724.P.311 Rev G</b>  <b>2724.P.312 Rev G</b>  <b>2724.P.313 Rev E</b>  <b>2724.P.314 Rev F</b>  <b>2724.P.315 Rev M</b>  <b>2724.P.316 Rev F</b>  <b>2724.P.318 Rev D</b>  <b>2724.P.319 Rev D</b></p> <p><u>Reason:</u> For the avoidance of doubt and in the interests of proper planning, in accordance with Core Strategy (2013) Policy CS12.</p> <p><u>Article 35</u>  Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).</p> <p>INFORMATIVES</p> <p>Environment Agency</p> <p>1. Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SuDS, which encourages infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.</p> <p>The CL:AIRE Definition of Waste: Development Industry Code of Practice</p>

(version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- o Excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- o Treated materials can be transferred between sites as part of a hub and cluster project
- o Some naturally occurring clean material can be transferred directly between sites.

You should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, you should contact us for advice at an early stage to avoid any delays. We recommend you should:

- o Position statement on the Definition of Waste: Development Industry Code of Practice
- o Follow the risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination', when dealing with land affected by contamination.
- o Refer to our 'Guiding Principles for land contamination' for the type of information that we require in order to assess risks to controlled waters from the site.

Ecology

2. Works to the existing roof structures of 9, 11 and 13 High Street should proceed with caution and in the event of bats or evidence of them being found, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England - tel: 0300 060 3900.

## **Appendix A**

### **Consultation responses**

#### 1. Berkhamsted Town Council

No objection. The Committee noted the concerns of the neighbour at no. 15 about the party wall and loss of privacy and hoped that these could be resolved.

#### 2. Strategic Housing

The proposals we are making now do not change this provision (11 units), however it does allow us to market a property to help pay for social housing unit(s) elsewhere in the borough whilst reducing the risk of maintenance of this unique property on DBC. In summary approval was given for 11 units of social housing and this will still be provided on this site. If sold, the additional unit would remove any maintenance obligations and potential loss of rent and officer time due to it being difficult to let and

the money generated could provide additional unit(s).

### 3. Building Control

No comment

### 4. Herts Property Services

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

### 5. Hertfordshire Ecology

Thank you for consulting Hertfordshire Ecology on this application. Hertfordshire Environmental Records Centre does not have any habitat or species data for the application site although there are scattered records of bats within the central area of Berkhamsted.

We do not consider that ecology is a constraint to the proposed development, however there is currently insufficient certainty for the LPA of likely impacts on protected species and additional information is needed for determination of this application.

There is no ecological survey and assessment, particularly for bats, submitted with this application and I am unable to find one for previous applications on this site, although any report is likely to be out of date now.

Bats are protected under European and national legislation and in general terms, it is an offence to disturb or harm a bat, or damage or obstruct access to a roost. They will roost in buildings (often underneath loose tiles or weatherboarding, or in gaps/cracks) and trees if suitable features and conditions are available.

As the proposal will involve the demolition of former garage buildings and conversion of existing buildings, there is a reasonable likelihood of bats being present and affected by this proposal. For these reasons, **I consider that a Preliminary Roost Assessment (PRA) for bats of the buildings is necessary as it is currently unknown whether there is potential for bats to be present and affected by the demolition proposals.**

I therefore advise that a PRA is undertaken by a suitably qualified / an appropriately qualified and experienced ecologist to evaluate whether bats, or evidence of them, are present and will be affected by these proposals. The PRA will consider the need for further bat surveys and mitigation. Such surveys can be undertaken at any time of year but should follow established best practice as described in the Bat Conservation Trust Good Practice Guidelines, 3rd edition, 2016.

*In the event that evidence, or potential for bats is found, further surveys (dusk emergence / dawn re-entry surveys) may be required which can only be carried out when bats are active in the summer months between May and August, or September if the weather remains warm. An Outline Mitigation Strategy with appropriate recommendations should therefore be included within the PRA bat report if the Local*

Planning Authority is to fully consider the impact of the proposals on bats.

This outline strategy should assume the presence of a bat roost proportionate to the location and can be modified if necessary once the results of any recommended follow-up activity surveys are known. In this situation only (i.e. once an outline mitigation strategy has been submitted to the LPA and approved), I would advise any outstanding surveys are secured by Condition of Approval. I can suggest Condition wording if required.

As bats are European Protected Species (EPS), this outline mitigation information is required to be submitted to the LPA **prior to determination** - so the LPA can fully consider the impact of the proposals on bats and discharge its legal obligations under the Conservation of Habitats and Species Regulations 2017.

It should be noted that if bats are found to be roosting within the outbuildings or trees and will be affected by the proposals, appropriate mitigation measures will need to be carried out under the legal constraints of a European Protected Species (EPS) mitigation licence. Natural England may require a number of activity surveys for a licence to be issued, consequently these need to be factored in to any development timescale.

**To conclude, I cannot recommend this application is determined until the requested information and any appropriate mitigation is provided to the LPA for written approval.**

#### 6. Hertfordshire Archaeology

Thank you for consulting this office on the above application. I note that it succeeds previous development proposals, in particular, 4/01895/15/MFA, on which this office has commented.

As previously advised, the proposed development site occupies a prominent position at the eastern edge of the Medieval core of Berkhamsted, and is in Area of Archaeological Significance No 21, which denotes a number of important prehistoric, Roman and Medieval sites. The extant structures on the site (no's 9-11, and 13 High Street) are believed to date between the late 16th and early 20th century.

The current proposal results from a revision to the consented scheme for the conversion of the retained buildings on the site, to provide three dwellings in place of the previous two dwellings. The Supplementary Heritage Statement that accompanies the application states that the 'new proposals for the increase in dwelling numbers affect the internal layout of the three buildings including no 11 which is the oldest.'

These works will clearly impact upon the archaeological interest of these buildings.

I believe therefore that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:

1) The archaeological recording of all interventions to the fabric of the buildings subject to renovation and conversion in areas where such works might reveal additional information relating to the development of the building, and for the purpose of recording any original historic features (etc.) that may be exposed. This will include any structural

interventions, and, for example, soft stripping and the removal of floors.

2) The analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results, as appropriate.

3) Such other provisions as may be necessary to protect the archaeological, architectural and historic interests of the site.

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

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

#### Condition A

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

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

#### Condition B

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

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

If planning consent is granted, then this office can provide details of requirements for the investigation and information on professionally accredited archaeological contractors who may be able to carry out the work. **[www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)**

#### 7. Refuse Depot

The bin store should be big enough to house 4 x 1100ltr eurobins and 2 x 140ltr wheeled

bins with no steps between it and the collection vehicle which is a 26 ton rigid freighter. Any doors should be suitably robust.

## 8. Crime Prevention

Unfortunately I can see no reference to security or crime prevention detailed in any of the documentation, although I cannot find a copy of the Design and Access Statement on the planning portal.

I can support this application, however I would ask that security is taken into consideration and would encourage the applicant to build the development to the police approved minimum security standard secured by Design. This also meets the requirements of Approved Document Q (ADQ) Building Regulations.

Please contact me if you require any further information.

## 9. Highway Authority

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

1 Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.0m x 2.0m shall be provided to each side of the vehicle accesses where they meet the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

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

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

3 No works shall commence on site until a Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority). The Construction Logistics Plan should outline the construction methodology, the predicted vehicle movements to and from the site, and how the movement of construction vehicles will be managed to minimise the risk to pedestrians and vehicles within the local highway network.

Reason: To manage the movement of vehicles during construction in the interests of highway safety.

## Description of the Proposal

Demolition of former garage buildings and redevelopment to provide 12 new dwellings through a combination of conversion and new build. The site is located at the junction of Swing Gate Lane and High Street / London Road (A4251). The site is currently occupied by a vehicle workshop at the rear, open yard / car parking, along the High Street and

Swing Gate Lane frontage, and retail units fronting High Street.

The proposed residential units consist of:

- 6 x one-bedroom flats
- 3 x two-bedroom flats
- 1 x two-bedroom dwelling houses
- 2 x three- bedroom dwelling house

High Street / London Road (A4251) is a Principal Road – Main Distributor and is subject to a 20mph speed limit. Swing Gate Lane is a local access road and is subject to a 30mph speed limit. There are two short-stay parking spaces provided on the western side of Swing Gate Lane outside the proposed site. Swing Gate Lane Infant School and Nursery is located on the eastern side of Swing Gate Lane opposite the proposed site. There is a signalised pedestrian crossing located outside the High Street frontage of the site, approximately 25m to the west of the Swing Gate Lane junction.

## Analysis

### Impact on Highway Network

Swing Gate Lane / High Street / London Road Junction The Swing Gate Lane and High Street / London Road junction is a mini-roundabout. The junction operates adequately during peak traffic periods and there are no planned improvements within the UTP. The cumulative impact of the traffic generated the proposed development will be minimal and is unlikely to have an adverse impact on the safety or operation of the junction.

The existing land uses are likely to generate vehicle trips by commercial vehicles including light goods vehicles (LGVs). The proposed redevelopment of the site for residential purposes will significantly reduce the frequency of visits by commercial vehicles and LGVs and is likely to reduce the risk of conflict with vulnerable road users at the vehicle entrance on Swing Gate Lane, and at the Swing Gate Lane and High Street / London Road junction.

### Road Safety

The accident data over the last 5 years for the local highway network adjacent to the site does not indicate any significant road safety issues. The proposed 20mph zone will reduce collisions and injuries on the local highway network.

### Highway Layout

#### Vehicle Access

The existing vehicular access to the site is from Swing Gate Lane. The proposed development will utilise the same vehicle access on Swing Gate Lane.

As Swing Gate Lane is adopted, the applicant may need to enter into a Section 278 legal agreement to work on the highway in order to make changes to the existing means of access.

#### Visibility

The proposed building on the northern side of the access is set back, as is the parking space on the southern side of the access. A minimum visibility splay of 2.0m X 2.0m is achievable and should be indicated on the site plans. Any structure or planting within the splay should be less than 0.6m high to ensure that any pedestrians passing in front of the property are visible. This is particularly important given the proximity to Swing Gate School.

## Servicing and Delivery

The proposed refuse storage is located within 25m of Swing Gate Lane. As such, a refuse collection vehicle is not required to enter the site, and collection can be undertaken at the kerb. Refuse collection is likely to take place outside of the peak traffic periods and school drop-off / pick-up times and there is unlikely to be any increased conflicts between the refuse collection vehicles and school-related traffic (including pedestrians). As a result, the servicing arrangements are considered to be appropriate.

The residential nature of Swing Gate Lane means that other deliveries are likely to occur, but at a reduced level compared to the existing use of the site. The proposed car parking area provides the opportunity for delivery vehicles to park within the site while making deliveries, or use the short stay parking spaces on the Swing Gate Lane. Therefore the provision for delivery vehicles is considered to be acceptable.

## Parking

The existing site is currently used as a car repair / sales yard and there are regularly cars parked throughout the site. It is noted that the footway of High Street in front of the tool hire business is also used for vehicle parking.

The proposed development will provide 13 parking spaces (1 per proposed residential unit). The parking will be located to the rear of the site and will be accessed via Swing Gate Lane.

## Parking Provision

The site is within Accessibility Zone 2 and the maximum parking requirements are 1 space per one-bedroom unit and 1.5 spaces per two-bedroom unit.

The appropriateness of the proposed provision of parking will be determined by the DBC and conditioned if necessary. However the proposed residential use of the site is likely to generate a significantly lower demand for on-site car parking than the existing uses of the site. The proposed ratio of one car parking space per residential unit is likely to limit any overflow parking onto the adjacent highway.

## Parking Layout

The proposed layout of the car park spaces is considered to be appropriate and there is adequate manoeuvring space for vehicles to exit the site in forward gear.

## Cycle Parking

A cycle storage area is provided on the western boundary of the site, to the north of the garage conversion, adjacent to the car parking. This location is readily accessible to all residential units within the development.

The minimum cycle parking requirement is 1 space per unit and the cycle storage should provide adequate storage space for cycles. Accessibility

## Pedestrian Access

Pedestrian access to some of the flats will be directly from High Street, while the remaining flats will be accessible from Swing Gate Lane. The volume of vehicles entering and exiting the site is unlikely to cause any significant safety issues. Overall, the accessibility of the development for pedestrians is acceptable.

## Cycle Access

Cycling along the High Street is difficult due to the traffic calming measures in place. As a result, Scheme 05 in the Tring, Northchurch and Berkhamsted UTP proposes to



improve the carriageway to make it more cycle friendly. The scheme also proposes to extend the 20mph limit to Kings Road adjacent to the development site. This will also assist safe access to the development for all road users and a contribution towards the Scheme is required.

#### Public Transport Access

The site is located close to Berkhamsted town centre with good access to facilities and public transport. Bus stops in both directions are located on London Road within 200m and the Berkhamsted train station is within 15 minutes walking time of the site. Overall, the site is considered to be accessible to sustainable modes of transport.

#### Travel Plan

Based on the proposed level of development (taking into account the proposed retirement units at the related site), a travel plan is not required.

#### Construction

The proposed development involves the demolition of some of the existing buildings of the site and the conversion of the buildings fronting High Street. The demolition and construction of the proposed development means there are potential safety concerns due to interactions between: • Construction vehicles and pedestrians on High Street due or vehicles parked on the footway or at the signalised pedestrian crossing; and • Construction vehicles and pedestrians / vehicles accessing the Swing Gate Lane School. A Construction Logistics Plan (CLP) is required to ensure that the safety and operation of the adjacent highway network is not affected during the construction and demolition phases. The CLP will be required as a condition.

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

Dacorum Borough Council has a Community Infrastructure Levy (CIL) and therefore contributions towards local transport schemes will be sought via CIL if appropriate.

#### Conclusion

HCC as highway authority has reviewed the application and has no objection to the principle of development on the site, subject to conditions.

### 10. Conservation & Design

#### Initial comments:

In relation to retaining the floor level below that of the exterior ground level they did not think that this would be a problem provided that an access/ heritage statement were provided to support the current position. I also note on the as proposed drawings that the external ground level is to be reduced in that there is a step down to get into the front garden area in any event.. This may reduce pressure with regards to your concerns about damp and possibly could resolve the level access issue. Ideally this would then allow the retention of the current ground floor level to the front timber framed building and the retention of ceiling/ first floor first floor ceiling.

#### Further comments:

From review of the proposals (see site notes from previous email) In general we would be broadly supportive of the application and conversion into 3 dwellings. However the proposal in particular in relation to 9-13 high st should be reviewed as it doesn't reflect the discussions or the final external appearance. E.g. removal of paint to brickwork, external insulation to façade of no11 and slate roof rather than tiled to this building. Also we were disagreeing about the internal floor levels. I would therefore recommend that

we get revised elevation drawings to confirm the changes noted above.

Having had some thoughts on the layout we believe that generally it would be acceptable. However it would be beneficial to reconsider the layout of number 11 at first floor level. The bathroom could be located to the rear and therefore above the kitchen with services etc. It would also mean that the rear fenestration could be altered so that the bathroom could have an opening window which would help with ventilation and light. Overall this would limit the impact on the historic core of the building and possibly work better for future tenants.

Further comments:

Having had a quick look the proposals now resolve all our issues and are acceptable. Therefore we would support the proposals and recommend approval.

## Appendix B

### Neighbour notification/site notice responses

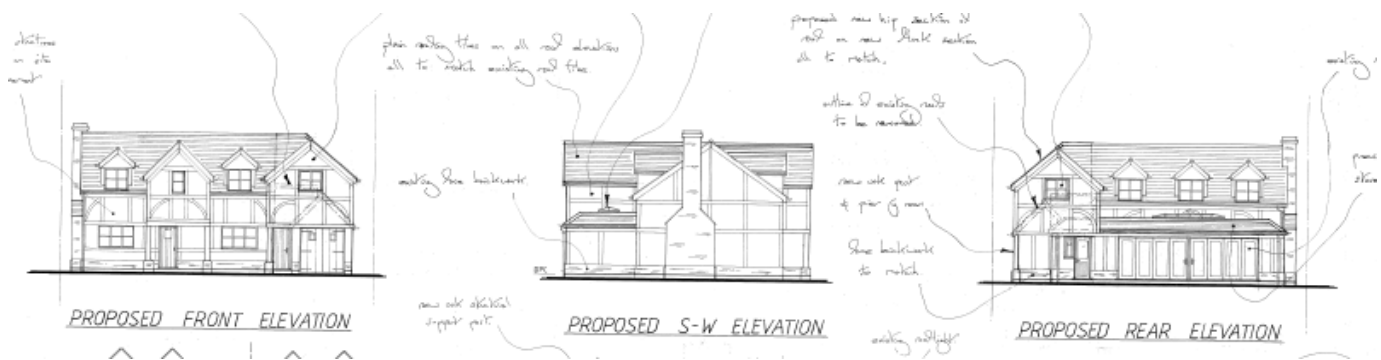
#### Objection

Address	Comments
15 High Street	<p>We are currently in discussion with surveyors regarding the proposed changes to the Party wall between 13 High Street and our home and garden at 15 High Street. Nothing has as yet been agreed and we are disputing the changes currently being proposed and indicated on these plans.</p> <p>From the start of the proposed development we have raised objection to any reduction in height to our garden wall beyond that of the adjoining rear wall at the end of the garden. The Party wall supports very well established climbing plants which are a fundamental part of our garden's character and it offers us privacy.</p> <p>At the house end of the garden, loss of buildings next door has created a situation where from the proposed car park and gardens of nos 13-11, there is now a clear sight line into our bedroom window. Further reduction in height will create more drastic lack of privacy. Noise and security are also a factor. We have therefore proposed that the wall at this end of the garden be raised.</p>

5e

4/00054/18/FHA PART SINGLE STOREY AND FIRST FLOOR SIDE EXTENSIONS AND INTERNAL ALTERATIONS.

73 SCATTERDELLS LANE, CHIPPERFIELD, KINGS LANGLEY, WD4 9EU



<b>4/00054/18/FHA</b>	<b>Part Single Storey and First Floor Side Extensions and Internal Alterations.</b>
<b>Site Address</b>	<b>73 Scatterdells Lane, Chipperfield, Kings Langley, WD4 9EU</b>
<b>Applicant</b>	<b>Mrs L Pritchard, 73 Scatterdells Lane</b>
<b>Case Officer</b>	<b>Rachel Marber</b>
<b>Referral to Committee</b>	<b>Contrary views of Chipperfield Parish Council</b>

## 1. Recommendation

1.1 That planning permission be **GRANTED**

## 2. Summary

2.1 The proposed two storey side extension through size, position and design would not adversely impact upon the openness of the Green Belt, visual amenity of the existing dwellinghouse, immediate street scene or the residential amenity of neighbouring residents. The proposal is therefore in accordance with Saved Appendices 3, 5 and 7, Policies 22 and 57 of the Dacorum Local Plan (2004), Policies CS5, CS8, CS11, CS12 and CS24 of the Core Strategy (2013) and the NPPF (2012).

## 3. Site Description

3.1 The application site is located to the North-West side of Scatterdells Lane, Chipperfield. The site comprises of a replacement two storey property granted permission in 2012 (4/01075/12/FUL) located within the Metropolitan Green Belt.

3.2 Scatterdells Lane is characterised by detached dwellinghouses of various architectural styles, heights and separation gaps. However, each property has a generous front garden and regimented build line; this provides the area with an evident verdant aspect character.

## 4. Proposal

4.1 The application seeks permission for a two storey side extension.

## 5. Relevant Planning History

4/01046/16/FHA	SINGLE-STOREY REAR EXTENSION Granted 10/06/2016
4/00121/16/LDP	SINGLE-STOREY REAR EXTENSION Withdrawn 05/04/2016
4/01075/12/FUL	DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF ONE AND A HALF STOREY DWELLING WITH INTEGRAL GARAGE Granted 22/10/2012
4/00012/12/LDP	FRONT PORCH SINGLE STOREY SIDE AND REAR EXTENSIONS Granted

## **6. Policies**

### 6.1 National Policy Guidance (2012)

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

### 6.2 Adopted Core Strategy – (2013)

CS5 - The Green Belt  
CS8 - Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design

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

22 - Extensions to Dwellings in the Green Belt and the Rural Area  
58 - Private Parking Provision  
Appendix 3 - Layout and Design of Residential Areas  
Appendix 5 - Parking Provision  
Appendix 7 - Small-scale House Extensions

### 6.4 Supplementary Planning Guidance / Documents

Chipperfield Village Design Statement (2001)

## **7. Constraints**

- AREA OF SPECIAL CONTROL FOR ADVERTS
- GREEN BELT

## **8. Representations**

### Consultation responses

8.1 These are reproduced in full at Appendix A

### Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B

## **9. Considerations**

9.1 The main issues to consider are:

- Policy and principle in the Green Belt
- Impact on Existing Dwelling and Street Scene

- Impact on Residential Amenity
- Impact on Highway Safety

### Policy and Principle in the Green Belt

9.2 The application site is located within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

9.3 There is the presumption against inappropriate development in the Green Belt, as advised by The National Planning Policy Framework (2012). Inappropriate development is, by definition, harmful to the Green Belt unless a case of special circumstances can be demonstrated which would outweigh this harm.

9.4 Therefore, the main issues to consider in terms of Green Belt policy is to establish the appropriateness of the development, the effect on the purpose of including land in the Green Belt, effect on the openness of the Green Belt and the impact on the visual amenity of the Green Belt. If the development is inappropriate development a case of very special circumstances would need to be put forward to justify its approval.

9.5 Paragraph 89 of The National Planning Policy Framework (NPPF) (2012) states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless the proposal meets one of a limited number of specific exceptions. One of the exceptions outlined is:

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

9.6 Policy CS5 of the Core Strategy (2013) also summarises that limited extensions to existing buildings would be permitted. Thus, extensions to a residential property in the Green Belt are considered acceptable. The policy analysis therefore, would determine further the proposed extension would result in a disproportionate addition.

9.7 Furthermore, Saved Policy 22 of the Local Plan (2004) requires extensions in the Green Belt to be compact and well-related to the existing building in terms of design, bulk, scale and materials and be limited in size. This policy control would be more tightly exercised at isolated locations and at the edge of settlements. This policy is relatively outdated with more emphasis and weight should be given to the NPPF (2012) and DBC Core Strategy (2013).

9.8 The proposed two storey side extension would increase the floorspace and volume of the existing dwelling. As such, the proposed calculations are as follows:

Replacement Dwelling as original	Previous Rear Extension	Proposed
419.61m <sup>3</sup>	12.96m <sup>3</sup>	182.67m <sup>3</sup> =

		47%
172.6m <sup>2</sup>	40.4m <sup>2</sup>	56.13m <sup>2</sup> = 56%

9.9 Given the above calculations the proposal would remain proportionate in relation to the replacement property. It is important to note that Scatterdells Lane is an area of ribbon development where other properties have undergone extensive extensions, such as Nos. 70, 72, 80. Further, the scale of the proposed extension, including its height, volume and shape, is commensurate with the parent dwelling to which it would connect. It is therefore in scale with its surroundings. As such, the proposed extension would be a proportionate addition which would not result in visual harm to the character and openness of the Green Belt, in accordance with Policy CS5 of the Core Strategy (2013), Saved Policy 22 of the Local Plan (2004) and the NPPF (2012).

#### Impact on Existing Dwelling and Street Scene

9.10 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.

9.11 The Chipperfield Village Design Statement amplifies policy in the Local Plan and gives guidance on appropriate materials and design, such as using forward facing gables to add interest and avoiding the use of roof lights. This Statement is intended to be complementary to the Local Plan, but, should conflict arise, the provisions of the Core Strategy and NPPF would prevail.

9.12 The proposed single storey side extension would be located immediately behind the existing attached garage and therefore would not be visible from the street scene. The first floor side extension would follow the build line of the single garage and respect the gable roof design, form and height of the parent property.

9.13 The side extension would appear as a subordinate addition in relation to the parent dwelling; being set down 0.5 metres from the properties' ridge height and less than half the width of the parent dwelling. The 1 metre separation distance to the neighbouring boundary would also be retained, maintain the open, suburban character of the area. As such, the proposed side extension would not be of excessive scale and bulk when viewed in relation to the existing property.

9.14 Further, the street scene of Scatterdells Lane contains properties of varying heights, size and architectural styles. As such, the proposed two storey side extension would also not appear incongruous, bulky or dominant in relation to the surrounding street scene.

9.15 As a result the proposed side extension would not result in visual detriment to the character and appearance of the existing dwelling or street scene; accordingly the proposed coheres with the NPPF (2012), Saved Appendix 7 of the Dacorum Local Plan (2004) and Policies CS11 and CS12 of the Core Strategy (2013).

#### Impact on Residential Amenity

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

9.17 The proposed two storey side extension would not breach the 45 degree line as drawn from No. 75 Scatterdells Lane rear or front habitable windows. As such no significant loss of daylight or outlook to neighbouring doors/windows would result from the proposed. It is acknowledged that a loss of daylight received from the roof lights of No. 75 Scatterdells Lane may result however, the detrimental impact of this has been lessened by the amended scheme which removed the end gable. This has reduced the bulk and height of the proposed side extension and increased the separation distance to No. 75 Scatterdells. It is also important to consider that these roof lights function as a secondary source of light to the living area.

9.18 No loss of privacy to neighbouring residents would result from the proposed extension due to no flank elevation windows proposed. The proposed plans have been amended to show roof lights serving the new bathrooms following privacy concerns raised by No. 75.

9.19 Thus, the proposal would not further impact upon the residential amenity and privacy of neighbouring residents. As a result the side extension in regards to residential amenity is acceptable in terms of the NPPF (2012), Saved Appendixes 3 and 7 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

#### Impact on Highway Safety

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

9.21 The application seeks to increase dwelling bedroom size from a three into four bed property which would require an increase in provision to three off street parking space. The application site has sufficient provision for at least three domestic cars within the area front hardstanding.

9.22 As such, the proposal, would not impact on the safety and operation of the adjacent highway. The proposal meets the requirements of Policies CS8 and CS12 of the Core Strategy (2013) and Saved Policy 58 and Appendix 5 of the Local Plan (2004).

#### CIL



9.23 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liable due to resulting in less than 100m<sup>2</sup> of additional floorspace.

## 10. Conclusions

10.1 The proposed two storey side extension through size, position and design would not adversely impact upon the openness of the Green Belt, visual amenity of the existing dwellinghouse, immediate street scene or the residential amenity of neighbouring residents. The proposal is therefore in accordance with Saved Appendices 3, 5 and 7, Policies 22 and 57 of the Dacorum Local Plan (2004), Policies CS5, CS8, CS11, CS12 and CS24 of the Core Strategy (2013) and the NPPF (2012).

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

No.	Condition
1	<p><b>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</b></p> <p><u>Reason:</u> 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.</p>
2	<p><b>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</b></p> <p><b>No.3 dated March 2018</b> <b>No.2 dated March 2018</b></p> <p><u>Reason:</u> For the avoidance of doubt and in the interests of proper planning.</p> <p><u>Article 35 Statement</u></p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p>

## Appendix A

### Consultation responses

Herts Ecology

Viewed on Google Streetmap the view of the property, albeit limited, shows part of a single storey dwelling. The date of this image is unknown although it ties in with aerial photography from around year 2000 showing what appears to be a pitched roof bungalow, with a narrow access drive.

Aerial photography from 2015-16 shows a completely different building at this address, with a multi-dormer dwelling and widened access drive.

In 2012, there were proposals for demolition of the bungalow and construction of a replacement one and a half storey dwelling. I understand that a bat survey was undertaken as part of this application (although I have not seen the bat report myself) and no bats or evidence of bats were found.

As the existing dwelling on site is clearly less than 6 years old, and thus presumably of a well-constructed and well-sealed nature, I do not consider an updated bat survey is needed, nor do I think any other ecological surveys are necessary in this instance.

However, as there is an important record of a bat roost within Scatterdell Lane, I recommend a precautionary approach to the works is taken, and advise the following **Informative** is added to any permission granted:

Chipperfield Parish Council

Objection

CPC OBJECT to this application due to apparent contravention of '45 deg rule' in respect of adjoining property number 75. No 73 has previously been extended to 1m from boundary(single storey) but also extended rearwards (single storey) ;this rearward extension is beyond the rear building line of No 75.The proposed 2 storey extension it to the extended rear building line creating the appearance of excessive scale and bulk.

Amended Plans

Objection

CPC objects to this amended application due to excessive scale and bulk

**Appendix B**

**Neighbour notification/site notice responses**

Objections

<b>Address:</b> 75 Scatterdells Lane	<b>Comments:</b> Our objections are as follows:  The Block Plan shows our property, No. 75, as being 4 metres away from the boundary whereas our property is
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	<p>in fact only one metre from the boundary.</p> <p>The consequence of this error is that the proposed SW Elevation will significantly overshadow our property along this flank, especially as our property is single storey facing the proposed 2 storey extension. Furthermore with light entering our house through rooflights in our NE Elevation, the proposed extension will also substantially block light from entering our main living area.</p> <p>The proposed inclusion of windows to the first floor ensuite bathrooms, although fitted with obscured glass, would still have an opening allowing a direct view into our living room.</p> <p>To the rear, the proposed 2 storey extension would have a substantial negative impact on the light entering the rear of our property, not to mention the further loss of privacy from having a neighbouring bedroom overlooking our rear garden.</p>
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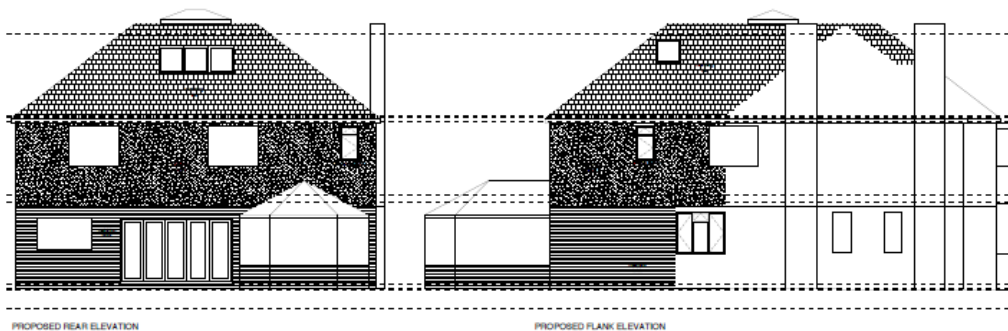
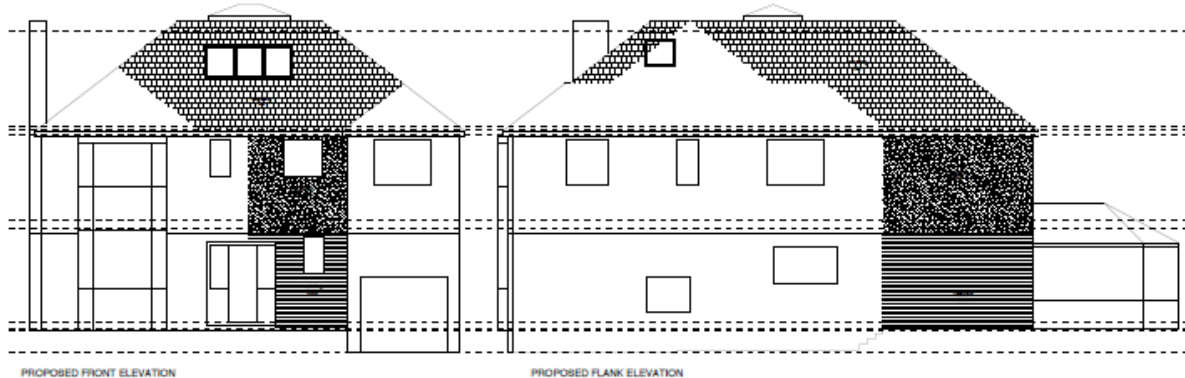
<p><b>Address:</b> 76 Scatterdells Lane</p>	<p><b>Comments:</b> I would like to support Number 75 in their objections to the plans for Number 73 which do not seem to take into account the effect that the loss of light will have on the adjacent property.</p> <p>A similar application has been made for numerous double storey extensions to Number 74, which would also result in a significant loss of light to our property if approved. This would be despite our objections that we believe the plans for Number 74 are not compliant with the Council's 45 degree rule.</p>
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# Agenda Item 5f

5g

4/00124/18/FHA GROUND AND FIRST FLOOR EXTENSIONS TO FRONT AND REAR AND LOFT CONVERSION  
24 HALL PARK, BERKHAMSTED, HP4 2NU

SITE LOCATION PLAN  
AREA 2 HA  
SCALE 1:1250 on A4  
CENTRE COORDINATES: 500072, 207038



<b>4/00124/18/FHA</b>	<b>GROUND AND FIRST FLOOR EXTENSIONS TO FRONT AND REAR AND LOFT CONVERSION</b>
<b>Site Address</b>	<b>24 Hall Park, Berkhamsted, HP4 2NU</b>
<b>Applicant</b>	<b>Mr Andrews</b>
<b>Case Officer</b>	<b>Amy Harman</b>
<b>Referral to Committee</b>	<b>Berkhamsted Town council object - The proposals would result in an overdevelopment of the site and would be out of keeping with the street scene. The side windows would also lead to overlooking of the neighbouring property.</b>

## 1. Recommendation

1.1 That planning permission be **GRANTED**

## 2. Summary

2.1 The application is recommended for approval. The application site is located within a residential area, wherein the principle of a residential extension is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the proposed extension upon the character and appearance on the existing dwelling house, immediate street scene and residential amenity of neighbouring properties

## 3. Site Description

3.1 24 Hall Park is a detached property located on a generous plot on the eastern side of Hall Park, a residential street in Berkhamsted. Levels fall away to the north. many of the properties in the vicinity have been substantially extended including numbers 17, 25, 28 and 30 Hall Park.

## 4. Proposal

4.1 The application consists of ground and first floor extensions to front and rear and loft conversion.

## 5. Relevant Planning History

4/00124/18/FHA GROUND AND FIRST FLOOR EXTENSIONS TO FRONT AND REAR AND LOFT CONVERSION  
Granted

4/00318/06/FHA CONSERVATORY  
Granted  
07/04/2006

4/00060/03/FHA PART FIRST FLOOR, PART TWO STOREY SIDE/REAR EXTENSION, SINGLE STOREY FRONT EXTENSION  
Granted  
13/03/2003

## **6. Policies**

### **6.1 National Policy Guidance**

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

### **6.2 Adopted Core Strategy –**

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS31 - Water Management

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

Policies 5,7

### **6.4 Supplementary Planning Guidance / Documents**

- BCA1 – Hall Park Residential Character Area.

## **7. Constraints**

- tree preservation order
- cil1

## **8. Representations**

### **Consultation responses**

8.1 These are reproduced in full at Appendix A

### **Neighbour notification/site notice responses**

8.2 No responses

## **9. Considerations**

9.1 The application site is located within a residential area, wherein the principle of a residential extension is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application

relate to the impact of the proposed extension upon the character and appearance on the existing dwelling house, immediate street scene and residential amenity of neighbouring properties.

### Main issues

9.2 The main issues to consider are:

- Impact on Street Scene
- Impact on Neighbours
- Overdevelopment

### Impact on Street Scene

9.3 The NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles, although it is proper to seek to reinforce local distinctiveness.

9.4 Saved Appendix 7 of the Dacorum Core Strategy (2004) promotes good design practice for householder extensions. In particular, it is stated that extensions should harmonise with the original design and character of the house in terms of scale, roof form, window design and external finishes.

9.5 Policies CS11 and CS12 of the Core Strategy (2013) state that development should preserve attractive streetscapes and satisfactorily integrate with the streetscape character.

9.6 The two storey extension is mainly restricted to the rear of the property. The extension would increase the depth of the two storey element of the house by a maximum of 4 metres, there is no increase in the width of the dwelling. There is no increase in the ridge height of the host property. It is not considered that the proposed development would have an adverse impact on the character of the property or the street scene. The extensions would integrate well with the existing dwelling and due the location of the extensions and the dwellings generous plot would not appear as an overbearing or unsympathetic addition to the dwelling when viewed from the public realm and is therefore considered acceptable.

9.7 The existing separation is retained between the existing property and the neighbouring properties on either side. The proposed extensions to the existing dwelling are therefore not considered visually intrusive or harmful to the character and appearance of the dwelling or street scene; accordingly the proposed coheres with the NPPF (2012), appendix 7 of the Dacorum Local Plan (1991) and CS11, CS12 of the Core Strategy (2013).

9.8 In accordance with the submitted application the proposed extension would be of traditional design comprising facing brick walls and render to match existing, concrete tiled hipped roof to match existing and white UPVC windows and doors; all of which would complement the existing dwellinghouse. These materials are considered acceptable for this type of extension and in-keeping with the existing dwelling house, complying with Policy CS12 of the Core Strategy (2013).

### Effect on Amenity of Neighbours

9.9 The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (1991) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development does not result in detrimental impact upon the neighbouring properties and their amenity space. Thus, proposals should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy. 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.

9.10 The neighbouring property (Number 22) has no windows on the side elevation facing the proposal site. The new window on the flank elevation facing number 26 is shown to be obscure glazed (this will be conditioned) to ensure there will be no overlooking into this property. There are no additional windows in the rear elevation and therefore there is no increased potential for overlooking.

9.11 Moreover, the proposed doors and windows to the rear elevation of the extension are appropriate in size, position and height; in-keeping with the existing fenestration's of the dwelling house. Subsequently they would not result in additional impact upon the residential amenity and privacy of neighbouring residents.

9.12 The extension does not breach the 45 degree line when taken from the nearest window of either neighbouring property. Furthermore, due to the orientation of the gardens the sun would come around during the day to the west whereby the extension proposed would have no effect on sunlight into either the rear windows or the amenity space of the neighbouring properties. As a result, it is not considered that there would be a significant loss of daylight or sunlight to neighbouring ground floor windows as a result of the proposal. Thus, the proposed extension would not impact upon the residential amenity and 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 (1991) and Policy CS12 of the Core Strategy (2013).

### Overdevelopment

9.13 Saved Appendix 3 of the Local Plan states that properties should have a rear garden depth of 11.5m. In this case, the retained garden would be a minimum of 20 metres in depth meeting the Saved guidance.

9.14 The existing separation is retained between the existing property and the neighbouring properties on either side. Therefore, the proposals are not considered to result in an overdevelopment of the site.

### Response to Neighbour comments

9.15 No comments received from neighbours

### CIL



9.16 Community Infrastructure Levy (CIL). Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is CIL Liable due to resulting in more than 100m<sup>2</sup> of additional floor space.

## 10. Conclusions

10.1 The proposed extensions would not significantly detriment the appearance of the parent dwellinghouse or immediate street scene. Furthermore, the proposed would not adversely impact upon the residential amenity of neighbouring residents. The spacing between the properties is retained and the garden depth more than adequately meets the Council's minimum standards. Therefore it is not considered that the proposals result in an overdevelopment of the site.

10.2 The proposal is therefore in accordance with saved appendices 3, 5 and 7 of the Dacorum Local Plan (1991), policies CS4, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2012).

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

No	Condition
1	<p><b>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</b></p> <p><u>Reason:</u> 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.</p>
2	<p><b>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</b></p> <p><b>200</b> <b>201</b> <b>202 rev.B</b></p> <p><u>Reason:</u> For the avoidance of doubt and in the interests of proper planning.</p>
3	<p><b>The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings</b></p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development in accordance with Adopted Core Strategy CS12</p>

4	<p><b>The windows at first floor level in the southern flank elevation of the extension hereby permitted shall be permanently fitted with obscured glass</b></p> <p><u>Reason:</u> In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance with Adopted core Strategy CS12.</p> <p><b><u>Article 35 Statement</u></b></p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p>
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## **Appendix A**

### **Consultation responses**

#### 1. Town/Parish Council

The mass and bulk of these proposals would impact adversely on the amenity of neighbours by blocking their light.  
CS12.

## **Appendix B**

### **Neighbour notification/site notice responses**

#### **No objections**

5h  
4/00130/18/FUL DROPPED KERB AND CROSSOVER.  
64-66 AKEMAN STREET, TRING, HP23 6AF





<b>4/00130/18/FUL</b>	<b>DROPPED KERB AND CROSSOVER.</b>
<b>Site Address</b>	<b>64-66 AKEMAN STREET, TRING, HP23 6AF</b>
<b>Applicant</b>	<b>Mr Barry, 26 Lyonsdown Avenue</b>
<b>Case Officer</b>	<b>Sally Robbins</b>
<b>Referral to Committee</b>	<b>Called in by Councillor Conway due to highway safety and loss of on street parking</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**

## **2. Summary**

2.1 The site is located in an area where non-residential development is acceptable in principle. The Conservation Officer and Highway Authority have raised no objection to the proposal. The proposal would result in a 3m long area of road/pavement that could not be used for on-street parking. Measures would be put in place to ensure that the access would be used for entering the site only and to ensure that commercial vehicles cannot use the access point. These details would be secured by condition.

## **3. Site Description**

3.1 The application site is located on the west side of Akeman Street. The site occupies a corner position on the junction of Akeman Street and Albert Street. The site comprises a three storey office building that was constructed in the early 1980's. The adjoining premises (nos. 67-68 Akeman St) is in the same ownership as the application site and comprises a building dating from the late 18th century.

## **4. Proposal**

4.1 The application seeks full planning permission for a dropped kerb to provide access to the rear car park of 64-66 Akeman Street. The dropped kerb would measure 3m in width.

## **5. Relevant Planning History**

5.1 A previous application to re-open and re-utilise vehicular access was refused in 1990 (ref. 4/00828/90/FUL) on the grounds that the access is too narrow and insubstantial in width to carry the level and type of traffic that would be associated with the commercial uses on the site. At that time the use of the site was light industry (B2), which would be associated with heavy goods vehicles. The current use of the site is mixed use offices (B1) and dance studio (D2) on the ground floor, the access and traffic requirements for which are considered to be less substantial than for light industry.

5.2 An application with a similarly narrow access was approved at Development Management Committee on 26/06/2014 (ref. 4/00237/14/FUL) for land adjacent to and to the rear of 20 High Street in Tring. The dropped kerb for that application was to provide vehicular access to 12 parking spaces, which were a combination of residential and commercial. The width of the access was 2.72m, in comparison to the proposed access of 3.93m.

5.3 In 2007 a full application was submitted for 64-68 Akeman Street for redevelopment to 8 apartments, commercial floorspace and associated parking (4/1895/07/FUL). It was recommended for approval, and in reference to the Albert Street access, the Highway Authority stated, "This is described as one way only (entry into the site), controlled with a suitable gated system to prevent vehicles exiting from this point. This detail will be a requirement of the Highway Authority due to the substandard visibility at this point. Further information will be required to ensure the system selected is acceptable. If the Planning Authority are minded to grant planning permission the Highway Authority would recommend a suitable planning condition to control this point of access." The Highway Authority considered the Albert Street access acceptable, subject to condition. The application was referred to Development Management Committee due to the contrary view of the Town Council. Prior to the Committee meeting the plans were amended to omit the Albert Street access.

5.4 Planning permission for application ref 4/1895/07/FUL was refused at Development Management Committee in March 2008, on the grounds that the proposed loss of office accommodation within this location would result in significant harm to the overall employment land supply within Tring, inadequate off-street parking and increased pressure for on-street parking, exacerbating existing parking problems and detrimental impact on highway safety.

5.5 The application was subsequently allowed on appeal, with the Planning Inspector making reference to parking and highways safety, "I noted during my site visit a good deal of on-street parking, which, due to the narrowness of the surrounding streets, restricted some carriageways to the width of a single lane." The Inspector went on to say, "Any reduction in parking congestion in local streets, particularly if it lessened the degree of pavement parking that I have witnessed, would bring clear benefits to pedestrians, riders and drivers in terms of highway safety."

5.6 This consent won on appeal has not been implemented and the site still operates as mainly office use, but with the semi-basement area used as a dance studio.

4/01417/17/FUL ADDITION OF TWO SASH WINDOWS AT FIRST FLOOR LEVEL ON SOUTH ELEVATION TO MATCH EXISTING.  
Granted  
14/08/2017

4/00593/17/FUL RETENTION OF ALTERATIONS TO EAST AND WEST ELEVATIONS INCLUDING FORMATION OF OPENING IN EXISTING CAVITY BRICK WALL  
Granted  
03/05/2017

4/02590/16/NMA NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 4/00166/16/FUL (ALTERATIONS TO EAST AND SOUTH ELEVATIONS OF EXISTING OFFICE BUILDING)  
Granted  
21/10/2016

4/00166/16/FUL ALTERATIONS TO EAST AND SOUTH ELEVATIONS OF EXISTING OFFICE BUILDING  
Granted  
04/04/2016

4/00385/10/FUL CHANGE OF USE OF GROUND FLOOR ONLY FROM B1 TO D2  
Granted  
06/07/2010

4/01895/07/FUL	EIGHT APARTMENTS, COMMERCIAL FLOORSPACE AND ASSOCIATED PARKING Refused at DMC Allowed at Appeal 02/04/2008
4/00433/96/FUL	INSERTION OF ROOFLIGHT ON THE SOUTH EAST ELEVATION Granted 28/05/1996
4/01619/95/4	SITING OF TELECOMMUNICATIONS EQUIPMENT CABINET Granted 09/01/1996
4/00828/90/FUL	APPLICATION TO RE-OPEN AND RE-UTILISE VEHICULAR ACCESS Refused 30/07/1990

## **6. Policies [list relevant /key policies only]**

### **6.1 National Policy Guidance**

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

### **6.2 Adopted Core Strategy**

CS4, CS8, CS12, CS13, CS27

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

Policies 10, 12, 58

### **6.5 Advice Notes and Appraisals**

- Tring Conservation Area Character Appraisal and Management Proposals (Draft January 2018)

## **7. Constraints**

- GENERAL EMPLOYMENT AREA
- AREA OF ARCHAEOLOGICAL IMPORTANCE
- Former Land Use
- CONSERVATION AREA

## **8. Representations**

### **Consultation responses**

8.1 These are reproduced in full at Appendix A

### **Neighbour notification/site notice responses**

8.2 These are reproduced in full at Appendix B

## **9. Considerations**

### Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on Street Scene & Conservation Area
- Impact on Highway Safety & Access
- Impact upon Residential Amenity
- Parking

### Policy and Principle

9.2 The application site is located in an urban area of Tring, wherein non-residential development is acceptable, provided it is compatible with its surroundings, in accordance with Core Strategy (2013) Policy CS4.

### Impact on Street Scene/Conservation Area

9.3 The proposed dropped kerb would have no impact on the streetscene. There are other examples of dropped kerbs in the immediate vicinity, such as 50 Albert Street (Tring Yoga Studio) and land to the rear of 63 Akeman Street, which is directly opposite the proposed dropped kerb. The Conservation Officer has raised no objection to the proposal, noting that the street furniture in this area is modern and of minimal interest. The proposal includes the replacement of the fence with a gate. It is deemed reasonable and necessary to impose a condition regarding the details of the proposed gate to ensure that they are in keeping with the character of the Conservation Area.

### Impact on Highway Safety & Access

9.4 Hertfordshire County Council as Highway Authority considers the proposal would not have an increased impact on the safety and operation of the adjoining highways. Several local residents and the Ward Councillor have raised concerns regarding the potential danger of vehicles exiting onto Albert Street, increased traffic and heavy goods vehicles using the access point. The applicant has indicated that they would be willing to make the vehicular access as entry only from Albert Street. This would be verified by the submission of entry/exit restrictions.

9.5 Regarding heavy goods vehicles, it is deemed reasonable and necessary to impose a restrictive condition to prevent commercial vehicles using the access point. The condition will require details of mechanisms to be employed on the Albert Street access point to prevent unauthorised use - this may include pin gate entry systems, height limiters or raised comb spike devices for example.

9.6 Local residents mentioned that the parking of vehicles on the pavement pushes some pavement users out onto the road, such as wheelchair users or pushchairs. It is considered that the proposed dropped kerb would result in a betterment to this situation as it would result in less parking on the street and/or pavement.



9.7 64-66 Akeman Street has an agreement to vehicular and pedestrian access from Akeman Business Park. The agreement is not reciprocal, and therefore the Albert Street access will only be used by 64-66 Akeman Street, to access the 7 parking spaces serving 64-66.

#### Impact upon Residential Amenity

9.8 Local residents have raised concerns regarding the use of the access by commercial vehicles in an area that is residential in character. As outlined above a restrictive condition will be imposed in order to prevent commercial vehicles using the access. The access will also be limited to site entry. These conditions are deemed to be reasonable in order to protect the residential amenity of neighbouring properties.

#### Parking

9.9 No changes are proposed to the existing off-street parking arrangements for 64-66 Akeman Street. 7 car parking spaces would be retained.

9.10 Local residents and the Ward Councillor have mentioned that a number of on-street parking spaces would be lost, which would have a detrimental impact upon local parking provision. The proposed dropped kerb would measure 3m wide. As such, it is considered that the proposal would not result in the loss of any more than one space and that it will not have a significant detrimental impact upon local parking provision.

#### Archaeology

9.11 The County Archaeologist has raised no objection to the proposal, noting that the development is unlikely to have a significant impact on heritage assets with archaeological interest

#### Response to Neighbour comments

9.12 Some local residents have expressed concerns regarding the fact that the access is for pedestrians only and that it should remain as such. There is no Public Right of Way over the application site and the application site is privately owned.

### **10. Conclusions**

10.1 The impacts of the proposal have been considered, taking into account concerns raised by the Ward Councillor and local residents. It is acknowledged that dropped kerb would prevent vehicles parking on a 3m strip of road/pavement. The Highway Authority has raised no objection to the proposal, noting that the dropped kerb and access will not have an adverse impact upon the safety and operation of the adjacent highway. As such, the proposal is considered to be acceptable, subject to restrictive conditions that limit the access to be used by non-commercial vehicles entering the site only.

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

No	Condition
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1	<p><b>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</b></p> <p><u>Reason:</u> 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.</p>
2	<p><b>Prior to the commencement of the development hereby permitted full details of the proposed commercial vehicle entry/exit restriction mechanisms for Albert Street shall be submitted to and approved in writing by the local planning authority. The approved mechanisms/systems shall be installed prior to the commencement of development unless otherwise agreed in writing by the local planning authority. They shall thereafter be permanently retained and maintained unless otherwise agreed in writing by the local planning authority.</b></p> <p><u>Reason:</u> In the interests of highway safety and residential amenity, in accordance with Core Strategy (2013) Policy CS12.</p>
3	<p><b>There shall be no vehicular egress on to Albert Street. Full details of measures to prevent vehicular egress on to Albert Street shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided prior to the commencement of the development hereby permitted and they shall thereafter be permanently retained and maintained unless otherwise agreed in writing by the local planning authority.</b></p> <p><u>Reason:</u> In the interests of highway safety and residential amenity, in accordance with Core Strategy (2013) Policy CS12.</p>
4	<p><b>The development hereby permitted may not be brought into use until details of the gate have been submitted to and approved in writing by the Local Planning Authority, and the work shall then be carried out in accordance with the details so approved.</b></p> <p><u>Reason:</u> In the interests of the visual amenities of the Conservation Area, in accordance with Core Strategy (2013) Policy CS27.</p>
5	<p><b>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</b></p> <p><b>DK/18/03</b></p> <p><u>Reason:</u> For the avoidance of doubt and in the interests of proper planning, in accordance with Core Strategy (2013) Policy CS12.</p> <p><u>Article 35</u>  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</p>

and Country Planning (Development Management Procedure) (England) Order 2015.

#### INFORMATIVES

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

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

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

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

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

## Appendix A

### Consultation responses

#### Comments received from Tring Town Council:

The Council recommended no objection to this application

#### Comments received from Highway Authority:

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

Hertfordshire County Council as Highway Authority does not object to the development, subject to the informative notes.

## COMMENTS

This application is for Dropped kerb and crossover , to the rear of the sit on Albert Street.

## PARKING AND ACCESS

No parking information was submitted with this application.

A new VXO is proposed on Albert Street, which is an unclassified local access road with a speed limit of 30 mph, so vehicles are not required to enter and exit the site in forward gear.

## CONCLUSION

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

### **Comments received from Herts Archaeology:**

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

## **Appendix B**

### **Neighbour notification/site notice responses**

#### **Objections**

<b>Address</b>	<b>Comments</b>
47 Albert Street	<p>I object to this application for a cross over and drop kerb at this property.</p> <p>This access has been for pedestrians only and should remain so. As you can see from the photographs supplied this is a very congested area for cars and parking. This development will negatively impact on parking in the street.</p> <p>The access is insufficient to allow cars to safely turn from a blind entrance. It wild produce more traffic in a tightly congested area. This will potentially involve delivery lorries attempting to access the industrial estate either entering or leaving the area. Problems already exist with the collection of refuse from this building and the public highway being blocked by industrial bins.</p> <p>This site has previously had planning permission granted</p>

	<p>following appeal for mixed residential and commercial use. As part of this planning application this area was maintained as pedestrian access only because of the impact on the locality, road noise, tight configuration. It needs to remain as is</p> <p>Further comments received: As one of the two holders of a residents disabled parking space in Albert street this proposed loss of parking will be detrimental to me as I already struggle to compete with visitors to the museum and the akeman who misuse my disabled parking space. The officie applying for this planning permission are repeat offenders of parking in or over my designated parking space which as a hand controls user makes it impossible for me to access the space provided. Parking in the street is already so limited that access is constantly a problem. A proposed loss of 4 spaces would have a huge impact on the street alone even if you don't consider its two disabled residents as well as many more with access needs simply wanting to park their car and go into their house. This loss of 4 spaces could result in me having to move from my home and brings great anxiety and stress.</p> <p>Further comments received: The property borders a residential area and the fence/gate was put in to allow workers to access the rear of building. The owners then sold their parking spaces to Oakman Inns reducing outside space and parking for their staff to Nil. Now they say they want to have dropped kerb in order to prevent parking to make accessing their rubbish bins easier. This will result in the loss of 4 spaces on Albert St. It is very poor of DBC planning and Herts Highways to support this application without visiting the site and just indicative of the authorities not supporting/understanding the everyday situation for residents. The area is swamped with cars from the Museum and local restaurants, indeed with the recent refurbishment of the Akeman pub we had up to 8 builders vans parked daily for 6 weeks. The owners were aware and unable to stop their contractors from doing so despite asking. The really gauling thing is that the staff from 64-66 Akeman St park here every day compounding their bin problem.</p>
61 Akeman Street	<p>I object to this application for a cross over and drop kerb at this property.</p> <p>This access has been for pedestrians only and should remain so. As you can see from the photographs supplied this is a very congested area and the business park already has two access points for veichles on Akeman street and Langdon street. A third access is excessive given the residential location, and justification of bin</p>

	<p>access which can be fulfilled using other entrances.</p> <p>I own the drive way adjacent to the Salvation Army building and will be directly impacted with a increase of traffic as a result of the application, and fear this will block my driveway further. Additionally I have asked for the H-Bar to repainted by both Dacorum and Herts which has been refused twice, despite being access to private land.</p>
43 Albert Street	<p>There seems to have been no consultation to the residents of the conservation area on this application.</p> <p>This is a pedestrian access and I believe has had an application refused before.</p> <p>On the grounds of this area already being very congested and dangerous to pedestrians I object to this application. Increased traffic, heavy goods vehicles and additional parking and noise to local residents is not preferable and should be considered.</p>
41 Albert Street	<p>Albert Street is a Victorian, well maintained residential street that just about manages to keep parking issues to a minimum amongst existing residents and other users. I strongly object to this planning proposal of a dropped kerb to allow non-essential access for a few business users, when there are ample DBC car parks less than 5 minutes walk from this building.</p> <p>Further access to cars entering and leaving Albert Street and the adjoining Akeman Street junction will greatly increase risk of pedestrian and vehicle accidents on this blind spot junction, the paths are narrow and Akeman St has no speed restrictions yet, so cars frequently speed across the junction with Albert St. Children and elderly people live in Akeman St, Albert St and would be at increased risk of road safety accidents with additional traffic based on this proposal.</p> <p>I am disappointed DBC Conservation do not object to the proposal. As residents, our objections must be upheld to prevent this planning proposal.</p> <p>Further comments received: I object strongly to this application. Industrial bins should be collected from WITHIN the industrial estate-into which there is ALREADY ample access. Creating an entrance into the industrial estate from Albert St will result in the loss of up to three parking spaces in Albert St; where parking conditions are already intolerable. The further increase in traffic flow into Albert St would also constitute a clear safety issue, in a road where pedestrians (including mothers and small children) are already, often forced to walk in the road. The small improvement in convenience for the Applicant is outweighed enormously by the detrimental impact on residents and might most charitably be described as "the tail wagging the dog."</p>

38 Albert Street	<p>We live on Albert Street and this is a heavily congested residential area, the people who live here will only suffer further with goods vehicles and delivery vehicles using this proposed access road. The business park already causes issues to the residents by leaving business bins in the road.</p> <p>Due to the tight nature of the road I don't see how there would even be room to make turns. Has a site visit been made? This is a reckless decision for a residential street and will have a heavy impact in terms of noise and disruption to the people who live here.</p> <p>Further comments received: Having read the submission / proposal for the access I am struggling to understand the utter ignorance here, how can residents of Albert Street affect 64/68 Akeman Street, this is pure geography, how we park on Albert has no reflection on Akeman St. Please visit Albert Street to understand that as residents we do not enjoy "free parking" due to the business park we in fact enjoy the absolute opposite, by close of business a lot of cars disappear as they enjoy the free parking of our road.</p> <p>With regards to the Euro bins that are referenced in the proposal, several residents have repeatedly complained as said "site manager" does not wheel them any distance and in fact abandons them in them in Albert Street for days on end, if we don't complain they are left there from week to week, which is disgusting. I have a lot of photographic evidence to prove this matter.</p> <p>Again, have you visited this road and do you have any understanding of what you are considering.</p>
40 Albert Street	<p>Objection made for application of dropped curb and crossover. Parking on Albert Street is already stretched to its maximum. To further reduce residents space to park by introducing a dropped curb will make it impossible for residents to park in their own street. It would also be very dangerous for cars to be entering/exiting in such a small street with virtually no angle of turning.</p>
46 Albert Street	<p>We wish to strongly object to the proposed change of use as it will impact significantly on the integrity of this road in the Conservation area.</p> <p>The application states that the reason for the change is due to the road being narrow, with cars parked on the pavement allowing for only single lane vehicle access. Changing the access at the rear of 64/66 will only compound these current traffic and pedestrian difficulties as well congestion as opposite the access route are 2 private drives and the former Salvation Army Hall being</p>

	<p>used daily as a busy yoga business.</p> <p>The proposed long term development of the site into housing and business will only increase traffic volume and the access is narrow, inappropriate and has restricted vision and is therefore totally unsuited for the proposed use.</p>
2A Albert Street	<p>This is an incredibly selfish application. It will make the existing parking difficulties residents face in the evening even worse by removing at least one space. It seems the application is based on the fact the one person has to push a bin once a week. Surely it is not fair that dozens of residents are impacted every day to make one person's life easier once a week? Also is this a legitimate use of council money if they have to pay for the dropped curb??</p>
14 Albert Street	<p>I object to this application. The detriment caused to the residents of Albert Street with the installation of the dropped curb will be far greater than any detriment caused to the applicant if this application is rejected.</p> <p>A large proportion of residents in Albert Street are families with young children. It is already notoriously difficult for residents to find a parking space outside their homes and to negotiate children and luggage in and out safely. This has already been exacerbated by workers at the Akeman Business Centre using Albert Street as an overflow car park. This causes a fundamental detriment to the residents. The installation of a dropped curb will further reduce the available parking for residents on the road and would result in an intolerable situation.</p> <p>Furthermore, increase traffic on Albert Street will give rise to a foreseeable risk to health and safety. Albert Street is so narrow that residents are required to park on the right-hand pavement, blocking it entirely. Pedestrians are therefore required to use the road itself as a pavement. Diverting traffic up Albert Street to gain access to the business centre will therefore create an unsafe traffic route with a mix of pedestrians and vehicles. Finally, it is to be pointed out that increasing the traffic flow through a very narrow road will also increase the likelihood of vehicle collisions with parked cars.</p>
48 Albert Street	<p>We strongly object against this proposal.</p> <p>Parking is already a big problem for residents. Removing a further car parking space will only add to the frustration.</p> <p>This is a very excessive proposal just to satisfy the needs of one person, who once a week has to wheel a bin a very small distance!!</p>
4 Albert Street	<p>The application suggests the proposed dropped kerb is in Akeman St, but it's actually in Albert St, a narrow</p>



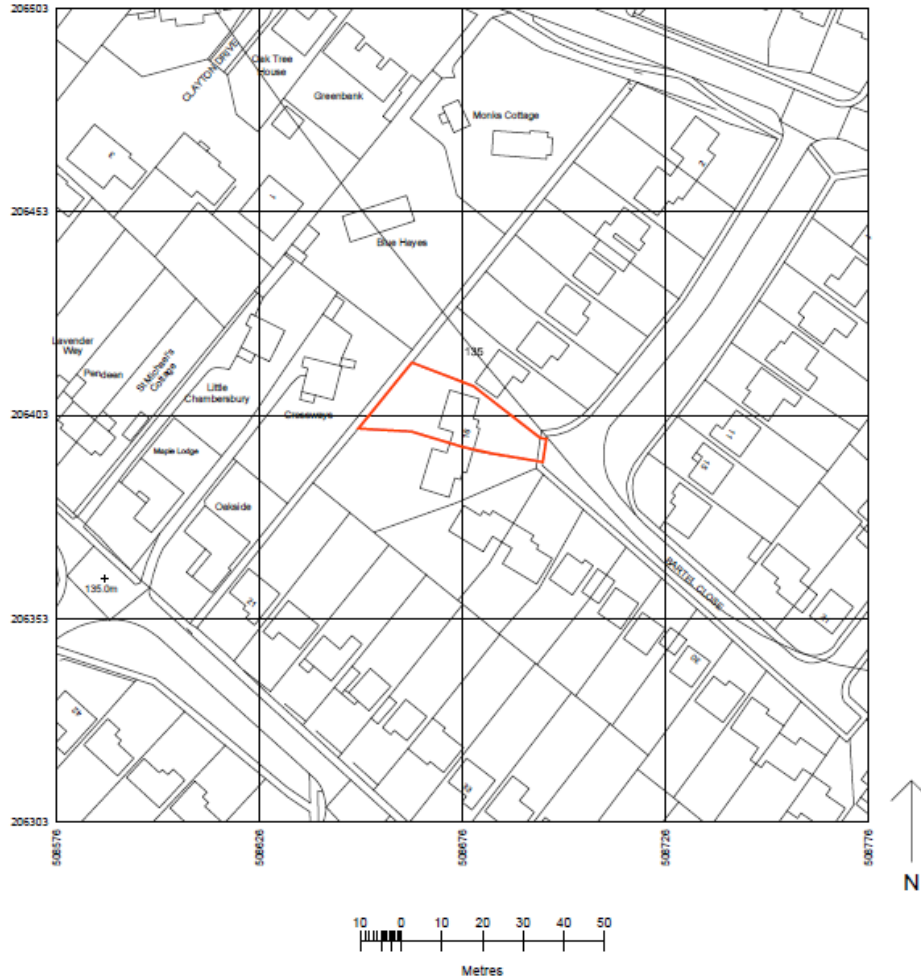
	<p>residential road in the CONSERVATION AREA. Parking is at breaking point and the loss of further spaces unviable. The business park already has two other wide vehicle accesses, in Akeman St and Langdon St where bin lorries can actually drive in and pick up the bins. Albert St cannot accommodate a vehicle access. This dropped kerb is not about the bins, it's about creating access for his housing development. And Albert Street cannot safely accommodate increased traffic.</p> <p>His interests are solely financial, so I hope the council will not put his business interests above residents.</p> <p>Perhaps a planning rep should visit the site? You might also agree the applicant's site offers potential for allocating parking spaces for the residents of Albert St. With the switch to electric charging points this could save the Council an enormous headache. And we could use the existing accesses!</p>
2B Albert Street	<p>I object to the above planning permission as follows;</p> <ul style="list-style-type: none"> <li>. Increased parking in Albert St which is already overcrowded.</li> <li>. Increased congestion in Albert St, which is not suitable for any volume of traffic.</li> </ul> <p>The above 2 items will have an adverse affect on the wellbeing of the residents of Albert St on the basis of them not being able to park near their residences. This raises questions of health and safety due to elderly people and young families with children having to walk in the road as the pavements are used for parking and will increasingly disallow access for disabled and elderly people to enter or leave their residences. The probable increase in vehicle usage will have an adverse affect on the road surface which will potentially cause the volume of potholes in the road which will increase H&amp;S concerns and increased costs for the Council.</p>
45 Albert Street	<p>We strongly object to this application. The site already has 2 established entrances and the creation of a 3rd is unnecessary for such a compact site. Albert Street is a Victorian Street in the conservation area, as stated many times, parking is at capacity, the loss of the kerb would have a further negative impact on the residents ability to park. Damage to cars is a regular occurrence and the movement of commercial bins would add a further risk in such a tight space. We also have concerns for the health and safety of predestrians as there is restricted views from this area. A site visit would confirm the residents concerns.</p>

# Agenda Item 5h

5i

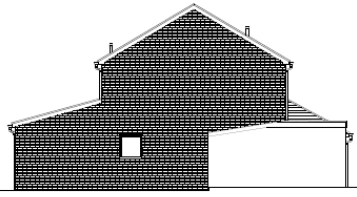
4/00533/18/FHA PITCHED ROOF TO GARAGE. REPLACEMENT GARAGE DOOR.

16 BARTEL CLOSE, HEMEL HEMPSTEAD, HP3 8LX

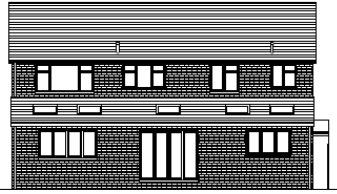




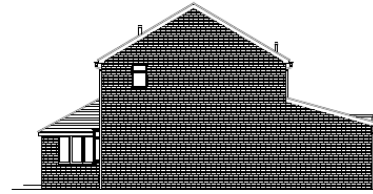
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

<b>4/00533/18/FHA</b>	<b>PITCHED ROOF TO GARAGE. REPLACEMENT GARAGE DOOR.</b>
<b>Site Address</b>	<b>16 BARTEL CLOSE, HEMEL HEMPSTEAD, HP3 8LX</b>
<b>Applicant</b>	<b>Mr &amp; Mrs Macdonald, 16</b>
<b>Case Officer</b>	<b>Rachel Marber</b>
<b>Referral to Committee</b>	<b>Called-in by Cllr Sutton</b> 'A development of this nature would be out of character with surrounding properties.'

## 1. Recommendation

1.1 That planning permission be **GRANTED**

## 2. Summary

2.1 The proposed replacement garage roof and door through size, position and design would not adversely impact upon the visual amenity of the existing dwellinghouse, immediate street scene or the residential amenity of neighbouring residents. The proposal is therefore in accordance with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS4, CS11, CS12 and CS24 of the Core Strategy (2013), Leverstock Green East Character Area Appraisal (HCA28) (2004) and the NPPF (2012).

## 3. Site Description

3.1 The application site features a two-storey detached dwelling, linked to the neighbouring property through the adjoining garage. The application property is located on the south-west side of Bartel Close which falls within the Leverstock Green East (HCA28) Area Character Appraisal. The site is located on a corner plot on Bartel Close, set slightly further back from the other houses in the street scene. .

3.2 Bartel Close is a cul-de-sac and consequently the application site was built as part of a wider road of similarly constructed property. As such, each property is relatively regimented in terms of size and architectural detailing; however some properties within the street scene have been extensively extended and some newly built. Nonetheless, the overall character of the Close remains evident.

## 4. Proposal

4.1 Planning permission is sought for a pitched roof above the garage and replacement of two single garage doors for one detached garage door.

## 5. Relevant Planning History

4/03444/16/FHA TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION, EXTENDED DRIVEWAY, REPLACEMENT GARAGE ROOF AND ENLARGEMENT OF FRONT PORCH  
Granted  
21/03/2017

## **6. Policies**

### National Policy Guidance (2012)

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

### Adopted Core Strategy (2013)

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

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

Appendix 3- Gardens and Amenity Space  
Appendix 7 - Small-scale House Extensions

### Supplementary Planning Guidance SPG

Development Residential Area Hemel Hempstead HCA28 Leverstock Green East (2004)

## **7. Constraints**

Established residential area of Hemel Hempstead

## **8. Representations**

### Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix A

## **9. Considerations**

### Main issues

9.1 The main issues to consider are:

- Policy and Principle
- Impact on Existing Dwelling and Street Scene
- Impact on Residential Amenity

### Policy and Principle

9.2 The application site is located within a residential area, wherein in accordance with 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 of consideration relate to the impact of the proposal's character and appearance upon the existing dwellinghouse, immediate street scene and

residential amenity of neighbouring properties.

#### Impact on Existing Dwelling and Street Scene

9.3 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.

9.4 Supplementary Planning Guidance Document, Leverstock Green East Character Area Appraisal (HCA28) (2004) outlines that extensions should normally be subordinate in terms of scale and height to the parent building.

9.5 The proposed replacement of the flat garage roof to a pitched roof is considered a relatively nominal alteration would not have a significant adverse impact to the visual amenity of the street scene.

9.6 It is noted that all properties with linked garages have retained a flat roof however, other properties within the street scene do feature hipped roofed garages. For this reason the proposed works are not considered to appear deleterious in relation to the surrounding street scene. It is further considered that although the adjoining double garage at No.18 will remain flat roofed, these properties appear as detached entities within the street scene and are not read in unison; in short, a change to one and not the other is considered acceptable.

9.7 The replacement garage door could commence without formal planning permission under Class A of the General Permitted Development Order (2015).

9.8 In short, whilst the introduction of the pitched roof would be different from the original design and character of the property, the merit of the uniformity and character of the street scene is limited and as such the introduction of the pitched roof would result in very marginal harm which would not be of significant detriment to warrant a refusal. As a result the proposed works would not result in visual detriment to the character and appearance of the existing dwelling or street scene; accordingly the proposed coheres with the NPPF (2012), Leverstock Green East Character Area Appraisal (HCA28) (2004), Saved Appendix 7 of the Dacorum Local Plan (2004) and Policies CS11 and CS12 of the Core Strategy (2013).

#### Impact on Residential Amenity

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

9.10 Due to the nature of the proposed works no loss of outlook, privacy or daylight to neighbouring properties would result.

CIL

9.11 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liable due to resulting in less than 100m<sup>2</sup> of additional floorspace.

## 10. Conclusions

10.1 The proposed replacement garage roof and door through size, position and design would not adversely impact upon the visual amenity of the existing dwellinghouse, immediate street scene or the residential amenity of neighbouring residents. The proposal is therefore in accordance with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS4, CS11, CS12 and CS24 of the Core Strategy (2013), Leverstock Green East Character Area Appraisal (HCA28) (2004) and the NPPF (2012).

**11. RECOMMENDATION** – That planning permission be **GRANTED** subject to the following conditions:

No	Condition
1.	<p><b>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</b></p> <p><u>Reason:</u> 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.</p>
2.	<p><b>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</b></p> <p><b>04</b> <b>05</b> <b>06</b> <b>BP01</b></p> <p><u>Reason:</u> For the avoidance of doubt and in the interests of proper planning.</p>
3.	<p><b>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.</b></p> <p><u>Reason:</u> To ensure a satisfactory appearance to the development; in accordance with Policy CS12 of the Core Strategy (2013).</p> <p><u>Article 35 Statement</u></p> <p>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</p>

and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

## Appendix A

### Neighbour notification/site notice responses

#### Objections

Address	Comments
18 Bartel Close	<p>I oppose this Planning Application on the following grounds:</p> <p>The proposed development is out of character, and not in keeping with the design and appearance of the other linked detached properties in Bartel Close. Please refer to appendix 1, showing the other 12 linked detached properties. You will see that none of them have a pitched/hipped roof over the garage. Furthermore, this will look incongruous next to my existing flat roof.</p> <p>There doesn't appear to be any mention of draining from the proposed garage/pitched hip roof. I understand that you have emailed Building Control on this matter and I would be grateful if you would contact me by email or phone when you have received a response.</p> <p>Under the terms of the Party Wall etc. Act 1996, I fail to see how such construction on the roof of No 16 will not involve damage to the party boundary wall and trespass onto my garage roof.</p> <p>Dropped kerbs of 16/18 &amp; 22 form part of the public footpath and should be accessible to pedestrians at all times during the period of this construction. This has not been the case on many occasions since July 2017, when the original works commenced.</p> <p>I trust that you will be conducting a site visit in the near future and would be grateful if you would confirm when this is to take place.</p> <p>In consideration of the above points, I therefore ask that this application be refused.</p>
Cllr Sutton	<p>I have been in discussion with Mrs. Hazel Bassadone of 18 Bartel Close regarding the application at No. 16 Bartel Close. I have given this matter some consideration and feel that I must agree with Mrs. Bassadone. A development of this nature would be out of character with surrounding properties. I would also be looking for</p>



	<p>guaranteed assurances that, should any development move forward, no damage would occur to Mrs. Bassadone's property.</p> <p>With this in mind, if you were of a mind to grant this application, then I would wish to call it in for consideration by The Development Management Committee.</p>
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# Agenda Item 6

## A. LODGED

- 4/01396/17/LBC Sterling  
TWO STOREY EXTENSION AND INTERNAL WORKS.  
OLD PALACE LODGE, 69A LANGLEY HILL, KINGS LANGLEY, WD4 9HQ  
[View online application](#)
- 4/01569/17/MFA W E Black Ltd - Mr E Gadsden  
DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF 40  
DWELLINGS, ALTERATIONS TO EXISTING VEHICULAR ACCESS ON TO  
AYLESBURY ROAD, LANDSCAPING AND INTRODUCTION OF INFORMAL  
PUBLIC OPEN SPACE
- CONVENT OF ST FRANCIS DE SALES PREPARATORY SCHOOL,  
AYLESBURY ROAD, TRING, HP23 4DL  
[View online application](#)
- 4/02283/17/FUL Mrs & Mrs Lane  
NEW DWELLING TO REAR OF KERITY  
LAND RO, KERITY, NORTHCHURCH COMMON, BERKHAMSTED, HP4 1LR  
[View online application](#)
- 4/02473/17/FUL Mr C Pitblado  
USE AND EXTEND THE ORIGINAL WALLS, AND USE THE ORIGINAL  
FOUNDATION SLAB, OF THE FORMER GARAGE AND CAR PORT TO  
CREATE ON THE SAME SITE A TWO STOREY DWELLING; CHANGE OF  
USE FROM AGRICULTURE TO FRONT HARDSTANDING AND REAR  
GARDEN'.  
GABLE END, SHEETHANGER LANE, FELDEN  
[View online application](#)

## B. WITHDRAWN

None

## C. FORTHCOMING INQUIRIES

None

## D. FORTHCOMING HEARINGS

None

## E. DISMISSED

4/00918/17/FUL

CONSTRUCTION OF NEW DWELLING (AMENDED SCHEME).  
28 MERLING CROFT, NORTHCHURCH, BERKHAMSTED, HP4 3XB

[View online application](#)

This appeal related to the construction of an additional dwelling attached to an existing 2-bed house. The development proposed two parking spaces for the existing house, but none for the proposed dwelling. The Inspector agreed with the Council that the proposal conflicts with the policies of the development plan (CS8 and CS12 of the Core Strategy and Appendix 5 of the DBLP) and would not provide adequate off-road parking for future occupiers. The Inspector was not satisfied that the parking survey submitted as part of the application sufficiently demonstrates that the area does not experience on-road parking congestion and that the scheme would not exacerbate this. Consequently, the Inspector dismissed the appeal.

4/00937/16/FUL

HARPER  
CONSTRUCTION OF ONE 3-BED DWELLING AND TWO-STOREY REAR  
EXTENSION  
3 HILLSIDE COTTAGES, LEVERSTOCK GREEN ROAD, HEMEL  
HEMPSTEAD, HP3 8QB

[View online application](#)

### Decision

1. The appeal is dismissed.

### Procedural matters

2. The appeal details show that amended plans were submitted on 1 June 2017 before the application was determined. For the avoidance of doubt and in view of the fact that there does not appear to be any dispute between the Council and appellant on this matter, I have proceeded on the basis that the plans under consideration in this appeal are Drawing Nos 02, 03, 04, 05, 06, 07 and 08. I am satisfied that dealing with the appeal on this basis would not prejudice the interests of any party.

3. The description on the application form does not accurately describe the proposed development. I have therefore considered the scheme on the basis of the description shown on the decision notice and appeal form and am satisfied that dealing with the appeal on this basis would not prejudice the interests of any party.

4. The appellant has confirmed on the application form that they own all of the land necessary for the development, but on the appeal form they state that they do not and have served notice upon the owner of No 3 Hillside Cottages. However, given that I am dismissing the appeal for other reasons based on planning merits, this conflict in land ownership details is not determinative to the appeal outcome and as such I do not need to consider it any further.

5. The appellant states that that the development would accommodate off-road parking for one car, with the potential for 2 additional cars on the driveway leading to this. However, the Council states that parking is not allowed on the driveway in accordance with Paragraph 3.1.1.3 of the relevant deed of easement<sup>1</sup>. This has not been disputed by the appellant in their final comments and I have accordingly considered the scheme on the basis of one off-road parking space being proposed for the new dwelling.

### Main issue

6. The Council has raised no concerns regarding: (a) the design of the dwelling; (b) its impact upon the living conditions of neighbouring occupiers; (c) its impact upon trees and hedges; and (d) its ecological impact. Accordingly, within the context of the Council's reason for refusal and the evidence in this case, the main issue is whether the scheme makes adequate provision for off-road parking.

### Reasons

7. The appeal site contains an historic 2-storey cottage with no off-road parking which forms the end unit of an attractive terrace ('the terrace'). There is a large grass verge between the front elevation of the terrace and the vehicular highway, which appears to have been used for parking as there are a number of concentrated areas where the grass has worn away. The appeal site lies on an important local distributor road (A4147) channelling traffic into and out of Hemel Hempstead, with no on-road parking restrictions outside the terrace.

8. Policy CS12 of the Core Strategy<sup>2</sup> requires, amongst other things, the provision of sufficient parking for new development. Appendix 5 of the Local Plan<sup>3</sup> contains the Council's standards for parking and states

that for 3 bedroom dwellings this should be between 2 and 2.25 on-site spaces (depending on the accessibility zone it falls within).

9. Although the development would provide 1 off-road parking space for the proposed house, none would be provided for the existing dwelling the appellant proposes to extend. The scheme would accordingly result in a significantly lower level of off-road parking provision than required by Appendix 5.

10. The appellant has acknowledged in their appeal statement that off-road parking for the terrace is insufficient and that as a consequence, a number of residents park on the grass verge. The appellant says that this results in the verge becoming 'very muddy' and that the Council should address this as part of its verge hardening scheme. However, I can only consider the scheme before me, which makes provision for 1-off road space and does not incorporate improvements to the verge to allow for unfettered off-road parking by residents. Furthermore, I have no evidence before me of any surveys to demonstrate that parking congestion does not exist in front of the terrace and details of where existing and future residents would park their vehicles if the scheme was allowed and additional demands were placed on the grass verge.

11. On the basis of the evidence before me, I am not therefore satisfied that it has been demonstrated that the grass verge in front of the terrace does not experience parking congestion. As a consequence, I have significant concerns that the development would exacerbate this congestion, give rise to conflict with other owners of parked cars, and be harmful to the amenities of existing and future residents.

12. I recognise that the site is in an urban location within walking and cycling distance of a local retail centre, public houses, employment opportunities at the Hemel Hempstead Industrial Estate and public transport (buses), and that Paragraphs 17 and 39 of the Framework4 collectively state that growth should be managed to make the fullest use of walking, cycling and public transport and that local parking standards should take into account the accessibility of development and the availability of public transport. However, no evidence has been supplied detailing the frequency of local buses or their destination, or the proximity of the site to facilities relating to education, healthcare, sport and recreation. In view of this, I am unable to conclude that a wide range of services and facilities are within easy walking or cycling distance of the site and/or whether they are accessible by public transport. I have as a consequence concluded that future occupiers would be car-dependent and that a lower level of off-road parking provision has not been sufficiently justified.

13. The appellant has drawn my attention to other grass verges and driveways on public land where cars are routinely parked and which they feel helps justify a similar approach in respect of the appeal scheme. However, I am not aware of the particular circumstances where this parking occurs and in any event, I must consider the development on its own merits. The existence of these other examples of parking on grass verges and public land does not justify the harm I have identified and nor do the benefits of providing an additional dwelling.

14. I recognise that the appellant has amended the scheme on a number of occasions to address the views of Council officers and that the application was recommended for approval by the case officer. However, this has little bearing on the matter before me and is a matter between the parties. I have also noted the lack of objections by the local highway authority, but this in itself does not demonstrate a lack of harm, as is the case for the anecdotal support for the scheme referred to by the appellant.

15. In view of the above, I have concluded that it has not been demonstrated; - (a) that the development would provide sufficient parking for existing and future occupiers of the existing and proposed dwellings; and (b) that it would not give rise to undue parking congestion in the area. The proposal would as a consequence be harmful to the amenities of future and neighbouring occupiers and not accord with Policy CS12 of the Core Strategy and Appendix 5 of the Local Plan, which collectively seek, amongst other things, to ensure that new development provides a sufficient level of parking for new development.

Other matters

16. Given my conclusion on the main issue that the development is unacceptable, the other objections raised by third parties have not been central to my decision. Accordingly, there is no need for me to consider them further as it would not alter the outcome of the appeal.

Conclusion

17. I have concluded that the proposal conflicts with the policies of the development plan and would not provide adequate off-road parking for existing and future occupiers. In view of this, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

**F. ALLOWED**

None

