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# DEVELOPMENT MANAGEMENT AGENDA

**THURSDAY 24 MAY 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) 4/02152/17/MFA - CONSTRUCTION OF TWO NEW DWELLINGS. TRANSFER OF LAND TO THE WEST TO DACORUM BOROUGH COUNCIL FOR THE EXTENSION OF THE EXISTING RECREATION GROUND (AMENDED SCHEME) - LAND ADJACENT OKEFORD DRIVE, TRING, HP23 4EX (Pages 6 - 34)
- (b) 4/03310/17/FUL - DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF TWO STOREY BLOCK OF SIX FLATS WITH ANCILLARY OFF ROAD PARKING AND LANDSCAPING WITH VEHICLE CROSSOVER - 35 GREEN LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JZ (Pages 35 - 56)
- (c) 4/03324/17/FUL - CONSTRUCTION OF TWO PAIRS OF SEMI-DETACHED DWELLINGS (4 UNITS IN TOTAL) WITH SHARED DRIVEWAY - REAR OF 5 TRING ROAD, DUDSWELL, BERKHAMSTED, HP4 3SF (Pages 57 - 104)
- (d) 4/01679/17/MFA - ROOF EXTENSION, REFURBISHMENT AND REPAIR, USE OF BUILDING AS 9 FLATS (5 ONE-BED, 4 TWO-BED) COMMUNITY USE ON PART OF GROUND FLOOR AND RAMPED ACCESS, BIN STORAGE AREA AND PARKING (11 SPACES) - NASH HOUSE, DICKINSON SQUARE, HEMEL HEMPSTEAD, HP3 9GT (Pages 105 - 165)
- (e) 4/02450/17/FUL - DEMOLITION OF EXISTING HOUSE. CONSTRUCTION OF 5 3-BED HOUSES AND A BLOCK OF 3 X 1 BEDROOM AND 1 X 2 BEDROOM FLATS, TOGETHER WITH ANCILLARY 14 BAY CAR PARKING. PRIVATE GARDEN AMENITY SPACES AND EXTERNAL BIN STORES - 143 BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9UZ (Pages 166 - 209)
- (f) 4/00580/18/FHA - RAISING OF HIPPED ROOF TO GABLE. CONSTRUCTION OF FRONT AND REAR DORMERS AND LOFT CONVERSION (AMENDED SCHEME) - 55 EGERTON ROAD, BERKHAMSTED, HP4 1DU (Pages 210 - 216)
- (g) 4/00534/18/FUL - DEMOLITION OF EXISTING GARAGE & WORKSHOP BUILDING AND CONSTRUCTION OF 1 NO. 3 BEDROOM DWELLING, DETACHED CAR PORT AND ASSOCIATED HARD AND SOFT LANDSCAPING - R/O 114-138 PICCOTTS END, HEMEL HEMPSTEAD, HP1 (Pages 217 - 233)
- (h) 4/00595/18/MFA - CONSTRUCTION OF 5 RETAIL (CLASS A1) UNITS TOTALLING 10,730 SQM FLOORSPACE, AND ONE UNIT TOTALLING 186 SQM FOR USE AS FINANCIAL SERVICES OR CAFE/RESTAURANT (CLASS A2 OR CLASS A3) AND ASSOCIATED ACCESS, CAR PARKING, SERVICE YARD AND LANDSCAPING - JARMANS FIELDS, ST ALBANS ROAD, HEMEL HEMPSTEAD (Pages 234 - 289)
- (i) 4/00524/17/FHA - TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION AND DETACHED SINGLE STOREY GARAGE - PENTWYN, COURTAULDS, CHIPPERFIELD, KINGS LANGLEY, WD4 9JR (Pages 290 - 297)

- (j) 4/00560/18/FHA - CONSTRUCTION OF TWO STOREY SIDE EXTENSION. EXTEND EXISTING LOFT CONVERSION ABOVE PROPOSED SIDE EXTENSION AND REPLACE EXISTING DORMER. INSTALLATION OF TWO VELUX WINDOWS TO FRONT FACING ROOF. EXTEND EXISTING SINGLE STOREY REAR EXTENSION TO THE SIDE. CONSTRUCTION OF OUTBUILDING TO REAR OF GARDEN - 28 OSBOURNE AVENUE, KINGS LANGLEY, WD4 8DB (Pages 298 - 304)

**6. APPEALS UPDATE** (Pages 305 - 312)

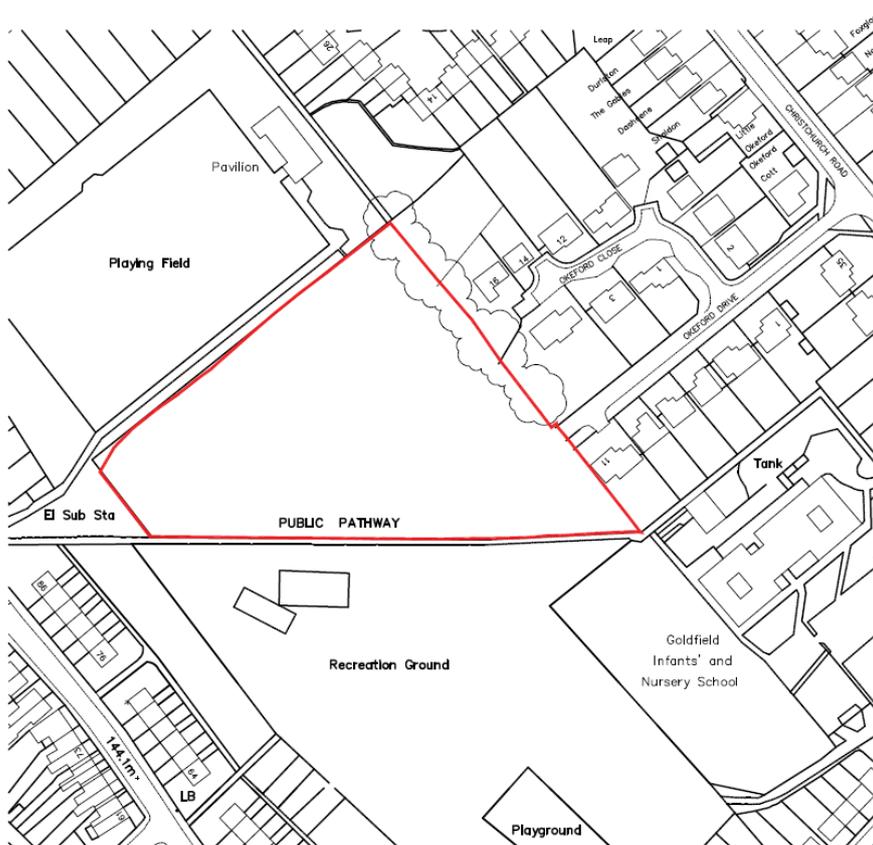
# Agenda Item 5a

**4/02152/17/MFA CONSTRUCTION OF TWO NEW DWELLINGS. TRANSFER OF LAND TO THE WEST TO DACORUM BOROUGH COUNCIL FOR THE EXTENSION OF THE EXISTING RECREATION GROUND. (AMENDED SCHEME).**

**LAND ADJACENT OKEFORD DRIVE, TRING, HP23 4EX**

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SCALE FROM THE SOURCE. SHIP ALL DIMENSIONS FROM THE DRAWING. WORK TO SCALE AND KEEP DIMENSIONS AND COORDINATES TO SUITABLE OTHER SCALES.



Location Plan 1:1250

1:1250 scale Bar  
This Drawing has been produced for printing onto A3 size paper. If printing on any other size please use the scale bar below.

**Day & Tanner Partnership** ARCHITECT AND PLANNING

CLIENT: Rivergate Homes Ltd  
 JOB: Tring, Land adj to Okeford Dr & Okeford Ln, Dacorum  
 DWG: LOCATION PLAN

www.daytanner.co.uk  
 Wokingham  
 31 Peach Street  
 Wokingham  
 Berkshire  
 RG40 1SP  
 0118 908 0808  
 info@daytanner.co.uk

SCALE: 1:1250 DRAWN: DN DATE: MARCH 2018 | 3220 / 208



**4/02152/17/MFA CONSTRUCTION OF TWO NEW DWELLINGS. TRANSFER OF LAND TO THE WEST TO DACORUM BOROUGH COUNCIL FOR THE EXTENSION OF THE EXISTING RECREATION GROUND. (AMENDED SCHEME).**

**LAND ADJACENT OKEFORD DRIVE, TRING, HP23 4EX**

| NO. | REVISION | DATE |
|-----|----------|------|
|     |          |      |
|     |          |      |
|     |          |      |
|     |          |      |






East Elevation

South Elevation

West Elevation

North Elevation




GROUND FLOOR  
19/5/21



FIRST FLOOR  
19/5/21








South East Elevation    North East Elevation  
North West Elevation    South West Elevation

**NOTES:**  
1. ALL WALLS TO BE FINISHED WITH RED BRICK.  
2. ALL ROOFS TO BE FINISHED WITH DARK GREY SLATES.  
3. ALL WINDOWS AND DOORS TO BE FINISHED WITH WHITE UPVC.  
4. ALL FLOORS TO BE FINISHED WITH LIGHT GREY CARPET.

**Day • Tanner Partnership** ARCHITECTS

Rivergate Homes Ltd  
 Ting Land adjacent to Okeford Drive & Okeford Cl  
 DACORUM  
 PROPOSED - PLOT 1  
 Issue 1: 15/03/2018 Date: MARCH 2018 3220/224 | E

|                              |  |
|------------------------------|--|
| <b>4/02152/17/MFA</b>        | <b>CONSTRUCTION OF TWO NEW DWELLINGS. TRANSFER OF LAND TO THE WEST TO DACORUM BOROUGH COUNCIL FOR THE EXTENSION OF THE EXISTING RECREATION GROUND. (AMENDED SCHEME).</b> |
| <b>Site Address</b>          | <b>LAND ADJACENT OKEFORD DRIVE, TRING, HP23 4EX</b>  |
| <b>Applicant</b>             | <b>Rivergate Homes Limited</b>   |
| <b>Case Officer</b>          | <b>Amy Harman</b>  |
| <b>Referral to Committee</b> | <b>THE TOWN COUNCIL RECOMMENDED REFUSAL OF THIS APPLICATION</b>  |

## **1. Recommendation**

1.1 That planning permission be **DELEGATED WITH A VIEW TO APPROVAL** subject to conditions set out below.

## **2. Summary**

2.1 The proposals are to construct two detached 5 bed dwellings, each with detached garages. Access to the properties would be directly off the end of Okeford Drive and would be seen as an extension to the existing cul de sac. Each dwelling would sit relatively centrally within the plot with gardens facing out over the recreation ground. Landscaping is proposed to delineate the residential plots from the recreational ground and to provide privacy.

2.2 As part of the proposal the land to the west of the proposed dwellings would be handed over to the Council in perpetuity to be used as an extension to the recreation ground to the north and south of the site. This would be part in lieu of the CIL payment due for the construction of the dwellings.

## **3. Site Description**

3.1 The site is an angular shaped site of unmanaged open grassland centrally located within the Miswell Lane Recreation Ground. The site is bounded to the north by playing fields and a pavilion that is used by Tring Athletic Football Club. To the south is the recreation ground which comprises an open grassed area together with a playground at the southern end and a basketball court at the northern end. Goldfield Infant's and Nursery School is located to the south-east of the site; the residential properties of Okeford Close adjoin the north-eastern boundary.

3.2 Pedestrian walkways extend along the north-western and southern boundaries of the site with access from Miswell Lane. Informal pathways cut across the site. Vehicular access is provided from the end of Okeford Drive although this is currently gated.

3.3 The mature trees just outside the northeast boundary of the site are subject to Tree Preservation Orders.

3.4 The residential properties forming Okeford Drive are predominantly two storey detached dwellings with integral garages constructed in the mid 20th century; those in Okeford Close appear to be more recently constructed and are generally larger sitting in generous sized plots.

3.5 The residential development surrounding Miswell Lane Recreation Grounds is varied, with an overall denser form of development to the west and south characterised by semi-detached and terraced housing interspersed by the occasional bungalow. The development to the east directly adjoining the site comprises lower density cul-de-sacs of detached dwellings with front and rear gardens.

## **4. Proposal**

4.1 The proposal is for two five bedroom detached properties with associated garages and landscaping on land adjacent Okeford Drive. Currently the portion of land (highlighted in red on the location plan) is privately owned open space.

4.2 The Regulation 123 list sets out that the Council will fund the delivery of Green Infrastructure and Open space including outdoor sports pitches from its CIL contributions. Through this mechanism the remainder of the site would be transferred to Dacorum Borough Council to be retained as Public Open Space. The transfer of land at Okeford Drive would constitute the provision of open space.

## **5. Relevant Planning History**

4/00784/17/MFA CONSTRUCTION OF TWO NEW DWELLINGS. TRANSFER OF LAND TO THE WEST TO DACORUM BOROUGH COUNCIL FOR THE EXTENSION OF THE EXISTING RECREATION GROUND.

Withdrawn  
16/08/2017

4/01472/16/MFA CONSTRUCTION OF 8 NEW DWELLINGS WITH NEW ACCESS ROAD. TRANSFER OF LAND TO THE WEST, TO THE COUNCIL FOR AN EXTENSION TO THE RECREATION GROUND.

Refused  
27/09/2016

## **6. Policies**

### 6.1 National Policy Guidance

National Planning Policy Framework (NPPF)

### 6.2 Adopted Core Strategy –

NP1, CS1, CS2, CS4, 12, 17, 18

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

Policies 9, 116, 118. Appendix 5

### 6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area BCA 3:Bank Mill
- Water Conservation & Sustainable Drainage (June 2005)
- Energy Efficiency & Conservation (June 2006)
- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Landscape Character Assessment (May 2004)
- Planning Obligations (April 2011)
- Affordable Housing (Jan 2013)

### 6.5 Advice Notes and Appraisals

- Sustainable Development Advice Note (March 2011)

## **7. Constraints**

- TREE PRESERVATION ORDER
- OPEN LAND
- ARTICLE 4 DIRECTIONS
- CIL2

## 8. Representations

### Neighbour notification/site notice responses

8.1 122 received in total (including email and online) 3 in support, 119 in objection

8.2 Due to the large number of consultation responses, a summary of objections is provided below. However these are available at Appendix B

- The proposed development area will divide the recreation ground, rather than unite the two areas either side of it, due to its large size. In particular, the corner immediately adjacent to Goldfield Nursery and Infant School will become hemmed in and tunnel like for quite a distance along an extremely well used public footpath.
- If this application is passed, it will result in the loss of a sizeable piece of 'open land' regardless of any land transferred to Dacorum. Tring has a deficit of open land and every bit counts. The designation was put on this land to prevent it being built on.
- Despite its privately owned status, there isn't and never has been any distinction between the public and private areas of the recreation ground. This piece of land has been a well integrated part of the park for decades, and use of this land by the public has never been challenged.
- There is no evidence that the landowners have ever maintained any part of this land, and in fact when there are local community litter picks in the park, this land is treated as part of the park and it is ensured that any litter is collected from it. The community maintain this land.
- It has been argued that by allowing this development to go ahead and the transferring of remaining land to Dacorum, that this outcome will be in the public's best interests. However, with approximately 100 objections to this application online, and 122 members of a 'Friends Of Miswell Park' group (which is supported by Dacorum's Parks department) all of whom object to this application, it definitely isn't in the best interests of those people who represent the community living around and near to the park and use it on a daily basis.
- An inspectorate report in 2002 made a point of stating that ANY development would be unsuitable on this land, due to the unique character of the park, its wide reaching views to Tring Park, it's position within the built up townscape and the important role it plays within the community as a recreation space.
- The planned houses are totally out of keeping with the local area. Whilst there are large detached properties nearby, none of them sit on such large plots with wraparound gardens and detached garages.
- Even if the remainder of land is transferred to Dacorum and covenanted to prevent future development on it, there are real concerns within the community that with two houses already on the land, the covenant could be overturned and the remainder of land developed by Dacorum in the future. If Dacorum are giving serious consideration to overturning an 'open land' designation which should protect this land from development, then surely it could be argued that a covenant could be overturned when land for houses is required.

- Whilst the environmental assessment commissioned for this application state that this land is not an important one for wildlife, it doesn't tell the full story. There are mature trees with tree preservation orders on them on the immediate boundary of the proposed development site. It is of great concern that these and the wildlife such as birds and bats that use these mature trees for nesting and as roosts, will be affected by the building works. This area of land is one of very few within the town which is semi-wild, and while it is assumed not to have protected species on it as the assessment deemed the habitat unsuitable, it is still an important habitat for many species of butterfly, insect and bird.
- This land doesn't drive a wedge between the football field and the rest of the recreation ground as has been suggested, but is the perfect bridge between the two mono cultured parts of the park.
- The proposed development will remove an established footpath and an important thoroughfare used by the community unchallenged for decades..
- In Dacorum Council's own words, this is a "divergence from planning policy". There should be absolutely no reason at all why any application to develop this land which has 'open land' designation on it, now or in the future should not continue to be refused on designation grounds alone. What is the point of designating status on land within parks in this way, if an exception can be made to overturn it against the wishes of the community which surround and use this park regularly, and goes against the council's own planning policy? These houses have no place within a recreation ground.

8.3 These are reproduced in full at Appendix B

#### Consultation responses

##### Tring Town Council

The Council recommended refusal of this application on the same grounds as before - there being insufficient changes to the prior plans to warrant a change in opinion. The basis of the refusal is that there is a deficit of open space within Tring so the land's designation as public open space should be respected. The proposal is contrary to saved policy 116 Open Land in Towns and Large Villages. Members felt, on balance, the purported benefits of the development do not warrant an exception being made to allow development in this instance. However, there is great sympathy for the principle of securing the long term future of the area. Should the decision be that permission is granted, the Town Council would like that to be subject to the withdrawal of permitted development rights.

##### Trees and Woodlands

The Arboricultural report is of good quality and I agree with its recommendations. All the trees of high amenity value are actually off site and are protected by TPO numbers 130 made in 1983 and TPO number 80 made in 1970. The proposed development will have very little impact on these trees and I consider the tree protection measures recommended in the tree report satisfactory. There are several mature trees within the site but these will not be adversely affected by the proposed development. The small trees and shrubs recommended for removal are not worthy of retention. The proposed tree and hedge planting is also acceptable including species, size and numbers.

##### Operations - Clean, Safe and Green

We would manage this as is as a natural area/meadow. We would look at installing some signage to this effect and carry out regular weed control with an annual cut as required in blocks. Other operations would be litter picking and dealing with any other fly tipping if this occurs.

##### Hertfordshire Ecology

1. The land in question has long been left largely neglected and is considered to be of local value to wildlife. However the amended proposals for development are significantly reduced in extent and will impact less on the existing site.

2. The site has been subject to ecological surveys. I have no reason to disagree with their conclusions. Whilst the site does nevertheless play a local role for wildlife in supporting rank grassland and any associated interest, the intrinsic botanical quality of the grassland habitat is poor (I have assessed the site twice in recent years) and it does not appear to support any protected species. The site is used extensively by dogs and probably local cats and is ecologically limited. That said there will still be a loss of local resource; however, the relative impact of this is insignificant and in my opinion would not represent an ecological constraint on the development.

3. I note the proposal to transfer the land to Dacorum Borough Council. This would be welcomed as a means of securing the open space. However, if DBC then use the land to extend the informal recreational use of the land as per the adjacent land-uses of formal sports pitch and informal recreation – both of which are essentially ecologically sterile, the ecological damage would be significantly greater than the impact of the development.

4. Consequently if DBC wish to take into account the limited (but still existing) ecological interest at present (species-poor rank grass will still provide a local habitat for small mammals, invertebrates and bird foraging), I advise that a Condition of approval should be the preparation of an appropriate management plan which provided a locally valuable wildlife habitat for the benefit of ecology and the local community. This could, for example, include the planting of an orchard as well as the establishment of Wildflower grassland. Any subsequent development of features such as ant hills should be left and not destroyed if possible. These would provide a positive statement for the remainder of the land as well as be consistent with the aims of NPPF which seeks to enhance biodiversity as a result of development. Practical implementation of any management of such a resource would also need to be considered and should be secured by a S106 Management Agreement. Presumably this would be a legal planning obligation for the new owner – the LPA.

5. I would have preferred to see greater use of native species within the proposed hedgerows surrounding the properties as these would then also enhance any ecological management of the remainder of the area. However, if the remainder of the land could be secured and managed as outlined above, I would not object to the landscaping proposals for what would in any event be then garden hedgerows. Use of more native evergreen species may however be desirable from an amenity and security perspective, such as holly.

#### LLFA

Following a review of the Flood Risk Assessment carried out by CEC reference 5237 dated March 2018 Issue 4, 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.

We note two drainage schemes have been proposed; one based on infiltration and the other based on attenuation and discharge into Thames surface water sewer restricted to Greenfield rates. Surface water drainage calculations have been provided to support the proposed scheme to ensure the site can cater for the 1 in 100 plus 40% climate change. We note that infiltration tests have not yet been carried out and will be conducted at detail design stage therefore we recommend 2 conditions to the LPA should planning permission be granted.

## HCC

Apologies for the delay, but I can confirm that given the size of this application HCC would have no fundamental objection to the proposal.

## Strategic Planning

The leisure proposal was deleted through the Site Allocations .

The Open Land designation remains unchanged. So in other words, it's just the OL designation to take account of now for this application.

From a Corporate stance DBC would like that piece of land. Therefore in accordance with our CIL in-kind policy this is fine as long as CSG and estates have agreed to take this piece of land on board as a council asset to own and maintain if permission is granted.

## **9. Considerations**

### Main issues

9.1 The main issues to consider are:

- Policy and principle
- Design and Layout
- Impact on Street Scene
- Impact on Trees and Landscaping / Ecology
- Impact on Highway Safety

### Policy and Principle

9.1 The site is designated Open Land. Saved Policy 116 states that "Open land forming part of the urban structure will be protected from building and other inappropriate development by applying the general provisions of Policy 9." Local Plan Policy 9 has now been superseded by Core Strategy Policy CS4 which states that "In open land areas the primary planning purpose is to maintain the generally open character. Development proposals will be assessed against relevant open land policies."

9.2 Policy 116 goes on to list criteria that ancillary buildings and works, additions, replacement and redevelopment of buildings and changes of use must satisfy. The proposed development does not involve ancillary buildings and works, additions, replacement or redevelopment of buildings but it does constitute a change of use from private open space to residential together with new residential dwellings.

9.3 The aim of saved Policy 116 and adopted Core Strategy CS4 is to safeguard the open character of the land. This is a key planning consideration in determining the planning application. A clear case would need to be made to justify an exception to policy on the grounds of public benefit that would outweigh the harm to the open character of the land arising from the proposal. The applicant has proposed that the land to the west of the proposed dwellings would be handed over to the Council to be used in perpetuity as an extension to the Miswell Recreation Ground. This would form part of the case for other material considerations for an application to be determined that is a departure from the Development Plan.

9.4 It is clear from the high number of objections received that the site is well used and highly

valued by the community for the contribution it makes to the amenities of the surrounding area. Commentary to Policy 116 reiterates the need to assess the contribution made by such spaces and weigh it carefully against demands for development. Miswell Recreation Ground plays an important role in the provision of open space in the residential area of western Tring and the site is inherently connected to these grounds due to its central position between the playing fields to the north and south. It is acknowledged that the site is privately owned and therefore public access could be restricted. However the value of the site lies in its openness in relation to the two open spaces on either side. The assessment is therefore whether the proposal would compromise the integrity of this group of open space sites and their relationship to the surrounding residential development that borders it.

9.5 The previous scheme for 8 new dwellings was refused in September 2016 for the following reasons;

*The proposed development will result in the loss of designated open land and the saved leisure proposal L4 adversely impacting on the open character of the area, its open land function within the urban structure and the high quality environment. The Council is not satisfied that the material considerations put forward in support of the application outweigh the harm identified through the loss of open space and therefore the proposals would be contrary to Policies CS4 and CS26 of the Core Strategy and saved Policies 116 and L4 of the Dacorum Borough Local Plan 1991-2011.*

9.6 This proposal comes forward as an amendment to this scheme to provide two 5 bed detached house and to distribute 9,961 metres square of open land into the ownership of Dacorum Borough Council to provide public open space in perpetuity (an increase of 4,242 metres square given over for public open space from previous scheme).

9.7 Of the total wider site area of 12,041 square metres (the red lined area on the site location plan), 2,080 square metres (approximately 20%) is taken up by the two dwellings and their respective curtilages which in turn allows for the circa 80% balance of the site, some 9,961 square metres or very nearly a hectare, to be transferred to the Council.

9.8 The smaller plot of land ear-marked for the development of the two dwellings therefore retains a much larger parcel of land to be retained as public open space. In this regard this proposal attempts to 'tip the balance' between the harm caused by the development in favour of increasing the public benefit of the scheme.

9.9 It also retains the informal walkway's which have been used across the site (an amendment during the course of the application process) - maintaining the linkages between all areas of the park.

9.10 In addition the site is no longer designated as proposal L4 which involved the extension to the existing Leisure space. This proposal added that the land was safeguarded from alternative development. Therefore there is also a change to policy consideration from the previous application.

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

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

9.13 On balance, it has been concluded that the proposed development should be accepted in principle as an exception to policy, given the state of inertia of the site and the increased public benefit of adopting a much larger portion of the site for public recreational purposes adjacent to the existing grounds than has been offered in previous schemes.

9.14 The Council's Clean, Safe and Green department have not raised an objection to the adoption of the land as part of the recreation ground. They have agreed to maintain the land and manage as a natural area / meadow. They would look to install some signage to this effect and carry out regular weed control with an annual cut as required in blocks. Other operations would be litter picking and dealing with any other fly tipping if this occurs.

#### Design and Layout

9.10 The proposals are generally consistent with the overall density and layout of the properties of Okeford Close. It is acknowledged that the character of the site is established by its existing use as open land and the surrounding recreational uses which is devoid of development. The proposed density reflects the general density and layout of the properties on nearby Okeford Close and Okeford Drive with sufficient spacing between the dwellings.

9.11 The general layout based on continuing Okeford Drive in the form of a cul-de-sac is considered acceptable. The proposal represents a considered layout that allows for a good standard of amenity for future occupiers. Off-street parking is provided within the frontages with rear gardens over 11m deep.

9.12 The Crime Prevention Officer raised no objection to the layout

9.13 The proposed dwellings are considered to be acceptable in design terms. A range of traditional features are proposed including bay windows, chimneys and hipped pitched roofs. The design approach is sympathetic to the more recently constructed dwellings of Okeford Close and as a result the proposed development would be in keeping with the character and appearance of the immediate area.

#### Impact on Street Scene

9.4 The site is currently characterised by open grassland with a scrub/hedgerow belt along the northeast boundary. Mature trees align this boundary outside the site which is subject to a Tree Preservation Order. The playing fields to the north and south are intensely managed and characterised by mowed lawn with some playing apparatus. Bordering the playing fields are residential properties which are predominantly separated from the fields by close boarded fencing and other similar boundary treatment.

9.5 The proposed development introduces built development in the form of two dwellings and associated access. A macadam turning with permeable paving will introduce hard surfacing to the site together with other domestic paraphernalia associated with a housing development.

9.6 However to mitigate this, the developer have proposed the introduction of tree planting, of which the species, size and numbers are acceptable.

9.7 The development has been further reduced, since submission stage and the informal pathways across the site have been retained thus achieving a significant improvement to previous proposals and less harmful in terms of impact on the open space.

9.8 However it is difficult to ignore that this application will introduce built development where there currently is none.

9.9 In weighing up the above factors, together with an identified need for housing in sustainable locations (including towns such as Tring), Members are required to determine whether they consider the benefits of the scheme outweigh the harm the development would have on the open character of the existing site and its open space setting contrary to saved Policy 116.

#### Impact on Trees and Landscaping / Ecology

9.5 Trees and Woodlands are supportive of the scheme and have stated that all the trees of high amenity value are actually off site and are protected by TPO numbers 130 made in 1983 and TPO number 80 made in 1970. The proposed development will have very little impact on these trees and it is considered the tree protection measures recommended in the tree report are satisfactory. There are several mature trees within the site but these will not be adversely affected by the proposed development. The small trees and shrubs recommended for removal are not worthy of retention. The proposed tree and hedge planting is also acceptable including species, size and numbers.

9.6 Hertfordshire Ecology have not raised any ecological sensitivity issues relating to the site, they have concluded that the relative impact of the scheme does not represent an ecological constraint on the development.

9.7 Furthermore, whilst the site does nevertheless play a local role for wildlife in supporting rank grassland and any associated interest, the intrinsic botanical quality of the grassland habitat is poor and it does not appear to support any protected species. The site is used extensively by dogs and probably local cats and is ecologically limited.

9.8 Herts Ecology did recommend a condition of approval should be the preparation of an appropriate management plan to provide a locally valuable wildlife habitat for the benefit of ecology and the local community. However, the Clean, Green and Safe team have stated that they would manage the park area as a natural area/meadow which is considered acceptable and in the interests of the local community. Moreover it is not possible to secure a lump sum of funds for ongoing maintenance to the proposed mechanism for the transference of land. Instead, the cost of on-going management and maintenance would need to be consumed within existing landscape management budgets, but this is not seen as problematic.

#### Impact on Highway Safety

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

9.7 A query was raised regarding bin collection and it is envisaged that on bin collection day the residents will simply move their bins to the edge of the highway for collection as is common in this type of domestic arrangement. The layout indicates that there is plenty of space alongside the houses to store bins during the week and plenty of room at the front of the site on bin day

9.8 It is proposed that 8 parking spaces (including a single occupancy garage) will be provided for the two dwellings which is in excess of the guidance contained within saved DBLP Appendix 5. Although this is an over provision it does not raise any concerns and is not considered a reason for refusal.

#### Response to Neighbour comments

These points have been addressed above. Tring Town council suggested that PD be removed from the two dwellings and this forms a suggested condition.

#### CIL

9.9 The Council has an adopted Community Infrastructure Levy (CIL) under which financial contributions are secured from all new residential development towards on site, local and strategic infrastructure works as required under Policy CS35 of the Core Strategy. The site is located in Charging Zone 2 as set out in the CIL Charging Schedule. Within Zone 2 a charge of £150 per square metre of development will be levied.

9.10 The proposed development provides some 490 square metres of development, which allowing for indexation, equates to a CIL contribution of some £90,572.83. The CIL contribution is mandatory. This would normally be paid in instalments from the date that development commenced.

9.11 The Council may use its CIL receipts to fund items of infrastructure upon a list produced under Regulation 123 (the Regulation 123 list) of the CIL Regulations 2010 (as amended). The purpose of the Regulation 123 list is to set out how CIL may be used to secure the infrastructure necessary to support growth under the Core Strategy from CIL contributions however it also sets out how other mechanisms may be used to fund infrastructure works. Regulations 122-124 of the CIL Regulations 2010 (As amended) are worded to prevent developers being charged twice (under CIL and S106) for the same or similar infrastructure and such practices would be unlawful.

9.12 The Regulation 123 list sets out that the Council will fund the delivery of Green Infrastructure and Open space including outdoor sports pitches from its CIL contributions with three exceptions; open spaces on local and strategic allocations, allotments at LA4 - Hanbury's, Berkhamsted and extensions to Shrubhill Common Nature Reserve, Hemel Hempstead. The transfer of land at Okeford Drive would constitute the provision of open space and as the site is not subject to an exemption under the Regulation 123 list is not capable of being secured via a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended)

9.13 Instead the applicants have offered to pay a proportion of the CIL liability associated by the development through the transfer of land for infrastructure using the adopted the CIL Payment in Kind - Land policy. The Council is not obliged to accept such a transfer but may do so where it may be beneficial to securing the provision of appropriate infrastructure. In this case, it is considered that the benefits of securing public access to the open space weigh significantly in favour of the grant of planning permission.

9.14 In accordance with the CIL Payment in Kind - Land policy and the CIL Regulations 2010 (as amended) the Council is obliged to pay a fair market price for the land at its intended use and deduct such sums from the amount of CIL due as a result of development. The Council's own policy states that it will pay no more than 50% of the total liability arising from the proposed development and there is also an expectation that the applicants provide sufficient information to pass due diligence.

9.15 The site has been independently valued by a member of the Royal Institute of Chartered Surveyors (RICS) and having regard to relevant data on land values prepare by the RICS on a quarterly basis. The value of the site as open land and as of December 2017 is £36,000. This would amount to some 39.75% of the CIL charge.

9.16 The Group Manager for Clean, Safe and Green has been consulted on the proposed transfer of land and considers it to be appropriate. The cost of on-going management and maintenance would need to be addressed within the existing budget for landscape maintenance but is not an impediment to the transfer of the site.

9.17 The County Council Planning Obligations team has been consulted regards the intention of the Council to accept land in lieu of CIL and has no fundamental objections to such an approach given the small scale of the development in question.

9.18 It is recommended that the Council should accept the transfer of land as part payment of the CIL Liability associated with the development.

## 10. Conclusions

10.1 In conclusion, on balance, it is recommended that this application is delegated with a view to approval subject to recommended conditions and a contract to secure the transference of the designated land to Dacorum Borough Council.

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

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

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

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

3220/222 E  
3220/221 D  
3220 / 220 D  
3220/225 D

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

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

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

- 4 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

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

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality in accordance with Adopted Core Strategy CS12

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

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

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

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

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

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

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

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

Informative:

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

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

- 7 **The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by CEC reference 5237 dated March 2018 Issue 4, submitted and the following mitigation measures detailed within the FRA:**
- 1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.**  
[www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)
  - 2. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.**
  - 3. Undertaking appropriate drainage strategy based on infiltration or attenuation and discharge into Thames surface water sewer restricted at 0.5l/s for all events up to and including the 1 in 100 year + climate change event.**

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.

- 8 **No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by CEC reference 5237 dated March 2018 Issue 4. The scheme shall also include;**
- 1. Infiltration tests carried in accordance with BRE Digest 365, If infiltration is not feasible then the alternative discharge mechanism based on attenuation and discharge into Thames surface water sewer at 0.5l/s should be provided.**
  - 2. Full detailed engineering drawings of all SuDS features 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.**
  - 3. All calculations/modelling and drain down times for all storage features.**
  - 4. Exploration of opportunities for above ground features such as permeable paving to reduce the requirement for any underground storage and silt traps for protection for any residual tanked elements.**
  - 5. 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.**
  - 6. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.**

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.

- 9 **Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be**

**made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

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

**10. No part of the development shall begin until the means of access has been altered in accordance with the approved drawing and constructed in accordance with “Roads in Hertfordshire A Guide for New developments”.**

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

**11. Development shall not commence until a scheme detailing provision for onsite 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.

**12. Construction of the development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of: a. Construction vehicle numbers, type, routing; b. Traffic management requirements; c. Construction and storage areas; 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; and 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.

**13. Prior to the commencement of the development hereby permitted details of the servicing arrangements including information that the bin stores are in accordance with Manual for Streets and a swept path of a refuse vehicle manoeuvring shall be submitted to and approved in writing by the Local Planning Authority and thereafter available for that specific use.**

Reason: In the interests of satisfactory development and highway safety.

#### Informatives

AN1. Road Deposits: Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during demolition of existing building and construction of the new development are in condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Reason: This is to minimise the impact of construction vehicles and to improve the amenity of the local area.

AN2. The applicant is advised that storage of materials associated with the development should take place within the site and not extend into within the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary further details can be obtained from the County Council Highways via either the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephone 0300 1234047 to arrange this.

Reason: In the interest of highway Safety

A3. The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works.

Reason: In the interest of highway user's safety

AN4. Where works are required within the public highway to facilitate access, the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. In relation to the crossover the applicant is advised to see the attached website.

Vehicle crossover guidance

<http://www.hertsdirect.org/docs/pdf/d/vxo.pdf>

and to apply for vehicle crossover

<http://www.hertsdirect.org/services/transtreets/highways/honlineservices/vxo/>

### **Article 35 Statement**

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

## **Appendix A**

### **Consultation responses not included above**

#### **2. Hertfordshire county Council – Highway Authority**

**Analysis** The applicant has provided a number of planning drawings to support the application. Supporting information has also been provided.

**Transport Statement A** Transport Statement (TS) has not been provided to support the application. Due to the size of the development this is considered acceptable.

**Trip Generation** No trip generation profile has been provided for the proposed development. Due to the size of the development this is deemed acceptable.

**Highway Layout Access Arrangements** The dwellings on the development would be accessed via Okeford Drive. Okeford Drive would connect to a turning area that would provide access to the two properties. No geometries have been provided for the turning area and access to the properties.

**Refuse and Servicing Arrangements** The application form states that a segregated bins and storage areas will be provided and is shown on the site plan. However it is not clear on the

drawings provided where the waste storage area is and how waste will be collected. A swept path assessment is required to demonstrate that the site can be serviced safely by a refuse vehicle.

**Parking Car Parking Provision** It is proposed that 8 parking spaces will be provided for the two dwellings including a single occupancy garage. According to the 'Dacorum Borough Council's Supplementary Planning Guidance (2004)' a maximum of three parking spaces should be provided for four or more bedroom dwellings. This means that the proposed parking provision is greater than Dacorum Borough Council Standards. However, it is ultimately the decision of the LPA to determine the suitability of parking provisions.

**Disabled Parking** No information has been provided on the provision of disabled parking spaces at the proposed development. According to standards set out in the 'Dacorum Borough Council's Supplementary Planning Guidance (2004)' one disabled space should be provided for every 4 spaces. As it is proposed that 8 spaces are provided at the development, at least 2 spaces should be built to mobility standards. However, it ultimately the decision of the LPA to determine the ultimately of parking standards.

**Car Parking Layout** The car parking layout is not shown on the drawings provided. Drawings showing the car parking layout and geometries of the spaces should be provided.

**Cycle Parking** It is proposed that cycles will be accommodated within a shed provided at the dwellings. According to the standards set out by Dacorum Borough Council one long term space should be provided if no garage or shed is provided. As both a garage and shed are provided the proposed cycle parking spaces are line with standards. However, it is ultimately the decision of the LPA to determine the suitability of cycle parking provision.

**Accessibility** No information has been provided on the accessibility of the site although it is clear from the drawings that the site can be access on foot from Okeford Drive. A public footpath is also provided to the south of the site on the existing recreational ground. The public footpath provides access from Miswell Lane to Goldfield Infants' school. The proposed development is also within an established residential neighbourhood.

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

## **2. Scientific Officer**

I refer to the above planning application received on 11 September 2017.

Our records do not indicate any potentially contaminative current or former uses of the site itself; however, the site is located within the vicinity of the following potentially contaminative land uses, with the potential to impact upon the site:

- Depots (3no.)
- Scrap metal yard
- Former coal yard
- Garage
- Builders yard
- Former builders yard

No information has been submitted with this planning application despite the request for a Phase I desk study report to be submitted with any subsequent application(s) at the pre-app stage (4/01528/15/PRE and 4/03160/15/PRE) and also recommendation for the inclusion of the contamination conditions (due to the absence of any relevant contamination submissions) in respect of 4/01472/16/MFA and 4/00784/17/FUL.

I recommend that the contamination conditions (CONT1 and CONT2) be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website ([www.dacorum.gov.uk/default.aspx?page=2247](http://www.dacorum.gov.uk/default.aspx?page=2247)).

### 3. Design Out Crime Officer

Thank you for sight of application 4/02152/17/MFA, construction of two new dwellings . Transfer of land to the West to Dacorum Borough Council for the extension of the existing recreation Ground, (Amended Scheme). Land adjacent Okeford Drive, ring, HP23 4EX.

I have studied the documents and previous applications made for this site and also undertaken a crime analysis report. Although crime levels are relatively low for the proposed development , looking at a wider area within a one mile radius there is higher crime including ant- social behaviour criminal damage, arson and burglary.

Whilst I have no objection to this development I would encourage the applicants to build the development to the security standard of Secured by Design (SBD). This would mitigate the majority of security concerns I have relating to this site., for example , the security of windows, doors and the garden boundary's, considering the plots are backing onto recreational land and the majority of burglary's are accessed from the rear of the property.

### 4. Sustainable Drainage Systems Officer

Following a review of the Flood Risk Assessment carried out by CEC reference 5237 dated March 2018 Issue 4, 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. We note two drainage schemes have been proposed; one based on infiltration and the other based on attenuation and discharge into Thames surface water sewer restricted to greenfield rates. Surface water drainage calculations have been provided to support the proposed scheme to ensure the site can cater for the 1 in 100 plus 40% climate change. We note that infiltration tests have not yet been carried out and will be conducted at detail design stage therefore we recommend the following conditions to the LPA should planning permission be granted.

#### **Condition 1**

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by CEC reference 5237 dated March 2018 Issue 4, submitted and the following mitigation measures detailed within the FRA:

1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

**[www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)**

2. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

3. Undertaking appropriate drainage strategy based on infiltration or attenuation and discharge into Thames surface water sewer restricted at 0.5l/s for all events up to and including the 1 in 100 year + climate change event.

#### **Condition 2**

No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by CEC reference 5237 dated March 2018 Issue 4. The scheme shall also include;

1. Infiltration tests carried in accordance with BRE Digest 365, If infiltration is not feasible then the alternative discharge mechanism based on attenuation and discharge into Thames surface water sewer at 0.5l/s should be provided.

2. Full detailed engineering drawings of all SuDS features 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.

3. All calculations/modelling and drain down times for all storage features.

4. Exploration of opportunities for above ground features such as permeable paving to reduce the requirement for any underground storage and silt traps for protection for any residual tanked elements.

5. 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.

6. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

### **Reason**

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

## **Appendix B**

### **Neighbour notification/site notice responses**

#### **Objections (Recieved via email)**

#### **23 Okeley Lane, Tring, Herts, HP23 4HD**

I am contacting you as I wish to register an objection for the proposed development on land adjacent to Okeford Drive, Tring but despite several attempts have been unable to register comments on the Dacorum website. Despite registering before it is not accepting passwords. I have tried to change them but it is still not working.

I wish to object on the grounds of loss of open space which is essential for Tring as a growing town. The proposed further development and loss of open space due to the LA5 development means that the space at the recreation ground should be maintained for public use and not be built on.

#### **2 Counters, Miswell Lane, Tring**

After many attempts and technical difficulties, I have finally managed to lodge my objection and comments online, but as the word count is limited to 1,000 characters I wanted to draw your attention to the inspectorate report comments from 2002, obtained under the freedom of information act, regarding the suitability of the land for housing. I believe that this document underlines every objection to this application, and reiterates how important the open space is for the close community surrounding the recreation ground. The land is well used daily and is a fully integrated part of the park, as the landowners have not touched or attempted to manage the land certainly in the 16 years that I have lived nearby. To lose even a small percentage of this open space when there is a deficit in Tring, would cause great harm to the park, its unique character and the community which surrounds it – this is strongly acknowledged in the report below:

**DACORUM LOCAL PLAN INQUIRY – INSPECTOR’S REPORT – AUGUST 2002 -----**

7.62.10 I accept, therefore, that there is a deficiency of open space in Tring and that this site provides one of the few realistic prospects of addressing this.

7.62.11 Even if there were no need for additional public open space I am not persuaded that the either all or part of this land would be suitable for housing. The large area of open land that constitutes the MLRA is clearly well used by local residents for a variety of formal and informal leisure activities. It therefore that it forms an important focal point for community activity. It also provides an important visual break within the built-up area, which adds significantly to the character and atmosphere of the surrounding residential areas. This visual contribution is heightened by the extensive views that the area provides of the attractive open countryside to the south of Tring, including Tring Park.

7.62.12 Development of the objection site would separate the existing areas of public open space that lie to the north and south. In my view this would not only diminish the recreational value of these areas but it would also detract from their character. It would also limit the important vistas across the site to the countryside to the south. I find therefore that housing development on the whole of the objection site would seriously erode the contribution the MLRA makes to meeting the recreational needs of local residents as well as to the character of the surrounding residential areas.

7.62.13 While development of the eastern part of the site would have less visual impact, I consider that it could threaten the long-term health of the important mature trees along the eastern boundary of the site. These trees have already come under significant pressure through the development of housing at Okeford Close. Even if they could be retained the visual contribution they make to the setting of the MLRA and to the residential areas further to the west would be significantly diminished. I conclude therefore that development of all or part of the site for housing would significantly detract from the quality of the local townscape. In the circumstances, I am not satisfied that it would be a suitable location for housing. I, therefore, recommend that no modification should be made to the Plan in the light of objection 1731.

### **3 Miswell Orchard**

Support

>

> I would like to express my support for this development but because of the bullying tactics being used by a select few in the local community to obtain objection by many, I don't feel able to publicly make my comments on the planning portal.

> I'm sure I'm not the only one.

>

> I live at 3 Miswell Orchard HP23 4EU just across the road and have done so for over 9 years.

>

> In support of this development, even though we would lose a small amount of open space, the land which is currently used as a dogs toilet will then be properly maintained by the council and will be able to be used and enjoyed by all.

>

> There is a shortage of 5 bedroom properties in Tring.

### **10 windmill Way**

Objection

### **23, Miswell Lane**

I am writing to express our objections to Planning Application 4/02152/17/MFA for "construction of two new dwellings. Transfer of land to the west, to DBC for an extension to the

recreation ground. Land adjacent to Okeford Drive, Tring, HP23 4EX”.

Whilst appreciating the effort to reduce the impact and number of dwellings in this new application, we still feel the construction of houses in the limited green space in this area of Tring is inappropriate. The proposed dwellings are not modest in size or appearance and will have a significant impact on the look and feel of this area. They would also stick out into the area, bringing about a fragmentation and reduction in this piece of Open Green Space which is regularly used on a daily basis. Indeed, we ourselves make daily use of this area for dog walking and exercise. Regular walking routes used by lots of residents will be disrupted or removed, and an important area of 'wild' space for nature will be significantly reduced. There will be a loss of the view and sense of openness.

The formal recreation ground on either side are linked by this less formal space, and the plans would negatively impact both the visual appearance and the sense of open space currently enjoyed. This would be occurring on a key site and in an area where there is already less green space available than required as per the National Standards and which also breaches the Council's own stated strategy and policies which seek to protect and enhance Tring's open space.

We object to the proposal and suggest instead that the land is bought under compulsory purchase for the town and designated as amenity open green space in perpetuity. The DBC strategy states there are limited opportunities to find space to develop for recreational purposes, however this area represents a good opportunity that could be taken. If suitable funding cannot be found for this then our suggestion is the land stays as it is now, until funds can be found in future. Once the land is developed for housing, the opportunity is forever lost.

I have put a shortened version of this on the website but I sent this as word count on-line was restricted to 1000 words.

### **53, Highfield Road, Tring.**

I wish to object to this planning application.

The recreation ground, and the piece of land in question, is well used by local residents. Although there is a proposal to transfer said land to Dacorum Borough Council, I am concerned

that it could be a temporary arrangement which would allow further house building in the future.

It seems an odd site for two houses - a football pitch with floodlights on one side, and the recreation ground on the other

### **15, Beaconsfield Road**

The boundary of the Recreation Ground is well defined with mature trees around the Okeford Drive area. Any houses built out into the Recreation Ground will stand out.

Once permission is given to 2 houses on land we were told would never get planning permission, there would be nothing to stop the council, even if they were granted that land in exchange, from building on the rest.

Tring does not have many recreation areas and with the prospect of 150+ houses at the top of Beaconsfield and Highfield Road and adjacent roads it is vital we keep our open spaces.

The area is used by children of all ages, dogs and owners of all ages and by sporting groups. At any time of the day you will see people using it.

My children played there and my grandchildren play there and we do not want 2 large houses stuck in the middle of Recreation Ground.

I objected to the first planning application and I object to the present one.

### **106 Miswell Lane**

I object to this application because it reduces the open space available in Tring and directly contravenes the Borough's own planning strategy.

The Dacorum Core Strategy 2006-2031 states:-

'Strategic Objective - to conserve and enhance the function and character of the market towns...' Clearly open spaces such as this make a significant contribution to the character of this part of Tring and building upon it is contrary to this objective.

A further Strategic Objective is 'to protect and enhance Dacorum's distinctive landscape character, open spaces, biological diversity ...' This objective will not be achieved by building on open land.

The Core Strategy also promotes:-

'POLICY CS4: In open land areas the primary planning purpose is to maintain the generally open character...' This development is on land designated as 'open land' in the Borough's own Master Plan LA5 (figure 2).

'POLICY CS26: The Green Infrastructure Network will be protected, extended and enhanced.' The green infrastructure includes green spaces and this plot is clearly a current green space, providing long grass and meadow plant habitats for wildlife. It is also defined as an Urban Wildlife Corridor.

### **16 Windmill Way**

I wish to oppose this planning application on the following grounds:

The land has been in use for at least 25 years as a de-facto recreation area. It is a valuable open space in an area of Tring which otherwise has a lower amount of open space than would be expected. *"Tring has a lower area of open space per 1000 population than Hemel Hempstead or Berkhamsted, with limited opportunities for informal recreation"* (source: Dacorum Borough Council Green Space Area Strategy – Tring).

The development is out of keeping with other residential properties surrounding the park. The houses are pitched at a forty-five degree angle and when taking the neighbouring gardens into account the proposed houses effectively sit well within the rectangular space of land which is currently open. They will be dominant in the landscape and intrusive to users of the park as they command views from several sides.

Historically, the ground has been designated as open-space and it was the belief of many close residents that prior to 1974 an agreement was in place to maintain the area as such. Further research into this should be carried out. Irrespective of this, the area of open, un-managed ground forms an exceptionally good natural boundary between the football pitch and the recreation ground to the south. This natural boundary enhances and improves the area as a whole.

The development of houses extends substantially into the open space of what is effectively part of the park. I appreciate this open land is privately owned, but it has been used without restriction for in excess of 30 years. Large Houses are not in keeping with the open recreational space.

The paths and in particular the main two informal paths across the development have been used un-opposed by the owner for in excess of 30 years (probably in excess of 40 years). These paths are clearly visible on aerial maps. They are well trodden and exceptionally well established. They should (and can) be considered for registration as official rights of way. The owners have always had the opportunity to manage the land and challenge usage, however have never done so.

The area is ecologically superior to any other parts of Misswell Park (which is laid to lawn), and indeed most other areas of open ground in Tring Town accessible easily by people. In particular the presence of the Small Heath Butterfly has been registered. The Common Lizard, a protected reptile is almost certainly present (due to it's known presence extremely closely nearby) and in particular, I draw your attention to the fact native reptiles are subject to legal protection. Tawny Owls are known to nest in the trees affected, bats are present and neighbours have witnessed badgers in this area. The ecological assessment of this area carried out as part of the previous development proposal for this land in 2016 was poor and carried out by an individual with no qualifications in ecology whatsoever. Substantial reduction of this area will reduce diversity and habitat for these species (and probably others), and also reduce the availability of 'semi-wild' spaces like this available for children. As such, the area is almost unique within the Town of Tring. The area has been left un-managed for a generation but a natural by-product of this has been the development of a semi-heathland area over a 40 to 50 years period, with the subsequent influx of species, some of which are due protection.

A large development is already in place nearby as part of the Local Area Plan. This development of houses in Misswell Park is not part of this LA plan and will provide negligible benefit to residents of Tring, who stand to lose this well-loved and exceptionally well-utilised space. Although the plan comes with a transfer of ownership of part of the land and possible payment of a levy in respect of the type of houses constructed this does not alter the material fact that a great proportion of the actual open area space will be lost. In an expanding town, which has more housing projects in the pipeline, this open area of land will be an even more important resource for the community in the years ahead.

The existing state of the recreation ground is referred to as 'poor' in council assessment documents. This is in most part simply because of the amount of use the park enjoys. Whilst I have not assessed footfall, my personal experience (I use the park every day) would indicate very strongly that it is the most used recreational space in Tring. To reduce this available open area of recreational space will therefore have a conversely greater affect here, than in a similar, less utilized open area.

In view of the above, and the strength of feeling amongst other residents of Tring I urge you very strongly to please oppose this planning application.

#### **4 Jubilee Gardens**

At this third attempt I find myself both frustrated and annoyed. It has been made abundantly clear that residents are strongly against this proposal and desire the land to be left available for public use for dogs and children to play and not to be developed – especially when it can offer nothing to assist the housing crisis in general.

My objections are specifically as follows:

- The land has been designated as public open space by DBC and its predecessor planning authority, Tring Urban District Council, for many years and as was noted in a response to an online objection, approval would be an exception to the normal planning policy. The Dacorum Tring Spatial Plan noted a deficiency of almost 9Ha of public open space in Tring and this would do nothing to address it. The area is one of the few remaining open spaces in Tring, widely used for very many years by all ages as a safe play area for children away from roads and with no direct road access, increasing safety.
- The wild nature provides a contrast to the formal football pitch and playground for different age children to play safely unsupervised and it is desirable to try to maintain that mix of formal and informal public open space in the centre of Tring, away from motor traffic.

- The proposed development is totally out of keeping with existing developments and offers no real solutions to the shortage of affordable housing in Tring. It also ruins the appearance of all the existing open space where the present houses are separated from it by their gardens. The revised development proposes to position the houses facing into Okeford Drive with hedges around the boundaries to the recreation ground but these won't be high enough to hide these very large houses which will be very visually intrusive and out of keeping with existing Okeford Drive houses. This visual intrusion will be both in the immediate area and also from the many views of Tring from the top of Tring Park and other viewpoints.
- The many years the area has been left wild has created an excellent environment for flora and fauna to thrive, including I understand one of the few places protected bats can be found, which will be likely to be lost if the application is approved. There are a number of tree preservation orders in place already in that area, which need to continue to be protected. The applicant's original own survey recognized 11 species of tree alone but didn't provide a full flora and fauna survey of species which could be threatened by the development.
- Whilst the developer has offered to donate the residual land to DBC for public open space, any agreement would have to be very tightly contracted to ensure that there was no reneging on any commitment subsequently, as we are aware of numerous examples of developers promising so-called planning gains in return for planning permission and then subsequently going bust and conveniently avoiding their obligations.
- Whilst not a primary planning issue, as raised previously, the footpaths across the site have been established without barrier and notices of restriction for well over the 20 years required to establish them as public rights of way, which many of the public at a previous Tring Town Council meeting confirmed.

### **16 Albert Street**

I wish to object in the strongest possible terms to the proposed development of the land adjacent to Okeford Drive. The reference number for this development is 4/02152/17/FUL.

I use this area regularly to walk my dog, to exercise and to play with my young son. It is a joyful public space that we visit nearly every day and we often marvel at the wildlife that we see on our walks there.

The proposed development would rip the heart out of this lovely part of Tring and would dramatically impact on my enjoyment of the park.

I fear for the future of our green spaces.

I simply cannot sit by and allow this development to happen without expressing to you that I feel that it's woefully ill-judged and will seriously affect my enjoyment of a town that I love.

Do let me know if you need anything more from me in order for this objection to be lodged.

### **23 Okeley Lane**

I am contacting to you to place an objection to the revised proposal of construction of two new dwellings on the recreation ground at Miswell Lane.

I first would like to express my extreme concern that last week the developers saw fit to attempt to enter the site with a digger prior to the application being approved. This appears to show their complete arrogance and disregard for the views of the people of Tring who wish to protect this site of designated open space. This is further shown in the wording of their proposal where it says that previous objections were ill informed. As a resident and user of the

park for 43 years I feel that I am informed and fully aware of the history of this site.

My objection to the application is based on the grounds of the current lack of open space for residents to the west of Tring. This area has been enjoyed and used by residents of Tring for many years since it was part of the Osmington School playing field. After its sale it became designated as open space and not land to be made available for development. The area is now more overgrown but equally has value as a recreational space with public paths across the site. I appreciate that the developers propose to donate 80% of the land to the council but this bribe is unacceptable and all of the land has value to the residents of Tring as a recreational space.

Tring as a town is already under much pressure from development and with the loss of further open space to the west of Tring with the development of LA5, it seems crucial that the designated open space at Miswell Lane is protected from development both now and in the future.

### **18 Fairthorn Close**

I am contacting you to object to the attached planning application. I understand that this has been designated as a public open space, and as there is a lack of it in Tring, it should not be built on. This land also helps to provide a safe walk to school and pre-school for my children. I hope you will consider rejecting the application and allowing the recreation ground and surrounding areas to remain intact.

### **Integro Insurance Brokers**

3/4 Park Street| Hitchin

I'd like to lodge an objection with respect to the above application.

The land in question is a designated Public Open Space and has been since 1970. Tring has a recorded deficit of green space, less so than both Berkhamsted & Hemel Hempstead (per capita).

It is a cherished and valuable community amenity that has been used by dog walkers, runners & children alike on a daily basis for decades. There are clearly trodden footpaths throughout the land testament to this.

To lose this would not only mean the loss of a local amenity but also damage to the local ecosystem. The land is relatively unkempt, compared to the football pitch & then the trimmed grass/playground areas to the left. It provides a fantastic habitat for a myriad of flora & fauna. I honestly cannot think of another Open Public Space within the town that is comparable to this land.

Any development here would be completely out of keeping with the local environment. The damage would be irreparable and would, finally, be incredibly upsetting for many of the residents of Tring

Finally I have also heard this morning that the developers attempted to bring a low loader and digger on to the site breaking the gates. I feel this is a little premature and just highlights their cavalier attitude towards our open space and the planning process.

For these reasons we would like to object to the planning application and hope that our views will be taken into account.

## **28 Chapel Road**

I wish to register my OBJECTION to the application reference no: 4/02152/17/MFA: the construction of two dwellings adjacent to Okeford Drive.

My objections and comments are as follows:

Note: Despite the applicants assertion that many objections were “unrepresentative and ill-informed” I wish to stress that I fully understand that the land is privately owned; I have never thought otherwise. Nonetheless the land is part of a local popular public amenity with local people having had unrestricted public access to the land for a considerable time and this should be considered. Notably, I am sure that access has been unrestricted for twenty years and therefore local people should be permitted to go through the process of applying to have any footpaths included on official public rights of way maps before any decision regarding this application is made.

My objection to the application still holds for the following reasons:

1. The two houses are extremely large dwellings designed to maximise the developer’s profit. This kind of housing is not of benefit to the local community. What is required is affordable housing.
2. Despite being smaller than the last (withdrawn) application, I have visited the site and I still consider that this will be a highly intrusive development that extends too far into the park. It also borders the main path through the park from Goldfield school to Miswell Lane thus making the path feel enclosed. Far from uniting the park this development will feel an intrusion into an open space and make the park feel fragmented and smaller. As these are large residences side elevation drawings from the park’s perspective (not provided) will demonstrate how much they dominate.
3. In all local plans, Dacorum has mentioned the lack of open space within Tring’s boundaries. It seems puzzling to me that the council permitted the developer to have positive discussions with them even before formal submission when this will reduce the open space in the town against its own recommendations to increase provision.

Further comments:

1. How high is the proposed new boundary hedge line and what is the expected growth and maximum allowed height? These hedges will be an ugly, dominating feature. With the south facing side to the houses having extensive windows the occupiers will want to ensure privacy and security. Will boundary walls/fences be permitted? Boundary walls / fences should not be permitted as they will be incongruous with the park’s natural surroundings and unattractive. They will also attract graffiti.
2. Have the council’s own parks and open spaces department advised on suitable planting of trees and shrubs? Are the ones recommended appropriate and in keeping with the parks current flora?
3. The straight boundary lines are severe and unnatural and will draw further attention to this intrusion into the natural environment of the park.
4. Has the impact of light pollution from these residences been considered?
5. Flood risk assessment needs to make reference to the latest plans.

## **42 Miswell Lane**

I am writing regarding the planning application to build a number of houses on the land at the top of the Miswell Lane recreational park. The planning application is going to committee and I wanted to write to you today to express my objections to the build as a local resident.

I've been very fortunate to have grown up with the park on my doorstep and have loved and taken full advantage of it since I was a young and now into adulthood. I imagine to the people requesting the planning application it is just a potentially lucrative piece of land. But for me and for a lot of the residents and visitors it is incredibly important. You only have to look at the out pouring of objections on the council planning application website to see how loved it is. The park isn't enormous as it is, so essentially cutting it in half by building on this piece of land will make an unbelievable difference. Not to mention that if this is given the go ahead the new occupiers will in effect be living in the middle of a very frequently and well used park.

The land is not just important for its use by dog walkers and families but as it is allowed to stay informal it provides a vital wildlife space. You only have to walk through it to see the abundance of wildlife and understand how unbelievably important it is for the biodiversity of Tring.

I understand that housing needs to be made. However surely it is more sensible to build out rather than in. I have no objections with expansion. I do however strongly oppose any planning that would wipe out any green space in the town, especially given that there is actually very little. In my opinion not only would it be impactful on the well being of the residents and certainly on the sense of community. But I think it would also have a very negative impact on the appeal of living in Tring and on anyone wanting to move here.

I know this planning application is far from suggesting that all recreational and green spaces in Tring be built on but I think if this is allowed to happen it could set a dangerous precedent.

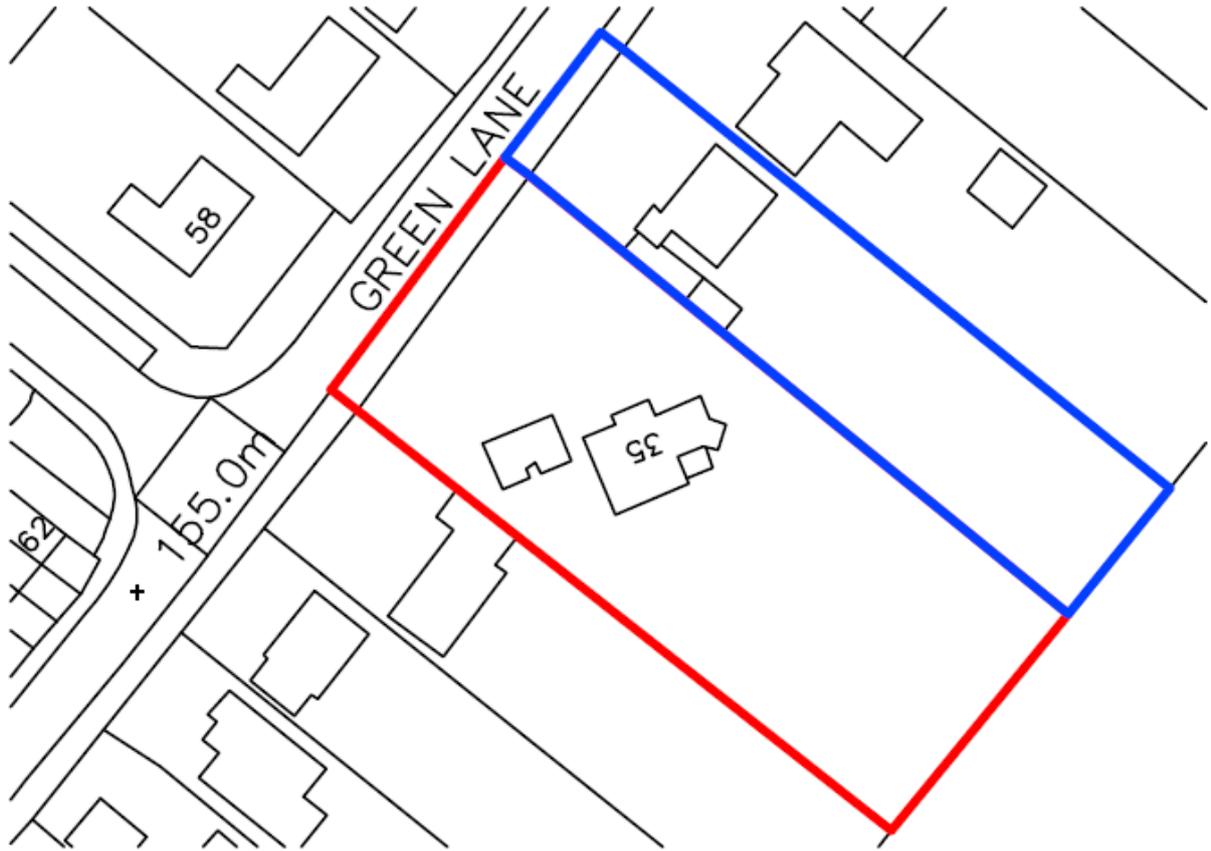
I hope that as you know the site where as others on the committee may not have visited it in person that you are able to express the significance

Summary of online comments set out above at 8.2. Full comments available following this link;

[https://site.dacorum.gov.uk/publicaccess/applicationDetails.do?activeTab=neighbourComments&keyVal=DCAPR\\_223234](https://site.dacorum.gov.uk/publicaccess/applicationDetails.do?activeTab=neighbourComments&keyVal=DCAPR_223234)

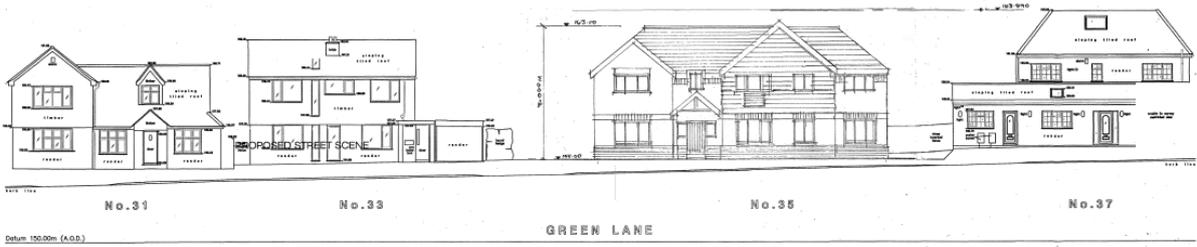
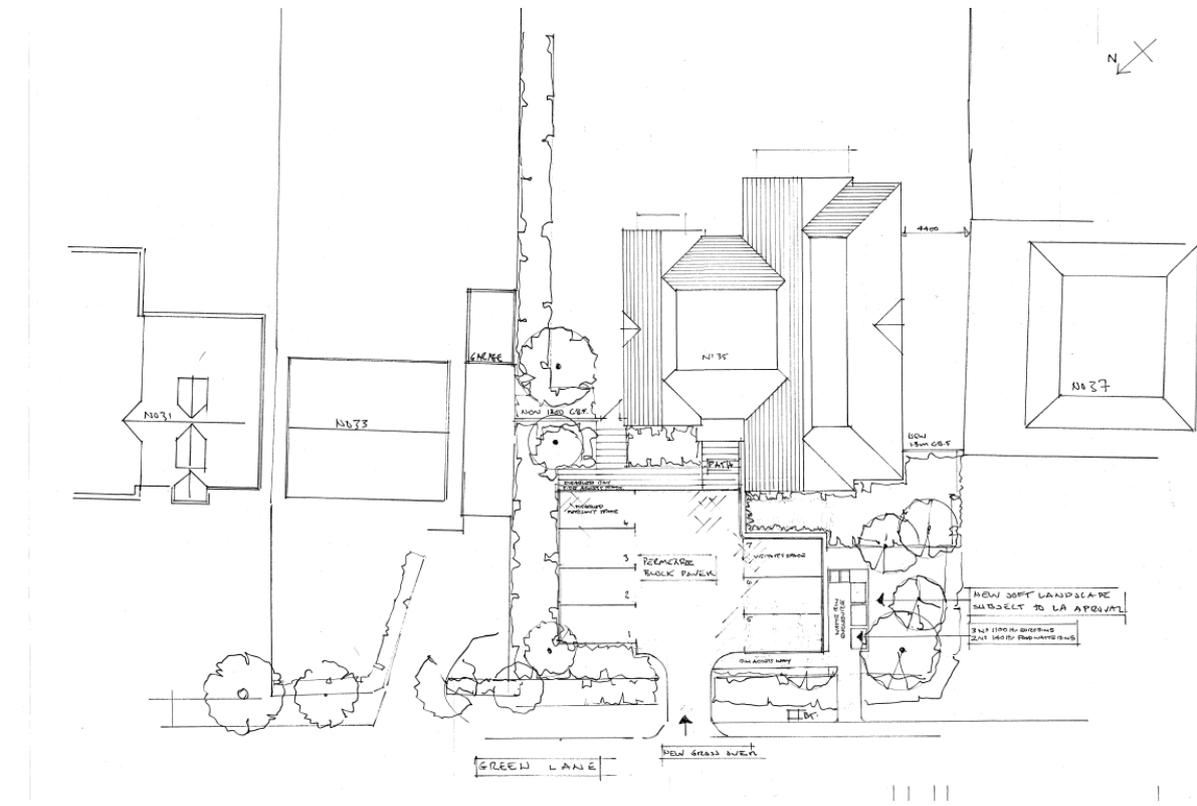
**4/03310/17/FUL DEMOLITION OF EXISTING BUILDING AND  
CONSTRUCTION OF TWO STOREY BLOCK OF SIX FLATS WITH ANCILIARY  
OFF ROAD PARKING AND LANDSCAPING WITH VEHICLE CROSSOVER**

**35 GREEN LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JZ**



**4/03310/17/FUL DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF TWO STOREY BLOCK OF SIX FLATS WITH ANCILIARY OFF ROAD PARKING AND LANDSCAPING WITH VEHICLE CROSSOVER**

**35 GREEN LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JZ**



|                              |   |
|------------------------------|---|
| <b>4/03310/17/FUL</b>        | <b>DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF TWO STOREY BLOCK OF SIX FLATS WITH ANCILLARY OFF ROAD PARKING AND LANDSCAPING WITH VEHICLE CROSSOVER</b> |
| <b>Site Address</b>          | <b>35 GREEN LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JZ</b>   |
| <b>Applicant</b>             | <b>BULL HOMES, C/O AGENT</b>  |
| <b>Case Officer</b>          | <b>Intan Keen</b>   |
| <b>Referral to Committee</b> | <b>Contrary views of Bovington Parish Council and Councillor call-in</b>  |

## **1. Recommendation**

1.1 That the application is delegated with a view to **APPROVAL** subject to the expiration of the notification period (relating to a revised site layout plan) and subject to the conditions set out below.

## **2. Summary**

2.1 The proposal for residential development of the site is acceptable in principle as the site lies within a designated residential area and a sustainable location within the village envelope of Bovington and proximate to the local centre and associated facilities. There is strong policy support for housing provision and the redevelopment of smaller sites

2.2 The development is considered to be acceptable in layout terms and with respect to the impact on the appearance of the street scene. Car parking provision would be adequate and the forecourt design would provide an appropriate balance, also noting the proposed layout would provide a considerable amount of private communal open space. As such the proposed density and scale of development would be acceptable in its context while maintaining the key features of this part of the street scene of Green Lane and an appropriate interface to the open field to the rear of the site. Access arrangements would be satisfactory and no concern has been raised with regards to traffic generated by the development.

2.3 The proposal is therefore in accordance with the aims of Policies CS1, CS4, CS8, CS10, CS11, CS12, CS17, CS18, CS29, CS31 and CS32 of the Dacorum Core Strategy 2013 and saved Policies 10, 18, 21, 51, 54 and 58 of the Dacorum Borough Local Plan 1991-2011.

## **3. Site Description**

3.1 The application site comprises a residential plot of land currently occupied by a large two-storey dwelling with an angled relationship to its road frontage on the south-eastern side of Green Lane.

3.2 The south-eastern side of Green Lane are generally occupied by large, detached, two-storey dwellings sited on deep, linear plots with gardens extending up to 40m deep. Green Lane is primarily residential and the existing development on the site is typical of this part of the street scene with a semi-rural and spacious character. Levels fall gently in a north-western direction, such that Green Lane is located on lower ground relative to the existing dwellings.

## **4. Proposal**

4.1 Planning permission is sought for the demolition of the existing dwelling and redevelopment of the site with a two-storey building comprising six two-bedroom flats.

4.2 The forecourt would provide on-site car parking for seven spaces, set back slightly from the highway separated by proposed landscaping. An area allocated for refuse would also be provided within this space.

4.3 The development would also incorporate private amenity space to the rear of the building for the future residents.

## **5. Relevant Planning History**

5.1 It is known that the application site is in the same ownership as the adjoining plot at No. 33 Green Lane. Both sites together have been subject to two recent applications, as follows:

- The application site has been subject to a recent application 4/02173/17/FUL for demolition of Nos. 33 and 35 Green Lane and construction of six four-bedroom dwellings which was refused on 29 November 2017.
- Also of relevance is application 4/00415/16/FUL which proposed redevelopment of the site for a total of nine units. This application was refused and subsequently dismissed at appeal, the decision which raised concerns with respect to the proposed backland development noting the absence of buildings and disturbance within rear garden areas along this part of Green Lane and the open field immediately to the rear which gives a rural interface to the site.

## **6. Policies**

### 6.1 National Policy Guidance

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

### 6.2 Dacorum Core Strategy

Policies NP1, CS1, CS4, CS8, CS9, CS10, CS11, CS12, CS17, CS18, CS19, CS29, CS31, CS32 and CS35

### 6.3 Dacorum Borough Local Plan

Saved Policies 10, 13, 18, 21, 51, 54, 58, 99  
Appendices 3 and 5

### 6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)
- Affordable Housing (Jan 2013)

## **7. Constraints**

- Large village
- Residential area
- CIL Zone 2

## **8. Representations**

### Consultation responses

8.1 These are reproduced in full at Appendix A

### Neighbour notification and site notice responses

8.2 These are reproduced in full at Appendix B

## **9. Considerations**

### Main issues

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

- Policy and principle
- Density and layout
- Impact on street scene (including impact on adjacent Green Belt land)
- Impact on neighbouring properties
- Access, traffic and parking
- Flood risk and drainage
- Affordable housing
- Community Infrastructure Levy (CIL)

### Policy and principle

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

9.3 Further policy support for the provision of housing is contained within the NPPF which states that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49); and the site's location within a designated residential area within the defined village of Bovingdon would accord with these objectives. Further, Policy CS17 of the Core Strategy seeks to promote residential development to address a need for additional housing within the Borough. The provision of new dwellings is supported in principle under Policy CS18.

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

9.5 The principle of redeveloping the site for residential dwellings is therefore acceptable under the above provisions.

### Density and layout

#### *Policy context*

Reference should be made to the policy support for housing outlined above, and regard should also be given to the provisions of saved Policy 10 of the Local Plan (together with other relevant policies guiding development, including Policies CS11 and CS12 of the Core Strategy for instance). Saved Policy 10 states that (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.

#### *Density and type of units*

The application site lies within the area identified as a semi-rural zone within the Urban Design Assessment for Bovingdon (2006). In these areas a very low to low density is typical and

ranges between dwellings per hectare. The proposed on-site density would equate to 29 dwellings per hectare (site area 2,076m<sup>2</sup> as measured on submitted site location plan), resulting in an average density of the application site and the three plots either side to a density of 15 dwellings per hectare which would remain commensurate within the 'very low' range stipulated in the above guidance.

The design guidelines for the semi-rural zones set out that the recommended densities should generally be low to medium density and importantly the proposal would conform with this vision for this part of Bovingdon. This is echoed by saved Policy 21 of the Local Plan which also states densities should fall within this range.

Concern has been raised by residents in relation to a flatted development in a street scene of large detached houses. It is acknowledged that there are no examples of flatted development on the south-eastern side of Green Lane, however in assessing this element of the proposal the following factors should be taken into consideration:

- The need for smaller units;
- The greater plot width compared with others that front the same side of Green Lane;
- Policies in place that would discourage an over-concentration of flats in an area of single dwellings;
- The street scene and properties directly fronting Green Lane are not aesthetically sensitive;
- The sustainable location of the site;
- The assessment below with respect to the visual amenity of the surrounding area noting a significantly sized private amenity area and sufficient landscaping to the street.

It is important to note that numerical density is one factor and should be balanced against other considerations in order to determine whether the development would provide a satisfactory design response to the surrounding area.

### *Layout*

The existing building has an angled relationship to Green Lane and as such represents somewhat of an anomaly noting the established street scene where dwellings directly face the road albeit from a generous distance. The proposed development would be set back from the road a suitable distance of 15.5m when viewed in the context of the properties either side (14.4m and 18.5m to two-storey elements) which display a fairly consistent build line to Green Lane.

The plot width measuring approximately 28m and typically over 12m wider than neighbours either side would allow for a larger building to be placed on the site whilst maintaining sufficient space around the building (separation of 4m to 6.5m to its side boundaries), subject to form and appearance which is assessed in the following section. Consequently, the net increase in building footprint would not raise any concerns in this location.

An appropriate balance has been reached within the forecourt providing seven on-site car parking spaces and a dedicated area for refuse storage together with a suitable level of landscaping and planting (hedge retention). Spacing around the building and to its boundaries would be appropriate so that the semi-rural pattern of development is retained as the site would be kept as a single plot.

There would be no significant encroachment of development within the rear portion of the site, as alluded to above this would remain as a shared private garden for residents. As such, the proposal would maintain the gentle transition from the built form within the north-western portion of the site to the open field designated as Green Belt land to the south-east.

Turning to the living conditions of future occupiers the garden area would be functional and of a depth and size compatible with those on Green Lane. Saved Appendix 3 of the Local Plan

outlines that for a multiple occupancy residential development an amenity area at least equal to the footprint of the building should be provided. The proposed development would have an approximate garden area of 1,000m<sup>2</sup> which would exceed the approximated 300m<sup>2</sup> of floor space proposed. As such, the amenity space provision would exceed local standards and is further indicative of appropriate development on this plot.

The proposal would therefore accord with the provisions of Policies CS10, CS11 and CS12 in this regard.

#### Impact on street scene and surrounding area

Green Lane on its south-eastern side comprises detached dwellings which are generally two-storey, however are typically large and of varied sizes, heights, architectural styles and materials.

The proposal seeks to demolish the existing two-storey dwelling which for the reasons above sits as an isolated entity within the street scene due to its angled orientation and its greater front setback relative to neighbouring properties on the same side of the road. In addition, high and thick planting exists to the site's road frontage.

The development would be appropriately designed, of a two-storey scale and well-proportioned in terms of fenestration placement and design as well as roof pitch, noting the building would sit within a varied street scene. Its principal elevation would incorporate a projecting gable element and a smaller secondary recessed gable which would break up the building mass when viewed along Green Lane. The use of contrasting materials and brick banding would add further interest to the development.

In height terms measuring 8m to the main roof the development would be commensurate with neighbouring properties measuring 7.55m (No. 33) and 8.21m (No. 37) high. The submitted street scene demonstrates the development would appropriately follow the slight fall in levels to the north-east down Green Lane. Further, hipped ends of the development would create a gentle transition between building outlines within the street. As such, the building would achieve a comfortable degree of compatibility within its context, would not appear unduly prominent and the semi-rural and suburban characteristics of the vicinity would be retained. Integration of the development within the street scene would be assisted through the maintenance of boundary planting and enhanced soft landscaping within the forecourt to maintain the verdant aspect characteristic of the area.

Details of materials shall be conditioned if planning permission is granted.

The above factors are considered indicative of a development that has responded positively to the character of the street scene and surrounding area that would accord with the aims of Policies CS11 and CS12 of the Core Strategy.

#### Impact on neighbouring properties

The two properties immediately adjacent to the development are the dwellings located at Nos. 33 and 37 Green Lane.

The proposed development would be sufficiently sited away from the shared side boundaries of these two neighbouring properties and their respective dwellings such that it would not intrude into the 45° line taken from the nearest rear-facing habitable room windows when viewed on the proposed site layout plan. As alluded to above the development would not project significantly beyond the front wall of No. 37. These factors demonstrate that the proposal would not have an adverse impact with respect to loss of light or visual intrusion.

There are no side-facing openings facing the application site which represent main habitable

room windows in either of the dwellings at Nos. 33 or 37 Green Lane.

To avoid unreasonable overlooking into windows or main areas of private open space it is recommended that all first floor side-facing windows within the development are conditioned to be obscure-glazed and non-opening below a height of 1.7m above finished floor level if planning permission is granted. It is noted that none of the side-facing windows within the proposed building are main habitable room windows.

Car parking would be concentrated at the front of the building similar to existing on-site conditions (noting a greater forecourt area) and other dwellings within Green Lane and therefore the development would not give rise to concerns as a result of noise disturbance from vehicles.

It follows the proposal would be acceptable in this regard and in accordance with Policy CS12 of the Core Strategy.

#### Access, traffic and car parking

Hertfordshire Highways in their consultation response below raised no objection on the grounds of proposed access arrangements to the development or traffic movements.

With respect to car parking, under saved Appendix 5 of the Local Plan the development would require a maximum of nine (9) spaces (provided at 1.5 spaces per dwelling with six units proposed). The proposal to provide seven spaces would fall short of this maximum standard by two spaces. Parking provision on the site is considered acceptable for the proposed development for the following reasons:

- The site is within walking distance to Bovingdon village centre;
- There is a bus stop immediately outside the application site;
- The forecourt as described above would strike an appropriate balance between parking provision and soft landscaping;
- Properties within the immediate vicinity including on the opposite side of Green Lane feature on-site (private) car parking;
- Several properties on the same side of Green Lane would appear to meet maximum local parking standards (three spaces per dwelling);
- All units are two-bedrooms each and there would be at least one space per dwelling noting that the local guidance states these are maximum standards.

As such it is considered that access and parking arrangements would be satisfactory and would not raise highway safety concerns in accordance with the objectives of Policies CS8 and CS12 of the Core strategy and saved Policy 58 of the Local Plan.

#### Flood risk and drainage

These matters have been adequately addressed noting the site does not lie within an area susceptible to flooding (outside Flood Zones 2 and 3). It is not considered that the proposal would increase the overall risk of flooding in the area in accordance with Policy CS31 of the Core Strategy.

#### Affordable housing

The provision of affordable housing (whether on-site or through a contribution) as required by the NPPG is set out under the Affordable Housing SPD Clarification Note (Version 2) dated July 2016.

Both Policy CS19 and the Affordable Housing SPD refer to site size thresholds of 0.3ha for Hemel Hempstead and 0.16ha elsewhere. These thresholds relate to where affordable housing

contributions should be provided on-site. These thresholds will no longer be applied.

Instead the 1,000sqm figure in the PPG will be applied to development of 10 units or under outside of the defined Rural Area. This applies to the application site (Bovingdon village falls outside the defined Rural Area).

The development would not exceed the minimum threshold for a commuted sum payment towards affordable housing. As such, the development is compliant with the PPG which is given greater weight above the thresholds set out under Policy CS19.

#### Community Infrastructure Levy (CIL)

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

### **10. Conclusions**

10.1 The proposal for six flats on this site would represent appropriate development in its context and would not compromise the semi-rural characteristics of the locality and would not give rise to highway safety concerns. As such, the development would be in accordance with the aims of the NPPF, Policies CS1, CS4, CS10, CS11, CS12, CS25, CS29 and CS31 of the Dacorum Core Strategy 2013 and saved Policies 10, 13, 18, 21, 51, 54, 58 and 99 of the Dacorum Borough Local Plan 1991-2011.

### **11. RECOMMENDATION**

11.1 It is recommended that the application is **DELEGATED** to the Group Manager of Development Management and Planning with a view to **APPROVAL** subject to the expiration of the neighbour notification period and subject to the following conditions:

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

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

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

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

- 3 **No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- hard surfacing materials;
- means of enclosure;

- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- trees to be retained and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas, including specification of the proposed vehicular and pedestrian access serving the development hereby approved;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc).

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

Reason: To ensure a satisfactory appearance to the development, to safeguard the visual character of the immediate area, and in the interests of highway safety in accordance with Policies CS12 and CS25 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 (5) 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 Policies CS12 and CS25 of the Dacorum Core Strategy 2013.

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

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

- 6 **Pedestrian visibility splays of 2m by 2m shall be provided and thereafter maintained on both sides of the new vehicle crossover, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.**

Reason: In the interests of highway safety in accordance with Policy CS12 of the Core Strategy.

- 7 **Occupation of the development hereby permitted shall not commence before the approved on-site car parking area has been laid out, demarcated, levelled, surfaced and drained in accordance with the approved details and the altered vehicle crossover hereby approved has been constructed to the approved specification. The car parking area shall be retained thereafter and made available for that specific use.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 8 **Vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on Drawing No. 209 Rev B (proposed layout) only. Occupation of the development hereby permitted shall not commence before the closure of any other accesses or egresses which shall remain permanently closed, and the footway / highway verge reinstated in accordance with a detailed scheme to be agreed with the local planning authority, concurrently with the bringing into use of the new access.**

Reason: In the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 9 **The windows at first floor level in the north-eastern and south-western side elevations of the building hereby permitted shall be non-opening below a height of 1.7m from finished floor level and shall be permanently fitted with obscured glass unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of the amenity of adjoining residents in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

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

**1534 200 (site location plan)  
1534 209 Rev B (proposed layout) received 10 May 2018  
1534 210 Rev A (proposed floor plans and elevations)  
1534 208 Rev A (proposed street scene)**

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 previous application and current application stages which led to improvements to the scheme. The Council has therefore acted 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.

Contaminated Land Informative

The developer is advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.

## **Appendix A - Consultation responses**

### Hertfordshire Highways

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

Hertfordshire County Council as Highway Authority does not object to the development, subject to the conditions and informative notes below.

Conditions:

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

Reason: In the interest of highway safety.

2. Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the new vehicle crossover, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.

Reason: In the interest of highway safety.

3. Prior to the commencement of the use hereby permitted the proposed onsite car parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking area, in the interests of highway safety.

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

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

5. Prior to the first occupation vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number 209 "Proposed Site Plan" only. Any other accesses or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

Reason: In the interests of highway safety.

6. Prior to the first occupation, an amended plan showing the proposed arrangements for the collection of waste shall be completed and submitted for approval by the Local Planning Authority.

Reason: In the interests of highway safety.

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

Informatives:

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

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

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

#### Comments

This application is for Demolition Of Existing Building And Construction Of Two Storey Block Of Six Flats With Ancillary Off Road Parking And Landscaping With Vehicle Crossover.

This amendment presents a revised parking layout in drawing number 1534 209 rev A, which reduces on site parking spaces to 5.

#### Parking

The proposal is to create a total of 6 parking spaces for the six two bedroomed flats, on an extended hard standing to the front of the property. Although the Design and Access Statement and drawing number 1534 210 submitted show 6x2-bed flats, in section 17 of the application form the applicant has indicated that the proposal is for 6x4-bed flats.

This approval therefore is based on the Design and Access statement and drawing numbers 1534 210 rev A and 1534 209 revA which propose 6x2-bed flats with 5 on site parking spaces.

#### Access

A new vxo is proposed, central to the plot. I notice that there are a bus stop sign and a telegraph pole which may need to be relocated in order to construct this vxo. The applicant should be made aware that they may need to meet the cost of this.

Further, the existing vxo for the current garage will need to be stopped up and the pavement and verge reinstated before the development comes into use. Green Lane 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.

#### Refuse storage and collection

Although the applicant states in section 7 of the application form that arrangements for the storage and collection of waste are given on drawing number 1534 209, this only shows an area for the storage of waste. drawing number 1534 209rev A does not show any arrangements for waste.

Roads in Herts, section 2.6.8 Refuse collection, states that vehicles must be able to stop within the "maximum refuse carry distance" specified by the Local Planning Authority or within 25m of any bin storage area, whichever is the lesser distance. Residents should not have to carry their rubbish more than 30m to a storage point. (Sources BS5906 2005 and Schedule 1 Part H Building Regulations). The applicant is therefore required to submit a revised plan showing the proposed arrangement for the collection of waste from the development.

#### 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.

### Dacorum Contaminated Land

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

- Coal yard situated approximately 255 metres to the north-northeast
- Builders yard situated approximately 255 metres to the north-northeast

BGS data indicates that the site is underlain by superficial deposits of Clay with Flints. Due to the significant distance of these potentially contaminative land uses from the site and the underlying relatively impermeable strata, it is unlikely that a viable pollutant linkage is present. As such contamination conditions are not required.

I recommend 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.

### Dacorum Contaminated Land amended plans comments

We will like to advise that we have no objection to the proposed application as it relates to Air Quality and land contamination.

However, considering the nature of the proposed development the following planning conditions and informative are recommend should planning permission be granted.

#### 1a). Contaminated Land Condition

No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

- A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.
- A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.
- A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

1b). All remediation or protection measures identified in the Remediation Statement referred to

in Condition 1a above 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).

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.' Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

## 2. 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.

## 3. 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.

## 4. Construction/Demolition Dust Informative

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

demolition Best Practice Guidance, produced in partnership by the Greater London Authority and London Councils.

#### 5. Noise on Construction/Demolition Sites Informative

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

#### Dacorum Refuse

There should be space for at least 2x1100 litre eurbins and a 140 litre wheeled bin for food there should be no steps between the storage area and the collection vehicle which is a 26 ton rigid freighter. Any doors should be suitably robust.

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

#### Bovingdon Parish Council amended plans

Object - the comments made at the Planning Committee meeting on 22 January 2018 still stand as follows:

- This would set a precedent as there are no flats in Green Lane and therefore, would not be in keeping with the area. That is, all of the properties in Green Lane are detached or semi-detached and that there have been a number of recent permissions granted but all for the same type of property.
- There is insufficient parking and no provision has been made for visitor parking
- The proposal represents an over intensification of the site and clearly if this were granted could set a precedent for the adjoining site
- Design/ overbearing - by reason of the density, height, form and layout, the proposed development would result in harm to the amenities of the neighbouring properties.

In addition it was noted that:

- The provision for parking fails to meet the National Planning Standards
- No provision for waste refuse bins
- Concern as to how the land at the rear of the flats will be used by the residents and its impact on neighbouring properties
- The front of the building will not be in keeping with neighbouring properties as it will by necessity have to be a parking area for the residents and will look more appropriate in an urban setting
- The privacy of the owners of No 37 Green Lane is threatened by the proposal to have living room and kitchen windows directly overlooking their property. This would appear to be contrary to existing standards which state that where there are overlooking windows that these should be a minimum of 12 metres away and should be obscured and potentially fixed shut.

#### Bovingdon Parish Council original submission

The Parish Council's Planning Committee met on 22 January and object to the revised scheme

for the following reasons:

- This would set a precedent as there are no flats in Green Lane and therefore, would not be in keeping with the area.
- That is, all of the properties in Green Lane are detached or semi-detached and that there have been a number of recent permissions granted but all for the same type of property.
- There is insufficient parking and no provision has been made for visitor parking
- The proposed scheme is set too far back on the site and the protruding area at the rear of the building will overlook the neighbouring properties
- The proposal represents an over intensification of the site and clearly if this were granted could set a precedent for the adjoining site
- Design/ overbearing - by reason of the density, height, form and layout, the proposed development would result in harm to the amenities of the neighbouring properties.

### **Appendix B - Neighbour notification / site notice responses**

#### Councillor Stewart Riddick call in

I was at the Bovingdon Parish Council Planning Meeting on Monday when this application was discussed, and they have decided to Object to this latest proposal. Their cogent reasons for refusal are valid, including gross over-development, access restrictions, dominant elevations, overlooking of neighbouring properties and setting of a precedent, since there are no other Blocks of Flats in Green Lane.

I believe that I had already requested this to be called in for consideration by the DMC and due to the controversial nature of this proposal, I would like to re-confirm my request that it is submitted to the DMC.

However, if you are minded to recommend Refusal, it would then not be necessary for the DMC to decide on this application.

#### Further correspondence

I know you are aware of the (2) previous applications which were Refused...and Refused again on Appeal.

The reasons for objection from Bovingdon Parish Council and the Local Community regarding this latest application are virtually the same; basically, it is still non compliant with CS 11 (a) (b) & (d) and also CS12 (a) (b) (c) (f) & (g) (i) (iii) (iv) (v) & (vi).

I would be grateful if you could confirm whether it will be REFUSED or whether it will be put before the DMC?

#### 37 Green Lane amended plans

I am writing on behalf of Mr & Mrs Waller, the owners and occupiers of no. 37 Green Lane, Bovingdon. This property is immediately adjacent to the development site on its south west side. We have been advised of revised plans and looked at these on line. We write to add our objections to these revised plans as follows.

1. The revised plans are also for six two bedroom flats. Again we consider this to be out of character in principal with the use of this part of Green Lane which is characterised by family houses and gardens.
2. There is no indication of what is happening in the rear of the site, or in the 4.4m gap at the

side of the building to our boundary.

3. The parking standard is still far too low. Two-bedroom flats are likely to demand two cars each. In reality if permitted this scheme would end up having a bigger car park in front otherwise the cars are going to spill out on to the highway. A development of this size is likely to require 12 off street parking spaces and they wouldn't fit. If a more realistic car park is shown on the plans, the frontage will be totally car-dominated and hard surfaced; without trees or shrubs and out of character with the setting and greenness of Green Lane (aptly named). The proposals are overdevelopment and the flats have poorly shaped rooms and badly positioned windows.
4. The nearest rear living room corner projects over 2m behind the rear building line of no.37.
5. We still object to the side facing kitchen and living rooms on both floors having windows facing directly towards the rear garden of Mr & Mrs Waller's house. The distance between the side windows and the boundary is 4.4m. We consider standards call for that dimension to be 12m. This proposal has eight habitable room windows from 4 dwellings facing Mr & Mrs Waller property which is unacceptable.
6. As a result this proposal will still harm the privacy and amenity of Mr & Mrs Waller's property by sideways overlooking into their house and garden. The windows are indicated to be obscured glass. But it is considered these will still result in perceived overlooking. The windows should be permanently fixed shut. There are kitchen windows from 2 flats on each floor also facing sideways directly at our boundary only 4.4m away. This problem can't be designed out by fixing the windows permanently shut because it would not be appropriate for kitchen windows to be fixed shut for ventilation reasons. Kitchen windows should face front or rear, not sideways.
7. We note the proposal has a crown flat roof but that the previous second storey dormer window has been omitted.
8. The drawings do not appear to show any provision for refuse storage.
9. We ask again about proposals for no.33? In the interests of proper planning the application should consider the complete picture.
10. Mr & Mrs Waller are extremely concerned about highway safety. There has been at least 2 car accidents in Green Lane recently where sightlines have been obscured by parked cars, one involving a motorcyclist being knocked off his motorbike by a car edging out onto Green Lane from Orchard Way. The introduction of a six flats scheme onto a single plot increases the highway movements on and off the drive by a multiple of 6. The shortage of parking on the site exacerbates this because the residents and visitors will have to reverse away again because they won't find a space to park. So they will park on the lane, obstructing the visibility and there will be more accidents.

For the above reasons we ask again the Council to refuse the revised plans. Mr & Mrs Waller look forward to your site visit to consider the above matters.

### 31 Green Lane amended plans

I would like to object to the above mentioned planning application on the following grounds:

1. I would like to refer you back to the National Inspector's refusal document Ref: APP/A1910/W/17/3170787 relating to the original plans submitted for the combined plots of 35 & 33 Green Lane where the inspector made it very clear that his grounds for refusal were in respect of:
  - a. The fact that the proposal was out of character with the surrounding area and the nature of

Green Lane which is characterised by large family homes, set back from the road in a quiet semi-rural setting

b. The detrimental impact of the proposal on the neighbouring properties and occupiers.

In my view, this application, as recently amended, still contradicts the guidance given by the inspector and continues to propose a scheme that is both highly inconsistent with the surrounding properties in Green Lane and continues to significantly impact the neighbouring occupiers at 37 Green Lane

2. I note that some changes have now been made to this proposal with the structure having been centred in the plot at No.35. Despite this the plans still detail parking spaces for only 6 cars even though the scheme continues to propose six two-bedroom flats. Clearly this plan for vehicle parking is insufficient and therefore I can only conclude that the plans are not detailing the true extent of proposed vehicle parking spaces at the front or the plan is for vehicles to park at the side or rear of the proposed property or on the road which is I think inconceivable in Green Lane which has no space and only a pathway on one side of the road.

a. I note the room now available both sides of the proposed structure (>4mts) and the fact that there are no plans detailed for the rear garden area. I am very concerned that the developer may subsequently construct parking at the side or rear of the structure which would entirely contradict the guidance given by the inspector regarding the original proposal made in 2016 concerning the use of the rear garden area and the unacceptable noise nuisance this will lead to for the occupiers of No.37.

3. I note again that there are no detailed plans given for the rear of the site and how it will be used or allocated to owners of the proposed flats. If this is to be a shared garden area for residents, I fear that the noise created by what could be at maximum 12 residents plus guests could be very significant and have a detrimental effect on the occupiers of No.37 Green Lane and indeed on me at No.31

4. There appears to be no plans at all for the 18 waste bins that will be required for the proposal

5. The frontage of the property as proposed, despite some increased planting included in the amended plans will remain incongruous in Green Lane and appear urban in the semi-rural setting of the lane. Indeed, if increased vehicle parking is the reality, the frontage will have to be a "sea" of concrete which would increase the urban nature of the proposal.

6. I note that there will be living room and kitchen windows directly facing No.37. I believe that this is inconsistent with standards where such overlooking windows should be at minimum 12 Mts away and should be obscured and potentially fixed shut. This severely threatens the privacy of the occupier at No.37 in my opinion and again is inconsistent with the findings and recommendations of the Inspector in the original case submitted in 2016.

7. I am very concerned that these plans make no reference at all to any proposal for No.33 Green Lane (located directly next to my house at 31 Green Lane). This is despite the fact that the developer owns No.33 as you know and which is directly referred to in the original Design & Access Statement to this application – both No 35 and 33 circled by the red site line!

I believe that professional planning standards call for planning to be complete in all respects for the entire scheme being proposed. Clearly without revealing at this stage the plans for No.33, these plans are incomplete and are not revealing the overall scheme of the developer for the combined site.

In respect of the above comments I object to the proposal as amended and respectfully request that you refuse it.

### 37 Green Lane

I am writing on behalf of Mr & Mrs Waller, the owners and occupiers of No. 37 Green lane, Bovington. This property is immediately adjacent to the development site on its south west side. We write to record our objections to this planning application on the following grounds:

1. The application is for six two-bedroom flats. We consider this to be out of character in principal with the use of this part of Green Lane which is characterised by family houses and gardens. The application design statement states that it is designed as a 'single house'. But in fact this is a block of flats with a car park in the front.
2. There doesn't seem to be any consideration of the design and landscaping of the frontage in the setting of the Lane. The design and plans seem incomplete.
3. The parking standard is too low. In our opinion 2-bedroom flats are likely to demand two cars each and in reality if permitted this scheme would end up having a bigger car park in front otherwise the cars are going to spill out on to the highway.
4. The proposals seem to us not to relate at all well to the site. There is a big gap on the left hand side. What is the proposal for this open space? There doesn't seem to be any logic as to the position or shape of the building. Why is it placed close to one side and not the other?
5. Why does the building need to project nearly 8m in a 'T' shape into the garden when the same area could be built at the front, without projection? It is almost as if another scheme has been pasted on from a different site. The scheme does not seem right on this site, it is haphazard and unconvincing in our opinion.
6. We object to the side facing living rooms on both floors having windows facing directly towards the rear garden of Mr & Mrs Waller's house. The distance between the side windows and the boundary and is less than 6m. We consider standards call for that dimension to be 12m.
7. As a result this proposal will harm the privacy and amenity of Mr & Mrs Waller's property by sideways overlooking into their house and garden.
8. We note the reduction in height from earlier schemes. Like Mr & Mrs Waller's house, the proposal has a crown flat roof. What is the purpose of the second storey dormer window? Is there a proposal to build a further storey e.g. by conversion of the roof space?
9. In the applicant's supporting statement it says the existing site has one house. However the red line site plan in the statement is around two houses.
10. What is the applicant's proposals for the other house? In the interests of proper planning the application should consider the complete picture.

In summary this application seems unrealistic, and an incomplete and undeveloped design and for the above reasons we ask the Council to refuse it.

### 31 Green Lane

1. Plan in keeping with the character of the lane
2. Avoid overbearing impacts on neighbouring property and
3. Avoid an "urban" street scene in the lane

... and here again we have a very large building encroaching a long way into the Garden area

of No.35 impacting Mr & Mrs Waller at No. 37. A large parking area at the front for 6 car park spaces and not even a mention of the many waste bins that will be necessary. I see no mention of visitors car parking or even the likely reality of where the second car for each flat will park and a roof ridge height that whilst apparently level with No.35 is one that is much higher than No.33 and my house at No.31.

It seems clear to me, given the positioning of the building (close to No.35), that the plan is to achieve permission for this building and then subsequently to knock down No.33 (which Bull Homes own as you know) and build a second set of flats next to me at No.31 completing a further material step into a total transformation of Green Lane from a lane of detached well spread houses and bungalows into a lane which will be characterised by an increasing amount of fairly cramped Semis and large buildings separated into flats – not at all the “semi-rural location that is has always been!

#### 42 Rymill Close

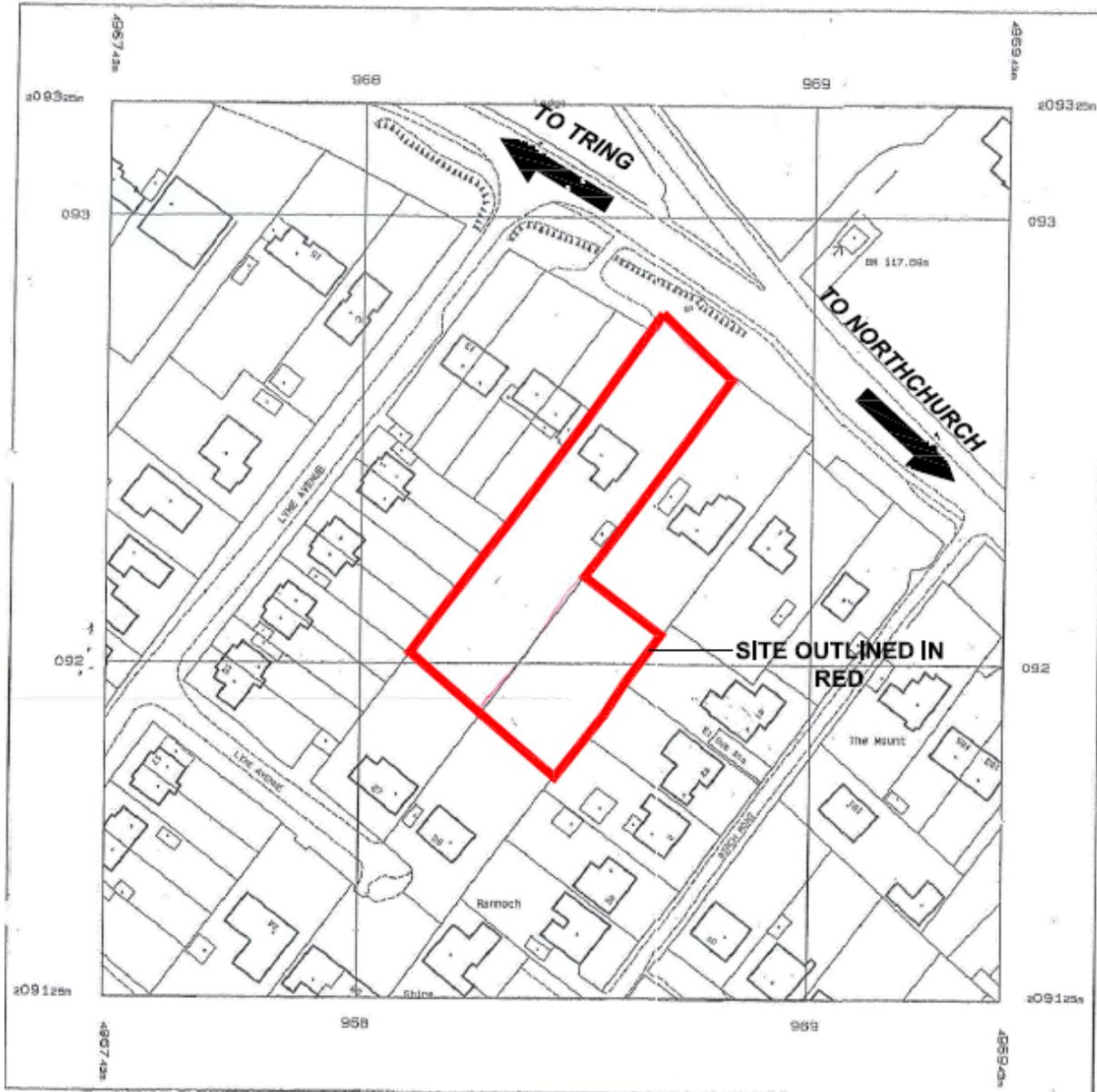
We object most strongly to this planning application.

There are no other flats in Green Lane and we are concerned that the change in use of this site will adversely affect the visual street scene. It will be out of keeping with the surrounding properties.

We are also concerned about the increase in traffic as a result of the change from Houses.

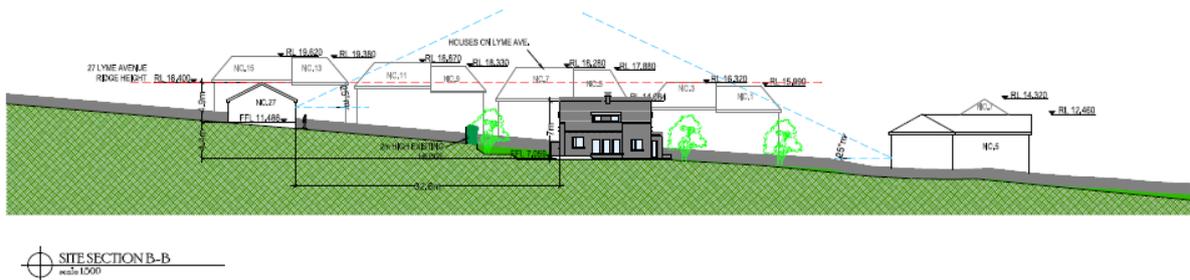
**4/03324/17/FUL CONSTRUCTION OF TWO PAIRS OF SEMI-DETACHED DWELLINGS (4 UNITS IN TOTAL) WITH SHARED DRIVEWAY**

**REAR OF 5 TRING ROAD, DUDSWELL, BERKHAMSTED, HP4 3SF**



# 4/03324/17/FUL CONSTRUCTION OF TWO PAIRS OF SEMI-DETACHED DWELLINGS (4 UNITS IN TOTAL) WITH SHARED DRIVEWAY

REAR OF 5 TRING ROAD, DUDSWELL, BERKHAMSTED, HP4 3SF



|                              |   |
|------------------------------|---|
| <b>4/03324/17/FUL</b>        | <b>CONSTRUCTION OF TWO PAIRS OF SEMI-DETACHED DWELLINGS (4 UNITS IN TOTAL) WITH SHARED DRIVEWAY</b> |
| <b>Site Address</b>          | <b>REAR OF 5 TRING ROAD, DUDSWELL, BERKHAMSTED, HP4 3SF</b>   |
| <b>Applicant</b>             | <b>Brian Kelly</b>  |
| <b>Case Officer</b>          | <b>Martin Stickley</b>  |
| <b>Referral to Committee</b> | <b>Request of Assistant Director</b>  |

## **1. Recommendation**

1.1 That planning permission is **GRANTED**.

## **2. Summary**

2.1 The proposal constitutes backland development whereby two residential gardens would be amalgamated to the rear of established housing to form the development site. The Character Area Appraisal (BCA19, Northchurch) states that the opportunities for plot amalgamation are limited; it does not encourage or discourage backland development.

The proposal would provide the comprehensive development of a backland site with suitable access onto the highway. The scheme is considered to be a high quality development that helps meet the need for new housing, as set out in Core Strategy (the CS) Policy CS17. Despite local opposition to this scheme, the proposal would not result in significant harm to the residential amenities of neighbouring properties or be detrimental to highway safety. It is therefore considered that the scheme accords with all of the relevant local and national policies, and supplementary guidance, listed in the report below.

## **3. Site Description**

3.1 The application site would mainly comprise the rear gardens of 5 Tring Road and 1a Birch Road, accessed by a shared drive from Tring Road (A4251) running between Nos 4 and 5. The topography of the site sees the ground rising relatively uniformly from Tring Road to the south-west at a gradient of approximately 1:14. The site is located to the north west of Northchurch, close to the junction of Tring Road and Dudswell Lane. Northchurch High Street is approximately five minutes walking distance.

The pattern of development in the area is typical mid to late 20th century suburban, characterised by a mix of detached and semi-detached dwellings of a variety of styles. To the north-east of the site, large detached two-storey houses fronting onto Tring Road; the south-east by more modest two-storey detached dwellings and bungalows; semi-detached properties front Lyme Avenue to the north-west; to the south-west is a bungalow and chalet bungalow. The most commonly used material finishes are a combination of red roof tiles, white render and brown and red brick.

## **4. Proposal**

4.1 The scheme proposes the construction of two pairs of semi-detached properties (four units in total). The development would be accessed via a shared driveway between 4 and 5 Tring Road. The access road comprises turning and manoeuvring facilities. The parking provision equates to three spaces per dwelling (12 total).

The individual plot sizes are 267sqm, 272sqm, 255sqm and 260sqm. The dwellings would have a footprint of approximately 72sqm and height of 7.175m. Each property would have three bedrooms. It is proposed that the ground level is reduced by one metre to reduce the overall height of the buildings. The scheme includes areas of private amenity space and hard/soft landscaping.

## 5. Relevant Planning History

4/00264/14/PRE CONSTRUCTION OF 2 CHALET BUNGALOWS  
Unknown  
28/03/2014

4/02327/17/PRE DEVELOP UNDERUTILISED LAND TO THE REAR OF 5 TRING ROAD  
Raise objections  
18/10/2017

## 6. Policies

### 6.1 National Policy Guidance

National Planning Policy Framework (NPPF)

Section 6 - Delivering High Quality Homes  
Section 7 - Requiring Good Design

National Planning Policy Guidance (NPPG)

### 6.2 Adopted Core Strategy (CS)

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS4 - The Towns and Large Villages  
CS8 - Sustainable Transport  
CS9 - Management of Roads  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS17 - New Housing  
CS28 - Renewable Energy  
CS29 - Sustainable Design and Construction  
CS35 - Infrastructure and Developer Contributions

### 6.3 Saved Policies of the Dacorum Borough Local Plan (DBLP)

Policy 10 - Optimising the use of Urban Land  
Policy 18 - Size of New Dwellings  
Policy 21 - Density of Residential Development  
Policy 51 - Development and Transport Impacts  
Policy 57 - Provision and Management of Parking  
Policy 58 - Private Parking Provision  
Policy 129 - Storage and Recycling of Waste on Development Sites  
Appendix 1 - Sustainability Checklist  
Appendix 3 - Layout and Design of Residential Areas  
Appendix 5 - Parking Provision Appendices

### 6.4 Supplementary Planning Guidance/Documents (SPG/SPD)

Accessibility Zones for the Application of Car Parking Standards (2002)  
Area Based Policies, Residential Character Area BCA19: Northchurch (2004)  
Manual for Streets (2010)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3<sup>rd</sup> Edition (2011)

## 6.5 Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

### **7. Constraints**

- 15.2M AIR DIR LIMIT
- HALTON DOTTED BLACK
- 45.7M AIR DIR LIMIT
- Former Land Use
- CIL1

### **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:

- Principle of development
- Impact on residential amenity
- Impact on highway
- Impact on visual amenity

#### Principle of Development

9.2 The site is located within the residential area of Northchurch where CS Policies CS1 and CS4 are relevant. Policy CS1 guides new development to the towns and large villages in order to protect more rural areas of the borough. Policy CS4 states that appropriate residential development is encouraged in residential areas.

The proposal for a small number of new houses in a residential area is acceptable in principle providing that the following criteria is also met: avoid harm to neighbouring properties (Section 9.3); provide suitable access arrangements and parking (Section 9.4); respect the general character/appearance of the street scene and provide adequate amenity space (Section 9.5); and provide comprehensive and efficient utilisation of the land.

Saved Policy 10 of the DBLP encourages the optimisation of urban land, supporting Policy CS4 in encouraging residential development in urban areas. Although this is important, it must be balanced against the other criteria listed above.

#### Impact on Residential Amenity

9.3 The impact on the established residential amenity of neighbouring properties is a significant

factor in determining whether the proposed development is acceptable. Policy CS12 states that, with regards to the effect of a development on the amenity of neighbours, development should avoid visual intrusion, loss of light and loss of privacy. Saved Appendix 3 of the DBLP contains guidance on layout and design for new developments; it requires a minimum distance of 23m to be maintained between the main rear wall of proposed dwellings and the main wall of another. These points were explained to the applicant and taken on board during the pre-application and application process.

### 9.3.1 Visual Intrusion

The proposed site layout, along with the layout of the proposed dwellings themselves, have been designed to ensure that they can sit comfortably on the site, whilst maintaining adequate spacing and separation distances to the surrounding properties. The separation distances (ranging between 17.5m and 33.7m) comply with the relevant policies and are annotated on drawing 301B (Site Layout Plan & Sections).

The properties would be limited in stature, with a maximum height of 7.175m. It is proposed that the ground level is lowered by one metre to further reduce the visible height of the properties, ensuring that no overbearing impact arises as a result of the development. As evident on drawing 301B, the ridgeline of the proposed units would sit below the two-storey properties and bungalows on Lyme Avenue, but marginally above the properties on Birch Road.

### 9.3.2 Loss of Light

The Building Research Establishment's (BRE) 'Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)' has been considered by the applicant. The '25 degree test' has been demonstrated on drawing 301B to establish the effect of the proposed buildings with regards to obstructing daylight to existing windows/rooms. The proposed development falls well below the line drawn at 25 degrees. Therefore, it is extremely unlikely that there would be a detrimental impact to daylight on the existing properties.

### 9.3.3 Loss of Privacy

The properties have been designed in a way that minimises potential overlooking. The first-floor flank windows serve bathrooms and would be obscure glazed. If approved, this obscure glazing would be secured through condition. The distance between the front and rear first-floor windows on the proposed development and the rear elevations of Nos. 3 and 5 Tring Road is 35m and 28m respectively. For the bungalows on Lyme Avenue (to the rear of the site), the distances are 31-32m. These distances are considered to be acceptable and would protect the privacy of existing and future occupiers.

As mentioned previously, the ground level is being reduced by one metre. The existing mature boundary hedge and fencing is being retained. Therefore, the ground floor windows would be generally concealed from the surrounding area.

### 9.3.4 Summary

There would be no significant loss of daylight or sunlight to neighbouring properties, as there would be no breach of the 45 or 25 degree lines. The separation distances that have been achieved will help to ensure that there would be no significant adverse effects in terms of visual intrusion, overlooking or loss of privacy. With regards to residential amenity, the proposal accords with Policy CS12 (CS); saved Appendix 3 (DBLP); Paragraph 17 (NPPF); and the aforementioned BRE lighting guidance.

### Impact on Highway

## 9.4 Accessibility, Safety and Capacity

Tring Road is categorised as a main distributor road and within the vicinity of this site, a speed limit of 30mph is in force. The proposed scheme provides for the upgrading and re-alignment of the existing driveway serving 5 Tring Road. A passing bay is proposed at the new entrance to No. 5. The proposed driveway satisfies the criteria for a 'shared private drive' as set out in Highway Design Guide 3<sup>rd</sup> Edition (2011). Drawing 301B includes a swept path analysis, which indicates that refuse and emergency vehicles would be able to access the site.

Hertfordshire County Council (HCC) as the Highway Authority has considered the proposal and responded to the application, stating "the proposal would not have an increased impact on the safety and operation of the adjoining highways" subject to certain conditions and informative notes. If approved, these conditions and informatives would be included.

The Ward Councillor provided HCC with an additional document relating to road traffic safety in Northchurch. The Highways Officer replied with the following:

*"My conditioned response to the proposal was given after due consideration of all the aspects appropriate to highways development management, including: safety issues, trip generation, accessibility, highway capacity, servicing and parking issues.*

*As regards road safety, regardless of the number of users, bus stops, laybys and junctions on this stretch of highway, only one accident involving injury has been recorded in the last 10 years in the vicinity of the site: opposite the bus stop facing number 7. This occurred on 17 June 2012 and is recorded as "slight", indicating that there were no fatalities, and was not related to the road or traffic conditions at the time.*

*The NPPF, Paragraph 32, states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In accordance with the NPPF, therefore, I am unable to recommend refusal."*

The full consultation response from HCC can be found in Appendix A.

### 9.4.1 Parking

In terms of parking provision, three spaces per dwelling are proposed. Each space will have minimum dimensions of 2.4m x 4.8m. The spaces have been positioned as to not obstruct sight lines. The proposal provides 12 parking spaces, which meets the Council's maximum parking standards. It should be noted that the site is situated next to a bus stop with frequent buses to Berkhamsted, Hemel Hempstead and Tring.

### 9.4.1 Summary

The proposed development would provide a satisfactory access that would result in no significant adverse impacts on highway safety or the free flow of traffic on the local highway network. Further, the proposed parking arrangements are considered to be acceptable and would not lead to additional parking demand being displaced onto the public highway. Overall, the proposals comply with Policies CS8, CS9 and CS12 (CS); saved Policies 57 and 58 (and associated Appendix 5) (DBLP); Paragraph 32 (NPPF); and HCC's Roads in Hertfordshire, Highway Design Guide (3<sup>rd</sup> Edition).

### Impact on Visual Amenity

9.5 There are several common design features within the locality, such as front bay windows, gables, wall finishes of brick and light render red roof tiles. However, there is no strong theme in the characteristics of the buildings. There is a mixture of dwelling types e.g. large detached,

medium-sized semi-detached, bungalows, etc.

The proposed design, as referred to in the Design and Access Statement, is a “*restrained contemporary interpretation of the common features*” found within the area. Brick and red roof tiles are prevalent in the local architecture and these are proposed within in the design of the new dwellings. It is felt that the proposed dwellings would be considered as an attractive addition to the area; bringing their own sense of character by responding to some of the existing themes of the area but also bringing forward new additions, such as the sandstone detailing around the windows or the zinc element on the front elevation.

Regardless of the appearance of the proposed dwellings, it should be noted that, being backland development, the proposal would have an extremely limited impact on the street scene, as they would be set back over 40m from Lyme Avenue and Birch Road, and over 70m from Tring Road. Views towards the site would be limited to small spaces between the existing residential properties. Therefore, the proposed development would have no significant adverse effect on visual amenity.

### Other Material Planning Considerations

#### 9.6.1 Density

The proposed quantum of four residential units is considered acceptable for the application site. The proposed density is 21 dwellings/ha, marginally above the figure of 15 dwellings/ha as set out in BCA19.

The character appraisals are broad indications of existing density in the area and should not be interpreted as mathematical figures to be strictly followed. If a development proposal falls outside the indicated density, there is no automatic presumption to refuse planning permission. Numerical density is one factor to be considered and balanced against others set out in area policies.

It is not uncommon for areas of residential development to exceed the density figure set out in the character area appraisal. For instance, if you look at the density of the semi-detached properties along Lyme Avenue (1-13), the density exceeds that of the proposed development (22 dwellings/ha). Limit Home Park (comprising Meadowcroft, Cornfield Crescent and Pine Walk), to the south-west, has an approximate density of 25 dwellings/ha.

The table below portrays densities of nearby schemes granted planning permission in recent years.

| <i>DENSITY OF BUILDING PER HECTARE</i> |           |       |              |               |
|--|-----------|-------|--------------|---------------|
| Location                               | Area (ha) | Units | Dwellings/ha | Garden Length |
| 8 New Road                             | 0.1137ha  | 6     | 53           | 14.5m         |
| 45 Covert Road                         | 0.025ha   | 1     | 40           | 6.5m          |
| 4 Ashby Road                           | 0.0254ha  | 1     | 39           | 9m            |
| Daars Lane                             | 0.0272ha  | 1     | 37           | 6.6m          |
| 28 Grove Road                          | 0.3027ha  | 9     | 29           | 11.3m         |

#### 9.6.2 Garden Length

Area Based Policies Supplementary Planning Guidance (Section 2.5.6) states that the minimum rear garden depth of 11.5m should normally be applied. This standard is met in the garden sizes of this development. The policy goes on to the state that for the Character Areas, where dwelling densities are low and plot sizes are large, rear gardens may be required to be

provided at depths considerably over 11.5m where this is necessary to harmonise with area character. The key word is “may” and just as with the density calculation, it is not cast in stone that the gardens would have to be much longer. It should be noted that the three gardens on Birch Road that border the application site have gardens depths of 13-15m, which are only marginally longer than the proposed.

As seen in the table in Section 9.6.1 above, there are a number of nearby examples of recent development with garden lengths that meet the minimum of 11.5m or less despite the size of adjacent gardens. Although guided by the garden length figure as set out in the Area Based Policies, there is a requirement to look at a development holistically to determine whether it would be acceptable. It is felt that the proposed garden areas would provide a functional amenity space for future occupiers and are therefore acceptable.

#### 9.6.3 Landscaping and Boundary Treatment

The existing boundaries comprise of mature manicured hedging, which is to be retained. A willow tree in the garden of 5 Tring Road shall be removed to allow for the shared drive. A number of new trees and other planting is proposed as set out in drawing 202. A 1.2m high brick wall shall form a new drive from the public road to the rear of the dwelling where the height shall increase to 2m. Low level planting is proposed between the wall and the drive to soften its impact. Otherwise all boundary treatments will remain unaltered. Overall, the proposed landscaping and boundary treatment is considered satisfactory.

#### 9.6.4 Ecology

Hertfordshire Ecology responded to the application stating that due to the nature of the site (domestic rear gardens with typical amenity grassland lawns, introduced planting and bordering shrubs and trees), it is of limited ecological interest and would not warrant any formal ecological survey. However, they suggested several informatives, which have since been included on drawing 304A. They also suggested the inclusion of 'hedgehog highways', which have been included on the landscaping plan. If the application is approved, the informatives and hedgehog highways would be secured through the approved plans condition.

#### 9.4.5 Contamination

The Council's Environment and Community Protection Department has advised that the site is located within the vicinity of potentially contaminative former land uses. Consequently, there may be land contamination issues associated with this site. The Contamination Officer has therefore recommended that the standard condition be applied to this development should permission be granted. The standard conditions have been added to this recommendation accordingly, which will ensure that there are no associated contamination risks.

#### 9.4.6 Waste Management

Waste storage provision shall exist separately for each dwelling to the rear. The waste collection vehicles shall have sufficient space to access and turn in the space immediately to the front of the dwellings, hence the quality of place shall not be compromised by having to provide waste storage in the public areas of the development.

#### 9.6.7 Drainage

Following the review of the Environment Agency maps for surface water flood risk, the proposed development is at a predicted low risk of flooding from surface water. Hertfordshire Country Council, as the Lead Local Flood Authority (LLFA), have no records of flooding in this location and acknowledge that there are no watercourses or surface water sewers within the vicinity of the site.

A drainage plan has been submitted to support the planning application, however, no infiltration tests have been provided. The LLFA have requested that if permission is approved, a pre-commencement condition is used to obtain information relating to the feasibility of the drainage scheme.

#### 9.6.8 Sustainability

The Design and Access Statement highlights the following: "The proposal will allow for a minimum intervention with the existing landscape profile. The Concept will embrace the use of sustainable materials where practical, with a marriage of materials such as SIPs panels for the superstructure (achieving a highly insulated, air tight internal envelope) and robust long life external materials such as natural stone and brick are to be used. The energy consumption systems shall be a combination of solar panels and air source heat pumps. The dwellings, as proposed, shall achieve a high BREEAM rating." The application documents appear to demonstrate that the proposed development will be a high quality sustainable development, with good levels of energy efficiency. The proposals generally comply with the criteria set out within Policy CS29 (CS).

#### Response to Neighbour comments

9.7 The points raised by neighbours have been addressed above.

#### Planning Obligations

9.8 The proposed development falls within Community Infrastructure Levy (CIL) Zone 1 and does not fall within any of the CIL Reg123 exemptions. Therefore, the Council reserve the right to seek CIL contributions towards the provision of infrastructure as outlined in the R123 list through the appropriate channels. CIL Zone 1 requires £250 per square metre, subject to indexation.

### **10. Conclusions**

10.1 The proposed scheme has made a considerable effort to align local and national policies. Consideration has been given to the local community whilst seeking to optimise the use of urban land. The proposal allows for the comprehensive development of a backland site and would help to meet the need for new housing, as set out in CS Policy CS17. The access arrangements are considered acceptable by highway professionals. The parking provision would meet the Council's maximum standards.

The applicant has liaised with the Council from pre-application stage and taken all of the relevant policy documents into consideration. Following local opposition, the applicant evolved the scheme to further reduce any impacts. Considering the scale of development and the distances between the existing/proposed houses, the proposal would not result in significant harm to the residential amenity.

The proposed development would have an extremely subtle impact on the visual amenity of the area, being generally obscured from public vantage points. Although long distance views from the other side of the valley may be possible, the proposed development would be within an existing residential area and would have a limited impact on the surrounding countryside.

The scheme is in accordance with the local and national policies, and supplementary guidance mentioned within this report. Therefore, the application is recommended for approval.

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

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

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

- 2 **Provision of Visibility Splays Prior to the commencement of the use hereby permitted a visibility splay measuring 2.4m x 43m shall be provided to each side of the access where it meets 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 in accordance with Policies CS8 and CS9 of the Dacorum Core Strategy (2013) and Policy 51 of the Dacorum Local Plan (2004).

- 3 **Provision of Pedestrian Visibility Splays Before the access is first brought into use, a triangular vision splay shall be provided on each side of the new access and shall measure 0.65m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 0.65m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.**

Reason: To provide adequate visibility for and of drivers entering or leaving the site in the interests of pedestrian safety in accordance with Policies CS8 and CS9 of the Dacorum Core Strategy (2013) and Policy 51 of the Dacorum Local Plan (2004).

- 4 **Provision of Parking and Servicing Areas Prior to the first occupation of the development hereby permitted the proposed access /on-site car and cycle parking/servicing/loading, unloading/turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.**

Reason: To ensure the permanent availability of the parking/manoeuvring area, in the interests of highway safety in accordance with Policies CS8 and CS9 of the Dacorum Core Strategy (2013) and Policy 51 of the Dacorum Local Plan (2004).

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

Reason: In the interest of highway safety and amenity and to ensure the development makes adequate provision for on-site parking and manoeuvring of vehicles likely to be associated with its use, in accordance with Policies CS8 and CS9 of the Dacorum Core Strategy (2013) and Policy 51 of the Dacorum Local Plan

(2004).

- 6 **The proposed car parking spaces shall have measurements of 2.4m x 4.8m (minimum). Such spaces shall be maintained as a permanent ancillary to the development and shall be paved and used for no other purpose.**

Reason: In the interest of highway safety, in accordance with Policies CS8 and CS9 of the Dacorum Core Strategy (2013) and Policy 51 of the Dacorum Local Plan (2004).

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

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy (2013).

- 8 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 7 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted. For the purposes of this condition a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.**

Reason: To ensure that risks from land contamination to the future users of the land

and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CS32 of the Dacorum Core Strategy (2013).

- 9 **If within a period of five years from the date of any planting in accordance with the Landscaping Plan (Drawing 304A), any planting is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), further planting of the same species and size as that originally planted shall be planted at the same place in the next planting season.**

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies 99 and 100 of the Dacorum Local Plan (2004).

- 10 **The bathroom windows at first-floor level in the south-western elevations of Plots 1 and 3; and the north-eastern elevations of Plot 2 and plot 4 hereby permitted shall be permanently fitted with obscured glass.**

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

- 11 **The development hereby permitted shall be undertaken in accordance with the mitigation and recommendations identified by Hertfordshire Ecology and annotated on the Proposed Landscaping Plan (Drawing 304A).**

**These include:**

***“The removal or severe pruning of trees and shrubs 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 vegetation clearance and if active nests are found, works should stop until the birds have left the nest.”***

***“Existing trees including roots and overhanging branches that are remaining on site should be protected from damage. Protection barriers and/or a no-dig policy may be required and advice should be sought from an Arboriculturist”***

***“To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should also be covered at night or have ramps to prevent and avoid hedgehogs being trapped during construction. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.”***

Reason: In the interests of the protection of protected species and biodiversity in accordance with Policy CS29 of the Dacorum Core Strategy (2013).

- 12 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within**

**the following classes of the Order shall be carried out without the prior written approval of the local planning authority: Schedule 2, Part 1, Classes A, B, and E; Part 2, Classes A, B and C.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the character of the area, in accordance with Policy CS12 of the Dacorum Core Strategy (2013).

- 13 **The development shall not be occupied until details of fire hydrants or other measures to protect the development from fire have been submitted to and approved in writing by the local planning authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The proposed development shall not be occupied until such measures have been implemented in accordance with the approved details.**

Reason: In the interests in the health and safety of residents in accordance with Section 7 of the National Planning Policy Framework (2012).

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

**9717-301 (Revision B) - Site Layout Plan & Sections**

**9717-302 (Revision B) - Plans, Elevations & Section**

**8718-305 - Surface Water Plan**

**9719-203 (Revision A) - Boundary Details**

**9717-304 (Revision A) - Site Landscape Plan**

**Design and Access Statement**

Reason: For the avoidance of doubt, in the interests of proper planning and in the interests of the character of the area, in accordance with Policies CS11 and CS12 of the Dacorum Core Strategy (2013).

### **Article 35 Statement**

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

Order 2015.

## **Highways Informatives**

1. The Highway Authority requires the alterations to or the construction of the vehicle crossover 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.

## **Fire Hydrant Informatives**

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

2. This authority would consider the following hydrant provision adequate:

- Not more than 60m from an entry to any building on the site.
- Not more than 120m apart for residential developments or 90m apart for commercial developments.
- Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances.
- Not less than 6m from the building or risk so that they remain usable during a

- fire.
- Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.
- Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol 2, Section B5, Sub section 15.8.

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

## **Appendix A**

### **Consultation Responses**

#### 1. Hertfordshire Property Services

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

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

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

#### 2. Environment and Community Protection (Contamination)

The site is located within the vicinity of a potentially contaminative former land use (landfill). Consequently there may be land contamination issues associated with this site. I recommend that the contamination conditions (CONT1 and CONT2) be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Council's website ([www.dacorum.gov.uk/default.aspx?page=2247](http://www.dacorum.gov.uk/default.aspx?page=2247)).

#### 3. Northchurch Parish Council

NPC: OBJECTION all nine members of public present attended the meeting to put an objection in for 5 Tring Road on the basis of loss of privacy, the plan shows it is a two storey building in fact it is a three storey building, the balcony overlooks into other houses in the nearby proximity, the plans shows it is a four unit with three bedroom but it is in fact four unit with four bedroom, no provision made for garages.

#### *Amended scheme*

NPC: Members of the public gave their views on this application. Cllr Pringle commented on road safety, the A4251 already is dangerous and the possibility of increased traffic from the current access to more vehicle movements. It was suggested that a further report from Herts Highways be requested, but the Chairman stated that they have already been consulted and

had no comment to make.

Mr. Kelly (applicant) informed the members that he has addressed all the issues raised from the original plan which reflect on the amended plan such as the number of units in total have been reduced as well as height and scale of the properties.

The owner of No. 1a Birch Road part of whose property was included in the application confirmed that there was no orchard there nor had there ever been.

NPC: No comment.

#### 4. Lead Local Flood Authority

As it is a minor application the Lead Local Flood Authority is not a statutory consultee. However we can offer advice to the Local Planning Authority to place them in a position to make their own decision regarding surface water and drainage.

No information has been submitted in relation to the drainage of the site. The absence of this information provided does not allow us to reach a conclusion on potential impact of the development. The drainage strategy should include details of how the on-site surface water will be managed by provide appropriate sustainable drainage techniques and the location of discharge off the site, along with supporting calculations.

#### *Amended scheme*

As it is a minor application the Lead Local Flood Authority is not a statutory consultee. However we can offer advice to the Local Planning Authority to place them in a position to make their own decision regarding surface water and drainage.

Following the review of the Environment Agency maps for surface water flood risk, the proposed development is at a predicted low risk of flooding from surface water and we do not have any records of flooding in this location. The application form states that the surface water will be disposed of via infiltration however no infiltration tests have been provided. We acknowledge that there are no watercourses or surface water sewers within the vicinity of the site. Therefore should the LPA decide to grant the permission, we would recommend including a pre-commencement condition to obtain information to confirm the feasibility of the drainage scheme.

As a minimum the LPA should require a drainage strategy that includes the details of how the on-site surface water will be managed, where possible providing appropriate sustainable drainage techniques and the location of discharge off the site, along with any supporting calculations. Where it is proposed to infiltrate, we would recommend that infiltration tests are carried out to ensure that feasibility of the soakaway.

#### 5. Refuse, Cupid Green Depot

Each house should have sufficient space to store 3 x wheeled bins and a kerbside caddie and space outside the boundary to present them for collection.

The driveway should be suitable for the access of the collection vehicle which is typically a 26ton rigid freighter. There should be sufficient room for it to turn at the top of the drive.

#### 6. Hertfordshire Highways

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority

does not wish to restrict the grant of permission subject to the following conditions:

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

## CONDITIONS

1. Provision of Visibility Splays Prior to the commencement of the use hereby permitted a visibility splay measuring 2.4metres x 43 metres shall be provided to each side of the access where it meets 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. Provision of Pedestrian Visibility Splays Before the access is first brought into use, a triangular vision splay shall be provided on each side of the new access and shall measure 0.65 metres along the fence, wall, hedge or other means of definition of the front boundary of the site, and 0.65 metres measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility for and of drivers entering or leaving the site in the interests of pedestrian safety.

3. Provision of Parking and Servicing Areas Prior to the first occupation of the development hereby permitted the proposed access /on-site car and cycle parking / servicing / loading, unloading / turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking /manoeuvring area, in the interests of highway safety.

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

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

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

## INFORMATIVE NOTES

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

Highways (Telephone 0300 1234047) to arrange this, or use link:-  
<https://www.hertfordshire.gov.uk/droppedkerbs/>.

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

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

4. Refuse, Fire service and emergency vehicles The fire services department would need to be consulted for their comments regarding the accessibility of the proposed dwellings by fire service vehicles. I have some concerns regarding the encroachment of the trees in time both over and alongside the driveway. Fire Service contact details are: [administration.cfs@hertfordshire.gov.uk](mailto:administration.cfs@hertfordshire.gov.uk) Tel 01707 292310.

5. I notice from drawing no 9717-201 Rev A that the proposal is to plant two trees within the Highway verge. The applicant should be advised that this will require DBC input as well as commuted sums. They will be liable for 5years for upkeep /replacement of these trees.

## COMMENTS

This application is for Construction of two pairs of semi-detached, two-storey houses (4 units in total) with shared driveway.

## PARKING

The proposal is to provide 8 parking spaces and an additional 4 disabled parking spaces. No provision is proposed for cycle parking.

## ACCESS

In the D&A Statement, the applicant refers to Hereford Council documents as well as a document called HDDG (Highways Development Design Guide) with regards to visibility splays, and also on drawing no 9717-201 Rev A.

However, this is not the design manual applicable to Hertfordshire. The correct policy document is: ROADS IN HERTFORDSHIRE – HIGHWAY DESIGN GUIDE. 3rd EDITION, Available at:

[https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#DynamicJumpMenuManager\\_1\\_Anchor\\_6](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#DynamicJumpMenuManager_1_Anchor_6)

According to Roads in Herts, Section 4, 2.3, the visibility splays required are 43m in each direction along the nearside carriageway, and NOT as shown on drawing number 9717-201

Rev A.

The site is to be accessed via a new VXO on Tring Road, which is shown on Definitive Maps as a Main Distributor classified road, the A4251 with a 30mph speed limit. Vehicles are required to enter and leave the highway in forward gear.

## REFUSE STORAGE AND COLLECTION

Drawing no 9717-201 Rev A includes a swept path analysis which indicates that refuse vehicles will be able to access the front of the properties to collect refuse.

Roads in Herts 2.6.8 states: Refuse collection vehicles must be able to stop within the "maximum refuse carry distance" specified by the Local Planning Authority or within 25m of any bin storage area, whichever is the lesser distance. Residents should not have to carry their rubbish more than 30m to a storage point. (Sources BS5906 2005 and Schedule 1 Part H Building Regulation).

## CONCLUSION

HCC as highway authority considers that the proposals would not have an unreasonable impact upon highway safety or capacity, subject to the conditions and informative notes above.

*Further comments sent to Councillor Pringle et al.*

I am responding to your email to Nick Gough of 6 April 2018 as well as representations from Graham Randall and Catherine Hay, regarding planning application 4/03324/17/FUL, 5 Tring Road, Dudswell.

I am aware of the petition presented to HCC on 27 March 2018, which is being handled by a colleague, Mr Ed Fisher, here at HCC. The issues of road traffic safety measures in Northchurch raised in this document are not specifically related to the specific proposals of this development.

My conditioned response to the proposal was given after due consideration of all the aspects appropriate to highways development management, including: safety issues, trip generation, accessibility, highway capacity, servicing and parking issues.

Taking all these aspects into consideration, my conclusion was that this development would not have a severe residual impact on the surrounding road network, providing that the recommended conditions are fulfilled.

The National Planning Policy Framework, paragraph 32, states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

In accordance with the NPPF, therefore, I am unable to recommend refusal.

Taking account of the issues raised by yourself, Ms Hay and Mr Kendall, my view has not changed.

As regards road safety, regardless of the number of users, bus stops, laybys and junctions on this stretch of highway, only one accident involving injury has been recorded in the last 10 years in the vicinity of the site: opposite the bus stop facing number 7. This occurred on 17 June 2012 and is recorded as "slight", indicating that there were no fatalities, and was not related to the road or traffic conditions at the time.

The application has been conditioned on the appropriate visibility for this category of road being demonstrated as achievable; however, any temporary obstructions to this visibility, such as vehicles waiting in the nearby layby, cannot be catered for.

Tring Road is categorised as a main distributor road and in the vicinity of this site a limit of 30mph is in force. Again, HCC is unable to cater for drivers ignoring the speed limit. The proposal does not introduce a new access point onto Tring Road, but proposes improvements to the existing one serving no 5. The development would only generate a small number of additional movements into and out of this improved access.

There have been two recent applications regarding the telephone repeater building, which is currently classified as use class B8 - Warehouse/Storage & Distribution: 4/00049/18/FUL, which was withdrawn, and the more recent 4/00537/18/FUL. Whilst still proposing extension to the building, the current planning application does not seek to change this category, which is proposed as B8 - General storage and distribution use, with some ancillary office use. There is an existing dropped kerb and parking space at this site and the current application would not result in a severe residual impact on the local road network.

Ms Hay is correct in stating that the current Roads in Hertfordshire: Highway Design Guide 3rd Edition – Version 1 – January 2011, section 2, chapter 8.5.4 states that “where a shared private drive connection to a road servicing more than 100 dwellings is unavoidable, that access should serve no more than 3 dwellings”. However, this document is currently under review and the current policy framework for shared space roads can be found in Manual For Streets 2007 and Manual for Streets2 2010. There is no mention in these of any limitation to the number of dwellings to be served by a shared drive; in fact, the concept of a Home Zone, where a neighbourhood is served by shared space roadways, is promoted.

Mr Kendall has cited appeals against refusal for backland development which have been dismissed. However, the example he provides: APP/R3325/A/12/2171892 dates back to 2012, and is within the remit of South Somerset District Council. It is worth noting that although the appeal was dismissed on the acceptability of the development, on Highway Safety considerations the Inspector concluded that “the proposed improvements to the existing arrangements outweigh any increased hazard arising from the increase in traffic generation and that it would be acceptable.”

I do not find that any of the points raised indicate that this application should be refused on transport grounds where the residual cumulative impacts of development are severe.

## 7. Hertfordshire Ecology

Thank you consulting Hertfordshire Ecology on this application. The Hertfordshire Environmental Records Centre (HERC) does not have any habitat or species data for the application site, which includes part of two extended and encapsulated domestic rear gardens (with typical amenity grassland lawns, introduced planting, bordering shrubs and trees). As such, it is likely to be of limited ecological interest.

The main interest is likely to be from bordering mature hedgerows and trees. I understand the majority of these will remain and be reinforced as necessary. Any infilling of gaps in hedgerows should ideally be with native species. I am pleased to see the inclusion of hornbeam / York elm (*Carpinus betulus*) within the planting plan. Other native species could include Field maple, hawthorn, blackthorn, Wild cherry which are good for biodiversity.

Any tree / shrub removal or severe pruning must take account of the potential for nesting birds to be present. All British birds are legally protected against killing or injury, their eggs are protected against taking or destruction and active nests are protected against damage or obstruction.

Due to the urban location, there is potential for hedgehogs to be present within the development footprint and precautionary measures should be taken to avoid impacts on them. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2015. The species is therefore considered one of the UK's target species to avoid further population decline. I would therefore like to see 'hedgehog highways' / holes in fencing included within the boundary details if possible.

Due to the nature and scale of the proposals, I do not consider any ecological surveys are necessary in this instance. Notwithstanding, I advise the following **Informatives** are added to any permission granted:

*"The removal or severe pruning of trees and shrubs 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 vegetation clearance and if active nests are found, works should stop until the birds have left the nest."*

*"Existing trees including roots and overhanging branches that are remaining on site should be protected from damage. Protection barriers and/or a no-dig policy may be required and advice should be sought from an Arboriculturist"*

*"To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should also be covered at night or have ramps to prevent and avoid hedgehogs being trapped during construction. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site."*

#### Biodiversity enhancements

Finally, the planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. Simple *biodiversity enhancements* could be incorporated into the development proposal in the form of bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in building(s), refuge habitats (e.g. log piles, hibernacula) for reptiles and invertebrates, hedgehog boxes, gaps under fencing to allow free movement of small mammals (e.g. hedgehogs) and amphibians, native tree and shrub planting, pond, etc. These should be considered at an early stage to avoid potential conflict with any external lighting plans.

#### 8. Councillor Lara Pringle

As recently elected DBC councillor I confirm the level of public concern locally re the safety of children using the bus stops/walking to school along this dangerous stretch.

I have written to HCC Highways who have reopened the case for consideration of new information/change of circumstances.

Material information was not included by the applicant in the Design & Access statement, namely the use of the cricket club pavilion as a kindergarten with 20 customers using cars to enter and exit along a single track entry directly opposite site access at peak times.

Diagrams appear to show the opposite footpath continuing in the Tring direction, when in fact it ceases, meaning the limited area next to site access in which bus users can cross is much smaller than appears.

Entry to the property subject to planning Ref 4/00537/18/FUL is not shown - this further junction between kindergarten entrance & Dudswell Ln j/w Tring Rd is omitted.

The site is considerably more complex/hazardous than represented.

[Delete any salutation, disclaimer or other additions that are not part of analysis and advice. Do not include conditions – where necessary and appropriate to be added at end of report]

## **Appendix B**

### **Neighbour Notification/Site Notice Responses**

#### **Objections**

3 Tring Road, Northchurch, HP4 3SF

We wish to object to the building of the above application for the following reasons:

The application is directly to the rear of our property No.3 Tring Road, the proposed development is on what was part of the original garden they sold a section behind No 3 to 1A Birch Lane when my father suffered a heart attack and became too ill to look after it, this consists of a fruit orchard which is not unutilised land as described in this application.

The Application form applies for 4 x 3 Bed two story houses.

The plan 3.2 Development standards proposed floor area schedule, states 4 bedrooms so inaccurate to the planning application.

We believe that the height has been taken from Lyme Avenue and Birch Road approx.12 metres high to make the development look less intrusive than if they had taken their measurements from the front of our house at no 3 Tring Road. This is approx. 17 metres overall, making a huge visual impact from the main road at the front of our property.

The Height of the building would impact greatly on our privacy, we will be overlooked completely by at least two of the houses directly behind our garden, from their second floor windows but even more so from the third floor giving them complete views of our living accommodation, kitchen and bedrooms. These houses will also have a detrimental effect on our health and lifestyle because we would lose natural daylight and sunlight into our house and garden.

The proposed floor schedule says two storey house, but the pictures show the house over three levels with Juliet balconies on the top floor, although they have stated these are two storey houses. With clever use of terminology, they have used the roof space to achieve what is actually a three storey house which will have views into the rear of our property. We are much lower than these planned properties, by our calculations at least 5 metres. We could plant Leylandii trees to provide us with privacy but then we would have no light into our house or garden at all. Also this could cause an issue if they grow too tall.

We are directly adjacent to the new proposed road, and the exit of our driveway is on the right where it meets Tring road. On the right of us is the end of a bus stop inset which is directly outside our house. In our experience a bus stationary in the inset will block all vision of oncoming traffic from the right, the proposed new road will have exactly the same issues that we experience on a daily basis.

They say the access road would go between no 4 & 5 Tring Road, this is an error, in fact it is 3 & 5 Tring Road, this is going to be an extremely narrow single track road 3.7 meters, there is

no footpath so any kerbs will be extremely close to our boundary so nothing to protect the proposed wall which will be replacing hedges, trees and shrubs. Currently we enjoy a natural boundary which will be lost when replaced by a high brick wall, this will also have a negative effect on the natural environment. This will also be serviced by lorries and refuse vehicles on a regular basis, this will increase noise and carbon monoxide pollution as well as the car parking noise issues, being situated directly on our boundary again, they have not shown our drive or the bus stop on their junction visibility diagram.

The proposed road and our drive converge at the same place onto Tring road, this will affect our ability to enter and exit our drive, and it will make it extremely difficult and dangerous for us, cars will cross our exit which they have not shown in their plans. This main road is busy and fast, and the new roadway will be on a blind bend. Cars on Tring Road approach this bend quite fast from the left looking out from the proposed road and development, it is a notorious blackspot, and it will effectively turn the road into a crossroads, the proposed exit being directly opposite Dudswell Lane.

We feel this proposal would make it a more dangerous environment for children going to school and for other vulnerable road users. Studies have already showed that there have been a large number of accidents at the junction of Dudswell Lane only two years ago someone was killed here. Traffic calming measures were implemented with little or no impact.

The design solutions do not show the actual fall in the land level from their site to Tring Road, neither do the actual computer drawings of the houses or road, the lower properties drawings show heights in relation to east to west making it look more level, if they had taken their measurements north to south it would have shown a much greater impact than they have implied. Pictures also show the access and height as level in relation to surrounding properties. This proposed development will sit high in the middle, at the end of all the gardens backing onto these proposed houses, light, noise and privacy will affect all residents surrounding this area directly.

They have shown a provision for 12 parking spaces, seven of which are directly in front of the rear of our garden, every time they start their cars carbon monoxide fumes will be coming into our garden at a low level, as you know this is heavy gas and as our garden falls much lower than the height of the parking spaces carbon monoxide gas will flow into the garden so pollution is a big issue for us especially in our garden potentially reducing outside enjoyment for us our children and our grandchildren. This will also be the case down the side of our boundary with vehicles large and small using the proposed new road daily. Case studies have shown that in open spaces short and long term exposure to carbon monoxide can cause a variety of symptoms including headaches, weariness, an increase in coronary flow and heart rate. Long term exposure or enclosed exposure can cause sudden death by anoxia. We are also worried that again carbon monoxide fumes could enter the house especially during the summer months through open doors and windows.

We are concerned about security, our garden is fully enclosed at present, if these plans go ahead then unwanted access could come from the side and rear of our property, as well as affecting all the other neighbours' security who are concerned about this development.

Overall we consider that to build houses in this enclosed space amongst the surrounding properties will have a negative impact and adverse effect including visual intrusion, whilst on the plans they might look evenly spaced but in reality they will have an over bearing impact in every aspect, the view we have enjoyed will be blocked by this development. Overlooking us and the surrounding neighbourhood.

All residents surrounding this development will be overshadowed by these houses, residents have lived in their homes for many years enjoying peaceful surroundings, if this development is

granted it will have a depressing and debilitating effect on our existing way of life.

### *Amended scheme*

We wish to lodge further objections to the above application for the following the following reasons:

The planning officer recommendations:

The revised plans, heights and units should be reduced: Although they say they have reduced the overall sizes of the dwelling 3.2 development documents still states the same height and is identical to the previous application, so the hole document is still completely misleading to the council and the residents affected by this development, this could lead to the applicants building to the original documents if they get approval so therefore all documents need to match what the applicant has changed. If all planning documentation are incorrect then it should be rejected / refused.

The planning officer's response was that the scheme fails to comply with policies CS11 and CS12 which states that the development should respect the typical density intended in the area and respect adjoining properties in terms of layout, sight coverage and amenity space. The size and density still falls far below the BCA19 recommendations of low density developments of around 15 dwellings/ha. The latest submission is 20 dwelling per/ha.

In 2014 a pre application for two chalet bungalows to the rear of 5 Tring road was considered unacceptable, although the amalgamation of two gardens would double the size of the plot it would still not be big enough to accommodate four chalet bungalows let alone two blocks of semi-detached houses in this space, they would be an overbearing mass, intrusive, and detrimental to the lifestyle and wellbeing of all the neighbours affected by this development.

We again object to this development because of the following reasons:

Dacorum development of residential areas: policy 2.5.6 Garden and amity space, the minimum depth of 11.5 should normally be applied, the Character Areas were infill developments are acceptable, rear gardens may be reduced if the shape and size and depth are compatible with the existing adjoining properties, For Character Areas where dwelling densities are low and plot sizes are large, rear gardens may be required to provide at depths considerably over 11.5m where this is necessary to harmonise with the area character. This development is oversized for the plot and the garden sizes will be much smaller than all the gardens of the adjoining properties.

Dacorum borough council policy quote;

Gardens are great for mental and physical wellbeing they reduce stress and keep you fit, protecting gardens is important to improve quality of life, this development will ruin the character for this area.

We object to this application under the Decorum development policy 2.6.5 Tandem Development.

To quote: the positioning of usually one (but sometimes more) new houses behind an existing dwelling and sharing access arrangement is a common form of backland development but certainly the most inefficient problematic and unsatisfactory. The area policy statements make no reference to tandem developments, it is the council's view that this is generally an unsatisfactory form of accommodating new housing.

We object to this application with reference to policy 2.6.11 the distance which should be maintained between the flank wall of extensions and new builds. Policy 2.7.3 Bulk and mass for the character of this area could be seriously at odds with the surrounding properties.

We object to this application under the right to light which exists and has existed since 1832, commonly known as the 45 degree rule, for anyone who has uninterrupted views for 20 years without consent openly and without threat for more than one year, a right to light is protected in England and Wales under common law, unless a neighbour waives their rights, they are entitled to take action. ( Aztech Architecture) guidance advise, right to light.

We object to the new proposed access to this development, again this is going to cause all kinds of safety issues regarding the bowmouth of this proposed new single track road crossing our driveway and falls directly into a bus lane, if buses and lorries are parked on the bus stop and vehicles have to reverse back down the road their view will be obscured and this as the potential to cause a serious accident.

As \*\* \*\*\*\*\* 1A Birch Road has personally attacked me and my previous objection I feel I have the right to defend the remarks made through 90% of his agreement to the application which he wished to vent publicly and suggested the Council planning office reject my objections as negligible.

All of our objections were and are based on fact.

Firstly I have every right to object to this Application along with all the other home owners affected by this development, we own the property 3 Tring Road, we pay council tax and utility bills which help toward the infrastructure of this area, Mr Holder has no right to decide if or where we live, or if our property is empty, I would have though he would have concluded that as we had applied for planning permission for our bungalow to be demolished and a large house to be built in almost the same footprint as the existing bungalow, that once this was built then we would move in, but that is nothing to do with him, we however would and do consider the environment we do wish to live in and the other neighbours surrounding this oversized development.

Just for the record, our development is approximately the same size as no 5 Tring road, which was also once a bungalow very similar to my parents, so well within the planning application granted to us. Not oversized, not overbearing, not intrusive.

We object to this development again on the grounds that we will lose light, and privacy, the bulk of the application will be overbearing and intrusive, it WILL impact on our enjoyment of our garden and well-being equally as much as that of our neighbours.

\*\* \*\*\*\*\* agrees to this development because as he stated he stands to gain a financial benefit if this planning application goes ahead, whilst he will greatly benefit many of the neighbours affected by this development will be affected in a very negative way again affecting wellbeing and causing stress, and total loss of enjoyment of living in the area.

\*\* \*\*\*\*\* is being hypocritical when it comes to complaining about his neighbour building large extensions which affect his outlook and light, he failed to mention his extension and loft conversation he had in 2006.

The applicant originally contacted me a short time after my mother's death, he enquired about

our plans for the bungalow, and he asked if he could buy the strip of land up the side of his driveway and house, but I refused to sell this to him. He contacted me again and asked if I could have a meeting with him and Mr Holder, we had a meeting at my bungalow in the driveway they asked if they could buy the whole plot and I refused. After reading Mr Holders attack on me I am convinced this is the reason for his verbal attack, they wanted to expand this development and I stood in their way.

\*\* \*\*\*\*\* suggested that no-one has a right to a view, but just for sake of argument, in fact if there is a covenant on the land, then a right to a view can be imposed and exists, Davis –v- Dennis and others 2009. Security is an issue for all of us, Dacorum Planning states that security has to be taken into account for new developments.

\*\* \*\*\*\*\* stated that our driveway will not be affected by the new opposed access road, then why did he and the applicant want to buy the strip of land adjacent to the applicants land. This will be dangerous with a bowmouth crossing our driveway, it will affect the bus stop and the one opposite, Dudswell lane will be affected as will the pedestrians crossing the road. If this access does go ahead it will be dangerous if cars and Lorries have to reverse onto a major road there are no pedestrian foot paths and planting trees will also reduce the width a vehicle can be to access this road, reserving vehicles back down this road will have an obscured view of traffic in both directions. It will be a serious accident waiting to happen.

\*\* \*\*\*\*\* lives in Birch road so cannot comment on how long a bus or Lorries stays in the bus stop, on occasions large vehicles including buses have spent long periods of time stationary. Tring Road is an extremely fast and dangerous road, \*\* \*\*\*\*\* has stated that Birch road is a blind and dangerous exit as the other residents have already stated, so why would it be Ok to put another access road a few hundred yards away from birch road on a blind bend opposite Dudswell lane causing a negative impact on road safety. Highway agencies did do studies on the speed of vehicles, they were deemed to be traveling far too fast on this stretch of road, traffic calming measure were implemented to get vehicles to slow down which has not worked. On the 11<sup>th</sup> October 2017 a nine year old girl was killed in Northchurch High Street, although this is further along the road from this development but prove that this is a fast and dangerous road, an another accident like this could happen at any point along this stretch of road. Mr Holder also agrees to quote his words “speeding vehicles are a problem and the 30 mph limit is totally ignored by some drivers and this is a long term problem” Again we object to this development based on another issue regarding the access road. He then says that the access road is ok and not an issue for the residents also after saying the bus stop is in the wrong place, but then says that objections are negate comments from all the people objecting to this development.

\*\* \*\*\*\*\* agrees that the air quality is poor and pollution is high as we are on a main road with lots of traffic and because we live in a valley so air quality is low, again we object to this application based on the pollution issues we will have with a service road right next to our property, carbon monoxide will be greatly increased again causing harm to us our neighbours and our environment. Government policies 2010 -2015 environmental quality, Air pollution, noise from traffic or neighbours harms our health and wellbeing, local authorities are responsible for reviewing and assessing air quality under the clean act, noise and nuisance have a big impact on our quality of life our health and the economy, all sorts of factors the noise we experience these can include things like planning decisions about where we put new roads.

\*\* \*\*\*\*\* remark about not seeing any Hedgehogs for years, is this because they are in decline due to garden spaces being reduced and Backland /Tandem developments being allowed to

spoil their natural habitat, increases in urban developments, new and fast roads are destroying the environment in which they live, this will have a disastrous effect not only on hedgehogs but bees, insects and other creatures which are already affected in this way, I think it will take more than a hedgerow to make a difference.

\*\* \*\*\*\*\* remarks are hypocritical and contradictive. All of my objections are based on fact I kept any remarks to the proposed development and not to any person, perhaps Mr Holder should have done the same, these unfounded remarks about any objections are purely his opinion. The NPC and DBC should take all objections and agreements to this application on their merit, and not be influenced by just one person's personal biased remarks, all of the residents are involved, as far as I am concerned, Mr Holder's interest in this application is purely financial, he has not made any valid points as to why this application would be beneficial to the character Area in question, but if he had not got a financial benefit as he stated would his opinion of this application be just like the rest of ours and would he be quite so defensive of the applicant?

### 3 Birch Road, Northchurch, HP4 3SQ

As a resident of Birch Road, Northchurch, I wish to make an objection to the proposed plans on the following grounds. Firstly, the development is an inappropriate intrusion into what is currently a well-balanced and established housing quarter, introducing an adverse light, noise and visual impact to a peaceful area of back gardens. Secondly the proposed access road to the development from the A4251 Tring Road is at the precise point of the already awkward junction with Dudswell Lane and the entrance to a kindergarten and cricket club. The access is also in the proximity of two bus stops which are used by schoolchildren travelling towards Berkhamsted and Tring.

### 3A Birch Road, Northchurch, HP4 3SQ

Our objections are as follows: The proposed properties would greatly increase light pollution & noise in a dark area of utilised gardens of an established housing sector. This together with the removal of trees and shrubbery will have an adverse effect on varied types of birds & endangered hedgehogs.

There is no doubt that the proposed buildings' close proximity to established houses would greatly impact on the existing privacy of these as well as them being overlooked by the 1st and 2nd floors; the application states 2 storey houses but there are 3 floors.

The proposed exit onto Tring Rd is directly opposite Dudswell Lane - a difficult junction, two bus stops, one will affect the line of sight when a bus stops, and an entrance to a weekday Nursery and sports club. An extra 12 cars exiting in the morning next to bus stops being used by children going to school would appear to greatly increase the possibilities of a serious accident on an already dangerous road.

### 2A Birch Road, Northchurch, HP4 3SQ

7. Our bright open aspect to the rear would feel imprisoned by an imposing overbearing intimidating and intrusive brick wall.
8. Our light, especially in the winter months, built 14.80 m not 17.50m from our house as per plans. The residents of Lyme Ave are afforded 24.50m from their properties Birch Road should be the same.
9. In a 3 storey development the pitch of the roof is higher to accommodate the third floor, excavation of the land of 1m in close proximity allows no perceived difference at all.

10. Our garden is not overlooked, on the plans there are windows to side elevation which invade our privacy.

11. The proposed plot nestled between existing properties isn't big enough to warrant 4 semis it's intrusive and invasive. (Fewer bungalows and reversed so the applicants overlook them with parking at the rear. I understand one of them is moving away anyway)

12. Access/exit to Birch Road is challenging enough with the volume and speed of traffic.

Planning to attend Birch Road please

#### *Further comments*

I have lived at 2a Birch Road for 30 years and while I accept change happens and development goes on I object to the proposed planning application for the following reasons.

- Whichever window I look out from my eye would be drawn to a brick wall and roof . From the lounge windows where I sit and look out at a pleasant aspect I would see a brick wall. From the dining room window where we sometimes eat I would see a brick wall. From the kitchen window where we eat most of our meals I would be looking at a brick wall . I can imagine it already and feel like I would be imprisoned by an imposing overbearing, intimidating and intrusive brick wall.
- It has to affect our light, especially in the dull winter months when the sun is lower in the sky. It will be so close to our house, not the 17.5 metres on the plans but 14.7 metres that is the distance between our back wall and back boundary fence. I understand development has to be at least a metre from any boundary but its accepted builders will “drift” in their measurements to gain every last millimeter so it could be very very close to our house. Given it is a three storey development the roofline will not be a shallow pitch but much higher to accommodate a third floor. I see it is proposed that the land would be excavated to a depth of one metre to lower the perception of the overall dwelling but in such close proximity I don't see that will make any perceived difference at all. I'm told a planning officer has already expressed the view that it was too close to our property.
- Our house and garden are not currently overlooked at all, our garden is very private but according to the plans there are windows on the side elevation which would overlook both house and garden and be invasive to our privacy.
- It seems from the proposed plans that our property takes the brunt of the invasion. If the applicant wants planning permission then why cant the proposed properties be behind his current property with parking behind so as not to affect other residents so strongly.
- I don't think the proposed plot nestled between other properties is big enough to warrant more than four semi detached bungalows. Three storey dwellings in such a small space are too invasive and intrusive to existing residents.
- If its acceptable for the houses in Lyme Ave to have 24.5 metres from their back wall to the proposed dwellings then other residents i.e. Birch Road should be afforded at least the same distance.
- Birch Road already has difficult access/exit especially in the summer months when the grass on the banking to the east is overgrown, its hardly a safe place to stand to cut it. There is then traffic trying to access/exit Dudswell Lane, extra busy when its time to collect

from the nursery at the Cricket Club. Given the speed of the traffic in both directions on Tring Road in spite of any supposed calming measures adding another access/exit to the mix on such a small stretch of road is an accident waiting to happen.

- Then there will be the added noise of extra residents and the possible lack of security to our property.

#### *Further comments*

Further to my last email I would like to add that I am fully in agreement with Colin, I can't comment on his conversations with Mr. Holder and I'm fully in agreement with Catherine.

As probably the oldest neighbours affected by this planning proposal at 86 and 87 I'm happy to accept the technical research other neighbours have done.

I can only object strongly once again as the property most affected by this proposal and remind you the distance from our back wall to the proposed dwellings is 14.80m and not the 17.50m stated on the plans and at that distance it is overbearing, excluding of our light and would have a serious detrimental affect on our lives. It also makes the plans incorrect.

I've been given to understand that the two hazel trees just behind our boundary fence will be remaining. I hope this is the case if this dreadful proposal goes ahead.

#### 7 Lyme Avenue, Northchurch, HP4 3SG

13. The application as submitted is of worryingly questionable accuracy – the houses are listed as 2 storeys yet they clearly from the plans and drawings have 3 storeys. They are listed as 3 bedrooms in the application but have 4 bedrooms on the plan.
14. The land is listed as underutilised, which is a value laden term to describe a space that was planted as a fruit orchard and forms well-proportioned gardens for two large detached houses.
15. Submitted drawing 9717-204A shows the sun track in relation to the new houses. From this it can be seen how the early morning light will now be lost from the rear aspect of the houses on Lyme Avenue – particularly numbers 5, 7 and 9. These proposed developments will block this light to the lower floors and garden until the sun is high enough to clear the three storeys of the building.
16. The current view from the rear of 7 Lyme Avenue has no houses from the ground floor, and only the distant houses on Birch road from the upper floor. All of these viewpoints will suffer from the visual intrusion of the proposed development as there will be no rear view which does not include the new four houses.
17. In the application, the splayed sightlines to the road to the right go in to the bus stop, not along the road itself. This obscures the fact that there is a bus stop in the direct sight line for coming out of the driveway. If there is a bus in the stop, there will be no visibility for people coming out of the new shared driveway which may lead to accidents.
18. The junction now formed at the bottom of the shared driveway will be a 5 way intersection (Tring road both ways, Dudswell Lane, Cricket Club and new driveway). This will be very difficult to navigate for the many children who use the bus stop on either side of the road for school transport, and indeed for all pedestrians seeking to use the paths to the high street.
19. The bottom of the new shared driveway has a bank on the left-hand side (coming down the drive) which is frequently overgrown with brambles, which reduces the visibility of pedestrians using the pavement, in particular children coming to the bus stop on the same side of the road. There is therefore a concern of an increased number of accidents from the new traffic – up to 12 cars – using the driveway.
20. The parking provided, whilst adequate within the council guidelines, does not take

overflow in to account. If there are visitors to the new properties the natural place for them to park is in Lyme Avenue which is a quiet private road and not available for casual parking.

21. The area bounded by Tring Road, Lyme Avenue and Birch road forms 1 acre of green space. This area is mostly given over to gardens, flower beds and trees and provides an excellent habitat for many birds, bats, insects and mammals. The proposed development shuts down these essential wildlife corridors and destroys many habitats.
22. The plan to remove a mature pear tree and silver birch will take away a vital territory for many of the neighbourhood's small birds. These trees form an essential conservation habitat for the local bird populations all through the year and so should be preserved, as per BS5387:2012 *Trees in relation to design, demolition and construction*.
23. The gardens at the back of the existing properties form a rain sump which prevents a large amount of run off water during rain. Under the proposed scheme this will be replaced with concrete and tarmac, which will either run in to the road or in to the sewers to be dealt with at the council's expense.
24. The original permission application on this land (4/02327/17/PRE) had objections to balconies ("it appears that the designs include balconies, which is unacceptable), and to the size of the garden that remains attached to 5 Tring Road ("5 Tring Road is a large property and the resultant garden size must be proportionate"). Neither of these original points appear to have been taken in to account now as they are still present as issues in the new design.

#### *Further comments*

We have previously objected to this development and many of our original points still stand, unanswered in the revised plans.

1) The existing land is said to be underutilised, but it is not derelict, nor is it a wasteland, it is two gardens which are well proportioned to the houses to which they are attached. The part of the application which quotes the Dacorum Local Plan stating that 'vacant or underused land and buildings should be brought in to the appropriate use(s) as soon as practical' is therefore irrelevant to the actual application.

2) The height of the units has not been reduced throughout the planning process, despite being called out in the original opinion as being too high. As stated before, this height of building reduces the sunlight in to the back of our house, particularly in the early morning or in the winter. This can clearly be seen in the sun track diagrams in the plans.

3) The current view from the rear of 7 Lyme Avenue has no houses from the ground floor, and only the distant houses on Birch road from the upper floor. All of these viewpoints will suffer from the visual intrusion of the proposed development as there will be no rear view which does not include the new four houses.

4) The proposal still fails to comply with Policies CS11 and CS12 which together state that development should respect the typical density intended in the area and respect adjoining properties in terms of layout, site coverage and amenity space. BCA19 recommends low density development of around 15 dwellings/ha. This has been an unanswered issue in all of the applications to date on this property, with the latest incarnation still reaching 20 dwellings/ha.

5) The mismatched proportions of the proposed developments to the available plot has not been addressed – the space between the dwellings fails to rectify the planning objection in the pre-application for Option B: "The spacing between the pairs of semi-detached properties would be unacceptable (approximately 1.5m), when compared to the surrounding units, which average out at around 7m".

- 6) The size of the back gardens also falls short of the recommendation - 'Area Based Policies Supplementary Planning Guidance , May 2004' 2.5.6 holds that rear gardens should have a depth of 11.5m minimum which is not the case for the gardens in the plans, and particularly the recommendation for character areas 'where dwelling densities are low and plot sizes are large' (which is the case in this area) – in this case, 'rear gardens may be required to be provided at depths considerably over 11.5m where this is necessary to harmonise with area character.'
- 7) In the application, the splayed sightlines to the road to the right go in to the bus stop, not along the road itself. This obscures the fact that there is a bus stop in the direct sight line for coming out of the driveway. If there is a bus in the stop, there will be no visibility for people coming out of the new shared driveway which may lead to accidents.
- 8) The junction now formed at the bottom of the shared driveway will be a 5 way intersection (Tring road both ways, Dudswell Lane, Cricket Club and new driveway). This will be very difficult to navigate for the many children who use the bus stop on either side of the road for school transport, and indeed for all pedestrians seeking to use the paths to the high street.
- 9) The bottom of the new shared driveway has a bank on the left-hand side (coming down the drive) which is frequently overgrown with brambles, which reduces the visibility of pedestrians using the pavement, in particular children coming to the bus stop on the same side of the road. There is therefore a concern of an increased number of accidents from the new traffic – up to 12 cars – using the driveway.
- 10) The long single track driveway to be used by 15 cars will result in inevitable queues going up and down. Not only will this block the main road, making it more dangerous, but it will undoubtedly encourage residents to speed up and down the driveway to avoid being blocked. This provides further risk to pedestrians on Tring Road.
- 11) The parking provided, whilst adequate within the council guidelines, does not take overflow in to account. If there are visitors to the new properties the natural place for them to park is in Lyme Avenue which is a quiet private road and not available for casual parking.
- 12) The area bounded by Tring Road, Lyme Avenue and Birch road forms 1 acre of green space. This area is mostly given over to gardens, flower beds and trees and provides an excellent habitat for many birds, bats, insects and mammals. The proposed development replaces much of the natural diversity with concrete and tarmac and reduces the usefulness of this space to the native wildlife.
- 13) The plan to remove a mature pear tree and silver birch will take away a vital territory for many of the neighbourhood's small birds. These trees form an essential conservation habitat for the local bird populations all through the year and so should be preserved, as per BS5387:2012 *Trees in relation to design, demolition and construction*.

1 Tring Road, Northchurch, HP4 3SF

We wish to object most strongly to the above numbered planning application. For the sake of brevity we endorse everything that has been mentioned by other objectors, particularly Mr Smith at number 3 Tring Road. Our aspect and enjoyment of our property would be very largely curtailed by the squeezing in of properties that clearly do not belong in this small area. We would be overlooked both in our garden and our bedroom and bathroom by any houses at the end of our garden. We often have our grandchildren here on a weekly basis and completely endorse Mr Smith's comments vis a vis carbon monoxide effects on very young children. Our most important objection is for the benefit of the general public. The access to Tring Road is already a dangerous place with two bus stops, a blind exit from Dudswell Lane and

householder traffic emerging from several drives and most importantly the Mums and kiddies trying to emerge from the Nursery opposite the proposed exit. A serious accident is inevitable.

### *Further Comments*

Having reviewed the plans, it appears that approximately 60 metres of hedgerow and habitat will be removed, unmentioned in the application save for the removal of one willow tree. This destruction would eliminate Silver Birch, Pear, Forsythia, Hazels, Willow and a magnificent Eucalyptus tree, to name a few. These will be replaced with bricks, tarmac and fencing. None of this habitat destruction could be described as "minimum intervention" as demanded by Hertfordshire Ecology in their report. No site visit has yet been made by them. Replacing this local habitat for the amazing variety of birds and mammals that we enjoy would appear to be 80% non-indigenous trees. The report calls for "net gains for biodiversity". Very clearly there will only be massive loss for biodiversity. The impact upon the residential community upon losing this amenity and wildlife would be substantial, and nesting birds and mammals will be severely diminished. I would urge that a site visit be made to examine the truth.

### Boswick House, Dudswell Lane, Berkhamsted, HP4 3TF

I object to this development on the grounds of road safety. As a user of the bus service when I had limited mobility I dreaded having to cross the Tring road at the Dudswell bus stop. Children have to cross here. It is already a complex junction for cars with the entrance to the cricket club right on the junction. The lack of pavement makes this junction and bus stop access even more dangerous for pedestrians. Another access point at this spot would make an already complex junction even more dangerous.

### 16 Lyme Avenue, Northchurch, HP4 3SG

This is already a dangerous stretch of the A4251. Traffic especially from the Berkhamsted direction repeatedly disregards the speed restrictions despite the recently installed "smiley face" warning. It is therefore dangerous turning out of Lyme Avenue and Birch Road. Also very unsafe for pedestrians crossing the road to use the bus stop or park and play area. Another junction and additional housing will exacerbate the situation and may necessitate additional measures such as an enforceable 20 mph speed limit and improvements for pedestrians wishing to cross the road.

### The Pod, Pea Lane, Northchurch, HP4 3SX

I feel that the access point to this new proposed development, through a bus stop is asking for trouble. This area carries a lot of traffic that is splitting in a number of directions all within a short distance. Birch Road is already a difficult junction for access. Two bus stops on opposite sides of the road which are used very regularly by children and elderly people are sited very close together with a v junction towards Dudswell that also has a further problem of the cricket club access/children's nursery at its entry point. There have been a number of near misses associated with these junctions already that I have witnessed, I pass this point to get home. The number of cyclists have increased along Tring Road and we regularly hear motorbikes travelling too fast along this stretch of road. To add to all of this when the A41 is closed even more pressure is applied to this narrow section of road. Adding more turning vehicles to this section would be dangerous in the extreme.

Concerned regarding the increased risk of accidents and injuries that this new 'access' will create. Seen a number of situations occur with the present road and pavement access. Already two bus stops here opposite each other, Dudswell access, Cricket Club, Children's Nursery, Lyme Avenue and Birch Road in very close proximity. I have seen close misses with children running across the road and cars 'taking a chance' when they can't see because of parked buses at this very dangerous corner. I have often taken to driving at 15-20 mph, as

have others, through this dangerous point, simply because it is unsafe to travel there any other way. This, of course, causes stress and angst with other drivers who, not knowing the hazards in this area, often get wound up and try to overtake, thus exacerbating the problem. Another access here = more traffic = more risk = injuries and fatalities to our loved ones and others. This is definitely a development that should be turned down.

#### 9 Tring Road, Berkhamsted, HP4 3SF

This entire application appears to centre around squeezing intrusive dwellings into a plot that is far too small and I would question the necessity for building them considering the infrastructure of the area. I would agree with all the previous comments and objections that have been made and draw attention to the previous applications that have been misleading at the outset and when inaccuracies highlighted how quickly they change to fit the 'real objective' at work here. They would have a direct impact on my family with living accommodation windows overlooking our rear bedroom windows. They would impact on our natural light and peace and tranquillity we currently have in our back garden. The building of a wall and planting of trees at the end of the driveway near Tring Road would further restrict visibility from our driveway and Lyme Ave into what is already a busy road. An additional 12 cars would significantly increase risk for families and users of the roads at a busy intersection.

#### *Further comments*

I note the comments from occupier at 1A Birch Road and feel that they are completely biased due to the fact they are going to gain not doubt considerably from this construction. Not always good to give a view when you have a vested interest in the project. I however, have no vested interest other than to protect the area from grotesque intrusions of unnecessary or unwarranted intrusions. There have been road collisions along Tring at junction of Lyme Ave and at the Cricket Club in the 25yrs we have lived on Tring Road. This is not far from driveway and is caused by the design, condition and visibility of this section of Road. To have additional traffic enter this from a 'single driveway' will only escalate this issue. What happens if cars meet whilst trying to enter and leave the access? Will this cause unnecessary congestion resulting in cars trying overtakes on bends etc. Why does it have to be four dwellings. It is not fair or just to compare it with other applications in New Road.

#### 77 High Street, Northchurch, Berkhamsted, HP4 3QL

I object to the construction of the proposed housing as the proposed shared driveway would be directly opposite the turning to Dudswell and the entrance to the cricket club and local childrens nursery.

Please take into account the number of school children walking from Dudswell and along the High Street to St Marys School and parents dropping their children at the nursery and cricket club throughout the week. It is also by 2 bus stops which are regularly used by school children and the elderly.

This would make the conditions for pedestrians even more hazardous along this stretch of road.

#### 27 Durrants Road, Berkhamsted, HP4 3PG

I would like to object to the above mentioned application due to the access to the development. From the plans it appears that the access is directly opposite the cricket club. There are also two bus stops either side of the road and the entrance to Dudswell Lane. I am a local football coach and our team play at the cow roast playing fields. Most of the lads and myself regularly pass through this junction and it is always busy. I know that there have been accidents here in the past and I agree with everyone else that this will clearly create more danger to pedestrians

and motorists.

10 Crispin Field, Pitstone, Leighton Buzzard, LU7 9BG

I fully support all of the objections within submitted so far. I am a resident of Pitstone but regularly use this road as my elderly parents live in Northchurch. I agree that this is already a very dangerous part of the A4251. People do speed down this stretch and I have seen accidents historically (I lived in Berkhamsted for 20 years) and lots of near misses with traffic turning into the cricket ground and into Dudswell lane. Planning to build an access directly where there is a bus top appears utter madness to me and will only add to the traffic issues in the area.

The Larches, Northchurch Common, Berkhamsted, HP4 1LR

The roads in this area are already very congested during commuting times, the very last thing that is needed in this area are another 4 properties with goodness knows how many cars located there. Please be brave and reject this planning application so that no more cars feed onto already very busy roads in this area. Yes build more homes in the south-east but ensure that the road infrastructure is enhanced. In this present location the road network is very poor and far too many roads currently feed into the main road.

The New Forge, Maple Farm, Shantock Lane, Bovington, HP3 0NN

I drive through Northchurch to Tring almost everyday. This part of the road is already dangerous, so why add an entrance to a new development on top of this. My elderly mother lived in Northchurch up until her death, she used the buses to get around and regularly used the two bus stops either side of the site of this entrance. I was always concerned about her negotiating the crossing of this road. Unfortunately because of the width of the road and the open aspect I believe people don't treat it like a residential area and tend to speed up here.

I regularly witness drivers overtaking buses that have stopped at the bus stop opposite Lyme Avenue, even though visibility is poor. If someone was pulling out of the entrance in question at the same time and heading to Tring, this could be disastrous.

My grandson attended the kindergarten and I have crossed there with his sister to drop him off, this is already difficult to negotiate, how can you justify adding another element of danger.

21 Vandyke Road, Leighton Buzzard, LU7 3HG

I wish to strongly object to the proposed construction of dwellings to the rear of 5 Tring Road, Dudswell, Berkhamsted HP4 3SF. Having looked at the plans and where the proposed access is planned for this development I feel that they have not taken into account how dangerous the access to this development will be. I travel to work by car along the A4251 which is already a very dangerous, fast and busy road at any time of the day (and especially when the A41 bypass is closed and traffic is diverted along this road.) To add an additional turning in here for access to the proposed development is going to add to the problems I already face using this road daily. There are already bus stops on both sides of the road, a children's play park, cricket club and children's nursery which already have to deal with the traffic along this road without having more obstructions put in their way either trying to access the car parks or cross the road. This development should not go ahead!!

2 Sunnyside Cottages, Two Dells Lane, Ashley Green, HP5 3RA

The above mentioned planning application has been brought to my attention by friends who live in Northchurch. As I understand, it is normal to notify anyone who is directly affected by planning proposals. I believe anyone who uses this route as I do regularly is affected by this

development, specifically the access road. I Object to the the proposal on the basis that the access road is going to increase the risk of a serious accident to motorists and even more so pedestrians using the bus stops and cricket club as well as the walkway through to the fields and canal.

29 Lyme Avenue, Northchurch, Berkhamsted, HP4 3SG

My family and I strongly object to this application.

I posted our objection to the first application which can be seen on here. ALL of my initial objections still stand and I am now reinforcing and adding to those objections as I believe there have not been enough revisions made to the scheme to make it acceptable from either DBC's point of view or that of the neighbours or road users.

There are several areas where the application falls short of policy standards.

My observations are as follows:

#### SHARED ACCESS ROAD SUITABILITY/SAFETY

The question of the safety of the access road is a huge consideration. Road users and local residents are showing this by their comments. Including my own initial comment.

In addition to this, in section 2.4.1 the application is said to be in accordance with section 8.5.4 the Hertfordshire 'Highway Design Guide -3rd Edition', however this is not the case.

The policy states, ' Where a shared private drive connection to a road serving more than 100 dwellings is unavoidable, that access should serve no more than 3 dwellings.'

The shared private drive in question here would connect on to Tring Road which serves far greater than 100 dwellings. Therefore according to policy the four proposed dwellings plus 5 Tring Road is too many for this shared private drive.

Surely this is safety feature? By limiting the number of dwellings served to 3 you should minimise the amount of cars coming in and out of the access road. This safety standard has therefore not been met, and should bring in to question the conclusion that the development poses no additional risk to highway safety.

8.5.4 also goes on to say that 'A single lane access would normally be sufficient to serve up to 3 individual dwellings or the equivalent.' Here it would serve 5 dwellings, so would be insufficient.

DBC state in their Pre - App Response on 18/10/2017 that in relation to Option A and B (both of which have 12 parking spaces the same as the current proposed scheme). 'The long single track lane would be considered inadequate to deal with the number of vehicles entering and exiting the site on a daily basis'

I don't have the width of the Option A and B driveway, but it is clear that is still 'a long, single track lane' and is still serving the same number of vehicles, so it would still be considered inadequate.

Mr Stickley also says in his recommendations for option A , 'it is felt that the scheme should be reduced from four to two dwellings'...'the reduced number of properties would relieve stress on the access road'...'and help to mitigate any issues surrounding overlooking.' These criticisms would also apply to the current scheme as it has the same number of allocated parking spaces. Mr Stickley clearly thought this was overdevelopment from the outset, yet his

recommendations have simply been disregarded.

## USE OF LAND

In section 2.4.4 the application quotes DBC Adopted Local Plan which states that 'vacant or underused land and buildings should be brought in to the appropriate use(s) as soon as practical ...' I would argue that this policy is not referring to people's gardens, and definitely not where the property is occupied. This land is neither vacant, nor underused.

I respect that while the occupants feel only they can decide how much they use their gardens, this policy is not relevant in this instance.

Also, bringing something in to the appropriate use suggests a change of use, not as in this case where part of an existing dwelling would simply be split in to multiple dwellings (the same use). I believe this policy is referring to wasteland, derelict, abandoned, rundown buildings which detract from an area and are not used or maintained by anyone and so again would conclude this policy is not relevant here.

## DENSITY

Also in this section the application claims to be in accordance with policy 18 of the DBC Adopted Local Plan which states, 'Regard will be paid to the density and character of development that is suitable in the area...'

In truth, no regard has been made to the density of the dwellings in the area. The issue of density and keeping developments appropriate for the area is a massive consideration and is echoed in a number of policies and guidelines.

The application repeatedly sights 30-50 dwellings/hectare as the recommendation. This is grossly misleading, as although this may be a general standard for the much larger area and is mentioned in policy 21, it is merely an average and is not the recommended density for the specific character area in question.

DBC quote BCA 19 (Northchurch) in their Pre - App response to the applicant, which states, 'Density: should be compatible with the character within the existing density range, not normally exceeding 15 dwellings/hectare.'

The applicants have ignored this guidance and have submitted a scheme with a density of approximately 21 dwellings /hectare.

The Pre -App response also quotes CS11 and CS12 of DBC Core Strategy 2006 -2031 which states that development should respect the typical density intended in the area, and in the 'Area Based Policies' for Berkhamsted, point 5 of the design objectives reads, ' Maintain the existing pattern of densities throughout the town'. The density guidelines are clear and are reiterated across a number of policies.

I cannot see how this scheme could be acceptable given that it ignores this.

## SAFEGUARDING THE AREA

21.6 of this same policy states that 'views across the valley and along the valley floor will be safeguarded'. I know that it is said that loss of a view is not a valid objection, but when that same view is mentioned in documents as being 'safeguarded' it seems the objection should have some weight. BCA19 also says that, 'Perspective views along the High Street, Peter's Place, Covert Road, and St Mary's Avenue should be maintained.' Many of the houses surrounding the proposed plot enjoy the same incredible view across the valley as the

mentioned roads. In addition, in the 'Area Based Policies' document May 2004, 'Berkhamsted: Design Objectives' point 7 is 'Maintain attractive cross valley views given the steeply sloping valley side topography of town'. This view would be ruined for a number of people if the current scheme went ahead.

The Berkhamsted Place Strategy also goes on to say in 21.7 with regard to open spaces, 'The contribution from other smaller open areas (such as the remnants of hedgerows in the low-density residential neighbourhoods) will be protected to provide opportunities for a network of wildspace linking the centre to the edge of town.'

This describes perfectly the area that would be destroyed (including a long length of hedgerow) if this scheme was permitted. If these areas are indeed going to be protected this cannot possibly be allowed.

In section 2.4.6 the application quotes BCA19 Northchurch which it has chosen to openly disregard elsewhere.

#### TANDEM DEVELOPMENT

Further inconsistency is illustrated in the next section of the application regarding Backland Development. It describes the scheme as 'plot amalgamation', 'a series of parts of existing residential plots to the rear of existing housing (frequently rear garden areas) are amalgamated to form a development site'.

Actually it appears this would more accurately be described as Tandem Development which is the very next paragraph. 'The positioning of one (but sometimes more) new houses behind an existing dwelling and sharing access arrangements is a common form of backland development, but certainly the most inefficient, problematic and unsatisfactory...It is the Council's view that this is a generally unsatisfactory form of accommodating new housing.'

Even though the plot is the combination of the land behind two properties it still clearly leans towards Tandem Development because of the significant feature of the shared driveway.

The fact that this would fall under Tandem Development means it should be looked upon unfavourably according to Council policy.

#### GARDEN LENGTH

'Area Based Policies Supplementary Planning Guidance , May 2004' 2.5.6 states that the minimum rear garden depth of 11.5 m should normally be applied.' although the application claims that it meets this standard, the plans indicate that the 11.5 m standard is only met on a fraction of the rear of the property.

To add to this the policy goes on to say , 'For Character Areas' (of which Northchurch is one) 'where dwelling densities are low and plot sizes are large, rear gardens may be required to be provided at depths considerably over 11.5m where this is necessary to harmonise with area character.' The applicants are fully aware of this policy as Martin Sticklely included it in an email to them on 31/10/2017. This would definitely be necessary in this area. The site plan shows that all all of the surrounding gardens have considerably longer rear gardens than the proposed dwellings.

This is another standard the scheme is failing to meet, showing again it is not acceptable and it has disregarded guidance from the Planning Officer.

There is also a policy which deals with the percentage of hard surface within the development (parking , turning area etc ). Large areas of this nature are not liked and should be minimised

and softened and broken up by soft landscaping. The proposed scheme is totally at odds with this. Even without including the access road the plans clearly show a large expanse of paved area, much larger than the garden areas combined and larger than entire plots on Lyme Avenue and Birch Road.

The large expanse of hard surface is both unattractive and not in keeping with the area, it also highlights how small the gardens are by comparison.

## NEW HOMES

In section 2.4.5 the application sights Berkhamsted Place Strategy(policy 21) which states that 1180 new homes will be provided between 2006 and 2031.

Most of these homes will be coming from large developments many of which have either already been built or have been agreed and so the 4 dwellings proposed here would be of little significance and would surely not be desirable to DBC given the fact that they fail to comply with a number of guidelines and policies. They do not count as 'affordable housing', and they have a negative effect on the character of the area in terms of density , the effect on the amenities of the neighbours, and the general level of objection raised

I am conscious that the scheme would be subject to CIL if passed and this must be an incentive for DBC to allow such developments, but I also believe that this should not overshadow the fact that the scheme falls short of guidelines on a number of levels. I am confident that there is no shortage of developments in the area which will contribute to the CIL arrangement, while also facing less opposition, and being in line with planning standards.

It was highlighted in an email on 09/02/2018 that the applicant was suggesting the scheme was becoming financially unviable. Mr Stickley disagreed with this, and rightly so in my opinion. I struggle to believe this development would ever be unprofitable. The applicant may have an expectation of how much profit they would like to achieve , but surely this is irrelevant to anyone else. I was concerned by this as believe this should not really be put forward to the Planning Officer as a consideration. Especially given that fact that the scheme still fails to meet a number of official expectations

Yes the planning officer is there to aid the applicant and work towards a solution they are content with, but most importantly he is there to ensure the suitability of the development on every level.

I believe this revised scheme is still unsuitable for the area.

The Pre -App options A and B included in the paperwork suggest a huge scaling down and massive compromise from the applicant. I don't believe this is the case as the applicant would have known that these densely packed and oversized options were totally unacceptable.

In 2014 a pre- application for two chalet bungalows to the rear of 5 Tring Road was turned down. Today, despite the fact that the plot is now approximately double the size, 4 dwellings should still be deemed unacceptable. The density of the area supports this.

Martin Stickley himself suggested 2-3 chalet bungalows as an acceptable option. This has however been ignored ,and for some reason the proposal of four semi -detached houses is where the applicant seems to be determined to stay.

I see little compromise here and little effort to minimise impact on the amenities of the residents. Our property 29 Lyme Avenue would, in our opinion, be massively overlooked by the large mass of the rear elevation and the large 1st floor windows. looking directly in to our property.

We would lose all privacy that we currently enjoy and would have the added noise of the 4 family sized dwellings.

To go from nothing to 4 substantial 2 storey buildings seems an unreasonable jump given the open and spacious feel that so many enjoy.

The character features of the area are supposed to be safeguarded as stated in the local policies. I believe this is extremely important. We chose to live here because of the character of the area and what it adds to our lives. This scheme, if passed would have a devastating effect on this, we would no longer see this as the safe, peaceful environment we have chosen to raise our children in.

#### *Further comments*

Our client objects to the proposals because they will constitute over intensive development, harm the amenities of adjoining occupiers of land and buildings (that include the host dwelling number 5) and the design is bad, each warranting refusal for the detailed reasons set out below.

The proposal must be determined in accordance with Development Plan unless there are material considerations otherwise, pursuant to s38(6) PCPA 2004. In an email in October your approach was to resist the proposal on the grounds that the densities suggested 4/6 (units) did not “respect the area of amenities of adjoining properties, referencing layout and site coverage, adding a large number of residents would be negatively impacted. You indicated smaller scale may be acceptable e.g. 2-3 chalet bungalows, as long as plan policies and principles were going to be met. You had concluded that the pre app schemes amounted to over development of the site that would create a contrived and cramped layout, failing to correspond with neighbouring development, urging that the scheme should be reduced from four to two dwellings.

However, you later drew the applicant’s attention to an appeal decision in Grove Road and closed your email by saying that two pairs of semi-detached properties would be the best way forward, but did not explain why. In November you made further suggestions on the massing and design but did not revert to the number of dwellings being 2-3 to respect the environment.

The decision from PINS in January 2017 was for a five unit scheme behind five houses. There was respect for existing pattern and grain by parity of unit numbers, with adequate access and no harm to neighbours – precisely what you had encouraged the applicant here, before you shifted your stance. It is considered that appeal decision 3157873 is directly comparable assessment supporting your original view, and not that later indicated.

In the Braybeech Homes case the Inspector said the main issue was the effect of the proposed development upon the character and appearance of the area, and you have identified that issue in your communications with the applicant, though there are others matters (see below which is considered warrant careful review).

Given that the core strategy requires respect for the typical density intended in an area and that development should integrate with such character respecting adjoining properties in terms of outlook, site coverage, scale height, bulk, landscaping and amenity space, there can be little doubt that the point about your initial view was correct as to over-development, the end properties overbearing impact on adjoining occupiers (a serious point that remains harmful). Such has not been overcome by good design, the massing by full site width avoided by chalet bungalows with single storey side elevation, not 2.

Fewer low-rise buildings might, in terms of pattern/grain/respect, fit proportionately in this

setting, though the adverse impacts to adjoining occupiers of land and buildings remained your key caveat. Here we consider that harm is not overcome, so turn to that.

We attach our client's diagram to illustrate his concerns as to safety and adjoining occupier amenities. There is concern about the occupant amenities of the host dwelling number 5, and number 4. At 5 (re-plotted as found on the ground) there are windows and entrance door facing what appears to our client to be a narrower roadway than shown, trafficked by 4 large dwellings. No 3 is due to be redeveloped coming closer to the same boundary. There will be a funnelling effect with significant traffic, beyond that recommendation by policy, with emissions, odours, vibration, light pollution and other injurious impacts to human health and hypothetical occupant amenities. Put simply, the access seems right up to No 5's windows and door, the access is not adequate either – compare this with the appeal scheme for Braybeech where the access area/road is far wider and appropriate, the housing site much larger, found to respect the character/grain/pattern/density, so plan requirements were met.

The site entrance to a pinch point hedged and walled (it appears to our client well below 3.7m) conflicts with plan policy. The open land behind Nos 3 and 5 might lend itself to two low level homes so their flanks will respect neighbours, but there is also the need to ensure Nos 3 & 5 occupiers are not harmed and the access is adequate/safe. You are urged to look back at your own analysis, and check the site/plans, then conclude that the balance tips against this scheme. There is widespread support for that view. It is clear that applicant is willing to moderate their scheme in order to achieve an approval. There is established up to date PINS analysis directly comparable that this site to justify refusal not just for over-intensive development/spatial conflicts etc, but for the other reasons outlined above. There is a robust case to defend any appeal.

#### 28 Lyme Avenue, Northchurch, Berkhamsted, HP4 3SG

I would like to object to the development at the rear of 5 Tring Road. For the last 24 years I have operated a Day Nursery from Northchurch Cricket Pavilion along with my wife Liz Curtis.

Over the years there have been many accidents on the stretch of road where the development would have its entrance. The road junctions are very complicated at present and it is necessary to look in many directions at once to be sure that no traffic is coming, another busy junction opposite can only make this worse.

The proposed junction would be on the inside of a corner where visibility is restricted, and with most of the road users doing more than the speed limit at this location it can only increase the chance of more accidents.

#### 10 Birtchnell Close, Berkhamsted, HP4 1FE

As a frequent visitor to this site, I would like to formally object to the plan to develop houses and an access road off the Tring Road.

My reasons for this are that this is directly opposite a park and play area in which there is an increased risk of an incident with pedestrians, especially children, and cricketers who use the area.

Also, there is a bend approaching the proposed access road which will make it a dangerous junction to pass, enter and exit, again increasing the risk of an accident.

#### 13 Charles Street, Berkhamsted, HP4 3DG

I object to this proposed development on Highway grounds. In terms of access and egress to the main road it will pose a significant danger to traffic and other road users. The entry will

serve 12 cars for the new properties together with the additional cars for 5 Tring Road meaning at least 15 cars trying to use a single track driveway. The entry point is directly opposite a road junction and cricket club entry. The Cricket club grounds houses a nursery which together with junior cricket means significant numbers of children use this facility together with any parents access the club as well. At this point there are also bus stops on the main road and traffic flows quite quickly leading into/out of Berkhamsted. This additional vehicle access point poses a significant extra hazard. Having personally been involved in a serious accident on this stretch of road where cars have crossed on coming traffic, I am well aware of the dangers of this stretch of road.

3 Lyme Avenue, Northchurch, Berkhamsted, HP4 3SG

I write in reference to the proposed development at the rear of 5 Tring Road to state my objections.

#### Security

The rear of my property is currently very secure as it backs on to the garden of 5 Tring Road and there is very low risk of intruders gaining access that way. However the proposed development opens up the entire width of my property to the public thereby providing access to the rear of my property and making it easy for intruders to enter my property.

#### Environmental Concerns

Due to the position of my property I benefit from sunshine throughout the day and into the evening. For this reason I have created an eating and recreational area at the bottom of my garden so my family and I can enjoy being outside to its full potential. The plans show parking spaces for 12 cars, 5 of which are immediately adjacent to my patio. This will result in exhaust fumes and unacceptable noise from the cars and passengers that would be a huge detrimental effect on our health and safety.

#### Maintenance of boundaries

On drawing 9717-201 there is a note regarding the 'existing mature boundary hedge and fence to be retained and reinforced as necessary'. The current height of the hedge is such that I am able to maintain it without engaging a third party. I don't know what exactly is meant by 'reinforced' but if the proposal is to increase the height of the hedge then I object to this, as I would have to engage a professional to maintain the hedge. This would be both an inconvenience and a cost I should not be subjected to.

In addition, a higher hedge would also stop the sunlight we currently enjoy on the patio area.

#### Inappropriateness of the development

I understand the need for more housing and I also appreciate that infill development can be very beneficial, particularly when a disused, eyesore location can be transformed and enhance the environment for the residents in the vicinity. But in this instance I don't believe this development offers any benefits to local residents or Northchurch village.

I note the definition of infill developments and infill properties is the use of vacant or under utilised land and neither of these apply in this instance. The development land has been packaged together from mature gardens of established character homes. It will diminish local residents' environment and lifestyle, not enhance it.

There has been no consideration for the privacy of the existing residents or whether the style of the development fits in with the surrounding properties. I believe this is demonstrated by the fact they are proposing to build 3 storey homes as shown in drawing 9717-204. The title of the

proposal is misleading as it describes the development as two storey properties, perhaps to divert attention away from the overall height of the new properties.

The roof levels indicated for 5 and 9 Lyme Avenue on drawing 9717-201 show a reduction in height which can not be possible due to the incline of Lyme Avenue. This leads me to question the accuracy and reliability of sectional drawings showing the imposition of the new properties. I believe all existing properties will be overlooked by the new development thereby impacting our privacy.

#### Access and Egress road safety

I would also like to raise my concerns regarding the access and egress on to Tring Road. I note on drawing 9717-201 the proposed bellmouth at the end of the drive and the 'sightlines', I assume to demonstrate drivers being able to see clearly when pulling out. However I can't see on this drawing, or any of the plan, the bus stop onto which the driveway will enter or the bus stop on the opposite side of the road. If a bus is stopped at either location visibility will be completely obscured.

I cannot see any dimensions for the proposed bellmouth on any drawing but if you compare the outline width and length of the proposed bellmouth with that for Lyme Avenue, the new bellmouth is considerably narrower and shorter. I believe this will cause an obstruction on Tring Road when a car wants to pull in to the development but another car is coming down the drive. The bellmouth for Lyme Avenue allows a car to pull off Tring Road and wait for a car coming down Lyme Avenue, thereby preventing any obstruction on Tring Road. It appears that the access to the new development would not provide this vital space and would be a serious hazard to road users.

I would welcome anyone from Dacorum Council planning team to visit my property and determine the impact the development would have on our lives as I do not believe the drawings provide sufficient perspective of how close these houses would be and the loss of privacy and the detrimental impact of all aspects of the development.

#### *Further comments*

I write following the amendment to the development proposal to the rear of 5 Tring Road, Northchurch, HP4 3SF.

Having reviewed the amended proposals, my original objections remain regarding the proximity of vehicles and the introduction of exhaust fumes immediately at the bottom of my garden; the loss of security by opening the area to the rear of our properties; the loss of privacy for so many properties; the volume of traffic proposed to use the single-track drive.

Despite the minor amendments to the proposal, I can not understand how the scale of the development can in anyway be deemed suitable for the location. The density of the development, compared with the surrounding properties, will bring a feeling of being hemmed-in where now there is a feeling space and tranquillity. I think the changes from the pre-application submission of a 6-property development to the current 4-property 2-storey development gives the impression of the development being scaled right back and the developer making large concessions based on your feedback. When, in fact, if the current proposal was to be viewed without consideration of any other proposals, I believe it would be deemed too large for the plot and not in keeping with the surrounding area.

I believe the detrimental and life-changing impact a development of any kind on this plot will have for the existing residents cannot be denied.

Whilst I know it is not fool-proof, I have spent some time reviewing Berkhamsted on Google

map-view to see if there are any other areas where properties have been built in the middle of residential gardens, and I have not been able to locate any.

However, I also recognise that refusing planning permission on a development which, on paper and in the artistic representations, looks to comply with all planning conditions would be very difficult. So I would like to think a compromise can be reached so the land is developed but the impact on the existing residents is minimised.

The main concerns of the existing proposal are:

- i. loss of privacy
- ii. noise and fumes from vehicles
- iii. loss of security
- iv. the density of the development for the size of the plot
- v. volume of traffic using the single track drive

If the development was to change to two bungalows the majority of the issues would be minimised.

1. loss of privacy – a one-storey property, built on the reduced ground level as proposed, would not overlook the surrounding properties
  2. noise and fumes from vehicles – if the properties are orientated correctly, parking could be provided between the houses on driveways, thereby removing them from the fence lines to our properties
  3. loss of security – again, if the properties are orientated correctly, fencing to the garden areas could provide security from the roadside access
  4. density of the development – two bungalows on this plot would be afforded spacious rear gardens maintaining the sense of space we currently enjoy
  5. volume of traffic – fewer properties will result in fewer vehicles using the shared drive
- I'm not an architect but based on the dimensions on the amended plans, I have been able to sketch out proposals that would ease our concerns and still provide very satisfactory homes.

I understand this development has been in discussion between yourself and the developer for a number of years now, and I can imagine there is some urgency to complete the planning review and come to a conclusion, but the local residents were only officially notified of the proposal in January. I would urge you to allow us more time to work with you so this development can proceed with the best possible outcome for all involved.

I understand you may be visiting Lyme Avenue this week and my invitation to visit my property remains. Comparing the artistic impression of the development to the reality of the development from the end of my garden is quite eye-opening. I would be pleased to discuss this further with you on the phone too at your convenience. My number is below.

26a Graham Road, Dunstable, LU5 4EH

I am a daily user of the road between Tring and Northchurch, as well as occasionally playing at Northchurch cricket club.

The stretch of road at the Dudswell turning is already hazardous, with bus stops either side and people using the junction and entrance to the cricket club. To add another turning at that point would make it extremely dangerous for road users and pedestrians either using the stops or crossing the road for the nursery.

### **Supporting**

1A Birch Road, Northchurch, HP4 3SQ

I wish to support this planning application but am unable to make all my comments using only 1000 characters online, hence this email to you for consideration.

I have no doubt that the Planning committee is used to public objections to applications, and duly consider their merit. There have been some very misleading statements lodged with the intention of influencing the Councils decision, which have led me to respond accordingly.

I wish to comment on some of the factually incorrect comments made by some of those who have lodged their objections online.

Whilst I acknowledge that I stand to benefit financially should any such development be permitted and I am fully aware that my comments might be seen to be biased. I have tried to remain objective and constructive.

I have however been astounded at the level of hypocrisy that some of the objectors have shown, and wish to bring balance and possibly negate comments already made regarding this application, also to bring perspective when comparing this application with other applications that have been approved locally by the Council.

Over the time I have owned my garden many of the objectors surrounding my property have built out on the sides of their homes and into their roofs (some making their houses three storey), as a consequence. I have now lost all my privacy. I am overlooked from all angles in my garden and have had to accept this. I see this as progress for those individuals enhancing their properties. This does not however give them any legal right of view into the properties subject to the application.

From many of the objections made by the adjoining neighbours it would appear that the space afforded by the two large gardens in question are some form of public space to which they have a right of enjoyment, which exceeds the rights of the actual owners to lawfully develop it. Both 1A Birch Road and 5 Tring Road gardens are both underutilised and completely out of proportion with all the gardens surrounding them. This land is surplus to the owner's requirements. Most people today neither have the time for, nor want, large gardens.

Dacorum Borough Council needs to build new houses.

This small development meets all the requirements of local planning policy, and is within the required density for the local area.

There will be no loss or disruption to the surrounding countryside. The impact on surrounding homes is negligible. Yes there will be a different view for some.

3 and 3a Birch Road residents who have objected do not adjoin the proposed development and are not impacted in any way. Their views directly to the rear of their properties will not change. Sadly I haven't seen a single hedgehog in my property in years and the retained hedgerows would accommodate them if they reappeared.

2 Birch Road to date has made no comment. Their view will be directly onto the gardens of the new builds and as such doesn't alter.

Factual corrections to comments from 2a Birch road.

The comments imply that I am the applicant seeking planning permission for this development. I am not. I have not been consulted on any matters concerning the design layout or configuration of the proposed site and have only seen the publicly available documents. I am not moving house at this time and do not see the relevance of such a comment being made in

connection with this planning application.

With regards to loss of light, there are two hazel trees bordering between No. 2A and the proposed plot, these are to be retained by the development. These trees when in leaf (in excess of six months of the year) provide a screen, preventing No. 2a from overlooking the plot. Being adjacent I do not suffer any loss of sunlight in my own garden during times mentioned and challenge this statement.

I bought the garden from Mr and Mrs Smith at 3 Tring Road, as they could no longer manage it. 3 Tring Road has now passed into the hands of their son. This bungalow has now been empty for two years and remains uninhabited. Mr Smith using phrases "in our experience" and "on a daily basis," makes claims of loss of privacy and enjoyment, but does not and may not ever live there. He neglects to mention he has recently been granted planning permission to demolish and build a three storey 5000 square foot house (without a garage) that overlooks my garden. Clearly his concerns regarding overlooking his neighbours weren't an issue then.

I hope my point about hypocrisy on the subject of overlooking one's neighbours is becoming clear.

Comments from 3 Tring Road.

Mr Smiths comments are really surprising, given that he was party to and present at a meeting with the applicant when a proposal was made that would have incorporated his own bungalow into the proposed development, at this time Mr Smith certainly didn't have any objections at all, but eventually decided instead to press ahead with his own planning application.

The garden I bought from Mr Smith's parents was NOT an orchard. There is no orchard.

I did not object to Mr Smiths plans although I do feel his new build will be an over development for the size of the plot compared to other properties nearby.

I am also aware that legally no one has a right to a view and can be overlooked for the purposes of planning.

I trust both NPC and DBC will take this into account when making their decision about Mr Kelly's application, as it is no different to Mr Smiths in this regard.

Other comments from Tring road residents regarding bathrooms being overlooked must also be considered by their actual proximity from the proposed houses and angle making overlooking unlikely and considerably difficult, also that bathroom glass is normally obscured.

Access:

The development will be using an existing Highways department approved junction for access, which is already serving 5 Tring Road. It doesn't interfere with 3 Tring road as stated on the objections.

Many comments made about the dangers of this access are unfounded. When compared to Birch Road which itself is a blind and dangerous entrance onto the main road. NPC and DBC a while ago granted planning for two more houses in Birch road, which now has 10 houses, and currently has 17 resident vehicles plus 10 regular visiting cars using it daily. At least 27 vehicles exit and enter Birch Road on a daily basis, NOT counting delivery vans, waste disposal lorries etc.

5 Tring Road entrance will serve just 5 properties in all with approx 10 resident vehicles plus visitors, on a much open, wider entrance, assisted (not hindered as suggested) by the greater

visual splay of the bus lay-by. Yes a bus does park here but only for a couple of minutes as the timetable advises.

There are traffic-calming signs, the necessary white lines in the main road and speed warnings, all in place. When the bank to the left of 5 Tring Road is lowered I fail to see how this entrance is an issue, Indeed planning was granted just beyond Lyme Avenue for a much larger development of houses almost at the brow of the hill on the main road.

Claims of many road traffic accidents and indeed deaths outside No. 5 have been made by some objectors but not supported with any evidence. I have lived in Birch Road over 30 years and am unaware of any traffic incidents being caused due to a vehicle pulling out of a driveway.

When I observed, most school children crossing to the bus stop, did so further up towards Lyme Avenue directly opposite the actual stop. If they were to cross outside 5 Tring Road they would actually walk into Dudswell lane. It's not an ideal spot for a bus stop.

Speeding vehicles are the problem, and the 30 mph limit is totally ignored by some drivers, but this is a long term on-going problem, which can only be dealt with by enforcement by the relevant authority, and isn't caused by residents turning on or off from nearby properties, indeed this actually slows the traffic down.

Parking for the new development: There are many assumptions being made that because there are 12 parking spaces that there will actually be 12 cars in residence all the time.

Security: Please refer to the site plan; many have mentioned security to their rear gardens, as an issue there are 4 properties that will have a change of scenario to the rear of their houses, two of which are the applicants and my property. I do not consider this to be any more of a problem than an intruder entering my garden through another.

Pollution: from the extra cars is unlikely to make any significant difference to air quality in this area, which is adjacent to the main road with hundreds of cars going past every day, and with no limit to this number. Northchurch is in a valley the air quality is and remains poor.

Comparison of this planning proposal with recent planning approvals in the Northchurch area already setting the precedent.

NPC / DBC recently granted planning permission for the development immediately opposite St Marys School in New Road for six houses. Here the traffic entrance from the development is extremely obscured, New road is busy and congested with not only parked cars but additional school traffic, lots of pedestrians and narrow pavements, making this by far, more of a danger to school children than the existing driveway at 5 Tring Road. Not forgetting the continuing pollution levels at this point.

The intrusion and density aspect on neighbouring properties compares favourably with the new bungalow built half way down Darrs Lane and the new house build in Ashby Road both utilising much smaller former gardens of other properties

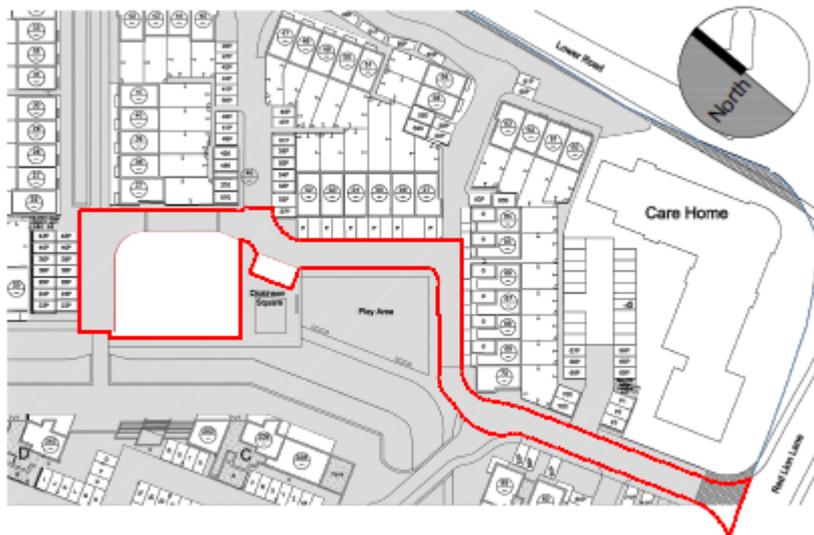
No one likes change, and certainly not in his or her own back yard, however the applicant has at every step sought advice from the planning department, taken on board their comments, amended plans to suit and tried to accommodate the surrounding residents concerns. The scheme has now been scaled down in size.

When looked at pragmatically and ignoring the high level of Nimbyism shown which itself is fully understandable, it must be seen that this is a reasonable development, which fits comfortably within the density requirements for this area and is providing four much needed homes with little or no disruption to the surrounding area or indeed countryside.

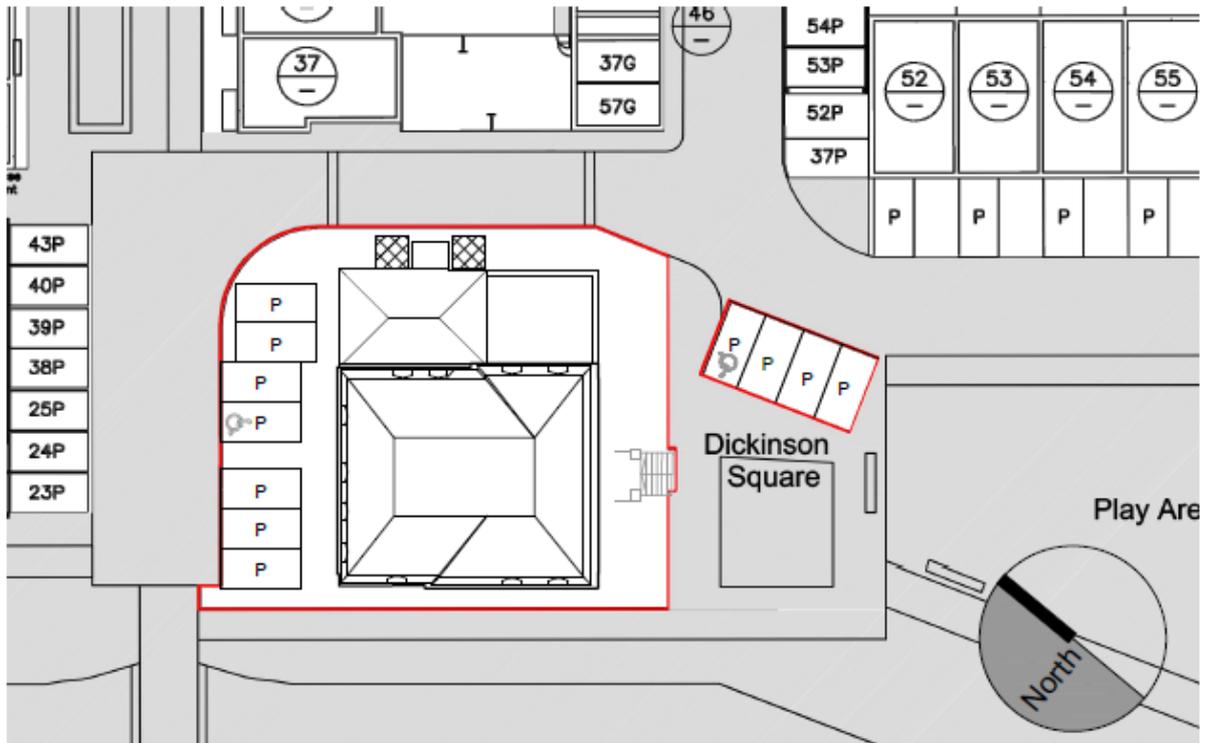
I believe this application meets all requirements for planning purposes, and as a consequence should be granted, as it is far more suitable than some of those already granted in Northchurch.

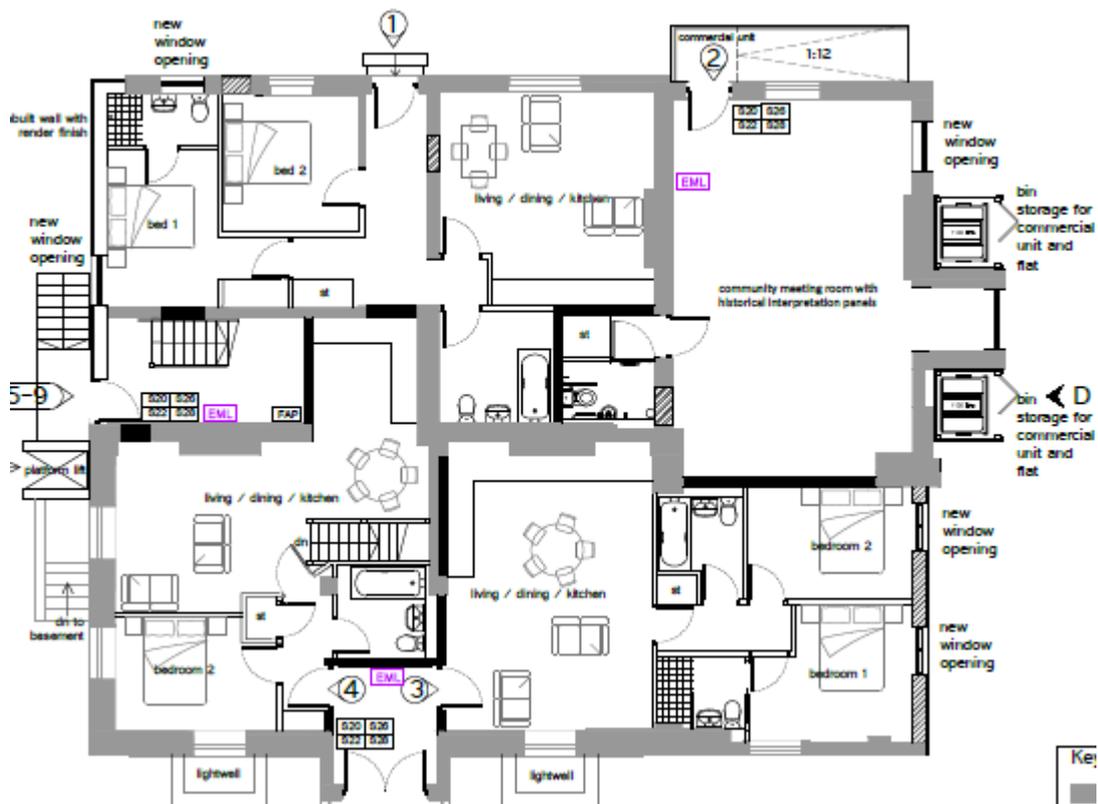
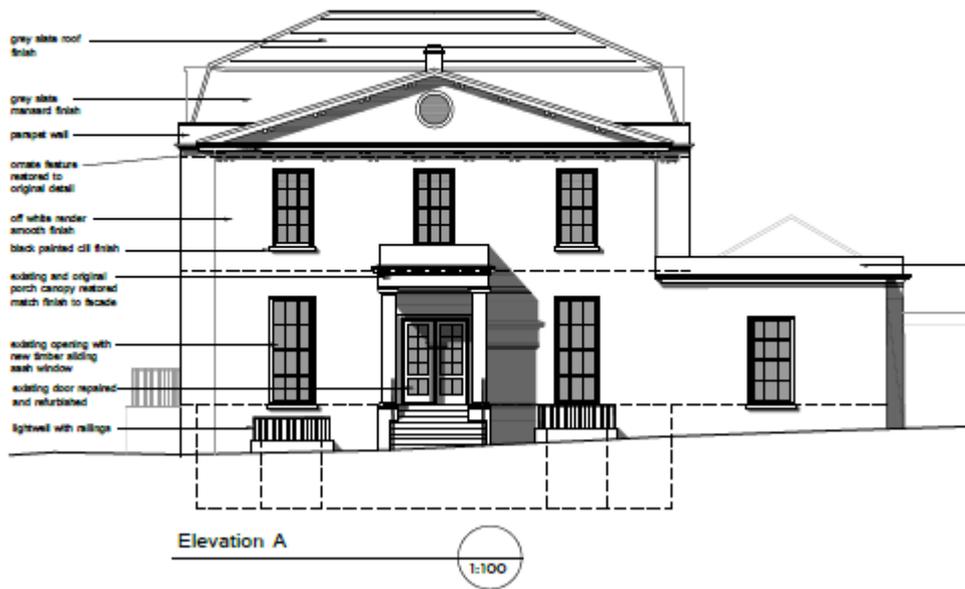
**4/01679/17/MFA ROOF EXTENSION, REFURBISHMENT AND REPAIR, USE OF BUILDING AS 9 FLATS (5 ONE-BED, 4 TWO-BED) COMMUNITY USE ON PART OF GROUND FLOOR AND RAMPED ACCESS, BIN STORAGE AREA AND PARKING (11 SPACES)**

**NASH HOUSE, DICKINSON SQUARE, HEMEL HEMPSTEAD, HP3 9GT**



Site location





|                              |  |
|------------------------------|--|
| <b>4/01679/17/MFA</b>        | <b>ROOF EXTENSION, REFURBISHMENT AND REPAIR, USE OF BUILDING AS 9 FLATS (5 ONE-BED, 4 TWO-BED) COMMUNITY USE ON PART OF GROUND FLOOR AND RAMPED ACCESS, BIN STORAGE AREA AND PARKING (11 SPACES)</b> |
| <b>Site Address</b>          | <b>NASH HOUSE, DICKINSON SQUARE, HEMEL HEMPSTEAD, HP3 9GT</b>  |
| <b>Applicant</b>             | <b>Nash House Development Ltd, C/O Agent</b>   |
| <b>Case Officer</b>          | <b>Nigel Gibbs</b>   |
| <b>Referral to Committee</b> | <b>Due to the level of public interest and the recommendation is contrary to the response from Nash Mills Parish Council to the Original and Revised Schemes</b>                                     |

## 1. Recommendation

1.1 That planning permission be **GRANTED**.

## 2. Summary

2.1 In its revised form the proposal would enable to the partial rebuilding/ refurbishment of this important heritage asset in accordance with Policy CS27 of Dacorum Core Strategy. In doing so it would provide a permanent inclusive small scale community facility in part of the building's ground floor available for hire /use which accords with Policy CS23 of Dacorum Core Strategy, and the opportunity to fully acknowledge the building's historic significance. These opportunities are facilitated by the accommodation of 9 self-contained flats which accords with national and local policies focussed upon delivering new housing.

2.2 The Agent has confirmed that for viability reasons there are no remaining options to provide fewer residential units or additional community based accommodation at Nash House.

2.3 For clarification and outside the terms of reference of this application, there is no apparent inbuilt retained procedural/ legal mechanism available to LPA to separately require the full rebuilding/ reinstatement of Nash House to its former extremely high quality condition. This is based upon officers' review of the conditions and s106 Agreement for the approved Sappi redevelopment which featured the renovated Nash House as a key focal point for heritage, functional and visual/ urban design reasons.

2.4 The revised proposal has therefore been considered as what appears to officers a last opportunity scheme for Nash House. It represents an alternative to the 2009 originally approved community and B1 uses and the subsequent 2013 planning permission for community and residential uses. This is set against the entire failure of the Sappi Site developers to ensure that in the carrying out the approved 2009 scheme Nash House is the intended pivotal/ landmark feature-'the heart of the development' which was wholly expected by all stakeholders from the outset. It is a fundamental disappointment for all concerned as to what has happened, with the LPA unable to require the original developers to re-establish/ restore Nash House as assured .This is now the intention of the current Applicant in a different way through the current proposal. It is also due regard to the former English Heritage's refusal of the LPA's request to list Nash House and part of the Sappi site which has unfortunately undermined and understated the site's ( including Nash House's) unquestionable well documented international heritage importance in terms of paper making.

## 3. Site Description

3.1 Nash House, Dickinson Square, is a former Georgian style dwelling house (1750) located within the Sappi site residential development, to the north of the Red Lion Lane junction with Rose Lane which is the main entry road to this part of the estate featuring flats/ flat blocks and terraced/ townhouse style housing. The building was the residence of key pioneers of the

paper making with international historical significance, notwithstanding the former English Heritage's aforementioned unpreparedness to list the building/ other parts of the Sappi site. The highly influential John Dickinson was amongst these former residents, purchasing the building in 1811.

3.2 The building has been subject to well documented major dereliction/ demolition with the second floor / roof being removed.

3.3 What should have been the prestigious landmark building at the visual focus of this part of the Sappi development -as a legacy to the site's historical importance- has become the focal point for all the wrong reasons which has understandably drawn major local/ national criticism from the local community, Councillors / Nash Mills Parish Council and local and national historians/ specialist heritage groups and the need for liaison with the MP.

3.4 In its current state it fundamentally detracts from the otherwise high quality surrounding nearby residential development in its high profile very visible location set against the designated play area at Dickinson Square adjoining Butterfly Crescent and the culverted mill stream. It is strident within the local streetscape exaggerated/ accentuated by the necessary enclosing safety hoardings, with its shell roof and portico entrance being particularly prominent.

3.5 The situation was investigated by the LPA's Enforcement Team prior to the submission of the current application. As an overview it has been interpreted by officers that notwithstanding the importance of the building, in the LPA's original support for the residential redevelopment of the Sappi site, the imposed conditions relevant to Nash House and the associated s106 Agreement have not bound the Sappi site developers to renovate the building/ convert Nash House. This is explained below.

3.6 According to the Council's records residential development started at the Sappi Site in 2010 and by early 2013 all family housing had been completed and occupied together with Blocks H1 and H2 flats for affordable housing and an apartment block (G) fronting the canal.

3.7 The Agent has confirmed that when the Applicant purchased in December 2016 Nash House the roof had already been removed. This is demonstrated by a photograph taken in April 2016. Since purchase the Agent has confirmed that the Applicant has not removed any additional elements and has only undertaken works to make the building safe.

#### **4. Proposal**

4.1 This is for the partial reconstruction and extension of Nash House to provide 9 flats (5 one-bed, 4 two-bed) and a community use on part of ground floor involving 560 square metres of floorspace. It will be served by ramped access, a bin storage area and 11 parking spaces. This is the Revised Scheme.

4.2 The building will feature a grey slate roof and the reinstated off white rendered walls. There would be the associated installation of replacement doors to reflect original character, re-fenestration of all window openings with sliding timber sashes, restoration of the porch canopy to the front elevation, rebuilding of part of the wall to the western elevation with a render finish applied to match remainder of the building, two new timber panelled doors to the northern elevation and new steps and railings to the door on the western elevation to match main entrance. This would be in conjunction with the provision of a proposed new mansard roof/ roof extension incorporating arched dormers to form the upper floor with a flat roofed single storey section to the eastern flank.

4.3 As compared with the Original Scheme, the Revised Scheme shows the following changes:

- a reduction in the number of units from ten to nine;

- the provision of 5 one-bed units and 4 two bed-units;
- the introduction of a community use on the ground floor with a ramped access;
- Flat 4 shown as a duplex and including a bedroom within the basement;
- the provision of bin storage areas;
- all of the residential units designed to meet the national space standards; and
- the removal of 3 second floor windows on the north-east elevation.

The Agent has also clarified:

Community room.

4.4 The Applicant would accept a condition which requires this element to be brought into use before the whole building is occupied with the room being refurbished and ready for use following the occupation of the 7<sup>th</sup> residential unit. This would leave two additional units without which the scheme would not be viable. The use for the Meeting Room would be between 10am to 8pm Monday to Friday and 10am to 4pm Saturday. A management company would be established for the building and this would also control bookings for the community room.

Basement. (139 sqm).

4.5 The Applicant does not intend to propose any additional usage of the basement. This was not included in either of the two planning permissions to convert the building (see below). The proposed refurbishment and maintenance of the basement would add considerable costs to what would already be a very expensive undertaking. It is therefore even more important that a residential use is permitted on the remaining floors to ensure that the redevelopment is viable. The Applicant met with the Parish Council in January 2018 to discuss the proposals. The Applicant suggested that a gymnasium could be provided within the basement for the sole use of the residents on the former Sappi site. Whilst an element of community use was welcomed, the general consensus was that a gymnasium would not be the best use of the space as it would have limited benefit to older residents. A meeting room received a more favourable reception.

Applicant's Purchase of the Site.

4.6 The building was purchased by the Applicant in its current state of disrepair. It had been almost completely cleared out internally due to wet rot and dry rot, whilst much of the flooring has had to be removed. In addition the roof had been completely removed.

Viability.

4.7 A report has been prepared by Aitchison Rafferty (AR ). This raises serious doubts about the viability of either a Class A3 Café use, or a Class A1 retail use, which would not require planning permission in the event that the Class A3 permission was implemented. Account is also taken of the approved D1 community use. The concerns raised relate to the suitability of the site and its surroundings for such uses, as well as to the commercial viability of these approved uses in this location. The Applicant did not benefit from the wider redevelopment of Nash Mills, and therefore needs to make Nash House viable as a standalone development. There has been the previous submission of a viability report which explained why a full residential conversion was the only viable option for reinstating this important, historic building. The LPA's Strategic Planning and Regeneration Officer accepted that the level of information provided was proportionate and provided a reasonable justification for the proposal.

Dickinson Square.

4.8 The Applicant has a contract which obliges the previous owners to complete the approved landscaping scheme once the refurbishment of Nash House is finished. Dickinson Square is essential to the setting of Nash House and so it is clearly in the Applicant's client's interest to enforce this contract and ensure that the landscaping is completed.

#### Supporting Viability Report

4.9 This confirms amongst a range of issues:

##### 1. Suitability.

The report raises the following concerns which serve to limit the appeal of the premises for Class A1/A3 and Class D1 uses:

- There are access issues due to stepped entrance to front of premises which would require the installation of a ramp or lift to allow safe and easy access for the elderly, disabled, prams/buggies etc.
- Retail space in large residential schemes such as this are typically most attractive to Convenience Store operators, but the modest size of the unit of just 35m<sup>2</sup> set against a typical minimum requirement for 280 m<sup>2</sup>, would surely deter any such interest. In a more general sense the lack of a prominent frontage; the limited number of parking spaces; and the difficulties of making external changes to this historic property, such as increasing the width of window openings / installation of extractor fans / signage to increase the commercial appeal of the premises all further serve to suppress demand.

##### 2. Commercial Viability.

The Viability Report notes as follows in this respect:

- The community use space would be unlikely to attract a commercial rent or value that would provide an investor or commercial occupiers with enough income to pay for the cost of fitting out the property. Community users would also be unlikely to be able to afford to buy the property.
- The Report explains the financial/ viability analysis, with reference to the costings to complete the building from 'a bare shell ', in addition consideration of the applicant's costs having already paid for the site, with the report concluding that the approved use of the ground floor is not viable and that in order to pay for the proper refurbishment the scheme needs to include a more valuable use, such as a wholly residential use. In summary it is clarified that adding more flats with reference the submitted costings would make the whole development viable. This report predates the Revised Scheme involving the reduction of the number of units and the introduction of the community use.

The Report details the various and extensive marketing of the premises since April 2011, but which in the light of the above issues have generated no offers and very little interest in the approved commercial floor space.

In considering this issue, it is noted that the existing Red Lion Public House is located within 410m of the site and can be accessed safely on foot, providing a realistic local alternative to the approved café use.

The experience is Community uses generally have little money to pay towards rent. The community use space would be unlikely to attract a commercial rent or value that would provide an investor or a commercial occupier with enough income to pay for the cost of fitting out the property for that use and no investors could therefore afford to let it be used for next to nothing if they had to let it out at low rents suitable for community uses. Community uses could also not in our experience afford to buy the property either to use parts for community uses.

## Social Dimension.

4.10 Dacorum Core Strategy Policy CS23: Social Infrastructure states that existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable. In the first instance it is noted that there has never been any community use of the premises. With regard to the approved use, in the context of the findings of the Viability Report set out above, it has already been demonstrated that the community of the premises is not viable. With regard to the ongoing need for the facility it is noted that the existing Nash Mills Village Hall is located within 350m of the site, with safe pedestrian access available along Lower Road and a large and dedicated car park. Indeed the Nash Mills Wharf development represents the nearest residential area to the Hall. The Hall appears to be well maintained such that the need for an additional community facility in this location is questioned.

4.11 The use as currently laid out is on slightly different levels internally as well as being up several steps from the outside. For retail uses or community uses any form of steps would be seen as a barrier to potential customers coming in. Many people using shops in a small neighbourhood such as this will probably come with prams, and steps are extremely difficult to negotiate with a pram. In addition disabled people will not be able to use the property without major alterations including a lift of some sort being installed externally. Although the building is not Listed, the external appearance would in our opinion be affected detrimentally if a chair lift or small lift was erected at the front or rear.

4.12 However, a large sector of the target market for this property if it were to remain as a shop or café would be put off coming in due to the barrier of the steps. Visitors with children in prams and the elderly are a large part of the likely target audience and if they cannot gain easy access then they will be put off and any new business is likely to suffer.

4.13. The only way to overcome the problem of the steps would be the installation of a ramp at the front, or a lift of some sort. A lift will be extremely costly and would affect the external appearance.

## 5. Relevant Planning History

5.1 Nash House was converted to offices in 1906 in association with the paper mill industrial use at the site. This continued until the owners left the site in 2007.

### Planning Permission 4/01382/09/MFA: The Sappi Site

5.2 This is for 450 dwellings, comprising 69 houses, 389 apartments and one flat over a garage, including affordable housing, 620m<sup>2</sup> of community, A3 restaurant and café and B1 business / offices within Nash House, a 145m<sup>2</sup> D1 children's day nursery within Stephenson's Cottage, the use of the ground floors of blocks K & I to provide 352m<sup>2</sup> of B1 business / craft workshops, provision of hydro-electric plant, a 64 bed care home, re-opening and enhancement of the culverted watercourse through the site and the construction of vehicular and pedestrian links across the re-opened watercourse, on site car parking and the re-use of the existing car park south of Red Lion Lane, access improvements including the provision of a new roundabout.

The approved floorspaces were:

| Level          | Use Class – Approved                   |      |                     |
|----------------|--|------|---------------------|
|                | Internal floor space (m <sup>2</sup> ) |      |                     |
| <b>A3 Cafe</b> | B1 Offices                             |      | <b>D1 Community</b> |
| <b>Ground*</b> | 35                                     | 32.8 | 112.6               |

|               |           |               |              |
|---------------|-----------|---------------|--------------|
| <b>First</b>  | 0         | 113.2         | 0            |
| <b>Second</b> | 0         | 65.5          | 0            |
| <b>Total</b>  | <b>35</b> | <b>216.98</b> | <b>112.6</b> |

\* Ground floor figures for each use exclude shared toilet facilities. The office floor space approved at ground floor comprised Management / Concierge accommodation, ancillary to that on the upper floors.

5.3 The comprehensive report noted the following with reference to Nash House and Dickinson Square:-

1. Recognition that:

- The key entrance to the site from Red Lion Lane would provide the necessary focus, for the long vista to Nash House, and
- The opening up of the culvert stream that runs through the development known as Mill Race, and Dickinson's Square adjacent to the Nash House and the proposed play area.

2. Dickinson's Square would be adjacent to the soft landscaped settings of the Mill Race and proposed play area. This area would therefore be hard landscaped dominated with a formal, contemporary and minimalist character. The key feature within the space would be the patterned paving and sculptured boulders with engraved text making references to the local history.

3. The design intent adopted for the new public spaces / squares serving Nash House and the bridge, and the alterations to the War Memorial were regarded as very positive. In general terms the spaces would create safe thoroughfares with well-defined transition areas promoting a soft landscaped setting that met best practice.

4. Heritage. The applicants had acknowledged that Nash House and Stephenson's Cottage are important assets to the development and they had sought to retain and upgrade both buildings, which was welcomed by the Conservation Department. The applicants envisaged Nash House to be used for concierge / security / community managers' office, reception, flexible meeting room and small cafe at ground floor, and upper floors to be used as office accommodation suitable for a variety of users. Stephenson's Cottage was being put forward as a day nursery. The Conservation Department noted that the details were limited as to how the two buildings would be converted and upgraded. For Nash House the Conservation Officer notes that an archaeological watching brief was required to ensure that fabric of the buildings was not compromised. It was noted that the aim should be to reinstate original character through the use of sympathetic materials such as timber sashes and joinery and stucco facings. Therefore, a condition was to be imposed, stating that no works are to take place until a schedule of works had been agreed.

5. Community Facilities. The Applicants had carried out a Community Facilities Audit for the wider area from which they concluded the site benefitted from excellent access to a wide range of facilities and services. They had also considered Dacorum's own assessment of needs and audits of existing facilities, but considered that it lacked detail and was not considered significantly robust to demonstrate or justify the need for a village hall to be provided within the site itself. In terms of Dacorum's Indoor Facilities Assessment Report 2006, it was recognised that Dacorum has a good spread of community hall provision. The applicants concluded in their assessment of current facilities that their scheme would add to the vibrancy and vitality of the area and will help support existing facilities, services and community activities. The applicants had also been in direct contact with the Parish Council and Village Hall Association regarding the building quality and usability of the existing village hall. From this and the above analysis they concluded that they would better serve the whole community by providing commuted sums to the Council/Association of £100,000 for the village hall refurbishment or to

be put towards its rebuilding costs. There would also be some community use provided with the refurbished Nash House, acting as a focal point within the heart of the new development.

6. Crime Prevention. Dacorum has the highest recorded crime figures for offences against motor vehicles across Hertfordshire. Many of these offences occur overnight when vehicles are left by their owners, locked and unattended. Therefore, security was regarded of the utmost importance for any new development. In terms of safety measures CCTV cameras were intended for Dickinson Square and the car park, with their precise locations to be agreed with the Crime Prevention Officer, with the intention of this system being connected to the existing DBC CCTV network.

5.4 Set against this background the permission was subject to a s106 Agreement which makes no specific reference to the renovation of Nash House. The conditions directly relating to Nash House were relating to its expected A3 restaurant and cafe and B1 business/ offices:

**18.No works shall be carried out to Nash House and Stephenson Cottage until details of an archaeological watching brief and schedule of works 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.**

Reason: To safeguard the historic character and appearance of Nash House and Stephenson Cottage.

**26.Prior to first occupation full details of a proposed property maintenance strategy for Nash House and Stephenson Cottage shall have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.**

Reason: To ensure a satisfactory management of the development after completion of works.

**36. No development shall be carried out to Nash House until a schedule of works relating to the reinstatement of its original character, through the use of sympathetic materials such as timber sashes and joinery and stucco facings, shall have been submitted to and approved in writing by the local planning authority. The works shall then be carried out in accordance with the approved schedule.**

Reason: To safeguard the character and appearance of Nash House.

Discharge of conditions:

5.5 Condition 26 remains outstanding as it relates to prior to first occupation.

5.6 Condition 18 (Archaeology: December 2011) the Officer Report noted: 'The archaeological investigation has been satisfactorily completed, including publication of results. No further archaeological work is required in relation to the above planning application. The archaeological condition on consent may now be discharged'. This reflected the response from HCC Historic Environment: Condition 18. The archaeological investigation has been satisfactorily completed, including publication of results. No further archaeological work is required in relation to the above planning application. The archaeological condition on consent may now be discharged'. Note: There was however no submitted schedule of works.

5.7 Condition 36. These specify a schedule of works based upon November 2014 drawings with the roof intact. This was approved in June 2015. At that stage therefore the plans show the building in its original form- the Enforcement Notes for November 2015 refer the removal of

the roof within the last year i.e. November 2014 to November 2015.

5.8 Phasing condition. There was no reference to Nash House.

5.9 Use of Nash House: There were no specific conditions or s106 specifying the use of Nash House.

Planning Permission 4/00195/13/FUL :

5.10 Nash House Only: Change of use of the two upper floors to residential accommodation with the ground floor for commercial Ad and D1 uses. The residential accommodation comprised of 3 x 2 bed flats, with 'minimal alteration to allow the legible form of the original building where possible to be retained' .

5.11 The Archaeological Report noted:

'The survey and watching brief revealed that the first floor rooms had all been significantly modified during conversion and use as offices, and that although the basic floor plan remained largely unaltered, few original architectural details remained. In contrast, the former servants' quarters on the second floor remained largely unaltered, having been used mostly for storage. Proposals for the first floor comprise conversion into two two-bed apartments, accessed by the existing stairwell on the south side of the building. The plan of the larger eastern apartment largely follows the existing floor plan, with some relatively minor subdivision providing en-suite and bathroom facilities. The smaller western apartment requires some subdivision of Room F6, and remodelling of the layout of F7/8/9, though it is likely that the existing layout is not original. For the second floor the proposal is for conversion into a single two-bed apartment, also accessed by the existing stairwell. The existing floor plan, comprising six rooms, will remain unchanged except for the removal of the wall separating Rooms S6 and S7, though there will be some subdivision in S2 and S3 to provide storage space and an en-suite. Based on the absence of significant architectural details on the first and second floors, and the fact that the proposed conversion respects, as far as possible, the existing floor plans, the impact of the proposed development is assessed to be low'.

5.12 The supporting letter / statement noted:

'Given the increasingly pressing need to secure investment for the refurbishment and the reuse of Nash House during this economic recession, and the lack of investor interest from a commercial point of view, Linden Homes and Crest Nicholson consider that the proposed change of use of the upper floors to residential accommodation will attract the investment needed to restore this building, bring back into beneficial use the upper floors of the building, leaving the ground floor commercial A3 and D1 uses potentially to become more attractive to separate commercial and independent investors'.

5.13 As a background by this time Nash House had been intensively marketed by Aitchison Rafferty (AR) in order to secure a commercial occupier or investor to implement the mixed use. The AR report confirmed the reasons why commercial interest had not been forthcoming for the building. Set against this background the officer report noted at the time '...given the increasingly pressing need to secure investment for its refurbishment during the current economic recession and lack of investor interest Application 4/00195/13/FUL was submitted to the LPA'. The officer report also notes '...in terms of parking, Nash House was allocated 7 parking spaces - of which 3 will now be dedicated to each of the 3 flats. The remaining 4 spaces together with an additional 4 spaces which are provided to the front of the existing building will continue to be allocated to the potential ground floor commercial and cafe/community uses'.

Enforcement Investigation/ Questions: November 2015

5.14 The Enforcement Team was requested to investigate the alleged demolition of Nash House.

5.15 Enquires at the site office confirmed that the Developer had encountered significant structural problems with the building, necessitating the removal of the roof, included within which was a small second floor that was to contain the third of the three residential flats granted under 4/00195/13/FUL. The Developer confirmed that Nash House would be returned to its former appearance once the remedial works had been completed. It was noted that re-roofing is usually considered to be a repair and would not require planning permission; however, in this case it had gone slightly further.

5.16 In conjunction with this it was noted:

- In terms of the 'schedule of works, Conditions 18 and 36 appear to duplicate each other, or if not exactly duplicate, then they certainly overlap to an extent in that both require a schedule of works.
- It was understood that the roof of Nash House was removed 'relatively recently - i.e. within the last year' – so the more specific “no works shall be carried out to Nash House...” had been complied with.
- Questions regarding whether there had been a breach of condition 36, which is arguably less prohibitive in its wording – “No development shall be carried out to Nash House...”, this was considered to depend on whether the LPA deemed the removal of the roof and, by extension, the entire 2<sup>nd</sup> floor as development.

5.17 Set against this the LPA did not further pursue the matter which has now been 'overtaken' by the submission of the current application and the preceding pre application request to the LPA.

5.18 It is also interpreted that the removal of the first floor nullified the 2013 permission (4/00195/13) for the conversion of Nash House's upper floors from commercial to flats because part of the original building no longer exists, requiring substantial partial reconstruction and due to the wording of Condition 36 there is no timeframe regarding the completion of the reinstatement of Nash House.

## **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

CS9 - Management of Roads

CS10 - Quality of Settlement Design

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS13 - Quality of Public Realm

CS17 - New Housing

CS19 - Affordable Housing

CS27 - Quality of the Historic Environment

CS29 - Sustainable Design and Construction  
CS31 - Water Management  
CS32 - Air, Water and Soil Quality  
CS33 - Hemel Hempstead Urban Design Principles  
CS35 - Infrastructure and Developer Contributions

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

10, 18, 19, 31, 33, 51, 57, 58, 61, 62 and 113

Appendices 3, 5 and 8

### 6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Areas HCA 18 and HCA 19
- Water Conservation & Sustainable Drainage (June 2005)
- Energy Efficiency & Conservation (June 2006)
- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Affordable Housing (Jan 2013)

### 6.5 Advice Notes and Appraisals

- Sustainable Development Advice Note (March 2011)

## 7. Constraints

- 45.7m Air direction limit
- Flood zone 1
- CIL Zone 3
- General Employment Area
- Former Land Use
- LHR Wind Turbine
- Groundwater source zone

## 8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix A

## 9. Considerations

### Main issues

9.1 The main issues to consider are:

- Policy and principle.
- Layout, Design and Historic Environment.
- Impact upon Residential Amenity.
- Access, Highway Safety and Parking.

### Policy and Principle

9.2 The background is that two planning permissions enabled the reuse/ renovation of Nash House for a variety of uses in a designated General Employment Area. Significantly in 2013 the LPA was prepared to support the partial introduction of a residential use. This was with due regard to viability issues of delivering the original approved uses, not long after the grant of the 2009 planning permission. The Developers carried out other redevelopment but apparently left Nash House.

9.3 To resist the proposal based upon the GEA implications would be very dogmatic and negative. At the same time to wholly move away from the original concept regarding Nash House's Heritage, Functional and Visual role as envisaged in the Developer's Vision for Sappi and supported by the LPA and Inspire East only a few years ago is wholly unacceptable. Such an approach would fail to create a heart to this part of the Sappi development conflicting with Policy CS23 of Dacorum Core Strategy. The current effect of Nash House's dereliction has had the reverse negative major effect creating a very sterile less inviting environment, contrary to the expected vibrancy generated by the expected a mix of uses through the 2009 permission.

9.4 Notwithstanding the content of the submitted Viability Report there has to be a continuing full recognition that the interaction between uses is central to achieving sustainable development. A decision now to support no mix of uses in urban design terms would be very retrograde. However, the Applicant has not created the situation now faced by the local community and LPA and most importantly is now prepared to provide a community use in part of the ground floor in the Revised Scheme, following the initial submission for 10 flats.

9.5 The Nash House situation currently represents a fundamental flaw in the delivery of the approved redevelopment which can however be successfully retrieved through this application. Given the current lack of opportunity to reinstate Nash House at this stage with the lost Visual, Heritage and Community benefits this can be changed if there is support to the principle of the development. It would accord with Dacorum Core Strategy Policies 23 (Community Uses) and 27 (Heritage) and deliver much needed additional housing in a sustainable location.

9.6 In this context saved DBLP Policy 19 addresses conversions. This states that such conversions will be permitted if:-

- In residential areas of towns and large villages, subject to the retention of necessary local services,
- The Council will also take steps to encourage the reuse of vacant commercial premises..... for housing, and
- All conversions must be designed to a high standard, taking full account of the character of the area. – ensuring they do not adversely affect the architectural or historic character of a listed building.

9.7 Albeit due the current state of the building would militate against a strict conversion the principles of Policy 19 are directly relevant. The mix of flats is a positive aspect of the scheme, albeit there is no affordable housing. The ground floor unit adjoining the main entrance with the basement also provides the opportunity for carer to live at the unit so long as the main entrance is subject to the provision of a disabled access (see below).

9.8 Therefore set against these extenuating circumstances there is a case to support the principle of the Revised Approach, notwithstanding that it falls well short of the 2009 Project high expectations (involving a hub / vibrant mix of uses) which was however diluted by the now expired 2013 permission.

9.9 In terms of the community use this could be positively reinforced with a community gym in the basement for residents to use as recommended by the Conservation & Design Team. For clarification after extensive positive Officer/ Agent dialogue the Agent had initially agreed that the basement would provide a community gym in accordance with the specialist advice of the

Conservation Team. However following the Applicant's/Agent's attendance at the Parish Council meeting the Applicant withdrew this agreed approach to the basement which was very disappointing. Subsequently the Applicant has also been unable to agree that the basement is used for much needed storage for the flats, being now limited to being a part of one of the ground floor flats, with the remainder otherwise left unused. It has been explained to the case officer that the lack of basement use is consistent with the LPA's previous approach (2009/2013) to the basement with associated viability issues. However opportunities remain to use the basement which forms part of part of the remaining heritage asset. It is therefore recommended that a condition requires the positive use of more than the currently proposed part of the basement.

Layout, Design, Scale, etc.

9.10 The template for the proposal is that the LPA has previously granted planning permission for conversions at the site with curtilage parking .The flats would accord with national flat size standards served by external refuse storage facilities. Although no amenity space can be provided due to the site conditions this is not uncommon for conversions of buildings in urban locations. Appropriate noise measures would be necessary in accordance with normal practice and to ensure the harmonious coexistence between the community use and the flats. Air quality was not considered to be an overriding issue in granting the 2009 permission.

9.11 In terms of the expectations of Dacorum Core Strategy Policies CS12 and CS32 and the NPPF regarding residential amenity the relationship with the immediate locality requires careful consideration. The starting point is that the LPA supported the 2009 and 2013 schemes for the respective conversions in the full knowledge of the position of the surrounding residential development. In granting the 2013 permission the LPA was fully aware of its massing and design and window positions, with no officer identified objections.

The Agent's Report notes:

| <b>Fig 7.3.0:</b><br>Assessment of the proposal against adopted amenity standards<br><b>Issue</b> | <b>Requirement</b>  | <b>Provision and Evaluation</b>   |
|---|---|---|
| <b>Privacy</b>  | Local Plan Appendix 3 specifies minimum distances of 23 m between the main rear wall of a dwelling and the main wall (front or rear) of another be met to ensure privacy. | Given the nature of the proposal, this criterion is of limited relevance. Nevertheless the principle front (southern) and rear (northern) elevations are very well separated from the neighbouring properties, surpassing the 23m distance. The western flank elevation would be set some 20m from the adjacent flats beyond the Mill Canal, which must be acceptable in a suburban setting. To the east a 15m flank to flank relationship would be achieved between the upper floors of the properties, which is similarly considered acceptable in this context. A 10m gap would be achieved at ground floor, but in reality the relative positions and sizes of the windows to both Nash House and the |

|                              |   |   |
|------------------------------|---|---|
|                              |   | flank of the adjacent property would preclude any significant opportunity for overlooking.  |
| <b>Sunlight and Daylight</b> | Local plan Appendix 3 requires that residential development should be designed and positioned in such a way that a satisfactory level of sunlight and daylight is maintained for existing and proposed dwellings. | With regard to neighbouring properties, no additional impact would result over that from the implementation of the approved scheme. With regard to the impact for prospective occupiers, the degree of separation and /or the proposed fenestration should ensure satisfactory levels of light. |

9.12 In support of the current application the Agent understandably refers to the how the LPA considered the 2013 application as a background .This is with reference to the building's original massing and that now proposed and the position of windows. In response to officers' concerns regarding the relationship with Butterfly Crescent, especially nos. 5 and 6 Butterfly Crescent, the Revised Scheme is an improvement to the Original Scheme through the change to fenestration, with the Agent observing:

9.13.'Second floor windows. Three second floor windows on the north-east elevation have been removed. This would prevent any additional overlooking into properties in Butterfly Crescent. The siting of the two remaining second floor windows would reflect that allowed by the previous permission to convert Nash House (4/00195/13/FUL). These windows were to a living room and kitchen and were the same distance from the neighbouring dwellings and gardens as would be the case for the current scheme'.

9.14 It is acknowledged that the Conservation & Design Team raises no objections to the enlargement of the building / roof profile and this facilitates the provision of additional accommodation to increase the schemes' viability. This has to be weighed against the effects of the resultant increased massing in relation to the adjoining dwellings in Butterfly Crescent. Members will be updated at the meeting following the culmination of additional dialogue with the Agent.

9.15 The Crime Prevention Officer raises no fundamental objections. The parking area has natural surveillance with the area served by existing column based lighting.

Impact on Street Scene/ Character of the Area

9.16 The approved scheme's key objective in recognising Nash House's major heritage importance in international paper making can still be rekindled through this application.

9.17 As confirmed the Applicant is not responsible for Nash House's current state of major dereliction. However, it is fully understandable how residents, the Councillors/Parish Council feel about the site's extremely poor condition. Officers are of the same view. The intended landmark building is to the contrary fundamentally detrimental to the whole area.

9.18 However, the situation is retrievable through this major rejuvenation/ restoration project... the door remains open. Therefore in principle there is a most robust case for the LPA to support this major rebuilding project. It is fundamentally important that every opportunity is given to support the rebuilding.

9.19 With due regard to the proposed design details and the imposition of conditions a high quality rebuilding /replication of the original building can be achieved, taking into account that the Conservation & Design Team's support the proposed enlargement, with due regard to the expectations of Policy CS27.

9.20 With regard to the Conservation & Design Team's support for heritage signage in Dickinson Square, following the C&D's dialogue with Apsley Paper Trail Archivist a condition cannot be imposed as Dickinson Square lies outside the application site. The Agent/ Applicant are aware of the situation and dialogue is ongoing and any updates will be provided at the meeting. In the overall equation the 'procedural inability ' to deliver the signage at Dickinson Square would be most disappointing but less so than if the building is not revitalised soon. A recommended condition does refer to signage within the application site.

#### Impact on Trees and Landscaping

9.21 The scope for soft landscaping is limited.

#### Impact on Highway Safety/ Access/ Parking

9.22 There have been no objections raised by Hertfordshire County Council Highways Hertfordshire Fire & Rescue Service. This takes into account the role of access road to the site and hydrant availability, both serving the existing approved development. An informative is recommended regarding essential fire access requirements.

9.23 As noted by the supporting statement the extant permission for the mixed Class A3, B1 and D1 use of the premises, the proposed wholly residential use should reduce the general number of vehicular movements generated, as well as the number of larger commercial vehicles visiting the site.

9.24 There is disabled/inclusive access to the community facility and one flat. There should be a ramped access to the main front entrance, providing entry/exit to the ground floor. The Agent has been unable to provide a requested drawing for this, but accepts this can be addressed by a condition.

9.25 It is fully acknowledged that there is a major demand upon parking in the area as expressed by local residents and the Parish Council and major parking objections. At one space per unit this is consistent to the approach to the Sappi development (residential: 1: 1) with two spaces available for the community use. The Agent considers that 1 space per unit is acceptable with the Revised Scheme also providing cycle storage. It is expected that those using the community use would be primarily local residents who would be able to walk or cycle to the site two spaces available for community users. With due regard to the acknowledged role of car free developments and that the site is in a relatively sustainable location, the Agent has been unable to agree that any of the units could be occupied by non- car owners. The parking implications are not ideal which has to be balanced against the importance of focusing upon revitalizing the building.

9.26 The Agent has been requested to increase the on- site refuse storage in order to comply with the Refuse Guidance Note.

#### Other Material Planning Considerations

9.27 There are no apparent fundamental drainage, contamination or water supply issues, with the site not within a vulnerable Flood Risk Zone, setting aside the lack of a response from the Environment Agency (with specific reference to the partial use of the basement). This is with due regard to the advice of the other responding relevant respective specialist technical consultees and the need for appropriate conditions, taking into account this is a source

protection zone and a former land use, with paper making subject to chemical processes and the need to address drainage given the advice of the Lead Flood Authority. A recommended informative addresses land stability issues.

9.28 Hertfordshire Ecology has not identified any ecological implications. Within this very sterile built environment with such limited soft landscaping but with water nearby bat / bird boxes are recommended. In order to safeguard the residential amenity of the locality and for ecological, highway safety and crime prevention reasons an exterior lighting condition is recommended.

9.29 The proposal is not an EIA development. There are no air safeguarding objections.

9.30 It is fully acknowledged that there is likely to be significant local environmental disruption during the partial reconstruction of Nash House, given the access arrangements, parking issues and the closeness of adjoining housing which could have been fully avoided if Nash House had been converted in conjunction with the carrying out of the whole development. The application could not be refused due to the effect of the construction works, however it would be essential that a construction management plan is subject to a condition. It could restrict the construction hours/ delivery times, associated phasing and an emphasis upon limiting trade/ works vehicles parking with shared transport and setting up a liaison group with neighbours and the Parish Council.

#### Response to Neighbour comments

9.31 These points have been addressed above.

#### CIL

9.32 The development is CIL liable.

#### S106 and Planning Obligations

9.33 The provision of 9 units/ 1,000 sqm is below the affordable housing threshold.

### **10. Conclusions**

10.1 There is unquestionably a fundamental conundrum for all stakeholders in considering this case. However difficult it is for all the stakeholders the background is in the apparent 'enforcement vacuum', Nash House could stay in its derelict state indefinitely.

10.2 To the best of officers knowledge there is no enforcement opportunity to require the full reinstatement of Nash House to facilitate the approved vibrant mix of uses. This is what everybody is faced with- a wholly difficult cold reality situation. This is notwithstanding what was expected to happen through the 2009 Sappi decision with Nash being the development's landmark focal point.

10.3 It is unequivocally fully understood why the Parish Council / Councillors , local residents/ other heritage groups/ specialists seriously remain so alarmed as to 'why we are here', with the landmark building so key to overall development concept now in such a derelict condition.

So what is the way forward?

10.4 In focusing upon the merits of the current application officers are now at an absolute crossroads. Based upon the information available officers have noted that the condition of the building is not due to the actions of the current Applicant whose proposal offers an opportunity to rejuvenate the site within a comprehensive development.

10.5 Therefore, however difficult for all concerned, the focus should **not** be why the building is in its current condition, **but whether the scheme delivers a positive environmental outcome**. Based upon the officers' interpretation of the lack of enforcement action powers to fully reinstate the building ready for the approved uses, a refusal based upon the failure of the landmark building to be delivered as an integral part of the original development would not be tenable. This is notwithstanding the unquestionable negative perception of the building's current condition and the issue of 'we should not be where we are'.

10.6 Setting aside the issue of the building's massing in relation to the residential amenity of Butterfly Crescent, it must be clarified that the opportunity for officers to request further changes has been now entirely exhausted. Albeit it still remains desirable for a community use gym in the basement as originally agreed but subsequently withdrawn by the Applicant.

10.7 In addition based upon discussions the Agent has been unable to agree any of the following:

- the basement to be used for storage for the flats which is a missed opportunity, given that it is well recognised that flats are often short of storage,
- the provision of any of the units with occupants not having a car ( this has been approved elsewhere in highly sustainable locations),
- any affordable housing, and
- the provision of a front disabled ramp which would open up the ground floor unit as a potential a live in ; care based unit.

10.8 Setting aside why the building is in its current state, this is a now a case of deciding whether to support a scheme - **which is a another vital opportunity to reinvigorate/rejuvenate Nash House to become the landmark feature of the Estate which was originally intended** but fully acknowledging that it is not an ideal scheme- or refuse the application.

10.9 Therefore in this fundamentally difficult vacuum, the question what is the best outcome - a lower quality version of the originally expected landmark building to reinvigorate such a key part of the site providing a community facility and 9 much needed units - or further decay and dereliction, with the limiting effect of a s215 notice seemingly to be the only redress at this stage with no use.

10.10 If the application was refused, with further delay through the Developer 'doing nothing' or awaiting the outcome of an Appeal- potentially a public inquiry- there would remain no immediately foreseeable progress.

10.11 So how is all this resolved in the most pragmatic way? It has to be a most carefully balanced decision, set against the very real concerns of the Parish Council/ Councillors and local residents, with heritage groups reinforcing the building's importance. It is quite simply what is best for the site/ community.

10.12 In accordance with the NPPF 's emphasis upon sustainable development it is concluded that to give the opportunity to 'unlock the situation' would be for the LPA to support the scheme subject to the carrying out of the development within a clearly prescribed time period, the permanent provision of a community use on the ground floor , an option to use the basement for alternative purposes and the provision of a disabled/ inclusive ramp linked to the portico.

10.13 Of course there can be no guarantees that if granted the current applicant would develop the site. It needs to be also recognised that a future application could be submitted for an alternative scheme to demolish the building with a proposal to replace it entirely and weight would have to be given to the 'fallback position' of an extant permission.

10.14 However, there would be a vital platform to enable the opportunity to facilitate the site's now much needed overdue rejuvenation, representing an alternative, albeit less vibrant version of what was originally envisaged.

10.15 Accordingly, the application is recommended for the grant of planning permission which will act as a catalyst for the revival of Nash House.

### **RECOMMENDATIONS**

That the application be DELEGATED to the Group Manager, Development Management with a view to approval subject to the expiry of the neighbour notification and subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission and completed fully in accordance with the specified conditions within 5 years of the date of this decision.**

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 and once started there is a need to complete the development given the extenuating background circumstances.

- 2 No flat hereby permitted shall be occupied until the community use unit is provided fully in accordance with the approved drawings and thereafter the community use unit shall be permanently available for community use between 10.00 and 20.00 hours Mondays to Fridays and 10.00 and 16.00 hours on Saturdays and before the first use of the community unit hereby permitted a Management User Plan shall be submitted to the local planning authority confirming how it will be operated at all times. The community use shall be operated fully in accordance with the approved Management Plan at all times.**

**The community use unit shall be provided before its first use with an internal heritage display and external heritage signage for Nash House and thereafter at all times fully in accordance with details submitted to and approved in writing by local planning authority.**

Reason: To ensure that the community use is permanently provided at all times to accord with the expectations to the former Sappi site which is subject to Planning Permission 4/01382/09/MFA and Policies CS 23 and CS27 of Dacorum Core Strategy.

- 3 Notwithstanding any of the submitted details no development shall be carried out until a detailed schedule of all the external works and materials have been submitted to and approved in writing by the local planning authority. All windows and doors shall be of timber and gutters and down pipes/ soil pipes shall be black painted and the roof light shall be of a conservation roof type fitted flush with the roof slope. The development shall be carried out fully in accordance with all the approved details and thereafter shall be retained and maintained at all times fully in accordance with the approved details.**

Reason: To reinforce the original character and appearance of Nash House in accordance with Policies CS12 and CS27 of Dacorum Core Strategy

- 4 **Within one month of the commencement of the development hereby permitted a scheme for noise insulation/ mitigation shall be submitted to the local planning authority. No part of the development hereby permitted shall be brought into use until all the measures have been installed fully in accordance with all the approved details and thereafter all the approved measures shall be retained and maintained at all times.**

Reason: To ensure that at all times the development is subject to noise insulation / mitigation in accordance with Policies CS12 and CS32 of Dacorum Core Strategy and the approved community use can harmoniously coexist with the residential environment at all times.

- 5 **The development hereby permitted shall not be occupied until all the ramped access to the community unit and the parking spaces shown by the approved site layout plan shall have been provided. In addition the main portico entrance access shall at all times be provided with a disabled access fully in accordance with details which shall be submitted to and approved in writing within one month of the commencement of development at the site. Both accesses and all of the parking spaces shall be retained thereafter at all times and they shall not be used thereafter otherwise than for the respective approved purposes. In addition cycle storage shall be provided at the site at all times fully in accordance with details submitted to and approved in writing by the local planning authority before the first use of the building hereby permitted.**

Reason: To provide the ramped/ disabled/ inclusive accesses, parking and cycle storage at all times in accordance with Policies CS8 and CS12 of Dacorum Core Strategy.

- 6 **The access road within the curtilage of Nash House and parking spaces hereby permitted shall be subject to a drainage design which shall be submitted within one month of the date of the commencement of the development hereby permitted. The drainage shall be installed and thereafter retained and maintained fully in accordance with the approved details.**

Reason: In the interests of highway safety and wider drainage requirements in accordance with Policies CS8, CS12 and CS29 of Dacorum Core Strategy.

- 7 **The refuse storage facilities shall be provided fully in accordance with the approved details before any use of the building hereby permitted and thereafter shall be retained at all times and only used for the approved purposes.**

Reason: To ensure a refuse facility is provided at all times at the site in accordance with Policy CS12 of the Dacorum Core Borough Local Plan.

- 8 **A scheme for all boundary treatment shall submitted within one month of the commencement of the development hereby permitted and shall be installed prior to the first use of any part of the development and thereafter the approved boundary treatment shall be retained at all times.**

Reason: In the interests of the character and appearance of the locality and in the interests of the residential amenity to accord with the requirements of Policies CS10, CS12 and CS32 of the Dacorum Core Strategy.

- 9 **Prior to the commencement of the development hereby permitted a Phase I Report to assess the actual or potential contamination at the site shall be**

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

For the purposes of this condition:

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy.

- 10 **All remediation or protection measures identified in the Remediation Statement referred to in Condition 9 shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy.

Informative:

Paragraph 121 of the NPPF states that all site investigation information must be

prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

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

- 11 **All the bathroom windows of the development hereby permitted shall be permanently fitted with obscured glass, no additional windows shall be installed within the building and the roof of the flat roofed side extension shall not be used as an amenity area, balcony or roof garden.**

Reason: In the interests of residential amenity to accord with Policies 12 and 32 of the Dacorum Borough Core Strategy.

- 12 **Details of all exterior lighting to be installed at the application site shall be submitted to and approved in writing by the local planning authority. The exterior lighting shall be installed fully in accordance with the approved details before any use of the building hereby permitted. Thereafter the approved lighting shall be retained and maintained fully in accordance with the approved details.**

Reason: In the interests of safeguarding the local environment,, the residential amenity of the locality, highway safety, biodiversity, access for persons with disabilities and crime prevention/security in accordance with Policies CS12, CS27, CS29 and CS32 of the Dacorum Core Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.

- 13 **Bat and bird boxes shall be installed at the site before the first occupation of any of the flats or the first use of the community unit hereby permitted. Thereafter all these boxes shall be retained at all times.**

Reason: In accordance with Policy CS29 of the Dacorum Core Strategy and the approach of the National Planning Policy Framework to biodiversity.

- 14 **The development hereby permitted shall be subject to a permanent Management Plan for both the building and its curtilage's regular and permanent maintenance which shall include the refurbishment and use of the basement, communal areas and all parts of the community unit. The Plan shall be submitted to the local planning authority before the first occupation / use of any part of the building and the Plan's requirements shall be carried out at all times fully in accordance with the approved scheme.**

Reason: In the interests of the character and appearance of the building to accord with the requirements of Policies CS10 ,CS12 and CS27 of the Dacorum Core Strategy.

- 15 **No development hereby permitted shall commence until a Construction Management Plan is submitted to and approved in writing by the local planning authority. The development shall be carried out fully in accordance with the approved details.**

Reason: In the interests of highway safety and residential amenity in accordance with Policies CS8 and CS12 of Dacorum Core Strategy.

- 16 **Prior to the commencement of the development hereby permitted details of a**

**surface and foul water drainage system shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter retained fully in accordance with the approved details.**

Reason: To ensure that the site is subject to an acceptable drainage system serving the development in accordance with the aims of Policies CS8 ,CS12 and CS31 of the Dacorum Core Strategy , including highway safety, and to protect groundwater to accord with the requirements of Policies CS31 and CS32 of the Dacorum Core Strategy.

- 17 **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:**

**PL01E Site location and block plan  
PL02D Ground floor plan  
PL03B First floor plan  
PL04D Second floor plan  
PL05B Elevation A  
PL06C Elevation B  
PL07C Elevation C  
PL08C Elevation D  
PL09 Existing ground floor plan  
PL10 Existing first floor plan  
PL11 Existing second floor plan  
PL12 Existing elevations A and C  
PL13 Existing elevations B and D  
PL14D Proposed basement  
PL15 Existing basement  
PL16 Bin store details  
Site Section A  
Site Section B  
Site Section C**

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

#### ARTICLE 35 STATEMENT

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

#### **Informatives**

##### Fire Access/ Safety

It is fundamentally important that the parking / turning area within the curtilage of the site is constructed fully in accordance with the access and loading requirements for fire tenders and it is expected that the Developer fully liaises with Hertfordshire Fire & Rescue Service to ensure all its requirements are fully complied in servicing the

development.

### Dickinson Square

It is requested that the Developer contacts and liaises with the owners of Dickinson Square regarding the permanent provision of historical information boards within Dickinson Square regarding Nash House. The Council's Conservation Team can provide specific advice upon this in the interests of permanently recognising highly significant the role of Nash House/ the site in the history of paper making.

### Land Stability/ Contamination

The government advice is that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

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

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

### Drainage

Hertfordshire County Council Lead Flood Authority has confirmed:

There is a need to seek information of how the Applicant intends to manage the surface water generated on site and how the proposed development site can be adequately drained. It has been noted that there are no public surface water sewers within the vicinity of the site.

The LFA therefore recommended the imposition of a pre commencement condition to obtain information regarding surface water management of the site. As a minimum the LPA there is the need for a drainage strategy that includes the details of how the on-site surface water will be managed, where possible providing appropriate sustainable drainage techniques and the location of discharge off the site, along with any supporting calculations. In case the Applicant proposes to infiltrate, it is recommended that infiltration tests are carried out to ensure that feasibility of the soakaway.

### Highway Issues

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

2. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to 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.

## **Appendix A: Consultation responses**

### **ORIGINAL SCHEME**

#### Nash Mills Parish Council

##### *Initial Response*

The Planning Committee met on the 9<sup>th</sup> October to consider the above application.

After a wide-ranging discussion Councillors agreed that this application would not be approved or formally objected to, until the planning history of the application since 2010 is clarified by planning officers.

Comments received 26 October 2017

##### *Main Response*

NMPC Councillors were appalled that the Nash House building has been allowed to decay so badly. There appear to be, planning conditions attached to the decision notice for application 4/01382/09/MFA which requires the Developer to agree a time schedule for the rebuilding/refurbishment of Nash House and other construction works. This condition has not been complied with and NMPC would like to know why this situation has been allowed to develop, that did not ensure developers would be held to their original plan to refurbish this important and historic landmark in our community.

Councillors **strongly object** to the proposed new development on the following grounds:

#### **CONTRARY TO PLANNING POLICY**

The proposed change of use application, as currently proposed will be contrary to local planning policies of the Core Strategy Development Plan Document (DPD), the principle document of the Local Planning Framework, adopted by Dacorum Borough Council on 25 September 2013; in particular the adopted policies of Core Strategy CS23, which emphasises the importance of:

Quality of Design for both the public realm and built environment

Strengthening economic prosperity by providing spaces for offices and supporting retail and commerce

Meeting community needs by delivering community services and facilities and delivering leisure facilities

Conserving the historic environment and the effect of changing the historic building, which forms a significant part of the local character

#### **OVER DEVELOPMENT**

The change of use of Nash House, to allow additional residential units, will lead to an adverse social impact on the residents of the Nash Mills development and the wider local community, as there will be no social facilities or amenities formed within the boundaries of the development. If approved, this would be contrary to the Council's adopted policy CS23 and the original developers' public declaration and principle aims for the development, which state:

*'Nash House is a key part of the overall development and is the heart of the scheme. The proposal would retain this building and make a focal point for the future community of the site and the surrounding area.*

The conversion of Nash House to additional residential units which seeks to include an unwelcome substantial addition to the existing footprint on what is already a high density development. This will lead to an adverse visual impact on the character and setting of the local area, requiring additional parking spaces formed upon the site, further eroding the important 'green spaces' of the Nash Mills development.

The proposal to provide additional residential units within the Nash Mills development site will cause overdevelopment and overcrowding of the Nash Mills site, due to a proposal to further increase the population density and an according increase in parking provision within the development and cause a further increase in vehicular traffic within the wider area, which is already a clear problem for local residents.

The proposed lay-out of the ten residential units illustrate very small, cramped living areas indicative of overdevelopment.

### **CONVERSION OF THE HISTORIC HOUSE**

Nash House was, at the time of the original planning application and occupation by the developer, a building that was in use and one which retained a unique and important architectural structure, finishes and fittings. Though the property required extensive maintenance and refurbishment it appears that the developers took it upon themselves to strip the building completely of all structural materials, coverings, protective surfaces, finishes and fittings, leaving the remaining structure in poor condition. By doing so, the developers' have a moral obligation to the local community and a legal obligation under the conditions of the planning approval and subsequent approvals, to return Nash House back to a habitable condition for community use. Nash Mills Parish Council would like Dacorum Borough Council to request that the developer commission a comprehensive structural survey to ensure the building as it remains is structurally safe.

This historic house is important to Nash Mills' history and any sensitive design would incorporate some mention of its history within the development.

### **MARKETING & COMMERCIAL VIABILITY**

The property has been marketed by local agents over recent years, but only in the unsafe and un-inhabitable condition that it was left in by the developers', following the granting of approval of the Nash Mills development.

Due to the high costs in returning Nash House back to a habitable building, regardless of use, these costs alone would be prohibitive to any community or small commercial use. Therefore we feel that the building has not been properly marketed in a genuine and viable manner, for which the planning guidelines on marketability of a property would relate. We feel sure that an appeal inspector would concur that the marketing of this important local property must be carried out in a genuine and meaningful manner, which has not been demonstrated with this application. The relatively low levels of financial contributions of rent etc. cited by the developer as a reason to exclude community use and occupation of the building are not grounds to exclude community uses from the site. It is specifically written into local and national and planning policies that community uses should be both encouraged and supported in developments where possible. This has not been demonstrated as noted above.

It is acknowledged that few, small -scale, commercial and community groups could raise finances such as to enable the reinstatement of Nash House, we therefore feel that the property must be reinstated as a viable, habitable property, ready for occupation and use for it

to attract any genuine and meaningful offer.

The value of Nash House is clear to the community and also acknowledged by the developer in their public statement as part of their initial public consultations as noted above; that the value of Nash House is not limited to the financial cost of reinstatement of the property, but in its wider, long-term community use as an important heart and hub, both for the Nash Mills development and wider parish of Nash Mills.

Where community support services are not provided within large-scale residential developments, there is a clear and demonstrable lack of balance between public and private spaces, which result in the ghettoization of an area over the medium to long term. It is for this fundamental reason that community projects and public spaces are provided, to ensure that a community retains a properly balanced and well-proportioned sense of public and private space, the requirements of which are detailed within both local and national planning policies.

## **COMMERCIAL AND COMMUNITY USE**

We appreciate that the relatively small scale of the property footprint, will typically exclude a 'convenience store' type use, for the reasons defined within the developers planning Statement of Support, however, it is important to recognise that the developer has sought to and obtained permission to change the use of the principal retail units of the Nash Mills development. Nash House was not proposed to perform the service of a dense, retail use of the Nash Mills Development, but to provide a space for community and business use, by way of smaller non-intensive (coffee shop) retail use and small business development opportunities, forming, as defined by the developer, a mix of uses at 'the Heart of the scheme'.

The developers consulted the public prior to the issue of the development planning approval and confirmed:

***'After careful review of existing community facilities and listening to the aspirations of local stakeholders, it is proposed that Nash House will incorporate 'a' mix of uses'.***

Local stakeholders have not been consulted on these new revised proposals to remove all community and retail opportunities from the Nash Mills development and the community facilities that the developer had carefully reviewed at the outset remain as they were prior to the granting of the development planning approval. The public consultation formed a key aspect of the original development plan and subsequent granting of approval. The developers have suggested in their planning Statement of Support, that any commercial use for Nash House would be difficult to let and unsustainable in the longer term. The nearby developments of both Dickinson Quay and The Ovaltine development, both have vibrant, well supported and flourishing retail units combined within the fabric of their developments.

Dickinson Quay provides two restaurants, a public house, coffee shop and local convenience stores, all of which have been in operation for many years and continue to be fully supported by the residents of the development. The lack of street-frontage and parking provision to these units means that they are principally supported and well patronised, by residents of the development, rather than being reliant upon passing or trade from the wider surrounding community. We do not feel this an appropriate ground for supporting a change of use application.

The developers have suggested in their planning Statement of Support, that finding a low density commercial use, such as a coffee shop, would be difficult due to the architecture of the building. Many successful low-density retail units, such as coffee shops exist within the fabric of historic buildings, the form and style of the building does not deter people from using these facilities, where they are presented. The units of Dickinson Quay have large floor to ceiling

windows and their facades are set back behind canopy roofs with large quay-style arches. We do not feel this an appropriate ground for supporting a change of use application.

## **PLANT AND AIR EXTRACTION**

Air extraction within historic buildings must be given due consideration and a considered design should form an integral part of the recommissioning of Nash House. Whilst the use of external extraction units would not generally meet with the support of the conservation department, internally formed and attenuated extraction can easily be accommodated within the development, as with many other historic buildings that have been converted throughout the country. We do not feel this an appropriate ground for supporting a change of use application.

## **SIGNAGE**

Signage for the new retail and commercial uses of the development would need to be proportionate, well designed and considered. Many examples of good and proportionate signage are in existence on historic buildings. The developers have suggested in their planning Statement of Support, that a lack of road-frontage signage would be detrimental to the use, operation and overall future viability of any commercial use of the building; however as defined above, the vibrant and long established commercial units of the neighbouring Dickinson Quay development have succeeded without the need for road front signage. We do not feel this an appropriate ground for supporting a change of use application.

## **ACCESS**

The developers have suggested in their planning Statement of Support, that level differences between the external ground level and finished floor would be an issue for the conversion of the property to a commercial use. Though Nash House has steps as the principal entrance access, considered design will allow the addition of ramped access by way of considered external gradient landscaping, a feature that if designed correctly, would we feel be supported by the local conservation officer.

If the application for change of use to residential units were to be approved, the new residential units would also require level access between the site and ground floor of the property, in order to achieve current minimum Building Regulation Standards. We feel this suggestion is a like-for-like argument and one that is not appropriate grounds for supporting a change of use application. We do not feel this appropriate ground for supporting a change of use application.

## **LOCATION**

The developers have suggested in their planning Statement of Support, that the location of Nash House within the heart of the development would not attract a commercial business, however, as noted above, the vibrant commercial units of the neighbouring Dickinson Quay prove this to be quite the opposite. The continued occupation of the retail units of this development over many years and the support from the surrounding residents proves that where these units are formed and included within a development, they are well-supported and much needed facilities for local residents and give a genuine sense of community and heart to a development. The importance of these public spaces is an important aspect of large residential developments as defined and supported by both local and national planning policies.

We do not feel this an appropriate ground for supporting a change of use application.

## **PARKING**

The developers identify in their planning Statement of Support, that a lack of parking for

commercial use is a reason for allowing the change of use. The parking and traffic flow about the site is exceptionally difficult and causes problems for the wider community beyond the boundaries of the development. Providing additional residential units upon the site will compound the long established problem further.

It can be seen that where community uses and low-density retail opportunities are provided within a development, these do not increase parking within the site as these units are not reliant upon passing or external trade to support their operation. Their support comes from the residents of the development and immediate surrounding areas, whose vehicles are by and large, already parked on or about the site. This can be seen in both the neighbouring Dickinson Quay and Ovaltine developments, neither development providing dedicated parking for the commercial units.

We do not feel this appropriate ground for supporting a change of use application.

## **CONCLUSION**

The application for change of use of this important building can be seen to be contrary to local and national planning policies.

The application fails to take account of the developers own '*careful review of existing community facilities and the aspirations of local stakeholders*'.

The application ignores the historic importance of the building and makes no reference to any plan to mark this in any way.

The application has generated an unprecedented level of local objections through the public consultation of the application, demonstrating the proposal is not reflective of local needs and opinions.

If the Borough planning department are minded to recommend approval of this application, we would ask that the application be referred to the Dacorum Parish Planning Committee for determination.

Furthermore, DBC should seek changes to:

1. Eliminate the over-bearing building extension proposed;
2. Seek to reduce the number of small cramped residential units to allow more acceptable living standards for new residents;
3. Seek an enhanced landscaping scheme for Dickinson's Square. Consider eliminating the four parking spaces indicated to the west boundary of Dickinson Square which would enhance the setting of Nash House and the square. (Note: These four spaces are indicated as available to the users of Nash House but are shown as located outside of the application site. This parking provision needs clarification). Nash Mills Parish Council feel strongly that the aim set out by the original developer recognising this building historic importance should be honoured notably:

"The aim has been to create a sensitively designed development that offers the Nash Mills Community a high-quality and attractive environment in which to live, work and relax. The site's waterfront will be opened up to the general public for the first time whilst existing key features such as the War Memorial, Nash House and Stephenson's Cottage will be retained and refurbished".

To date, the majority of these aspirations have not been achieved. Waterside access is limited, Stephenson's Cottage is being used partially for residential use, and Nash House is a ruin.

## Strategic Planning: Current Application

None to the current application. Please see all the pre application advice below which remains relevant.

## Strategic Planning : Pre Application

- Initial

This site has had a complicated planning history being formerly part of a GEA (Nash Mills), then part of a wider residential redevelopment and finally permission was granted for conversion of the upper floors of Nash House to A3/C3/ D1. SP note the building is of historic interest but not listed, has been vacant for a number of years, and is in a state of disrepair.

Ideally, larger housing sites should contribute towards social infrastructure (Policy CS23). However, the scheme has come forward outside of the normal policy framework and I note that there is no Plan-related allocation against which to refer to. At the time of the original application a planning statement was prepared (see attached) which did seek a mix of uses on the site as part of delivering a sustainable development. The statement is a material consideration, but SP do not believe it was ever formally adopted by the Council, so only a limited weight can be attached to it.

SP think the LPA need to take a pragmatic view over the application. SP's preference in policy terms would be for a mixed use scheme as this would help complement the existing new housing and create a slightly more sustainable form of development. However, the wider proposal is nearly complete and is dominated by housing as the key use. Additional housing at Nash House would reinforce this. It is clear that there has been no active interest in bringing forward a mixed use of the building over the last few years, and given the present state of the building there are likely to be viability issues. Residential re-use does seem a logical approach in the circumstances and would potentially reinstate the historic character of the building (Policy CS27) which would be welcomed. The latter would be subject to the views of the Design and Conservation team. Therefore, we would support the principle of residential development in this general location.

However, it would be helpful in support of their scheme if the applicant could provide any marketing information they may have for the lack of interest in a non-commercial use of the building.

Normally, a development of 10 homes would not be liable for affordable housing under the new Government approach to small sites. Does the floor space of the building exceed 1,000 sqm? If this were the case, then the Affordable Housing Advice Note makes clear that a commuted sum towards affordable housing would be a requirement:

<http://www.dacorum.gov.uk/docs/default-source/strategic-planning/affordable-housing-spd---clarification-note-july-2016.pdf?sfvrsn=4>

Saved Policy 19 provides general advice on flat conversions.

- Additional Response 1 : 5 May 2017

While SP acknowledge the approach to date to securing commercial/community use of Nash House, I would take a pragmatic view regarding an alternative residential re-use given the current condition of the building and the overall benefits of restoring and bringing it back into active use, subject to achieving a satisfactory scheme that is fully justified.

SP have read the statement produced by Aitchison Rafferty which is helpful in providing an

explanation for a number of issues the scheme gives rise to. However, I would make the following comments:

- consider that the statement make a number of general but valid points regarding the suitability of the building (given its historic character/ access/level issues), the lack of parking and its generally poor location for a range of uses.
- acknowledge that new businesses will struggle to survive in weaker trading locations e.g. Dickinson Quay.
- it would be helpful if the statement could be more specific regarding the cost of refurbishing the building given its current poor state of repair.
- can the statement be clearer about commercial rent/value for community uses so that we can better understand how this impacts on viability.
- can the report explain how they reached a conclusion over the cost of refitting the shell of the building being in the order of £50-100,000.
- It is clear that the property has been marketed but no detail has been provided regarding the actual marketing process.

Providing responses to the above points will better help the applicant justify their scheme should they eventually submit a detailed application.

- Additional Response 2 : 26 July 2017

SP have now had an opportunity to read the attachment. SP note that Aitchison has provided an updated version of their supporting statement where they have sought to respond to the queries SP raised in previous comments:

“While I acknowledge the approach to date to securing commercial/community use of Nash House, I would take a pragmatic view regarding an alternative residential re-use given the current condition of the building and the overall benefits of restoring and bringing it back into active use, subject to achieving a satisfactory scheme that is fully justified.

I have read the statement produced by Aitchison Raffety which is helpful in providing an explanation for a number of issues the scheme gives rise to. However, I would make the following comments:

- I consider that the statement make a number of general but valid points regarding the suitability of the building (given its historic character/ access/level issues), the lack of parking and its generally poor location for a range of uses.
- I acknowledge that new businesses will struggle to survive in weaker trading locations e.g. Dickinson Quay.
- It would be helpful if the statement could be more specific regarding the cost of refurbishing the building given its current poor state of repair.
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- Can the report explain how they reached a conclusion over the cost of refitting the shell of the building being in the order of £50-100,000.
- It is clear that the property has been marketed but no detail has been provided regarding the actual marketing process.

Providing responses to the above points will better help the applicant justify their scheme should they eventually submit a detailed application.”

SP welcome the additional information provided in explaining the context for their future application. SP consider the level of information is proportionate and makes a reasonable case for the application.

One small point, SP didn't get to see the appendices. Can these be sent for completeness?

#### Building Control

No response.

#### Trees & Woodlands

No response.

#### Conservation & Design

- Original Scheme

I have considered the plans for the site and would offer the following comments

1. The original permission needs to be scrutinised as this does appear to have placed a responsibility on the developers to produce a scheme of works prior to the main site being developed
2. English Heritage took the decision not to list the building; it is considered however to be an important local heritage asset both in terms of the building and the historical significance of its past occupiers
3. The development was planned around Nash House remaining as an anchor in the new layout
4. The building has been extensively recorded in 2008 and in 2010-11
5. The house is now in very poor condition and I am concerned that the surviving historic fabric is extremely vulnerable
6. The proposed scheme works with the remaining footprint of the building (post demolition of the wing)
7. The front section of the building consisted of a pedimented mansard roof. The proposal is to extend the mansard roof over the rear sections – this in my view is acceptable from a design perspective and helps to balance and improve the massing of the building. Some negotiation on the dormers and fenestration may be required to ensure there is no overlooking.
8. The front and rear elevations are to be restored with their original openings, including the front porch and timber paned sashes
9. The external render should be specified to be an appropriate lime render – both for visual reasons and so as to ensure the remaining brickwork is not damaged. The 'break-back' in the render to the front elevation to each side of the pediment, as evidence in the brickwork, needs to be preserved
10. Window and door details required – the front doors appear to be shown as glazed double doors but it would be more appropriate to have a single solid panelled door here
11. Methodology for repairing porch required including cornices, pillars, steps and reinstatement of the railings
12. Design details for restoration of bracketed cornices and pediment required, and details of oculus window
13. Cellars – no proposals have been put forward to provide access to, or to preserve and restore the cellars – considerable historic fabric survives here
14. While the overall design approach is acceptable, CD unable to comment on the viability – the squeezing in of 10 flats does put pressure on the existing shell and would mean that any appreciation of the original interior spaces would be lost
15. Suitable disabled access arrangements required – CD understand a scheme is being devised to ensure the front porch is not compromised
16. CD understand discussions are underway to allow ground floor community use, which is to be welcomed. This would go some way in providing a space to articulate the

important history of the building – the original ‘safe’ door (still on site) should then be reinstated.

17. Car parking for 10 flats clearly raises the issue of the extent of the curtilage and amenity space, which is highly constricted, impacting on views of Nash House

18. There is also scope to introduce an interpretation panel or panels within the curtilage to provide a context for Dickinson Square and the history of the building – the design and wording for this should be agreed as part of the condition.

- Additional Advice Following a Meeting between The Conservation Officer & Archivist for Apsley Paper Trail

CD would like to see a condition being imposed which will allow for the introduction of interpretation to ensure that this important site and building is appropriately acknowledged, as part of the re-development of Nash House. Given that there is a considerable amount of information relating to the historic importance of the building and its occupants, an interpretation panel set in front of the building at an accessible point in Dickinson Square would be appropriate – it could either be a raked panel set on a block, using concrete or brickwork - it would require a more sophisticated and appropriate design or a monolith . It is assumed that the landscaping plans can incorporate this feature – It is understood this may require some further negotiation with the owners of the former Sappi Site, given that the red outline is tightly drawn.

( Please Note: The Agent has confirmed that it is not possible for Dickinson Square to be incorporated with the application site).

- Additional Advice

The use of the basement as a ‘museum’ is entirely impractical – there would be insufficient environmental control (damp/flooding/heating/lighting) and there is no proposal as to how any display material, exhibition panels, objects, store etc would be curated. The ‘demand’ for such a facility, if it is to be constrained to residents of Nash Mills, would appear to be negligible.

The House, forming part of Dickinson Square, was intended to be the anchor building for the development and the whole scheme was designed around its retention and occupation as a focal point. Concerned that proposals for the basement should be included in the current scheme – a much better use of the basement might be, for example, as a gym to serve the residents of Nash House and Nash Mills. The heritage element would need to be moved to the ground floor, where it could be combined with a mixed use community room. This would preserve some public access (via the main entrance) and help to prevent some of the sense of too many units being shoe horned into the remaining historic shell/footprint of the building.

#### Noise & Pollution

No adverse comments on Environmental Health grounds, but EH can’t help agreeing with some of the public comments regarding the lack of parking in that vicinity.

#### Housing

Due to the number of units being developed, the site will be exempt from any affordable housing contribution.

#### Scientific Officer

The site is located centrally within the recent Nash Mills Wharf residential development erected on the former SAPPI paper mill site. The site was residentially redeveloped following the grant

of planning permission in May 2010 (4/01382/09/MFA). The application site is set on the western side of Butterfly Crescent, to the north of a children's play area and adjacent to residential development on all other sides.

Nash House was erected in the 1800s. It was converted to offices in 1906 and expanded and remained in this use until the site ceased operating in 2007. As part of the 2010 planning permission relating to the wider site, approval was given for Nash House to be converted to provide a mix of restaurant and community uses at ground floor with offices above. In April 2013 permission (4/00195/13/FUL) was granted for the conversion of the upper floors to form three flats, with restaurant / community use again approved to the ground floor. This department was not consulted in respect of 4/00195/13/FUL. Neither of these options has been implemented.

The building is currently in a state of disrepair. It had been almost completely stripped out internally due to wet rot and dry rot, whilst much of the flooring has had to be removed. In addition the roof has been completely removed. As such only a shell remains.

The 2010 planning permission for the redevelopment of the wider Nash Mills Site (including 450 dwellings, a 64 bed care home and various community and business uses) has essentially now been implemented. The approved scheme included the retention and conversion of Nash House with a mix of restaurant and community uses at ground floor with offices above, which (as stated above) has not been implemented.

Condition 5 of planning permission 4/01382/09/MFA related to contamination. A number of phases of investigation have been undertaken at the site over the years and contamination identified, which required remediation. A remedial strategy was submitted and approved under planning reference 4/01757/11/DRC. Our records indicate that 3no. validation reports have been informally submitted for review (relating to Plots 1-6, 7-9 and 10-12). Our records do not indicate the validation reports to have been formally submitted.

In order to ensure that any contamination issues are dealt with in relation to Nash House, SO recommends that the standard contamination conditions be applied to this development should permission be granted. For advice on how to comply with this condition, the applicant should be directed to the Councils website ([www.dacorum.gov.uk/default.aspx?page=2247](http://www.dacorum.gov.uk/default.aspx?page=2247)).

#### Environmental Health: Health & Safety

No response.

#### Refuse Controller

No response.

#### Hertfordshire County Council: Highways

##### 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.

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

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

Description of the Proposal Roof extension, refurbishment and repair and use of building as 10 flats

#### Analysis

The applicant has not submitted any transport information i.e. - Transport Assessment, Transport Statement or a Travel Plan. A Planning Design Statement has been submitted though as part of this submission. As part of a Design and Access statement, the application should take account of the following policy documents; • National Planning Policy Framework (March 2012); • Hertfordshire County Council (HCC) Local Transport Plan 3-2011-2031 • Roads in Hertfordshire Design Guide 3rd Edition • Dacorum Borough Councils parking provision as per their parking policy.

#### Trip generation and distribution

As there are no supporting/mitigating details from the applicant regarding trip generation and distribution that this level of development will generate. However, this level of development is unlikely to generate significantly high levels of movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity.

Impact on Highway Network. A review of accident data held by HCC (5 year, latest to date) identifies no reported collision / injury accidents at this location associated with the use of the access. The creation of ten flats on this site will only impact on the highway if the development fails to provide sufficient off street parking space. This includes visitor parking if applicable. New or additional trips associated with this development would be low.

#### Parking

Although parking is a matter for the Local Planning Authority (LPA), the applicant should always provide details of parking provision and whether or not there will be any impact on the highway. In this case the applicant is providing a total of 11 off street parking spaces. The applicant will also need to provide cycle spaces. Roads in Hertfordshire highway design guide 3rd edition states that the dimension and location requirements for parking bays, driveways shall be in accordance with the guidance in DfT Manual for Streets. The LPA may wish to consider, if appropriate, either a condition or an informative covering the temporary increase of construction workers parking associated with this development. Whilst there are no current waiting restrictions, the highway authority (HA) would not wish for construction related vehicles to be parked close to the junctions on footways etc

#### Accessibility

Forward Planning Officers (Passenger Transport Unit) have not supplied any details of bus services and bus infrastructure to identify gaps in the service. Refer to HCC's Bus strategy (<http://www.hertsdirect.org/docs/pdf/b/busstrategy.pdf>). The site lies in a reasonably sustainable location with access for vehicles direct to the principle road network. Bus stop provision is provided along Belswains Lane and the A4251 with bus services to Hemel Hempstead Town and Watford. HCC recognises that the proposal is not expected to significantly intensify vehicle trips to / from the site.

Servicing Arrangements Refuse and recycling receptacle storage will need to be provided. It is likely that this will be via a kerb side service. No information is provided regarding servicing of the property.

## Travel Plans

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

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

## Conclusion

The assessment does not indicate any significant issues with the proposal. The highway authority would not wish to restrict the grant of planning permission subject to the inclusion of the above conditions and informatives.

## Hertfordshire Fire & Rescue Service

HFRS has examined the drawings and note the access for fire appliances and the provision of hydrants appears to be adequate. Further advice will be provided at Building Regulations stage.

## Hertfordshire Constabulary: Crime Prevention Officer

It is noted that security has been discussed at the Pre Application stage 4/03438/16/PRE and will be covered by building regulation ADQ as will the roof extension, HC have no further comment .

## Hertfordshire County Council: Lead Flood Authority

In the absence of a surface water drainage assessment, LFA object to this application and recommend refusal of planning permission until a satisfactory surface water drainage assessment has been submitted.

In order for the LFA to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques, the following information is required as part of the surface water drainage assessment:

- A statement of compliance with the NPPF and NPPG policies, LPA local plan policies and HCC SuDS Guidance and Policies.
- Anecdotal information on existing flood risk with reference to most up to date data and information.
- Location and extent of any existing and potential flood risk from all sources including existing overland flow routes, groundwater, flooding from ordinary watercourses referring to the national EA fluvial (River) and surface water flood maps.
- Detailed calculations of existing surface water storage volumes and flows.
- Detailed post development calculations/ modelling in relation to surface water are to be carried out for all rainfall events up to and including the 1 in 100 year including +40% allowance for climate change (for brownfield sites we require pre- and post-development run-off rates and volumes).
- Full detailed drainage plan including location of SuDS measures, pipe runs and discharge points, informal flooding (no flooding to occur below and including the 1 in 30 Year rainfall return period). All drawings to be 'final' not 'preliminary' or 'draft'.

- Detailed modelled outputs of flood extents and flow paths for a range of return periods up to the 1 in 100 year + climate change event and exceedance flow paths for surface water for events greater than the 1 in 100 year + climate change.
19. Full details of any required mitigation/ management measures of any identified source of flooding.
- Evidence that if the applicant is proposing to discharge to the local sewer network, they have confirmation from the relevant water company that they have the capacity to take the proposed volumes and run-off rates.

Justification of SuDS selection. Details of required maintenance of any SuDS features and structures and who will be adopting these features to the lifetime of the development.

Reason: A surface water drainage assessment is required under the NPPF for all Major Planning Applications as amended within the NPPG from the 6 April 2015. A surface water drainage assessment is vital if the local planning authority is to make informed planning decisions. In the absence of a surface water drainage assessment, the flood risks resulting from the proposed development are unknown. The absence of a surface water drainage assessment is therefore sufficient reason in itself for a refusal of planning permission.

Overcoming the LFA objection: The applicant can overcome our objection by submitting a surface water drainage assessment that demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of a surface water drainage assessment will not in itself result in the removal of an objection.

The applicant should take into account the opportunities for improvement of the existing situation by giving priority to the use of sustainable drainage methods, the SuDS hierarchy and management train.

Informative to the LPA: For further advice on what we expect to be contained within the surface water drainage assessment, please refer to our Developers Guide and Checklist on our surface water drainage webpage

<http://www.hertsdirect.org/services/envplan/water/floods/surfacewaterdrainage/>

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

#### Hertfordshire County Council: Historic Environment

Nash House [Historic Environment Record No 15958] is a 17th century house, and, as the home of the Dickinson family (the paper makers) and Sir John Evans, in the 19<sup>th</sup> and early 20<sup>th</sup> century, it is a building of local importance. An historic building record of the house was made in 2008 and further recording took place in 2010-11, when the house was stripped back to the historic fabric as part of a scheme to convert it to community use. It is fortunate that this detailed record exists, given the current condition of the building.

In this instance, given the building's recent history, HE consider the proposal will not have an impact on heritage assets, and I have no comment to make upon the proposal.

#### Hertfordshire Ecology

The building affected by the proposals is now largely a shell and has no roof. Bats are not likely to be an issue in such a structure.

HE consider the LPA can determine the application without the need to consider bats any further. Unfortunately the wider redevelopment site of the former mills is ecologically impoverished with little or no greenspace or trees, although the canal side corridor has been retained. The mill site was also previously wholly developed.

Consequently HE do not consider there would be any significant ecological gain by providing bat box enhancements within the redevelopment of the building itself. Any landscaping enhancements to reflect the historic nature and setting of the building and which would benefit local ecology would be welcomed.

#### Hertfordshire County Council: Herts Property Services

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

#### Environment Agency

No response.

#### Thames Water

Waste

Surface Water Drainage - It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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

Water

With regard to water supply, this comes within the area covered by the Affinity Water Company.

#### Affinity Water

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

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

Affinity Water Ltd.

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

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

#### 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.

#### Civil Aviation Authority

No response.

#### Vice President & Honorary Secretary ,Hemel Hempstead Local History & Museum Society

I am writing to you as Vice President and Honorary Secretary of this Society, and as someone who spent over 27 years working in Nash Mills House itself, during the days of John Dickinson's, DRG and Sappi. The Committee have also asked the VP to write to the LPA concerning this matter as they are most concerned.

I have to say that the current plans to make the building a 'residential only' establishment is totally out of keeping with its proud history. It was bad enough that it was opened up like a can of beans and left open to the elements and the vandals, but the decision to do away with the proposed use of the ground floor, which would have at least served the community, is the last straw.

I am aware of course of the almost total disregard of History and Heritage that has existed in Hemel Hempstead over the years, and I implore you to reconsider this application.

This building, as you will be aware, was home to John Dickinson himself, and the universally known and revered Evans Family, and cannot be allowed to just fade away without some form of acknowledgement of its former glory, hence my request. A colleague has suggested that history tablets be put in place on the outside wall of the building to remind people of its historical past – A request that I support totally.

I can assure you that apart from our membership, there are many people who would support

the request. I can vouch for other former employees, who I see from time to time at our Nash Mills reunion evenings, many of whom have been saddened by the demise of the mill itself, but in particular the House.

I sincerely hope that our requests meet with your understanding, and that you may be inclined to look again at the decisions regarding this magnificent building.

#### Dacorum Heritage Trust

I am writing to you as Chairman of The Dacorum Heritage Trust because we had anticipated from the Public statements and plans displayed in August 2009 that there was to be a communal meeting facility on the ground floor of the redeveloped house. These were expected to allow a permanent storyline of the former mill and particularly John Dickinson and the Evans family. All made important contributions to our understanding of mankind and its development. The large multinational company founded by Dickinson used his many inventions to provide employment for many. Paper and board made by the techniques he pioneered is still being made in much the same way today on modern machines.

The current proposals remove the possibility of interpreting this information and so will deny the community of the knowledge of important aspects of our heritage.

I would urge that consideration is given to reinstating this community facility but in the event that approval is given then an appropriate form of wording acceptable to local historians be permanently added to the outside walls.

#### St Albans and Hertfordshire Architectural and Archaeological Society

The Society is concerned to ensure the preservation and public appreciation of this important building. The Georgian house is believed to have been built around 1790 and, following Sir John Evans' move to a new home in 1906, the house became an office for the mill from 1906 until 2006 when paper production at the mill ceased. John Dickinson, FRS had lived there from 1811 to 1834 during which time he took out many important patents for the development of paper making processes, a significant part of the economic history of the county. Without doubt the most famous resident was Sir John Evans, FSA, author of many important books, recipient of many honours and a key player in the county's intellectual and political life in the late nineteenth century.

The building is an important feature of the "Apsley Paper Trail" and the Society regrets that an earlier scheme to turn it into a museum did not happen.

The Society understands that previous proposals to include the building in a housing development would have secured some level of public access its history and heritage, but that revised proposals may risk curtailing this. The Society understands that there is a proposal for the developer to provide some form of interpretive plaque or tablet, and the Society commends this to you subject to appropriate wording being agreed.

The Society stresses that the house is an invaluable heritage asset for appreciating the economic, political and intellectual life of the county, and failure to preserve it and present it to the public would be a sad loss.

#### Archivist for the Apsley Paper Trail

Object.

It should be noted that the plans submitted in August 2009 together with the public exhibition and supporting leaflet created the unequivocal understanding that Nash Mills House was to be

the centrepiece of the development.

This principal was repeated in April 2013 in the application to change the office use to residential. It seems strange that a reversal should have taken place in such a short period.

#### Historic Buildings Assessment

APT hold a copy of the detailed archaeological assessment conducted in 2008 by Archaeological Assessment & Consultancy Ltd. This report includes detailed plans, descriptions and several hundred photographs of the entire site.

##### Detailed Comments:

Existing Elevation 2/2. Shows a door partly below ground level which would presumably give access to the cellars. The extensive cellars extended throughout the site but are not referred to in the application. The details were however recorded in the Historic Buildings Assessment.

Do the cellars still exist?

If so then what is their proposed use?

Existing Ground Floor Plan. This shows the floor plan as it was at the time of the Historic Buildings Assessment in 2008, not as it is today. Since 2008 the wing to the rear and left of the plan has been removed. This plan is therefore not representative of what exists and so is inaccurate and therefore misleading.

The Safe. The Ground Floor plan also shows the location of a 'Locked Safe', this would have originally contained Sir John Evans' valuable gold coin collection. Is the safe still in situ? See the proposed ground floor plan in which the safe appears to have been replaced by two wash basins. Why has this historic and unusual feature not been retained? See pictures below.

#### The Planning Application Forms

Assessment of Flood Risk. This has not been answered correctly as the building is approximately eight metres from a watercourse, not more than twenty.

Residential Units. The high density of housing coupled with the lack of parking would not be attractive to potential buyers, nor does it do anything to solve existing pressures on parking in the vicinity.

#### The Planning, Design and Access Statement.

1.2.1 The Historical context of the site is acknowledged.

1.3.1 The reference to the 'dilapidated but locally significant building' fails to acknowledge that the bulk of the major dilapidations have occurred since May 2007 when the house was acquired for development, and so is of the developers own making.

2.2.1 Incorrect information. This house was built in the 1790's not the 1800's (Ref. Joan Evans *Prelude and Fugue*). Nor was it built as the home of John Dickinson who bought it in 1810 and moved in 1811.

7.1.2.18 The environmental dimension fails to address the opportunity to register the

history of the site, the house and its inhabitants. See the final paragraph of my conclusions below.

8.2.2 The writer spoke to the developer's representatives at the public exhibition held in September 2009 about restoring the house in the early stage of the project. When told that there were other priorities the writer became concerned that the developers were not likely to honour their original plans for the house in the way they had been detailed in the exhibition and in the associated leaflet. Time has proved this to be true.

The Atchison Rafferty Report.

3.1 Our best information is that the house was not built in the 1750's but the 1790's (See 2.2.1 above).

3.4 The condition of the house referred to in this paragraph has been, in my opinion, considerably aggravated by the developers themselves. In the early days during demolition of the factory blocks it is said that vandals entered the house and did significant damage despite 24-hour security on site. Later, the roof was completely removed so that the internal shell was left unprotected for about two years, during which there was an exceptionally wet winter. This must have contributed materially to the rot as well as damaging plasterwork and ceilings. These are problems which the developers clearly took no steps to alleviate.

Conclusion

Previously there has been the intent to provide a community use facility in which an opportunity to provide a detailed history of the mill, the house and its famous inhabitants and visitors as published in Sept 2009 (Ref. Linden Homes, Crest Nicholson, 'A Flagship Scheme Comes to Nash Mills', leaflet A4 two-sided). Clearly the new proposals would prevent this so that an alternative means of disseminating this information is now required, possibly by permanent tablets or plaques on the building's exterior.

The writer has been following the progress of this Georgian building since the time when it was still part of the former Sappi premises. Previously it had been a major component of the John Dickinson paper manufacturing empire. For some years now the writer has been also been a contributor to the Nash Mills Parish Newsletter with many articles illustrating the history of the house and of the notable people who lived there.

The writer is keen to see this once attractive house restored to some of its former dignity and believe that this planning application should be modified to become a vehicle for its reinstatement. It should be allowed to tell its story too, if not in a communal area within the house, then by the use of suitable agreed panels or plaques on the exterior. For this it is suggested that a small panel of local history enthusiasts should be auctioned to agree a suitable wording. I would be most happy to arrange this.

Some of the comments about dates etc may seem to being pedantic once erroneous information gets into public records then it is almost impossible to get things straight again.

*A/so:*

1. In summary concerns regarding recording of the representations received from some other third parties on the website ( none of these relate to representations from local residents). The objections should be in full.

2.The writer has have been deeply involved with the future of this historic building and am the person who originally, and unsuccessfully, applied for listed status. There has been a tragic history of neglect since it has been held by the developers. Whilst' I could say more we are where we are and need to make the best of things'.

3.Others will be commenting on the issues of density and loss of a potential community benefit. The writer's concern is to maximise the historic potential in a permanent way and to ensure that links remain to the world's of industry and academia which were represented by the occupants of the house. It had been expected that this would have been done through displays within the public areas but as these will no longer exist there is the need to look at other solutions.

4.At the present time, concerned that the drawings showing the existing elevations and plans with the application are incorrect. They actually seem to show a hybrid combination of what was once there. Not what IS there. The drawings are misleading and they also create a mistrust of the detail in the remainder of the application.

5.I have been deeply involved with the future of this historic building and am the person who originally, and unsuccessfully, applied for listed status. There has been a tragic history of neglect since it has been held by the developers. Whilst I could say more we are where we are and need to make the best of things.

6.Others will be commenting on the issues of density and loss of a potential community benefit. My concern is to maximise the historic potential in a permanent way and to ensure that links remain to the world's of industry and academia which were represented by the occupants of the house. It had been expected that this would have been done through displays within the public areas but as these will no longer exist we need to look at other solutions.

7.At the present time, I am concerned that the drawings showing the existing elevations and plans with the application are incorrect. They actually seem to show a hybrid combination of what was once there. Not what IS there. I find them misleading and they also create a mistrust of the detail in the remainder of the application.

#### Trustee of Apsley Paper Trail

I am writing to you as a Trustee of The Apsley Paper Trail because we have a deep interest in the story of paper development within the Borough of Dacorum. The two principal processes for paper making used today were both invented on the river Gade's mills. These pioneers of paper making drove a revolution in the dissemination of knowledge through the availability of cheap machine-made product instead of labour intensive hand-made paper

We have learnt with dismay that the previously proposed development plans for this house have been abandoned by removal of the communal facility, thereby removing the opportunity to retell the important stories of the people and story of the mill and John Dickinson, in particular. Dickinson's son-in-law, John Evans, also lived in the house and was a polymath in many fields.

The Nash Mill site was a major part of the large multinational company founded by Dickinson using his many inventions to provide employment for many. Paper and board made by the techniques he pioneered is still being made in much the same way today on modern machines.

The current proposals remove the possibility of interpreting this information and so will deny the community of the knowledge of important aspects of our heritage.

I would urge that consideration is given to reinstating this community facility but in the event that approval is given then an appropriate form of wording acceptable to local historians be permanently added to the outside walls. house

Vice President, Hemel Hempstead Local History and Museum Society Chairman, Berkhamsted & District Archaeological Society

The changes proposed in the present development application for Nash Mills House from the previous agreed planning application by new developers are iniquitous. It completely overrides and ignores the previously agreed Heritage preservation aspect of that plan. New developers should not be allowed to totally ignore agreed Heritage aspects for their own rapacious ends. The new developers have allowed vandalism to occur and promoted the destruction of the house by removing the roof to allow the elements to complete their requirement of destruction. They have wantonly destroyed the historic Heritage associations of the house associated with the previously granted development application.

Since the house is lost it must be a requirement in the present planning application, if granted, that the developers fund an appropriate plaque on the development recording the house's historic association with paper making in the area and being the home of three successive prominent, internationally known, local archaeologists: Sir John, Sir Arthur and Dame Joan Evans - all also quondam Presidents of the Society of Antiquaries of London (Dame Joan being the first woman President in its 300 year history). The wording on any such plaque must be composed and agreed with local knowledge input.

DBC makes much of its concern with Heritage, but in this instance its Planning Department has shown to be lacking in awareness and now has the opportunity to rectify that omission. It is said that they who have no past have no future - it is up to DBC and Planning to stand by its Heritage commitment in making the provision of an appropriate plaque a requirement of granting the development application.

Association of British Paper Historians

The local area holds an important position with regards to the paper industry, because it was in mills such Frogmoor and Two Waters that development of two mechanised paper machines was carried out over two centuries ago. These developments can be traced directly to the major global industry we have today, that worldwide products 4370 million tonnes per annum of paper and board.

One of the pioneers of this development was John Dickinson, who was resident at Nash Mill House. As such would wish to preserve the property, and would endorse placing a plaque or some other information plate / informative plate to document his residence, as well as his son in law, Sir John Evans, the noted industrialist and academic.

However it has been brought to our attention of ABPH that the roof was removed some months ago. And the building has since suffered the ravages of the weather. ABPH fully support the redevelopment of the site in order to preserve the structure, and would loath to see it damaged to the extent that demolition were deemed expedient. It is questioned what is being done to expedite the redevelopment of this beautiful Georgian building, the abode of two major figures in the local economy, and one of international importance to the paper industry as a whole.

Response to Neighbour Notification/ Publicity

### 10 Butterfly Crescent

Too many units for the development of houses that surround it.

Nowhere near enough parking spaces- you only have to look at the estate overflow car park and Red Lion Lane.

Where will the contractors park in the construction stage. No. 10 does not want vehicles in front of its driveway as it's a controlled parking area and again when residents move in how will parking restrictions be enforced?.

Object due to cramming as many units as possible in what should have been a historic focal point and building, the lack of parking and the extra noise and pollution due to extra traffic etc.

### 6 Francis Mews

Object to the amount of residential flat: it should be 6.

Agree that the ground floor should be converted to flats.

It isn't clear whether there is any change in external design : if there were to be no. 6 would object.

The site is important on the estate and the restoring this old and original building to the shape and design originally proposed is to the betterment of the whole Nash Mills Wharf Estate. But if its design were to change then this would detrimentally affect the environment of the immediate neighbours .

Agree that the real effect of 10 flats would be an unmanageable amount of cars and traffic on an estate whose road system wasn't designed very well.

### 5 Butterfly Crescent

This is the house neighbouring Nash House and look forward to seeing it restored to its former glory - the current wreck we look at is sad and unsightly.

However, these plans do not suggest a sympathetic restoration project but merely a cramming exercise to maximise profit. The previous plans to convert the 1st floor to 2 flats & 2nd floor to 1 flat were approved and we did not raise objections. However, now 3 flats are proposed for the first floor with an extension to the 2nd floor to allow for 3 more flats (2 more than originally planned). From our point of view the increased number of windows facing our house and garden will feel intrusive - the road between our house and Nash House is very narrow. We therefore object to the 2nd floor extension. 10 units is an over development of the site and allowing only 11 car spaces puts a strain on an area already congested. In summary, we object to the 2nd floor extension and huge number of units proposed.

### 33 Butterfly Crescent

Given the intention to create 10 units, the provision of 11 parking spaces is not sufficient. Dacorum and Hertfordshire County Council have already noted existing parking issues with this development which has resulted in the addition of double yellow lines in the roads adjacent to the development and near which (in reference to Red Lion Lane), is still an issue. A mere three weeks ago there was a traffic collision where Rose Lane meets Red Lion Lane which cited parking facing the entrance to the development as a mitigating factor.

The development at present is in urgent need of parking measures to improve the current

situation. Developers would need to prove that they would be improving the parking situation and not exacerbating it if they would like to gain support.

Further, the application does not state how it would intend to carry out the work with minimal disruption to residents. The roads on the development are not designed for goods vehicles.

### 12 Croxley Road

#### Object

- the amount of units within this building of historical interest appears excessive and with more units comes more traffic in the general area, which is already an issue.

- Nash House provides a perfect opportunity to provide a community space in the area. A portion or the whole ground floor could be a great space for the community to use as a meeting hall and amenity space for the large amount of residents that now live on the estate. There is very little community space in Nash mills. In fact, the local primary School at Nash mills is forced to close for safety reasons as it is used as a polling station. This could be avoided if a community hall was provided in Nash house which could also act as a polling station when the need arises. The developers have failed to provide any community buildings/space on this large residential site and this is the last opportunity to do so.

### 22 Richardson House (the registered proprietor )

Richardson House is located directly opposite the proposed development.

The conditions which writer proposes to be attached any grant of planning permission are:

1. Restrictions on the hours in which the works are undertaken. These should be kept to daytime hours only to prevent any disturbance to local residents.
2. An Acoustic Management Plan to minimise noise pollution to Richardson House.
3. A Traffic Management Plan to minimise disruption in accessing the development. Restrictions should be placed on the type of vehicle used and the times in which they access the development should be kept to a minimum. The residents require access to and from the undercroft car park and along Rose Lane at all times.
4. Provision of not less than 10 allocated car parking spaces for the residents of the proposed development and extension to the existing visitor's car park on the intersection between Red Lion Lane and Lower Road.

### 13 Crossways (Co-chair Apsley Paper Trail)

Most disappointed by this proposed development. It is most important that this Georgian house maintain its original character and connection to the community.

Hemel Hempstead and the surrounding area are often accused of suffering from a certain soullessness. This is not uncommon for new towns, but there are ways to help with this. One means is to identify and remember the history of the community. The Gade valley used to be the paper making centre of the world. This was in large part due to the activities of the innovative industrialist John Dickinson and his family. Nash House represents an opportunity to connect the community to this history and celebrate it.

The original promise to provide a community meeting place in the refurbished building was an excellent way to achieve this, and should be delivered.

### 66 Douglas Crescent, Stevenage

As a former resident of the area and a former employee of Nash Mill disappointed that the historical significance of this Georgian building seems to have been conveniently forgotten in the haste to cram as many dwellings into the space as possible and reap the profits.

That aside, 10 flats seems greedy and given the parking issues already raised by others, this application should be reconsidered eg: the reduction of the number of dwellings within Nash House and creation of some community areas.

### 5 Cannon House

This is already a large housing development with existing issues of traffic and parking resulting in multiple car accidents on the edge of the estate. There is not enough parking currently for residents. By adding additional flats into the development will only add to this existing issue.

Eleven parking spaces is not sufficient. Most households especially those which have more than one bedroom are highly likely to have more than one vehicle.

The roads are not suitable for large goods vehicles especially by a childrens play area.

The works will cause noise disruption and should be limited to weekdays.

The area would be more suited to local businesses eg a shop, hairdresses, dentist etc to support the large number of existing residents.

### 1 Francis Mews

Nash House was intended to be an historical focal point on the estate, giving a mix of contemporary & traditional buildings.

The increase in size is not appropriate for the estate, 11 parking spaces for 10 units of this size (based on number of bedrooms being 2 in 8 of the units, potentially at least 2 vehicles for each of these units) is not enough.

There are already huge parking issues on the estate & surrounding area, where estate occupants are parking on local residential streets (Bunkers Lane is particularly badly affected).

An increase in the size of the development of Nash House means more construction traffic for a longer period of time & more parking issues & mess whilst in construction.

### Grover House , The Embankment 1st Response

The 450 homes that are already built are enough. There is not enough parking and cramming more and more homes in an area that is already reaching breaking point with regards to parking is unnecessary.

The use of the surrounding roads confirm that there is a real problem with regards to the amount of homes built vs adequate parking. What is an idyllic area is soon becoming a mini town, defeating the reason the majority of residents have chosen to live here.

Strongly object as it will overwhelm/ ruin the current development. When making the assessment it is requested that the LPA spend an evening from 6pm to review the roads and to observe the real problem. There has been a car crash into the wall of the care home due to the narrowness of road to drive with the amount of cars. .

### Grover House ,The Embankment 2nd Response

There is nowhere near enough parking for the current flats. The current development is overrun with cars and no consideration regarding parking.

Object to this as cramming more flats into an already built up development will ruin the area. You only have to look at the surrounding roads to the development to see the number of cars. There is currently 450 homes, no more are needed.

#### 11 Francis Mews

Object.

10 units is an over development of the site not to mention the space around the building is not big enough for the parking that would be required, 11 spaces is just enough either for the amount of flats. There are already issues with parking in this particular area of the estate as well as across the whole estate.

No. 11 is opposite the site with some full length floor to ceiling windows facing the site would mean a loss of privacy and being overlooked. As well as a visual intrusion with the building not being restored in the manner in which it should be.

#### 19 Croxley Road

Object to these plans mainly based on the parking situation.

The original plans were for a much smaller amount of properties to be within the current building. The plans submitted appear to be incorrect at ground floor level, have these been based on old plans?

Parking will be a huge problem. Having 10 properties and only 11 spaces for majority of the flats being 2 bed, where will the additional parking be? . The proposal will add more issues with people trying to double park etc. No. 19's spaces are behind this and there are already cases of being blocked in or have issues and this will just increase the issue with so many more people needing to park.

How is the developer planning on providing construction vehicular access as road leading into this area is a single track road. So how will the current access to parking for residents be affected. There is also no space for large vehicles to be based throughout the day.

We therefore object to these plans mainly based on the parking situation.

#### 18 Croxley Road

Object due to the increased parking needs and road traffic that would be generated by a further 10 households needing to access this relatively small area.

No. 18's own parking spaces are in the parking area adjacent to Nash House and it is inevitable that access to these spaces will be affected by any increased traffic in this area.

However, clearly something has to be done with Nash House as it has remained derelict for far too long. The well-considered report by Atchison Rafferty recommends that 6 residential units would be appropriate for the site and, given the need for the site to be put to good use.

No. 18 would not object 6 units being approved. 10 units is just too many!

#### 25 Butterfly Crescent

These plans are not appropriate for the site because the building is of historic interest (we understand the original consent for the Nash Mills Wharf development was given on the basis of Nash House remaining as a historic focal point).

We do therefore have objections to its greatly increased size and the number of units proposed which we feel amounts to "cramming" and not appropriate to the estate.

Whilst the Nash House site has a number of allocated parking spaces (11), these will almost certainly not be sufficient for the number of potential occupants in the proposed 8 x 2 bedroom and 2 x 1 bedroom units.

This will also considerably increase the amount of traffic flowing through this area of the estate.

Further with such a large project as this, the amount of builders' traffic during the construction process through the estate will be massive.

The application was received on the 26th June and then validated on the 27th July and comments/objections have to be received by 24th August. We only received notification on the 5th August. This appears to have taken a huge time to process. Bearing in mind the holiday period with so many of us away during the month of August together with what we see as the serious implications of this proposal, such a close deadline for consultation is most unreasonable and should be extended.

#### 6 Nettlecroft

The writer is a lifelong member of Hemel Hempstead Local History and Museum Society. Distressed to see the condition of Nash House. This building should be preserved for the future generations of Hemel Hempstead residents and for the history of England. Request that the Council helps the work of the Archivist for the Apsley Paper Trail- please see below.

Reference to the then latest information sheet regarding Nash House.

#### 9 Francis Mews

In purchasing the property there were assurances that there would be no development of the estate beyond what could be seen. Up to now the area developed sensitively, and within expectations.

Nash House is at the heart of the development and is an attractive and historic building. Several ideas have been suggested for its use over the years but all of them have been acceptable and within the spirit and mood of the estate. The present plan for 10 flats is both unacceptable and horrifying echoing the worst aspects of the Victorian back to back ribbon development .

There are already several blocks of flats and this proposal will not only ruin an established historic building but subject the writer to seriously increased traffic, parking issues and air pollution which will endanger the children playing in the immediate locality.

It is appreciated that some kind of use must be found for Nash House , but surely the Developers must be satisfied

#### 20 Formosa Street, Maida Vale

It has been distressing to read of the treatment meted out to this historic property by the

current developers, evidently with the approval (or at least the acquiescence) of the Borough Council.

The writer visited the house in 2007 with a party of curators and staff from the Ashmolean Museum, Oxford: the visit was in the nature of a pilgrimage to the home of one of the museum's principal benefactors, Sir John Evans, and the sincere pleasure brought by the visit was shared by all concerned. In the following year, at the centenary of his death, the writer had the privilege, as the then Director of the Society of Antiquaries, of laying a wreath on behalf of the Society at Sir John's grave in Abbots Langley, before going on to chair a day-long symposium at the Ashmolean which celebrated Sir John's many contributions to society and to launch a multi-author book that acknowledged the achievements of this outstanding figure of his day – *Sir John Evans 1823–1908: Antiquity, Commerce and Natural Science in the Age of Darwin*.

At that time the property was unoccupied but in a sound condition: there was every expectation in Hemel Hempstead that when the Nash Mills site was to be developed Nash Mills House would form the centrepiece of the new development. It was, of course, the principal Georgian building in the town and hence (it was anticipated) would function as a potent centre for community activities. Its architectural merits are undisputed, but just as important is the central role it played as home to the Evans family, in the heart of the Dickinson paperworks.

If the Council has decided that the community is to have no such amenity at its centre – indeed no centre at all – then that is a matter for the Councillors and their electorate. For the building to have been wrecked – and for yet further indignities yet to be visited on it – is, however, a matter of national interest and a source of shame on those whose task it is to protect and nurture the community interest. Although the integrity of the house has already been ruined, it is not too late for the Council to recognize its past failures and to reinstate Nash Mills House to the permanent prominence it deserves within its historic setting.

#### 280 Belswains Lane

The Crest Nicholson development of the former Sappi Paper Mill has been thoughtfully and carefully constructed with 2 exceptions - Nash Mills House and overspill parking provision.

As the estate has become understandably a more desirable place to live, the parking issues have become increasingly serious . Belswains Lane and Red Lion Lane have become 'car parks' themselves at peak times twice a day, and overspill has rendered Red Lion Lane almost un navigable.

Originally intended to be a hub for the state community , Nash Mills House has almost been destroyed by subsequent developers with little thought to the preservation of the historic building that it is it has been converted as several dwellings , then 9 flats is a considerable overdevelopment of an already crowded space , and the original proposal of 6 is more than enough .

What provision will be made for safety surrounding the kindergarten / nursery if the estate becomes hazardous ?

#### 10 Croxley Road

The consent for a change of use following the original application has expired and will therefore need to be re-applied for. Any new application will need to be re-submitted along with justification as to why commercial units are not viable. I would have thought that there is more demand for commercial units now the site is built out.

The proposed parking is totally insufficient for the dwellings proposed. Some of the apartments clearly show one bedroom and a study. The latter is big enough to accommodate a bed and of course will be used as such. The parking required for a two bedroom apartment in Dacorum's planning guidance is greater than that required for a one bedroom apartment and yet the developer is seeking to avoid having to provide the required standards by annotating the second bedroom as a study. This practice should not be tolerated particularly on a site which already suffers from lack of parking space.

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## **REVISED SCHEME**

### Nash Mills Parish Council

Planning Committee want to clarify ownership of car spaces

As far as NMPC are aware that **as at** the present date no residential planning permission is in place.

Would like the profile of 2nd floor extension to be defined

Some windows in extension still overbearing

What will the basement be used for?

renaming some second bedrooms as a "study" will not prevent use of these areas as bedrooms and accordingly the Planning application description is not accurate. Does DBC consider this renaming will have any implications re car parking provision?

Nash Mills Parish Council object to the proposed application.

### Strategic Planning

Comments awaited.

### Conservation & Design

CD is very keen to see the building restored from its current dilapidated state.

The reduction from 10 to 9 units is welcome, as is the provision of a community room on the ground floor with a ramped access and DDA compliant toilet. How the interpretation panel are to be produced and maintained in the longer term needs to be carefully conditioned.

The removal of the both bins to the side elevation is an improvement.

The partial use of the basement to provide a second bedroom for Flat 4 is an unfortunate modification – there is no clear rationale left for the use of the remainder of the basement, which has never been properly integrated into the scheme. It would be far preferable to leave Flat 4 as a 1 bedroomed flat, with a view to possibly carrying out a fuller public consultation on a future use for the basement.

### Building Control

Comments awaited.

### Trees & Woodlands

According to the information submitted the applicant advises no trees will be detrimentally

impacted by the development. The information has been examined and it is confirmed no trees are affected and subsequently have no objections to application being approved in full.

#### Strategic Housing

Due to the number of units being developed, the site will be exempt from any affordable housing contribution.

#### Noise & Pollution

Comments awaited.

#### Scientific Officer

Comments awaited.

#### Lead Flood Authority

LFA have been consulted previously on the same planning application as a major application as it considered the construction of 10 flats.

However, the current application concerns the construction 9 flats, which makes it a minor planning application.

As it is a minor application the LLFA are not a statutory consultee. Therefore the LFA can only offer our advice to place the LPA in position to make their own decision regarding surface water and drainage.

The LFA has reviewed the Environment Agency maps for surface water flood risk, and the proposed development is at a predicted low risk of flooding from surface water and we do not have any records of flooding in this location. Therefore the LFA have no objection in principle to this planning application.

However it is recommended the LPA to seek information of how the applicant intends to manage the surface water generated on site and how the proposed development site can be adequately drained. We note that there are no public surface water sewers within the vicinity of the site.

Should the LPA decide to grant the permission, it is recommend that a pre-commencement condition is imposed to obtain information regarding surface water management of the site. As a minimum the LPA should require a drainage strategy that includes the details of how the on-site surface water will be managed, where possible providing appropriate sustainable drainage techniques and the location of discharge off the site, along with any supporting calculations. In case the applicant proposes to infiltrate, LFA would recommend that infiltration tests are carried out to ensure that feasibility of the soakaway.

Should the LPA require further information from the applicant, the LFA can offer comments on any additional information related to surface water management.

#### Hertfordshire Council :Highways

##### 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.

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

Highway Act 1980.

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

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

Description of the Proposal Roof extension, refurbishment and repair and use of building as 10 flats

This amendment supplies documentation for 9 flats

Analysis

The applicant has not submitted any transport information ie - Transport Assessment, Transport Statement or a Travel Plan. A Planning Design Statement has been submitted though as part of this submission. As part of a Design and Access statement, the application should take account of the following policy documents; • National Planning Policy Framework (March 2012); • Hertfordshire County Council (HCC) Local Transport Plan 3-2011-2031 • Roads in Hertfordshire Design Guide 3rd Edition • Dacorum Borough Councils parking provision as per their parking policy.

Trip generation and distribution

As there are no supporting/mitigating details from the applicant regarding trip generation and distribution that this level of development will generate. However, this level of development is unlikely to generate significantly high levels of movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity.

Impact on Highway Network A review of accident data held by HCC (5 year, latest to date) identifies no reported collision / injury accidents at this location associated with the use of the access. The creation of nine flats on this site will only impact on the highway if the development fails to provide sufficient off street parking space. This includes visitor parking if applicable. New or additional trips associated with this development would be low.

Parking

Although parking is a matter for the Local Planning Authority (LPA), the applicant should always provide details of parking provision and whether or not there will be any impact on the highway. In this case the applicant is providing a total of 11 off street parking spaces. The applicant will also need to provide cycle spaces. Roads in Hertfordshire highway design guide 3rd edition states that the dimension and location requirements for parking bays, driveways shall be in accordance with the guidance in DfT Manual for Streets. The LPA may wish to consider, if appropriate, either a condition or an informative covering the temporary increase of construction workers parking associated with this development. Whilst there are no current waiting restrictions, the highway authority (HA) would not wish for construction related vehicles to be parked close to the junctions on footways etc

Accessibility

Forward Planning Officers (Passenger Transport Unit) have not supplied any details of bus

services and bus infrastructure to identify gaps in the service. Refer to HCC's Bus strategy (<http://www.hertsdirect.org/docs/pdf/b/busstrategy.pdf>). The site lies in a reasonably sustainable location with access for vehicles direct to the principle road network. Bus stop provision is provided along Belswains Lane and the A4251 with bus services to Hemel Hempstead Town and Watford. HCC recognises that the proposal is not expected to significantly intensify vehicle trips to / from the site.

Servicing Arrangements Refuse and recycling receptacle storage has been provided.

#### Conclusion

The assessment does not indicate any significant issues with the proposal. The highway authority would not wish to restrict the grant of planning permission subject to the inclusion of the above conditions and informative notes.

#### Hertfordshire Ecology

Comments awaited.

#### Hertfordshire County Council: Historic Environment

As for the Original Scheme.

#### Hertfordshire Fire & Rescue Service ( via HCC Highways)

Comments awaited.

#### Hertfordshire Constabulary: Crime Prevention

HC support this application, however cannot find crime prevention or security listed in the documentation.

Whilst it is imperative that the fire service should have unrestricted access to all floors in the event of an emergency security still needs to be considered to restrict unlawful free movement throughout the building,

#### Hertfordshire Property Services

Comments awaited.

#### Environment Agency

Comments awaited.

#### Thames Water

Comments awaited.

#### Affinity Water

Comments awaited.

#### NATS

Comments awaited.

#### Civil Aviation Authority

Comments awaited.

Archivist for the Apsley Paper Trail

My comments on these revised plans relate to the historic and heritage aspects of this important building's position in our community.

The revised plans do appear to have retained the unusual two door safe which were a feature of the original occupants of the building. This is good and goes some way to redress the broken promises made in 2009.

The previous developers had published their plans for reinstating the building, but these had proved to be empty words. In fact, the building was reduced to a sorry shell and an eyesore. Hopefully the current plans will restore this non-designated historic building to be the central landmark which it deserves to be.

In my view it is essential that the plans should incorporate the provision of suitable interpretation panels in Dickinson Square to describe three main areas.

The story of the mill from Domesday and its 250-year history of papermaking  
The process of mechanical papermaking largely developed on this site  
The story of its major occupants, their contribution to national and local affairs

The provision of such panels will guarantee an enhanced appreciation of the significance of the entire development. Draft ideas are available which would need to be taken forward by a professional designer.

Vice President & Honorary Secretary - Hemel Hempstead Local History & Museum Society

I write as someone who spent over 27 years working in Nash Mills House itself, during the days of John Dickinson's, DRG and Sappi.

To reiterate my comments of the 24<sup>th</sup> August last, as yet unacknowledged, I do believe that the current plans to make the building a 'residential only' establishment is totally out of keeping with its proud history. It was unforgivable that it was opened up like a can of beans and left open to all the elements, let alone being left, by totally inept security arrangements, to the attention of a number of vandals.

However, the current condition of the building is such that to pursue our cause is now probably unrealistic, and therefore I would not oppose the proposals. Nevertheless, The building, as you will be aware, was home to John Dickinson himself, and the universally known and revered Evans Family, and cannot be allowed to just fade away without some form of acknowledgement of its former glory, a colleague has suggested that history tablets be put in place on the outside wall of the building, or even as properly installed free-standing boards, to remind people of the historical past of what was a magnificent building – A request that I support totally.

As I say, I do not oppose use of the building as laid out. However, I sincerely hope that the relevant parties involved will take due notice of the request to commemorate the remarkable history of it. I believe that the provision of such as the plaques or free-standing history boards will alleviate some of the dismay that has built up over recent years concerning the disregard for Hemel Hempstead's History and Heritage.

I implore you to support this proposal, and encourage others to do the same. I can tell you, apart from our membership, there are many people who would support the proposed history boards. Apart from our own members, I can vouch for many other former employees who have been saddened by the demise of the mill itself, but in particular Nash House.

In closing may I applaud the bringing forward of the comments from the previous proposal. However, I am rather disappointed that none of the comments put forward by members of our Society were brought forward as well, as they are most certainly still current and, I believe, should be seen.

#### Dacorum Heritage Trust

As for the Original Scheme.

#### Response to Neighbour Notification/ Publicity

##### 10 Butterfly Crescent

Too many units for the development of houses that surround it.

Nowhere near enough parking spaces, as evidenced at the estate overflow car park and Red Lion Lane.

Where will the contractors park in the construction stage. Concerns regarding vehicles parking in front of no. 10's drive as it's a controlled parking areas. When residents move in will parking restrictions be enforced?.

Object due to cramming as many units as possible in what should have been a historic focal point and building, the lack of parking and the extra noise and pollution due to extra traffic etc.

##### 19 Croxley Road

This will not provide any significant difference to the original plans. The developer is still cramming properties into a building that should be left to show its natural character and not be extended to cram properties in where there isn't enough parking provided.

The development already has a number of parking issues and even though most of the flats that will be built within this property are mainly 1 bed there is likely to have more than one car per property which will have huge impact on the parking within this area. There just isn't enough parking for this many flats to be built.

When originally advised of the plans for Nash House 6 years ago it was only going to have 4 flats and having 9 is a huge increase which is right for the development. The property should bring something to the community or the number of flats significantly reduced to ensure sufficient parking is available otherwise it won't work!

##### 33 Butterfly Crescent

Given the intention to create 9 units, the provision of 11 parking spaces is not sufficient. Dacorum and Hertfordshire County Council have already noted existing parking issues with this development which has resulted in the addition of double yellow lines in the roads adjacent to the development and near which (in reference to Red Lion Lane), is still an issue.

The development at present is in urgent need of parking measures to improve the current situation. Developers would need to prove that they would be improving the parking situation and not exacerbating if they would like to gain support.

Further, the application does not state how it would intend to carry out the work with minimal disruption to residents. The roads on the development are not designed for goods vehicles.

##### 3 Francis Mews

Object.

The application makes a mockery of the original planning consent regarding the use and refurbishment of Nash House. What is the point of planning agreements if they are flouted? This is such an obvious developer trick it would be laughable if it wasn't so serious.

A gross over development of the site. Car parking is under provisioned already as evidenced by the surrounding roads and footpaths covered in cars which is really dangerous. 9 flats will generate more than 11 cars - it is extreme naivety to believe otherwise.

The irony of the situation is as the Nash House development has been left to last there are no way that the contractors lorries will be able to actually access the site - blocked by residents cars. Have Dacorum council actually viewed the site?

### 7 Phelps House

'What genius decided that it would be a good idea to build a new estate around this building before redeveloping it?'

Surely the redevelopment of Nash House should have been carried out along with the rest of the estate and not when there are hundreds of new homes around it with people living in and a childrens play area right next to the site. If an application is approved it should have very severe restrictions on deliveries of materials, working hours and noise and pollution levels as it will cause severe disruption to the whole estate.

In favour of the building being restored but not extended as I do not feel that the estate needs any more properties or cars as it is already overcrowded. What we do not have is community space, shops or restaurants and believe that a cafe or coffee shop or other small businesses would benefit the area far more than more flats'.

### 11 Butterfly Crescent

In the updated proposal, little of consequence has really changed and is concerned by the new proposal as by the original proposal. By reducing the number of flats proposed by just 1, there are still many of the same issues outstanding as the original planning application as referred to the initial response . This is still an inappropriate proposal for the space for the following reasons:

A project consisting of 9 flats is inappropriate cramming and over-development of this space. We have objections to its greatly increased size and the number of units proposed - this is too large and not appropriate for the estate. The building is historic and the proposed increase in size of plot will take away from the attractiveness of the estate, making the estate more cramped and less open.

There are huge traffic and parking problems in the area. The car park on Lower Lane is frequently full and overcrowded. There are already many cars parking along Red Lion Lane which makes it more difficult to turn out of Rose Lane onto this road. With only 11 parking spaces allocated to the new building development, the parking and traffic issues on the estate will only exacerbate these issues further. Furthermore, with such a large project as this, the amount of builders traffic during the construction process through the estate will be massive.

An increase in noise, both throughout the construction of the project, but also with the introduction of the new 10 flats. We already experience noise from the flats across Mill Stream, particularly during the evenings towards the end of the week, and are concerned about additional noise on the estate, particularly for those families with young children.

### 1 Francis Mews

When we purchased on we assured that the historic nature & design of Nash House would be maintained, clearly these were empty words. The site is already over developed.

Reducing number of flats by one will not make one iota of difference to the parking issues. 9 flats with only 11 parking spaces are quite unrealistic & frankly a joke, parking & traffic problems in the area are already a real problem which this will only add to.

### 11 Francis Mews

There seems to have been little change from the previous application. This is not in keeping with the original plans which we told about when we bought our house which is almost opposite Nash House. 9 flats is still far too many and a over development. Where will the owners park 2nd cars in a development which already has major parking problems?!

Bins will be unsightly not to mention attracting rats which is a problem on the estate.

We will also be overlooked.

We also have concerns with all the noise, mess and traffic which will be caused by all the building work.

### 6 Francis Mews

When we moved in to this new estate we were assured of a design which appears to being altered. Given the significance of the building it should try to be as close to the original design as possible.

The new plans include extensions which will be overbearing and overshadow neighbouring properties.

The amount of properties will add to existing parking issues on the estate, which is already overflowing onto Red Lion Lane and Nash Mills Lane , obscuring traffic and pedestrian access.

While altering use from commercial to residential is understandable , the crowding of accommodation , enlarging external dimensions , and problems that will ensue from these new plans, is not.

I object.

### 10 Longdean Park

The original agreed application was for no flats now we have 9 proposed! I strongly object.

This is cramming at its worst. It is pleasing to note the Boxmoor Hall was turned down for similar reason on January 18 2018. The footprint must not be extended on the 2nd floor, this is overdevelopment. Three flats are really 2 beds as showing studies.

DBC are still not showing 8 known objections received in written form on this website, i.e. misleading the public. Already badly let down by DBC Planning Dept not monitoring what was to be the flagship of the development. There were planning conditions of an agreed time scale in Application n4/01382/09/MFA , so why has this not been monitored & upheld? Over development with inadequate parking should not be the panacea for DBC negligence & failings to the community.

Nash House is an important & historic building which must urgently be refurbished with some community use as originally intended, with no more than three one bed flats & perhaps a communal bedsit for visitors.

## 5 Butterfly Crescent

9 residential remains an over-development of the site. 3 of the one bed units contain a study which could be used as a bedroom!?! In reality this is 7 x two beds and 2 x one beds. This is cramming and the developers are being disingenuous and 'massaging' the facts.

We still object to the 2nd floor extension and the huge mass of building this will create - it will be an overbearing and overshadowing block and will, in particular, affect us at 5 Butterfly Crescent.

The parking allowance remains totally inadequate - parking is already a major problem in the area with dangerous and thoughtless parking on nearby roads especially Red Lion Lane.

The siting of the bins stores is of concern - the bin stores need to be sited on the canal side of the building away from other homes.

In summary, we firmly object to this current application and ask that the developer reviews all the objections and submit a plan which allows for community space, fewer flats and no 2nd floor extension.

## 5 Butterfly Crescent

1) The use has expired. Explanations, please as to why commercial units are not viable. A mix would be far more popular.

2) The purchasers in Butterfly/Frances Mews were assured by the developers that the historic design of the building would be left unchanged; those who bought the newbuilds are adamant that this was the case.

3) DBC has since lost control of this aspect and of the constant intervening sales of the building. It has failed over its accountability here, to keep residents apprised of developments, to insist that new owners are aware of their above responsibilities & has allowed the building to deteriorate to its present state. Granting this would thus seriously let down the present residents of Butterfly/Frances in particular.

3a) The design seeks to confuse and thus introducing a mistrust between developers and residents. The studies in the one bed flats will inevitably be used for second bedrooms. The true numbers of occupants is thus far greater than the plan would suggest.

b) This amounts to cramming & is inappropriate for the nature of the estate on this side of the canal, both as planned by the developers and as purchased by the occupants.

c) The above will only make the parking situation even worse & would therefore contravene Dacorum's planning guidance.

d) On purchase, the position of the sun was a major factor for us and with it, Linden homes assurances as to the eventual design of Nash House. The upward extension would be overbearing and would block out the sun for much of the day.

e) Given the recent rodent problems experienced by the estate, the location of the dustbin area is not acceptable and should be on the other side of the building.

f) We need firm and acceptable proposals as to the building operations during the construction process.

### 34 Butterfly Crescent

The revised application remains completely inappropriate.

It's disgraceful DBC are not upholding the original planning to keep the historic character. This has been completely over-ridden by greed on behalf of the current developer - intent on cramming dwellings in for profit.

The site already has serious parking issues. You can't even turn right safely onto Red Lion Lane due to parked cars opposite the central island. Allowing only 11 spaces for 9 new flats is a blatant under-provision, exacerbating the existing parking problems onsite and in surrounding roads.

The original plans kept the building at it's current height. This new application is far higher and encroaches unacceptably on our light and privacy.

How will the developer get their construction vehicles in to Nash House? The access roads are too narrow. The original lorries that started work on Nash House completely destroyed the front lawns of the properties at the front of Butterfly Crescent. Will DBC pay for damage?

# Agenda Item 5e

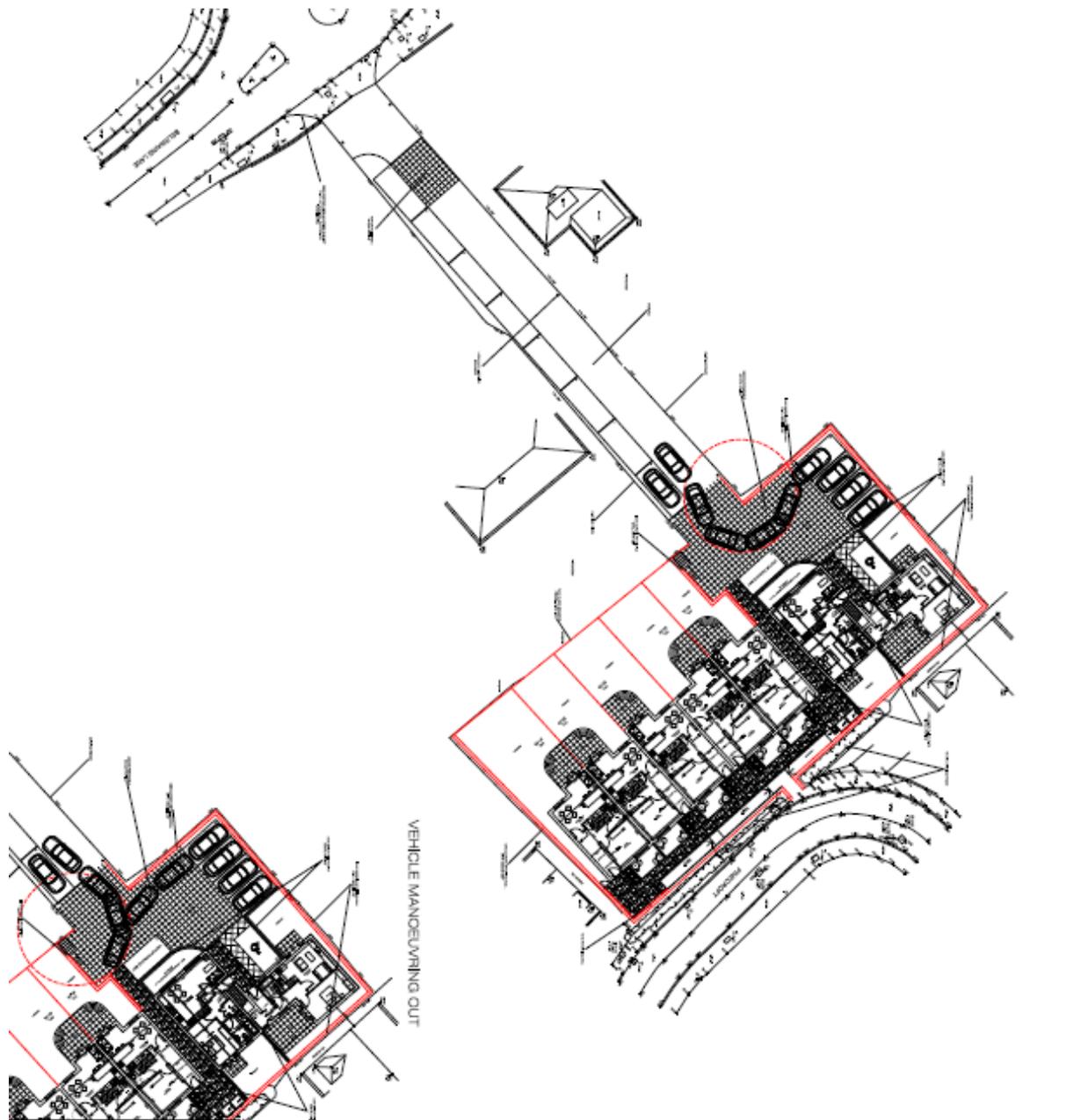
**4/02450/17/FUL DEMOLITION OF EXISTING HOUSE. CONSTRUCTION OF 5 3-BED HOUSES AND A BLOCK OF 3 X 1 BEDROOM AND 1 X 2 BEDROOM FLATS, TOGETHER WITH ANCILLARY 14 BAY CAR PARKING. PRIVATE GARDEN AMENITY SPACES AND EXTERNAL BIN STORES.**

**143 BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9UZ**



**4/02450/17/FUL DEMOLITION OF EXISTING HOUSE. CONSTRUCTION OF 5 3-BED HOUSES AND A BLOCK OF 3 X 1 BEDROOM AND 1 X 2 BEDROOM FLATS, TOGETHER WITH ANCILLARY 14 BAY CAR PARKING. PRIVATE GARDEN AMENITY SPACES AND EXTERNAL BIN STORES.**

**143 BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9UZ**



|                              |  |
|------------------------------|--|
| <b>4/02450/17/FUL</b>        | <b>DEMOLITION OF EXISTING HOUSE. CONSTRUCTION OF 5 3-BED HOUSES AND A BLOCK OF 3 X 1 BEDROOM AND 1 X 2 BEDROOM FLATS, TOGETHER WITH ANCILLARY 14 BAY CAR PARKING. PRIVATE GARDEN AMENITY SPACES AND EXTERNAL BIN STORES.</b> |
| <b>Site Address</b>          | <b>143 BELSWAINS LANE, HEMEL HEMPSTEAD, HP3 9UZ</b>  |
| <b>Applicant</b>             | <b>Bull Homes Ltd</b>  |
| <b>Case Officer</b>          | <b>Elsbeth Palmer</b>  |
| <b>Referral to Committee</b> | <b>At the request of Councillor Maddern</b>  |

## **1. Recommendation**

1.1 That planning permission be **GRANTED**.

## **2. Summary**

2.1 This application seeks full planning permission for demolition of existing dwelling and construction of 5 x 3 bedroom dwellings and a block of 3 x 1 bedroom and 1 x 2 bedroom flats and 14 bay car parking, private garden amenity spaces and external bin stores.

2.2 The site is located within a designated residential area of Hemel Hempstead wherein, the principle of development is acceptable in accordance with Policies CS4 and CS17 of the Core Strategy (2013).

2.3 Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas. This proposal seeks to optimise the use of urban land.

2.4 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 be in character with the area which is already very diverse in accordance with CSPolicy 12.

## **3. Site Description**

3.1 The application site is located between Belswains Lane and Pinecroft with access off Belswains Lane opposite the access to Dickinson Quay, Hemel Hempstead. The site is accessed via a long private drive leading to a single two storey dwelling. To the north lies Pinecroft where an existing pedestrian access and right of way allows access to the site via Pinecroft. To the east lies garden amenity space to the rear of 141 Belswains Lane and to the south a new housing development which has access directly from Belswains Lane. The site slopes gently from north to south.

## **4. Proposal**

4.1 The application seeks full planning permission for the demolition of the existing dwelling and redevelopment to provide 9 new dwellings. The break down of dwelling types is 5 x 3 bedroom dwellings, 3 x 1 bedroom flats and 1 x 2 bedroom flat. The proposal includes provision of 14 car parking bays, private garden amenity spaces and external bin stores.

## **5. Relevant Planning History**

5.1 None for the subject site.

5.2 The site to the west of the subject site has recently been redeveloped for housing at an increased density to the surrounding area.

5.3 Planning application 4/02329/12/FUL granted the comprehensive redevelopment of the site. The proposal included demolition of the existing buildings on the site and the development of four residential units. 1 x detached four bedroom dwelling and a row of three two bedroom terraces.

5.5 Planning application 4/00906/14/FUL sought to achieve an alternative scheme to the previously approved application under 4/02329/12/FUL, where the 4 bed provided at the front of the site would be provided as two 2-bed dwellings in an attached form. Planning permission was granted on 18 November 2014.

## **6. Policies**

### 6.1 National Policy Guidance

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

### 6.2 Adopted Core Strategy –

NP1, CS1, CS2, CS4, CS8, CS9, CS10, CS11, CS12, CS13, CS17, CS18, CS19, CS23, CS28, CS29, CS30, CS31, CS32 and CS35

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

Policies 10, 13, 18, 21, 51, 58,111  
Appendices 3, 5 and 7.

### 6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area HCA18 Belswains
- Water Conservation & Sustainable Drainage (June 2005)
- Accessibility Zones for the Application of Car Parking Standards (July 2002)

### 6.5 Advice Notes and Appraisals [include only those relevant to case]

Sustainable Development Advice Note (March 2011)

## **7. Constraints**

- 45.7M AIR DIR LIMIT
- Former Land Use
- LHR Wind Turbine
- CIL3

## **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
- Amenity Space
- Impact on neighbours
- Trees and Landscaping
- Ecology
- Impact on Highway Safety and Parking Provision
- Flood Risk and Drainage
- Contamination and Air Quality
- CIL

### Policy and Principle

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

9.3 The National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed. Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.

9.4 Policy CS 18 states that new housing will provide a choice of homes which will comprise a range of housing types and sizes.

9.5 The application site is located within an urban area in the existing town of Hemel Hempstead. As such the infrastructure in the immediate area has been developed to provide good transport links for existing land uses. There are also services and facilities available within close proximity of the site.

9.6 The site is also large in comparison to adjacent residential sites which vary from quite small in the recently developed Marina View Terrace to medium density along Pinecroft and larger sites along Belswains Lane. Densities are much higher across Belswains Lane in the Dickinson Estate.

9.7 Taking all of the above into account, the proposal would make a valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). As such, the development would be located in a sustainable location and seeks to optimise the use of previously developed land, the proposal is in accordance with Policies CS1, CS4 and CS17 and CS18 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (1991) and the NPPF (2012).

### Layout and Design

9.8 The proposed development will be five, two storey attached dwellings and four two storey

flats facing towards Pinecroft. There will be a slightly staggered appearance when viewed from Pinecroft. The development will be set back and down from the Pinecroft frontage with pedestrian access only to this road.

9.9 The proposed development will be approximately 1.2 metres higher than the adjacent dwelling 14 Pinecroft.

9.10 The access will stay the same by using the current private access road off Belswains Lane. The 14 parking spaces will be located along this access and on the western edge of the development.

9.11 The design of the development will be modern and will reflect characteristics of dwellings in Marina View Terrace and Pinecroft.

9.12 The site is located in an area with a wide range of densities and architectural types. On the left hand side of the entrance to the site is a small brick bungalow on a large plot, on the right hand side a cul-de-sac with 5 two storey dwellings, two semi-detached and 3 x terraced dwellings. Opposite the site is the entrance to Dickenson Quay which has two storey dwellings nearest Belswains Lane and then increases in height and density as you approach the canal. Along Pinecroft the predominant character is that of two storey semi-detached and detached dwellings with a two storey flat development nearer to the Tesco end of the road. The semi-detached dwellings along this road tend to have parking to the front of the dwelling. As the site has an existing access off Belswains Lane it was considered more appropriate to maintain this access and provide the parking adjacent to this access.

9.13 The proposed development will be in character with the surrounding area in terms of layout, design and scale and will therefore comply with CS 11 and CS 12.

#### Impact on Street Scene

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

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

9.16 Core Strategy (2013), Policies, CS1, CS4, CS10, CS11 and CS12 highlight the importance of good design in improving the character and quality of an area; seeking to ensure that developments are in keeping with the surrounding area in terms of size, mass, height and appearance. This guidance is reiterated in the Saved Local Plan (2004) Policies 10, 18 and 21.

9.17 Size, mass, height and appearance have been discussed in the previous section.

9.18 The site lies within two Character Appraisal Areas. The access is within HCA18 and the remainder of the site is within HCA19. The Area Character Appraisal for HCA18: Belswains describes the age, design and type of residential development as "variety throughout". The height is overwhelmingly two storey and density is generally medium range (25-35 dwellings/ha). There are no special requirements in terms of design and types but should normally not exceed two storeys. Development in the medium density range (30 to 35 dwellings/ha) is acceptable. Dwellings should normally front the road and follow established

formal building lines. The site also lies in HCA 19: Nash Mills where housing variety is acceptable and height must not exceed two storeys. The orientation and siting of buildings should follow the pattern set by those adjoining or nearby to the site.

9.19 The dwellings per hectare on the site as existing is 5.6 which is much lower than that advised in the Character Appraisal. The dwellings per hectare for the proposed development will be 50.6. The neighbouring development approved in 2012 allowed 40 dwellings per hectare. The development fronting Pinecroft is two storey and set down and set back from the street scene to mirror the development along this road. The development is similar in density and form to the new development on Marina View and the flat development at the beginning of Pinecroft.

9.20 As this site is located in an area of wide variety in terms of density and on the edge of the Belswains Character area adjacent to the Canal Estate it is considered that the proposed density is acceptable.

9.21 The National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and the effective use of land by reusing land that has been previously developed. Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.

9.22 Based on the above the proposed development complies with the relevant sections of the NPPF and Saved Policy 10 of the Local Plan (2004).

#### Amenity Space

9.23 The 5 new dwellings will have rear gardens with a depth of approximately 12.5 metres which is acceptable based on the minimum depth of 11.5 stated in Appendix 3 of the Local Plan.

9.24 The 2 ground floor flats will have their amenity space provided to the front and rear of the development. The two first floor flats do not have any amenity space but as they are located in close proximity to the canal and the open space around this beautiful water corridor it is considered acceptable.

#### Impact on Neighbours

##### Loss of privacy

9.25 There will be no loss of privacy as a result of the proposal as there are no windows proposed in flank elevations facing either of the adjacent neighbours.

9.26 The back to back distance between the development and the houses on Marina View Terrace is approximately 35.8 metres. This exceeds the minimum back to back distance of 23 metres between dwellings to ensure that there is no potential for overlooking.

9.27 The flank elevation of 15 Pinecroft will be facing the flank elevation of flat 1 and 3.

9.28 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.

### Sunlight and daylight

9.29 The proposed development will not result in a loss of sunlight and daylight for either of the adjacent neighbours due to the alignment of the development and the set back from the side boundary.

### Impact on Trees and Landscaping

9.30 The vegetation on site was predominantly cleared in late 2017. The hedge along Pinecroft will be retained as part of the development proposal. This will be achieved by the retaining wall along the road edge of the site. A landscaping condition will be placed on any approval.

### Ecology

9.31 A Bat Survey with a mitigation strategy was requested by Hertfordshire Ecology - please refer to their comments.

### Impact on Highway Safety and Parking Provision

9.32 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.

9.33 Appendix 5 of the Local Plan lists Maximum Parking Standards for the Borough. The site lies within Accessibility Zone 4 for the application of Car Parking Standards SPG where 75-100% of maximum demand based standards should be applied.

9.34 5 x 3 bedroom dwellings - maximum standard is 2.25 spaces each.  
3 x 1 bedroom flats - maximum standard is 1.25 spaces each.  
1 x 2 bedroom flat - maximum standard is 1.5 spaces each.

9.35 The maximum standards for this proposal is:  
11.25 spaces for the houses;  
3.75 spaces for the 1 bedroom flats  
1.5 spaces for the 2 bedroom flat

This makes a total of a maximum of 16.5 spaces required.

9.36 The proposal includes provision of 14 car parking bays which is equivalent to 85% of the maximum. These parking spaces will be allocated accordingly:

- 3 of the 3 bedroom dwellings will have 2 spaces each; (6)
- 2 of the 3 bedroom dwellings will have 1 space each; (2)
- 3 x 1 bedroom flats will have 1 space each; (3)
- 1 x 2 bedroom flats will have 1 space; (1)
- 1 visitor space; and (1)
- 1 disabled space. (1)

9.37 A shortfall from the maximum standards of 2.5 spaces is within the range acceptable for Accessibility Zone 4 and is therefore acceptable in this location which is close to public transport. The site is within walking distance of Apsley Railway Station, Belswains Lane bus routes and the Canal tow path.

9.38 The parking requirement set out in Saved Appendix 5 is 16.5 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.

9.39 Provision is made for cycle storage ie. 5 spaces - one for each one bedroom flat and two for each two bedroom flat within the scheme which is supported and accords with Appendix 5 of the Local Plan.

9.40 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.

#### Flood Risk and Drainage

9.41 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, Thames Water or Affinity Water. Conditions have been requested from the above requiring further details of drainage.

#### Contamination and Air Quality

9.42 The site has been identified as a former land use site.

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

#### CIL

9.43 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. The development of 9 new dwellings will be CIL liable.

#### Response to Neighbour comments

9.44 These points have been addressed above.

### **10. Conclusions**

10.1 The impacts of the proposal have been taken into consideration, along with representations received from consultees and the neighbouring properties. The proposal is considered acceptable in terms of design, impact on street scene and neighbours.

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

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

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

- 2 No development shall take place until samples of the materials proposed to be**

**used on the external surfaces of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

Reason: To ensure a satisfactory appearance to the development and to comply with CS 11 and 12.

- 3 **No development shall take place until details of protection measures for The hedge fronting Pinecroft shall have been submitted to and approved in writing by the local planning authority. The approved details shall be put in place prior to the commencement of development and kept in place until the development is complete.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to comply with CS 11 and 12.

- 4 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, B, C, E, F and G**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality and to comply with CS 11 and 12.

- 5 **No development shall take place until, a ‘Construction Traffic Management Plan’ or “Method Statement” shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The ‘Construction Traffic Management Plan’ or Method Statement shall identify details of:**

- **Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear;**
- **Methods for accessing the site, including number of vehicle movements and routing;**
- **Location and details of wheel washing facilities; and**
- **Associated parking areas and storage of materials clear of the public highway.**

**Further details required by Environmental Health include:**

- **Cleaning of site entrances, site tracks and the adjacent public highway**
- **Timing of construction activities to avoid school pick up/drop off times**
- **Post construction restoration/reinstatement of the working areas and temporary access to the public highway**

Reason: In the interests of highway safety and free and safe flow of traffic and comply with CS 12.

- 6 **No development shall take place until a scheme detailing changes required to**

**the access onto Belswains Lane, including alterations to the mini roundabout location, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.**

Reason: In the interests of highway safety and free and safe flow of traffic and to comply with CS 12.

- 7 **No development shall take place until a swept path diagram showing that a large vehicle is able to access the improved access from all four arms of the mini roundabout, especially approaching from the South East, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.**

Reason: In the interests of highway safety and free and safe flow of traffic and to comply with CS 12.

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

Reason: In the interest of highway safety and to comply with CS 12.

- 9 **Pedestrian visibility splays of 2m x 2m shall be provided, and thereafter maintained, on both sides of the new vehicle crossover, within which there shall be no obstruction to visibility between 0.6m and 2m above the carriageway.**

Reason: In the interest of highway safety and to comply with CS 12.

- 10 **The proposed car parking spaces shall all have measurements of at least 2.4m x 4.8m respectively. Such spaces shall be maintained as a permanent ancillary to the development shall be paved and shall be used for no other purpose.**

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

- 11 **Prior to the occupation of the development hereby permitted details of the surfacing of the on site vehicular areas shall be submitted to and approved in writing by the Local Planning Authority's and shall be carried out as approved. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises and to comply with CS12.

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

Reason: In the interests of highway safety and the free and safe flow of traffic and comply with CS 12.

- 13 **Prior to the commencement of the development, 2 dusk emergence / dawn re-entry surveys should be undertaken during May - August inclusive (possibly September if the weather remains warm) to determine with confidence whether**

bats are roosting and, should this be the case, the outline mitigation measures (ref : Additional Information [for bat mitigation strategy] by Cherryfield Ecology, 01/05/2018) should be modified as appropriate based on the results and then be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.

Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and national legislation and to comply with CS26.

- 14 **No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.**

**For the purposes of this condition:**

- **A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.**
- **A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.**
- **A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.**

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.

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

16 **No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

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

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

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to comply with CS 11 and 12.

17 **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.**

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).

18 **All possible mitigation measures identified in the Air Quality Report referred to in Condition 18 above shall be fully implemented within the timescales and by the deadlines as set out in the Report and a 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.**

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).

- 19 **The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by Ridge & Partners LLP reference 5004062 dated 05 January 2018 and the following mitigation measures;**
- 1. Limiting the surface water run-off to a maximum of 5l/s with discharge into the Thames surface water sewer.**
  - 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 + climate change event.**
  - 3. Undertake drainage strategy to include to the use of permeable asphalt and attenuation tank.**

Reason: To reduce the risk of flooding to the proposed development and future occupants to comply with CS12 and 32.

- 20 **No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall also include:**
- 1. Final design of the drainage scheme including detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling.**
  - 2. Investigate the use infiltration features to dispose some surface water from the site where possible.**
- 2. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.**

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

- 21 **Prior to the occupation of the development a GreenTravel Plan shall be provided to and agreed in writing by the Local Planning Authority. The Travel Plan shall contain details of measures that will be taken to encourage sustainable travel behaviour, targets for mode shift and procedures that will be followed should the targets not be met.**

Reason: To encourage sustainable travel behaviour and to comply with CS8 Sustainable Transport and CS 28 Carbon Emission Reductions.

- 22 **No development shall take place until information on the number and position of fire hydrants shall be submitted to and approved in writing with the Local Planning Authority. The relevant details shall include information on how the hydrants will be incorporated into the mains water services whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus. The fire hydrants shall be implemented prior to occupation of the dwellings hereby approved.**

Reason: In the interests of health and safety; in accordance with Policy CS12 of the Core Strategy (2013).

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

**Site Location Plan 200**  
**Existing Site Plan 201**  
**Existing Floor Plans 202**  
**Existing Elevations 203**  
**Proposed Site Plan showing Ground Floor and Vehicle Manoeuvring plan (in and out) 204 Rev L**  
**Proposed Ground & First Floor Plans (Houses) 206 Rev D**  
**Proposed Roof Plan (Houses) 207 Rev B**  
**Proposed Floor Plans (Flats) 208 Rev H**  
**Proposed Combined Elevations (Flats and Houses) 209 Rev H**  
**Proposed Block Plan 210 Rev M**  
**Proposed Street Elevation, Proposed Site Section and Proposed Bin Store 211 Rev F**

**Proposed Access and Car Parking Layout DWG/2467/001 - Integrated Transport Planning Ltd.**

**Floor Areas - Houses and Flats - GIA Schedule dated January 2018**  
**Planning Statement and Design and Access Statement dated May 2018.**  
**Transport Technical Note: November 2017**  
**Bat Report prepared by Cherryfield Ecology dated 6/9/17**  
**Bat Roost Outline Mitigation Strategy prepared by Environmental Business Solutions on 23rd February, 2018**  
**Mitigation Table prepared by Cherryfield Ecology, Martin O'Connor dated 1/5/18**

**Drainage Strategy Part 1 and 2 prepared by HR Wallingford dated 14/12/17**  
**Site surface water - Drainage Plan C85763-SK-001 by JNP Group dated 10.12.17**  
**Drainage Construction Details sheet 1 of 2, C85763-SK-002 by JNP Group dated 10.12.17**  
**Drainage Construction Details sheet 2 of 2, C85763-SK-003 by JNP Group dated 10.12.17**

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

Article 35 Statement:

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

Informatives:

Highways:

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

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

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

4. 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.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

#### Contaminated Land:

Paragraph 121 of the NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.' Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

## **Appendix A**

### **Consultation responses**

#### 1. Town/Parish Council

None

#### 2. Strategic Planning

##### **(i) Principle of residential use**

Within Core Strategy Policy CS1 (Distribution of Development) Hemel Hempstead is identified as the focus for homes. The site lies within a designated Residential Area (detailed in Policy CS4: The Towns and Large Villages) which seeks to guide development to the appropriate areas within settlements. Therefore, the principle of new housing in this general location is encouraged.

##### **(ii) Design**

Development in the Borough is further guided by saved DBLP Area Based Policies SPG (Development in Residential Areas section). It falls within residential character areas of HCA18 (the access road) and HCA19 (the main bulk of the site). HCA18 character area is called Belswains (identified as an opportunity area) and HCA19 character area is called Nash Mills. These character areas provide more detailed advice regarding design and layout, although HCA19 is recognised as an area of minimal change. It is recognised that there is a mix of provision made on site.

At first appearance this seems to be a tandem form of development. The Development in Residential Areas SPG states the following on tandem development:

*“the positioning of usually one (but sometimes more) new houses behind an existing dwelling and sharing access arrangements is a common form of backland development, but certainly the most inefficient, problematic and unsatisfactory. The area policy statements make no reference to tandem development. It is the Council's view that this is a generally unsatisfactory form of accommodating new housing.”*

Although, consideration needs to be given to whether there are other approved examples of this type of development in the locality. Furthermore, in this particular instance, it appears that the proposal will have a principal frontage onto Pinecroft as it is effectively infilling the space occupied by the existing property.

Generally, we note that this proposes a much higher form of development density than currently found along Pinecroft and marks a shift away from semi-detached properties to terraces and apartments.

You would need to ensure that the new residents can safely and conveniently access the properties from the rear parking area.

Garden depths should generally be a minimum of 11.5m (saved DBLP Appendix 3).

### **(iii) Parking provision**

14 parking spaces and 5 covered cycle spaces are proposed. Appendix 5 of the Dacorum Borough Local Plan (adopted April 2004) states the following car parking standards for the C3 use class (located outside of accessibility zones 1 and 2):

|                             |             |
|-----------------------------|-------------|
| 1 bedroom dwellings/bedsits | 1.25 spaces |
| 2 bedroom dwellings         | 1.5 spaces  |
| 3 bedroom dwellings         | 2.25 spaces |
| 4 or more bedroom dwellings | 3 spaces    |

We recognise that national policy is no longer seeking to apply maximum parking standards.

### **(iv) Conclusion**

The proposals fits in with the broad principle of providing housing in appropriate locations although the Case Officer needs to assess the matters listed above, as well as other normal DM considerations (such as effects on neighbouring properties (Policy CS12)). As part of this, the Case Officer will need to decide if this is an appropriate form of development in this immediate locality.

### **3. Hertfordshire County Council – Highway Authority**

Comments dated 23/4/18

Vehicular and pedestrian access is currently via a vehicular crossover onto Belswains Lane. There is a mini roundabout just South West of the site, which limits the ability of vehicles to turn right into the site from Belswains Lane.

The proposal is to widen this access to enable vehicles entering the site to wait clear of the highway if another vehicle is exiting. The driveway is currently 8.3m wide, and this will be maintained at 4.8m, with parking spaces along its southern edge.

The applicant will need to submit plans both for the improvements to this access and also for moving the roundabout further south east, so that vehicles are easily able to turn right into the driveway from Belswains Lane. This must then be demonstrated to be possible by swept path analysis drawings.

The main current and proposed pedestrian access to the site is from Pinecroft, to the front aspect of the site. It is also proposed that utility vehicles will approach the new properties from this road.

Belswains Lane is an Unnumbered "C" Classified, while Pinecroft is an unclassified local access road. Both have a 30mph speed limit.

#### S278 Agreement

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

#### REFUSE STORAGE AND COLLECTION

Storage and collection for refuse for the dwellings will be at the front of the properties, on Pinecroft.

#### PARKING

The proposal includes 14 parking spaces and one disabled space. Eight of these will be along the southern edge of the driveway, leaving 4.8 m clear for vehicles to enter the site. There is a turning head within the site to allow vehicles to enter and leave the site in forward gear.

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

Comments dated 18/12/17 - same as above.

Comments dated 4/12/17 - same as above.

Comments dated 9/11/17

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

HCC objects to the proposed development, due to a lack of information provided by the applicant justifying that the proposal will not impact on the highway safety.

This amendment proposes a revised Proposed Block Plan, drawing no 1579/210 rev F, and a revised Proposed Site Plan Showing Ground Floor and Vehicle Manoeuvring Plan (in and out) drawing no 1579/204 Rev F.

The following issues need to be resolved by the applicant:

Appropriately generated swept path assessments are required to demonstrate that all vehicles, including refuse vehicles and fire trucks, are able to access the site from all arms of the mini-roundabout on Belswains Lane.

Appropriately generated swept path assessments are required to demonstrate that all vehicles, including refuse vehicles and fire trucks, are able to leave the highway, have adequate space on site to manoeuvre to turn around and enter the highway in forward gear.

The proposed dropped kerb access shown on diagram 1579/204 rev F is inadequate for the proposed development and is required to be a full bellmouth access. Switching parking to the opposite site of the driveway access does not address the Highway issues and reasons for refusal.

No adequate measurements have been provided for the access driveway, but it appears to be less than 4.8metres, which is the specified width in Roads in Herts to allow two-way movement.

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

#### 4. Trees and Woodlands

##### Comments dated 13/2/18

Drawing 210, revision G shows retaining wall along road edge of site.  
This should satisfactorily retain the bank/soil and privet hedge which acts as a screen.

There is no existing vegetation within this site that will be a constraint to development.

There is a hedge on the NE boundary with Pinecroft that serves a useful function, it appears to be just off site and at a slightly higher level than the proposed housing site. Its long term future would be assisted by some means of soil retention.

There is an established hedge within the site running along much of the SW boundary, I assume this will remain.

In the event of permission being granted, please condition landscaping, there is some scope for modest tree planting.

#### 5. Rights of Way

No public rights of way over the site.

#### 6. Hertfordshire Ecology

##### Comments dated 1/5/18

With these outline mitigation measures in place, I consider this report has enough information to enable the LPA to fully consider the impact of the proposal on bats prior to determination.

I advise the outstanding surveys are secured by Condition of Approval and can suggest the following wording:

“Prior to the commencement of the development, 2 dusk emergence / dawn re-entry surveys should be undertaken during May - August inclusive (possibly September if the weather remains warm) to determine with confidence whether bats are roosting and, should this be the case, the outline mitigation measures (ref : Additional Information [for bat mitigation strategy] by Cherryfield Ecology, 01/05/2018) should be modified as appropriate based on the results and then be submitted in writing to the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.

Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and national legislation.”

It is acknowledged that if bats will be affected by the proposals, appropriate mitigation measures

must be carried out under the legal constraints of an EPS development licence obtained from Natural England. I have no reason to believe that a licence will not be issued. Natural England will require a number of activity surveys for a licence to be issued, consequently these need to be factored in to any development timescale.

#### Comments dated 26/4/18

Following previous comments from us (Neil Harvey 10/01/2018 and 17/01/2018), a *Bat Roost Outline Mitigation Strategy (by Environmental Business Solutions, 23 February 2018)* has been submitted in support of this application. This attempts to provide mitigation in the assumed event that bats are present and affected. *However, although the measures are what would be expected to be applied to avoid harming bats, it is not what we expect as suitable outline compensation for impact to an assumed bat roost from the development proposals involving demolition.*

On a positive note, the report does state works should not be undertaken after 1 hour prior to sunset or 1 hour after sunrise; and suggests restrictions of use of artificial lighting; and what to do in the event that bats are found – which is commendable.

*Unfortunately, I cannot accept this report as being appropriate and consequently there is still not enough information on bats prior to determination.*

Hopefully this can be resolved with a simple statement from a suitable qualified / experienced ecologist, which should include the following (not exhaustive):-

Seasonal timing considerations; Toolbox Talk to contractors; Pre-commencements checks; Supervise stripping of the roof (Watching Brief); Roost closure; Bat roost provision – roost retention/reinstatement; Bat roost provision – additional roost provision – Bat box and/or integrated units; Monitoring.

#### Comments dated 17/1/18

Further to our earlier comments, dated 10th January 2018, a Preliminary Bat Roost Assessment carried out in September 2017 has now been submitted. It is noted that there was limited access to the loft space during the survey, but no explanation of a reason. The report concludes moderate potential for bats and it is clear that, from the exterior, there is free access to the loft for bats.

The report recommends two emergence surveys to determine whether or not bats are using the building, one of which should be between May and August. In order to be sure that the maternity period is covered, my recommendation is that one of the surveys should be between late May and early August. Given the lack of access to the loft, the survey will need to be carefully designed to ensure that a likely absence of species with quieter echolocation (specifically Long-eared Bat) can be safely concluded. This may include the deployment of a static detector in the loft over a suitable period, which would best be achieved by an ecologist with an appropriate Natural England licence.

The report does not consider the potential impacts of the proposals, although this would clearly be the loss of any roost that is present. There is no mitigation strategy within the report and so it is not currently possible for the Local Planning Authority to fully consider the impact of the proposals on bats, as highlighted in our previous comments. The strategy should assume the presence of bat roosts proportionate to the location and can be modified if necessary once the results of any recommended follow-up activity surveys are known.

Once a satisfactory 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 property 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) development 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, and consistent with my previous comments, I cannot recommend this application is determined until an appropriate mitigation strategy is provided to the LPA for written approval.

#### Comments dated 10/1/18

This application is not accompanied by any ecological information. The application consists of the demolition of an existing house and will also require the removal of trees in the property's garden. If bats are present, in the house or trees, they will be affected by the works. At present there is no information available as to the likelihood of bats being present in the building or trees and so the Council cannot be satisfied that local populations of bats will not be affected.

I advise that a professional **Preliminary Bat Roost Assessment** is undertaken by a suitably qualified and experienced ecologist to evaluate whether bats, or evidence of them, are present and will be affected by these proposals. This 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.

A. If no bats or evidence of bats is found, the application can be determined accordingly.

B. 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. As we are now within the unfavourable time of year to undertake these bat activity surveys, an Outline Mitigation Strategy with appropriate recommendations should be included within the bat report if the Local Planning Authority is to fully consider the impact of the proposals on bats. In this respect, we only advise this approach outside the optimum bat activity survey. This 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 property 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) development 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 on bats and any appropriate mitigation is provided to the LPA for written approval.

#### 7. Affinity Water

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

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

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

#### 8. Thames Water

##### Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit [thameswater.co.uk/buildover](http://thameswater.co.uk/buildover)

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

##### Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company.

#### 9. Contaminated Land

Comments dated 21/3/18

We will like to advise that we have no objection to the proposed application as it relates to contaminated land and Air Quality.

However, having consider the historical land use for this site and it's environ, relevant planning conditions and informatives are recommend for the proposed development should planning permission be granted.

Comments dated 9/1/18

I have no specific comments to make in respect of contamination. The resulting contamination report must take into account all amendments to site layout.

Additional information:

- Site Surface Water Drainage Plan
- Drainage Construction Details
- Drainage Assessment
- Greenfield Runoff Estimation

Change of description:

'Demolition of existing house. Construction of 3 x 1 bedroom and 1 x 2 bedroom flats, together with ancillary 14 bay car parking. Private garden amenity spaces and external bin stores'

Amended plans:

- Proposed Site Plan – vehicle manoeuvring (Revision G)
- Proposed Floor Plans Flats (Revision D)
- Proposed Elevations (Revision E)
- Proposed Block Plan (Revision G)
- Proposed Street Elevation and Site Section (Revision C)

Comments dated 24/11/18

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

- 2no. paper mills
- Builders yard
- Depot
- Coal depot
- Plastics factory
- Unknown filled ground

BGS data indicates the site to be underlain by Head (superficial deposits) over Chalk (bedrock), a viable pollutant migration pathway may therefore be present linking the potential sources (as listed above) with the receptor (application site). I recommend that the standard contamination conditions (CONT 1 and CONT2) be applied to this development should permission be granted.

10. Lead Local Flood Authority

Comments dated 12/1/18

Following a review of the Flood Risk Assessment carried out by JNP reference C85763 RE001 dated 20 December 2017, we can confirm that we have no objection on flood risk grounds and advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.

We note that proposed drainage strategy is based upon attenuation and discharge into Thames surface water sewer at a maximum rate of 5l/s. We acknowledge that infiltration tests have been carried out and infiltration rates of  $1.0 \times 10^{-6}$  were recorded. This infiltration rate is not adequate to cater for the whole development site and due to layout of the development; appropriate stand-off distance from infiltration features and building is unlikely to be achieved. Therefore it is not proposed to infiltrate and we acknowledge there are no watercourses within the vicinity of the site.

The drainage strategy includes the use of permeable asphalt and attenuation tank to provide the required attenuation volumes. Micro-drainage calculations have also been provided to support the proposed scheme.

We therefore recommend the following conditions to the LPA should planning permission be granted - these conditions have been added to the report.

#### Comments dated 10/11/17

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

The information submitted with this application does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques, the following information is required as part of the surface water drainage assessment;

- An drainage strategy which includes providing appropriate SuDS in line with the non-statutory national standards, industry best practice and HCC Guidance for SuDS.
- Drainage plan including location of all the drainage features and feasible discharge mechanism for surface water off the site.
- Detailed calculations of existing/proposed surface water storage volumes and flows with Initial post development calculations and/or modelling in relation to surface water are to be carried out for all rainfall events up to and including the 1 in 100 year including a 40% allowance for climate change.

#### **Overcoming our objection**

To address the above points, please see the comments below:

Following a review of the proposed block plan (Drawing No. 210 Rev E), it is shown that some areas of hardstanding will be constructed on permeable surfacing. No further information on surface water management has been submitted. The drainage strategy should include details of how the on-site surface water will be managed by provide appropriate sustainable drainage techniques and the location of discharge off the site (utilising the SuDS hierarchy), along with supporting calculations. Previously developed sites should aim to discharge at the pre-development greenfield rate for the whole site area where possible. If not, a significant reduction in the current rate of discharge should be achieved and evidence provided as to why greenfield rates are not viable.

The applicant can overcome our objection by submitting a surface water assessment which covers the deficiencies highlighted above and demonstrates that the development does not increase risk elsewhere and where possible reduces flood risk overall, and gives priority to the use of sustainable drainage methods. If this cannot be achieved we are likely to maintain our objection to the application.

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

#### 11. Building Control

No comments to make.

#### 12. Environmental Health

No objection.

#### 13. HCC - Development Services

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.

#### 14. Cupid Green Depot

Supports the application.

The 5 houses will each require space for 3 x wheeled bins and a kerbside caddy. The 4 flats will require space for 2 x 1100ltr eurobins and a 140ltr wheeled bin for food waste.

The plan shows access to the bins from Pinecroft via a ramp.

I am concerned that the distance for some of the bins to be wheeled especially the eurobins for the flats is too far. It would be better if the slope was at the flats side or sloped from both directions instead of steps.

There should be sufficient space to move the eurobins without causing damage to edges of walls etc. There should be no steps between the waste storage areas and the collection vehicle and any frames, gates or doors should be suitably robust.

## **Appendix B**

### **Neighbour notification/site notice responses**

#### **Objections**

##### 1 Marina View Terrace - Objects (dated 9/11/17)

With the parking now situated against the perimeter of my property, my concern is for security and noise levels. With cars parked there, it would be easy enough for potential intruders to jump on to a car and over the fence. I don't disapprove of the plans, but some assurance for a barrier such as a tall wall in brick/organic form would be prudent. It would also limit the amount of noise from moving / parking of cars.

One other concern that I discussed with Peter Hollingberry a few weeks ago, was the roundabout at the entrance to 143 Belswains Lane. In the space of a month, my wife has witnessed two accidents at this roundabout. With potentially the frequent use of an additional exit at this roundabout, I feel it is in need of an overhaul of design, signposting and general wear and tear.

Many cars whizz through the roundabout as if there wasn't one there. Perhaps speed traps a few metres away would help safeguard against potential accidents.

As stated before, I welcome any development, but safety must come before maximising a return of investment for the applicant.

(dated 28/10/17)

We've witnessed accidents at the roundabout by No. 143. Please don't make the road more dangerous.

Locals compete for limited parking with rail commuters. Proposals for No.143 don't provide enough off-road spaces. We have 9 spaces for 10 bedrooms. They propose only 14 for 23 bedrooms. Their turning /drop-off area appears too small.

The drain for No.143 runs under No 145 & was renewed recently but will not cope with sewage from 9 properties- we would like the drain moved to the driveway of No 143. We do not want a blockage to flood our gardens and driveway with sewage.

Our gardens get waterlogged in wet weather. Recent removal of trees at No.143 & proposed buildings & patios could lead to more rain running downhill onto our properties causing damage.

We were saddened by the felling of the mature, majestic trees at No.143. Native trees are a habitat for wildlife & all play make an important contribution to air quality & local character. We would like more space for trees in the proposals.

### 3 Marina View Terrace - objects

(dated 20/11/17)

First of all I was most shocked when I returned from work one day to witness the site being cleared. The large number of trees were providing homes to a great deal of wild life, which has now been taken. There were a number of extremely large oak trees that were ripped down, I struggle to believe these did not have any sort of protection order on them?

I have looked at the proposed plans and what has been proposed. Firstly, although the flats will not overlook my property, the five 3 bed houses will, made easier now that all of the trees that once lined my back fence have been removed. This is not acceptable to have my privacy taken away in a way completely out of my control, not to mention the detrimental visual effect this will have. The proposed parking is not adequate. I don't believe that if anyone has a vehicle anything longer than your average car, there will not be enough space to turn around at the development meaning they will have to reverse out into the main road, which will be extremely hazardous.

(dated 4/11/17)

First of all I was most shocked when I returned from work one day to witness the site being cleared. The large number of trees were providing homes to a great deal of wild life, which has now been taken. There were a number of extremely large oak trees that were ripped down, I struggle to believe these did not have any sort of protection order on them?

Although the flats will not overlook my property, the five 3 bed houses will, made easier now that all of the trees that once lined my back fence have been removed. This is not acceptable to have my privacy taken away in a way completely out of my control, not to mention the detrimental visual effect this will have.

The proposed parking is not adequate. I don't believe that if anyone has a vehicle anything longer than your average car, there will not be enough space to turn around at the development meaning they will have to reverse out into the main road, which will be extremely

hazardous.

4 Marina View Terrace ("MVT"), 145 Belswains Lane - objects

(dated 6/11/17)

The planned provision for parking and manoeuvring of occupier cars, delivery vans, & visitors' cars is inadequate.

There is a shortage of local parking already and people are constantly trying to find places to park.

Using the access drive as parking will be a noise nuisance for the occupiers of MVT. Why are No's 1&2 MVT not shown on the plan? The residents of 'MVT' will also be affected by vehicles entering and leaving 143.

The access point is not big enough and the mini roundabout already causes problems let alone with more traffic turning.

It is a terrible shame all those mature trees were brutally and suddenly cut down without any warning to neighbours.

These new plans show residents looking straight into my master bedroom! No privacy at all! Will the access to 143 be wide enough for emergency services, parked cars and cars to access?

What a shame- this could be beautiful, too much on too little space!

(dated 26/10/17)

The planned provision for parking and manoeuvring of occupier cars, delivery vans, & visitors' cars is inadequate. There is a shortage of local parking already and people are constantly trying to find places to park.

Using the access drive as parking will be a noise nuisance for the occupiers of MVT. Why are No's 1&2 MVT not shown on the plan? The residents of 'MVT' will also be affected by vehicles entering and leaving 143. The access point is not big enough and the mini roundabout already causes problems let alone with more traffic turning.

It is a terrible shame all those mature trees were brutally and suddenly cut down without any warning to neighbours. These new plans show residents looking straight into my master bedroom! No privacy at all!

Will the access to 143 be wide enough for emergency services, parked cars and cars to access?

What a shame- this could be beautiful, too much on too little space!

5 Marina View Terrace ("MVT"), 145 Belswains Lane - objects

The planned provision for parking and manoeuvring of occupier cars, delivery vans, & visitors' cars is inadequate.

There is a shortage of local parking already.

Using the access drive as parking will be a noise nuisance for the occupiers of MVT. Why are No's 1&2 MVT not shown on the plan? They are close to the access drive to No 143 and will also be affected by vehicles entering, leaving and parking.

It is a terrible shame all those mature trees were brutally and suddenly cut down, please don't cut down more.

Currently the drain for No 143 runs through the garden of 5, MVT and the shared driveway/planting of MVT. It will be a major concern if this drain is used for 9 new properties. I hope it will be routed down their own driveway.

Winton House, Gravel Path - Objects

(dated 19/10/17)

I am the owner of 5 Marina View Terrace ("MVT"), 145 Belswains Lane.

The planned provision for parking and manoeuvring of occupier cars, delivery vans, & visitors' cars is inadequate.

There is a shortage of local parking already.

Using the access drive as parking will be a noise nuisance for the occupiers of MVT. Why are No's 1&2 MVT not shown on the plan? They are close to the access drive to No 143 and will also be affected by vehicles entering, leaving and parking.

It is a terrible shame all those mature trees were brutally and suddenly cut down, please don't cut down more.

Currently the drain for No 143 runs through the garden of 5, MVT and the shared driveway/planting of MVT. It will be a major concern if this drain is used for 9 new properties. I hope it will be routed down their own driveway.

137 Belswains Lane - Objects

(dated 3/11/17)

This proposal is too dense for the area. Adjacent properties will be overlooked and lose privacy.

A block of flats and a close packed terrace is against the character of the area which is mainly detached or semi-detached houses.

There is no space for soft landscaping and tree planting in an area that has been cleared, in a locality that retains a "green" character.

Rain run-off from paved areas will exacerbate flooding in Belswains Lane.

14 parking spaces; maybe 2 per house and one per flat is inadequate, in local experience. It won't allow for growing families and guests.

On-street parking on Belswains Lane would obstruct traffic and access to adjacent properties; use of Pinecroft would impede emergency access. The access lane is unsuitable for the traffic volume generated by the homes. Parking here will cause serious disturbance to existing homes. Bin access from Belswains Lane is not in the proposal."

137 Belswains Lane - Objects (different person to above)

(dated 3/11/17)

I object to this development on the following grounds:

1. Over Development - Significantly more dense development than any other site in the area.
2. Parking & Road Safety
  - Not enough parking spaces provided
  - Insufficient turning within the site, increasing the chances of the multiple cars reversing out onto the roundabout. Nash Mills Wharf has been built with far too few car parking spaces

leading to issues on Red Lion Lane and accidents, this could happen here.

- Access doesn't appear sufficient for emergency services. Only 2.4m wide spaces shown, cars won't be so close to the wall in reality.

- Pineroft parking will increase with pedestrian access, this road already has significant access issues.

3. Privacy - Apartment windows overlook Pineroft houses

4. Right to Light - Pineroft house has light blocked

5. Sustainability - Significant vegetation and trees cleared, how will this be reinstated?

6. Bin storage - Logistics of two awkward site entrances?

### 139 Belswains Lane - Objects

(dated 29/1/18)

Work has clearly been commenced on site, large trenches have been dug and pipes appear to have been laid. Also earth has been raised against the fence which is owned and maintained by us at 139 Belswains Lane. The consultation period has not ended and no attempt at communication with neighbouring properties has been made. We feel this is in contempt of the process.

(dated 7/11/17)

We feel that the proposed development is an enormous over development of this section of Belswains Lane. The type of housing proposed is out of keeping with the surrounding roads, which consist of detached and semi-detached properties.

The access for the proposed development will be adjacent to a busy mini-roundabout at the entrance to Apsley Lock. There have been a number of accidents and many near-misses at this roundabout. The new entrance is very likely to lead to greater safety issues.

14 parking spaces are proposed which are insufficient for 9 properties. There is no facility for off-road parking in any of the surrounding roads which are already grossly overcrowded with parked cars.

Our property immediately borders the proposed development. We are a single-storey house. We are likely to be overlooked and our privacy will be severely compromised by the proposed parking area.

Our local drains experience many problems, can they cope with more?

Local schools very over-subscribed.

(dated 3/11/17)

As your records likely show, there is no 141 Belswains Lane, so we are immediately next door to the proposed development.

We feel that the proposal represents an enormous over development of this section of Belswains Lane. There are several reasons for this outlined below.

Access: The access for the proposed development is to be onto Belswains Lane, it will be adjacent to a busy mini-roundabout at the entrance to Apsley Lock. There have been a number of accidents at this roundabout and another entrance onto this roundabout, which will also be slightly offset, is very likely to lead to further safety issues. When the development at 145 Belswains Lane was granted permission, it was on the instruction that they moved the access to the furthest point from the roundabout.

Parking: In the proposal it states that there will be 14 parking bays. This is insufficient for 9 properties as most are now 2 car households. There is no facility for off-road parking in any of the surrounding roads. The Apsley Lock development opposite is grossly overcrowded with parked cars.

Type of housing: All residences in this section of Belswains Lane and the surrounding roads, i.e. Pinecroft and Great Elms Road, are one or two storey detached or semi-detached houses, no blocks of flats. This style of housing is out of keeping with the local area.

Loss of Privacy/ overlooking: We are a single storey property with huge potential to be overlooked, especially along the side where residents will be parking and accessing their cars. Young children live and play here, we feel their safety may be compromised by loss of privacy.

Drainage: The sewer, which runs along this section of the road is overloaded. Ourselves and a number of neighbours have experienced multiple problems with the drains over the past few years. Even in heavy rain, the drains struggle to cope and back flow into the street.

Other: All the local schools in this part of Hemel Hempstead are massively over-subscribed. More and more housing appears to be being built with little evidence of any measures to provide more school places. We cannot see that our local area will be enhanced by this particular development.

145 Belswains Lane Management Company Ltd - objects  
(not dated)

145 Belswains Lane Management Company Ltd manages the common areas including the driveway at Marina View Terrace, 145 Belswains Lane. The proposed development wraps around Marina View Terrace on two sides and will have a significant impact. Our main concerns are:

Road Safety: We have already witnessed accidents at the roundabout by No. 143. We presume that the experts at Herts Highways will not permit any access arrangement which makes the road more dangerous.

Parking and Turning: There is a shortage of parking locally. Local residents compete for roadside parking with commuters parking for Apsley Station. The Apsley marina development uses a residents parking scheme to control their spaces. We do not consider that the proposed development at No. 143 provides enough off-road spaces. We have 9 spaces for 10 bedrooms. No. 143 has planned only 14 spaces for 23 bedrooms and their turning area/drop off area appears very small given that the access driveway seems too narrow for a 3 point turn (it is to be expected that delivery drivers will use the driveway to access the properties unless they are to have a Pinecroft address and postcodes).

Sewage drainage: The drain for No 143 was renewed when the land at No. 145 was developed but it was not envisaged that it would need to accommodate the waste-water and sewage from 9 properties. If the land at No. 143 is developed, then we would much appreciate it if the current sewage drain were to be closed off and a new one built under the access driveway of No. 143. We would not like to see the results of a blockage flooding over our gardens and driveway.

Rainwater drainage: Our gardens quickly become waterlogged in wet weather. We are concerned that the recent removal of trees at No. 143 and the construction of buildings and patios covering a larger area could lead to more rain running off the land and driveway at No. 143 and downhill into our properties. This would harm our fences and bee-friendly planting and make our lawns unusable. We would appreciate it if every effort could be made to ensure that rainwater is contained well within the boundaries of No. 143.

Greenery: We were shocked and saddened by the sudden felling of the mature and majestic trees in the garden of No. 143. Native trees such as Oak provide a habitat for local wildlife and all trees play an important role in air quality and contribute to the character of the area. We miss them and would have liked to see more trees and less buildings in the proposed

development.

147 Belswains Lane - Objects

(dated 28/10/17)

I very strongly object to the above application on the following grounds:

1. The plan will create excessive over development of the site, with insufficient parking provided.
2. Home owners vehicles would create both major parking problems in Pinecroft and major hazards exiting on to the Apsley Lock roundabout.
3. The development is NOT in keeping with the area.

149 Belswains Lane - Objects

(dated 10/4/18)

Extreme over development and is out of character in our neighbourhood. Shows no green landscaping especially considering the devastating loss of trees we have already experienced from the site. There will be overlooking of adjacent properties, an increase in noise and a consequent loss of privacy. People already park on the pavement outside 145 Belswains Lane. Proposed parking is highly inadequate. Proposed access off a roundabout is highly dangerous. Local residents have difficulty siting traffic when leaving driveways due to parking on the pavement. The development of Marina View was only allowed to proceed, by having its entrance offset, away from the Apsley Lock roundabout. The length and narrowness of the access lane is unsuitable and will pose a problem for deliveries and emergency services. Existing traffic congestion already exist in Pinecroft. The area already suffers inadequate foul drainage, sewage spills and local flooding. Further development will make the situation worse.

Briffa Phillips Design and Access statement states "we have thought carefully about how disabled people will be able to use this proposed development". In my professional opinion, the extreme compact nature of the scheme, means these houses do not lend themselves to being adapted for wheelchair users. There is a vast shortage of family homes in Dacorum that can be made wheelchair adaptable. The more the Council keep agreeing to compact home designs the worse the situation will become. These small cramped homes have no breathing space and exclude the needs of people who have disabilities.

(dated 12/1/18)

The description just mentions the flats but the drawings still show 5 terrace houses. Please correct your information. Extreme over development and is out of character in our neighbourhood. Shows no green landscaping especially considering the devastating loss of trees we have already experienced from the site. There will be overlooking of adjacent properties, an increase in noise and a consequent loss of privacy. People already park on the pavement outside 145 Belswains Lane. Proposed parking is highly inadequate. Proposed access off a roundabout is highly dangerous. Local residents have difficulty siting traffic when leaving driveways due to parking on the pavement. The development of Marina View was only allowed to proceed, by having its entrance offset, away from the Apsley Lock roundabout. Existing traffic congestion already exist in Pinecroft. The area already suffers inadequate foul drainage, sewage spills and local flooding. Further development will make the situation worse.

(dated 15/11/17)

Extreme over development and is out of character in our neighbourhood. Shows no green landscaping especially considering the devastating loss of trees we have already experienced from the site. There will be overlooking of adjacent properties, an increase in noise and a consequent loss of privacy. People already park on the pavement outside 145 Belswains Lane. Proposed parking is highly inadequate. Proposed access off a roundabout is highly dangerous. Local residents have difficulty siting traffic when leaving driveways due to parking on the

pavement. The development of Marina View was only allowed to proceed, by having its entrance offset, away from the Apsley Lock roundabout. The length and narrowness of the access lane is unsuitable and will pose a problem for deliveries and emergency services. Existing traffic congestion already exist in Pinecroft. The area already suffers inadequate foul drainage, sewage spills and local flooding. Further development will make the situation worse.

(dated 30/10/17)

- We already suffer an increase in noise in the summer months from our new neighbours and increased parking issues.
- The proposal shows no green landscaping especially considering the devastating loss of trees we have already experienced from this site. Including more than one tree which we believe had TPOs attached to them.
  - There will be overlooking of adjacent properties, an increase in noise and a consequent loss of privacy.

Parking/Access:

- Since the construction at 145 Belswains Lane an increased number of people are parking on the pavement outside 145 Belswains Lane. The proposed 14 car parking bays for 9 dwellings, 23 bedrooms is highly inadequate and does not allow for growing families and visitors parking.
- Proposed access off a roundabout is highly dangerous. There are already accidents in this location. Local residents have difficulty siting traffic when leaving driveways due to people parking on the pavement outside the new development (145 Belswains Lane). Please note that the development of Marina View Terrace (145 Belswains Lane) was only allowed to proceed, by having its entrance offset, away from the Apsley Lock roundabout.
- The length and narrowness of the access lane is highly unsuitable for the associated flow of traffic. Parking on this lane will pose a problem for deliveries, Fire and Ambulance services to the site. Parking on the Lane will also cause disturbance and noise to the neighbouring properties.
- Making use of access via Pinecroft will also be highly opposed by residents. Existing access problems and traffic congestion already exist in Pinecroft, due to customers using The Denes and other companies based on Pinecroft. Access to a further 9 homes from Pinecroft will exacerbate the problem and will become an overflow carpark for the new development.
- Neither access location will cope with such a highly over developed site.

Infrastructure:

- Drainage:- The area already suffers inadequate foul drainage. We have personally had two huge sewage spills across our drive in recent years. Heavy rainfall also causes local flooding to Belswains Lane. Further development will only make the situation worse. Putting pressure on the sewers and reducing porous green land to soak up rain water.
- Local amenities:- A 23 bedroom development puts pressure on local resources such as nearby GP surgeries, schools and recreational facilities. In particular the local schools are oversubscribed. Have the council addressed these issues?

Local Character:

- I have already mentioned the loss of green landscaping. The architecturally unimaginative and highly compact proposed terrace housing along with the block of flats are out of character in our neighbourhood which is predominantly detached or semi-detached houses which sit amongst green spaces.

I hope that you take the above comments on board and reject such a scheme from ever taking place.

6 Pinecroft - Objects

(dated 14/11/17)

I wholeheartedly agree with all other objections. I object on these grounds:

1. Over Development - Significantly more dense development than any other site in the area
2. Parking & Road Safety
  - Not enough parking spaces provided
  - Insufficient turning within the site, increasing the chances of the multiple cars reversing out onto the roundabout. Nash Mills Wharf has far too few car parking spaces leading to issues on Red Lion Lane and accidents, this could happen here.
  - Access doesn't appear sufficient for emergency services. Only 2.4m wide spaces shown, cars won't be so close to the wall in reality.
  - Pineroft parking will increase with pedestrian access, this road already has HUGE access issues.
3. Privacy - Apartment windows overlook Pineroft houses
4. Right to Light - Pineroft house has light blocked
5. Sustainability - Significant vegetation and trees cleared, how will this be reinstated?
6. Bin storage - Logistics of two awkward site entrances.

### 8 Pineroft - Objects

(dated 7/11/17)

- **Access** from the Belswains lane proposed development to Pineroft via the existing "hole in the hedge" access. It seems painfully obvious to us that by allowing this pedestrian access to continue, the residents at the new development will simply park in Pineroft and walk through to their houses. There is nothing like enough parking spaces allowed in the plans for the amount of houses proposed.
- **Dangerous access/egress from the proposed site:** having looked at the plans, I would like to see the exact measurements allowed for emergency vehicle access/egress into the proposed development? When the cars are parked up the road (in the parking spaces allotted to the houses), what space is left for Fire engines/ambulances?
- **Site traffic:** Does this mean the site traffic for the build will use Pineroft as an easy access to the site?
- **Red Lion Lane:** we only need look to the dangerous parking that has appeared since the new Nash Mills developments have sprung up. Why are we allowing such huge volume of houses to be built with no thought to the amount of parking that it *actually* requires? 1.5 parking spaces per house (I believe this is how its calculated?) is just sheer greed on the half of the developers.
- **Parking** on Pineroft is already becoming squeezed. I watch people (on a daily basis) who do not live on the road, park here *all day* (presumably to walk to Apsley Station?). People already park across our drive and have no consideration for the residents.
- I fear the only solution will be a **residents parking permit scheme**, but I would be really loathed to see this as it has a huge cost implication for all of the residents.
- **Tescos and shops** at the mouth of Pineroft already cause congestion into the road, add to that the **builders merchant** and all their lorries, access/egress is already fairly awful for Pineroft residents.
- **Extra cars:** what happens when a further **8 houses** have access to park their cars on the street? A potential of **well over 16 extra vehicles?**
- **Overdevelopment:** having watched (to my horror), the extension of the house on the Cart Track (which backs onto my garden) I simply cannot believe we are considering yet more in-filling in this area? I believe there is also another huge extension / new house being built on the Cart Track too?

- **Destruction of 200 year old oak:** I understand that a 200 year old oak tree that had preservation order on it, was felled by the developers / owners of this site? I am utterly disgusted by this. I would like to know what action is being taken about this? A simple fine is *not* enough, after all, what is a few thousand pounds to someone who has enough money to build 8 houses?

Aside from everything I've mentioned above, for the residents of Pinecroft, especially those nearest to the proposed development, the idea of yet more houses being crowded onto such a small space and everything that will come with that is untenable.

Where is the infrastructure to support all these new developments? I don't see any so far? No new schools, No new hospital, Drs, road systems...?

11 Pinecroft - Objects  
(dated 5/11/17)

We would like to formally object to this development. The reasons are;

- Car parking; because of the access to Pinecroft, it will be geographically more convenient for new residents to park in Pinecroft than the car parking offered along the new access road (off Belswains Lane). It is a certainty that Pinecroft would be used as an overflow car park. The majority of the time I cannot currently park in front of my house, before adding potentially 23 + car drivers into the equation.
- Design appearance; this current proposal is “over developing” the plot (e.g. 23 bedrooms and if the current Pinecroft Street Scene was kept it would be 12 bedrooms!). Pinecroft is a street of semi detached properties each with clear gaps between each property, which would now be truncated with terraced properties. Therefore, the overall appearance is not in keeping with the current appearance of the Pinecroft street scene.
- Safe Access; access to Pinecroft is frequently limited with cars queuing on Barnacles Road to access and park in “The Deans” car park adjacent to the shops. This can lead to waiting times of up to 10 minutes to access Pinecroft. This encourages residents of Pinecroft to try to weave through the waiting cars to return to their residence and it is highly probable that increased demand to access Pinecroft will result in an accident.

We really want to stress we are positive about 143 Belswains redevelopment in general, however the current plans are excessively detrimental to the residents of Pinecroft.

12 Pinecroft - Objects

(dated 2/11/17)

The application proposes 9 new homes fronting onto Pinecroft. This constitutes a very significant increase in the number of homes on a small cul-de-sac which already suffers from parking and access problems at peak times. Although limited parking provision for the new homes is proposed to the rear of the properties its clear that many owners of the proposed properties will find it more convenient to park on Pinecroft to the front of their properties rather than potential tens of metres away to the rear of their properties. This appears likely to cause a significant increase in the number of properties on Pinecroft will contribute to additional traffic and noise pollution in the road.

13 Pinecroft - Objects

(dated 20/12/17)

Our neighbour Peter Hollingberry has passed on a copy of your letter to him dated 7 December re amended and /or additional information for the above mentioned planning application.

We have read his comments concerning the new view of the proposed new properties facing Pinecroft , & the existing semi-detached houses 13 &14 Pinecroft , and agree with Peter's comments in his email to you dated 12 December, & concur that the current proposal by the Developer is 'over development' & not in line with the existing properties on Pinecroft.

I submitted my original comments to you on 2 November 2017. Looking at the Council's Planning Applications Website yesterday, I noticed that as well as the applicants submission to you on 7 December, a Transport Technical Note was included, dated 13 November( after the date of my submission).

I have read through the applicant's Transport Technical Note and refer you to paragraph 5.5 on page 13. They have not looked at the effects of additional vehicles and of their journeys in & out of Pinecroft. I would also refer you to Dacorum Core Strategy 2006-2031, Policy CS9, paragraph 2.10, on page 4, particularly consideration of 'the cumulative effects of incremental developments'. In addition to the above mentioned Planning Application, there is also the proposed Planning Application No 4/01584/17/MFA for a Mosque in Barnacres.

Pinecroft is a cul-de-sac which is mainly residential , but also provides access to the Denes Shops & a Builders Merchants. The only exit to get in & out of Pinecroft, is onto Barnacres. This is a very busy junction & is often congested with existing parked vehicles, & others vehicles waiting to visit the Denes Shops. This already causes a tailback into Barnacres. Both the proposed Planning Applications mentioned, will make the current difficult situation, impossible.

(dated 2/11/17 and 13/11/17)

I strongly object to the above mentioned planning application, on behalf of my family, on the following grounds :-

The proposed development is out of character with the other properties in Pinecroft. The five 3 bedroomed terrace of houses, will not be in keeping with the mostly 3/4 bedroomed semidetached houses, together with at least two detached houses, currently there.

The Planning Application represents an over-development of this small plot of land, when there is currently one house on the site, which was surrounded by trees,(swiftly felled in August this year). The proposal will mean loss of garden land & of its open aspect.

The proposed pedestrian access onto Pinecroft will result in our road becoming an overspill car park for the new residents of the development, and their friends & family, together with additional delivery vehicles. This will increase existing problems, with vehicle access in & out of Pinecroft, causing queues in Barnacres at peak times ( Pinecroft is a cul-de-sac).

#### 14 Pinecroft - Objects

(dated 18/4/18)

20 Bedroom in a continuous terrace for given frontage is out of keeping with Pinecroft housing:

-

- All Pinecroft houses are semi-detached or detached
- The frontage ratio of bedrooms of Pinecroft to new development is 1:2 (Double the density of existing Pinecroft properties)

Access to Pinecroft via footpath to new development: -

- A throughway to Apsley station, via Apsley Lock will exist, due to no indicated gate.

- No pavement is provided for pedestrians who use this short cut route in the new development's access drive to Belswains Lane

Bins collected from Pinecroft

- Bin collection day, Blue and Green Bins day: -
- 5 x 2 large Bins for houses
- 1 x 2 large Bin for Flats
- 1 x 1 large Kitchen waste bin for Flats
- 5 Kitchen waste caddies for houses
- Totalling 13 large Bins and 5 caddies
- Restrictive Pavement access in Pinecroft for pedestrians using this shortcut.
- Attraction to park in Pinecroft, due to the short cut to station for commuters
- Additional parking and delivery problems for both residents and existing businesses in Pinecroft and the Denes.

Dedicated Parking spots for residents of the new development: -

- Is there a facility to ensure that non-residents do not park on the dedicated allocated parking spaces of the residents?
- Are there any restrictions on residents of the development selling their parking spaces to non-residents, leaving subsequent dwellers of the same property without parking?

Lighting restrictions: -

14 & 15 Pinecroft will have restriction of natural light into their properties, due to the height and close vicinity of the proposed development.

(dated 21/12/17)

Additional view provided of 143 Belswains Lane proposed development, with a Pinecroft semi-detached house.

The detached house consists of: -

- one 3 bedroom house, (13 Pinecroft)
- one three bedroom house, converted to 4 Bedroom, (14 Pinecroft)
- Sum of 7 bedrooms for the two properties
- Frontal length ratio of detached house is 1 : 2.4 of proposed development
- Using 1:2.4, frontage ratio, gives a relative 16.8 bedrooms for the new development, compared to the 23 bedrooms proposed.

What has not been shown is: -

- Each semi-detached property, in Pinecroft, has at least one dedicated parking place, with room for another car or more to be parked in front of the property.
- A 3.4 metre gap exists between each semi-detached house

Therefore Frontal length ratio of detached house is 1:2.15 of proposed development

Working to this frontal length to bedrooms ratio gives: -

- 15.5 bedrooms for 7 bedrooms per completed detached house (e.g. 13 and 14

Pinecroft, as displayed)

· 17.2 bedrooms for 8 bedrooms per detached house (if both houses were 4 Bedroom)

This is major overdevelopment. If gaps were incorporated between residencies, to be in keeping with Pinecroft, this would further lower the bedroom count for the proposed development.

(dated 30/10/17)

My concerns about the effects upon my family, due to the plans for the proposed development of 143 Belswains Lane are: -

- The housing density proposed is an over development, being far above anything in existence in this vicinity.
- The design of the proposed properties is out of keeping with the properties of Pinecroft, which only has semi-detached and detached houses.
- The proposed allowance of 14 parking spots, with 23 bedrooms, where locally most families now have 2 plus cars, is insufficient and likely to end up making Pinecroft an overflow car park, due to the proposed access gate. With there already being major parking and traffic flow problems, at the junction of Barnacres Road and The Denes, due to the Tesco's Express, the Builders Merchants and the MOT/repair garage, this would exacerbate an already bad situation.
- The majority of natural light that comes into our study would be blocked off.
- Privacy has already been affected with the removal of the considerable number of trees, that were upon the property, making it possible for residents of Marina View Terrace to now see directly into our house and vice-versa. The proposed new development itself, should it be approved, could further infringe upon our privacy and therefore the reinstatement of trees and appropriate fencing already needs to be addressed.

### 15 Pinecroft - Objects

(dated 5/11/17)

More than anything, we were shocked to learn about the extent of the construction that is being planned by Bull Homes Ltd. This is for the following reasons, that would greatly impinge on our living conditions:

#### 1. Loss of sight or overshadowing.

The flats are planned to be constructed right next to our property on land that extends beyond the back of our house and into our garden. Their construction lead to a significant loss of light to our home in addition to that which falls in our garden.

#### 2. Overlooking/ loss of privacy

For the above reasons, we are very concerned about the consequent unacceptable loss of privacy for us, following the construction to the levels mentioned in the proposal

#### 3. Adequacy of parking

The back entrance to 143 Belswains Lane, lies just outside our driveway. As you can understand, we are very concerned about the consequences of cars being parked in such a limited cul-de-sac area. We can only imagine how many visitors these proposed homes would invite. There is already significant disruption getting into the Pinecroft cul-de-sac due to the cars attempting to park at the Denes Shopping Centre.

#### 4. Noise and disturbance resulting from use

The proposed plans include the construction of garden spaces for a huge number of people and houses. Consequently, we are worried about the inevitable noise and disturbance resulting from the completion of so many houses and flats.

#### 5. Visual intrusion

The construction of the multi-storey flats will obviously enable the resident to have a view into our personal home and garden space. This again we feel is unacceptable.

We sincerely hope that all of the above significant reasons will prevent the construction of the proposed plans. We are aware that many of our neighbours are equally concerned about this and are hoping for a similar outcome.

#### 18 Pinecroft - Objects (dated 7/11/17)

With regard to the proposed development at 143 Belswains Lane whilst we are opposed to this we are more concerned about the access from this into Pinecroft.

We assume that anyone can walk up from Belswains Lane and through the proposed gate leading for us to a greater security risk as I have a van parked on my driveway with a lot of tools in side and could make a quicker getaway back through the way they came.

Also further up from our garden an extension was built a couple of years ago, This house is in another road and we received notification informing us of this and asked us if we approved, We have had nothing about this proposed development.

I have a large driveway at the end of Pinecroft so parking for me is not a problem but will be for some residents.

#### 19 Pinecroft - Objects (dated 23/4/18)

One further point regarding the application (which I forgot to include below) is that the proposed building elevations differ to the existing elevation of 14 Pinecroft (and that side of the street in general). In order to ensure continuity of street character and scene, any development (in whatever the final form may be) should respect the existing building elevations and not have a higher elevation.

(dated 17/4/18)

Updated plans submitted in April'18 do not address any of the concerns previously raised by local residents. The developer is still ploughing ahead with a proposal that aims to maximise the number of dwellings on the site with scant consideration for the nature and character of the surrounding area and properties.

Statements in the application that suggest the proposed development is a 'natural continuation' of the Pinecroft street-scene and will 'add to the quality of the built environment' in the area cannot be given any credence by anyone who has been in the area and has seen it for themselves. These statements have probably been included in the application documents as a cynical attempt to distract from the simple fact that these plans are in no way suitable for Pinecroft or the wider area.

I would also highlight the potential material loss of privacy due to windows overlooking living areas and the garden at 19 Pinecroft - an issue which nothing in the plans aims to mitigate.

Briffa Phillips Design and Access statement states "we have thought carefully about how disabled people will be able to use this proposed development". In my professional opinion, the

extreme compact nature of the scheme, means these houses do not lend themselves to being adapted for wheelchair users. There is a vast shortage of family homes in Dacorum that can be made wheelchair adaptable. The more the Council keep agreeing to compact home designs the worse the situation will become. These small cramped homes have no breathing space and exclude the needs of people who have disabilities.

(dated 18/12/17)

The recently submitted additional drawing that shows the view of the proposed development from Pinecroft only goes to show how out of keeping with the existing buildings this proposal is. Any new development should be of a similar nature and character with the existing properties on Pinecroft (i.e. semi-detached, generous plot sizes, ample on-site parking and plenty of garden/green space).

It is also worth noting that the proposed development is toward the end of Pinecroft where a number of the properties have larger driveways/gardens and internal areas - this should be taken into consideration in the design of any new proposed developments to ensure continuity of street scene and character of the area.

(dated 6/11/17)

I object in the strongest terms. Main reasons:

-The proposed scheme is an example of gross over-development and 'garden grabbing'. Clearly not enough parking provision. This is a case of packing in as many dwellings as possible with no consideration given to the character and nature of surrounding properties and area

-A major concern is that Pinecroft may become an overflow car park for the scheme, particularly as a direct access route from the development to Pinecroft is being proposed

-The scheme design is not in keeping with existing properties on Pinecroft (4 and 5 bedroom houses with generous plot sizes)

-There will be significant visual intrusion from the scheme and it will adversely affect the street scene at Pinecroft (in fact, it already has given the recent felling of the large, mature trees that were on the plot. This will only be exacerbated if the scheme is approved)

(dated 3/11/17)

#### 1. Overdevelopment and Parking Provision

The proposed scheme is of a high density that is not in keeping with the area and, in our view, inappropriate given the total land area available. The scheme proposes 14 car parking spaces. Given the clear tendency for most residences to have more than one vehicle, this provision does not appear adequate – one only needs to observe the parking situation at nearby areas such as Apsley Lock, and the more recently developed Nash Mills Wharf, to understand the consequences of ill-thought-out parking provision and design.

Of primary concern is the possibility that residents in the new development may use Pinecroft as an additional car parking facility given the plans suggest there will be a direct access route from the development into Pinecroft.

Consideration must be given to reducing the density of any site development and closing off any direct access from the site to Pinecroft (and enforcing it via planning conditions/legal covenants) to avoid exacerbating parking and access issues that already exist.

Images 1 and 2 submitted demonstrate the land area of the proposed development is very similar to the land area of the nearby Marina View development, however it is clear that the density of the proposed development at 143 Belswains Lane is significantly higher than that seen at Marina View. Image 3 submitted was taken recently and demonstrates a situation often seen on Pinecroft (particularly on evenings and weekends) where vehicles are parked along the road causing obstruction and the potential for accidents when vehicles are travelling to/from the turning area outside 17/18/18a Pinecroft.

## 2. Design and Appearance

Section 2.1 of the Design and Access Statement states that this is "...an opportunity to reinforce the established 'urban grain' and character of development of Pinecroft" and "The proposals are laid out as a natural continuation of dwellings forming the street scene of Pinecroft". However, the nature of the properties proposed (small terraced houses and apartments) does not tie in with the character and nature of the properties on Pinecroft (four and five bedroom semi-detached properties with generous plot sizes) at all. It also appears from the planning submission that proposed building materials will not match those used in the existing properties on Pinecroft. In order to ensure any new development is sympathetic to existing areas, there must be a requirement to use materials that match existing properties (e.g. a requirement to use LBC Heather facing bricks, match roof tiles to surrounding properties etc) and, just as importantly, the design and nature of properties must be in keeping with the existing properties in the area. Image 4 submitted below demonstrates the vastly different nature of the existing properties at Pinecroft versus those proposed in the planning application.

## 3. Visual Intrusion

During summer 2017, the site at 143 Belswains Lane was cleared of a number of large, mature, and healthy trees. This has had a significant detrimental effect on the street scene at Pinecroft, and has already led to 'visual intrusion' from the site. It would appear that the owners/developers of the site have attempted to 'game the system' by removing trees prior to submitting the planning application, on the basis that leaving the trees on the site while the application was being considered may have reduced the chances of the application being seen in a favourable light.

Redevelopment of the site, particularly in the form proposed by the submitted application, will result in further deterioration of the street scene and character of Pinecroft. It is important that the natural screening that was provided by the mature trees on the site, which have now been felled, be restored. Furthermore, the hedges that currently exist on the boundary between the site at 143 Belswains Lane and Pinecroft should be retained and protected to ensure they cannot be removed at any point in the future.

It is considered that the proposed development at 143 Belswains Lane is unreasonable and the application should be rejected on the grounds that the proposed scheme is a clear case of over-development and 'garden-grabbing' with little consideration given to the character of surrounding properties and the potential impact on the amenity of local residents.

20 Pinecroft - Objects  
(dated 2/11/17)

I wish to point to several observations over the period of time that have had, and will continue to be experienced, and probably in a more serious way if this proposed new development is approved in it's current form.

The original plans had no other accesses onto Pinecroft even when the road was adopted by the local authority from private ownership.

The cul-de-sac has been just that since its inception, with only one entrance via the Deans, but over the years this access has become more difficult at times due to the substantial increase in traffic due to expanding businesses towards the entrance (namely the building suppliers, the garage and Tesco's).

The statement relating to 'In keeping with the local area' does not tie in with semi-detached or detached properties adjacent to the proposed development. A typical household in Pinecroft supports 2-3 vehicles and owners of these properties have altered frontages to attempt to support the parking of these, but the extent of parking needs.

21 Pinecroft - Objects  
(dated 5/11/17)

I wish to oppose the proposed development on the following basis:

The density of development is excessive both in terms of number of dwellings and bedrooms in relation to the size of the site.

There is inadequate parking provision on the site for the number of dwellings and habitable rooms which, together with the proposed pedestrian access onto Pinecroft, will lead to parking on Pinecroft exacerbating the extreme access difficulties caused by traffic using the shops at the Denes with traffic frequently backing up onto Barnacres Road causing a hazard.

The nature of the development with terraced housing and flats is out of keeping with both Pinecroft and Belswains Lane which are predominantly detached and semi detached houses on large plots.

The proposed access and egress from the site onto the roundabout in Belswains Lane will cause a significant hazard to traffic as there is insufficient visibility splay.

25 Pinecroft - Objects  
(dated 30/10/17)

Firstly, I feel the proposed development is far too dense and not in keeping with the surrounding buildings. A precedent for this is the recent development undertaken at 145 Belswains Lane, Marina View Terrace, which I believe is of a similar area and has far fewer dwellings.

Secondly, is the proposed footpath access from the proposed development site into Pinecroft. I appreciate there is an existing gate from the garden of 143 Belswains Lane but I do not believe this should remain for an access into any proposed development. Having such an access is not required to visit the Denes shops, as the Cart Track is already available for that purpose from Belswains Lane. All that would happen is that Pinecroft would be used as an additional parking area for the proposed development and their visitors. Available road parking at Pinecroft is already full at evenings and weekends. When combined with the already congested situation with the egress and ingress to Pinecroft, which I'm sure you're aware of, because of the Denes shopping and Anderson's builders merchants, the ability to access the proposed development via Pinecroft should be declined.

97 Evans Wharf - Objects  
(dated 29/1/18)

This planning application continues to appear to ride roughshod over normal considerations.

1. There was evidence of badger activity on the site, but this has recently been flattened. Is it in order to start groundworks (laying drains etc.) before planning permission is granted and the final layout of the site is known?
2. Soil has been built up against a neighbours fence, this is structurally inadvisable and may jeopardise the condition of the fence.

(dated 3/11/17)

1 I live in Evans Wharf which runs parallel to Belswains Lane.

2. Parking. These proposed plans for 143 Belswains Lane show overdevelopment of the site with inadequate parking for the accommodation planned. Parking in this area is already very limited and vehicles park on the verges of Belswains Lane. This reduces visibility at the junctions with the Apsley Lock development. If the proposed development at 143 goes ahead it is likely that this kind of parking will increase, making the junctions more hazardous.

3. Drainage. When there is heavy rain, the water runoff from Belswains Lane already creates mini rivers in Evans Wharf, more hard surfacing is unlikely to improve this.

4. Environmental impact. Local residents were very distressed by the felling of the mature trees and hedgerows on the site, there is no evidence of planned replanting.

*Builders Yard, The Denes - Objects*

(dated 6/11/17)

We are a successful company that has for many years provided services to the building industry and the public, based on the junction of Barnacres Rd & The Denes.

Our concerns are-There is an existing traffic/parking issue at Barnacres Rd&The Denes which leads to Pinecroft. This is mainly due to Tesco Express&at school times parents parking to walk to Nash Mills School. Causing access issues to Tune Tech,the shops& ourselves. We try to keep the road clear for our lorries, artics delivering to us and Tesco. This is made difficult by Tesco customers just parking any where they can down Pinecroft due to the lack of spaces.

The number of cars per family is currently 2 but the majority on Pinecroft having 4 +. Therefore it is likely that should the proposed have the indicated access into Pincroft the existing traffic/parking issues will be compounded, affecting all business noted and the residents of the Denes & Pinecroft.

*6 Great Elms Road - Objects*

(dated 6/11/17)

*28 Wroxham Avenue, Hemel Hempstead - Objects*

(dated 10/11/17)

I frequently use Belswains Lane & visit family there.

It is a very busy road & the parking in the vicinity is woefully inadequate. As far as I can see the proposed development can only make matters worse. The plans contain insufficient parking spaces for the likely number of residents which will adversely impact on the surrounding area.

This appears to be a prime example of over development. The main driver being the maximising of profit rather than sympathetic development of the site.



# Agenda Item 5f

**4/00580/18/FHA RAISING OF HIPPED ROOF TO GABLE, CONSTRUCTION OF FRONT AND REAR DORMERS AND LOFT CONVERSION (AMENDED SCHEME)**

**55 EGERTON ROAD, BERKHAMSTED, HP4 1DU**

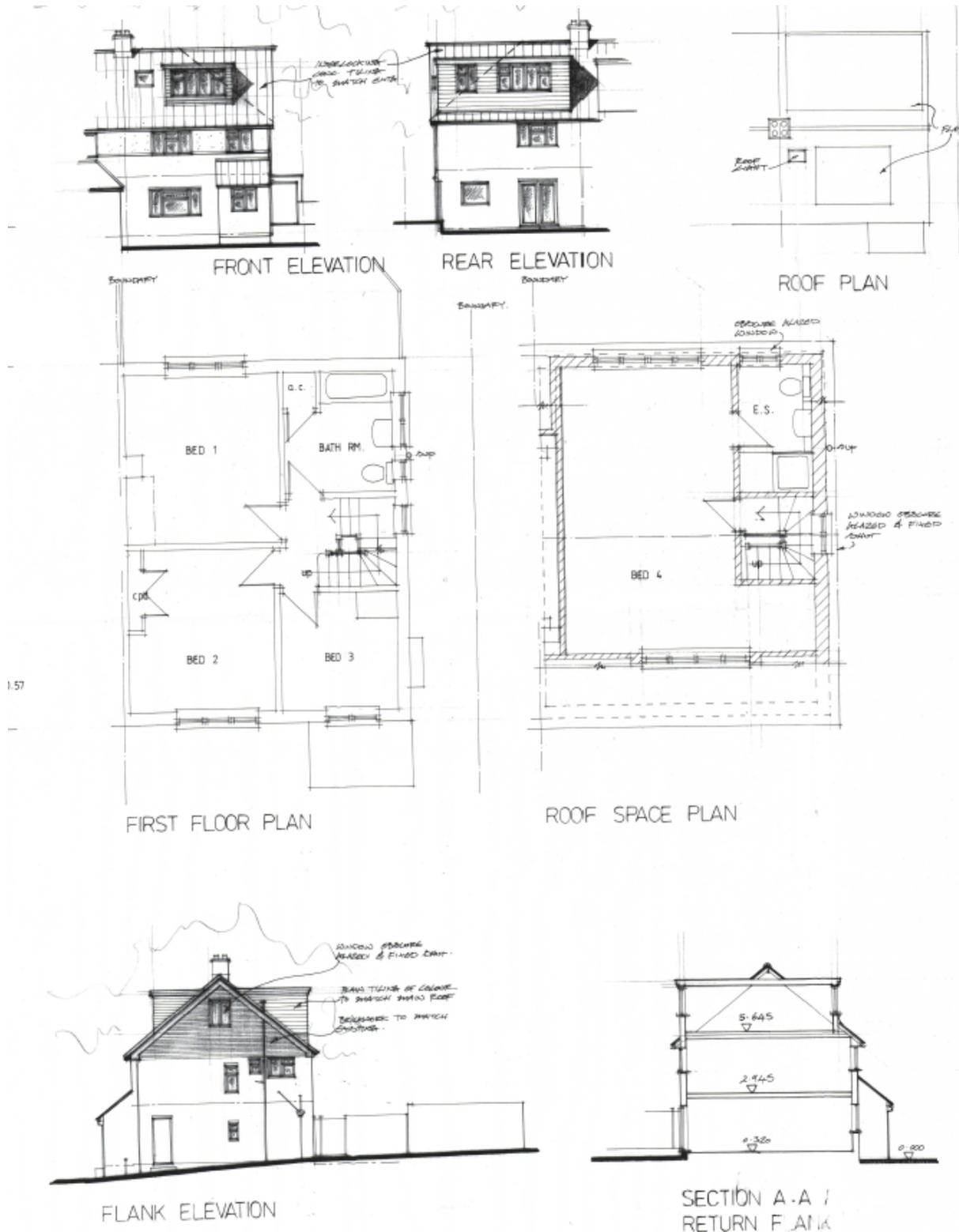


Meters  
0 5 10 20 40 60  
Scale: 1:1250



**4/00580/18/FHA RAISING OF HIPPED ROOF TO GABLE, CONSTRUCTION OF FRONT AND REAR DORMERS AND LOFT CONVERSION (AMENDED SCHEME)**

**55 EGERTON ROAD, BERKHAMSTED, HP4 1DU**



|                              |   |
|------------------------------|---|
| <b>4/00580/18/FHA</b>        | <b>RAISING OF HIPPED ROOF TO GABLE, CONSTRUCTION OF FRONT AND REAR DORMERS AND LOFT CONVERSION (AMENDED SCHEME)</b> |
| <b>Site Address</b>          | <b>55 EGERTON ROAD, BERKHAMSTED, HP4 1DU</b>  |
| <b>Applicant</b>             | <b>MR &amp; MRS DUFFY, 55 EGERTON ROAD</b>  |
| <b>Case Officer</b>          | <b>Amy Harman</b>   |
| <b>Referral to Committee</b> | <b>OBJECTION FROM BERKHAMSTED TOWN COUNCIL</b>  |

## 1. Recommendation

1.1 That planning permission be **GRANTED** subject to the conditions set out below.

## 2. Summary

2.1 The extensions are not considered to have a harmful impact on the street scene. In addition there are many examples of similar extensions in Egerton Road. As a result the proposal would not result in adverse impact on the street scape, preserving both the character and appearance of the existing dwellinghouse and wider street scene. Accordingly the proposed coheres with the NPPF (2012), Saved Appendix 7 of the Dacorum Local Plan (2004) and Policies CS4, CS11 and CS12 of the Core Strategy (2013).

## 3. Site Description

3.1 The application site is a semi-detached dwellinghouse located to the north side, towards the close of Egerton Road, Berkhamsted. The immediate character area comprises similarly designed semi-detached dwellinghouse of relatively similar build, age, height and size; however may have been extended but the overall character of the area is evident.

## 4. Proposal

4.1 Raising of hipped roof to gable, construction of front and rear dormers and loft conversion.

## 5. Relevant Planning History

4/02533/17/FHA RAISING OF HIPPED ROOF TO GABLE, CONSTRUCTION OF FRONT AND REAR DORMERS AND CONVERSION OF LOFT SPACE TO BECOME BEDROOM AND EN-SUITE

Withdrawn  
16/11/2017

4/01654/17/FHA SINGLE STOREY REAR EXTENSION, GARAGE CONVERSION, FRONT DOOR RELOCATION AND ASSOCIATED ALTERATIONS

Granted  
09/08/2017

## 6. Policies

### 6.1 National Policy Guidance

National Planning Policy Framework (NPPF)

### 6.2 Adopted Core Strategy –

NP1, CS1, CS2, CS4, CS12

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

Appendix 5 & 7

### 6.4 Supplementary Planning Guidance / Documents [include only those relevant to case]

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area

## 7. Constraints

- AREA OF ARCHAEOLOGICAL IMPORTANCE
- CIL1

## 8. Representations

### Consultation responses

#### 8.1 Berkhamsted Town Council - Objection

The inclusion of the front dormer within this application constitutes an overdevelopment of the property which is also out of keeping with the street scene.

CS11; CS12; Appendix 3 (I).

#### 8.2 Historic Environment Advisor

In this instance I consider that the development , given its nature, will not have an impact on heritage assets of archaeological interest. I therefore have no comment to make upon the proposal.

### Neighbour notification/site notice responses

#### 8.3 53 Egerton Road- Objection

I am opposed to this proposal for the same reasons as I laid out in my letter of 2nd November 2017 regarding the original proposal Reference 4/02533/17/FHA. In short I am against the alteration of the sky line. Berkhamsted Town Council also stated in their objection (1st November) "The inclusion of the front dormer within this application constitutes an overdevelopment of the property which is also out of keeping with the street scene," which I believe also applies to this latest application.

## 9. Considerations

### Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on Street Scene

- Impact on Residential amenity
- Impact on Highway Safety

#### Policy and Principle

9.2 The application site is located within a residential area, wherein in accordance with Policy CS4 of the Core Strategy 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 proposals character and appearance upon the existing dwellinghouse, immediate street scene and residential amenity of neighbouring properties.

#### Impact on 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 The hip to gable extension would ordinarily be permitted under Class B of GDPO - as the cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 40 cubic metres (in this instance it would increase it by 29.16 cubic metres). Recent appeals which have been upheld by the Planning Inspectorate confirm that the permitted development fall-back positions are to be given considerable weight in the consideration of planning applications. Furthermore many of the properties in the locality have undertaken hip to gable extensions.

9.5 The front dormer is of limited size and set down from the ridge of the roof and set in from the flank elevation. It is of sympathetic design and mirrors the fenestration featured in the existing dwelling.

9.6 Front dormers are not an uncommon feature in the street scene and many examples can be found in Egerton Road, therefore it is felt that this feature would not be detrimental to the appearance of the local street scene.

9.7 As a result the proposal would not result in adverse impact on the street scape, preserving both the character and appearance of the existing dwellinghouse and wider street scene. Accordingly the proposed coheres with the NPPF (2012), Saved Appendix 7 of the Dacorum Local Plan (2004) and Policies CS4, CS11 and CS12 of the Core Strategy (2013).

#### Impact on the living conditions of future occupants and surrounding residential units

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

9.5 There is an additional window on the flank elevation facing 57 Egerton Road, however this is shown on the plans as being obscure glazed. There are also additional windows in the rear elevation in the rear dormer. However it is considered that there is little additional opportunity

for overlooking given the existence of rear facing windows.

9.6 Due to the marginal scale of the rear extensions, it is not considered that a significant loss of daylight or outlook to neighbouring habitable windows would result.

9.7 Thus, the proposed in regards to residential amenity is acceptable in terms of the NPPF (2012), Saved Appendices 3 and 7 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

#### Impact on Trees and Landscaping

9.5 No impact on trees

#### Impact on Highway Safety

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

9.7 The proposal would result in an increase in dwelling size from 3 to 4 bedrooms. Currently the property only provides one off street parking space. However on my site visit it was noted that there is plenty of available on-street parking, further the site is located close to Berkhamsted Town Centre and a short walk to Berkhamsted train station. As such the proposed development would not result in significant impact to the safety and operation of adjacent highway. Thus, the proposal meets the requirements of Policies CS8 and CS12 of the Core Strategy (2013) and Saved Appendix 5 of the Local Plan (2004).

#### Response to Neighbour comments

9.8 These points have been addressed above.

CIL

9.9 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liable due to resulting in less than 100m<sup>2</sup> of additional floor space.

### **10. Conclusions**

10.1 In conclusion it is considered that the planning application should be granted subject to the proposed conditions. The extensions would not be harmful to the character and appearance of the street scene and indeed mirror others already constructed within Egerton Road.

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

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

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

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

1735 / 02

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

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

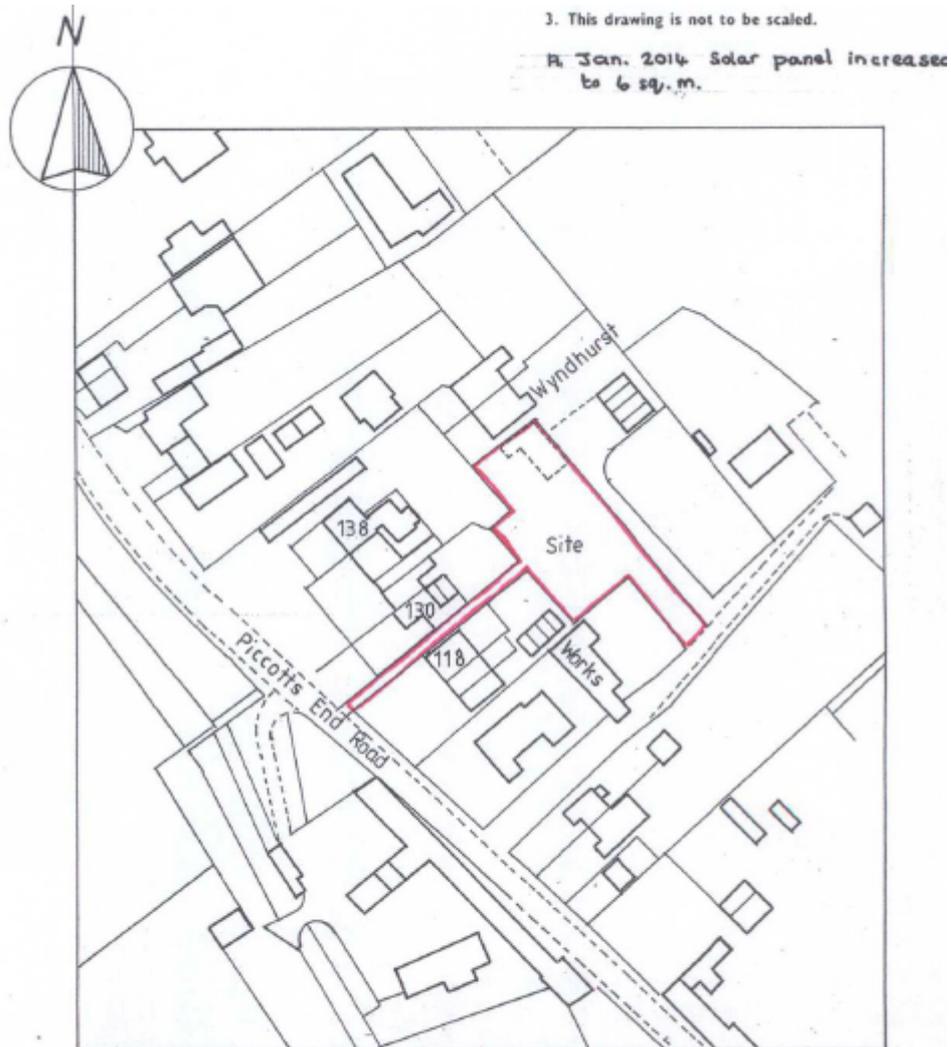
Reason: To ensure a satisfactory appearance to the development in accordance with Adopted Core Strategy CS12

#### **Article 35 Statement**

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

**4/00534/18/FUL DEMOLITION OF EXISTING GARAGE & WORKSHOP  
BUILDING AND CONSTRUCTION OF 1 NO. 3 BEDROOM DWELLING,  
DETACHED CAR PORT AND ASSOCIATED HARD AND SOFT LANDSCAPING**

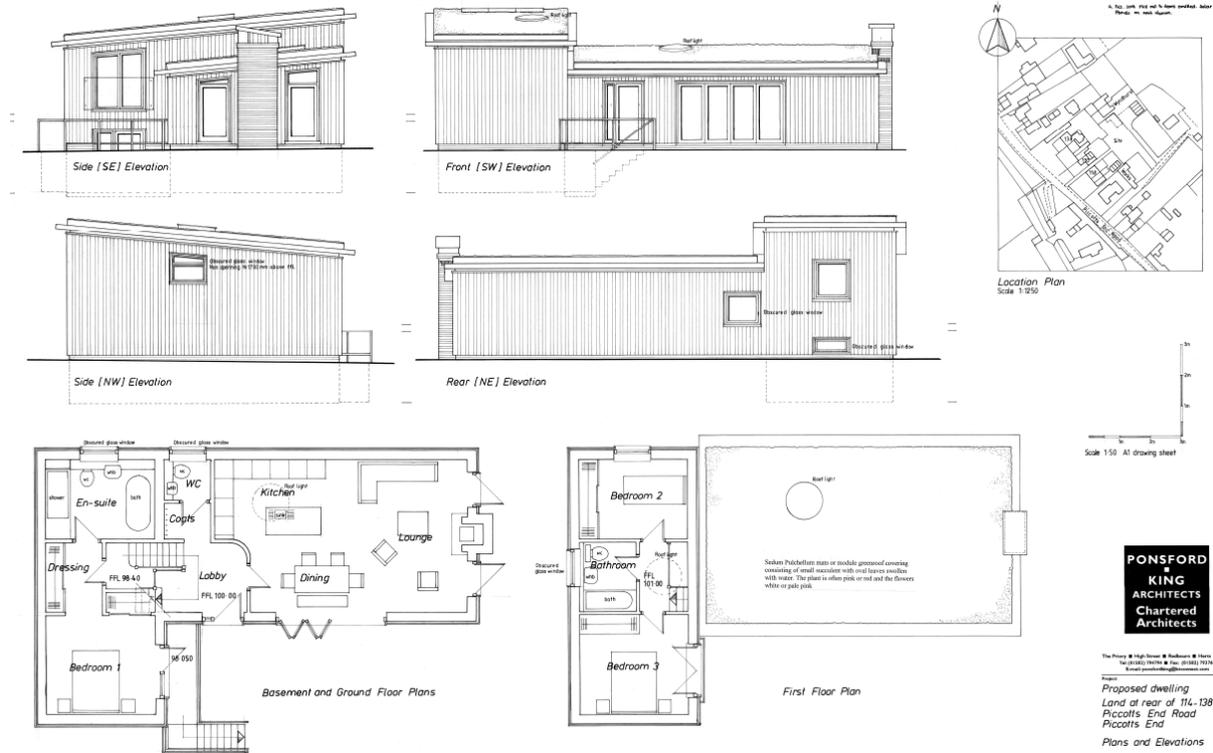
**R/O 114-138, PICCOTTS END, HEMEL HEMPSTEAD, HP1**



*Location Plan*  
Scale 1:1250

# 4/00534/18/FUL DEMOLITION OF EXISTING GARAGE & WORKSHOP BUILDING AND CONSTRUCTION OF 1 NO. 3 BEDROOM DWELLING, DETACHED CAR PORT AND ASSOCIATED HARD AND SOFT LANDSCAPING

R/O 114-138, PICCOTTS END, HEMEL HEMPSTEAD, HP1



|                              |   |
|------------------------------|---|
| <b>4/00534/18/FUL</b>        | <b>DEMOLITION OF EXISTING GARAGE &amp; WORKSHOP BUILDING AND CONSTRUCTION OF 1 NO. 3 BEDROOM DWELLING, DETACHED CAR PORT AND ASSOCIATED HARD AND SOFT LANDSCAPING</b> |
| <b>Site Address</b>          | <b>R/O 114-138 Piccotts End, Hemel Hempstead, HP1</b>   |
| <b>Applicant</b>             | <b>Belgrave Property Developments Ltd</b>   |
| <b>Case Officer</b>          | <b>Amy Harman</b>   |
| <b>Referral to Committee</b> | <b>Previous similar scheme refused by Development Management Committee</b>  |

## 1. Recommendation

1 That planning permission be **GRANTED**

## 2. Summary

2.1 The proposals now include the demolition of the existing garage and workshop and the construction of only one dwelling. A contemporary design has been followed in order to allow for the development not to compete with the historic properties which are adjacent to it and also to reduce the massing of the proposal.

2.2 In the 2014 appeal the Inspector only supported the finding of harm to the Green Belt. He concluded that there was no harm caused to the heritage assets. The Inspector also did not support the allegation that the proposal failed to provide a safe and satisfactory access to the site.

2.3 The Inspector did conclude that the assessment of the harm to the Green Belt was unreasonably founded in that the refusal had not taken into account the fact that the site is 'previously development land'. The scheme has been significantly amended to take this into account and now it is officers' opinion that this approach addresses the concerns raised by the Inspector in his previous decision and therefore the proposal is considered acceptable in principle in accordance with Adopted Core Strategy Policy CS5 and advice within Section 9 of the NPPF.

## 3. Site Description

3.1 The application site is located to the north-east of Piccotts End Road, to the rear of the cottages fronting the road comprising No's 114-138 and occupies an elevated position with levels falling to the south-west. The site comprises of an open grassed area in a poor state with a poor quality storage building in the northern corner. The site is located within the Piccott's End Conservation Area and is adjacent to a number of listed cottages fronting Piccotts End Road. The site is also located within an Area of Archaeological Significance and is contained within the footprint of the former 'Old Infirmary Yard' and adjacent to the former Cottage Hospital site.

3.2 Surrounding properties comprise of a builder's store, offices and yard to the south with historic cottages to the north-west, west and south-west fronting the road, including the listed No's 130-136 and 112. There is a pair of more modern semi-detached dwellings to the north of the site.

3.3 The site is bounded by an historic red brick wall along the north-eastern boundary and close-boarded fencing along the other boundaries. The site is accessed via a narrow gravel access track which runs between No's 118 and 130, which also serves the garage block to the rear of No's 118-114.

## 4. Proposal

4.1 Demolition of existing garage & workshop building and construction of 1 no. 3 bedroom dwelling, detached car port and associated hard and soft landscaping

## 5. Relevant Planning History

4/00371/14/FUL DEMOLITION OF EXISTING GARAGE AND WORKSHOP BUILDINGS AND CONSTRUCTION OF 1 NO. 4 BEDROOM DWELLING, DETACHED CAR PORT AND BIN STORE AND ASSOCIATED HARD AND SOFT LANDSCAPING.

Refused  
14/05/2015

4/01752/12/FUL DEMOLITION OF EXISTING AND CONSTRUCTION OF TWO NEW DWELLINGS WITH CAR PORT AND ASSOCIATED PARKING.

Withdrawn  
29/11/2012

4/01753/12/CAC DEMOLITION OF EXISTING AND CONSTRUCTION OF TWO NEW DWELLINGS WITH CAR PORT AND ASSOCIATED PARKING.

Withdrawn  
30/11/2012

4/00311/09/FUL DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF SINGLE STOREY DWELLING

Refused  
17/08/2009

4/01677/04/FUL FIVE DWELLINGS WITH GARAGES

Refused  
06/09/2004

## 6. Policies

### 6.1 National Policy Guidance

National Planning Policy Framework (NPPF)

### 6.2 Adopted Core Strategy

NP1, CS1, CS2, CS4, CS12, Cs24

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

Policies 9, 116, 118. Appendix 5

### 6.4 Supplementary Planning Guidance

- Environmental Guidelines (May 2004)
- Landscape Character Assessment (May 2004)
- Chilterns Buildings Design Guide (Feb 2013)

### 6.5 Advice Notes and Appraisals

- Sustainable Development Advice Note (March 2011)

- Conservation Area Character Appraisal for Hemel Hempstead

## **7. Constraints**

Grade 1 listed build  
Green Belt  
Area of special control for adverts  
Area of archaeological importance  
cil3  
Conservation area  
Former land use

## **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 Green Belt
- Impact on Conservation Area / Listed Building
- Impact on Highway Safety
- Landscaping
- Ecology

### Policy and Principle

9.2 There is a detailed planning history relating to this site and this submission follows on from the latest Inspector's Decision, it has been the result of extensive pre-application discussions.

9.3 The Inspector only supported the finding of harm to the Green Belt. He concluded that there was no harm caused to the heritage assets. The Inspector also did not support the allegation that the proposal failed to provide a safe and satisfactory access to the site.

9.4 The inspector did conclude that the assessment of the harm to the Green Belt was unreasonably founded in that the refusal had not taken into account the fact that the site is 'previously development land'. Instead he concluded that the proposal would have a greater footprint and would rise well above the boundary wall, as a result, it would be a more dominant built form than the existing development and would detract from the openness of the Green Belt.

9.5 The proposals now include the demolition of the existing garage and workshop and the construction of only one dwelling. A contemporary design has been followed in order to allow

for the development not to compete with the historic properties which are adjacent to it and also to reduce the massing of the proposal.

### Green Belt

9.6 The National Planning Policy Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, however there are exceptions to this. One such exception is previously developed land, whereby limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt.

9.7 Policy CS5 is broadly consistent with the advice within Section 9 of the Framework, provided the development has no significant impact on the character and appearance of the countryside.

9.8 In this instance although the location of the new building has been shifted slightly, the footprint of the new building is only marginally larger. The proposal also includes a semi-basement (lower ground floor level) enabling the accommodation to be contained within a structure the same height and profile of the existing workshop.

9.9 It is our opinion that this approach addresses the concerns raised by the Inspector in his previous decision and therefore the proposal is considered acceptable in principle.

### Impact on Conservation Area / Listed Building

9.10 The Inspector of Historic Buildings and Areas were consulted and advised that we seek the views of our own specialist conservation and archaeological advisers, as relevant. As such, much time and debate has taken place with the architect, design team and the Conservation officer to ensure that the building would be both contemporary and preserve the nearby heritage assets. The design has been substantially altered to provide a low structure of modern design appearance sunk into the landscape. The basement/ ground floor plans are sunken and this substantially reduces the impact of the proposed dwelling. The design is contemporary with a split level, vertical boarding and a sedum roof. As such rather than making a particular statement the structure will sit comfortably within the background and have a subservient character to the historic buildings to the street frontage. The boarding and the brick chimney stack reference local details and therefore help to tie the design in with its wider context. The detailing of the boarding is acceptable as is the set back of the windows within the elevations. As such we believe that the proposed new dwelling would sit comfortably with the building and the surrounding landscape. Therefore we believe that the proposal would sit comfortably within the character of the conservation area.

9.11 We have carefully analysed the site and carefully considered if the proposals would impact on the setting and significance of the nearby listed buildings and we would give the preservation of their setting great weight. However we would consider that the proposals would have a negligible impact on the setting of the nearby listed buildings. Therefore we do not believe that the balancing exercise in this case is necessary. There could be a minor level of harm which would be considered to be less than substantial harm caused to the designated asset of the conservation area through the demolition of structures and the erection of a new dwelling on the site. However we believe that with the sensitive small scale design, the repair of the boundary walls and the enhancement of the garden that the benefits of the proposals outweigh any harm caused. The decision maker should give the conservation of the heritage assets great weight but overall we would consider that the proposals preserve the heritage assets.

9.12 The Conservation Officer recommends approval. He commented that; that the proposals are acceptable and overall would preserve the character of the conservation area. As such we would support the scheme. A sample of the external materials for the dwelling and hard

landscaping should be agreed on site. All repairs to the boundary walls should be completed before the dwelling is occupied. A sample of lime pointing of the repairs should be agreed on site. The method statement for these repairs submitted in the DAS should be conditioned.

#### Impact on Trees and Landscaping

9.13 An extensive landscape plan was submitted with the application. Hertfordshire Ecology were consulted on this and support the landscaping which includes creation of wildflower grassland and tree planting.

#### Impact on Highway Safety

9.14 Hertfordshire County Council as Highway Authority has considered that the proposal in highway safety capacity terms and considers that this proposal would not have an unreasonable impact on the safety and operation of the adjoining public highway with the inclusion of planning conditions.

9.15 The applicant has provided sufficient information to provide sufficient assurances that the new dwelling can be constructed using appropriately sized machinery and equipment and without any risk of harm to the rear boundary wall or the wall paintings within frontage properties. As such a site management plan and associated documents have been submitted and will be conditioned.

#### Ecology

9.16 Hertfordshire Ecology were consulted on the application and provided the following comments;

1. An updated bat Preliminary Roost Assessment has been provided in support of the proposals. This identified limited evidence of use by bats as well as some potential roosting opportunities within the site. Given these would be affected by the proposals, further activity surveys are now required to determine whether there is any further evidence of bats actively using the site for roosting. These can only be undertaken when bats are active.
2. As part of the PRA, an outline mitigation strategy has been provided which describes the type of mitigation that could be required should bats be found to be present and roosting. This information enables DBC to determine the application having taken reasonable account of the presence of bats and their conservation requirements. I consider it satisfies the third Habitat Regulations test regarding the conservation of bats.
3. Consequently, I advise that the further surveys should be secured by a Condition of Approval. They will need to be undertaken prior to works likely to affect them take place on the site. Any further advice can then be provided / updated accordingly by the ecologist and a licence applied for if necessary.
4. The potential for reptile use of the site has been considered in the past although the survey is now old – we have a copy of the previous survey. However, whilst the habitat may remain suitable, the previous surveys were negative and there is nothing to suggest anything has changed or that the site has become more suitable. Consequently I am of the opinion that a precautionary approach should be taken when removing any rubble or long established vegetation on site. If any evidence of reptiles is found, work should stop and any reptiles trapped out and removed to a suitable location elsewhere to ensure they are not harmed. I advise this should be stated as an Informative attached to any permission.
5. Similar consideration should be given to the potential for roosting birds if works take place during the breeding period. If nesting birds are discovered, works should stop to allow birds to completely finish using the nest(s). This should also be attached as an Informative.
6. I support the landscaping which includes creation of wildflower grassland and tree planting. I note this includes an apple, which should be a domestic cultivar given the very old apple tree in

front of the listed building. Consideration could be given to planting more fruit trees as opposed to other species, given that this would almost certainly be more characteristic of the historic planting associated with the properties. They would also provide pollination benefits within the site.

7. Further to the above I do not consider there are any other ecological matters associated with this proposal that would represent a constraint. Consequently DBC is able to determine the application accordingly.

#### Response to Neighbour comments

9.17 Comments have been received from neighbours which relate to the principle of development and also the setting of the listed building and the effect the development would have on the listed building to the front of the site. All these comments have been carefully considered and taken into account whilst dealing with this application. These points have been addressed above.

#### CIL

9.18 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 Liabe due to resulting in more than 100m<sup>2</sup> of additional floor space.

### **10. Conclusions**

10.1 It is recommended that this application being granted subject to the recommended conditions.

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

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

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

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

7046-101 A  
7046-102 A  
7046-103 A

Heritage Statement  
Design Statement  
Historic Buildings Record  
Site Management Plan April 2018  
Constrution Plan (Ponsford King Architects) April 2018  
Concrete Supply to site Plan

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

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

**A sample of lime pointing of the repairs should be agreed on site.**

Reason: In the interests of the visual amenities of the Conservation Area in accordance with Adopted Core Strategy CS12 and CS24

- 4 **No development shall take place until details of the materials proposed to be used on the hard landscaping have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.**

Reason: To ensure a satisfactory development in accordance with CS24

- 5 **All repairs to the boundary walls should be completed before the dwelling is occupied.**

Reason: In the interests of the visual amenities of the Conservation Area in accordance with Adopted Core Strategy CS12 and CS24

- 6 **Prior to first occupation of the proposed dwelling, the parking spaces shall be provided as shown on the submitted plan. The parking spaces shall be retained thereafter for the use of non-commercial vehicles only. The spaces shall be made available to the occupiers of the development unless the Local Planning Authority otherwise agrees in writing.**

Reason: To ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining public highway in accordance with Adopted Core Strategy CS12.

- 7 **Prior to the first use of the access a properly consolidated and surfaced turning space for cars shall be provided within the curtilage of the site as identified on the submitted plan. The turning space should be free from obstruction and available for use at all times.**

Reason: To allow vehicles to enter and leave the site in forward gear, in the interests of highway safety in accordance with Adopted Core Strategy CS12

### **Article 35 Statement**

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

### **Informatives**

Precautionary approach should be taken when removing any rubble or long established vegetation on site. If any evidence of reptiles is found, work should stop and any reptiles trapped out and removed to a suitable location elsewhere to ensure they are not harmed.

Similar consideration should be given to the potential for roosting birds if works take place during the breeding period. If nesting birds are discovered, works should stop to allow birds to completely finish using the nest(s).

## Appendix A

### Consultation responses

#### 1. Town/Parish Council

None

#### 2. Hertfordshire county Council – Highway Authority

Notice is given under article 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 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 first occupation of the proposed dwelling, the parking spaces shall be provided as shown on the submitted plan. The parking spaces shall be retained thereafter for the use of non-commercial vehicles only. The spaces shall be made available to the occupiers of the development unless the Local Planning Authority otherwise agrees in writing. Reason: To ensure the adequate provision of off-street parking at all times in order to minimise the impact on the safe and efficient operation of the adjoining public highway. 2. Prior to the first use of the access a properly consolidated and surfaced turning space for cars shall be provided within the curtilage of the site as identified on the submitted plan. The turning space should be free from obstruction and available for use at all times. Reason: To allow vehicles to enter and leave the site in forward gear, in the interests of highway safety. Highway Comment

This amended application is for a revised internal layout with the dwelling appearing to have a smaller footprint and positioned more to the east of the site. The car port has also been moved to the south eastern edge of the site. This is shown on the plan numbered 4026-501 rev A dated January 2015. As with the previous application, the applicant still proposes the demolition of an existing buildings /workshop and construction of one detached dwelling. The site is located at the end of a private track, which takes access from Piccotts End, which is a local distributor road with 30 mph speed limit. At the top of the track, there are four purpose built garages. They appear to have sufficient space in front of the garage doors to park and turn around on. As part of this latest application, the private track has now been accurately surveyed. The width at the pinch point is now recorded as being 2.48m wide. This is a metre smaller than previously quoted by the applicant. This may mean that only motor cars can access this track with any ease which clearly they do at present as there is a block of four garages at the top of the site. Currently a vehicle wanting to access the site has to wait on the public highway to allow a vehicle already on the track to leave the site. The Highway Authority has considered that whilst the proposed development would increase the number of vehicles using this track, the likelihood of vehicles having to wait on the public highway to allow an oncoming vehicle to exit the site would increase but not significantly with one dwelling. Vehicle to vehicle inter-visibility in both directions from the existing access remains acceptable for the speed and hierarchy of the road. The applicant has indicated that there will be off street parking spaces provided as part of the proposed development. This should accord with the local planning authority's parking policy

The highway authority is aware of the neighbour concerns about intensifying the use of the track and have read the comments from the emergency services about access and the use of sprinklers systems should permission be granted. The fact remains that this is an existing access that already enjoys vehicular access and that one dwelling would not lead to conditions that would warrant highway capacity concerns

However, the highway authority is concerned with how this site will actually be developed. Whilst not recommending refusal to the LPA on the previous applications it was on the understanding that the track had sufficient width to allow delivery vehicles to access the top of the site. This is now not the case and has been brought to the applicants attention. The applicant has now submitted a construction management plan. The plan states how the site will be accessed and what measures will be put in place to mitigate concerns raised about the construction of this house.

Hertfordshire County Council as Highway Authority has considered that the proposal in highway safety capacity terms and considers that this proposal would not have an unreasonable impact on the safety and operation of the adjoining public highway with the inclusion of the above planning conditions.

### 3. Building Control Surveyor

- Approved document M Confirmation that design considerations in respect to disabled access under (threshold).
- Approved Document B Access under Section 5 Access is none compliant, due to widths and length of approach to property.  
(Refer to Section 5 Table 20 and diagram 50)

### 4. Inspector of Historic Buildings and Areas

Thank you for your letter of 7 March 2018 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

### 5. Hertfordshire Ecology

1. An updated bat Preliminary Roost Assessment has been provided in support of the proposals. This identified limited evidence of use by bats as well as some potential roosting opportunities within the site. Given these would be affected by the proposals, further activity surveys are now required to determine whether there is any further evidence of bats actively using the site for roosting. These can only be undertaken when bats are active.
2. As part of the PRA, an outline mitigation strategy has been provided which describes the type of mitigation that could be required should bats be found to be present and roosting. This information enables DBC to determine the application having taken reasonable account of the presence of bats and their conservation requirements. I consider it satisfies the third Habitat Regulations test regarding the conservation of bats.
3. Consequently, I advise that the further surveys should be secured by a Condition of Approval. They will need to be undertaken prior to works likely to affect them take place on the site. Any further advice can then be provided / updated accordingly by the ecologist and a licence applied for if necessary.
4. The potential for reptile use of the site has been considered in the past although the survey is now old – we have a copy of the previous survey.  
However, whilst the habitat may remain suitable, the previous surveys were negative and there is nothing to suggest anything has changed or that the site has become more suitable. Consequently I am of the opinion that a precautionary approach should be taken when removing any rubble or long established vegetation on site. If any evidence of reptiles is found, work should stop and any reptiles trapped out and removed to a suitable location elsewhere to ensure they are not harmed. I advise this should be stated as an Informative attached to any permission.
5. Similar consideration should be given to the potential for roosting birds if works take place during the breeding period. If nesting birds are discovered, works should stop to allow birds to completely finish using the nest(s). This should also be attached as an Informative.

6. I support the landscaping which includes creation of wildflower grassland and tree planting. I note this includes an apple, which should be a domestic cultivar given the very old apple tree in front of the listed building. Consideration could be given to planting more fruit trees as opposed to other species, given that this would almost certainly be more characteristic of the historic planting associated with the properties. They would also provide pollination benefits within the site.

7. Further to the above I do not consider there are any other ecological matters associated with this proposal that would represent a constraint. Consequently DBC is able to determine the application accordingly.

## **Appendix B**

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

#### 128 Piccotts End

I wanted to comment on the above application for Piccotts End.

I am really concerned about the application as the vehicle access would run through a narrow path which runs right outside my front door. It's such a narrow path, any further vehicle access will be a nightmare and I would hate for it to ruin the current conservation/heritage area we have.

If I can have any further influence it would be appreciated.

Director of Piccotts End Limited, which owns the Grade 1 listed property at 130-132 Piccotts End - 28 Birch Green, Hertford

#### 138 Piccotts End

The previous application to develop this green belt site of special interest was referred to the Planning Committee and we request that if the LPA decide to support this proposal it is also referred to the Planning Committee.

### **1. The Green Belt**

The owner has made many proposals to build on this green belt site and all have been refused.

The last application on this green belt site was approved by planning officers and then rejected by the planning committee. The owner appealed, and the appeal was resolutely turned down by the planning inspectorate just 2 years ago:

Conclusions 49.

Accordingly I conclude that this would be inappropriate development in the Green Belt that would harm the fundamental purposes and aims of the Green Belt, and in the absence of any other considerations that clearly outweigh this harm, the development would be contrary to Policy CS5 in the Core Strategy and the Framework.

50. I therefore conclude that the appeal should be dismissed.

As you will know, the government's most recent directives on inappropriate development on

green belt land have tightened and are very clearly opposed to such development with new legal protections being introduced, reinforced by Theresa May's recent speech (March 2018):

'That's why the answer to our housing crisis does not lie in tearing up the Green Belt.

No, the defining characteristic of Green Belt land is not its beauty or its greenness, but its openness. Green Belts exist not to preserve landscapes but to prevent urban sprawl. That is what they were created for in the 1950s and that is the valuable purpose they still serve today.

Planning rules already say that Green Belt boundaries should be changed only in "exceptional circumstances". But too many local authorities and developers have been taking a lax view of what "exceptional" means. They've been allocating Green Belt sites for development as an easy option rather than a last resort.

To prevent this, we're strengthening existing protections so that authorities can only amend Green Belt boundaries if they can prove they have fully explored every other reasonable option for building the homes their community needs.'

These are precisely the reasons that development on this green belt site has been refused many times and if anything the position is now clearer than ever. In line with stated government policy, can the LPA prove they have explored every other reasonable option ahead of permitting development on this green belt site?

## **2. Inappropriate Development**

This proposal is considered inappropriate development under policy 4 of the local plan:

'Inappropriate development will only be allowed where it can be demonstrated that *very special* circumstances exist which clearly outweigh the harm to the green belt.'

Where are the very special circumstances presented? I've read the planners' report several times and there is no cogent list of four or five very special reasons why inappropriate development should be allowed. And there is no closely argued case explaining how they might outweigh the harm and no case studies have been presented by developers. A strongly argued case built on clear precedents involving grade 1 listed land, close to an exceptional grade 1 listed building need to be presented to argue a case for this *inappropriate development*. So this proposal should be rejected.

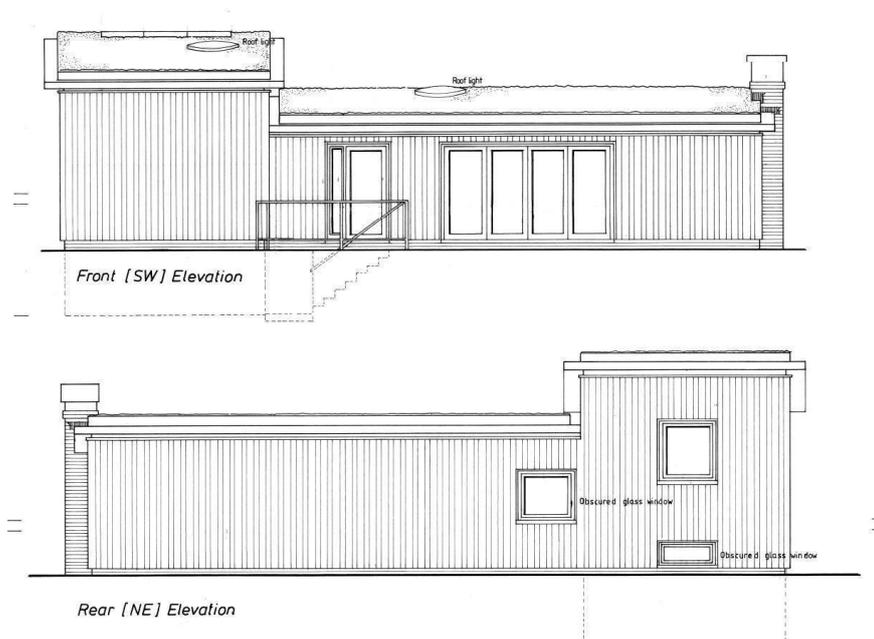
## **3. Permitted Development Rights**

This plan proposes a relatively modest house on a large plot. It is also quite an uneasy design with the master bedroom and bathroom placed underground. It might well be bought with a view to extending under permitted development rights, perhaps significantly with two full storeys, including redevelopment of the large carport into a second building. If this proposal does progress, permitted development rights should be suspended.

## **3. Adverse Effect on a Listed Building**

This proposed development needs to be weighed with particular care as it will have an adverse effect in planning terms on the setting of a listed building. And not just any listed building, but a former great medieval hall house of England, the only building in the UK to house both exceptional religious murals and an Elizabethan painted room. A building of national significance which is grade 1 listed and the only grade 1 listed residential building in the whole Dacorum area.

It is therefore critical that any new building that lies immediately behind the medieval building is also exceptional in architectural terms. I am in real sympathy with the idea to fit any new building into the space occupied by the current workshop/garage, and also that a new building should be contemporary in style and not a pastiche as was proposed previously. However, these are the planned front and rear elevations of the new house, and a picture is worth a thousand words:



#### 4. Design Issues

I applaud the extensive garden planning encouraged by the LPA. This is a very welcome step in the right direction. However, any new building in this listed setting and conservation area should inspire and excite the imagination. In the digital age couldn't a more performative approach be adopted? This proposed building lacks movement, concept or any sense of celebration of the built form, particularly in relation to the remarkable grade 1 building it aspires to sit behind. A *very special* circumstance for developers to argue for this 'inappropriate development' could have been a strong design serving to enhance the site. But this opportunity has not been grasped.

#### 5. Building Material Issues

Likewise, the building materials planned for this proposed building would create a sense of dissonance with all the surrounding buildings. The LPAs LPF document, Matter 7: Policy LA1, Appendix 1 (2016) relates to the Marchmont Farm development and the council asserts:

'Although much of the housing development will not be visible from Piccotts End Road, the new housing will be closely linked via the Link Road and Piccotts End Lane. Use of traditional styles, materials and layout should be used to reflect the style of the conservation area.'

Traditional materials are emphasised in the Marchmont development which will be some distance from Piccotts End, and yet in this instance with the proposal to build directly behind one of Dacorum's most special listed buildings, the materials are entirely alien. Timber clad houses are not a feature of Piccotts End. Lime (wattle and daub), oak frames, hand made brick and lime mortar, slate and flint are the materials that define this conservation area, and not cedar weather boarding.

Oak frames are used with great imagination in contemporary designs, often together with the

lightness of glass, or even traditional lime render. I could support a good design occupying this footprint built from those or other appropriate materials. In my view the proposed design is just too rudimentary and lacking grace and should be rejected.

## **6. Site Issues**

This proposal would involve a considerable amount of earth excavation and removal due to the underground construction. In the previous proposal, developers said that smaller trucks would decant building materials to large lorries. But where? The main road is very narrow at this point – where will the lorries stop to collect and deliver materials? This is a bus route – where is the impact assessment of this? The highways authorities must be alerted to this.

An alternative access road has been offered to developers and this should be explored.

The exceptional wall paintings in the Mural Cottages are in a perilous and fragile condition and several expert reports can be produced to support this. The significant digging works must be assessed in terms of their impact on the paintings, as must the risk of vibration and damage from so many heavy vehicles in constant use on Infirmary Lane. There has never been any precedent for the close proximity of all this heavy plant vibration, particularly as the medieval building has the most rudimentary foundations (the Mural Cottages are set well back and up from the main road). The planning inspector on his visit expressed concern about this issue.

The grade 1 listed buildings rely on a borehole to supply their water. The impact on the water table and the risk of contamination from all this excavation activity have not been assessed, and this should be an essential condition.

There are significant issues at stake with this proposal and we ask that you consider the points raised with due regard.

### **On-line comments**

#### **132 PICCOTTS END, HEMEL HEMPSTEAD, HP1 3AU (Objects)**

**Comment submitted date: Fri 23 Mar 2018**

I am writing as one of the owners of the Grade 1 listed property at 130-132 Piccotts End. We take our responsibility for the care of this building and its internationally important wall paintings very seriously and consequently have some reservations about the new planning proposal. Most notably the threat of vibration and ground disturbance by the amount of digging out and construction traffic.

We are concerned about the risk of destabilising the foundations of these listed buildings and of polluting or displacing the water table which provides the only water supply to the cottages via a borehole which is sited between the cottages and the proposed new development.

It is imperative that the safety of these important national assets is placed before the need to agree to a new development which may put them at risk.

The design of the dwelling is not sympathetic to the medieval character of the village and the

surroundings, and the materials are completely inappropriate for the site.

**Old School House, Powderham, Exeter, EX6 8JJ (Neutral)**

**Comment submitted date: Tue 20 Mar 2018**

I am the owner of 'Church Lane'. The principle of developing in the GREEN BELT has not changed from last time, so on that basis the application should be rejected. However the APPLICANT has been offered (by me) an alternative access down the much wider, safer and easier access road between 110 and 112 Piccotts End. The offer to them was on commercial terms and it would allow the current access to the site to be blocked off or used for pedestrian access to the site only. If this alternative access was used, I feel that the APPLICANT is giving something back to affected residents (albeit at some financial cost) and takes away from the Grade ONE listed Mural Cottages the potential damage through additional traffic, especially during any potential construction of the proposed dwelling. I therefore urge Dacorum Planning Department to take this, once and for all opportunity of insisting that planning for this site will be GRANTED but only if the alternative access offered is used.

**79, Benslow Lane, Hitchin, SG4 9RA (Objects)**

**Comment submitted date: Fri 16 Mar 2018**

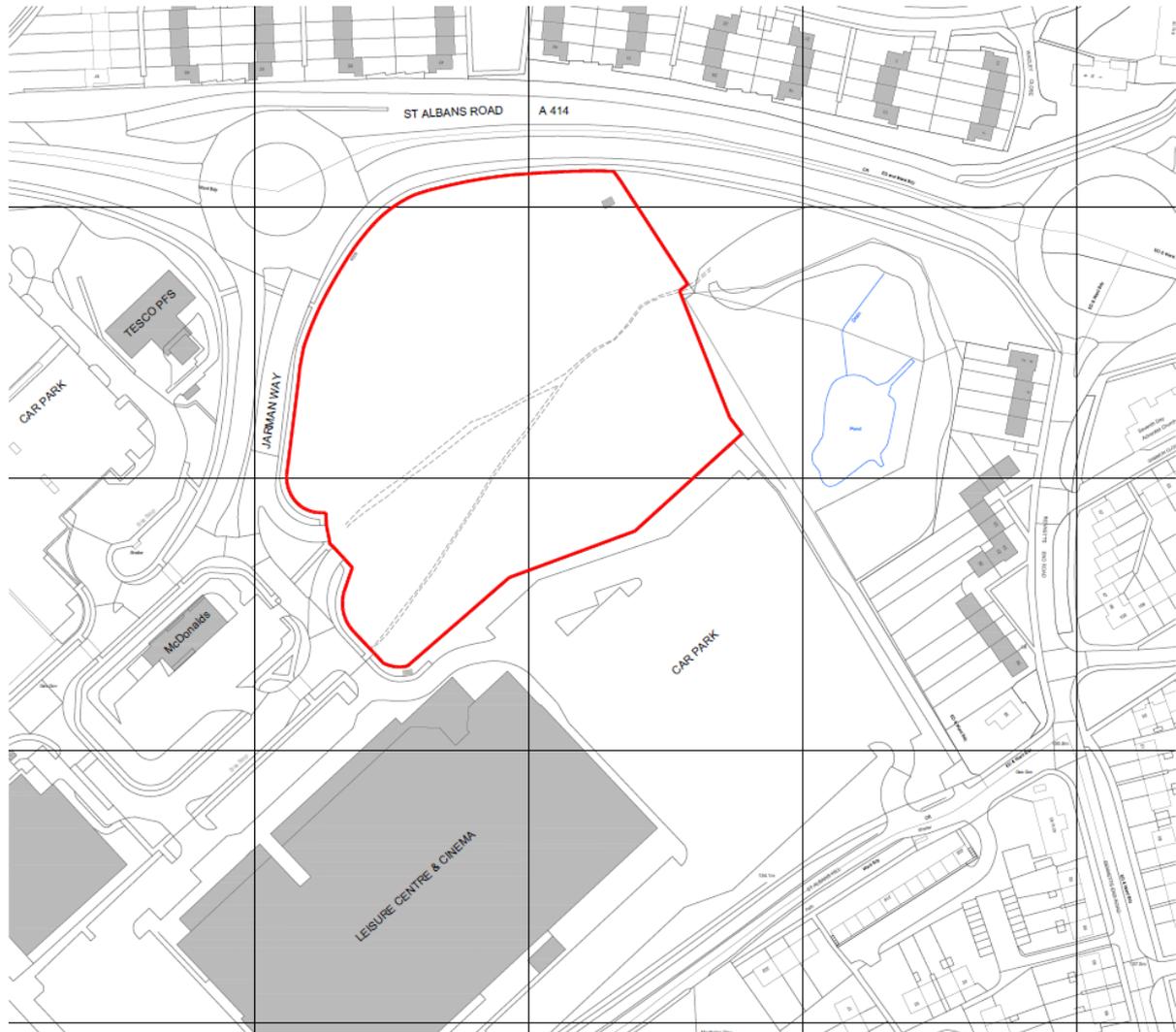
I write on behalf of Mrs R J Speakman of Fenton Cottage, 118 Piccotts End (Mrs Speakman is my mother):

1. The only justification for this property is monetary gain by the developer and should not be allowed.
2. The proposed dwelling, being on land that slopes up from the affected properties, will destroy their privacy and be visible from the first floor windows.
3. There will be significant noise pollution from the additional vehicles using and servicing the proposed dwelling and this will be exacerbated by the tunnel effect of the walls of No. 118 and the single-glazed window in the sitting room on the side elevation of No. 118
4. There is no possible vision splay on exiting the driveway onto Piccotts End Road in a South Easterly direction to the Old Town.
5. The narrow access would make it difficult for private cars and commercial vehicles to safely use the road without some risk of the adjacent properties being hit and suffering substantial damage - particularly fire engines.

# Agenda Item 5h

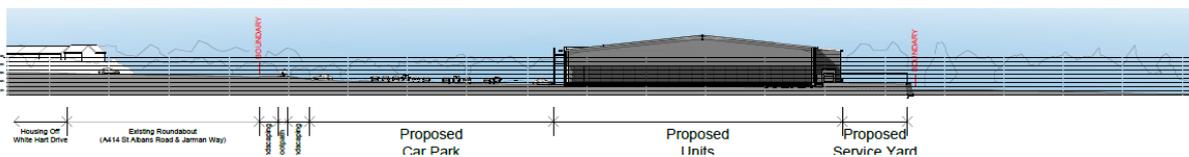
**4/00595/18/MFA CONSTRUCTION OF 5 RETAIL (CLASS A1) UNITS  
TOTALLING 10,730 SQM FLOORSPACE, AND ONE UNIT TOTALLING 186 SQM  
FOR USE AS FINANCIAL SERVICES OR CAFE/RESTAURANT (CLASS A2 OR  
CLASS A3) AND ASSOCIATED ACCESS, CAR PARKING, SERVICE YARD AND  
LANDSCAPING.**

**JARMANS FIELDS, ST ALBANS ROAD, HEMEL HEMPSTEAD**



**4/00595/18/MFA CONSTRUCTION OF 5 RETAIL (CLASS A1) UNITS  
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 LANDSCAPING.**

**JARMANS FIELDS, ST ALBANS ROAD, HEMEL HEMPSTEAD**



|                              |  |
|------------------------------|--|
| <b>4/00595/18/MFA</b>        | <b>CONSTRUCTION OF 5 RETAIL (CLASS A1) UNITS TOTALLING 10,730 SQM FLOORSPACE, AND ONE UNIT TOTALLING 186 SQM FOR USE AS FINANCIAL SERVICES OR CAFE/RESTAURANT (CLASS A2 OR CLASS A3) AND ASSOCIATED ACCESS, CAR PARKING, SERVICE YARD AND LANDSCAPING.</b> |
| <b>Site Address</b>          | <b>JARMANS FIELDS, ST ALBANS ROAD, HEMEL HEMPSTEAD</b>   |
| <b>Applicant</b>             | <b>Kier Property Developments Limited</b>  |
| <b>Case Officer</b>          | <b>Intan Keen</b>  |
| <b>Referral to Committee</b> | <b>Large-scale major project which involves a planning obligation under Section 106 of the Town and Country Planning Act 1990; and is a resubmission of a scheme previously refused by the Committee</b>   |

## 1. Recommendation

1.1 That planning permission is delegated with a view to **APPROVAL** subject to conditions and completion of a Section 106 agreement to secure compliance with retail restrictions and contributions towards off-site highway works.

## 2. Background

2.1 The current application has been considered in the context of an extant outline planning permission which granted the erection of Class A1 retail development (to include convenience and comparison retail floor space) and Class A3 drive-thru café / restaurant (with ancillary takeaway) together with access, car parking, service yard and associated works under 4/00424/15/MOA, allowed at appeal on 4 March 2016.

2.2 The relevant conditions attached to this permission are summarised as follows:

- Class A1 retail development to have a maximum gross floor area of 10,305m<sup>2</sup> comprising of; 1,505m<sup>2</sup> convenience food gross floor space (822m<sup>2</sup> net sales area) and 8,800m<sup>2</sup> comparison non-food gross floor space (8,000m<sup>2</sup> net sales);
- Minimum unit size 696m<sup>2</sup> gross floor area;
- Class A1 retail units shall not be used for the sale and display of clothing and footwear (except ancillary clothing or footwear for DIY, motoring or cycling activities);
- Removing permitted development rights.

2.3 It is also important to note that the current application is also being considered following the recent determination of the hybrid application including full planning permission for a retail park at Maylands Avenue. This retail scheme proposed nine Class A1 units and allowed the provision of a majority proportion of fashion floor space within one of those units.

## 3. Summary

3.1 Site Allocations Written Statement (2017) identifies the application site as forming part of Proposal site S/1 which is an out-of-centre retail location where retail and leisure uses are generally acceptable.

3.2 The application seeks full planning permission for a retail park comprising five Class A1 units totalling 10,730m<sup>2</sup> and a smaller end-of-terrace unit measuring 186m<sup>2</sup> to be used as either Class A2 or Class A3. Outline planning permission currently exists for the development of the site with 10,305m<sup>2</sup> Class A1 retail floor space and one 149m<sup>2</sup> Class A3 unit. This represents a fall back position and as such it is given significant weight in the assessment of the current proposal.

3.3 Differences between the current proposal and the outline permission are detailed in the

following sections. The changes would not result in a material impact on the viability and vitality of Hemel Hempstead town centre, together with the allowed out-of-centre scheme at Maylands Avenue (details of this application also provided below).

3.4 To assist with the retail impact assessment the Council employed retail consultants Peter Brett Associates (PBA) to review the proposed changes from the outline permission, which were set out in the submitted Retail Assessment and a subsequent addendum. PBA's findings were as follows:

- Impact would not be materially different from the outline permission, individually and cumulatively together with the approved Maylands Avenue scheme;
- It was recommended that fashion floor space to be sold from one unit shall not exceed 920m<sup>2</sup> which would be consistent with the completed Section 106 under the Maylands Avenue planning permission to mitigate retail impact on Hemel Hempstead town centre; and
- The sequential test has been met with respect to policy requirements.

3.5. The proposal would be acceptable with respect to layout and appearance and would not compromise highway safety or the residential amenity of surrounding properties. The proposal is considered satisfactory in all other respects subject to suitable conditions to accord with guidance in the NPPF, the current and saved policies of the Dacorum Core Strategy (2013) and Dacorum Borough Local Plan 1991-2011.

#### **4. Site Description**

4.1 Jarman Park is a large shopping and leisure centre, located to the south-east of Hemel Hempstead town centre, although within the established urban area of the town. The application site comprises approximately 2.0 hectares of (currently enclosed) overgrown land located in the north-eastern portion of the park, located on the corner of St Albans Road (A414) and Jarman Way. The site features a long frontage to both street frontages, particularly to the southern side of St Albans Road where it is prominent on the approach to the roundabout traveling in the direction of the town centre from the M1.

4.2 Jarman Way circles the inside of the Park and is a one-way two-lane route; spurs onto and off the application site are already in place off this road. Levels fall gently in a south-eastern direction.

4.3 Surrounding land uses include residential properties off White Hart Drive to the north (opposite the dual carriageway of St Albans Road). To the east lies the Thames Water owned and managed Bennetts End flood lagoon which separates the application site from residential properties off Bennetts End Road.

4.4 Directly south and south-east of the site lies the open car parking area serving the restaurant and cinema complex. West of the site is the road reserve of Jarman Way, beyond which lies a detached drive-thru McDonalds and Tesco superstore with associated petrol filling station and open car park.

#### **5. Proposal**

5.1 Full planning permission is sought for the construction of 10,730m<sup>2</sup> of retail (Class A1) floor space provided in the form of a terrace including at mezzanine level and an attached unit measuring 186m<sup>2</sup> for use under Class A2 (financial and professional services) or Class A3 (restaurant or cafe). The site would utilise the existing access of Jarman Way.

5.2 The proposed Class A1 retail floor space would be spread over five units of varying sizes, with no unit less than 1,580m<sup>2</sup> in area (790m<sup>2</sup> footprint). The retail development would comprise

one discount food retail unit and one fashion unit. The retail terrace would be set back from the site's St Albans Road frontage behind an open car park of 231 spaces. A service yard including an additional 27 staff car parking spaces would be located to the rear (south-east) of the proposed retail terrace.

5.3 The ground floor area across all units would measure 6,689m<sup>2</sup> with 4,227m<sup>2</sup> at mezzanine level.

5.4 Opening hours for the proposed units are as follows:

- Retail (Class A1) units: 07:00 to 22:00 Monday to Saturday and 10:00 to 18:00 Sunday; and
- Unit G Class A2: 07:00 to 22:00 Monday to Saturday and 10:00 to 18:00 Sunday; or
- Unit G Class A3: 24-hour operation

5.5 The Planning Statement submitted under the current application outlines the differences between the outline planning permission and the current proposal. PBA in their assessment has summarised the changes as follows:

- 8,584m<sup>2</sup> net sales area, comprising 7,400m<sup>2</sup> comparison and 1,184m<sup>2</sup> convenience floor space (i.e. a small reduction in overall terms but including a 362m<sup>2</sup> uplift in convenience net sales); and
- The sale of clothing and footwear is sought from one unit.

5.6 The composition of the retail floor space proposed at the application site and how this differs from the previous approval are set out in the table below:

| Area               | Outline permission   | Proposed             | Difference                  |
|--------------------|----------------------|----------------------|-----------------------------|
| Total Class A1 GIA | 10,305m <sup>2</sup> | 10,730m <sup>2</sup> | 425m <sup>2</sup> increase  |
| Total net sales    | 8,822m <sup>2</sup>  | 8,584m <sup>2</sup>  | 238m <sup>2</sup> reduction |
| Total convenience  | 822m <sup>2</sup>    | 1,184m <sup>2</sup>  | 362m <sup>2</sup> increase  |
| Total comparison   | 8,000m <sup>2</sup>  | 7,400m <sup>2</sup>  | 600m <sup>2</sup> decrease  |
| Class A2 or A3     | 149m <sup>2</sup>    | 186m <sup>2</sup>    | 37m <sup>2</sup> increase   |

## 6. Relevant Planning History

6.1 Relevant on-site history has been set out above and indicates the fall back position.

6.2 As alluded to above the proposal shall be considered in the planning context of the approval at Maylands Avenue which was a hybrid application including full planning permission for the construction of 12,503m<sup>2</sup> of retail floor space (Class A1), 545m<sup>2</sup> of restaurant (Class A3 / A5) and 180m<sup>2</sup> of restaurant (Class A1 / A3), a car park with 557 car spaces, and associated landscaping and access works. The latest version of this proposal was considered at the Development Management Committee of 15 June 2017 and planning permission granted on 29 December 2017 following completion of a Section 106 agreement.

6.3 Details of the Maylands Avenue proposal included the construction of 12,503m<sup>2</sup> of Class A1 retail (9,700m<sup>2</sup> net sales), consisting of 1,900m<sup>2</sup> of convenience retail and 7,800m<sup>2</sup> of comparison retail, along with two restaurant units totalling 725m<sup>2</sup> in area.

## 7. Policies

### 7.1 National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

## 7.2 Dacorum Core Strategy

Policies NP1, CS1, CS2, CS4, CS8, CS9, CS10, CS11, CS12, CS13, CS14, CS16, CS25, CS29, CS31, CS32, CS33, CS35

## 7.3 Saved Policies of the Dacorum Borough Local Plan

Policies 10, 13, 31, 33, 37, 44, 51, 54, 55, 57, 58, 99, 100, 106, 113 and 129  
Appendices 4 and 5

## 7.4 Supplementary Planning Guidance / Documents

- Site Allocations Written Statement (2017)
- Accessibility Zones for the Application of car Parking Standards (July 2002)

## **8. Constraints**

- Open Land
- Out-of-centre retail
- Former Land Use
- CIL Zone 3

## **9. Representations**

### Consultation responses

9.1 These are reproduced in full at Appendix A.

### Neighbour notification / site notice responses

9.2 These are reproduced in full at Appendix B.

## **10. Considerations**

### Main issues

10.1 The main issues to consider are:

- Policy and principle
- Access, traffic and parking
- Layout and landscaping
- Appearance of buildings and impact on street scene
- Impact on neighbouring properties
- Flood risk and drainage
- Contaminated land and air quality
- Ecology
- Sustainability
- Community Infrastructure Levy (CIL)

### Policy and principle

#### *Policy context*

10.2 The principle of an out-of-centre retail development has been established by the extant outline planning permission 4/00424/15/MOA. Since this appeal decision, the Site Allocations Written Statement was adopted in July 2017 and is a key consideration in the assessment of the current proposal. The application site at Jarman Fields has been identified under Proposal S/1 as an out-of-centre retail location where retail and leisure uses are generally acceptable (Section 5.18). Under Proposal S/1 the Site Allocations goes on to state that the nature and scale of development should aim to maximise the use of the site and ensure no significant adverse impact on Hemel Hempstead town centre. The sale and display of clothing and footwear is not acceptable, unless ancillary to the use of an individual unit.

10.3 There is general policy support for the development under Section 1 of the NPPF stating significant weight should be placed on the need to support economic growth (paragraphs 18 and 19). Section 2 of the NPPF ensures the vitality of town centres and further assessment on these provisions is set out in the following sections.

10.4 Policy CS16 of the Core Strategy is relevant and permits new retail floor space outside of defined centres if the proposal complies with the sequential approach and demonstrates a positive overall outcome in terms of the impact assessment.

10.5 Similarly, saved Policy 44 of the Local Plan requires the sequential approach to be followed. Under this policy, shopping development will only be permitted outside existing centres if it would not seriously affect the vitality or viability of nearby town or local centres.

10.6 As such, in considering the acceptability of the proposal in principle, the main issues relate to meeting the sequential test and the impact of the development on Hemel Hempstead Town Centre.

#### *Sequential Test*

10.7 It is noted that the proposal involves the sale of fashion items from one unit which would trigger the requirement for a Sequential Test to be carried out under Policy CS16 of the Core Strategy as well as paragraph 24 of the NPPF. Specifically, the latter states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. As set out above, Proposal S/1 under the Site Allocations sets out that the sale and display of clothing and footwear is not acceptable, unless ancillary to the use of an individual unit.

10.8 The sequential test (set out in the submitted Retail Assessment and subsequent Retail Assessment Addendum, both prepared by Maddox Planning Consultants) has been reviewed by PBA and found to be satisfactory (PBA comments reported in full within Appendix A).

#### *Impact assessment on Hemel Hempstead Town Centre*

10.9 An assessment of retail impact is set out under the following sections.

- *Solus impact*

10.10 As mentioned above, the changes of the current proposal from the extant permission include the increase of convenience floor space (to incorporate a discount food retailer operating from one of the units); a slight decrease in overall net sales floor space and comparison floor space; and the introduction of a fashion retailer to occupy another one of the units.

10.11 As the proposed retail park would feature a discount food retailer and a fashion retailer trading from the site, this would expectedly increase the turnover of the scheme compared with a line up of solely bulky goods retailers. This, however, must be balanced against an overall

reduction in net sales area and also a reported higher amount of expenditure per capita.

10.12 For completeness the figures provided by the applicant below demonstrate the current proposal would generate a lower turnover than the approved scheme:

| Scheme   | Comparison | Convenience | Total turnover |
|----------|------------|-------------|----------------|
| Approved | £36.1m     | £9.2m       | £45.3m         |
| Proposed | £33.7m     | £11.4m      | £45.1m         |

10.13 It follows that based on the proposed changes outlined above from the approved scheme (allowed at appeal) and the assessment within this section that the development would have a lesser impact on Hemel Hempstead town centre.

10.14 The effect of the individual changes are set out below.

- *Increase in the area permitted to be used for the sale of convenience goods*

10.15 PBA's advice sets out that as a result of the increase in convenience sales area from 822m<sup>2</sup> to 1,184m<sup>2</sup> (362m<sup>2</sup> uplift) that the proposed development is forecast to turnover at £2.2m above the extant permission in the year 2020 (£9.2m). This would compete with existing convenience retailers in the town centre which include Asda, Iceland, M&S, Tesco Express and other local shops.

10.16 When considered together with the convenience floor space approved at Maylands Avenue (under 4/03157/16/MFA), the current proposal would result in an increase in trade diversion from Hemel Hempstead town centre above the existing permission. This is set out in the table below where two scenarios are reported:

- Scenario A – impact of approved Jarman Fields scheme (4/00424/15/MOA) and approved Maylands Avenue scheme (4/03157/16/MFA); and
- Scenario B – impact of proposed Jarman Fields scheme (current application) and approved Maylands Avenue scheme

| Convenience sales | Diversion | Cumulative impact |
|-------------------|-----------|-------------------|
| Scenario A        | £4.8m     | 8.3%              |
| Scenario B        | £5.2m     | 8.9%              |

10.17 Consequently, the proposal would divert trade with respect to convenience goods from Hemel Hempstead town centre (representing a 0.6 percentage point increase in cumulative impact of both out-of-centre retail schemes).

10.18 The distribution of the proposed net sales area is an important characteristic of the scheme to assess the impact on Hemel Hempstead town centre. It differs from the extant outline permission as the total net sales area and the amount of comparison trading floor area have decreased. The above figures (trade diversion and impact) resulting from the uplift in convenience goods have been balanced against the reduction in comparison floor area (and reduction in overall net sales area). PBA has advised that the comparison turnover of the proposed scheme in 2022 would be £33.7m.

10.19 PBA has set out in their advice (in both their initial and latest reviews) that the scheme turnover would be lower than under the extant permission; as such the impact on the town centre would not be significant as can be seen below:

| Turnover basis | Diversion | Cumulative impact |
|----------------|-----------|-------------------|
| Scenario A     | £31.6m    | 7.8%              |
| Scenario B     | £31.8m    | 7.8%              |

10.20 Hemel Hempstead town centre would be able to withstand an increased level of diversion as set out above as there is an overall increase in expenditure per capita on average within the catchment area (map included within the Retail Assessment) based on 2017 Experian population projections (December 2017) which were made available after the consideration of the Maylands Avenue scheme at committee.

10.21 It follows that in impact terms, the overall cumulative impact of the scheme on Hemel Hempstead town centre would be lower than the fall back position of the extant outline permission (4/00424/15/MOA). The proposal therefore would not represent a significantly adverse impact on Hemel Hempstead town centre.

- *Extension to the permitted retail use to include the sale of clothing and footwear from one unit*

10.22 PBA's initial response sets out that the key concern is whether this element of the proposal would undermine the health of the town centre by allowing existing tenants to relocate to the site and shoppers diverting to the application site, thus reducing the attraction of and footfall within the town centre. This would mean that a fashion retailer could locate to the proposed retail park which is not the case under the extant permission at Jarman Fields.

10.23 Based on PBA's advice this element of the proposal could be acceptable subject to appropriate controls to mitigate the impact on the town centre. A specific retailer has been identified within the submitted Retail Assessment which has assisted in the quantitative assessment of the scheme (set out above). Whilst the use of personalised permissions is generally discouraged, ultimately the unit could be occupied by any retailer, including those which currently exist in the town centre. PBA has therefore recommended the introduction of a 'no poaching' clause to be built into the Section 106 agreement. This would ensure that retailers could not occupy space within the proposed retail park where they were present in the town centre, unless the operator committed to retaining its presence for a minimum of five years.

10.24 PBA in their final advice state that the Section 106 agreement for the Maylands Avenue scheme and the current scheme would target the same retailer and shall be exempt from the above 'no poaching' restrictive clause. Their advice goes on to state that the effect on the town centre of one retailer relocating to either Jarman Fields or Maylands Avenue would not be materially different as both are out-of-centre sites.

10.25 It is important to note that whilst the loss of one of the key retailers from the town centre would be an undesirable situation, it is noted that the town centre could lose any of its retailers (including to other centres such as Watford, for example) and this would be out of the control of planning.

- *Health of Hemel Hempstead Town Centre*

10.26 In terms of the health of the town centre, the submitted Retail Assessment has identified an increase in the number of comparison retailers and a reduction in the number of convenience retailers. The proposal should be assessed in light of these local circumstances. The assessment with respect to convenience retailing has been set out above and has been balanced against a reduction in comparison floor space that would result in a lower impact on the town centre than the extant permission.

10.27 Factors which are indicators or contributors to the health of Hemel Hempstead town centre as reported in the submitted Retail Assessment are set out below where relevant:

- Existence of a number of major comparison goods retailers;
- Low vacancy rates;

- Varied representation across the centre;
- Public realm improvements and investment, including the recent planning permission for a cinema and restaurants within the Marlowes Shopping Centre (4/02035/17/MFA).
- *Restrictions on Class A1 retail*

10.28 As set out in PBA's advice if the application were granted it should be subject to the imposition of conditions, in addition to the restrictive Section 106 clause outlined above, in order to mitigate the impact of the development on the town centre:

- Restriction on total net sales area (8,584m<sup>2</sup> net) and gross floor area (10,916m<sup>2</sup> gross internal area);
- Convenience goods floor space restricted to Unit D up to a maximum of 1,184m<sup>2</sup> net;
- Comparison goods floor space capped at 7,400m<sup>2</sup> net and excluding the sale of clothing and footwear (unless ancillary to DIY or motorcycle / bicycle sales) other than in Unit F;
- Unit G restricted to Class A2 or Class A3 use;
- Preventing amalgamation and subdivision of units; and
- Removing permitted development rights.

10.29 Consequently, the proposal would not have a significant adverse impact on Hemel Hempstead town centre in terms of quantitative or qualitative characteristics and would not conflict with the aims of Section 2 of the NPPF or Policy CS16 of the Core Strategy.

#### Access, traffic and parking

10.30 As noted above, the proposed development would be accessed via the existing access and egress spurs off Jarman Way which would serve both the car park as well as the associated service yard. Previous comments from the highway authority found these arrangements acceptable.

10.31 The highway authority in their initial comments on the application raised objection as updated traffic data was required to assess the proposal. Information to address this objection has been submitted on behalf of the applicant and the highway authority has indicated in writing that their objection shall be removed; with a new recommendation to grant permission subject to conditions and a contribution for off-site highway works to promote sustainable transport measures.

10.32 With respect to on-site parking provision, the highway authority has found the level of parking provision acceptable however has also advised that it is the responsibility of the local planning authority to determine the acceptability of parking provision. The site lies within Accessibility Zone 3 (as set out in Supplementary Planning Guidance) where 50% to 75% of the maximum parking standard applies.

10.33 It is noted that the proposal would accommodate approximately 66% of the maximum parking standard and consequently the development would not raise issues with respect to parking. Saved Appendix 5 of the Local Plan sets out maximum parking standards and where elements of the proposal are unknown the highway authority has provided appropriate rates of parking for the various uses. The following levels of provision are noted:

- Class A1 food discount retailer: 1 space per 18m<sup>2</sup> for food stores up to 2,500m<sup>2</sup>, resulting in a maximum 126 spaces for 2,276m<sup>2</sup> gross floor area; and
- Class A1 non-food retail: 1 space per 35m<sup>2</sup> (non-food without garden centre), resulting in a maximum 242 spaces for 8,455m<sup>2</sup> gross floor area; and

- Class A2 financial and professional services: 1 space per 30m<sup>2</sup>, resulting in a maximum of 6 spaces for 186m<sup>2</sup> gross floor area; or
- Class A3 cafe: 1 space per 5m<sup>2</sup> of dining area plus 3 spaces per 4 employees; advice from the highway authority states that Unit G occupied by a Class A3 use would require 37 spaces on floor area alone. In this instance the standard has been applied to the whole of the unit area rather than the dining area as specified by the standard within saved Appendix 5.

10.34 It would be reasonable to assume the dining area for a unit of the size proposed could require up to 75m<sup>2</sup> of dining area (generating a maximum requirement of 15 spaces for this element). Additionally, a typical employment density for such a use would be 18m<sup>2</sup> per full-time employee of net internal area (generating a maximum requirement of 7 spaces for this element). On this basis, an appropriate level of parking provision for the proposed Class A3 unit would be 22 spaces.

10.35 14 disabled parking spaces would be provided within the car park which would be acceptable noting the 4% of total provision required set out in saved Appendix 5 of the Local Plan.

10.36 Further details shall be sought through condition to secure appropriate levels of cycle parking for the development.

10.37 The proposal is therefore considered acceptable with respect to access, traffic and parking in accordance with Policies CS8 and CS12 of the Core Strategy and saved Policy 58 of the Local Plan.

#### Layout and landscaping

10.38 The proposed layout of the retail park would be satisfactory, noting the surrounding context provided by the existing configuration of the retail park. The retail terrace would directly front the roundabout, resulting in an angled position relative to the site's frontages to St Albans Road and Jarman Way. As such, the units would have a similar orientation to the cinema and restaurant complex to the south as well as the long elevation of the standalone McDonalds restaurant building. This is considered acceptable.

10.39 Whilst the retail terrace would be largely set back from the site's road frontages, the northernmost retail unit (Unit F) would represent a focal point on St Albans Road which would be appropriate.

10.40 The main (customer) car park serving the proposed units would be located in front of the retail terrace accessed via Jarman Way. Due to levelling works required on the site the majority of the car park would sit below the pedestrian path following the site's northern and eastern boundaries and separated by a landscaped buffer to follow the pattern of soft landscaping evident around the adjacent Tesco car park.

10.41 Servicing to the proposed retail units would occur along the terrace's south-eastern elevation, the boundary of which would be shared with the adjacent car park serving the cinema and this would not raise any layout concerns.

10.42 Mezzanine levels for the retail Class A1 units are proposed, however details of these have not been finalised. This is considered satisfactory subject to a condition placing a cap on mezzanine floor space and that its allocation shall be distributed within the maximum comparison and convenience floor areas set out above which shall also be conditioned.

10.43 It follows that the proposal is acceptable and in accordance with Policies CS10, CS11, CS12, CS13 and CS25 of the Core Strategy.

### Appearance of buildings and impact on street scene

10.44 The design and external appearance of the proposed retail terrace has responded appropriately to its context within Jarman Park. Key features of the proposed building include:

- Framed entrance to the prominent north-eastern end of the terrace;
- Parapet and feature wall to the western corner at the vehicle entrance to the site;
- Verticality introduced through brick piers;
- Contrasting materials incorporating a mix of brick (colour local to the New Town) and cladding to add interest;
- Projecting signage frames under the main eaves.

10.45 Samples of materials shall be reserved by condition due to the scale of the building to ensure a suitable integration within its environment.

10.46 The submitted sections show that the proposed building would be largely set down from its St Albans Road frontage and the development would not appear unduly prominent within the largely suburban context surrounding the dual carriageway.

10.47 The development would be commensurate in height terms with surrounding development particularly the adjacent cinema and restaurant complex.

10.48 It follows the proposal accords with Policies CS10, CS11, CS12, CS13 and CS25 of the Core Strategy.

### Impact on neighbouring properties

10.49 The proposed development would not prejudice the function of existing retail units within Jarman Park.

10.50 The nearest residential properties are located to the north and east of the site, however the wide road reserve of St Albans Road (A414 dual carriageway) and the open and treed space occupied by the Bennetts End flood lagoon would provide a sufficient buffer to these properties such that the additional traffic, noise and other impacts of the development would not result in an adverse impact on their residential amenity.

10.51 The proposal is therefore acceptable under Policy CS12 of the Core Strategy.

### Flood risk and drainage

10.52 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 or Thames Water. Conditions have been requested from the above requiring finalised details of drainage which are considered acceptable under Policy CS31 of the Core Strategy.

### Contaminated land and air quality

10.53 Subject to conditions recommended by the Environmental and Community Protection team and the Environment Agency these matters are acceptable in accordance with Policy CS32 of the Core Strategy.

### Ecology

10.54 Subject to the imposition of a condition requiring the approval of a Ecological Appraisal

Report as advised by Hertfordshire Environmental Records Centre, and the application site is allocated for redevelopment and subject to an extant permission, the proposal is satisfactory in this regard in accordance with the aims of the NPPF and Policy CS29 of the Core Strategy.

### Community Infrastructure Levy (CIL)

10.55 The development of the site is subject to a CIL payment calculated in accordance with the CIL Charging Schedule. The convenience and comparison-based retail elements (Class A1) of the scheme are chargeable at £150 per square metre. A zero charge is levied against 'other' uses within the Charging Schedule and as such no charge is levied against the Class A2 / Class A3 uses.

The scheme results in an overall liability of some £1,609,500.

## **11. Conclusions**

11.1 For reasons above the proposed retail park would not result in a significantly adverse impact on Hemel Hempstead town centre when considered together with extant permissions for out-of-centre retail development and as such would not conflict with the relevant retail policies outlined above. The development would represent a key proposal on an allocated site and would represent a satisfactory design response and would not compromise highway safety.

11.2 It follows the proposal would accord with the aims of Policies CS1, CS2, CS4, CS8, CS10, CS11, CS12, CS13, CS14, CS16, CS25, CS29, CS31, CS32 and CS33 of the Dacorum Core Strategy 2013, saved Policies 10, 44, 51, 54, 58 and 99 of the Dacorum Borough Local Plan 1991-2011 and Site Allocations Written Statement (2017).

## **12. RECOMMENDATION**

12.1 It is recommended that the application is **DELEGATED** to the Group Manager of 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 conditions set out below.

12.2 That the following Heads of Terms for the planning obligation be agreed:

- Financial contribution to address the immediate impacts of the proposed development on the local highway network to be agreed; and
- To secure compliance with retail conditions that restrict the sale of clothing and footwear within Unit F.

12.3 That the conditions listed below are imposed:

- 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 Class A1 retail floor space hereby permitted shall have a maximum gross floor area of 10,730sqm. The net sales area of the Class A1 retail floor space shall not exceed 8,584sqm comprising a maximum of:**

**1,184sqm convenience food goods; and**

**7,400sqm comparison non-food goods.**

**Unit G as shown on Drawing No. 1929 - 33 Rev C shall be limited to a maximum gross internal floor space area of 186sqm for use within Classes A2 or A3.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead town centre in accordance with Policy CS16 of the Dacorum Core Strategy 2013.

- 3 The retail Class A1 units hereby permitted shall have a minimum gross internal area floor space of 696sqm (Units A to F inclusive as shown on Drawing No. 1929 - 33 Rev C).**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead town centre in accordance with Policy CS16 of the Dacorum Core Strategy 2013.

- 4 The retail Class A1 units hereby permitted shall not be used for the sale and display of clothing and footwear (except ancillary clothing or footwear for DIY, motoring or cycling activities) with the exception of Unit F as shown on Drawing No. 1929 - P - 33 Rev C.**

Reason: To limit the impact of the development on the vitality and viability of Hemel Hempstead town centre in accordance with Policy CS16 of the Dacorum Core Strategy 2013.

- 5 The retail Class A1 units hereby approved shall only be used for Class A1 uses in accordance with other conditions of this planning permission and the Class A2 or Class A3 unit hereby approved shall only be used for uses falling within Classes A2 or A3 and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and for no other purpose permitted under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).**

Reason: In the interests of safeguarding the vitality and viability of Hemel Hempstead town centre in accordance with Policy CS16 of the Dacorum Core Strategy 2013.

- 6 Notwithstanding the details shown on the approved plans, of the total retail floor space (Class A1) hereby permitted (10,730sqm), no more than 4,227sqm (gross internal area) shall be installed at mezzanine level. Prior to the installation of any floor space at mezzanine level, metrically scaled floor plans showing the layout, amount and distribution of mezzanine floor space shall be submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: In the interests of safeguarding the vitality and viability of Hemel Hempstead town centre in accordance with Policy CS16 of the Dacorum Core Strategy 2013.

- 7 The development hereby permitted shall not be open to customers other than between the following hours for the uses specified below:**

**Retail Class A1 units (Units A to F inclusive as shown on Drawing No. 1929 - P**

- 33 Rev C): 07:00 to 22:00 Monday to Saturday and between 10:00 and 18:00 on Sunday; and

Unit G as shown on Drawing No. 1929 - 33 Rev C within Class A2: 07:00 to 22:00 Monday to Saturday and between 10:00 and 18:00 on Sunday; or

Unit G as shown on Drawing No. 1929 - 33 Rev C within Class A3: 24 hour operation Monday to Sunday.

Reason: For the avoidance of doubt.

- 8 **Installation of external surfaces shall not take place before samples and details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority.**

**Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.**

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

- 9 **The development hereby permitted shall not commence before the submission of a scheme for the protection of existing trees and landscaping features either within or adjoining the site for approval in writing by the local planning authority. The approved methods of protection shall be carried out or installed in accordance with the relevant details approved and shall be maintained in place during the whole period of site demolition, excavation and construction.**

Reason: In order to ensure that damage does not occur to the trees or landscape features during building operations in accordance with saved Policy 99 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of the Dacorum Core Strategy 2013.

- 10 **In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of five (5) years from the date of the occupation of the site for its permitted use.**

**(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010 - Recommendations for Tree Work.**

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

**(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars under Condition 9 above before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the**

**site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with saved Policy 99 of the Dacorum Borough Local Plan 1991-2011 and saved Policy CS12 of the Dacorum Core Strategy 2013.

**11 Notwithstanding the details shown on Drawing No. 761-MP-01 Rev A, occupation of the development hereby permitted shall not take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:**

- **hard surfacing materials;**
- **means of enclosure;**
- **soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;**
- **trees to be retained;**
- **proposed finished levels or contours in relation to neighbouring sites and adjacent road frontages (including both St Albans Road A414 and Jarman Way);**
- **car parking layouts and other vehicle and pedestrian access and circulation areas;**
- **minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);**
- **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);**
- **retained historic landscape features and proposals for restoration, where relevant; and**
- **Landscape Management Plan over a period of ten (10) years from the date of implementation of the landscaping scheme, including long-term design objectives, management responsibilities and maintenance schedules for the landscaped areas.**

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

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

**12 Construction of the buildings hereby approved shall not take place until details of the proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land shall have been submitted to and approved in writing by the local planning authority. The buildings shall be constructed in accordance with the approved levels.**

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.

- 13 **No development shall take place until an Ecological Assessment Report has been submitted to and approved in writing by the local planning authority. The Report shall include a full assessment of the scheme in relation to identified important ecological features, and will outline the avoidance, mitigation or compensation measures and proposed biodiversity offsetting.**

Reason: In the interest of safeguarding any ecological interest on the site in accordance with the National Planning Policy Framework and Policy CS29 of the Dacorum Core Strategy 2013.

- 14 **No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and / or that there are appropriate measures in place to protect nesting bird interest on site.**

**Any such written confirmation shall be submitted to the local planning authority.**

Reason: In the interest of safeguarding any ecological interest on the site in accordance with the NPPF and Policy CS29 of the Dacorum Core Strategy 2013.

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

- a) Construction vehicle numbers, type, routing;
- b) Traffic management requirements;
- c) Construction and storage compounds (including areas designated for car parking);
- d) Siting and details of wheel washing facilities;
- e) Clearing of site entrances, site tracks and the adjacent public highway;
- f) Timing of construction activities to avoid school pick up / drop off times;
- g) The management of crossings of the public highway and other public rights of way;
- h) Provision and location of sufficient on-site parking prior to the commencement of construction activities; and
- i) Post-construction restoration / reinstatement of the working areas and any temporary accesses to the public highway.

Reason: In the interests of maintaining highway safety and efficiency and to protect users of the public highway and rights of way in accordance with Policy CS8 of the Dacorum Core Strategy 2013 and saved Policy 54 of the Dacorum Borough Local Plan 1991-2011.

- 16 **Development of the approved parking and servicing areas as shown on Drawing No. 1929 - 33 Rev C shall not commence before full details in the form of metrically scaled plans and written specifications shall be submitted and approved in writing by the local planning authority to illustrate the following:**

- a) Roads, footways, foul and on-site water drainage;
- b) Existing and proposed access arrangements including visibility splays;

- c) **Parking provision;**
- d) **Cycle parking provision;**
- e) **Servicing areas, loading areas and turning areas for all vehicles; and**
- f) **Provision of fire hydrants.**

**The development shall be carried out in accordance with the approved plans.**

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

- 17 **The development hereby permitted shall not be occupied for trading before a Delivery and Servicing Plan has been submitted 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, access to / from the site for delivery and servicing vehicles, and to ensure that there is no conflict between parked vehicles and arriving or departing vehicles in the service yard. Development shall be carried out in accordance with the approved details.**

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

- 18 **All remediation or protection measures identified in the Remediation Statement referred to in the approved Remediation Strategy and Preliminary Piling Risk Assessment Report (reference WIE12557-100-R-5-1-3-REMSTRAT, Waterman, December 2017, Sections 5 and 6) shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement, and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.**

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

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Policy CS32 of the Dacorum Core Strategy 2013 and the National Planning Policy Framework.

- 19 **The development hereby permitted shall be carried out in accordance with the approved Air Quality Assessment Report (reference 40234/3005, Peter Brett Associated, February 2018), including the use of solar PV panels and mitigation measures identified within.**

**Occupation of the development hereby permitted shall not commence before a report on the number of electric vehicle charging points to be installed and relevant maintenance arrangements shall be submitted and approved in writing by the local planning authority.**

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

Reason: To ensure the amenities of the site and surrounding area are protected from increased air quality arising from the development in accordance with Policies CS8 and CS32 of the Dacorum Core Strategy 2013.

- 20 **In the event Unit G as shown on Drawing No. 1929 - P - 33 Rev C is occupied by a use falling within Class A3, a scheme for the ventilation of the premises, including the extraction and filtration of cooking fumes / odour control, shall be submitted and approved in writing by the local planning authority. The approved scheme shall be carried out prior to the commencement of the Class A3 use hereby permitted.**

Reason: To safeguard the amenity of neighbouring properties and adjoining units and the visual appearance of the area in accordance with Policy CS12 of the Dacorum Core Strategy 2013.

- 21 **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 the development.**

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in accordance with the National Planning Policy Framework.

- 22 **The development hereby permitted shall be carried out in accordance with the approved Flood Risk and Drainage Strategy (Issue 1, PCS Consulting Engineers Ltd, 18 February 2018) and the following mitigation measures:**

**1. Undertaking appropriate drainage strategy based on attenuation and discharge into Thames surface water sewer restricted to a maximum of 11l/s for the 1 in 100 year-rainfall event.**

**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 attenuation tank and drainage blankets as indicated on the approved Drainage and Levels Drawing No. 900.**

Reason: To prevent the increased risk of flooding, both on and off-site in accordance with Policy CS31 of the Dacorum Core Strategy 2013.

- 23 **No development (excluding ground works) shall take place until the final design of the drainage scheme has been submitted and approved in writing by the local planning authority. The surface water drainage system will be based on the submitted Flood Risk and Drainage Strategy (Issue 1, PCS Consulting Engineers Ltd, 18 February 2018). The scheme shall also include:**

**1. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any**

**connecting pipe runs and all corresponding calculations / modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% climate change event. 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.**

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.

- 24 Piling, deep foundations, investigation boreholes and other intrusive groundwork (tunnel shafts, ground source heating and cooling systems, etc) 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 the approved details.**

Reason: To ensure that the proposed foundations or groundworks does not harm groundwater resources in line with the National Planning Policy Framework.

- 25 A properly maintained fat trap shall be installed to serve Unit G as shown on Drawing No. 1929 - P - 33 Rev C in the event it is operated within the Class A3 use permitted on the site.**

Reason: To prevent the blocking of drains, sewage flooding and pollution to local watercourses in accordance with Policies CS31 and CS32 of the Dacorum Core Strategy 2013.

- 26 No development shall take place until details of measures to recycle and reduce demolition and construction waste which may otherwise go to landfill, together with a Site Waste Management plan (SWMP), shall have been submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved details.**

Reason: To accord with the waste planning policies of the area in accordance with Policy CS29 of the Dacorum Core Strategy 2013 and saved Policy 129 of the Dacorum Borough Local Plan 1991-2011.

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

**1929 - P - 31 (site location plan)  
1929 - P - 33 Rev C (proposed site and building plan)  
1929 - P - 34 Rev H (proposed ground floor plan)  
1929 - P - 35 Rev F (proposed roof plan)  
1929 - P - 36 Rev K (proposed elevations)  
1929 - P - 39 Rev B (enlarged view of north-western elevation)  
1929-P-40 (proposed site sections)**

**761-MP-01 Rev A (landscape masterplan)  
Planning Statement  
40234/5501 TS v2.0 Transport Statement  
40234/5501 TP v2.0 Retail Travel Plan  
WIE12557-100-R-5-1-3-REMSTRAT (Remediation Strategy and Preliminary  
Piling Risk Assessment)  
40234/3005 Air Quality Assessment  
Flood Risk and Drainage Strategy Issue 1**

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 during the pre-application stage and the determination process 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.

#### Highways Informative

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

2. General works within the highway: 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 highway design guide "Roads in Hertfordshire". 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.

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

#### Contamination Informative

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

Contaminated land planning guidance can be obtained from Regulatory Services or via the Council's website at [www.dacorum.gov.uk](http://www.dacorum.gov.uk) .

## **Appendix A - Consultation responses**

### Peter Brett Associates final retail response

I have now reviewed the addendum assessment prepared by Maddox in support of their current application at Jarman Park. The addendum assessment provides further information on both impact and sequential matters in response to the issues identified in PBA's advice to you (dated 16 April).

#### Impact

As you know, the April advice concluded that while there were deficiencies in the impact assessment, these did not go to heart of the matter so that it was possible to conclude that, subject to appropriate conditions, the development would not give rise to significant adverse impact on Hemel Hempstead town centre.

Maddox have provided some additional analysis intended to address those deficiencies; however, we do not comment on this in detail because the submission does not address the points previously raised on inflow and trade draw. Their confusion remains over the difference between trade draw and trade diversion (e.g. para. 2.6, reference is made to 'the impact trade draw arising from the proposal on Hemel Hempstead town centre'; this is actually trade diversion) so their statement at para. 2.7 is not correct: the principle of trade draw is not agreed as there is no information within either the main assessment or this addendum to allow that conclusion to be reached. However, given the conclusions set out in our April letter, we do not provide further comment here.

An additional clause is proposed to the S106 which is seeking to exempt Next from the recommended no-poaching clause. In justifying this, Maddox refer to the S106 accompanying the Maylands Retail Park (MRP) permission. The reasons that Next were exempted from the no-poaching clause on the MRP permission are not entirely clear; it is noted though that the fashion-led unit in that scheme is more restricted in that the unit must have a minimum GIA of 1,700 sqm (i.e. larger than the relevant unit in the Jarman Park scheme), the area dedicated to fashion goods is limited to 920 sqm and cannot exceed 70% of what is referred to as the 'publicly accessible area'. It is not for PBA to speculate about whether Next would in practice occupy stores at both Jarman Park and MRP, and in any event, the effect on the town centre of Next relocating to either would not be materially different as both are out-of-centre sites. Despite the other restrictions set out above meaning that the circumstances of the MRP permission are not the same as the Jarman Park application, in effect of the clause on the MRP permission means that the principle of Next relocating outside the town centre with no requirement to maintain a town centre store is established. Because there is no justification for the exemption beyond referring to the precedent of the MRP permission and on that basis that the Council should be consistent in its decision taking, it follows that the Jarman Park scheme should also include the 920 sqm cap on fashion and clothing in Unit F.

#### Sequential approach

The addendum now includes fuller analysis of the sequential sites such that it is now possible to reach a conclusion on this. This includes assessing the various town centre allocations in additional detail and more clearly demonstrating flexibility in terms of reducing the scheme's floorspace and decking the car park so that sites of 1.9ha might be capable of accommodating the scheme.

As acknowledged in the April letter, many of the sites were considered during the course of the original application and also the various Aviva applications at Maylands Retail Park; however, some time had passed and it was incumbent on the applicant to update the analysis. It is accepted that various sites identified in Table 1 of the addendum (with the exception of the West Herts College/Civic Zone MU/1 site) can be dismissed in sequential terms on the basis that none are both suitable and available.

The additional analysis Maddox provide on MU/1 is welcomed. We agree that large portions of the site are not available due to either completed or committed schemes for alternative developments. This leave two parcels of land: it is accepted that the combination of constraints identified on the parcel of land at the north western corner of the site are such that it is not suitable for the proposed development. Similarly, the former Civic Centre element of the site at less than 1 ha is plainly too small to accommodate the development. On this basis, it is agreed that MU/1 can be dismissed in sequential terms.

### Summary

The additional information provided by Maddox means that it is now possible to conclude the application is compliant with the sequential approach as set out at paragraph 24 of the NPPF. So, if the Council are minded to grant planning permission, the recommendations in relation to conditions and other mitigation measures set out in the April letter remain valid, apart from the amendments set out above in the event that the applicant seeks to include a clause which exempts Next from the no poaching agreement.

### Strategic Planning and Regeneration

I confirm my view that there are no planning policy objections to the application. This conclusion is subject to the conditions and mitigation measures proposed by PBA to protect the vitality and viability of Hemel Hempstead town centre, in their 16 April 2018 letter to the Council and Cathy Hall's 4 May email to you.

### Hertfordshire Highways comments following submission of further details

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

#### Decision

Hertfordshire County Council as highway authority does not wish to raise an objection to the proposed development, subject to the following conditions.

#### Condition 1: Provision of Parking and Servicing Areas

Prior to the first occupation of the development hereby permitted the proposed onsite car and cycle parking, servicing, loading and unloading and service yard area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking /manoeuvring area, in the interests of highway safety.

#### Condition 2: Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to

and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

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

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

### Condition 3: Construction Parking

No development shall commence until a scheme detailing provision for onsite 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.

### Highway Informatives

#### AN1) Storage of materials

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

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

#### AN2) Obstruction of the Highway

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

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

#### AN3) Mud on Highway

It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to

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

#### Section 278 Agreement

Any works within the highway boundary would need to be secured and approved via a Section 278 agreement with Hertfordshire County Council.

#### Section 106 Agreement

A Travel Plan is required for the development, consisting of a written agreement with the County Council setting out a scheme to encourage, regulate and promote green travel measures for staff and visitors in accordance with the provisions of the County Council's Travel Plan Guidance for Business and Residential Development', which is subject to a sum of Â£6,000 towards the County Council's cost of administering and monitoring the objectives of the Travel Plan and engaging in any Travel Plan review.

A contribution of Â£250,000 will be sought for the replacement of the bridge with a signalised pedestrian crossing. The proposed contribution would be indexed from 2015.

#### Description of the Proposal

The application is for full planning permission for the construction of five retail units (class A1) with a total GFA of 10730sqm, and one 186sqm unit for use as financial services or a cafe/restaurant (class A2 or A3) and associated access, car parking, service yard and landscaping.

The proposed development will be accessed from the existing access 'stub' on Jarman Way, which will connect to the internal road layout. There are no proposals to modify the existing access point.

It is proposed that a total of 258 car parking spaces are provided at the proposed development. This comprises 231 parking spaces in the main car park area and 27 parking spaces in the service yard, which will be for staff.

#### Site Description

The proposed development site is located west of Jarman Way and south of St Albans Road. Jarman Way forms a roundabout with St Albans Road north-west of the site. Jarman Way is a privately maintained road and is subject to a 30mph speed limit. St Albans Road is a Principle A, main distributor road and is subject to a 40mph speed limit in the vicinity of the site.

The site is bound to the north by St Albans Road, to the east by woodland and a pond, to the south by the Jarman Square leisure centre and to the west by Jarman Way.

The site is brownfield land and is currently vacant.

#### History

The relevant planning history for the site as follows:

- 4/00595/18/MFA -A major full application was submitted for the construction of five retail units

(class A1) with a total GFA of 10730sqm, and one 186sqm unit for use as financial services or a cafe/restaurant (class A2 or A3) and associated access, car parking, service yard and landscaping. HCC as Highway Authority recommended refusal of the planning application. The applicant then provided additional information for consideration under the same application, in the form of a Technical Note. The Technical note is discussed as part of this revised response for application 4/00595/18/MFA.

- 4/00424/15/MOA -A major outline application was submitted for the construction of a Class A1 retail development and a Class A3 drive-thru cafe/restaurant unit together with access, car parking, a service yard and associated works. The application was refused in June 2015 as it was determined that the application site would compete with Hemel Hempstead town centre as a retail destination. The decision was appealed (reference APP/A1910/W/15/3132774) and outline planning permission was granted in 4th March 2016.

- 4/00455/07/MFA -A major full planning application was submitted and granted in 2007 for the construction of retail warehouses and associated car parking, access, a service yard and landscaping. Permission for the variation of Condition 18 of the planning permission was granted in December 2009 (reference 4/02362/07/ROC), this was for the CCTV provision. In August 2010, planning permission was granted for the variation of Condition 1 of application 4/02362/07/ROC, which allowed an extension of the planning permission for five years. This expired on the 19th August 2015.

- 4/0625/89 -Outline planning permission was granted for a mixed use recreation, leisure and commercial development in 1991.

#### Analysis

The applicant has provided a Transport Statement (TS), Planning Statement and Employment Travel Plan for review as part of the application package.

A Design and Access Statement (DAS) is a requirement for all full planning applications that have an impact on the highway, as outlined in Roads in Hertfordshire: Highway Design Guide (3rd Edition). A DAS has been provided as part of the application package and this is acceptable.

#### Policy Review

The TS does not include a review of any local or national policy documents.

However, the following documents have been reviewed within the Planning Statement:

- National Planning Policy Framework (2012);
- Dacorum Borough Council Core Strategy (2013);
- Dacorum Borough Council Site Allocations DPD (2017); and,
- Dacorum Borough Council Local Plan 1991-2011 (saved policies).

However, the applicant has not considered the following policy documents:

- Hemel Hempstead Urban Transport Plan (2009);
- Department for Transport, Manual for Streets; and,
- Roads in Hertfordshire: Highway Design Guide (3rd Edition).

#### Trip Generation

##### Existing Trip Generation

The existing site is vacant brownfield land and has therefore been assumed to generate no trips. This is considered acceptable.

##### Extant Trip Generation

The TS has considered the trips that would be generated by the permitted land use as part of application 4/00424/15/MOA. The trip generation was set out in the Transport Assessment (TA) for the consented scheme. This was for the construction of a mixed use development comprising 8800sqm of non-food retail land use and 1505sqm of food retail land use.

The trip generation profile for 8800sqm non-food retail element of the consented scheme is as follows:

- Weekday Peak Hour (17:00-18:00): 153 arrivals, 152 departures and 305 two-way trips
- Saturday Peak Hour (12:00-13:00): 235 arrivals, 234 departures and 469 two-way trips

The trip generation profile for the 1505sqm food retail element of the consented scheme is as follows:

- Weekday Peak Hour (17:00-18:00): 45 arrivals, 54 departures and 99 two-way trips
- Saturday Peak Hour (12:00-13:00): 87 arrivals, 92 departures and 179 two-way trips

The TA for the consented scheme made an allowance within their trip generation profile for linked trips between the food retail land use and the non-food retail land use. A reduction of 30% was applied to the trips for the food retail land use, on the assumption that there would be an element of cross-visitation between the units at the development.

The resultant trip generation for the 1505sqm food retail element is as follows:

- Weekday Peak Hour (17:00-18:00): 32 arrivals, 38 departures and 69 two-way trips
- Saturday Peak Hour (12:00-13:00): 61 arrivals, 64 departures and 125 two-way trips

The total trip generation for the consented scheme including the reduction in trip rates for the food-retail land use is as follows:

- Weekday Peak Hour (17:00-18:00): 185 arrivals, 190 departures and 374 two-way trips
- Saturday Peak Hour (12:00-13:00): 296 arrivals, 298 departures and 594 two-way trips

The above trip generation profile was approved by HCC as part of the outline planning consent for application 4/00424/15/MOA.

### Proposed Trip Generation

To determine the peak hour for the proposed development, the applicant has considered the results of a manual-classification count survey and an automatic traffic count survey which were undertaken in the vicinity of the 'Jarman Park' retail and leisure centre. The results of the surveys indicated that the weekday peak hour was 17:00-18:00 and the weekend peak hour was on a Saturday between 12:00-13:00. The TS has assumed that the proposed development will have the same peak hours. This is considered acceptable.

It is noted that there are discrepancies between the GFAs for the proposed development that are set out in the TS and the GFAs that are set out in the planning application submission. The planning application submission states that the proposals are for 10730sqm of retail land use, whereas the TS states that there will be 10916sqm of retail land use, plus 186sqm for a café/restaurant. Given that the TS has considered a higher GFA, this allows for a more robust scenario and is therefore considered acceptable.

Furthermore, the planning application submission states that the 186sqm unit will be used for financial services or a café/restaurant. However, the TS does not provide a trip generation profile for either land use. Given that the unit is not expected to generate a significant amount of

trips, this is considered acceptable.

#### Non-Food Retail Trip Generation

The TS states that the proposed five retail units will have a total GFA of 10916sqm which will comprise both food-based retail and non-food based retail. The trips generated by each type of retail have been considered separately. This is considered acceptable. The non-food retail element of the proposed development will have a total GFA of 8640sqm, comprising 4413sqm of ground floor retail and 4227sqm of mezzanine level retail.

The TRICS Output file was not included in the application submission and was later provided by the applicant. A full TRICS report should be included in any future submissions, to ensure that the sites used for comparison are relevant and appropriate.

The search criteria used by the application to obtain the trip rates is as follows:

- Category '01 -Retail -G -Other Individual Non-Food Superstore' chosen;
- Vehicle trip rates selected;
- Weekday and Saturday sites considered separately;
- Edge of Town Centre, Suburban area and Edge of Towns sites chosen; and
- Sites in England and Scotland considered.

It is noted that the trip rates used in the TS were obtained from the TRICS database in August 2015. This information is considered to be out of date and review of the TRICS database has confirmed that some of the sites used by the applicant are no longer within the date range of the most recent 10 years. Using the same search criteria as the applicant, the up-to-date TRICS information results in higher trip rates. For the weekday PM Peak, this equates to an additional 25 two-way trips. Given that the additional trips are unlikely to significantly change the impact of the development on the highway network, the TRICS data used by the applicant is considered acceptable.

The vehicular trip rates presented in the TS are as follows:

- Weekday Peak (17:00-18:00): 1.504 arrivals, 1.597 departures and 3.101 two-way trips
- Saturday Peak (12:00-13:00): 3.617 arrivals, 3.39 departures and 7.007 two-way trips

The resultant trip generation based on a GFA of 8640sqm is as follows:

- Weekday Peak (17:00-18:00): 130 arrivals, 138 departures and 268 two-way trips
- Saturday Peak (12:00-13:00): 313 arrivals, 293 departures and 605 two-way trips

#### Food Retail Trip Generation

The food retail provision at the proposed development will have a total GFA of 2276sqm. TRICS database has been used to determine the vehicular trip generation for the food-retail land use. The TS states that if the unit was occupied by a discount food retailer, this would generate more trips than if it was occupied by a retailer that falls within the 'Retail Park Including Food' category of the TRICS database. As a result, the 'Retail -Discount Food Stores' category has been used. This is considered acceptable.

The applicant has not specified the other criteria used in the TRICS site selection process and has not included a TRICS output report in the appendices of the TS. As a result, the search criteria used by the applicant to generate the trip rates is unknown. A full TRICS report should be included in any future submissions, to ensure that the sites used for comparison are relevant and appropriate.

The vehicular trip rates presented in the TS are as follows:

- Weekday Peak Hour (17:00-18:00): 3.438 arrivals, 3.583 departures and 7.021 two-way trips
- Saturday Peak Hour (12:00-13:00): 4.705 arrivals, 5.053 departures and 9.758 two-way trips

The resultant trip generation based on a GFA of 2276sqm is as follows:

- Weekday Peak Hour (17:00-18:00): 78 arrivals, 82 departures and 160 two-way trips
- Saturday Peak Hour (12:00-13:00): 107 arrivals, 115 departures and 222 two-way trips

This is considered acceptable.

#### Linked Trips

The TS states that there will be a degree of cross-visitation between the units at the proposed development, therefore a reduction has been applied to the trip generation profile for both the food retail and non-food retail.

In terms of the food retail land-use, a reduction of 10% has been applied to the trip generation profile. The TS states that this is due to the proximity of the Tesco Extra superstore, which already attracts food retail trips to the immediate vicinity of the proposed development. This is considered appropriate.

The resultant trip generation based on a GFA of 2276sqm and a 10% reduction in vehicle trips is as follows:

- Weekday Peak (17:00-18:00): 70 arrivals, 73 departures and 144 two-way trips
- Saturday Peak (12:00-13:00): 96 arrivals, 104 departures and 200 two-way trips

For the non-food retail land use, a reduction of 30% has been applied to the trip rates to account for cross-visitation. The resultant trip generation based on a GFA of 8640sqm is as follows:

- Weekday Peak (17:00-18:00): 91 arrivals, 97 departures and 188 two-way trips
- Saturday Peak (12:00-13:00): 219 arrivals, 205 departures and 424 two-way trips

This is considered acceptable.

#### Net Impact

The net impact based on the vehicular trip generation of proposed land use is as follows:

- Weekday PM Peak (17:00-18:00): +161 arrivals, +170 departures, +332 two-way trips
- Weekend Peak (12:00-13:00): +315 arrivals, +309 departures, +624 two-way trips

The TS has compared the net impact of the trip generation of the proposed development to the net impact of the consented scheme. The net difference is as follows:

- Weekday PM Peak (17:00-18:00): -24 arrivals, -20 departures and -42 two-way trips
- Saturday Peak (12:00-13:00): +19 arrivals, +11 departures and +30 two-way trips

It is noted that the two-way vehicular trip generation for the weekday peak hour is lower than the consented trip generation for the permitted scheme. The proposed development will generate an additional 30 two-way trips during the Saturday peak hour. This is considered acceptable.

#### Trip Distribution

The applicant has not undertaken an impact assessment to understand the distribution of the new trips on the surrounding highway network. This is not considered acceptable. The local area has changed since the previous application was submitted and further assessment of the impacts on the local network are required.

The applicant has since provided a Technical Note which addresses the comments raised by HCC regarding the omission of a trip distribution profile in the TS. The Technical Note includes a trip distribution exercise based on classified turning counts undertaken at the Jarman Way / A414 roundabout. The weekday PM Peak (17:00 -18:00) surveys were carried out in November 2017, while the weekend Saturday Peak (12:00 -13:00) surveys were carried out in April 2018.

Given that the existing site is greenfield land, the proposed development results in a net increase in trips on all arms of the roundabout. During the weekday PM Peak, the greatest increase is 105 PCUs on the Jarman Way arm of the roundabout, which accounts for vehicles turning right onto the A414 (E). During the weekend peak the greatest increase is 187 PCUs, which accounts for vehicles turning left onto Jarman Way from the A414 (E).

The trip distribution impact for the proposed development has been compared to the trips generated by the consented scheme (application reference 4/00424/15/MOA). The proposed development will result in a reduction in the number of trips during the weekday PM Peak on all arms of the junction. During the weekend peak, there will be a slight increase in the number of vehicles using all arms of the junction when compared to the consented scheme. The maximum increase is 12 PCUs, which occurs on the A414 (E) arm.

On the basis that the proposed development results in a net reduction in traffic during both peak periods compared to the consented scheme, the applicant has not distributed the trips further along the highway network. This is considered acceptable.

#### Impact on the Highway

##### Junction Assessment

The trip distribution exercise has demonstrated that there will be a net reduction in the number of vehicles using the Jarman Way / A414 roundabout when compared to the existing scheme. On this basis, the applicant has not provided junction modelling as part of the TS or Technical Note. This is considered acceptable.

##### Highway Safety

The applicant has provided a review of collision data for the latest five year period, using data obtained from Hertfordshire County Council. The data was obtained for Jarman Way, the Jarman Way / St Albans Road roundabout and St Albans Road between Old Crabtree Lane and the roundabout with Bennetts End Lane / White Hart Road.

The review confirms that nine collisions have occurred during the latest five year period, one of which was serious in severity and eight of which were slight in severity. There are no obvious collision trends that could be attributed to deficiencies with the highway network; therefore, it is unlikely that the development would exacerbate any existing issues with the highway network and is therefore unlikely to have a detrimental impact on the safety of the highway network.

##### Refuse and Service Delivery

The TS states that a service yard will be provided to the rear of the proposed development units. An exception to this is Unit G, which will be serviced from the front of the unit outside of operational hours.

The TS includes swept path analysis drawings for a 16.5m articulated vehicle, 10m rigid vehicle, 11.22m recycling vehicle and a large car. It is noted that there is likely to be conflict between larger vehicles entering the car park internal layout and the exit of a large car. However, this is not expected to have an impact on the public highway and is therefore acceptable.

#### Highway Layout

#### Vehicle Access

The proposed development will be accessed from Jarman Way and an access 'stub' has previously been constructed. The access 'stub' is currently blocked by bollards. It is proposed that this access is retained and connected to an internal access road throughout the site. It is not proposed that any changes are made to the existing access. This is considered acceptable.

#### Pedestrian Access

Footways are provided along both sides of the previously constructed access 'stub'. It is proposed that the footway on the site entrance arm of the junction will connect to a pedestrian crossing within the site. The crossing will provide connectivity to the footway along the front of the units. This is considered acceptable.

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A Stage 1 Road Safety Audit (RSA) has not been provided. However, as no changes to the highway network are proposed. This is considered acceptable.

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##### Car Parking Provisions

The Dacorum Borough Council parking standards set out the maximum car parking standards for new developments within the Borough. Four different accessibility zones are set out within the standards. The proposed development is located within Zone 4, where 75%-100% of the maximum demand based on the parking standards can be applied.

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The same standards that are detailed above apply to non-food retail parks where the individual land use components are known. Where the individual land use components are unknown, 1 space per 40sqm of GFA should be provided. Based on a GFA of 8640sqm for the non-retail land use, this equates to a maximum provision of 216 car parking spaces.

For Class A3 restaurants/cafes, 1 space per 5sqm of dining area floorspace should be provided, plus 3 spaces per 4 employees. Based on a GFA of 186sqm, this equates to 37 car parking spaces plus additional spaces for the employees.

The TS states that 231 car parking spaces will be provided within the main car park at the proposed development. An additional 27 car parking spaces will be provided in the service yard, for use by employees of the units.

The level of parking provision is considered acceptable. However, it will be the responsibility of the LPA to determine the acceptability of the vehicle parking provision.

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In total, 36 short term cycle parking spaces should be provided at the proposed development. Long term cycle parking should be provided based on the number of employees.

The TS states that a total of 34 cycle parking spaces will be provided at the proposed development, in the form of 17 Sheffield stands. The stands will be lit and covered, with half of the spaces located in the service yard for use by staff.

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- Travel Plan review -this is not mentioned. Regular review of the plan and the success or otherwise of measures that have been implemented is necessary to ensure that the progress towards set targets is being made. The Travel Plan will only be signed off in Year 5 if the targets for that year have been met. Review can highlight whether the plan is on course to meet set targets or whether additional measures are needed and whether there are specific reasons why progress has been held up. Together with a Steering Group with appropriate membership, this can ensure that a plan remains on course to meet targets.

- Evaluation and support fee -to be sought if plan secured through S106 process.

A fee of £6000 will be secured by S106 agreement for the County Council's costs of administering and monitoring the objectives of the Travel Plan and engaging in any Travel Plan review.

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

Dacorum Borough Council adopted a Community Infrastructure Levy (CIL) in July 2015. Contributions towards transport schemes in the borough would be sought via CIL. A S106 Agreement will be required to secure Travel Plan Monitoring fees.

As per the TA submitted as part of this application, and the Appeal APP/A1910/W/15/3132774, a S106 contribution would be sought for contributions to the replacement of the existing pedestrian bridge over A414 St Albans Road with a signalised controlled pedestrian crossing, Travel Plan monitoring fees and other sustainable programs. A contribution of £250,000 will be sought for the replacement of the bridge with a signalised pedestrian crossing. The proposed contribution would be indexed from 2015.

#### Conclusion

Hertfordshire County Council (HCC) have reviewed the information provided and does not wish to object to the proposed development, subject to suitable conditions being applied.

#### Hertfordshire Highways initial comments

Hertfordshire County Council (HCC), as highway authority, has wishes to object to the proposed development as there is not enough information to support that the proposed development would not have a severe impact on the local highway network. The applicant is required to carry out junction modelling to demonstrate that the non-food and food retail units would not have a severe impact on the operation of the local highway network.

#### Description of the Proposal

The application is for full planning permission for the construction of five retail units (class A1) with a total GFA of 10730sqm, and one 186sqm unit for use as financial services or a café/restaurant (class A2 or A3) and associated access, car parking, service yard and landscaping.

The proposed development will be accessed from the existing access 'stub' on Jarman Way,

which will connect to the internal road layout. There are no proposals to modify the existing access point.

It is proposed that a total of 258 car parking spaces are provided at the proposed development. This comprises 231 parking spaces in the main car park area and 27 parking spaces in the service yard, which will be for staff.

### Site Description

The proposed development site is located west of Jarman Way and south of St Albans Road. Jarman Way forms a roundabout with St Albans Road north-west of the site. Jarman Way is a privately maintained road and is subject to a 30mph speed limit. St Albans Road is a Principle A, main distributor road and is subject to a 40mph speed limit in the vicinity of the site.

The site is bound to the north by St Albans Road, to the east by woodland and a pond, to the south by the Jarman Square leisure centre and to the west by Jarman Way.

The site is brownfield land and is currently vacant.

### History

The relevant planning history for the site as follows:

- 4/00424/15/MOA - A major outline application was submitted for the construction of a Class A1 retail development and a Class A3 drive-thru café/restaurant unit together with access, car parking, a service yard and associated works. The application was refused in June 2015 as it was determined that the application site would compete with Hemel Hempstead town centre as a retail destination. The decision was appealed (reference APP/A1910/W/15/3132774) and outline planning permission was granted in 4th March 2016.
- 4/00455/07/MFA - A major full planning application was submitted and granted in 2007 for the construction of retail warehouses and associated car parking, access, a service yard and landscaping. Permission for the variation of Condition 18 of the planning permission was granted in December 2009 (reference 4/02362/07/ROC), this was for the CCTV provision. In August 2010, planning permission was granted for the variation of Condition 1 of application 4/02362/07/ROC, which allowed an extension of the planning permission for five years. This expired on the 19th August 2015.
- 4/0625/89 - Outline planning permission was granted for a mixed use recreation, leisure and commercial development in 1991.

### Analysis

The applicant has provided a Transport Statement (TS), Planning Statement and Employment Travel Plan for review as part of the application package.

A Design and Access Statement (DAS) is a requirement for all full planning applications that have an impact on the highway, as outlined in Roads in Hertfordshire: Highway Design Guide (3rd Edition). A DAS has been provided as part of the application package and this is acceptable.

### Policy Review

The TS does not include a review of any local or national policy documents.

However, the following documents have been reviewed within the Planning Statement:

- National Planning Policy Framework (2012);
- Dacorum Borough Council Core Strategy (2013);

- Dacorum Borough Council Site Allocations DPD (2017); and,
- Dacorum Borough Council Local Plan 1991-2011 (saved policies).

However, the applicant has not considered the following policy documents:

- Hemel Hempstead Urban Transport Plan (2009);
- Department for Transport, Manual for Streets; and,
- Roads in Hertfordshire: Highway Design Guide (3rd Edition).

### Trip Generation

#### Existing Trip Generation

The existing site is vacant brownfield land and has therefore been assumed to generate no trips. This is considered acceptable.

#### Extant Trip Generation

The TS has considered the trips that would be generated by the permitted land use as part of application 4/00424/15/MOA. The trip generation was set out in the Transport Assessment (TA) for the consented scheme. This was for the construction of a mixed use development comprising 8800sqm of non-food retail land use and 1505sqm of food retail land use.

The trip generation profile for 8800sqm non-food retail element of the consented scheme is as follows:

- Weekday Peak Hour (17:00-18:00): 153 arrivals, 152 departures and 305 two-way trips
- Saturday Peak Hour (12:00-13:00): 235 arrivals, 234 departures and 469 two-way trips

The trip generation profile for the 1505sqm food retail element of the consented scheme is as follows:

- Weekday Peak Hour (17:00-18:00): 45 arrivals, 54 departures and 99 two-way trips
- Saturday Peak Hour (12:00-13:00): 87 arrivals, 92 departures and 179 two-way trips

The TA for the consented scheme made an allowance within their trip generation profile for linked trips between the food retail land use and the non-food retail land use. A reduction of 30% was applied to the trips for the food retail land use, on the assumption that there would be an element of cross-visitation between the units at the development.

The resultant trip generation for the 1505sqm food retail element is as follows:

- Weekday Peak Hour (17:00-18:00): 32 arrivals, 38 departures and 69 two-way trips
- Saturday Peak Hour (12:00-13:00): 61 arrivals, 64 departures and 125 two-way trips

The total trip generation for the consented scheme including the reduction in trip rates for the food-retail land use is as follows:

- Weekday Peak Hour (17:00-18:00): 185 arrivals, 190 departures and 374 two-way trips
- Saturday Peak Hour (12:00-13:00): 296 arrivals, 298 departures and 594 two-way trips

The above trip generation profile was approved by HCC as part of the outline planning consent for application 4/00424/15/MOA.

### Proposed Trip Generation

To determine the peak hour for the proposed development, the applicant has considered the results of a manual-classification count survey and an automatic traffic count survey which were undertaken in the vicinity of the 'Jarman Park' retail and leisure centre. The results of the surveys indicated that the weekday peak hour was 17:00-18:00 and the weekend peak hour was on a Saturday between 12:00-13:00. The TS has assumed that the proposed development will have the same peak hours. This is considered acceptable.

It is noted that there are discrepancies between the GFAs for the proposed development that are set out in the TS and the GFAs that are set out in the planning application submission. The planning application submission states that the proposals are for 10730sqm of retail land use, whereas the TS states that there will be 10916sqm of retail land use, plus 186sqm for a café/restaurant. Given that the TS has considered a higher GFA, this allows for a more robust scenario and is therefore considered acceptable.

Furthermore, the planning application submission states that the 186sqm unit will be used for financial services or a café/restaurant. However, the TS does not provide a trip generation profile for either land use. Given that the unit is not expected to generate a significant amount of trips, this is considered acceptable.

#### Non-Food Retail Trip Generation

The TS states that the proposed five retail units will have a total GFA of 10916sqm which will comprise both food-based retail and non-food based retail. The trips generated by each type of retail have been considered separately. This is considered acceptable. The non-food retail element of the proposed development will have a total GFA of 8640sqm, comprising 4413sqm of ground floor retail and 4227sqm of mezzanine level retail.

The TRICS Output file was not included in the application submission and was later provided by the applicant. A full TRICS report should be included in any future submissions, to ensure that the sites used for comparison are relevant and appropriate.

The search criteria used by the application to obtain the trip rates is as follows:

- Category -01 - Retail - G - Other Individual Non-Food Superstore chosen;
- Vehicle trip rates selected;
- Weekday and Saturday sites considered separately;
- Edge of Town Centre, Suburban area and Edge of Towns sites chosen; and
- Sites in England and Scotland considered.

It is noted that the trip rates used in the TS were obtained from the TRICS database in August 2015. This information is considered to be out of date and review of the TRICS database has confirmed that some of the sites used by the applicant are no longer within the date range of the most recent 10 years. Using the same search criteria as the applicant, the up-to-date TRICS information results in higher trip rates. For the weekday PM Peak, this equates to an additional 25 two-way trips. Given that the additional trips are unlikely to significantly change the impact of the development on the highway network, the TRICS data used by the applicant is considered acceptable.

The vehicular trip rates presented in the TS are as follows:

- Weekday Peak (17:00-18:00): 1.504 arrivals, 1.597 departures and 3.101 two-way trips
- Saturday Peak (12:00-13:00): 3.617 arrivals, 3.39 departures and 7.007 two-way trips

The resultant trip generation based on a GFA of 8640sqm is as follows:

- Weekday Peak (17:00-18:00): 130 arrivals, 138 departures and 268 two-way trips
- Saturday Peak (12:00-13:00): 313 arrivals, 293 departures and 605 two-way trips

#### Food Retail Trip Generation

The food retail provision at the proposed development will have a total GFA of 2276sqm. TRICS database has been used to determine the vehicular trip generation for the food-retail land use. The TS states that if the unit was occupied by a discount food retailer, this would generate more trips than if it was occupied by a retailer that falls within the 'Retail Park Including Food' category of the TRICS database. As a result, the 'Retail - Discount Food Stores' category has been used. This is considered acceptable.

The applicant has not specified the other criteria used in the TRICS site selection process and has not included a TRICS output report in the appendices of the TS. As a result, the search criteria used by the applicant to generate the trip rates is unknown. A full TRICS report should be included in any future submissions, to ensure that the sites used for comparison are relevant and appropriate.

The vehicular trip rates presented in the TS are as follows:

- Weekday Peak Hour (17:00-18:00): 3.438 arrivals, 3.583 departures and 7.021 two-way trips
- Saturday Peak Hour (12:00-13:00): 4.705 arrivals, 5.053 departures and 9.758 two-way trips

The resultant trip generation based on a GFA of 2276sqm is as follows:

- Weekday Peak Hour (17:00-18:00): 78 arrivals, 82 departures and 160 two-way trips
- Saturday Peak Hour (12:00-13:00): 107 arrivals, 115 departures and 222 two-way trips

This is considered acceptable.

#### Linked Trips

The TS states that there will be a degree of cross-visitation between the units at the proposed development, therefore a reduction has been applied to the trip generation profile for both the food retail and non-food retail.

In terms of the food retail land-use, a reduction of 10% has been applied to the trip generation profile. The TS states that this is due to the proximity of the Tesco Extra superstore, which already attracts food retail trips to the immediate vicinity of the proposed development. This is considered appropriate.

The resultant trip generation based on a GFA of 2276sqm and a 10% reduction in vehicle trips is as follows:

- Weekday Peak (17:00-18:00): 70 arrivals, 73 departures and 144 two-way trips
- Saturday Peak (12:00-13:00): 96 arrivals, 104 departures and 200 two-way trips

For the non-food retail land use, a reduction of 30% has been applied to the trip rates to account for cross-visitation. The resultant trip generation based on a GFA of 8640sqm is as follows:

- Weekday Peak (17:00-18:00): 91 arrivals, 97 departures and 188 two-way trips
- Saturday Peak (12:00-13:00): 219 arrivals, 205 departures and 424 two-way trips

This is considered acceptable.

## Net Impact

The net impact based on the vehicular trip generation of proposed land use is as follows:

- Weekday PM Peak (17:00-18:00): +161 arrivals, +170 departures, +332 two-way trips
- Weekend Peak (12:00-13:00): +315 arrivals, +309 departures, +624 two-way trips

The TS has compared the net impact of the trip generation of the proposed development to the net impact of the consented scheme. The net difference is as follows:

- Weekday PM Peak (17:00-18:00): -24 arrivals, -20 departures and -42 two-way trips
- Saturday Peak (12:00-13:00): +19 arrivals, +11 departures and +30 two-way trips

It is noted that the two-way vehicular trip generation for the weekday peak hour is lower than the consented trip generation for the permitted scheme. The proposed development will generate an additional 30 two-way trips during the Saturday peak hour. This is considered acceptable.

## Trip Distribution

The applicant has not undertaken an impact assessment to understand the distribution of the new trips on the surrounding highway network. This is not considered acceptable. The local area has changed since the previous application was submitted and further assessment of the impacts on the local network are required.

## Impact on the Highway

### Junction Assessment

The applicant has not provided junction modelling as part of the TS. This is not considered acceptable. The local area has changed since the previous application was submitted and further assessment of the impacts on the local network are required.

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The applicant has provided a review of collision data for the latest five year period, using data obtained from Hertfordshire County Council. The data was obtained for Jarman Way, the Jarman Way / St Albans Road roundabout and St Albans Road between Old Crabtree Lane and the roundabout with Bennetts End Lane / White Hart Road.

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- Baseline mode split data and interim mode shift targets - these have not been included. It is acknowledged that site occupiers are not yet known, but use class is - could use data from TRICS or Census journey to work data which would be updated after first staff survey. Interim mode shift targets are required to demonstrate commitment to an achievable but significant

shift towards sustainable modes. Targets can be adjusted after initial staff survey.

- Travel Plan review - this is not mentioned. Regular review of the plan and the success or otherwise of measures that have been implemented is necessary to ensure that the progress towards set targets is being made. The Travel Plan will only be signed off in Year 5 if the targets for that year have been met. Review can highlight whether the plan is on course to meet set targets or whether additional measures are needed and whether there are specific reasons why progress has been held up. Together with a Steering Group with appropriate membership, this can ensure that a plan remains on course to meet targets. Evaluation and support fee - to be sought if plan secured through S106 process.

A fee of £6000 will be secured by S106 agreement for the County Council's costs of administering and monitoring the objectives of the Travel Plan and engaging in any Travel Plan review.

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

Dacorum Borough Council adopted a Community Infrastructure Levy (CIL) in July 2015. Contributions towards transport schemes in the borough would be sought via CIL. A S106 Agreement will be required to secure Travel Plan Monitoring fees.

As per the TA submitted as part of this application, and the Appeal APP/A1910/W/15/3132774, a S106 contribution would be sought for contributions to the replacement of the existing pedestrian bridge over A414 St Albans Road with a signalised controlled pedestrian crossing, Travel Plan monitoring fees and other sustainable programs. The proposed contribution would be indexed from 2015.

#### Conclusion

Hertfordshire County Council (HCC) have reviewed the information provided and wishes to object to the proposed development as there is not enough information to support that the proposed development would not have a severe impact on the local highway network. The applicant is required to carry out junction modelling to demonstrate that the non-food and food retail units would not have a severe impact on the operation of the local highway network.

#### Dacorum Conservation and Design

The proposal is for in effect an extension to the retail park. This site is however more prominent on the corner of the roundabout on St Albans way. Although the site has now been boarded off it is a relatively flat area of land that is currently not developed. Beyond this screening the rest of the retail park is a belt of tree planting. The elements of the park that can be seen from the road date from the end of the 20th century and are of lesser architectural merit. The nearby housing relates to the 1970s development of the new town are of two storey in a buff brick with tiled roofs.

The proposals have moved forward substantially since the pre application discussions and through the course of the planning application. We believe that changes to the roof structure to create a shadow line and the construction of corner feature buildings will help to visually break up the mass of the main elevation. The introduction of the buff brick would help to add to the visual interest and provide a contrast with the grey cladding of the central shop units. To the entrance area (flank towards the retail park) the elevation has now been broken up through subdivision and the inclusion of vertical panelled sections in an attempt to visually reduce the dominance of this flank elevation. To the pond/ planted side elevation the wrapping of the corner with brick work and the introduction of the smaller single storey corner element would help add to the visual variety although we note that this element is screened by planting.

The alterations to the proposed signage would be welcomed and it would now appear to be more

in keeping with the character of the building. It would now appear to be more connected to the building and sit comfortably with the overall design. Therefore we are now satisfied that this element of the scheme has been suitably addressed.

The introduction of the car parking to the frontage would allow the buildings to appear well set back and therefore not appear overly dominant within the streetscape of St Albans way. This will be added to through the creation for the hedge and planting of trees to the boundary. As such the boundary of the site and St Albans way would be greened and partially enhanced.

Overall we believe that the proposals would sit comfortably with the surrounding retail park and as such we would not object to the proposals.

Recommendation All external materials and cladding subject to approval. Hard landscaping and planting subject to approval.

#### Dacorum Trees and Woodlands

Supplementary Landscape Information Feb 2018, section 3 – Indicative Plant Schedule

All proposed tree, shrub, hedging and ground cover species and planting sizes are appropriate for their setting and the development overall. Where applicable, plant species percentages / densities are also acceptable. Proposed planting will add seasonal visual interest to parking areas and site boundaries without creating long-term maintain issues, for example, that may affect parked cars.

Proposed planting specifications and maintenance schedules are in accordance with industry standards / guidelines.

Landscape Master Plan 761-MP-01 Rev A

Planting is located towards the site boundaries where it will have visual impact, especially at the site entrance. Planting is also present within the car parking area but understandably restricted in extent to minimise maintenance. Species and planting locations are suited to the new use of the site.

#### Dacorum Contaminated Land

Whilst we have no objection to the proposed development however, the following planning conditions and informative are hereby recommend should planning permission be granted having given adequate consideration to the submitted Air Quality Assessment report, Remediation strategy and preliminary piling risk assessment report, Design and Access Statement, Planning Statement and all other submitted reports and drawings.

##### 1. Contaminated Land Condition

Whilst we take note of the submitted Remediation Strategy & Preliminary Piling Risk Assessment Report with reference WIE12557-100-R-5-1-3-REMSTRAT prepared by Waterman dated December 2017 and all the other contaminated land reports mentioned in the remediation strategy:

All remediation or protection measures identified in the Remediation Statement referred to in the above report as stated in section 5 (Preliminary Foundations Risk Assessments) and section 6 (Remedial Options) 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 Condition

Whilst we take note of the submitted Air Quality Assessment Report with reference 40234/3005 prepared by Peterbrett dated February 2018, its conclusion in section 7 and the use of Solar PV Panels as the source of energy for the development, the applicant is required to implement the mitigation measures identified in section 6 (Mitigation) of the submitted report.

The applicant also need to submit a report on the number of electric vehicle charging point that will be installed with its relevant maintenance arrangement on the development considering, the site closeness to the council designated AQMA and in other not to not contravene the Council's Air Quality Action Plan.

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. 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.

## 4. Air Extraction and Filtration Condition

Prior to the occupation of the proposed café/restaurant (Class A3) use aspect of the development hereby permitted, a scheme for the ventilation of the premises, including the extraction and filtration of cooking fumes/odour control, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the commencement of the use hereby permitted.

Reason: To safeguard the amenities of those premises nearby the application site and the appearance of the building as a whole.

#### 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.

#### 6. Construction Hours of Working – (Plant & Machinery) Informative

In accordance with the councils adopted criteria, all noisy works associated with site demolition, site preparation and construction works shall be limited to the following hours: 0730hrs to 1830hrs on Monday to Saturdays, no works are permitted at any time on Sundays or bank holidays.

#### Environment Agency

Thank you for consulting us on the above planning application. Having reviewed the submitted documents we believe planning permission could be granted to the proposed development subject to the conditions set out below. Without these conditions the site would pose an unacceptable risk to the environment and we would object to the application.

#### Condition 1 – Remediation Strategy

No development approved by this planning permission shall commence until 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:
  - a) All previous uses;
  - b) Potential contaminants associated with those uses;
  - c) A conceptual model of the site indicating sources, pathways and receptors; and
  - d) 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.

In addition, the Thames 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 deterioration of groundwater quality

within the Upper Lee Chalk WFD groundwater body.

#### Reason

The site is located in our highest groundwater protection area (SPZ1) and previous uses of the site have led including this condition 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 National Planning Policy Framework.

#### Condition 2 – Verification Report

Prior to any part of the permitted development being occupied 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.

#### Reasons

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 National Planning Policy Framework.

To prevent deterioration of, and promote recovery of water quality within the Mid Chilterns WFD groundwater body.

#### Condition 3 – Long term monitoring

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 managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 109 of the National Planning Policy Framework.

#### Condition 4 – Previously unidentified 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 National Planning Policy Framework.

#### Condition 5 – Infiltration of surface water

No infiltration of surface water drainage into the ground at Jarmans Fields, St Albans Road, 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 National Planning Policy Framework.

#### Condition 6 – Piling, deep foundations, investigation boreholes and other intrusive groundwork etc.

Piling, deep foundations, investigation boreholes and other intrusive groundwork (tunnel shafts, ground source heating and cooling systems, etc.) 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 foundations or groundworks does not harm groundwater resources in line with paragraph 109 of the National Planning Policy Framework.

#### Condition 7 – Decommissioning of investigative boreholes

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 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 National Planning Policy Framework.

#### Condition advice

#### Condition 1

While the submitted “Jarmans Fields, Hemel Hempstead, Geo-Environmental Assessment (Waterman Infrastructure and Environmental limited, March 2017, Doc ref WIE12557-100-R-2-2-2-GeoEnv)” is partially sufficient to address parts 1 and 2 of this condition, the conceptual site model is incomplete:

- Boreholes have not been installed to sufficient depth to allow for sampling of groundwater quality within the sensitive chalk principal aquifer.
- Groundwater flow within the Chalk has not been determined.
- The only relevant laboratory certificates that have been submitted relate to one sampling location (WS10A).
- Based on the limited information available, it is not clear if a suitable range of determinates

has been selected for analyses (this information is not within the body of the report).

- A body of perched groundwater was encountered within the made ground, yet no samples appear to have been analysed.
- The Landmark Report, as submitted, is incomplete.
- The report draws on information and conclusions from previous reports (Phase 1 Environmental Assessment of Potential for Ground Contamination (Ref: EN4068/R/1.1.3/NC) dated January 2004, and Phase 2 Site Investigation and Environmental Risk Assessment (Ref: EN4319/R/1.2.1/ME) dated July 2006.), however copies of these have not been supplied.
- Until these points are addressed it is not possible to agree that the risks posed to controlled waters have been suitably constrained and that suitable measures have been identified to mitigate these risks.

#### Condition 4

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

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.

#### Condition 6

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.

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0202bisw-e-e.pdf>

The submitted piling risk assessment is a “preliminary” report, requiring confirmation from the appointed contractor. The final version will need to be submitted for review.

#### Groundwater advice

We recommend that developers should follow best practice advice;

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 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.
- 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.
- 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 50m.

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)

### Hertfordshire Minerals and Waste

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

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

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

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

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

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

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

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

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

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

[http://www.wrap.org.uk/construction/tools\\_and\\_guidance/site\\_waste\\_management\\_planning/index.html](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html)

The SWMP should be set out as early as possible so that decisions can be made relating to the

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

#### Hertfordshire Lead Local Flood Authority

Following a review of the Flood Risk Assessment and Drainage Strategy carried out by PCS Consulting Engineers Ltd reference Issue 1 dated 18 February 2018, 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 drainage strategy is based upon attenuation and discharge into Thames surface water sewer restricted to greenfield runoff rates. We note that infiltration is not being proposed due to the presence of clay and the site being partially covered by historic tip. There are no watercourses within the vicinity of the site. The car parking and hardstanding areas drain to lined drainage blanket and roof area to underground attenuation tank. Micro-Drainage modelling has been provided to ensure that the site can cater for the 1 in 100 plus 40% for climate change. We therefore recommend the following 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 Flood Risk and Drainage Strategy carried out by PCS Consulting Engineers Ltd reference Issue 1 dated 18 February 2018 and the following mitigation measures:

1. Undertaking appropriate drainage strategy based on attenuation and discharge into Thames surface water sewer restricted to a maximum of 11l/s for the 1 in 100 year rainfall event.
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 attenuation tank and drainage blankets as indicated on the Drainage and Levels drawing reference no. 900.

##### 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 the Flood Risk and Drainage Strategy carried out by PCS Consulting Engineers Ltd reference Issue 1 dated 18 February 2018  
The scheme shall also include;

1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event. 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.

## Hertfordshire Environmental Records Centre

1. There is no ecological information within the database for this site although it has been subject of an ecological appraisal. It has been a sewage farm in the 1900s and more recently a landfill site 1950-70s and benefits from a retail allocation in the local plan an extant planning permission for a retail park. It is likely to support some local interest.

2. The ecological walkover report is, by default, very superficial for a site already with planning permission although I have no objections to its results and recommendations. However legal issues will still need to be complied with. In summary:

2.1 It identified some areas of grassland interest with a number of more interesting species. The range of open mosaic habitats on previously developed land was considered a priority habitat.

2.2 Potential reptile interest was identified and evidence of earlier surveys, although the current situation still needs to be determined as reptiles could potentially have colonised the site if they were not previously present.

2.3 Potential bat interest was considered present.

2.4 An invertebrate survey is proposed.

2.5 Mammal holes were present although not confirmed as badger. This will need to be updated as necessary, usually standard practice prior to any development.

2.6 An Ecological Assessment Report (EAR) will need to be provided. It will include a full assessment of the scheme in relation to identified important ecological features, and will outline the avoidance, mitigation or compensation measures to enable legal and policy compliance, and ensure no net loss in biodiversity.

3. The planning statement states:

*6.18 Further studies in relation to ecology will need to be undertaken as the application progresses and these can be addressed via conditions attached to any planning permission granted*

This is acknowledged and I consider are acceptable other than for bats as no mitigation has been outlined. In this respect the ecological report is lacking sufficient detail to properly inform the development.

Given bats are EPS this information is required prior to determination; either these surveys are undertaken now to determine presence / absence, or an outline mitigation statement is provided to enable the LPA to satisfy the Habitats Regulations if the application is to be determined with sufficient information. Our standard advice in this situation (usually when outside the survey season) is that the LPA should obtain an outline mitigation strategy to demonstrate how bats – if present – are likely to be dealt with, and then the further surveys are secured through a Condition of approval with any further recommendation made as necessary. The strategy may only need to be a paragraph but if potential has been identified the LPA still does not know if bats are present and what will be done to conserve them.

However, given planning permission already exists which should have taken this issue into account if previously considered necessary, DBC may consider the current report is acceptable. If so, further surveys could be secured by Condition, but any planning decision could be contested as the Habitat Regulations have not been complied with.

4. The other issue I am concerned with is the claim for no net loss as expressed under further

*work: The results of the below described surveys will also inform an assessment of the scheme designs to enable prescription of the enhancement measures that will ultimately deliver no net loss in biodiversity, in accordance with the National Planning Policy Framework (NPPF).*

This is wholly unachievable on site and as such I consider the statement lacks any credibility. The site clearly supports some local interest – it is even considered to be a Priority Habitat. Furthermore it is within an urban environment and so by default currently contributes to the open greenspace of that environment which will be entirely lost as a result of the development.

5. Whilst the planning situation is acknowledged – and I would not consider any existing ecological interest to outweigh the proposed uses for the site which are already accepted and even permitted - the result of the development can only lead to a net loss of biodiversity given the nature and extent of development and limited landscaping which cannot possibly replicate or compensate for the loss of open habitat currently present.

6. Landscaping will benefit the development; this is, however, an expected component of the development. It does little to compensate or enhance ecology other than at a very local level within the site itself, compared to the existing situation. Consequently, I would expect to see Biodiversity Offsetting proposed as part of the EAR to ensure that the aspiration of NPPF are met in respect of seeking not net loss and enhancement of biodiversity as a result of development. DBC may consider the EAR should be secured as a Condition of approval.

#### Hertfordshire Fire and Rescue

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

#### Hertfordshire Crime Prevention

I have read the documents , visited the site and undertaken a crime analysis of the area .

I am content that security and crime prevention have been addressed and pleased that compliance with the physical security of Secured by Design is detailed in the Design and Access statement (4.13). I can support this application.

With reference to my email yesterday , please would you consider the Car Parking – I had a meeting with the Neighbourhood Team Sgt Karen Mellor and some of her team, they advised that anti-social behaviour was a major concern at Jarmans Park.

#### Car Park

CCTV – at the moment there is no CCTV we would ask that this is installed at this site. There seems to be a problem with youths driving around , I know this is difficult as Tesco is open 24 hours ,however this does need to be addressed , breaking up the car park using bollards or different road surfaces .

#### Further Consideration - Management Security

There are concerns about the Private Security , please would you check with the client that sufficient security measures are in place , whilst the Police will attend situations , it is a huge

drain on resources if they are continually being called.

#### Dacorum Refuse

It is difficult to know what the waste requirements will be but storage space for 4 x 1100ltr containers should be made for each unit as a starting point. No steps between the storage area and the collection vehicle.

#### 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.

### **Appendix B - Neighbour notification and site notice responses**

#### 81 White Hart Drive

Something that we are concerned about massively is the possibility of the car park opposite our house becoming another parking spot for boy racers to do doughnuts in their cars late at night past opening hours.

Not sure if you are aware or not but this is a big issue in the Tesco car park and naturally, with the 24 hour McDonalds being there it naturally attracts youngsters.

We have a 2 year old child and he's been woken up in the past due to the noise and we have been forced to contact the police at one stage.

So my question is what measures will be in place to ensure that the car park cannot be accessed past a certain time and used as a mini race track or congregation area late at night?

#### 6 Bennetts End Road

##### Regarding Safety Concerns

When planning the proposed Jarman site will provision please be made for pedestrians. Consideration should be given to the elderly and wheelchair users, with adequate controlled pedestrian crossings not only to the new development but also to the Tesco site, preferably with a speed limit and speed calming humps.

Site access should not restrict use of the pedestrian footpath which currently runs from the dual carriageway and roundabout (at which there is no crossing) round to the restaurant complex and Tesco.

# Agenda Item 5i

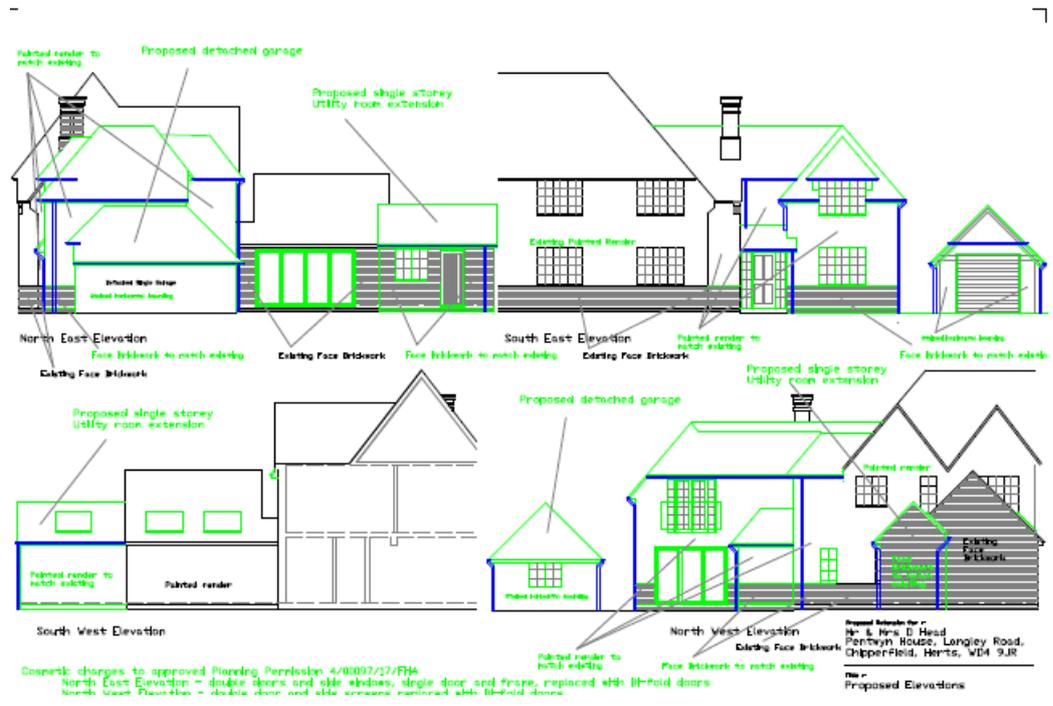
## 4/00524/18/FHA TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION AND DETACHED SINGLE STOREY GARAGE

PENTWYN, COURTAULDS, CHIPPERFIELD, KINGS LANGLEY, WD4 9JR



**4/00524/18/FHA TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION AND DETACHED SINGLE STOREY GARAGE**

**PENTWYN, COURTAULDS, CHIPPERFIELD, KINGS LANGLEY, WD4 9JR**



|                              |   |
|------------------------------|---|
| <b>4/00524/18/FHA</b>        | <b>TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION AND DETACHED SINGLE STOREY GARAGE.</b> |
| <b>Site Address</b>          | <b>PENTWYN, COURTAULDS, CHIPPERFIELD, KINGS LANGLEY, WD4 9JR</b>                                  |
| <b>Applicant</b>             | <b>Mr &amp; Mrs Head, Pentwyn</b>   |
| <b>Case Officer</b>          | <b>Sally Robbins</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, single storey rear extension and detached single storey garage through design, scale and visual impact will not adversely impact upon the local character of Chipperfield Village, visual amenity of the existing dwellinghouse, immediate street scene or the residential amenity of surrounding properties. The proposal is therefore in accordance with Saved Appendices 3 and 7 of the Dacorum Local Plan (2004), Policies CS6, CS11 and CS12 of the Core Strategy (2013) and the NPPF (2012).

## 3. Site Description

3.1 The application site is located within the selected small village of Chipperfield and is situated within the Green Belt. The site comprises a two storey semi-detached dwellinghouse located on the southwest of Courtaulds, a small private road off Langley Road to the northeast of the village centre. Courtaulds is composed of six uniquely-styled detached and semi-detached properties. The application site is situated in a generous plot with mature gardens bordered by hedges, trees and shrubs. To the front of the property is a gravel driveway which can comfortably accommodate three cars.

## 4. Proposal

4.1 The proposal is an amended scheme of planning permission ref. 4/00097/17/FHA (two storey side extension). The current application seeks full planning permission for the construction of a two storey side extension, single storey rear extension and single storey detached garage.

## 5. Relevant Planning History

|                |   |
|----------------|---|
| 4/00097/17/FHA | TWO STOREY SIDE EXTENSION<br>Granted<br>10/03/2017                                  |
| 4/00364/97/4   | TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION<br>Granted<br>14/04/1997           |
| 4/00436/96/4   | TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION<br>Granted<br>14/05/1996 |
| 4/00359/95/4   | DOUBLE GARAGE<br>Withdrawn<br>01/05/1995  |

4/00190/94/4      FIRST FLOOR REAR EXTENSION  
Granted  
21/03/1994

## **6. Policies**

### 6.1 National Policy Guidance

National Planning Policy Framework (NPPF)

### 6.2 Adopted Core Strategy

CS6, CS11 & CS12

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

Saved Appendix 3 & 7

## **7. Constraints**

- Small Village
- Area of Special Control for Adverts
- Former Land Use
- Green Belt

## **8. Representations**

### Consultation responses

8.1 Chipperfield Parish Council: CPC Objects to this application due to the excessive increase in floor area to original 'as built'

### Neighbour notification responses

8.2 None

## **9. Considerations**

### Main issues

9.1 The main issues to consider are:

- Policy and Principle
- Impact on Green Belt
- Layout, Design & Scale
- Impact on Street Scene
- Impact on Residential Amenity

### Policy & Principle

9.2 The application site is located within the village of Chipperfield in the Green Belt. Core Strategy (2013) Policy CS6 does not specifically include a reference to limiting percentage increases but states that house extensions are permitted within selected small villages provided

that the development is sympathetic to its surroundings, including the adjoining countryside, in terms of character, design, scale, landscaping and visual impact. It must also retain and protect features essential to the character and appearance of the village.

9.3 Paragraph 89 of the NPPF regards the construction of new buildings as inappropriate development in the Green Belt. Therefore the proposed detached garage is considered to be inappropriate development and it does not meet any of the exceptions to inappropriate development set out in paragraph 89. As such, very special circumstances will need to be demonstrated in order to outweigh the potential harm to the Green Belt, and any other identified harm.

#### Impact on Green Belt

9.4 The proposed single storey rear extension is acceptable in principle. However, as outlined above, the proposed detached garage is considered to be inappropriate development in terms of Green Belt policy. As such, the following very special circumstances are taken into consideration.

9.5 The proposed garage could be constructed under Permitted Development if it were situated 2m from the boundary. The submitted plans show that it would be situated a minimum of 1.2m from the boundary. It is therefore considered that the proposed detached garage is only marginally outside of the limitations set out in Schedule 2, Part 1, Class E of the General Permitted Development Order. The garage would be situated 1.2m from the flank elevation of the proposed side extension and it is not considered that the proposed garage could be repositioned any closer to the dwelling without compromising access to the rear of the property. In terms of visual impact and impact on Green Belt openness, it is considered that there would be very little perceived difference between the proposed garage and a garage that was positioned 0.8m further away from the boundary, as could be constructed under Permitted Development.

9.6 The proposal includes the removal of two outbuildings to the rear of the dwelling, along the northwest boundary. The proposed garage would have a foot print of 27 sq m, which could be offset by the removal of the two outbuildings measuring a combined total of approximately 10 sq m. Therefore the impact in terms of Green Belt openness is considered to be modest, particularly taking into account the site's location within a built up area of a designated small village. In order for the Council to maintain further control over any future extensions or outbuildings, Permitted Development Rights would be removed in that regard.

#### Layout, Design & Scale

9.7 The proposed side extension would have a width of approximately 6m, a depth of 5m, an eaves height of 4m and a ridge height of 7m. The proposed side extension would have a new access door, a window and a dormer window on the southeast (front) elevation. On the rear elevation there would be bi-fold doors opening out on to the garden. Bi-fold doors would also replace the existing French doors on the northeast elevation of the existing single storey rear extension. At first floor level there would be a Juliette balcony, with views over the rear garden. The proposed two storey extension will be set back from the principle elevation of the parent dwelling by approximately 1m and the ridge height will be set down from the ridge of the main roof.

9.8 The proposed single storey rear extension would measure 4m deep and 2.4m wide with an eaves height of 2.5m and ridge height of 4m. The single storey rear extension would be modest in scale and would comprise a small utility room. The proposed side and rear extensions would be finished in materials to match the original dwellinghouse, including plain roof tiles, facing brickwork and painted render.

9.9 The proposed garage would measure 6.5 deep and 4.3m wide with an eaves height of 2m and a ridge height of 4m. It would be situated 1.2m - 1.5m from the northeast boundary and would have a timber frame with a horizontal wooden cladding finish.

9.10 It is considered that the layout and scale of the proposed extensions and detached garage would be subordinate to the original dwelling. The extensions would be finished in materials to match the parent dwelling and the garage would be finished in materials that integrate with the character and appearance of the surrounding village.

#### Impact on Street Scene

9.11 The proposal site is situated in a residential area of Chipperfield, a selected village within the Green Belt, which is characterised by a wide variety of detached, semi-detached and terraced dwellinghouses in a range of architectural styles. Courtaulds is a small private road composed of six individually styled properties set in generous plots with mature gardens. Some of the surrounding properties show evidence of alteration and/or extensions. The proposed two storey side extension and detached garage would be visible from the street and surrounding properties. The maximum ridge height of the proposed side extension would be lower than the main ridge of the parent dwelling. Although the proposed extension would add bulk and mass to the property, it would be a subordinate addition.

9.12 The proposed build and form of the two storey side and single storey rear extensions and the single storey detached garage are considered to respect the original and surrounding properties. The scale of the extension is considered to harmonise with the scale of the parent dwelling and surrounding dwellings so will not appear bulky or overbearing. The detached garage would be modest in scale and would comprise a hipped roof in order to minimise the bulk and visual impact. There would be limited visibility of the single storey rear extension within the street scene. The proposal will therefore not have a significant impact on the character and appearance of the original building and would not look incongruous to the neighbouring properties.

#### Impact on Trees and Landscaping

9.13 In accordance with the submitted plans, no trees or bushes would be affected by the proposed development.

#### Impact on Highway Safety

9.14 There would be no changes to the existing vehicular or pedestrian access.

#### Impact on Residential Amenity

9.15 The proposed two storey side extension includes the addition of first floor windows on the front and rear elevations. However, the large separation distances between the proposed extension and neighbouring properties Little Woodman (25m), Le Soken (40m) and Dellmead (40m) would not result in a significant loss of privacy or amenity.

9.16 Turning towards the northeast, the proposed extension would be visible from the neighbouring property Timdar. The separation distance between the proposed two storey side extension and Timdar would be approximately 20m, whilst the proposed single storey detached garage would be situated approximately 15m from Timdar. The front elevation of Timdar faces the side elevation of the application dwelling. The development would clearly be visible to the occupants of Timdar, however it is considered that the separation distance of 15m to the garage and 20m to the two storey side extension is significant enough to mitigate any loss of daylight or sunlight. Furthermore, the roof of the proposed two storey side extension would be hipped and set down from the main ridge, which will reduce the impact in terms of overbearing or loss of

light. There are no first floor windows proposed on the northeast elevation (facing Timdar) and therefore there will be no additional overlooking as a result of the proposal.

9.17 Taking all of the above into account it is considered that overall, though visible from surrounding neighbouring dwellings, the proposal will not result in significant harm to the living conditions of the occupants of surrounding units, in terms of overbearing, overlooking or loss of light.

### CIL

9.18 Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liable due to it resulting in less than 100m<sup>2</sup> of additional floor space.

## **10. Conclusions**

10.1 The proposal complies with the Council's development strategy whereby house extensions will be permitted in selected small villages in the Green Belt, provided that the development is sympathetic to its surroundings, including the adjoining countryside, in terms of character, design, scale, landscaping and visual impact. It must also retain and protect features essential to the character and appearance of the village. The construction of the detached garage would be considered to be inappropriate development in terms of national Green Belt policy, however very special circumstances have been demonstrated that outweigh the potential harm to the Green Belt. The impacts of the proposal have been considered with regard to the character and appearance of the area, the quality of the design and the impact on the living conditions of the occupants of the neighbouring dwellings. It has been concluded that the proposal is acceptable and conforms to the Dacorum Local Plan (2004), Core Strategy (2013) and relevant sections of the NPPF (2012).

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

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

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

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

### **Schedule 2 Part 1 Classes A, B and E**

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

locality, in accordance with Core Strategy (2013) Policies CS6 and CS12.

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

**DRW. NO. 01 Rev H**

**DRW. NO. 04 Rev J**

**DRW. NO. 05 Rev I**

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

Article 35

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

# Agenda Item 5j

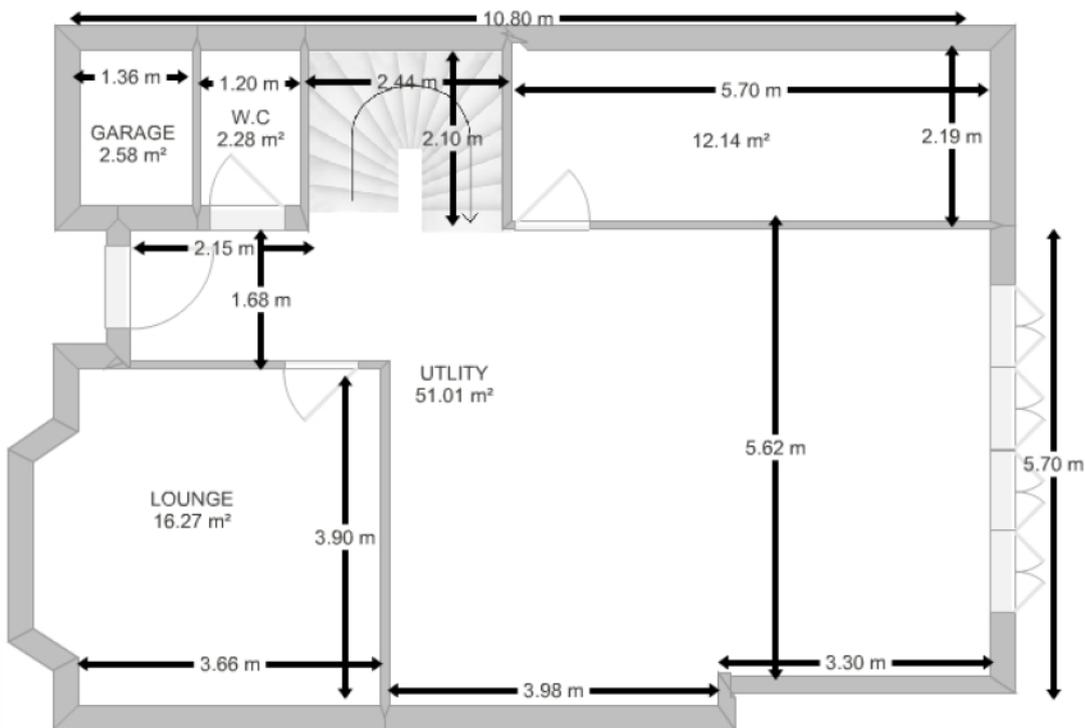
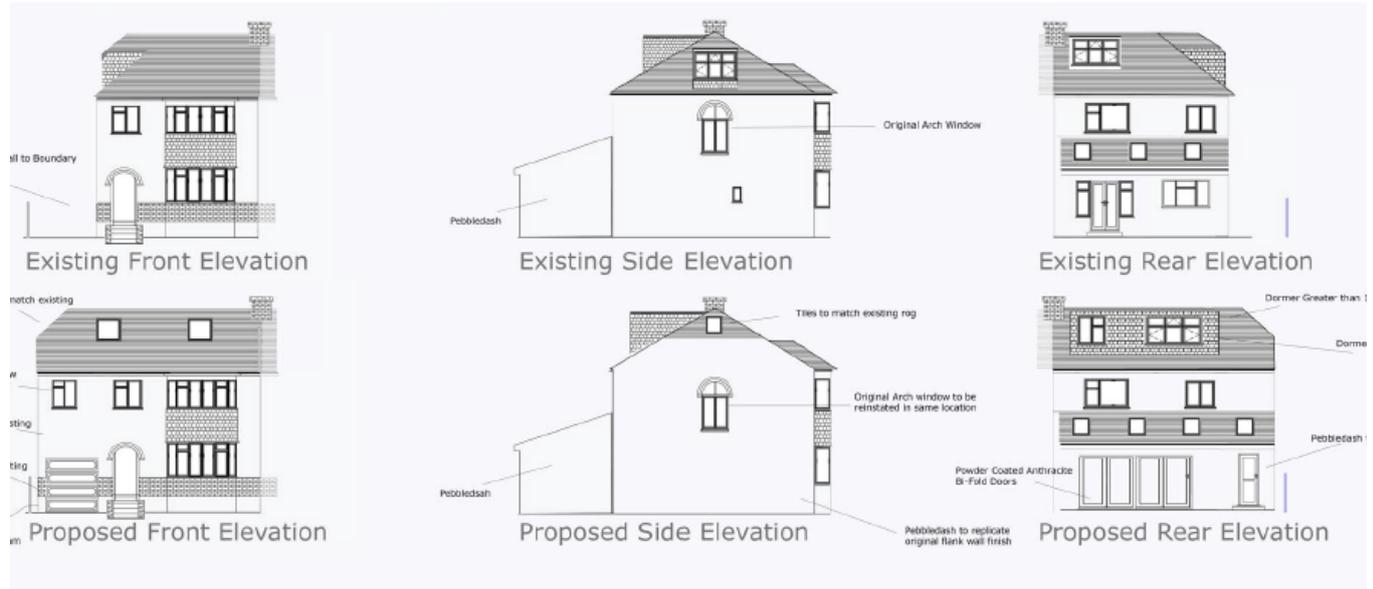
**4/00560/18/FHA CONSTRUCTION OF TWO STOREY SIDE EXTENSION. EXTEND EXISTING LOFT CONVERSION ABOVE PROPOSED SIDE EXTENSION AND REPLACE EXISTING DORMER. INSTALLATION OF TWO VELUX WINDOWS TO FRONT FACING ROOF. EXTEND EXISTING SINGLE STOREY REAR EXTENSION TO THE SIDE**

**28 OSBOURNE AVENUE, KINGS LANGLEY, WD4 8DB**



**4/00560/18/FHA CONSTRUCTION OF TWO STOREY SIDE EXTENSION. EXTEND EXISTING LOFT CONVERSION ABOVE PROPOSED SIDE EXTENSION AND REPLACE EXISTING DORMER. INSTALLATION OF TWO VELUX WINDOWS TO FRONT FACING ROOF. EXTEND EXISTING SINGLE STOREY REAR EXTENSION TO THE SIDE. CONSTRUCTION OF OUTBUILDING TO REAR OF GARDEN.**

**28 OSBOURNE AVENUE, KINGS LANGLEY, WD4 8DB**



|                              |  |
|------------------------------|--|
| <b>4/00560/18/FHA</b>        | <b>CONSTRUCTION OF TWO STOREY SIDE EXTENSION. EXTEND EXISTING LOFT CONVERSION ABOVE PROPOSED SIDE EXTENSION AND REPLACE EXISTING DORMER. INSTALLATION OF TWO VELUX WINDOWS TO FRONT FACING ROOF. EXTEND EXISTING SINGLE STOREY REAR EXTENSION TO THE SIDE.</b> |
| <b>Site Address</b>          | <b>28 OSBOURNE AVENUE, KINGS LANGLEY, WD4 8DB</b>  |
| <b>Applicant</b>             | <b>Mr Wade, 28 Osbourne Avenue</b>   |
| <b>Case Officer</b>          | <b>Robert Freeman</b>  |
| <b>Referral to Committee</b> | <b>The application has been referred to committee in view of the objections of the Parish Council</b>  |

## **1. Recommendation**

1.1 That planning permission be **GRANTED**

## **2. Summary**

2.1 The proposed two storey side extension, single storey rear extension and dormer window are considered to be appropriate in terms of their design, bulk and scale. They would be similar in appearance to a number of extensions undertaken in Osbourne Avenue and are not considered to result in harm to either the character and appearance of the property or the street in accordance with Policies CS12 and CS13 of the Core Strategy.

2.2 Full details of the proposed outbuilding, listed on the application form, have not been provided and as such it has not been considered as part of this application. Based on the information provided it is likely to constitute permitted development.

2.3 The proposals are not considered to be harmful to the residential amenities of neighbouring properties in accordance with Policy CS12 of the Core Strategy and saved Appendix 7 of the Dacorum Borough Local Plan 1991-2011.

## **3. Site Description**

3.1 The application site is located on the western side of Osbourne Avenue close to its junction with Havelock Road. The area is primarily residential in nature. The application site backs onto playing fields at Kings Langley Primary School with common land to the south west of the site.

3.2 28 Osbourne Avenue is a modest two storey semi-detached dwelling with rendered walls, bay windows and a hipped roof. Osbourne Avenue is characterised by pairs of semi-detached properties, many of which have been extended and altered over the years including single and two storey extensions right up to the boundary.

## **4. Proposal**

4.1 The proposed development involves the construction of a two storey side extension, a single storey rear extension and the conversion of the resulting loft space. The two storey side extension would extend to within 300mm of the common boundary with 30 Osbourne Avenue. The roof would be extended to form a half hipped roof and the existing dormer extended to facilitate the provision of additional space within the loft.

4.2 The proposed works would not increase the number of bedrooms within the property.

## **5. Relevant Planning History**

The current single storey rear extension was granted planning permission in 2002 (4/00395/02/FHA).

## **6. Policies**

### 6.1 National Policy Guidance

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

### 6.2 Adopted Core Strategy

NP1, CS1, CS2, CS4, CS11, CS12, CS13 and CS29.

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

Policies 13, 51 and 58  
Appendices 5 and 7

### 6.4 Supplementary Planning Guidance / Documents

- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Environmental Guidelines (May 2004)

## **7. Constraints**

Large Village  
CIL 2

## **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**

The key issue in this case is the scale of development and whether this is appropriate in the context of the plot and surrounding residential properties.

### Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on the Character and Appearance of the area
- Impact on the residential amenities of 30 Osbourne Avenue
- Impact on Highway Safety

### Policy and Principle

9.2 The principle of extending existing properties within the confines of larger villages such as Kings Langley would be accepted in accordance with Policies CS1 and CS4 of the Core Strategy.

### Quality of Development

9.3 The proposed works are considered to be appropriate in terms of their layout, design, bulk, scale and use of materials and as such would not detract from the appearance of the property in accordance with Policy CS12 of the Core Strategy. The works themselves are actually quite modest, building on existing extensions to the rear of the property and at roof level. The proposed works would result in the removal of a prominent and unattractive dormer window to the side elevation of the property and would provide a half hip to the new roof similar in approach and reflective of the traditional roof form to properties in the street. The rear dormer window would be set in from the margins of the roof and below the ridge line in accordance with saved Appendix 7 of the Dacorum Borough Local Plan 1991-2011.

### Impact on Street Scene

9.4 The proposed works are not considered to result in significant harm to the character and appearance of the street in accordance with Policies CS11 and CS12 of the Core Strategy.

9.5 The character and appearance of Osbourne Avenue has undergone significant change since the dwellings thereon were originally constructed. A number of properties have extended onto the common boundary with neighbouring units, including those at Nos. 8, 11, 14, 16, 17, 23, 25 and 27 Osbourne Avenue; significantly reducing the space between properties and in places resulting in near terracing of the original semi-detached units. A number of properties have also converted the resulting roof space to additional accommodation with velux windows to the front elevation. These are not considered harmful and could be provided in any event without planning permission.

### Impact on Residential Amenity

9.6 The impact of the proposed works on the amenities of the neighbouring property, No.30, must be carefully considered in accordance with Policy CS12 and having regard to saved Appendix 7 of the Dacorum Borough Local Plan 1991-2011. The two storey extension would not project beyond the existing rear wall of the property and that of its neighbour to the south and as such is not considered to result in any significant harm, by reason of either a loss in daylight or sunlight. Given the juxtaposition of the properties, I am also satisfied that the proposed single storey would not cause any significant harm to the residential amenities of this property. The applicants already have a window in the flank elevation facing the blank gable to No.30 and although a window would be reused in the proposed development I am satisfied that there would be no material harm to privacy as a result of the proposal. It is noted that the windows to the flank elevation of the application property would serve a stairwell rather than habitable rooms.

### Impact on Highway Safety

9.7 There is currently a single parking space at the front of the property and a narrow area of hard standing to the side of the unit which could be utilised for the parking of vehicles associated with the use of the dwelling. There are no on-street parking restrictions within Osbourne Avenue nor the neighbouring Havelock Road.

9.8 I am satisfied that there would be no material change to either the arrangements for the parking of vehicles or the size of the dwelling as a result of the proposals and as such can only conclude that the proposed development, whilst clearly under the parking standards in saved Appendix 5 of the Dacorum Borough Local Plan 1991-2011, would not be detrimental to matters of highways safety in accordance with Policies CS8 and CS12 of the Core Strategy.

### Response to Neighbour comments

9.9 At the time of writing, no representations had been received in writing from neighbouring properties. Any comments received will be addressed in the addendum.

#### CIL

9.10 The proposed development would not be subject to the Community Infrastructure Levy

### **10. Conclusions**

10.1 The proposed development is considered to be in broad accordance with the Development Plan and as such can be recommended for approval.

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

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

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

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

Reason: To ensure a satisfactory appearance to the development.

- 3 **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.

## **Appendix A**

### **Consultation responses**

#### 1. Kings Langley Parish Council

The Council objected to this application because of its bulk/size. This would not be in keeping with neighbouring properties being too large a development for the plot.

## **Appendix B**

#### 1. Neighbour Representations

No comments received.

## 6. APPEALS

### A. LODGED

4/01063/17/FUL Bowhouse Dental  
PITCHED ROOF EXTENSION OVER EXISTING FLAT ROOF TO  
PROVIDE SECOND STOREY AND ALTERATIONS TO EXISTING  
PITCHED ROOF  
75 WESTERN ROAD, TRING, HP23 4BH  
[View online application](#)

4/02581/17/FHA Oakwood Property Solutions Lyd - Mr Whitehead  
REMOVE OF FRONT BOUNDARY WALL  
257 HIGH STREET, BERKHAMSTED, HP4 1AB  
[View online application](#)

4/02725/17/FUL Doolan  
CONSTRUCTION OF A DETACHED ONE BEDROOMED, TWO  
STORY DWELLING WITH ASSOCIATED PARKING.  
REAR OF 19 DOWLING COURT, HEMEL HEMPSTEAD, HP3 9NF  
[View online application](#)

### B. WITHDRAWN

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](#)

### C. FORTHCOMING INQUIRIES

4/02889/17/ENA IVOR GREGORY  
APPEAL AGAINST ENFORCEMENT NOTICE - USE OF LAND FOR  
COMMERCIAL/RESIDENTIAL PURPOSES AND CONSTRUCTION OF  
STORAGE AREAS AND CONCRETE PAD  
THE RICKYARD, ASTROPE LANE, ASTROPE, TRING, HP23 4PN  
[View online application](#)

## D. FORTHCOMING HEARINGS

None

## E. DISMISSED

4/00620/17/FUL

MR & MRS D JOHNSTON  
DEMOLITION OF SINGLE STOREY SIDE EXTENSION AND  
CONSTRUCTION OF TWO STOREY SIDE AND REAR EXTENSION  
AND SINGLE STOREY REAR EXTENSION. DIVISION OF PROPERTY  
TO CREATE AN ADDITIONAL SEMI-DETACHED DWELLING WITH  
ASSOCIATED PARKING AND VEHICULAR ACCESS

10 WRENSFIELD, HEMEL HEMPSTEAD, HP1 1RN  
[View online application](#)

Decision

1. The appeal is dismissed.

Procedural matter

2. The evidence shows that amended plans were submitted 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 1336/01/Rev L and 1336/001/Rev L. I am satisfied that dealing with the appeal on this basis would not prejudice the interests of any party.

Main issues

3. The Council has raised no concerns regarding the impact of the development upon: (a) the living conditions of neighbouring occupiers at No 8 Wrensfield ('No 8') with specific regard to light and outlook; (b) the living conditions of neighbouring occupiers at No 12 Wrensfield ('No 12') with specific regard to privacy and outlook; (c) the local highway network and pedestrian safety; and (d) trees.

4. Accordingly, within the context of the Council's reason for refusal and the evidence in this case, the main issues are the effect of the development on:

? the character and appearance of the host dwelling and surrounding area;

? the living conditions of neighbouring occupiers, with specific regard to privacy at No 8 and light at No 12.

Reasons

Appeal site context

5. The character of Wrensfield generally accords with the Counters End Character Appraisal<sup>1</sup> in that it consists of a low-density 1960s/1970s development containing detached houses and chalet-bungalows set on relatively large plots with curved building lines and well-planted open-plan front gardens. A further defining characteristic of the road is the strong sense of architectural cohesion generated by the consistent use of low pitched roofs, dormer windows, tile hanging and integral garages. Overall, I found Wrensfield to be a very attractive and well-designed post-war estate with a distinct sense of spaciousness set around mature street trees and a large wooded green.

<sup>1</sup> Area Based Policies, Supplementary Planning Guidance, May 2004, Dacorum Borough

Council

6. The appeal site contains a large detached house, set well back from the road on a considerable plot with a line of trees to its rear boundary that are protected by a Tree Preservation Order. It is linked to its neighbour at No 12 by a pair of single storey garages that provide parking for both properties. A particularly distinctive feature is that it forms part of a row of 6 houses (Nos 6-16) that are built to the same architectural style and have broadly symmetrical elevations in 3 distinct pairs (Nos 6 and 8, 10 and 12, 14 and 16), with two of these linked by single storey flat roof garages (Nos 10 and 12, and 14 and 16). Large open gaps exist between each pair of dwellings and above the interconnecting garages, which gives them a well-defined sense of spaciousness.

Character and appearance

7. The proposed 2-storey side extension would sit flush with the profile of the existing roof and project towards No 8. Whilst I agree with the appellant that it would only be slightly wider than the existing single storey side extension, there would be a considerable difference in impact between both structures as the existing extension is set back from the front elevation, much smaller in scale and has a subordinate character to the host dwelling. Set against this context, the new 2-storey extension would not be subservient in character or appearance and its additional width and roof bulk would result in a significant erosion of the open gap between both properties which I consider makes an important contribution to the character of the host dwelling and wider area.

8. Furthermore, the prominence of: - (a) the ground floor front elevation door and window alterations; (b) the front elevation dormer windows; (c) the 2-storey side extension; and (d) the additional driveway and parking area, would collectively transform the character of the host building and front garden to that of a pair of semi-detached dwellings. This would be quite different to prevailing settlement pattern of large detached houses set on spacious landscaped plots and would as a consequence obliterate the distinctive and broadly symmetrical elevations of Nos 10 and 12 and the wider architectural unity, composition and rhythm of Nos 6-16.

9. The development and its relationship with neighbouring dwellings would also be publicly visible when approaching from both directions on Wrensfield, which would intensify this harmful impact.

10. In reaching my decision, I have noted that the Counters End Character Appraisal has identified that there are occasional examples of semi-detached housing within its boundaries, but I found none on Wrensfield, which is reinforced by the appellant's own evidence identifying the locations of such properties. 11. The appellant states that the proposal would not add to the two front doors that already exist and that the original design of properties has changed over time. However, it is the overall number of changes to the fenestration and door details that collectively give rise to my concerns that the scheme would unbalance the elevations and give the building a wholly different appearance out of character with the area. I am also satisfied that whilst many properties in the area have been subject to alterations, this has not undermined the overall cohesiveness and character of the area.

12. Turning to the matter of the 2-storey and single storey rear extensions, although I have concerns over the compatibility of the central cat-slide and flat roofs with the host dwelling, I am satisfied that their obscure location would not harm the character and appearance of the host dwelling or wider area when viewed from the public realm.

13. I have noted the appellant's reference to the scheme not involving alterations to a listed building and not being in a conservation area or an area of special character. However, this does not negate the need for the scheme to be of a high design quality that is compatible with the character and appearance of the area.

14. In view of the above, I have concluded that the development would be harmful to the design of the host dwelling and settlement pattern, streetscene and spacious suburban character of the area. The proposal would therefore conflict with Policies CS1, CS11 and CS12 of the Core Strategy<sup>2</sup> and appendices 3 and 7 of the Local Plan<sup>3</sup> which collectively seek, amongst other things, to ensure that new development integrates with streetscape character, respects its local identity, maintains the neighbourhood pattern, and enhances space between buildings.

<sup>2</sup> Core Strategy, adopted 25 September 2013, Dacorum Borough Council

<sup>3</sup> Dacorum Borough Local Plan 1991-2011, adopted 21 April 2004

15. I recognise that the Counters End Character Appraisal allows scope for variety, innovation and modernity in design. However, this does negate the need for the development to have

regard to other aspects of this guidance, which it fails to comply with for the following reasons: (a) the 2-storey side extension would not be subordinate in scale and height to the parent building; (b) the new front gardens would not be common in size and layout to adjacent dwellings; (c) the existing soft-landscaping would not be maintained and enhanced; and (d) the conversion of the existing dwelling into two smaller units would be harmful to the character and appearance of the area.

#### Living conditions

16. The proposed 2-storey side extension would have a first floor bedroom and bathroom window to its south-west gable. These openings would be in much closer proximity to No 8 than the existing bedroom windows and it would accordingly be possible to gain clear and uninterrupted views into two of its side elevation first floor bedroom windows. As a consequence, the scheme would significantly erode the privacy enjoyed by the occupants of No 8 and harm their living conditions.

17. I recognise that it would be possible to protect the privacy of the occupiers of No 8 by requiring both windows to be faced with obscure glazing. However, whilst I would consider this appropriate for the bathroom window, it would not be acceptable for the bedroom window as it would result in a poor internal outlook, which would as a consequence be harmful to the living conditions of future occupants. In reaching this conclusion, I have noted the appellant's reference to permitted development rights which require side elevation windows to be fixed and faced in obscure glass, but this is not applicable as a fallback position in this instance and in any event, I would not consider this to be suitable for a bedroom's only source of light and outlook.

18. The appellant also states that the closer proximity of the new bedroom window should be balanced against the impact of the existing side elevation which has two windows connected to two bedrooms. However, I am of the view that the closer proximity of the proposed bedroom window will be significantly more harmful than the present arrangement.

19. The 2-storey and single storey rear extensions would project a considerable distance from the rear elevation of the original dwellinghouse. Although this would result in a loss of diffuse daylight and sunlight to two first floor side elevation windows to No 12, one of these is connected to a shower room which I do not consider to be a main habitable room and the other is connected to a bedroom which has a further unaffected source of light to the front elevation.

20. The proposed rear extensions would also erode the amount of diffuse daylight and sunlight received by No 12's ground floor side elevation kitchen door, but given that this room has a further largely unaffected source of light via a window to the rear elevation, I am satisfied that it would not be harmful to the living conditions of its occupants. There would also be a modest loss of diffuse daylight and sunlight received by No 12's first floor rear dormer window above the garage/cloakroom, but I would not consider this impact to be so significant as to warrant dismissal of the appeal.

21. The scheme would also result in a reduction of diffuse daylight and sunlight received by two external store doors, a garage pedestrian door and a cloakroom window to No 12's rear elevation, together with a side elevation garage window (inside the carport). However, given that I do not consider any of these facilities to be main habitable rooms, I am satisfied that the development would not harm the living conditions of its occupants.

22. A further erosion of diffuse daylight and sunlight would occur to the rear patio area of No 12. However, I am satisfied this space would continue to receive an adequate amount of diffuse daylight because of its generally open aspect and that the loss of direct sunlight would be primarily concentrated on the area to the rear of the garage and carport in the latter half of the day and therefore only have a modest impact.

23. In view of the above, I have concluded that the development would be harmful to the living conditions of neighbouring occupiers at No 8 by reason of loss of privacy. The proposal would not therefore accord with Policy CS12 of the Core Strategy and appendix 3 of the Local Plan which collectively seek, amongst other things, to ensure that new development would not be harmful to the amenities of neighbouring occupiers by reason of loss of privacy.

#### Other matters

24. Given my conclusion on the main issues that the development is unacceptable, the 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.

25. I note the appellant's frustrations that officers supported the scheme in pre-application

discussions and their final recommendation. However, this has little bearing on the planning merits of the scheme before me and is a matter between the parties. 26. The appellant states that they could develop up to 50% of the garden under permitted development rights and that the extensions account for much less than this. However, I have no evidence before me that the appellant would be likely to develop their garden in this manner, and in any event, I am not persuaded that this would be more harmful than the scheme currently proposed.

#### Planning balance

27. Although the appellant states that the development should be considered against Paragraph 49 of the Framework<sup>4</sup> and the presumption in favour of sustainable development, there is no evidence before me that the Council does not have a 5-year housing land supply. Furthermore, I have also concluded that the proposal does not accord with the development plan and that the relevant policies referred to are not out of date or inconsistent with the Framework. In view of this, the presumption in favour of sustainable development as outlined in Paragraph 14 of the Framework is not engaged in this instance.

28. Paragraphs 56 and 64 of The Framework collectively state that good design is a key aspect of sustainable development and that poorly designed development which fails to take the opportunity to improve the character and quality of an area should be refused. Paragraph 17 (bullet point 4) further states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Although the site is located in a sustainable location where the principle of development is acceptable and accords with the Council's settlement strategy, for the reasons set out above, I conclude that the harm to the design of the host dwelling and spacious suburban character of the area would significantly and demonstrably outweigh the social and economic benefits that the scheme would contribute, namely, making an efficient use of land, the provision of an additional dwelling that would allow future modifications to be made to accommodate age or disability, and local employment during construction.

#### Conclusion

29. I have found that the appeal proposal would be harmful to the character and appearance of the host dwelling and wider area, and the living conditions of neighbouring occupiers. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

4/01845/17/MFA

McCarthy & Stone Lifestyles Ltd  
DEMOLITION OF FOUR EXISTING DWELLINGS. REDEVELOPMENT  
TO FORM 40 UNITS OF RETIREMENT LIVING (CATEGORY II  
SHELTERED HOUSING) APARTMENTS FOR THE ELDERLY WITH  
ASSOCIATED COMMUNAL FACILITIES, PARKING AND  
LANDSCAPING  
27-33 HEMPSTEAD ROAD, KINGS LANGLEY  
[View online application](#)

#### Impact on character and appearance of street scene

Character of immediate site surroundings is of an attractive, verdant, leafy, mainly residential environment, on a main route out of the village.

The proposed development would change the character of the appeal site by introducing a density much greater than the surrounding residential properties. The scale of development would also occupy a significantly larger footprint and would have a greater bulk, height and mass than the adjacent existing houses. The area in front of the proposed building would be dominated by the parking and access arrangements, with limited scope for landscaping to soften the appearance.

Although the church and hotel (immediately adjacent to the site) are large buildings they have a much narrower width facing the road and are well set back from it with substantial distances to their respective boundaries.

Conclusion: the proposed building, due to the combination of scale, mass, height and width, would have a dominant overbearing and cramped appearance. The development as a whole

would have an urbanising effect that would detract from the suburban character of this part of Hempstead Road and would not amount to good design that mitigates the incompatibility with the townscape or that is particularly innovative as set out in the national Planning Practice Guidance.

#### Impact on listed buildings and conservation area

The appeal site adjoins The Common Conservation Area and is not within any part of the Kings Langley Conservation Area. The undeveloped nature of the rear of the appeal site reinforces the significance of The Common Conservation Area, by focusing the experience of the largely unchanged Common and the historic buildings. The rear part of the appeal site therefore forms part of the setting of the conservation area.

The proposed development would not have a direct effect on the Listed Buildings to the rear of the site. The rear gardens of the appeal site comprise part of the open views to the rear of Pound Cottage and Vine Cottage and contribute to the understanding and appreciation of their heritage values. The rear part of the appeal site therefore forms part of the setting of both Pound Cottage and Vine Cottage.

The proposed development would position a very substantial building much closer to the Listed Buildings and conservation area and, due to the number of proposed units, would result in increased activity in the proposed outdoor amenity spaces at the rear of the proposed building detracting from the appreciation of their historically separate and quiet setting.

Conclusion: harm would be caused to the settings of the Grade II Listed Buildings, Pound Cottage and Vine Cottage and to the contribution to significance of the setting of The Common conservation area. Due to limited views of the development from this perspective the effect on the significance of the wider Kings Langley conservation area heritage asset, taken as a whole, would be very limited. The harm identified would be less than substantial. Public benefits of the proposal would outweigh this limited harm.

#### Public benefits of the proposal:

Direct employment as well as employment during construction; increased footfall to support the local economy; New Homes Bonus; contributions towards affordable housing and the provision of specialist accommodation for older people.

#### 5 Year Housing Supply

5 year land supply projection for Period 2017 to 2022, including a 20% buffer is 7.1 years; and for the period 2018 – 2012, with the same buffer, is 7.9 years.

The appellant considers that the CS does not provide for the OAN figures, as evidenced in the latest Strategic Housing Market Assessment February 2016. The OAN has not been tested and is a matter for Inquiry into the emerging Local Plan.

Taking account of the level of Housing Land Supply demonstrated against the Core Strategy figures and the revised timetable for the emerging Local Plan, the Core Strategy policies for the supply of housing are up-to-date and the Council can demonstrate well in excess of a five year land supply.

Conclusion: Even if there were shortfall in the five-year housing land supply on the scale suggested by the appellant (3 years) and that relevant policies for the supply of housing should not be considered to be up-to-date, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the combined benefits. As a consequence, the proposal would not be sustainable development and the presumption in favour of such would not be engaged.

4/02210/17/ENA

Messenger

APPEAL AGAINST ENFORCEMENT NOTICE

LILAS WOOD, WICK ROAD, WIGGINTON, TRING, HP23 6HQ

[View online application](#)

The Enforcement Notice was served against the use of the site as a woodland weddings venue, together with associated structures, toilets, marquee, hardstanding, etc. The site is located in the Green Belt, the Chilterns AONB and Ancient Woodland. The EN was appealed on Grounds (a), (b), (c), (f) and (g).

In respect of the ground (b) appeal (i.e. 'That the breach of planning control has not occurred as a matter of fact') this appeal was limited to a discussion as to whether the trailer toilets, metal container and wedding marquee amounted to operational development as alleged in the notice. The Inspector agreed with the Council on all three counts that these amounted to operational development due to the number of months they had been permanently on the site (with no intention for these to be temporary structures) and the presence of a base and connection to services (in respect of the trailer toilets), the size and weight of the metal container, and the skill and experience required to erect the marquee. As such the ground (b) appeal was dismissed.

In terms of the ground (c) appeal, (i.e. 'That there has not been a breach of planning control'), the Inspector accepted the Council's two arguments. Firstly that by having 15 weddings a year with a day either side for setting up and clearing the site, this amounts to 45 days usage a year, in excess of the 28 days temporary permitted development rights. Secondly, that as the site was not put into another use between weddings, then the character of the land has been permanently altered. As such the ground (c) appeal failed.

Moving on to the ground (a) appeal, (i.e. 'That planning permission should be granted for what is alleged in the notice') the Inspector concluded that both the use and the operational development aspects represented inappropriate development within the Green Belt and attached substantial harm in that respect. Furthermore, the Inspector's concerns relating to the effect on the ancient woodland and protected species weighed strongly against the development. The Inspector also gave no weight to the fall-back position of implementing temporary permitted development rights. On the other hand the Inspector concluded that there has been little effect on the openness of the Green Belt or on the character and appearance of the area, including the AONB, and that moderate to significant weight should be attached to the economic benefits of the development. Nevertheless these positive factors did not outweigh the harms outlined above and as such no very special circumstances exist to justify the grant of planning permission and the ground (a) appeal failed.

In terms of the ground (f) appeal, (i.e. 'That the steps required to comply are excessive'), the Inspector agreed with the Council that there is no specific need to refer to the protection of temporary permitted development rights within the Notice. These temporary permitted development rights are still open to the appellant once the permanent use has ceased. Therefore, the ground (f) appeal was dismissed.

Finally, in respect of the ground (g) appeal, (i.e. 'That the time given to comply with the notice is too short'), the Inspector partly allowed this appeal and gave three months for the structures, paraphernalia, hardstanding, etc. to be removed.

4/03469/16/FHA

Mr & Mrs Fairey

FIRST FLOOR EXTENSION ABOVE EXISTING SINGLE STOREY  
DINING ROOM/WC. SINGLES STOREY GARAGE EXTENSION  
CHERRY CLUSTER, 15 DELMAR AVENUE, HEMEL HEMPSTEAD,  
HP2 4LY

[View online application](#)

#### Decision

1. The appeal is dismissed.

#### Main Issue

2. The main issue is the effect of the proposal on the living conditions of The Oaks, 6 Badgers Croft with regards outlook and the effect on 17 Delmar Avenue with regards outlook, light and privacy.

#### Reasons

3. The appeal site is a 2 storey detached dwelling with single storey front projection at the end of

an access road off Delmar Avenue. Although located in a residential area comprising primarily of 2 storey properties, to the side at a slight angle, is a dormer bungalow, The Oaks, 6 Badgers Croft which forms part of a separate cul de sac. The 2 properties are separated by a narrow footpath.

4. The extension would face directly opposite The Oaks. The 2 storey element would be clearly visible from the dwelling with the existing boundary treatment of fencing and vegetation only providing some screening to the development which would be insufficient to mitigate the impact given the size of the proposal. Whilst the 2 storey element of the existing property is evident at the rear of The Oaks, the impact would be exacerbated by the extension creating an oppressive sense of enclosure. Although there is some separation between properties, the proposal would still appear prominent and visually intrusive when viewed from the rear garden and windows of The Oaks given the close proximity and overall scale and mass of the development.

5. The main amenity space for The Oaks may be located elsewhere on the property but as witnessed on my site visit the area to the rear is used by the occupants for amenity purposes with the presence of a table and chairs providing outdoor seating. Despite the angled orientation of The Oaks the proposal would appear overbearing and would harm the outlook of the occupants of the neighbouring property. I acknowledge that the proposal may not breach the test for obstructing daylight and that windows would be positioned to avoid overlooking and loss of privacy. However, this is outweighed by the harm I have found to outlook.

6. The development would be located to the rear side of No 17 Delmar Avenue. Whilst the scale of the existing development would increase there is not substantive evidence that this would materially affect the level of light to the neighbouring property. The location of the extension in relation to the existing dwelling combined with the distance of the extension from No 17 leads me to take the view that the proposal would not materially harm the light to No 17.

7. Similarly, whilst the first floor extension of the proposal would contain windows facing towards the rear of No 17, any views would be at an oblique angle. There would therefore not be a harmful loss of privacy given the separation distance between the dwellings.

8. Whilst the proposal would not cause harm to the living conditions of the occupants of 17 Delmar Avenue, the prevailing matter is the impact of the proposed extension in the outlook of The Oaks, 6 Badgers Croft to which there would be harm. The proposal would consequently be contrary to the parts of Policy CS12 of the Dacorum Core Strategy 2006-2031 which seeks to ensure that new development avoids visual intrusion and respects adjoining properties in terms of scale, height and bulk.

Conclusion

9. For the reasons identified, I conclude that the appeal should be dismissed.

**F. ALLOWED**

None