



Public Document Pack  
**DEVELOPMENT MANAGEMENT  
AGENDA**

**THURSDAY 6 SEPTEMBER 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 Bateman  
Councillor Birnie  
Councillor Clark  
Councillor Conway  
Councillor Maddern  
Councillor Matthews

Councillor Riddick  
Councillor Ritchie  
Councillor Whitman  
Councillor C Wyatt-Lowe (Vice-Chairman)  
Councillor Fisher  
Councillor Tindall

For further information, please contact Corporate and Democratic 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	5pm the day before the meeting.

You need to inform the council in advance if you wish to speak by contacting Member Support on Tel: 01442 228209 or by email: [Member.support@dacorum.gov.uk](mailto:Member.support@dacorum.gov.uk)

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.

**Please note:** If an application is recommended for approval, only objectors can invoke public speaking and then supporters will have the right to reply. Applicants can only invoke speaking rights where the application recommended for refusal.

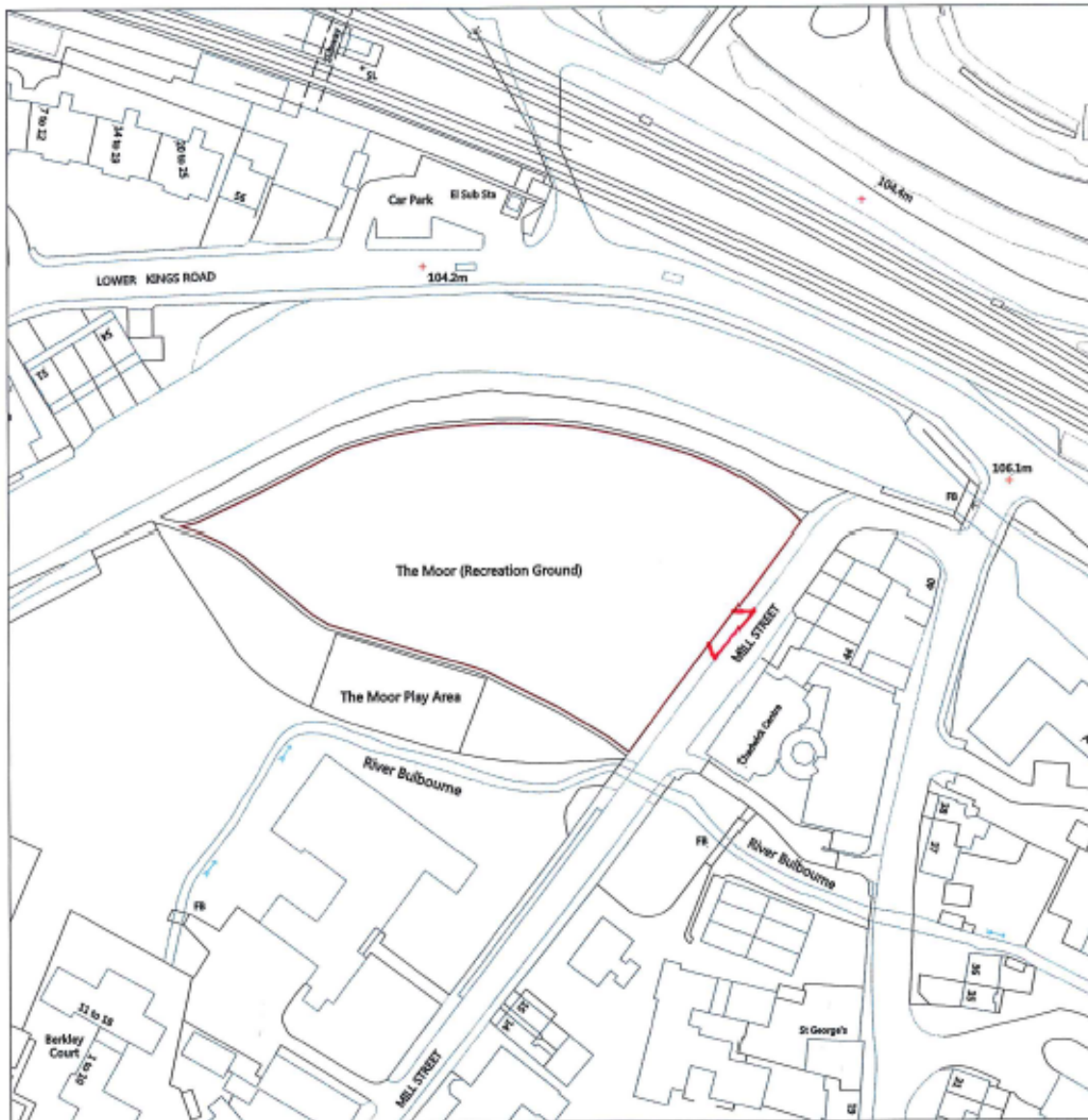
## 5. INDEX TO PLANNING APPLICATIONS

- (a) 4/01821/18/FUL - TEMPORARY CHANGE OF USE OF LAND TO CAR PARK PROVIDING 90 SPACE INCLUDING 6 DISABLED SPACES TO DISCHARGE CONDITION 15i OF PLANNING PERMISSION 4/00122/16/MFA (CONSTRUCTION OF 8 HALF STOREY CAR PARK WITH ASSOCIATED WORK TO PROVIDE 312 SPACES AND 15 DISABLED SPACES) - THE MOOR, MILL STREET, BERKHAMSTED (Pages 5 - 41)
- (b) 4/01390/18/FUL - DEMOLITION OF EXISTING GARAGE AND SIDE/REAR EXTENSIONS AND CONSTRUCTION OF TWO-STOREY SIDE EXTENSION AND PART SINGLE, PART TWO-STOREY REAR EXTENSION; CONVERSION FROM SINGLE DWELLING INTO PAIR OF SEMI-DETACHED PROPERTIES (TOTAL 2 UNITS) - GREYMANTLE, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0HF (Pages 42 - 74)
- (c) 4/00335/18/FUL - PART DEMOLITION OF EXISTING SIDE EXTENSIONS AND CONSTRUCTION OF NEW 3-BED DETACHED DWELLING - 3 GAVESTON DRIVE, BERKHAMSTED, HP4 1JE (Pages 75 - 99)
- (d) 4/01315/18/FUL - DEMOLITION OF EXISTING KENNELS AND CONSTRUCTION OF A COURTYARD OF THREE DWELLINGS AND ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING - HAZEL CORNER DOG HOTEL, WINDMILL ROAD, MARKYATE, AL3 8LP (Pages 100 - 120)
- (e) 4/1280/18/FHA - ALTERATION OF FRONT FIRST FLOOR WINDOW INTO DOUBLE DOOR. BALCONY RAILINGS INSERTED TO CURRENT SLAB ABOVE ENTRANCE PILLARS - 17 HIGHCLERE DRIVE, HEMEL HEMPSTEAD, HP3 8BY (Pages 121 - 127)
- (f) 4/01710/18/FHA - CONSTRUCTION OF GARDEN ROOM - 5 BELTON ROAD, BERKHAMSTED, HP4 1DW (Pages 128 - 134)

**6. APPEALS UPDATE** (Pages 135 - 139)

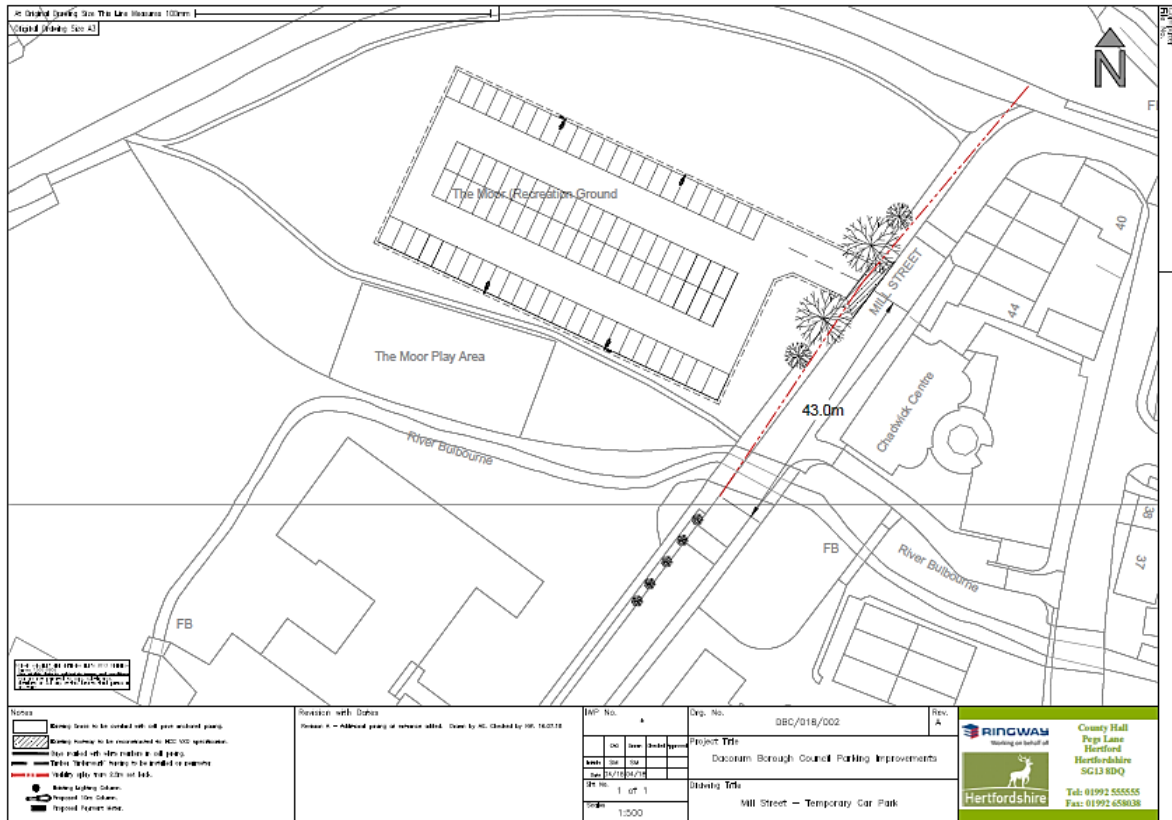
**4/01821/18/FUL    TEMPORARY CHANGE OF USE OF LAND TO CAR PARK  
PROVIDING 90 SPACES INCLUDING 6 DISABLED SPACES TO DISCHARGE  
CONDITION 15i OF PLANNING PERMISSION 4/00122/16/MFA (CONSTRUCTION  
OF 8 HALF STOREY CAR PARK WITH ASSOCIATED WORK TO PROVIDE 312  
SPACES + 15 DISABLED SPACES.)**

**THE MOOR, MILL STREET, BERKHAMSTED**



**4/01821/18/FUL TEMPORARY CHANGE OF USE OF LAND TO CAR PARK PROVIDING 90 SPACES INCLUDING 6 DISABLED SPACES TO DISCHARGE CONDITION 15i OF PLANNING PERMISSION 4/00122/16/MFA (CONSTRUCTION OF 8 HALF STOREY CAR PARK WITH ASSOCIATED WORK TO PROVIDE 312 SPACES + 15 DISABLED SPACES.)**

**THE MOOR, MILL STREET, BERKHAMSTED**



<b>4/01821/18/FUL</b>	<b>TEMPORARY CHANGE OF USE OF LAND TO CAR PARK PROVIDING 90 SPACES INCLUDING 6 DISABLED SPACES TO DISCHARGE CONDITION 15i OF PLANNING PERMISSION 4/00122/16/MFA (CONSTRUCTION OF 8 HALF STOREY CAR PARK WITH ASSOCIATED WORK TO PROVIDE 312 SPACES + 15 DISABLED SPACES.)</b>
<b>Site Address</b>	<b>THE MOOR, MILL STREET, BERKHAMSTED</b>
<b>Applicant</b>	<b>Dacorum Borough Council, The Forum</b>
<b>Case Officer</b>	<b>Rachel Marber</b>
<b>Referral to Committee</b>	<b>Council own scheme and objections received</b>

## **1. Recommendation**

1.1 That planning permission be **Delegated with View to Approval Subject to the receipt of a satisfactory Bat Report.**

## **2. Summary**

2.1 The use of the site as a temporary car park would not result in detrimental impact to visual or residential amenity of the immediate area, or highway safety and operation. The low level harm which would result to designated and non-designated heritage assets and loss of open recreational space would be off-set by the long term benefit of the multi-storey car park construction and provision to secure a higher quality public open space once the temporary permission ceases to operate. The proposed development is therefore considered to be in accordance with the NPPF (2018), Policies NP1, CS1, CS4, CS8, CS10, CS11, CS12, CS25, CS26, CS27, CS29, CS31 of the Core Strategy (2013) and Saved Local Plan Policies (2004) 10, 12, 51, 55, 57, 73, 75, 99, 100, 101, 113, 116, 118, 119, 120 and Appendices 5, 6 and 8.

## **3. Site Description**

3.1 The application site comprises the Moor Recreation Ground which is located to the west side of Mill Street within Berkhamsted Town Centre and designated as open land. The site is bordered by Mill Street to the east and the Grand Union Canal and River Bulbourne to the north and south. Berkhamsted School and its adjoining sports grounds are located immediately to the south of the site beyond the River Bulbourne.

3.2 The site sits within the designated Berkhamsted conservation area and area of Archaeological Significance and partially falls within flood zones 2 and 3.

## **4. Proposal**

4.1 The application seeks permission for use of the site as a temporary car park required by condition 15i of permission ref: 4/00122/16/MFA which granted permission for the construction of an 8 and half storey car park to provide 327 parking spaces.

4.2 This condition required details of temporary parking for the cars which will be displaced during construction of the new 8 half storey car park at Lower Kings Road as the existing car park on site will close.

4.3 The temporary car park would provide 90 spaces, including 6 disabled bays with vehicular and pedestrian access off Mill Street.

## **5. Relevant Planning History**

4/00122/16/MFA CONSTRUCTION OF 8 HALF STOREY CAR PARK WITH ASSOCIATED WORK TO PROVIDE 312 SPACES + 15 DISABLED SPACES.

Granted

22/12/2016

## **6. Policies**

### 6.1 National Policy Guidance (2018)

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

### 6.2 Adopted Core Strategy – (2013)

NP1: Supporting Development

CS1: Distribution of Development

CS4: The Towns and Large Villages

CS8: Sustainable Transport

CS10: Quality of Settlement Design

CS11: Quality of Neighbourhood Design

CS12: Quality of Site Design

CS25: Landscape Character

CS26: Green Infrastructure

CS27: Quality of the Historic Environment

CS29: Sustainable Design and Construction

CS31: Water Management

CS32: Air, Soil and Water Quality

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

Policy 10 - Optimising the Use of Urban Land

Policy 12: Infrastructure Provision and Phasing

Policy 51: Development and Transport Impacts

Policy 55: Traffic Management

Policy 57 - Provision and Management of Parking

Policy 73: Provision and Distribution of Leisure Space in Towns and Large Villages

Policy 75: Retention of Leisure Space

Policy 99: Preservation of Trees, Hedgerows and Woodlands

Policy 100: Tree and Woodland Planting

Policy 101: Tree and Woodland Management

Policy 113: Exterior Lighting

Policy 116: Open Land in Towns and Large Villages

Policy 118: Important Archaeological Remains

Policy 119: Development Affecting Listed Buildings

Policy 120: Development in Conservation Areas

Appendix 5: Parking Provision

Appendix 6: Open Space and Play Provision



## Appendix 8: Exterior Lighting

### 6.4 Supplementary Planning Guidance / Documents

Environmental Guidelines (2004)

### **7. Constraints**

Berkhamsted conservation area  
Open Space  
Area of Archaeological Significance  
Flood Zone 2  
Flood Zone 3

### **8. Representations**

#### 8.1 Consultee Responses

These are reproduced in full at Appendix A

#### 8.2 Neighbour notification responses

These are reproduced in full at Appendix B

### **9. Considerations**

1 The main issues to consider are:

- Principle of Development
- Flood Risk
- Impact on Street Scene
- Impact on Historic Environment and Conservation Area
- Effect on Amenity of Future Occupiers and Neighbours
- Highway Safety and Parking Provision
- Impact on Trees and Landscaping
- Protected Species
- Air Quality and Contamination
- Archaeology
- Consultation Responses

#### Principle of Development

##### *Town Centre Location*

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

9.3 Policy CS2 of the Core Strategy (2013) outlines a development preference of previously development land and buildings and areas of high accessibility. The proposed temporary car park would be located with Berkhamsted Town Centre which is an area of high accessibility within a defined settlement boundary.

9.4 The Government is keen to support the vitality and viability of town centres (para. 85 of the NPPF) and to ensure they are served by adequate quality of parking so that is convenient, safe and secure (para. 106).

9.5 Core Strategy (2013) Policy CS1 states that Hemel Hempstead will be the focus for new homes, jobs and strategic services and Policy CS4 of the Core Strategy (2013) encourages a mix of uses within town and local centres although 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.

9.6 Saved Policy 12 of the Local Plan (2004) allows provision of new infrastructure (including public transport and other utilities) as long as it can be provided in a sustainable manner without causing harm to the environment of the surrounding area or the amenity and/or safety of the public and there are adequate access and serving arrangements.

9.7 Therefore, the site is located within the Town Centre where a broad range of uses are acceptable. In principle there is no objection to the provision of a public car park within a Town Centre location, subject to satisfying the open space policies outlined below.

#### *Development on open land*

9.8 The application site is designated open land. Saved Policy 116 outlines that open land forming part of the urban structure will be protected from building and other inappropriate development. Changes of use on open land must relate to the character and use of the open land setting and protect the future integrity of the wider area of open land. Proposals to develop on other open land in towns and large villages will be assessed on the basis of the local contribution the land makes to leisure facilities, townscape, visual amenity, nature conservation and the general environment. Measures to conserve and improve the attractiveness, variety and usefulness of all open land will be investigated, encouraged and promoted.

9.9 Saved Policy 75 of the Local Plan (2004) expands that building on leisure spaces will not be permitted unless the proposal is ancillary to the leisure use of the land, a sufficient proportion of the site with appropriate facilities is retained in open use to meet the formal and informal leisure needs of the local population and there is a demonstrable surplus of sports pitches and informal leisure space (Policy 73). The leisure space lost should be replaced to an equivalent or better standard and there is an overall benefit to sport as a result.

9.10 Saved Appendix 6 and Saved Policy 73 of the Local Plan (2003) requires a minimum of 2.8 hectares per 1,000 population of leisure space (including playing fields, parks, children's play areas, etc.) to be retained. The proposed car park would result in a temporary loss of the open space on The Moor; nevertheless, the most recent census data shows the population of Berkhamsted in 2011 as comprising 20,828 people. The temporary car park will only take up part of The Moor recreation ground, with 502 sq m remaining for use by the public. Taking into

account the open space temporarily lost as a result of the proposal, the open space provision for Berkhamsted and Northchurch would remain at 67.85 hectares. This gives an open space provision of 3.257 hectares per 1,000 population, complying with this policy guidance. Furthermore, it is important to note that the scheme would only result in a temporary loss of open space provision. Temporary use of green field sites is outlined as acceptable within Saved Policy 10 of the Local Plan (2004).

9.11 Such an approach is supported by Government in paragraph 97 of the NPPF (2018) which states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

9.12 In short, although development on open space is discouraged by local and national policy, Berkhamsted would retain a sufficient amount of open space in-line with minimum standard. Furthermore, the restoration of the site post temporary use, would secure the open space provision to higher quality than previously existing (this is expanded upon with the Impact on historic environment and conservation area section below). Most importantly, the site will be in use for only a temporary period of time; this has been ensured by a recommended time-limited condition of 1 year.

#### *Local Transport Plan and Local Urban Transport Plan*

9.13 Policy CS8 of the Core Strategy (2013) outlines the sustainable transport approach for the borough. This policy references that development proposals will also contribute to the implementation of the strategies and priorities set out in the Local Transport Plan and Local Urban Transport Plan.

9.14 The Tring, Northchurch and Berkhamsted Urban Transport Plan was written in conjunction with Hertfordshire County Council and sets out a number of measures to improve movement across Berkhamsted in order to address local transport issues. The Transport Plan makes clear that it has to balance a range of competing issues including supporting the local economy and growth, environmental protection, and reducing greenhouse gases. One of the many opportunities and interventions to achieving this outlined within this document is the provision of a multi-storey car park off Lower Kings Road (reference 15.1), proforma 14 which states,

9.15 “Following a review of parking issues in Berkhamsted, it is clear that there is insufficient provision for those who wish to use the town centre as a result of growth in shopper, residential, business and commuter requirements. Since the abandonment of proposals of Controlled Parking Zones following public consultation, an alternative strategy for parking is required. As a result, Dacorum Borough Council has (Autumn 2012) proposed the development of a multi-storey car park in Berkhamsted Town Centre....”

9.16 Thus, the temporary car park is an important necessity to facilitate the successful implementation of the multi-storey car park.

## *Summary*

9.17 The proposal would be located within Berkhamsted Town Centre where the principle for use of a site as car parking is acceptable but subject to open land designation. The requirement of the multi-storey car park is to improve accessibility and traffic movements within Berkhamsted Town Centre in the long-term against the increase in housing growth allocated for this area. The principle of the multi-storey car park was set out in the Site Allocation DPD T/19 in the Schedule of Transport Proposals and Sites. The permission for this has now been granted (app ref: 4/00122/16/MFA). The temporary car park, subject of this application, will facilitate the successful implementation of the multi-storey car park with as minimal disruption possible. Therefore, although the site is designated open space the use as a car park would be for a temporary period only and the value of the open space would be enhanced within restoration works. Therefore, it is considered that there are considerable benefits to the scheme which would justify the acceptability of the temporary car park in principle and in this location. The proposal is considered in accordance with the above policies.

## Flood Risk

9.18 The western half of the application site falls within Flood Zones 2 and 3. In accordance with the NPPF (2018) development should be directed away from areas at highest risk, but where development is necessary, it should be made safe for its lifetime without increasing flood risk elsewhere (para 155). The NPPF requires a sequential risk-based approach to determining the suitability of land for development in flood risk areas which takes into account the current and future impacts of climate change so as to avoid flood risk to people and property.

9.19 The purpose of the sequential test is to demonstrate that there are no other reasonably available sites suitable for the proposed development, which are at a lower risk of flooding. An assessment of the Flood Zones is the starting point for the sequential approach. In areas at risk of river (or sea) flooding, preference should be given to locating new development in Flood Zone 1. If there are no reasonably available sites suitable for the proposed development within Flood Zone 1, sites within Flood Zone 2 can be considered and then, if necessary, Flood Zone 3.

9.20 The application has been submitted alongside a sequential test which highlights that only two possible locations for the displacement of the Lower Kings Road car parking were identified: The Moor Recreation Ground and Canal Fields. The suitability of available sites was restricted by the need to be located within the town centre, within a short walk from the existing car park at Lower Kings Road and the Berkhamsted railway station, as well as the need to be a suitably sized site in public ownership. The only other open parcels of land within an appropriate distance included playing pitches, grounds of the scheduled monument (Berkhamsted Castle), allotments and private playing fields of schools. It was determined that these sites were not suitable and thus did not warrant further consideration.

9.21 The Canal Fields site was concluded inappropriate as development on this site would have resulted in the removal of a large number of trees. Additionally, the entrance to the car park would have been located adjacent to a children's play area which was deemed to be unsuitable due to safety reasons.

9.22 The LPA are satisfied that this test demonstrates that there are no other reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

9.23 As it is not possible for development to be located in zones with a lower risk of flooding the exception test has been applied.

9.24 An exception test has been outlined and submitted alongside the planning application which highlights the following benefits to the scheme:

- The Environment Agency has advised that the proposed temporary car park use is Water Compatible.
- The temporary car park is essential to allow the town centre to remain accessible whilst the construction works are being undertaken at the site of the new multi-storey car park. If replacement car parking was not provided whilst the new multi-storey car park was being constructed this would have a significant and detrimental impact on the viability and vitality of the Berkhamsted Town Centre.
- The car park proposed is temporary in nature and is due to operate for less than one year.
- Consideration has been given to drainage of the site with a temporary and permeable tile surface proposed, which will limit surface water runoff.

9.25 The LPA are satisfied that the development would provide wider sustainability benefits to the community that outweigh the flood risk and would be safe for its lifetime, without increasing the flood risk elsewhere. As such, the exception test is passed in accordance with para. 160 of the NPPF (2018).

9.26 Policy CS31 of the Core Strategy (2013) seeks to minimise the risk of flooding and requires all development within Flood Zones 2 and 3 to submit a Flood Risk Assessment alongside the planning application. This demonstrates that the site would adapt to climate change, taking full account of flood risk and coastal change and would not be overly susceptible to flooding and would not increase the risk of flooding elsewhere.

9.27 The Environmental Agency were consulted on the proposal and requested the following amendments to the Flood Risk Assessment:

- Address the impact of climate change using an appropriate method for calculating flood levels. This will need to ensure that the development would also not increase the risk of flooding elsewhere.
- The FRA should demonstrate the flood risk with the Central allowance, in order to assess the flood level and thereby the safety of the users over the lifetime of the development.

9.28 The Lead Local Flood Authority were also consulted on the proposal and requested a drainage strategy be submitted to satisfy that the proposal will not have detrimental impact to water quality.

9.29 In light of these comments the Flood Risk Assessment has been amended and a

Sustainable Drainage Strategy has been outlined for which further details has been secured by condition.

9.30 For this reason, the use of this site as a temporary car park is considered acceptable and would not result in an increased susceptibility of flooding of this site or immediate area. As such, the proposal complies with Policy CS31 of the Core Strategy (2013) and the NPPF (2018).

#### Impact on Street Scene

9.31 Paragraph 127 of the NPPF (2018) states that, decisions should ensure that developments are visually attractive, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

9.32 In addition, paragraph 130 of the NPPF states that *'permission should be refused for developments of poor design that fail to take opportunity available for improving the character and quality of an area and the way it functions.'*

9.33 Core strategy Policy CS10 outlines that development will respect defined countryside borders and landscape character with the preservation and enhancement of green gateway. Policies CS11 and CS12 of the Core Strategy highlight the importance of high quality sustainable design in improving the character and quality of an area seeking to avoid large areas dominated by car parking, to preserve attractive streetscapes, provide sufficient parking and integrate development with the existing streetscape character.

9.34 Saved Policy 10 of the Local Plan (2004) states that development should be accessible by a range of transport options

9.35 The temporary car park would be of very simple design to enable easy installation and site restoration once the use ceases. The car park would be constructed from Cellpave (grasscrete) using a non-dig construction method. This would ensure the site retains a verdant character aspect and prevent a stark hard surfaced scheme.

9.36 The fencing to surrounding the car park would comprise post and rail with meshing between for further security, this will remain low-level and unobtrusive while acting as a safety barrier for children using the adjacent playground.

9.37 Therefore, the car park would be of low-level appearance which would not result in visual dominance or stark appearance within the street scene; in accordance with Policies CS10, CS11 and CS12 of the Core Strategy, Saved Policy 10 of the Local Plan (2004) and NPPF (2018).

#### Impact on Historic Environment and Conservation area

9.38 Core Strategy Policy CS25 states that all development will help conserve and enhance Dacorum's natural and historic landscape and proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition.

9.39 The specific historic environment policies within the NPPF (2018) are contained within paragraphs 189-202. Paragraph 192 of the NPPF states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. In similar regard Policy CS27 of the Core Strategy (2013) and Saved Policies 119 and 120 of the Local Plan (2004) seek to preserve the setting and distinctiveness of heritage assets.

9.40 S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA) requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

9.41 Due to sensitive site location within the Berkhamsted conservation area, adjacent to Listed Buildings and in close proximity to a scheduled ancient monument, the DBC Conservation Officer was consulted on the proposals and provided the following conclusive comments:

- The removal of the trees would harm the character of the park and the setting of the conservation area however, we note that the report on the condition of the trees indicates that they are in a poor condition and it would be acceptable to remove them.
- The historic mapping and photographs show an avenue of trees to Mill Street. It would be recommended that this be replanted and the historic feature reinstated to the street.
- The proposal would result in enclosure and sub-division and loss temporarily of the green space. This would cause harm to the setting of the heritage assets both designated and non-designated.
- The impact on the setting of the scheduled ancient monument of the castle would be low.
- The impact of the car park on the listed former public house would be considered to be low.
- There would be some harm temporarily whilst the car park is in position but provided that the ground be reseeded and the trees planted in the longer term the harm would be negligible.
- We would assess this harm to be less than substantial and at a low level.
- If the park is reinstated and provided that the avenue of trees replanted the long term impact would be an enhancement to the area. Therefore, given this balance we would assess the harm to be acceptable in the short term to provide long term benefits.

9.42 As such, although the conservation officer identified harm to the both designated and non-designated heritage assets as a result of the temporary car park this was considered less than substantial harm due to the temporary nature of the proposal.

9.43 Paragraph 196 of the NPPF (2018) states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.” Section 66(1) of the Act states that decision-makers should give “considerable importance and weight to any identified harm to

heritage assets."

9.44 Historic England have not raised concerns and the conservation officer has indicated that there would be a low level of harm to the significance of the listed buildings, scheduled ancient monument and conservation area. On the other side of the balance the proposal would provide temporary parking provision to enable the implementation of the multi-storey car park which has been identified under the site allocation T/19 in the schedule of Transport Proposals and Sites due to inadequate parking provision in Berkhamsted. Further, a landscaping strategy would be conditioned if permission were to be granted. This landscaping plan/strategy would include further landscape enhancements which would restore the historic avenue to its former state; this was identified by the conservation officer to be an opportunity to secure long-term benefit to the scheme.

9.45 Taken together in the context of the low level of harm identified with the public benefits of the proposal, it is considered that on balance, the benefits of the proposal would outweigh the harm that would be caused to the setting of the listed buildings and conservation area.

9.46 As such, the proposal is not considered to result in significant impact upon to Berkhamsted conservation area or designated and undesignated heritage assets, adhering to Policies CS27 of the Core Strategy (2013), Saved Policies 119 and 120 of the Local Plan (2004) and the NPPF (2018).

#### Effect on Amenity of Future Occupiers and Neighbours

9.47 The NPPF (2018) outlines the importance of planning in securing high standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact to neighbouring properties and their amenity space. Thus, the proposal should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

9.48 Due to the low level nature of the proposal it is not considered that a significant loss of daylight, outlook or privacy to neighbouring residents would result. Further, the car parking spaces have been set into the site further away from neighbouring residents opposite the site on Mill Street (approximately 15 meters away).

Environmental Health were consulted on the planning application in terms of noise and disturbance resulting from the use on the site. No objections were raised subject to an informative to be placed on the permission regarding construction hours of working. A lighting plan has been requested by condition so that levels of light pollution from the site can be controlled in-line with Appendix 8 and Saved Policy 113 of the Local Plan (2004).

9.49 Overall, the proposal is considered acceptable in terms of residential amenity.

#### Highway Safety and Parking Provision

9.50 Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Para. 103 states of the NPPF (2018) states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be



taken into account in both plan-making and decision-making.

9.51 Policy CS8 of the Core Strategy (2013) gives priority to the needs of other road and passenger transport users over the private car while providing sufficient, safe and convenient parking based on car parking standards.

9.52 Saved Policy 51 of the Local Plan (2004) states that development must be compatible in locational and general highway planning, design and capacity terms with the current and future operation of the defined road hierarchy and road improvement strategy. Saved Policy 57 of the Local Plan (2004) states that parking provision and management will be used as a tool to encourage reduced car ownership and usage. This policy also highlights that consideration will be given to the introduction of Pay and Display charging to manage demand for on-street spaces within other parts of the Borough i.e. town centre locations.

9.53 A Transport Statement was submitted alongside the planning application to gauge the impact of reassigned traffic on the local highway network following the relocation of the car park facility from the existing site along Lower Kings Road to the proposed temporary site at The Moor Recreation Ground on Mill Street. It also considers junction performance and capacities in the vicinity of the proposed site.

9.54 Hertfordshire Highways were consulted on the planning application and provided the following summative comments:

The predicted movements from the new car park are 5 and 1 out in the morning rush hour, 33 in and 50 out in the evening and 58 in and 83 out in the busiest hour (12:45 – 13:45) on a Saturday. These figures were added to flows on the surrounding roads and then fed into computer models of these junctions: Proposed Site Access / Mill Street, Castle Street / Mill Street, Lower Kings Road / Castle Street, High Street / Castle Street and High Street / Water Lane. Junction performance was assessed by predicted RFC (Ratio of Flow to Capacity) and queue lengths. RFC values below 0.85 are usually taken to be acceptable. The maximum value predicted in association with the temporary car park was 0.36 at the junction High Street with Castle Street. The maximum queue lengths predicted are one vehicle.

9.55 The low incident of collisions in the area and the low level of severity of injuries indicates that the road network operates relatively well with no significant driver behaviour or junction design issues which require further investigation and review.

9.56 The primary concern of the highway authority during construction is the safe and free flow of road users nearby. This means that traffic and pedestrians should continue to be able to use Mill Street with hindrance from construction-related traffic. Stringent efforts should be made to prevent mud from the site being spread on the road and pavement.

9.57 Hertfordshire County Council (HCC) have reviewed the information provided and consider that proposed development would not be likely to have a detrimental impact on the safety and operation of the highway network. On this basis, HCC does not wish to raise an objection, subject to the imposition of suitable conditions and informatives.

9.58 In summary, the proposed temporary car park would not result in significantly further movement along Mill Street that would have a detrimental impact on Highway capacity or

safety. Further, the busiest times the car park is expected to be in use is on Saturdays, outside of school hours. Thus, the proposal is considered acceptable in accordance with the NPPF (2018), Policies CS8 and CS12 of the Core Strategy (2013) and Saved Policies 51, 55, 57 and Appendix 5 of the Local Plan (2004).

#### Impact on Trees and Landscaping

9.59 Saved Policies 99 and 100 of the Dacorum Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

9.60 Three trees would be removed from the site as result of the proposed use as a temporary car park. An Arboricultural Impact Assessment was submitted assessing the quality of trees on site. The DBC Trees and Woodlands Officer was consulted on the proposal and provided the following summative comments:

*“The submitted Arb Report is accurate and conforms with BS5837:2012. The removal of three trees is proposed; one (T2) to facilitate the development, two (T5, T13) due to poor condition. It is also proposed to lightly prune one other tree (T3). All these works are warranted and follow industry guidance, therefore I’d recommend approval.”*

9.61 Suggestions were also made by the tree officer regarding suitable species and sizes for replacement tree planting and to secure the historic tree avenue. These will feed into the landscaping plan condition which will request details of all new tree planting noting species, plant sizes and numbers and densities; as well as tree protection measures for existing trees during construction and demolition.

9.62 The non-dig construction method will ensure limited harm to existing tree root protection zones would result. This is reinforced further by a recommended condition outlining tree protection measures for existing trees during construction of the development.

9.63 A condition has also been recommended enforcing /maintaining this landscaping for a period of 5 years, by then the landscaping will be well established.

9.64 Thus, although the proposed development would result in a short-term reduction of trees on-site and therefore verdant character of the area, long-term the proposal would improve landscaping amenity by enhancing the tree barrier and quality around The Moor.

#### Protected Species

9.65 The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (paragraphs 174-177), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05. Furthermore, Policy CS26 of the Core Strategy (2013) states that proposals should contribute to the conservation of habitats and species.

9.66 Hertfordshire Ecology were consulted on the planning application and raised concerns regarding the likelihood of bats being present in the bark of the trees to be removed. A bat

survey was requested prior to determination of the application in accordance with Circular 06/2005. The application is delegated with a view for approval subject to the findings of this report.

#### Air Quality Air Quality and Contamination

9.67 Policy CS8 of the Core Strategy (2013) seeks to improve road safety and air quality. Policy CS32 of the Core Strategy (2013) seeks to maintain soil, water and air quality standards and ensure any contaminated land is appropriately remediated.

9.68 Para. 181 of the NPPF (2018) requires planning policies and decisions to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Para. 189 of the NPPF (2018) ensures that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

9.69 The site falls within 0.4 miles of one of the council Air Quality Management Area (AQMA) and as such Environment Health were consulted on the proposal and have requested an air quality report assessing the impacts of the development be conditioned as part of the approval.

9.70 The proposed development is also located on a radon affected area where 1-3% of homes are above the action level and also on a former contaminated land use i.e. timber yard, former wharf and garage. There is therefore a possibility that this may have affected the application site with potentially contaminated material. Consequently, an informative advising the developer be advised to keep a watching brief during ground works has been attached to the consent.

9.71 The above measures will prevent contamination of the site and adjacent water course and ensure air quality is maintained to a high standard in accordance with the NPPF (2018) and Policies CS8 and CS32 of the Core Strategy (2013).

#### Archaeology

9.72 In accordance with Saved Policy 118 of the Local Plan (2004) and NPPF (2018) planning permission will not be granted for development which would adversely affect scheduled ancient monuments or other nationally important sites and monuments, or their settings. The application site falls within an Area of Archaeological Significance and sits in close proximity to a scheduled ancient monument (Berkhamsted Motte and Bailey Castle) Herts Archaeology were consulted on the proposed application and provided no comment due to the development "being unlikely to have a significant impact on heritage assets of archaeological interest".

#### Consultation Responses

9.73 A number of concerns were received in regards to the above planning application. The main concerns are addressed below.

*Additional traffic generated as a result of the proposal:* This has been address within the Highway Safety and Parking Provision section of the report

*Loss of green space:* This has been addressed within the principle of development section above.

*Damage to The Moor will be irreversible:* The restoration of The Moor to a higher quality standard than existing will be ensured and enforced through appropriately worded landscaping conditions. Please also see the Trees and Landscaping and Protected Species section above.

9.74 A number of concerns were also raised relating to the Council's decision to submit an application for a car park and subsequent need for a temporary car park in Berkhamsted and the process leading to that decision and site selection. These are matters falling outside of the planning application process; the local community demonstrated their concerns at Full Council last July and the temporary car park is a prerequisite of the grant of the multi-storey car park.

#### Community Infrastructure Levy (CIL)

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

## **10. Conclusion**

10.1 The use of the site as a temporary car park would not result in detrimental impact to visual or residential amenity of the immediate area, or highway safety and operation. The low level harm which would result to designated and non-designated heritage assets and loss of open recreational space would be off-set by the long term benefit of the multi-storey car park construction and provision to secure a higher quality public open space once the temporary permission ceases to operate. The proposed development is therefore considered to be in accordance with the NPPF (2018), Policies NP1, CS1, CS4, CS8, CS10, CS11, CS12, CS25, CS26, CS27, CS29, CS31 of the Core Strategy (2013) and Saved Local Plan Policies (2004) 10, 12, 51, 55, 57, 73, 75, 99, 100, 101, 113, 116, 118, 119, 120 and Appendices 5, 6 and 8.

**11. RECOMMENDATION** – That planning permission be **DELEGATED** to the Group Manager Development Management and Planning with a view to **APPROVAL** subject to the receipt of a satisfactory Bat Survey report for the reasons referred to above and subject to the following conditions:

#### Conditions/Reasons for Refusal

No	Condition
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	After one year operation the use hereby permitted shall cease and any associated plant, materials and equipment shall be removed and any necessary works of reinstatement in accordance with the landscaping scheme approved within condition 6 shall be carried out.

	<p>The reinstatement works shall have been fully completed within 3 months post this one year period.</p> <p>Reason: The proposed use could be detrimental to the amenities of the locality and the local planning authority wishes to have the opportunity to review the development in the light of operational experience; in accordance with Saved Policies 73, 75, 116 and Saved Appendix 6 of the Local Plan (2004).</p>
3	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>Tree Details – by site Mill Street parking info dated 08/05/2018  Temporary Car Park, Berkhamsted Transport Statement dated 16th July 2018  Planning, Design and Access Statement and Open Space Assessment August 2018  Built Heritage Appraisal July 2018  Cellpave Anchored Ground Reinforcement Paver Material Detailing  The Moor, Berkhamsted Flood Risk Appraisal Dated 24/08/18  Sequential Test and Exception Test August 2018  Arboricultural Report 180734-PD-11 rev. A dated August 2018  DBC/018/042  DBC/018/002 Rev A</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
4	<p>No development shall take place above damp proof course level until details of the materials to be used in the construction of the post and rail with wire mesh of the development hereby permitted have been submitted and approved in writing by the local planning authority.</p> <p>Development shall be carried out in accordance with the approved details.</p> <p>Reason: In the interests of the visual amenities of the Conservation Area; in accordance with Policy CS27 of the Core Strategy (2013).</p> <p>Materials Informative</p> <p>Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.</p>
5	<p>No development shall take place above damp proof course level until 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:</p> <p>Trees to be retained and measures for their protection during construction works;  Proposed finished levels or contours;  Car parking layouts (including disabled bays) and other vehicle and pedestrian access and circulation areas; and  Proposed location and scale of the pay and display machines.</p> <p>The approved landscape works shall be carried out prior to the first occupation or use the development hereby permitted.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area; in accordance with Policy CS12 of the Core Strategy (2013).</p>
6	<p>Prior to the first occupation or use of the development hereby permitted a</p>

	<p>reinstatement landscape plan shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>This landscaping plan shall include the following details:</p> <ul style="list-style-type: none"> <li>- re-turfing and replacement tree planting which shall include details of planting plans; location; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and</li> <li>- A plan detailing the closure of the vehicle access and foot path and reinstatement of the highway grass verge.</li> </ul> <p>The re-instatement landscape plan shall be implemented after the use hereby approved has continued for a period of one year.</p> <p>Reason: To ensure a high quality landscaping is restored to the site and to safeguard the visual character of the conservation immediate area; in accordance with Policies CS12 and CS27 of the Core Strategy (2013) and Saved Policies 99 and 100 of the Local Plan (2004).</p>
7	<p>All planting, seeding or turfing and soil preparation comprised in the approved details of the reinstatement landscaping detailed in condition 6 shall be carried out in the first planting and seeding seasons following one year post implementation of the development hereby approved; and any trees or plants which within a period of five years from this date die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure proper reinstatement of the site and implementation of the agreed landscape details in the interest of the amenity value of the development; in accordance with Saved Policies 99 and 100 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).</p>
8	<p>No development shall take place above damp proof course level until details of an exterior lighting plan has been submitted to and approved in writing by the local planning authority. These details shall include:</p> <p>Specifications of lighting including: luminaire and lamp type, beam control, wattage, the use of reflectors, baffles, louvres, cowling (including colouring), lux contours/distribution diagrams and column type/colour;</p> <p>A lighting statement by a qualified engineer/consultant clarifying the precise lighting impact in relation to nearby housing and how the installation minimises light pollution in relation to the control criteria specified by the Institution of Lighting Engineers' 'Guidance Notes for the Reduction of Light Pollution';</p> <p>The position of the lighting within the site;</p> <p>A maintenance programme (after-care); and</p> <p>Hours of use;</p> <p>Exterior lighting works shall be carried out in accordance with the approved details prior to the first occupation or use the development hereby permitted.</p> <p>Reason: To safeguard and mitigate light pollution and illumination levels from the scheme; in accordance with Saved Appendix 8 and Policy 113 of the Local Plan (2004).</p>
9	<p>No development shall take place until an Air Quality Assessment has been submitted and approved in writing by the local planning authority.</p>

	<p>The Air Quality Assessment should include the following details:</p> <ul style="list-style-type: none"> <li>- indicate areas where there are, or likely to be, breaches of an air quality objective during the operational phase of the development;</li> <li>- If there are predicted exceedances in exposure to levels above the Air Quality Objectives then, a proposal for possible mitigation measures should be set out;</li> <li>- Impact of the construction vehicles and machinery of the proposed development; and</li> <li>- The post construction impact of the development.</li> </ul> <p>Construction and operation of the development shall be carried out in accordance with the approved details.</p> <p>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) and with regard to the Environment Act 1995, Air Quality Regulations and subsequent guidance.</p> <p>Un-expected Contaminated Land Informative</p> <p>The developer be advised to keep a watching brief during ground works on the site if any 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.</p> <p>Construction Hours of Working – (Plant &amp; Machinery) Informative</p> <p>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.</p> <p>Construction Dust Informative</p> <p>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 developer 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.</p>
10	<p>No development shall take place until a Drainage Strategy has been submitted and approved in writing by the local planning authority.</p> <p>Construction of the development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure the site has adequate drainage provision to mitigate the risk of flooding in accordance with Policy CS31 of the Core Strategy (2013).</p>
11	<p>Before first occupation or use of the development the access road and parking areas as shown on the approved plan DBC/018/002 shall be provided and maintained thereafter.</p> <p>Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use in accordance with Policies CS8 and CS12 of the Core Strategy (2013).</p>

12	<p>Prior to construction of the development hereby approved a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The Construction Management Plan shall include details of:</p> <ul style="list-style-type: none"> <li>- Construction vehicle numbers, type, routing;</li> <li>- Traffic management requirements;</li> <li>- Construction and storage compounds (including areas designated for construction staff car parking);</li> <li>- Siting and details of wheel washing facilities;</li> <li>- Cleaning of site entrances, site tracks and the adjacent public highway; and</li> <li>- Timing of construction activities to avoid school pick up/drop off times.</li> </ul> <p>The construction of the development shall be carried out in accordance with these approved details.</p> <p>Reason: In the interests of maintaining highway efficiency and safety; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).</p>
13	<p>Prior to the construction of the development hereby approved a scaled drawing showing the new access arrangements and visibility splays shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The visibility splays shown on this drawing shall be no be less than 2.4m x 43m.</p> <p>The access arrangements and visibility splays approved shall be provided, and thereafter maintained, in both directions from the new access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway for the duration of use or occupation of the development.</p> <p>Reason: In the interest of highway safety and free and safe flow of traffic; in accordance with Policies CS8 and CS12 of the Core Strategy (2013).</p> <p>Highway Informatives:</p> <ol style="list-style-type: none"> <li>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:- <a href="https://www.hertfordshire.gov.uk/droppedkerbs/">https://www.hertfordshire.gov.uk/droppedkerbs/</a></li> <li>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: <a href="http://www.hertfordshire.gov.uk/services/transtreets/highways/">http://www.hertfordshire.gov.uk/services/transtreets/highways/</a> or by telephoning 0300 1234047.</li> <li>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 <a href="http://www.hertfordshire.gov.uk/services/transtreets/highways/">http://www.hertfordshire.gov.uk/services/transtreets/highways/</a> or by telephoning 0300 1234047</li> </ol>



	<p>4. Section 278 or Section 184 Agreement All works within the highway boundary (including alterations to the footway, creation and subsequent reinstatement of the temporary vehicular access) will need to be secured and approved via an appropriate highways works agreement, either a S278 or S184 agreement.</p> <p>Advertisement Informative Any advertisement/ directional signage required for the temporary car park will require separate advertisement consent.</p> <p>Article 35 Statement</p> <p>Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p>
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## Appendix A

### Consultation Responses

#### Network Rail

Network Rail has reviewed the documentation submitted by the applicant and this proposal will not impact the railway infrastructure.

#### Canal and River Trust

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that “living waterways transform places and enrich lives”. We are a statutory consultee in the development management process.

The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Based upon the information available we have **no comment** to make.

#### Historic England

Thank you for your letter of 8 August 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.

#### Lead Local Flood Authority

Thank you for consulting us on the above application for the temporary change of use of land

to car park providing 90 spaces including 6 disabled spaces to discharge condition 15i of planning permission 4/00122/16/MFA for the construction of 8 half storey car park with associated work to provide 312 spaces and 15 disabled spaces.

We acknowledge that the proposals are to convert this space to a temporary car parking area with an expected lifetime of <1 years while a new Multi-Storey Car Park is built on an existing car parking area. Parts of the site are located within Flood Zones 2 and 3 and there are areas within the site that are risk at risk from surface water flooding. However no information has been provided on how the site will be drained.

It is proposed to surface the car park with anchored ground reinforcement paving tiles. However this can impact the existing ground conditions including soil compaction which can increase run-off from the car parking area. The drainage arrangements for parking area should be confirmed with the identification of a discharge location. We note that the site is bounded by the Grand Union Canal to north and the River Bulbourne to the south. Given the large number of parking spaces the LPA needs to be satisfied that the proposed area will not have a detrimental impact to water quality.

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

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/>

Please note if the LPA decide to grant planning permission we wished to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development

#### DBC conservation

The moor is an open area of ground close to the centre of Berkhamsted. It consists of a relatively flat open green space with some trees planted to the perimeter. We understand that the land was granted to the town following the enclosure of Berkhamsted Common. The site is within the conservation area and nearby are a number of heritage assets including the castle, Castle Inn and the conservation area. On the opposite side of the canal are a cluster of locally listed buildings connected with the station. These are identified within the conservation area appraisal

The creation of the car park would have a number of impacts: The insertion of a dropped kerb, the removal of some trees, the laying down of matting and the construction of a fence around the car park and lighting for the car park. It would appear to be expected that some fencing to Mill St may need to be removed.

In relation to the heritage impacts we would comment as follows:

The dropped kerb would have a minimal impact as would the removal of any of the modern fencing to mill street. Ideally this rather standard fencing could be replaced with fencing more in keeping with late 19<sup>th</sup> century parks.

The removal of the trees would harm the character of the park and the setting of the conservation area. However we note that the report on the condition of the trees indicates that they are in a poor condition and it would be acceptable to remove them. We would not disagree with our specialist tree officers comments as stated in the report. However any planting replacement scheme needs to be carefully considered. The historic mapping and photographs show an avenue of trees to Mill Street. It would be recommended that this be replanted and the historic feature reinstated to the street. This would result in some conservation gain which could help to mitigate any harm and provide a long term benefit once the car park has been removed.

The creation of a car park with associated fencing and lighting would impact negatively on the

character of the area. We understand the fencing is to be post and rail which would soften its appearance. It would be recommended that any lighting columns be painted a dull matt green to reduce the visual impact. It would result in enclosure and sub-division and loss temporarily of the green space. This would cause harm to the setting of the heritage assets both designated and non designated noted above. The impact on the setting of the scheduled ancient monument of the castle would be low. This is due to the impact of the 19<sup>th</sup> century railway which sub divides the heritage asset from the town. The impact of the car park on the listed former public house would be considered to be low. There would be some harm temporarily whilst the car park was in position but provided that it be reseeded and the trees planted in the longer term the harm would be negligible. Therefore we would assess this harm to be less than substantial and at a low level. Similarly the impact on the setting of the locally listed station buildings would be less than substantial and at a low level.

The impact on the character and appearance of this part of the conservation area for the period of implementation would be less than substantial but at a high level. However if the park is reinstated and provided that the avenue of trees replanted the long term impact would be an enhancement to the area. Therefore given this balance we would assess the harm to be acceptable in the short term to provide long term benefits.

**Recommendation That permission be granted but this be for only for the period required to construct a new car park. That a landscaping scheme be agreed for the reinstatement of the green space and to balance the harm caused that the avenue of trees to Mill Street be reinstated to follow the historic planting of the park. Appropriate species of trees should be used. If the fencing to Mill St is to be removed it would be recommended that it be replaced with more sympathetic park style fencing.**

Any lighting columns, mesh for fencing to be a dull matt green. Fencing to be unpainted timber.

#### Herts Ecology

I have the following comments on the above:

1. There is no existing ecological information for this site. The site is in a reasonably sensitive location adjacent to the Grand Union Canal within the river valley of the Bulbourne which is adjacent to the site. However it has long lost any natural aspect being wholly urban in character and has long been used for recreation, as shown on maps of 1925 as The Moor Recreation Ground. As such its formal management for recreation considerably limits its ecological interest. Consequently there is no significant ecological constraint associated with the principle of the proposals, which is only for a temporary period in any event.
2. However, the site has clearly degraded in what ecological interest it did have in Y2000, when the boundary was characterised by an almost continuous line of mature trees. Around a third of these have since been lost and whilst replanting is evident, their current ecological contribution is limited so that the wider ecological value has declined. I note two large trees are proposed for removal; one on Health and Safety Ground (part of normal estate management and not related to any planning obligation) and one to enable the proposals to be implemented regarding access. Four trees are to be replaced to compensate for this tree's loss. However, given both are related to the proposals, I suggest this would amount to 7 or 8 new trees to provide adequate replacement. No details of these are provided.
3. Furthermore, there are no details of any protected species potential (bats) in the trees, which if hollow or with raised bark, could provide opportunities for roosting bats. This aspect should be the responsibility of anyone involved in felling such trees, but given the need to remove one of these to provide access, the LPA should only determine the application if it can be satisfied that if bats are present and affected, they will be adequately dealt with. Currently, there is insufficient information to enable the LPA to do this, as bats have not been considered.

4. Consequently I can only advise that the two large tree(s) affected should be assessed for bats prior to determination and any necessary recommendations provided to enable determination of the application.

5. I would also expect a landscape management (restoration) plan to be produced as a Condition of approval to help restore the site following removal of car parking and provide some of the general ecological interest that was previously present. The replacement trees will take a considerable time before they begin to provide any significant ecological contribution to the site. Enhancements for bats could include provision of bat boxes on some remaining trees as appropriate.

On this basis, whilst I do not consider there are any major ecological constraints, the bat issue should be addressed consistent with similar situations where trees are affected as a result of the planning proposals, and a landscaping plan provided. I can provide comments on any bat assessment as necessary to facilitate determination of these proposals in due course.

#### Contaminated Land

Please be advise that we have **no objection to the proposed development in relation to Noise, Air Quality and land contamination.**

However, having given adequate consideration to the submitted design and access statement especially the applicant submission in section 4.0.2 with further study on the use of Cell Pave and the believe that no site digging will be involve, the following planning conditions and informative are recommend should planning permission be granted.

**This comment supersede our initial comment for the site below dated 21 August 2018 @ 1638hr.**

#### **1). Air Quality Assessment condition**

With the proposed development within 0.4 miles of one of the council AQMA with the proposed number of car parking spaces and length of the proposed temporary use, an air quality report assessing the impacts of the development will need to be submitted 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 during the operational phase of the development. If there are predicted exceedances in exposure to levels above the Air Quality Objectives then, a proposal for possible mitigation measures should be included.

The impact of the construction vehicles and machinery of the proposed development **if any** must also be consider in the air quality assessment report to be submitted. The post construction impact of the development to the existing development will also need to be consider in the report to be submitted.

**Reason: To ensure the amenities of the neighbouring premises are protected from increased air quality arising from the development; in accordance with Policies CS8 and CS32 of the Core Strategy (2013).**

#### **2). Un-expected Contaminated Land Informative**

Our contaminated land record shows that the proposed development land is located on a radon affected area where 1-3% of homes are above the action level and also on a former contaminated land use i.e. timber yard, former wharf and garage. There is a possibility that this

may have affected the application site with potentially contaminated material. Therefore, I recommend that the developer be advised to keep a watching brief during ground works on the site if any 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.

### **3). 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.

### **4). Construction 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.

### **Trees and Woodlands**

I've looked through all available documentation for this app.

The submitted Arb Report is accurate and conforms with BS5837:2012. The removal of three trees is proposed; one (T2) to facilitate the development, two (T5, T13) due to poor condition. It is also proposed to lightly prune one other tree (T3). All these works are warranted and follow industry guidance, therefore I'd recommend approval.

Referring to the Tree Protection Plan 180734-P-12, it is proposed to use ground protection measures and a building up of ground levels (orange shaded area) in the proposed car park entrance. This proposal is agreed, protecting the RPA of tree T3. Planned protective fencing on the same drawing is shown in appropriate locations, so again this is agreed.

The use of a no-dig temporary surface (Planning, Design & Access Statement, 7.26) will limit the detrimental impact of development on site vegetation and allow the regeneration of the site to occur post works.

Replanting is proposed in the Arb Report but is limited to the mitigation of the loss of T2. Four trees are proposed to be planted within the same general location. In order to maintain the spacing of mature trees around the site boundary, I would propose that planting four trees is not necessary. Planting three trees at an equal spacing between T1 and T3 would enable the long term retention of the line of larger specimens through species choice. The centrally placed new tree species should be one that will ultimately replace the aesthetic value of the removed Chestnut. A tree such as a London Plane, Small-leaved Lime or Ginkgo would fill the space, being suited to the site soil type and not currently affected by any significant disease or other issue. A new tree to either side of this should be of a smaller ultimate size and shorter lived, enabling them to be removed after having provided several decades of visual amenity without having affected the growth habit of the desired central tree. Species such as *Betula pendula* or *utilis Jacquemontii* would be suited to this task, being attractive quicker growing trees providing dappled shade.

The removal of T5 could be mitigated in a similar way but using two trees instead of three; the new smaller tree species planted between the existing T4 and a larger tree species.

The removal of T13 could be mitigated by the planting of just one significant tree, such as those species previously suggested.

New trees should be procured from an established nursery and be of minimum heavy standard size. Planting should adhere to guidance within BS8545:2014 'Trees: from nursery to independence in the landscape – Recommendations'. Appropriate aftercare should be proposed.

### Environmental Agency

Thank you for consulting us on the above application. In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal until a satisfactory FRA has been submitted.

### **Reason**

The FRA submitted with this application does not comply with the requirements set out in paragraph 163 of the National Planning Policy Framework (NPPF) which states that for areas at risk of flooding a site-specific flood risk assessment must be undertaken which demonstrates that the development will be safe for its lifetime. It does not comply with paragraph 149 of the NPPF which requires local planning authorities to adopt proactive strategies to adapt to climate change, taking full account of flood risk and coastal change. This objection is also in line with your Local Plan Policy CS31: Water management. The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA; 'The Moor, Berkhamsted Flood Risk Appraisal' prepared by WYG Engineering Ltd, fails to assess the impact of climate change using an appropriate method for calculating flood levels. The development is classified as a Water Compatible development within Flood Zone 3a. The FRA did not identify the Central (1 in 100 year +10% for the 2020's epoch) climate change allowance to be assessed, and failed to calculate the flood levels with this climate change allowance. Model data held by the Environment Agency, including the 1 in 100 year plus climate change, can be obtained by requesting a Product 4 data package for the site from [HNLenquiries@environment-agency.gov.uk](mailto:HNLenquiries@environment-agency.gov.uk).

### **Overcoming our objection**

You can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. Specifically, the FRA should demonstrate the flood risk with the Central allowance, in order to assess the flood level and thereby the safety of the users over the lifetime of the development. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

We look forward to being re-consulted following submission of an amended FRA to you. We would provide our comments as soon as possible, although we would have another 21 days to respond. Our objection will be maintained until an adequate FRA has been submitted. If you are minded to approve the application contrary to our objection, I would be grateful if you could re-notify the Environment Agency to explain why, and to give us the opportunity to make further representations.

### **Advice to Local Planning Authority**

#### **Sequential Test**

In accordance with the NPPF paragraph 158, development should not be permitted if there are

reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the LPA to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this.

## **Advice to Applicant**

### **Pre Application advice**

We strongly encourage applicants to seek our pre-application advice to ensure environmental opportunities are maximised and to avoid any formal objections from us. If the applicant had come to us we could have worked with them to resolve these issues prior to submitting their planning application. The applicant is welcome to seek our advice now to help them overcome our objection via [HNL.SustainablePlaces@environment-agency.gov.uk](mailto:HNL.SustainablePlaces@environment-agency.gov.uk).

### Crime Prevention Officer

Thank you for sight of planning application 4/01821/18/FUL, Temporary change of use of land to car park providing 90 spaces to discharge condition 151 of planning permission 4/00122/16/MFA( construction of 8 half storey car park with associated work to provide 312 spaces + 15 disabled spaces ). The Moor, Mill Street, Berkhamstead.

I am able to support this application , however from a crime prevention and Security perspective I would ask that the car park is well managed and well lit.

### Herts Archaeology

Thank you for consulting me on the above application, and for sending me details of the CellPave ground reinforcement tiles.

Para 7.2.6 of the Design & Access Statement submitted with the application states that 'the temporary car parking surface within the RPA of T3 is to be constructed using a no-dig temporary surface'. This, in combination with the dimensions of the tiles to be laid (Depth 37mm approx.), suggests that the installation of the car park surfacing will have a limited impact on the existing ground surface.

In this instance therefore, although the development site is in an area with high archaeological potential, adjacent to the Castle, I consider that the development is unlikely to have a significant impact on heritage assets of archaeological interest, and I have no comment to make upon the proposal.

### HCC Highways

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

1. No part of the development shall begin until the means of access has been constructed in accordance with the approved drawing and constructed in accordance with HCC highway design guide Roads in Hertfordshire.

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

2. Before first occupation or use of the development the access road and parking areas as shown on the approved plan DBC/018/002 shall be provided and maintained thereafter.

Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use.

3. Prior to commencement of the development, the applicant shall submit a Construction Management Plan to the Local Planning Authority for approval in writing. The Construction Management Plan shall include details of: - Construction vehicle numbers, type, routing; - Traffic management requirements; - Construction and storage compounds (including areas designated for construction staff car parking); - Siting and details of wheel washing facilities; - Cleaning of site entrances, site tracks and the adjacent public highway; - Timing of construction activities to avoid school pick up/drop off times.

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

4. Visibility splays of not less than 2.4m x 43m shall be provided, and thereafter maintained, in both directions from the new access, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway. Construction work shall not commence until the applicant has demonstrated that the required visibility splays can be achieved by means of detailed scaled drawings showing the new access arrangements and visibility splays, to be submitted to and subsequently agreed in writing by the Local Planning Authority.

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

5. Within 3 months of opening of the multi-storey car park off Kings Road the temporary car park access shall be permanently closed and the footway / highway verge reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority,

Reason: In the interests of highway safety and amenity.

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

#### INFORMATIVES:

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

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

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

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



mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

Section 278 or Section 184 Agreement All works within the highway boundary (including alterations to the footway, creation and subsequent reinstatement of the temporary vehicular access) will need to be secured and approved via an appropriate highways works agreement, either a S278 or S184 agreement.

Description of the proposed scheme This proposal is for the temporary change of use of land to car park providing 90 spaces including 6 disabled spaces. This is required to discharge condition 15i of planning permission 4/00122/16/MFA which allowed construction of 8 half-storey car park with associated work to provide 312 spaces + 15 disabled spaces at Lower Kings Road.

The temporary car park is required by condition 15i. The whole condition stipulates that:

Construction of the development hereby approved shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority 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 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; and, i. Accommodation of the displaced parking as a consequence of the temporary closure of the car park through the duration of construction works.

The 90-space car park would be in the grounds of the Moor Recreation Ground on the northern edge of Berkhamsted town centre and would take the form of plastic or other artificial mesh placed on the grass. It would be surrounded by security fencing and access the highway network via a temporary access off Mill Street. No duration is given for the car park. This will be required by the highway authority.

This scheme was subject to discussions with the highway authority at the preapplication stage.

Site Description The proposed car park would be built in the Moor Recreation Ground, north of Berkhamsted town centre. The site is bordered by Mill Street to the east, the Grand Union Canal to the north with River Bulbourne and Berkhamsted School to the south. Opposite the site on Mill Street is the Chadwick Centre art and design building of Berkhamsted School.

Analysis The applicant has provided a Transport Statement (TS) for review as part of the application package. This describes a very detailed modelling exercise based on the Transport Assessment for the multistorey car park to assess the likely impacts of the temporary car park.

Trip Generation and Junction Assessment The predicted movements from the new car park are 5 and 1 out in the morning rush hour, 33 in and 50 out in the evening and 58 in and 83 out in the busiest hour (12:45 – 13:45) on a Saturday. These figures were added to flows on the surrounding roads and then fed into computer models of these junctions: Proposed Site Access / Mill Street, Castle Street / Mill Street, Lower Kings Road / Castle Street, High Street / Castle Street and High Street / Water Lane. Junction performance was assessed by predicted RFC (Ratio of Flow to Capacity) and queue lengths. RFC values below 0.85 are usually taken to be acceptable. The maximum value predicted in association with the temporary car park was 0.36 at the junction High Street with Castle Street. The maximum queue lengths predicted are one vehicle.

Road Safety Paragraphs 2.21 to 2.23 in the TS describe an examination of data held by HCC on collisions resulting in injury in the vicinity of the site. I agree with the conclusion that the low incident of collisions in the area and the low level of severity of injuries indicates that the road network operates relatively well with no significant driver behaviour or junction design issues which require further investigation and review.

Vehicle Layout Vehicle Access The TS states that access would be via a crossover facility. Given the size of the car park it is recommended that this is fully kerbed access bellmouth. This would need to be fully reinstated once the car park is closed.

All works carried out within the highway boundary will be subject to either a legal agreement under Section 184 or Section 278 of the Highways Act, whichever is most appropriate.

Pedestrian Access The TS states that it is proposed that the car parking facility would be accessible to pedestrians from Mill Street only. The justification given is that for security the perimeter of the car park would be fenced off with no secondary access routes from within the Recreation Ground. Since the car park is temporary replacement for the one at Waitrose I recommend that this position is reviewed since the pedestrians desire line would appear to be via the park, towpath and steps up to Lower Kings Road at the SW corner of the road bridge over the canal.

Cycle Parking Provisions None are to be provided give the development's purpose as remote car parking. Cyclists will want to leave thro bicycles near their trip end points.

Construction A 2-page information sheet on CellPave 'anchored ground reinforcement' was provided for consultees on the DBC website. Presumably this is the material proposed to surface the car park.

The primary concern of the highway authority during construction is the safe and free flow of road users nearby. This means that traffic and pedestrians should continue to be able to use Mill Street with hindrance from construction-related traffic. Stringent efforts should be made to prevent mud from the site being spread on the road and pavement.

Planning Obligations/ Community Infrastructure Levy (CIL) Dacorum Borough Council has adopted the Community Infrastructure Levy (CIL) and therefore contributions would be sought by CIL. No S106 contributions would be required by the highway authority.

Conclusion Hertfordshire County Council (HCC) have reviewed the information provided and consider that proposed development would not likely have a detrimental impact on the safety and operation of the highway network. On this basis, HCC does not wish to raise an objection, subject to the imposition of suitable conditions and informatives.

Recommendations Given its purpose as a replacement for the parking adjacent to the Waitrose supermarket, the developer and Waitrose store management should provide robust arrangements for managing abandoned supermarket trollies used by shoppers to transfer goods back to the car park.

The promoter is recommended to work with the town, borough and county councils to provide information and signage to ensure as smooth as possible transition from the existing to temporary car park as possible.

Comments on the Transport Assessment • The A41 is no longer a trunk road. It is now under HCC control. • Berkhamsted High Street is the A4251 which is a Principal Road. It is not part of the Primary Road Network. • The canal that runs through Berkhamsted is the Grand Union, not the Regents.

Berkhamsted Town Council

**No Objection**

No Objection subject to conditions.

## Appendix B

### Neighbour notification/site notice responses

#### Objections

Address	Comments
1 PRIORY GARDENS, BERKHAMSTEAD, HP4 2DR	While I appreciate parking space is limited in Berkhamsted, so are the number of open green spaces. The Moor is one of the largest areas in the town for children to run around and explore and my toddler son and I spend time there almost every day. To convert much needed leisure space to parking, however temporary, does not seem to be a sensible solution.
1 UNION COURT, BEDFORD STREET, BERKHAMSTED, HP4 2ED	This green space is hugely important for recreation. I cannot believe that a) using this space as a car park wouldn't damage it and that b) it would return to a green space afterwards (without any delay, if at all). As a flat dweller this is one of the few spaces I have to use with my child. I also see it used massively by other families, dog walkers and individuals alike.
47 LEVERSTOCK GREEN ROAD, HEMEL HEMPSTEAD, HP2 4HH	Mill Street is not wide enough to take extra traffic. It is single track in places and will cause congestion on the bridge and junction with Station Road and Castle Street. Also this park is used by many people for daily recreational purposes. It would be an accident waiting to happen.
30 Castle Street, , , ,	<p>I've been reading the planning documentation in relation to the proposed temporary car park on Mill Street in Berkhamsted (4/01821/18/FUL). I am concerned that the proposed access/egress routes to the car park do not adequately take into account the road conditions on the approach to the junction between Mill Street and Castle Street.</p> <p>It is proposed that there be two-way traffic between Castle Street and Mill Street to give access to the temporary car park, however the road width on Mill Street nearby the junction with Castle Street does not allow for two cars to pass. I've attached a screenshot from Google maps with the area I refer to highlighted in red. This problem is exacerbated by the obstructed line-of-site when approaching this area from the south on Mill Street - it is impossible to see if there is traffic approaching from the other direction until you round the corner to approach the junction with Castle Street.</p> <p>At present this issue only causes problems at peak times (school drop off and pick up) during which vehicles queue to turn right into Mill Street from Castle Street, often backing up to the junction between Castle Street and Lower Kings Road/Station Road. With the installation of the temporary car park and the introduction of the proposed no-right-turn when exiting the temporary car park onto Mill Street, these problems will inevitably be more frequent.</p> <p>I am also concerned about the effect this will have on the pedestrian footway that crossed the junction between Mill Street and Castle Street. The crossing here already suffers from limited visibility and increased traffic here will make that crossing increasingly dangerous.</p>

	<p>I propose that as part of this scheme Mill Street becomes a temporary one-way street with traffic only able to move from south to north. Traffic wishing to enter Mill Street should do so via Water Lane to create a unified traffic flow. This would mitigate the problems of traffic queueing on Castle Street, remove the prospect of traffic collisions on Mill Street and make the pedestrian footway crossing on the Mill Street/Castle Street junction far safer.</p>
28 Highfield Road,,,,	<p>I'm contacting you because it has recently come to my attention that Moor Recreation Park in Berkhamsted is under consideration for conversion into a temporary car park. I strongly appose the conversion.</p> <p>The space is a busy, valued recreation space, used heavily by the local community, myself included. The space itself offers a very unique set up, where the park and grass area is accessible to families with small children, who can at the same time enable their dogs to exercise. No other recreation park in the centre of Berkhamsted, or conventionally walkable, offers the same facilities where you can do both. I myself use this space for just this.</p> <p>The space is also regularly used by fitness trainers, conducting public exercise classes and personal training sessions. These are very popular sessions, because of the proximity to the station, which offers convenience to customers and the passing trade to the businesses. Without access to this park, these services would need to relocate. The only park on near proximity to this location would be on the other side of town. This would impact convenience and passing trade, severally impacting the success of the businesses.</p> <p>As such I think it's an injustice to the local community and business that rely on this facility, and would like the council to reconsider its position.</p>
2 CHAPEL STREET, BERKHAMSTED,, HP4 2EA	<p>2 points against this proposal:</p> <p>1. I appreciate the parking problem in Berkhamsted entirely. Living on Chapel St, I frequently have to park 3 streets from my home, which with a newborn baby doesn't make life easy. However there are often spaces in Waitrose car park demonstrating that more PAID parking isn't the issue; FREE parking is.</p> <p>2. Moreover I confess a very personal objection to the temporary car park in that the park is one I visit daily with my baby for a walk and fresh air while encouraging him to nap, walking through the park and up the canal in a loop. Without this rare green space we will lose this enjoyable daily loop, and there is no alternative space that offers this. In addition there are many others who enjoy the park in the same way - I often see other families enjoying this most central green space which will stop being an option.</p>
5 MANOR STREET, BERKHAMSTED,,	<p>I strongly object to the loss of one of Berkhamsted's most well used park facilities, on the basis that once precedent is set for</p>

,HP4 2BN	<p>its use as a temporary car park the cost of reverting it to its original use may not be honoured.</p> <p>The park is the first sight of the town when you arrive from the train station, so for commuters and visitors stepping off the train, the impression of Berkhamsted as a peaceful and beautiful place to be will be greatly impacted. It is used every day by mums and babies, dog owners and is a sanctuary for many of the birds on the canal. The small space of green and calm simply must be protected.</p> <p>What's more, the pay and display car park on Lower Kings Road isn't often full as it is, so I question the need for so much additional capacity while it's being developed.</p>
43 CASTLE STREET, BERKHAMSTED,, ,HP4 2DW	<p>The use of the Moor as a temporary carpark is both unnecessary and dangerous. Mill Street is incredibly dangerous at peak school drop off times and is a thoroughfare for school children crossing from the science block back to the main school quad. I have already witnessed a number of collisions between cars on the tight single lane bend into Castle Street and no amount of traffic management can make this an acceptably safe option.</p> <p>There is a high risk that this sets a precedent for the use of the land and I am highly sceptical that it will be returned to its current state.</p> <p>This is one of the few open park areas in Berkhamsted and a vibrant centre to the town where people exercise, walk their dogs and rest with their children. The Council is proposing to mix cars and an unfenced children's playground and remove one of Berkhamsted's prime recreational areas.</p> <p>Why is the use of one of the fields opposite Hall Park not considered. It is on the edge of town and has good access</p>
6 Covert Close,, ,,	<p>I have read with astonishment about the council's plan to place cars on the beautiful Berkhamsted green space known as the Moor.</p> <p>The progressive sacrifice of living and recreational space to the tyranny of the car will, in reality, simply bring more cars into town, further overloading our infrastructure and leading to more traffic jams which, in turn, will lead to further destruction of our beautiful town as a viable living-space.</p> <p>The objective difficulties posed by this plan include safety, the unsatisfactory access from Mill Street and yet more pollution. It is high time that our Council represented our interests by reducing the dominance of cars in our town and improving alternative forms of access.</p> <p>What is to be done for the many who use the Moor for sport and family leisure - or is this to be sacrificed on the altar of the car?</p> <p>I am unmoved by the response that 'this will be a temporary measure'. The destruction of long-established trees is irreversible.</p>

	<p>Rather than leading to an improvement of amenity this is, rather, another capitulation to the insatiable needs of the motor car and the pollution that it brings to our town.</p> <p>My position is far from being 'conservative' or 'reactionary' or naive. Progressive towns and their councils have already rejected the tyranny of cars and their drivers. It is high time that Dacorum and Berkhamsted councils showed the imagination needed to bring their policy approach on this matter up to date.</p>
21 Cross Oak Road,,,,	<p>I'm writing to express my concerns at the proposal to turn The Moor into a temporary car park so that a multi-storey car park can be built elsewhere in the town. I understand that the Borough Council considers this proposal on 6th September and I should be grateful if my objections can be brought to the attention of the Planning Committee. My concerns are as follows:</p> <p>Safety - it's right next to a busy school, at which my son is a pupil</p> <p>Access from Mill Street is very limited, and the proposal will likely add to the existing traffic congestion within the town, thereby further increasing pollution levels</p> <p>Environment - I understand the proposal will involve the cutting down of two ancient and beautiful trees, and it will mean the loss of a precious green space where the people of the town can relax, play and walk our dogs.</p> <p>I believe this proposal demonstrates a lack of vision and concern for the welfare of residents. Quite simply, we need fewer cars coming into the town, not more, and we should be thinking of ways to reduce traffic into the town.</p>
42 Castle Street,,,,	<p>There are very few Green Spaces for recreation in the open air. The Moor is used by children playing, by people for working, doing exercises, having picnics, walking their dogs or just sitting and lying on the grass.</p> <p>There are lovely trees, geese and ducks and other birds. All these users will be affect by motor traffic, cars and petrol fumes.</p>
22 UPPER HALL PARK,BERKHAMSTED,,H P4 2NP	<p>I object to the loss of this much valued and well-used recreational calm and peaceful open space in Berkhamsted and call on the Council to pause and review the plan with further consultation with local residents as there has not yet been sufficient consideration of alternative options. Use of the Moor for car parking will increase congestion and air pollution in the area. Sharing the space with a children's play area presents safety risks for pedestrians. Children's developing lungs are particularly vulnerable to the health impacts of air pollution, there is also now evidence associating air pollution with loss of brain function in older people. To allow access it is proposed to cut down two large, beautiful trees causing long-lasting damage to the visual amenity of the space, harm to wildlife, and the release of carbon. The whole space of the Moor is well-used by walkers, mothers and children, for exercising dogs, fitness classes, as well as the only site in the town which is used for a fun fair, and is home to several</p>

	<p>Canada goose families. It is a scandalous waste of council taxpayers money to spend £100,000 on this, on top of £5 million for the awful Lower Kings Road multi-storey, when that money could be used to reduce the need for car use and car parking in the town through investment in public transport and other solutions.</p>
<p>32 EGERTON ROAD, BERKHAMSTED,,,HP4 1DU</p>	<p>This is too close to a school, Access is inadequate. Loss of a civic amenity. Threat to wildlife in the area. . This will add to the already high levels of air pollution.</p>
<p>36 CASTLE STREET, BERKHAMSTED,,HP4 2DW</p>	<p>Firstly the use of leisure land as a car park is not appropriate. The Moor is valuable green space, used for exercising, dog walking and children, and is especially important in winter months when local access is needed. Berkhamsted already has very limited green space for local residents, with many houses lacking a garden of their own.</p> <p>Second the location is only going to add to the on going traffic problems in the area. Has a traffic survey been survey been conducted to understand the impact? The close proximity to the Berkhamsted school, with coaches running down Castle Street twice a day, and the restricted road width of Mill street make The Moor location very difficult to access by car. Will the council be making Mill Street one-way? My concern is that there will be air pollution from idling cars on Castle Street.</p> <p>Also, I am very saddened to hear that a mature horse chestnut tree will be destroyed for the temporary car park. Mature trees provide a diverse habitat for wildlife and although there are plans to replace this with smaller trees, this is not equivalent in terms of carbon dioxide filtration and habitat to support to invertebrates.</p> <p>Lastly, I call upon the council to ask for a completion date for when The Moor will be returned to a green space and to ensure it is returned to its original state with grass covering.</p> <p>I hope these points will be considered in your decision making.</p>
<p>71 High Street,,,</p>	<p>I am writing to you to voice my objection to your plans to turn the Moor in Berkhamsted into a temporary car park during the construction of the new (unnecessary) car park, for the following reasons:</p> <ul style="list-style-type: none"> <li>- The land is a beautiful green space where people and families can relax and the environment of Berkhamsted. Green space has positive mental health benefits and encourages people to be more active and healthy. Air pollution is an increasing problem – cutting down trees to make more space for cars seems outmoded at best. At worst it will directly contribute to poorer health of Berko citizens.</li> <li>- Berkhamsted is already overrun with cars – it would be far better to put extra thought as to car alternatives to keep our town pedestrian friendly. The bus services are terrible unless you live on the High St, and even then they stop running in the</li> </ul>

	<p>early evening. Why are the council not putting more thought into this and cycle lanes (cycling seems to be very popular in Berko!)? If you give people pleasant, convenient and affordable alternatives they will actually use them.</p> <ul style="list-style-type: none"> <li>- It is a slippery slope – once it is turned into a car park will it really be converted back into green space?</li> <li>- Car access to the Moor is fairly terrible, with narrow spaces and next to a busy school. This will increase the already high levels of traffic congestion in Berko and present safety risks to children.</li> </ul> <p>I hope you will decide against these plans, and find an alternative one which encourages heavy car users to switch to more active and less polluting means of travelling into the centre. The idea of building the new car park is a terrible one anyway, as in this day and age we should be discouraging unnecessary car use, not facilitating it.</p>
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### Supporting

Address	Comments
32 Kings Road,,,	<p>Just wanted to drop you a line to voice my support for the proposed temporary car park.</p> <p>It makes sense while the much needed new car park is built and in fact anything at all that helps alleviate the current chronic and desperate parking situation in Berko is frankly welcomed on my part.</p> <p>As a resident in Kings Road (number 32) the parking situation is the worse I've ever know in the 10 years I've lived here. The ever constant issue of train station commuters blocking up spaces in Kings Road and Charles Street from 6am onwards to 7pm at night is the biggest blight and issue. The building work by the library is also not helping but at least that is temporary, the commuters are not !</p> <p>I'm hoping therefore that the council will consider some way of enabling residents parking to help, especially when the new car park is built.</p> <p>Could we not have a single yellow line that restricts parking on Kings Road and Charles Street say for 1 hour in the middle of a day to stop all day commuters dumping their cars but with residents permits to enable residents to park all day whilst at the same time enabling shoppers to come and go during the day (apart from the restricted hour) and not therefore adversely affect business In the town. The only 'losers ' in this scenario are the commuters but they are adequately provided for by the station car park but just choose not to use it and block the rest of the side streets up. Seems a fair all round solution to me.</p>



**Commenting**

<b>Address</b>	<b>Comments</b>
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# Agenda Item 5b

**4/01390/18/FUL DEMOLITION OF EXISTING GARAGE AND SIDE/REAR EXTENSIONS AND CONSTRUCTION OF TWO-STOREY SIDE EXTENSION AND PART SINGLE, PART TWO-STOREY REAR EXTENSION; CONVERSION FROM SINGLE DWELLING INTO PAIR OF SEMI-DETACHED PROPERTIES (TOTAL 2 UNITS)**

**GREYMANTLE, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0HF**



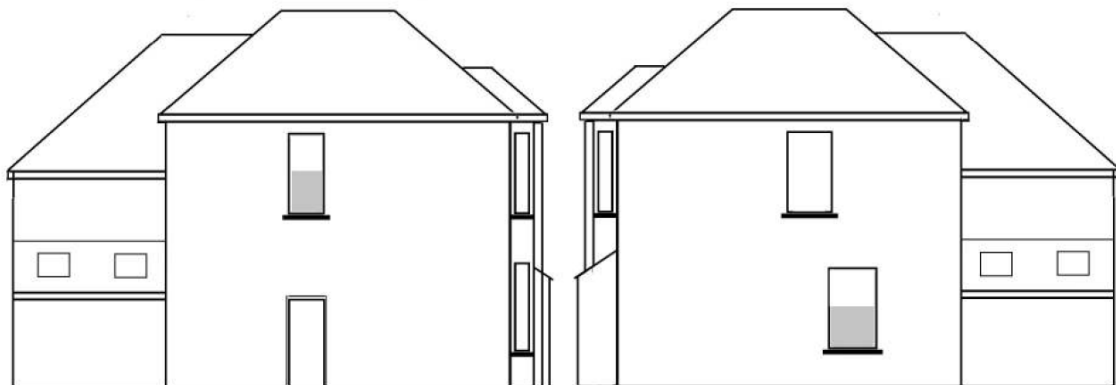
**4/01390/18/FUL DEMOLITION OF EXISTING GARAGE AND SIDE/REAR EXTENSIONS AND CONSTRUCTION OF TWO-STOREY SIDE EXTENSION AND PART SINGLE, PART TWO-STOREY REAR EXTENSION; CONVERSION FROM SINGLE DWELLING INTO PAIR OF SEMI-DETACHED PROPERTIES (TOTAL 2 UNITS)**

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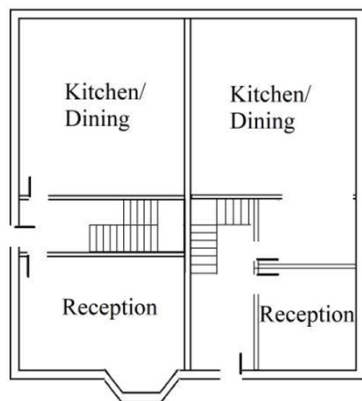


Side (facing Parkhurst)

Side (facing Ivydene)



Ground



<b>4/01390/18/FUL</b>	<b>DEMOLITION OF EXISTING GARAGE AND SIDE/REAR EXTENSIONS AND CONSTRUCTION OF TWO-STOREY SIDE EXTENSION AND PART SINGLE, PART TWO-STOREY REAR EXTENSION; CONVERSION FROM SINGLE DWELLING INTO PAIR OF SEMI-DETACHED PROPERTIES (TOTAL 2 UNITS)</b>
<b>Site Address</b>	<b>GREYMANTLE, HEMPSTEAD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0HF</b>
<b>Applicant</b>	<b>Ben Sterling</b>
<b>Case Officer</b>	<b>Martin Stickley</b>
<b>Referral to Committee</b>	<b>Objection from Bovington Parish Council</b>

## 1. Recommendation

1.1 That planning permission is **GRANTED** 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, proximate to the local centre and associated facilities. There is strong policy support for housing provision and the optimisation of urban land.

2.1.1 The development is considered to be acceptable in layout terms and with respect to the impact on the appearance of the street scene. There are numerous examples of semi-detached properties within the vicinity. As such the proposed density and scale of development would be acceptable in its context whilst maintaining the character of this part of the street scene.

2.1.2 Car parking provision would be sufficient. Access arrangements would be satisfactory and the highway authority have not raised concern with regards to traffic generated by the development or highway impacts.

2.1.3 The proposal is therefore in accordance with the aims of Policies CS1, CS4, CS8, CS10, CS11, CS12, CS13 CS17, CS18, CS29, and CS35 of the Dacorum Core Strategy (2006-2031) and saved Policies 10, 18, 21, 51, 57 and 58 of the Dacorum Borough Local Plan (1991-2011).

## 3. Site Description

3.1 Greymantle is located to the north-west of Hempstead Road, within the residential area of Bovington. The site comprises of a two-storey detached property situated on an 'L-shaped' plot with an area of 1,085m<sup>2</sup>. Parking provision is available on the gravel 'U-shaped' driveway to the front the dwellinghouse and within the attached garage.

3.1.1 Hempstead Road is characterised by semi-detached and detached houses of varied architectural style and size. Properties on the north-west side are set in a linear build line, forming a soft edge to the Green Belt and settlement boundary to the rear.

## 4. Proposal

4.1 The scheme proposes the enlargement of the property Greymantle by way of a two-storey side extension and a part-single, part two-storey rear extension. The property would then be converted from a single dwelling into a pair of semi-detached properties (total 2 units). Each property would comprise three bedrooms.

4.1.1 The existing driveway would be split to provide two car parking spaces per unit. The development would incorporate private gardens and bin storage areas to the rear.

## 5. Relevant Planning History

- 4/00282/18/FUL CONSTRUCTION OF TWO 3-BED SEMI-DETACHED DWELLINGS AND REPLACE GARAGE WITH GATES (AMENDED SCHEME)  
Refused  
18/06/2018
- 4/02926/17/FUL CONSTRUCTION OF 2 SEMI-DETACHED DWELLINGS AND DEMOLITION OF EXISTING GARAGE TO CREATE SITE ACCESS  
Refused  
22/01/2018
- 01598/16/FHA DROPPED KERB  
Granted  
29/09/2016

## 6. Policies

### 6.1 National Policy Guidance

National Planning Policy Framework (NPPF)

Section 5 - Delivering a sufficient supply of homes  
Section 12 - Achieving well-designed places

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  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS13 - Quality of Public Realm  
CS17 - New Housing  
CS18 - Mix of Housing  
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)  
Urban Design Assessment for Bovington (2006)  
Manual for Streets (2010)  
Planning Obligations (2011)  
Roads in Hertfordshire, Highway Design Guide 3<sup>rd</sup> Edition (2011)  
Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

## 6.5 Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

## 7. **Constraints**

- Large Village
- Adjacent to Green Belt

## 8. **Representations**

### Consultation responses

8.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B.

## 9. **Considerations**

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

9.2.1 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development (Paragraph 49). The site is located within a designated residential area within the defined village of Bovington and would therefore accord with these objectives.

9.2.2 Policy CS17 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.

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

9.2.4 The principle of increasing the number of residential units on the site is therefore acceptable under the above provisions.

#### 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.

#### *Visual Intrusion*

9.3.1 Considering the distance between the two-storey rear extension and the boundaries of the adjacent properties (approximately 3.5m to Parkhurst and 6.8m to Ivydene), it is considered that the proposal will not result in any significant overbearing impact or visual intrusion.

9.3.2 The two-storey side extension would be sited closer to Parkhurst's boundary (1m). There is a single side-facing window, acting as a primary window for a bedroom at second-floor level. Although the built development would encroach further towards this window, it would not breach the 25-degree line from the mid-point of the window. Consequently, it is not felt that the window would suffer any detrimental impact in terms of visual intrusion.

#### *Loss of Light*

9.3.3 The daylight and sunlight tests normally used by Local Planning Authorities are set out in the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice (2011)'. The BRE guide gives two helpful rules of thumb (25° or 45° tests) which determine whether or not further detailed daylight and sunlight tests are required.

9.3.4 Supporting information submitted by the applicant proves that the proposed build development would not breach the 25 or 45 degree lines from the mid-points of the neighbouring windows. Therefore, it is considered that there would be no significant loss of daylight or sunlight to the neighbouring properties.

#### *Loss of Privacy*

9.3.5 No loss of privacy would occur as a result of the proposed development. The number of windows and doors facing Ivydene would be reduced. The retained first-floor window on the elevation facing this neighbour would remain unobscured glazing. The ground-floor window on this elevation would be replaced with partially obscured glazing (up to 1.7m from floor-level).

9.3.6 The only first-floor window on the flank facing Parkhurst would also be obscure glazed up to 1.7m from floor level. A new ground-floor door is proposed on this elevation, which would face a blank wall.

9.3.7 The new windows proposed to the rear would not face any neighbouring windows. The proposal would therefore avoid unreasonable overlooking into windows or main areas of private open space and is felt to comply with CS Policy CS12.

#### *Summary*

9.3.8 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); NPPF; and the aforementioned BRE lighting guidance.

#### Impact on Highway

##### *Accessibility, Safety and Capacity*

9.4.1 Policies CS8, CS9 and saved Policy 51 seek to ensure developments have no detrimental impacts in terms of highway safety. Hempstead Road is B4505, a secondary distributor road with 40mph speed limit near the location of the application site.

9.4.2 There are no visibility issues regarding the existing access junctions with Hempstead Road. There are no on-street parking restrictions, but neighbouring properties have adequate on-site parking provision. The traffic flow data along Hempstead Road near the vicinity of the site shows that the flow is fractionally higher than the Annual Average Weekday Flow for a “B” road in Hertfordshire.

9.4.3 The site currently has an entry and exit arrangement that enables the vehicles to enter and leave the site in forward gear. Following requests from Hertfordshire County Council, the applicant has provided computer generated swept path assessments for access/exit to/from the proposed parking spaces. Hertfordshire County Council Highways Department subsequently raised no objection to the scheme.

##### *Parking*

9.4.4 Policy CS12 seeks to ensure developments have sufficient parking provision. The NPPF 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.

9.4.5 Saved Policies CS8, 57 and 58 (and associated Appendix 5) of the Local Plan promote an assessment based upon maximum parking standards. This is not consistent with Policy CS12 and the NPPF and, accordingly, more weight is given to the ‘case by case’ approach to parking provision prescribed in National Policy and CS12.

9.4.6 In terms of parking provision, two 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 four in total, falling short of the Council’s maximum parking standards by 0.5 spaces. Considering the sustainable location of the site, it is not felt that the proposal could be refused on parking grounds alone.

##### *Summary*

9.4.7 The proposed development would provide a satisfactory parking layout 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); NPPF; and HCC’s Roads in Hertfordshire, Highway Design Guide (3<sup>rd</sup> Edition).

9.4.8 The recent allowed appeal case at Kitsbury Road referred to in Part 6 of the agenda provides a useful assessment in relation to parking requirements and the importance of the highway authority in the assessment of such proposals.



## Impact on Visual Amenity

9.5 The proposed extensions to the detached dwelling would result in two semi-detached dwellings that would appear as one large dwelling on the street scene. Although the parking areas would be separated, only one entrance door would exist on the front of the property, with the other on the flank.

9.5.1 The proposed two-storey extensions would be finished in materials to match the main dwelling, erected level with the ridge height of the main dwelling and would follow the existing roof form to result in a positive relationship with the original dwelling.

9.5.2 The surrounding area is characterised mainly by detached and semi-detached dwellings as visible along the street scene and described in the supplementary planning guidance. However, it is noted that buildings within the street scene vary in appearance.

9.5.3 The proposed extension would be constructed flush with the existing front elevation, would retain a gap from the south-western boundary to prevent a cramped appearance within the site.

9.5.4 The resulting semi-detached dwellings are considered to remain in keeping with the appearance of the main property and wider street scene. The proposed semi-detached properties would therefore achieve a comfortable degree of compatibility within its context and would not appear unduly prominent. The semi-rural and suburban characteristics of the vicinity would be retained.

9.5.5 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.

## **10. Other Material Planning Considerations**

### Density

10.1 Reference should be made to the policy support for housing outlined in Section 9.2 and regard should also be given to the provisions of saved DBLP Policy 10 (together with other relevant policies guiding development, for example, Policies CS11 and CS12).

10.1.1 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.

10.1.2 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 18 dwellings per hectare (site area 1,085m<sup>2</sup> as measured on submitted site location plan), resulting in a density commensurate within the 'very low' range stipulated in the above guidance.

10.1.3 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.

10.1.3 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

10.2 The existing building directly fronts Hempstead Road, set back from the pavement by a suitable distance of approximately 9m. This distance is similar to the neighbouring residential units, which display a fairly consistent build line to the road.

10.2.1 The plot width, measuring around 18m, is approximately over 9m wider than neighbours either side. The double width plot would allow for the building to be enlarged whilst maintaining sufficient space around the building (separation distances of 1m and 4.6m either side).

10.2.2 The proposed 1m separation distance between Greymantle and Parkhurst would not be uncommon within the context of the street scene. Rose Cottage and Glenhurst have both been enlarged with two-storey side extensions, leaving 1m separation distances between the properties and their boundaries. Glendale and Old Orchard House are similar. Parkhurst has extended at ground-floor level up to the boundary line.

10.2.3 Overall, the net increase in building footprint would not raise any concerns in this location. Spacing around the building and to its boundaries would be appropriate so that the semi-rural pattern of development is retained. There would be no significant encroachment of development within the rear portion of the site. As such, the proposal would maintain the gentle transition from the built form within the site to the field designated as Green Belt land to the north-west.

10.2.4 Turning to the living conditions of future occupiers the garden areas would be functional and of a depth and size compatible with those on Hempstead Road. The amenity space provision would exceed local standards and is further indicative of appropriate development on this plot.

### Ecology

10.3 Hertfordshire Ecology responded to the application stating that they are “not aware of any notable ecological interest at this address but as modifications to the roof space are proposed, bats that rely on the property to roost or shelter could be adversely affected; bats are active in the area and probably forage around houses on Hempstead Road. Bats are protected under domestic and European law and, in general terms, it is an offence to disturb or harm a bat, or, damage or obstruct access to a roost.

10.3.1 However, the age, design and condition of the building suggest that the likelihood of bats roosting or sheltering in the building is slight and, therefore, a precautionary approach is appropriate.”

10.3.2 Therefore, they recommended that the following informative should be added to any consent:

10.3.3 “Bats and their roosts are protected at all times under domestic and European law. Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.”

### Contamination

10.4 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.

### Waste Management

10.5 Waste storage provision shall exist separately for each dwelling to the rear. The future occupiers would need to bring the bins to the front of the property on waste collection day, like the other properties on the street.

### Response to Neighbour comments

10.6 The points raised by neighbours have been addressed above.

## **11. Other Matters**

### Planning Obligations

11.1 The proposed development falls within Community Infrastructure Levy (CIL) Zone 2 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 2 requires £150 per square metre, subject to indexation.

### Permitted Development Rights

11.2 Due to the increase in the scale of property it is felt that certain permitted development rights should be removed, specifically Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) (England) Order 2015. It is considered reasonable to remove permitted development rights for extensions to ensure that a functional amenity space remains to the rear. Furthermore, it is considered rational to remove permitted development rights for roof enlargements due to potential loss of light and visual intrusion that could occur to Parkhurst's second-floor flank window, previously mentioned in Section 9.3.2.

## **12. Conclusions**

12.1 The proposal to extend and split the existing detached dwelling into a pair of semi-detached properties on this site would represent appropriate development. The proposal in its context and would not compromise the semi-rural characteristics of the locality and would not give rise to significant highway safety concerns. There would be no serious impacts on visual or residential amenity. 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 2006-2031, saved Policies 10, 13, 18, 21, 51, 54, 58 and 99 of the Dacorum Borough Local Plan 1991-2011 and the other associated guidance mentioned within this report.

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

### Conditions/Reasons for Refusal

No	Condition
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:

	<p>PS1A - Proposed Site Plan  PE1 - Proposed Elevations  PE2 - Proposed Elevations  PF1 - Proposed Floorplans</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>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.</p> <p>Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Dacorum Borough Core Strategy 2013.</p>
4	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 as amended (or any Order amending or re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A and B shall take place to the new dwelling hereby approved or within its curtilage.</p> <p>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.</p>
5	<p>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:</p> <p>hard surfacing materials;  means of enclosure;  soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;  proposed finished levels or contours.</p> <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.</p> <p>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.</p>
6	<p>All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies 99 and 100 of the Dacorum Local Plan 2004.</p>
7	<p>Prior to first occupation of the dwelling hereby approved, all on site vehicular areas shall be surfaced in permeable paving or tarmacadam or similar durable bound material. Alternatively, other measures and arrangements shall be made for surface</p>

	<p>water and gravel from the site to be intercepted and disposed of separately so that it does not discharge into the highway.</p> <p>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.</p>
8	<p>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.</p> <p>For the purposes of this condition:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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 Core Strategy 2013.</p>
9	<p>All remediation or protection measures identified in the Remediation Statement referred to in Condition 8 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.</p> <p>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.</p> <p>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 Core Strategy 2013.</p> <p>Highways Advisory Notes</p>

AN1) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN2) 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.

AN3) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN4) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

#### Contamination Advisory Notes

AN1) 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)

AN2) 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.

	<p>Environmental Health Advisory Notes</p> <p>AN1) 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.</p> <p>Ecology Advisory Notes</p> <p>AN1) Bats and their roosts are protected at all times under domestic and European law. Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.</p>
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## Appendix A

### Consultation Responses

#### 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.

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

#### Bovingdon Parish Council

No objection in principle to two semi-detached properties but current proposals do not provide sufficient parking. If the whole width of the plot was utilised for this proposal then adequate parking could be provided and it would not overlook Parkhurst as the current proposals do.

#### *Comments on amended plans*

The amended plan merely deals with the parking and manoeuvring of vehicles, and is in our view still unsatisfactory. Please see our earlier submissions on this scheme.

#### 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 recommends that permission be refused for the following reasons:

The Highway Authority recommends the application to be refused on inadequate information on potential intensification of the development of the site and use of the existing access arrangement which was designed and built for a single dwelling with two car parking spaces.

#### Application Site:

The application site is Greymantle, Hempstead Road, Bovingdon, HP3 0HP. Greymantle is a detached property with some landscaped area and parking in front. It has an entry and exit arrangement which enable the vehicles to enter and leave the site in forward gear.

Hempstead Road is B4505, a secondary distributor road with 40mph speed limit near the location of the application site. There are no visibility issues regarding the existing access junctions with Hempstead Road. There are no on-street parking restrictions, but all properties have adequate on-site parking provision. Highway capacity and safety The traffic flow data along Hempstead Road near the vicinity of the site shows that the flow is fractionally higher than the Annual Average Weekday Flow for a "B" road in Hertfordshire.

#### Existing Access arrangement

It has an entry and exit arrangement which enable the vehicles to enter and leave the site in forward gear. Hertfordshire County Council vehicle crossover guidance is not to allow separate entry and exit for a single dwelling unless there is a safety concern. The existing arrangement at Greymantle was offered only for vehicles to enter and exit the site in forward gear and it was in the interest of highway safety.

#### Planning History

#### Proposed Front Application

Applicant is in discussion with the planning authority to redevelop the existing Greymantle Site. This planning application is for demolition of existing garage and side/rear extension and construction of two –storey side extension and part single, part two storey rear extension; conversion from single dwelling into a pair of semi-demi detached properties (total 2 units). The applicant proposal is to provide a total of 4 car parking spaces two spaces for each property. The parking spaces are to be provided at the front of the property. The parking layout shows that all vehicles either need to reverse in or reverse out on to the public highway. This proposal is an intensification on the use of the existing access. Considering the application in isolation, the highway response was as below:

The applicant has failed to show that there is sufficient manoeuvring space to allow vehicles to enter and leave the site in forward gear.

The applicant is required to provide computer generated swept path assessments of the proposed development for the internal layout and for new site access arrangements to ensure that servicing, refuse, and emergency vehicles can access the development site.

Computer-generated swept path assessments are also required for the proposed parking spaces to demonstrate that the largest vehicles intended to access the parking spaces can safely access and egress in a forward gear.

#### Rear Development Application

The rear development proposal is to provide two chalet Bungalows on a land rear to Greymantle. The proposal also includes additional 4 parking spaces. The key issue is the internal layout. The applicant is proposing to provide 4 car parking spaces. Is it feasible to manoeuvre in/out of parking spaces safely? This application is also considered in Isolation.

#### Impact of Combined Development

Each application is considered in isolation, but the proposal is to use the existing access/egress which was permitted for a single dwelling with potential for 2 car. The combined development will result in minimum of 8 car parking spaces with a conflicting entry and exit access arrangement. This is a significant intensification on the use of existing site and access/egress arrangement. There is no law against how many cars an individual or property could own. After construction of the developments the owner/occupiers may decide to own more than allocated parking spaces.



## Conclusion

It is important that the applicant should take a holistic approach in the development of the whole site in the interest of people living in the development and the impact on local highway network. The proposed development of the existing dwelling and the proposed development at the rear of the property should be supported by a Transport statement setting out a. Proposed intensification of the use of the site against existing situation b. Proposed peak hour trip generation and the potential impact on the local road network c. Computer-generated swept path assessments for the access arrangements, particularly for the access adjacent to the existing garage which is likely to be used by 6 vehicles. d. Conflicting internal vehicular movements. e. The proposals should be supported by a stage 1 safety audit f. Accessibility to the site by all modes of transport. The development is residential neighbourhood, but the proposal is a significant intensification when compared to existing.

## Recommendation

The highway authority recommends the application to be refused for the above reasons.

## Further comments

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

The highway response is same as the previous response for the above application. In transport terms this application should be considered in conjunction the applicant's proposed development at the rear of the property, bus using the same access and egress.

## ***Comments on amended plans***

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

Condition 1:

Before being brought in to use the new parking areas hereby approved shall be either surfaced in permeable paving or surfaced in tarmacadam or similar durable bound material or other measures and arrangements shall be made for surface water or gravel from the site does not discharge in to highway.

Reason: To safeguard the interest of highway safety.

Advisory Note.

Informative:

I recommend inclusion of the following advisory note to ensure that any works within the highway are to be carried out in accordance with the provisions of the highway Act 1980.

New or amended crossover – construction standards

AN1) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and

specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

#### Storage of materials

AN2) 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.aspxor> by telephoning 0300 1234047.

#### Obstruction of the highway

AN3) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

#### Mud on highway

AN4) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

#### Application Site :

The application site is Greymantile , Hampstead Road, Bovingdon HP3 0HP. Greymantile is a detached property with some landscaped area and parking in front. It has an entry and exit arrangement which enable the vehicles to enter and leave the site in forward gear.

Hampstead Road, Bovingdon. Hampstead Road is B4505, a secondary distributor road with 40mph speed limit near the location of the application site. There are no visibility issues regarding the existing access junctions with Hampstead Road. There are no on-street parking restrictions, but all properties have adequate on-site parking provision. Highway capacity and safety The traffic flow data along Hampstead Road near the vicinity of the site shows that the flow is fractionally higher than the Annual Average Weekday Flow for a "B" road in Hertfordshire.

## Proposed Application

Applicant is to redevelop the existing Greymantle Site. This planning application is for demolition of existing garage and side/rear extension and construction of two –storey side extension and part single , part two storey rear extension; conversion from single dwelling into a pair of semi-demi detached properties. (Total 2 units) . The applicant proposal is to provide a total of 4 car parking spaces two spaces for each property. The parking spaces are to be provided at the front of the property.

The parking layout shows that vehicles either need to reverse in or reverse out on to the public highway. Altering the existing entry/exit arrangement for vehicles to enter and leave the site in forward gear is a disadvantage on the existing use of the site. The applicant proposal is not to alter the existing access/egress arrangement.

### Recommendation:

The applicant is proposing to add two residential units on the land rear of Greymantle. Highway Authority has concern over the combined impact of the traffic movement at the access/egress points. However, there is no permitted development on land at the rear of the site. Considering the current application in isolation, the Highway Authority does not wish to restrict the grant of consent.

## Environmental and Community Protection

Thanks for contacting the Pollution and Environmental Protection Team in respect of the above planning application 4/01390/18/FUL for the demolition of existing garage and side/rear extensions and construction of two-storey side extension and part single, part two-storey rear extension; conversion from single dwelling into pair of semi-detached properties (Total 2 Units).

Please be advise that we have no objection to the proposed development as it relates to Noise, Air Quality and land contamination.

However, with the proposed development located in between 60 – 100m of two former contaminated land use i.e. former petrol station and a garage, 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.

Therefore, the construction of the development shall only be carried out in accordance with the approved Construction Management Plan which 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.
- i) Construction or Demolition Hours of Operation
- j) Dust and Noise control measure
- k) Asbestos control measure where applicable

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). 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.

I hope the above clarify our position on the submitted application?

Should you have any further query in respect of the application, please do not hesitate contact me on Ext 2719 quoting Flare reference 555281.

### **Bovingdon Action Group**

BAG has no objection in principle to two semi-detached properties on this site; however this proposal does not provide the required parking and there is no on street parking in this area. To make matters worse the proposed access to and from the very busy Hempstead Road is unsafe. Had the entire width of the property been fully utilised then parking and access would not be a problem.

We also request that if the parking problem can be resolved, by condition, construction of a third housing unit / inappropriate backland development on the site is prohibited as based on the current 'site and block plan' that has been submitted and the two rejected applications this continues to be a core objective of the applicant.

### **Ecology**

I am not aware of any notable ecological interest at this address but as modifications to the roof space are proposed, bats that rely on the property to roost or shelter could be adversely affected; bats are active in the area and probably forage around houses on Hempstead Road. Bats are protected under domestic and European law and, in general terms, it is an offence to disturb or harm a bat, or, damage or obstruct access to a roost.

However, the age, design and condition of the building suggest that the likelihood of bats roosting or sheltering in the building is slight and, therefore, a precautionary approach is appropriate. Consequently, I recommend that the following **Informative** should be added to any consent:

*“Bats and their roosts are protected at all times under domestic and European law. Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.”*

### **Appendix B**

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

##### **Rose Cottage, Hempstead Road, Bovingdon, HP3 0HF**

We write as the owners of 'Rose Cottage' whose garden runs into the back of 'Greymantle'.

We understand that a further planning application has been received, although we received no notification from Dacorum Borough Council of application 4/001390/18/FUL. Furthermore, in addition to the previous 'refused' applications (4/02926/17/FUL and 4/00282/18/FUL) there has once again been no consultation offered by the applicant.

Further to planning application 4/001390/18/FUL we wish to object on the basis there is insufficient information submitted within the planning application to form a qualified opinion.

The plans submitted do not include scale, elevation or directional detail. There is no indication of the materials to be used or any indication of its general appearance in relation to the character of the current property and those of neighbouring properties.

The drawings have not been produced by a qualified architect and are of very poor quality.

'Greymantle' is an impressive and imposing property and the plans submitted do not provide any reassurance that the development will be sympathetic to the property and its environment.

We also have reservations regarding the proposed parking for two 3-bedroom properties. We assume that vehicles will be parked on a driveway to the front of the property, however as we know from our own personal experience, there is insufficient space for turning where there are 2 cars on the driveway. Although Hempstead Road is a 30mph zone, many cars accelerate hard from the roundabout and frequently travel past these properties at 40 – 50mph as there is no policing or speed cameras. Trying to reverse into or out of these driveways is always high risk and such an arrangement for a new development must surely be considered highly unsatisfactory.

There is also no detail of the garden and landscaping arrangements for the proposed two dwellings. The applicant has already caused significant distress and permanent damage to the boundary hedges and trees, to include the removal of an impressive cherry tree.

For the record, we are not averse to appropriate development and conversion of 'Greymantle' into two dwellings of a semi-detached nature. However, such development must be appropriate to its environment and be of a high standard, both in terms of design and materials utilised. The current application falls short.

We also ask for your confirmation, that should permission be granted for development of Greymantle into a semi-detached property, that there will be no further development permitted on this site, as this is clearly something of an intent based on the applicants two previous rejected applications.

### **Parkhurst, Hempstead Road, Bovington, HP3 0HF**

Firstly, we received no correspondence from the council about this application.

We object to this development on the basis that it still retains the right to build a dwelling in the garden which in our opinion is over development of this property and garden infill which we have previously strongly objected to.

The development of Greymantle into two semi-detached properties is in itself a sensible proposal however we have a few points to raise:

- the plans still allow for the over development of the garden.
- the front door on the left-hand property is just 1 metre from our boundary which seems insufficient.
- we prefer for the chimney breasts to be retained to retain consistency with other properties on

the road.

- the plans do not appear to be completely to scale so we advise the thorough checking of the measurements.
- greater clarification of the parking and driveway at the front would be good.
- privacy and boundary wall next to Ivydene to be maintained.

## **Ivydene, Hempstead Road, Bovington, HP3 0HF**

### Introduction

We are the owners of the house known as 'Ivydene' and as immediate neighbours to the proposed development.

For the record neither us or the other immediately adjoining owners, Parkhurst, received letters of notification from Dacorum Borough Council of this application ("the current application"). In addition, there has again been a woeful lack of consultation by the applicant with ourselves, or any other neighbour, about this proposal.

We refer to our previous letters dated 30<sup>th</sup> November 2017 & 2<sup>nd</sup> March 2018 in connection with previous applications reference 4/02926/17/FUL ("the Original Application") & 4/00282/18/FUL ("the Amended Scheme" which were refused by Decision Notices dated 22 January 2018 and 18<sup>th</sup> June 2018 respectively. Our earlier letters set out our objections to the Original & Amended Schemes in detail. The matters raised in this letter are in addition to and supplement to those raised in our previous letters which also apply in many respects to the current application.

We OBJECT to the current application primarily on the basis that the applicant is retaining the option to develop the land to the side/rear of the Greymantle which would be contrary to Policy CS10 and harm the open and green character/appearance of the area and soft edge that exists between the between the built-up environment and the Green Belt which immediately adjoins this site.

We would have no objection in principle to a sympathetic conversion of Greymantle into two semi-detached houses provided that such an application does not leave the possibility of additional backland development, which in addition to the reasons for refusal set in the previous Decision Notices would constitute a gross overdevelopment of the site.

It is plain to see that both the Original Application and the Amended Application were contrived to try and develop a site which is wholly unsuitable for development. The backland site should be incorporated into the plots for the semi-detached houses to be created from the conversion of the main property. This is the only way to make them viable and attractive family homes suited to the village surroundings and preserving the soft landscape adjoining Green Belt land.

However, the current application as it stands is inadequate and like the earlier applications lacks many essential details.

Accordingly, it is requested that the current application as it stands should be refused.

Turning to the substance of this application as currently presented, if it is not refused on the above basis then: -

We OBJECT on the grounds of; -

- Overlooking/loss of privacy

- Adequacy of turning/parking and highway/access problems.
- Detrimental impact upon residential amenities
- Design, appearance and type of materials
- Loss of Light or Overshadowing

In addition to which there are several other matters which must be taken into account when considering this proposal.

### Summary of Planning Policy Considerations

Applications for development should be considered in terms of national and local planning policy. In this regard there is a considerable quantity of planning policy to which regard must be had in the consideration of this particular application, but we summarise some of the main points below:

#### a) National Position

Relevant National Planning Policy appears in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) of March 2014 onwards. Attention is drawn to the following:

- *“Local planning authorities must determine planning applications in accordance with the statutory Development Plan “, as well as other material considerations, such as statements of Government policy, including the NPPF (NPPF paragraphs 2, 11 & 210 and the NPPG).*
- According to paragraph 14 of the NPPF *“at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking”*. The Planning System should facilitate sustainable patterns of development and provide for new development in a way which is consistent with the aim of enhancing ‘quality of life’. Planning plays an ‘environmental’ role in relation to protecting the built environment and it is one of the *“Core planning principles”*, underpinning decision making that the planning system always ought to *“seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”* (throughout the NPPF, see paragraphs 7 & 17).
- The NPPF says that outcomes of planning affect everyone and full involvement of the community is essential to the achievement of sustainable development and inclusive communities. It continues *“the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions”*. According to the NPPF, *“applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably”*. Consultees’ views are also *“important”* according to the NPPG and as they *“may be able to offer particular insights or detailed information which is relevant to the consideration of the application”* (NPPF, paragraphs 66 & 69 and NPPG IDs 15-003-20140306 & 15-007-20140306: Last updated 06 03 2014).



- Although there is a drive to boost housing development within the NPPF, this should not be at the cost of the living conditions or amenities of existing residents. Annex 2 of the NPPF defines what is meant by ‘previously developed land’, but the definition does not include “*private residential gardens*”.
- More generally, “*the Government attaches great importance to the design of the built environment. Good design [which goes beyond just ‘aesthetic considerations’] is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*”. Development of poor quality “*should be refused*” and “*local distinctiveness*” should be promoted and reinforced. The message regarding the importance of design, the promotion of local character and the reinforcement of patterns of development also appears in the NPPG. The NPPG states that “*the successful integration of all forms of new development with their surrounding context is an important design objective, irrespective*” of its location. Beneath the title “*why does good design matter?*” the NPPG states “*Good quality design is an integral part of sustainable development*”. The Guidance continues “*the National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, planmakers and decision takers should always seek to secure high quality design. Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations. Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use – over the long as well as the short term*”. Accordingly, “*good design should: ensure that development can deliver a wide range of planning objectives, enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing address the need for different uses sympathetically*”. “*Design and Access Statements provide a flexible framework for an applicant to explain and justify their proposal with reference to its context*” (NPPF, paragraphs 56, 60, 61 & 64 & NPPG Section IDs 18a-012-20140306, 26-001-20140306; 26-002-20140306 & 26-007-20140306: Last updated 06 03 2014).
- Paragraph 32 of the NPPF requires “*safe and suitable access to the site can be achieved for all people*”.

#### b) Development Plan Policy

The ‘Development Plan’ for the area is made up of the remaining ‘saved’ policies of the Dacorum Borough Local Plan (DBLP) which was adopted in 2004 and the Dacorum Core Strategy (DCS) adopted 2013. The application site falls within the scope of Bovingdon Village, although the subject land immediately adjoins the Green Belt boundary.

DCS Policy NP1 “*Supporting Development*” states that the Council “*will take a positive approach to the consideration of development proposals, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework ....proposals which accord with the development plan will be brought forward and approved unless material considerations indicate otherwise*”. A ‘footnote’ to this policy advises that “*planning permission can be refused if:- there are specific policies in the National Planning Policy Framework (NPPF) which indicate development should be restricted, or there are adverse impacts which would demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole*”.

DCS Policy CS4, entitled “*The Towns and Large Villages*” covers Bovingdon and states “*in residential areas appropriate residential development is encouraged*” [our underlining].

In relation to the “*Density Of Residential Development*”, DBLP Policy 21 states “*for sites at the edge of an urban area, special attention will be paid to the effect of development density on open countryside and views. In such locations proposals will be expected to retain existing trees and hedges and incorporate appropriate landscaping in order to achieve a soft edge to the countryside*”.

“*Infrastructure Provision And Phasing*” is covered by DBLP Policy 12 and states that account will be taken of local infrastructure capacity to accommodate new development. “*Development will be permitted where it can be clearly demonstrated that the necessary infrastructure already exists or can be provided, at reasonable cost and without adverse economic, environmental or social impact, prior to the occupation of the development*”

DCS Policies CS10 (“*Quality of Settlement Design*”), CS11 (“*Quality of Neighbourhood Design*”) and CS12 (“*Quality of Site Design*”) all require a high quality of design in new development. In particular, development should “*respect defined countryside borders and the landscape character surrounding the town or village; reinforce the topography of natural landscapes and the existing soft edges of towns and villages....respect the typical density intended in an area and enhance spaces between buildings and general character...*”.

According to these three policies, each individual development should also:

*“provide a safe and satisfactory means of access for all users; avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties; retain important trees or replace them with suitable species if their loss is justified; plant trees and shrubs to help assimilate development and softly screen settlement edges”.*

DCS Policy CS9 (“*Management of Roads*”) and DBLP Policy 51 (“*Development and Transport Impacts*”) both say that special care will be paid to the effect of development upon the “*safety and environmental character of country lanes*”. DBLP Policy 58 “*Highway Design*” expects current national and local standards for highway design, access and servicing to be met by new development. Policy 58 also normally expects residential “*Private Parking Provision*” to be met on site.

The Council produced Supplementary Planning Guidance (SPG) regarding “*Development in Residential Areas*” and although it is only intended to relate to the Borough’s established towns (and not the villages), it is interesting for what it says at paragraph 2.6.5, regarding “*tandem development*”. The SPG notes that although this is “*a common form of backland development...[it is] certainly the most inefficient, problematic and unsatisfactory....It is the Council’s view that this is a generally unsatisfactory form of accommodating new housing*”.

In the light of the above policy, our specific objections and concerns to this application as it stands are as follows:

- Overlooking/loss of privacy

The demolition of the garage will cause an issue for us on overlooking and loss of privacy. The garage wall currently forms the boundary wall between Ivydene and Greymantle. It is a substantial brick-built wall which supports our fence and gate separating the front of our property from the garden/amenity space at the rear.

The current application lacks any detail about what boundary features are to replace the garage and the boundary wall it creates. It should be of a similar nature in substance and height to the existing brick wall (currently measuring 2.26 metres) to provide us with the same security and privacy that we have at present. We have other issues concerning the demolition of the garage and safety of those works which we shall discuss further below under the heading Other Matters.

Although under the new plans there are less windows on “our side” of Greymantle we would like the side window on the first floor to be either fully or partially obscured glass, like that on the ground floor to prevent overlooking. It appears that the proposed new window will be larger and be in a bedroom which will have more use than the existing side/rear bedroom window. Currently, the small bedroom window serves a small side/rear bedroom of a large five-bedroom single property as opposed to a small three-bedroom house which will no doubt be fully occupied. The only other window currently on the first floor of Greymantle serves the main bathroom and is therefore obscured glass.

There are also proposed to be several other new windows to the rear of Greymantle where at present there is only one overlooking our garden to the rear. Our garden is raised and the boundary wall (which is Greymantle’s responsibility) should be extended in height for the privacy of both us and the occupants of the new properties as it is not sufficient at present.

The design of the proposed development in the current application as it stands does not afford adequate privacy for us or of adjacent residential properties, particularly regarding ours and their right to the quiet enjoyment of garden amenities. The outcomes of planning affect everyone and the Planning System plays an important part in creating healthy and inclusive communities (NPPF, paragraphs 66 & 69). Notwithstanding the NPPF’s ‘expectation’ (see paragraph 65) that applicants work closely with those affected by their proposals there has been a woeful lack of consultation by the applicant with ourselves, or any other neighbour, about this proposal.

#### 1. Adequacy of parking/turning & highway/access problems

The current application lacks detail in showing exactly how the frontage of Greymantle will accommodate the parking and turning arrangements that the applicant describes in the Design and Access Statement.

The Design and Access Statement details four off-road parking spaces to serve the newly formed semi-detached properties. We believe that the proposed development does not provide sufficient parking spaces to meet its actual requirements. There is insufficient parking for two, three-bedroom houses, which require at least 2.25 spaces each making a total of 4.5/5 spaces.

Under the current driveway arrangement i.e. a carriage driveway and existing access points there is not room for four or five cars to park and individually turn to exit the driveway in forward gear, which is required as Hempstead Road is a classified B road. Use of both access points together is required for this to be achieved. Even if there was space for four or five cars the occupants of a single property would be able to manoeuvre the cars to exit the driveway by agreement amongst themselves. This will

not be possible for two separate households to arrange. Therefore, the applicant must have some changes in mind for the driveway and access point serving each property and exactly how this would work in practice. No information or measurements are detailed in the plans, so how can such statements or arrangements be properly assessed by the planning authority or Highways?

Each of the proposed properties is 6 metres in width according to the plans provided. The idea of a 6-metre turntable (in addition to four parking spaces) shows the desperation of the applicant to a situation which is impossible to deal with. It is not a suitable solution at all. It will be noisy and inconvenient for our neighbours at Parkhurst, the occupiers of the new semi-detached properties and us and other neighbours. It is more suitable to an underground car park in a built up urbanised area of Central London rather than a modest house in Bovington.

The other suggestion that the semi-detached house on the right-hand side can use the space created by removal of garage to turn within and exit in forward gear is unrealistic as that space is only four metres wide, which is the same as the adjacent part of our driveway which does require all the space in front of our house to be used to turn and exit our own drive in forward gear. There is not enough room outside the right-hand house for such turning arrangements plus two parking spaces. In previous applications the applicant has suggested that the garage be replaced by solid wooden gates and the remainder used to form an access road to any proposed development at the rear, making this space unavailable for use in any event unless the idea of any development at the rear is abandoned.

From our own experience, Highways only allow 6 kerbstones per access point, per property, therefore a driveway cannot be created across the full width of Greymantle to allow cars to individually reverse out into Hempstead Road using all the spaces the applicant describes. As a result, the applicant needs to demonstrate to the planning authority and Highways that there is sufficient space for parking and turning within the frontage of Greymantle. The applicant has not demonstrated at all how the parking and turning is workable on the driveway using the current access points. It is the responsibility of the applicant to provide to the planning authority proper details of parking provision and whether there will be any impact on the highway. In this case the applicant says he is providing 4 spaces. But it is not clear whether they are compliant in terms of size and dimensions for parking spaces/bays under the Saved Appendices which deal with such matters. It is Highways responsibility to check whether the parking spaces and driveways are compliant with their relevant policies.

The very basic plans submitted with the application do not show how the access to the busy Hempstead Road is to be formed, in relation to visibility splays and sight lines and therefore it is unknown whether a safe and workable access can be made to serve two properties in place of one single property (see NPPF, paragraph 32 as well as the

Development Plan in policies such as DCS CS9, CS10, CS11 & CS12 or DBLP 51 & 58).

There is no availability of on street parking. The proposal reduces the amount of legitimate car parking on the site to an unacceptable level. Insufficient parking space will adversely affect the amenity of surrounding properties through roadside and pavement parking on Hempstead Road, a very busy and overused B road which reduces the available road width to the detriment of road safety.

The increased demand that the proposed new semi-detached houses would add combined with the restricted turning and access arrangements outlined above, will present a serious threat to highway safety.

## 2. Detrimental impact upon residential amenities

To be considered sustainable development must be consistent with the NPPF's core aim of enhancing "*quality of life*".

The applicant's proposed development of the entire site will almost certainly have a detrimental effect on our residential amenities. The noise, light, pollution and disturbance resulting from use will be detrimental to our use and enjoyment of our home and garden. There will be a considerable increase in noise and disturbance from use if the single plot which currently exists is turned into even two or three households.

is To attempt to make four or even three properties out of a single modest plot of land  
quite clearly a gross overdevelopment of the site. This is demonstrated by the fact  
that the proposed garden amenity space for the proposed semi-detached properties is  
pitiful and inadequate and not suitable for three-bedroom family homes.

family The development of three-bedroom family homes require significantly larger garden  
space than is proposed as detailed in Saved Appendix 3 of the Local Plan 2004 which  
outlines a minimum depth of 11.5 metres, with a larger garden depth required for  
homes.

detail The proposed gardens of each of the semi-detached properties appear (again no  
is provided in the plans) to be only 72 m<sup>2</sup>, 12 metres in depth (bare minimum) that  
the applicant describes in the Design and Access Statement and a width of  
approximately 6 metres i.e. the width of the proposed houses according to the scale  
on the plans provided. Such a garden would only be suitable for a one or two-bedroom  
cottage, not a three-bedroom family home.

gardens The gardens are not comparable with anything else on Hempstead Road. The  
are only half the size of our small garden which is 141 m<sup>2</sup> including our patio area  
and

semi- detached houses. As you know the majority of the gardens on Hempstead Road including Parkhurst, Homeland and Purbeck incorporate the strip of land to the rear of the properties which was sold in the 1960's and so are at least twice the length of the proposed gardens.

still The new gardens would benefit from the addition of the garden land to the rear up to the Green Belt boundary, which would also have the benefit of preserving the soft edge of the countryside/greenbelt under Policy CS10. The gardens would only be equal in length to most of the other properties on Hempstead Road. The existing garden land behind all of the properties on Hempstead Road including Greymantle, Ivydene and Rose Cottage acts as a visual buffer between the open countryside/Green Belt land at the linear building pattern on Hempstead Road and should therefore be preserved as garden land at all cost.

There is no indication of where the refuse/bins are to be stored on the proposed development or how they will be able to pull their wheelie bins to the kerbside if no side access will be provided. The access points at the front is going to cause problems on collection day. The residents of the new properties would have to put their bins out at the front on Hempstead Road for collection. There will be at least four extra wheelie bins which will either block the access points and/or parking spaces or cause a nuisance for us, our neighbours and pedestrians if they are left on the pavement.

The local infrastructure is already stretched and DBLP Policy 12 requires evidence that there is local capacity (or that the necessary infrastructure can be provided) "*prior to occupation of the development*". More large family homes plus whatever is likely to happen with the development of the land to the rear in addition to other infill development and future planned development in Bovingdon will place an unconscionable burden on the school, doctors, refuse collection and this already busy and noisy stretch of Hempstead Road.

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

It is a core principle of the Planning System that a high quality of design is sought and development of poor quality "*should be refused*" (NPPF paragraphs such as 7, 17 & 64.

existing The current application as it stands is poorly presented and lacks essential detail. To begin with, none of the submitted drawings correctly reflect the house OR adjoining properties; the plan for the footprint of the existing house and proposed footprint of the new internal layout which are supposed to be on the same scale do not overlay exactly as you would expect them to.

that When overlaying the plans using the bay window as a matching point it appears

removed supporting and external walls to the side of Greymantle appear to have been  
shown altogether or moved outwards in to a different position. The original staircase is  
applying in a different position. The plans are amateur, have not properly thought out  
architect. common sense and were certainly not prepared by a professional builder or

alternations On this basis how can the current application and planned extension and  
boundaries, for Greymantle be evaluated as the plans are not to the same scale despite stating  
dimensions or that they are, they bear no relation to the surroundings or distances from  
regulations/building windows, walls etc for either Parkhurst or Ivydene? There are no room  
of structural information about how supporting and external walls can be removed and  
the still support the roof! The loft space needs to be divided for fire  
regulations about which there is no information. Therefore, the plans are not worth  
any further comment and surely must be rejected as inadequate.

No topography report has ever been provided with any application made by the applicant. There is no bearing to the street scene to what is around it. As mentioned about not details of parking/turning/access arrangements have been provided

No Tree Survey has been provided with the application and the proposed development as it stands fails to consider the soft edges to the village and will be injurious to the adjoining Green Belt land.

There is a cherry tree on the driveway which is probably significant and should be retained given that all the other trees including a very large and mature cherry tree were removed from the rear garden before the Original Application was made. I understand from the previous owner that the house was called "Cherry Trees" at one time which is likely to have reflect the history of the land on which Greymantle and all the houses on this row stand being an old fruit orchard. Greymantle used to and other houses in this row still do retain some of the original fruit trees. It would be a shame for this surviving tree on Greymantle to be lost.

The current application is poorly designed, unrealistic and fails to consider the actual size and siting of the existing house. All this this paints a very concerning picture. The lack of considered detail and clarity, gives no confidence that should the application be granted, that the constructed scheme would be structurally sound, safe for occupation or even reflect the approved drawings as they are so very vague. These plans should not be approved in the current form and it is doubtful whether the planning authority should have validated this application.

The lack of clarity, deliberate lack of detailed information, lack of landscaping

proposals (and other supporting information) mean that we strongly urge the  
planning authority to consider refusal of this application, at the very least until much more accurate, detailed and informative/definitive proposals and plans have been submitted.

The poor quality and inappropriate plans, coupled with the failure to consider matters such as topography and the protection of the “*soft edges*” to the village would also be injurious to the adjoining Green Belt (see DCS Policies CS10, CS11 & CS12 as well as DBLP Policy 21).

#### 4. Loss of Light or Overshadowing

On the basis that what is built is what is represented on the basic plans then there should not be an issue with loss of light and overshadowing for us at Ivydene as the plans show that the property even with the new rear extension will not come out any further in to the garden than the present rear extension does. However, for reasons explained above and the vagueness of the plans, no confidence is placed on these. However, it is likely that the applicant will not want to shorten what is already an extremely shallow garden.

#### 5. Other Matters

##### Demolition of the garage at Greymantle

If the garage is to be demolished, then this must only be done under planning permission/building control. It forms a party wall boundary at present. We are also concerned that due to the date of construction 1950s/60s that there is likely to be asbestos present and that the legal requirements for the safe removal of this are observed in its demolition by the applicant. We ask that this should be a condition of any planning permission and/or unless the applicant can provide a satisfactory and professional, up to date survey confirming that there is no asbestos in the garage or indeed the side and rear extensions. If asbestos is found, then suitable guarantees must be put in place to arrange its proper removal and disposal at the expense of the applicant.

We use the side access as our main entrance and exit to our property. We are concerned about the safety and security of our property during the demolition of the garage and any subsequent building works to the main house at Greymantle. We would require the applicant and/or building control to carry a professional assessment and put in place such health and safety requirements, at the expense of the applicant, as are necessary to prevent any loss of security, privacy and safety to our property and family for as long as any building works are taking place and so as not to inconvenience our use and enjoyment of our home, garden and driveway.

##### Ground stability and drainage

The land is graded, and subsidence noted as moderate to high risk in the area meaning that specialist advice on planting or removal of trees, changing drainage or carrying out building works should be obtained before any works are carried out. Any excavation



work for the foundations of the proposed extensions could have a serious adverse impact upon the stability of the existing structures. We have serious concerns about the impact that such works could have on the stability of our own adjoining property.

A large mature tree has already been recently removed from the site prior to the submission of the planning application. Other large trees along the boundary with the Green Belt Land at Duck Hall Farm have been crudely cut back and may have been damaged.

We have concerns about the impact of the proposed development on surrounding properties in terms of drainage as well as ground stability.

Drainage is probably only adequate at present due to permeable nature of the site. The increased building coverage and tarmac for road/parking will reduce the permeable nature of the site. This together with graded nature of the site will have adverse effect on drainage for Ivydene and surrounding properties including land at Greymantle.

We understand there is a well in the garden at Greymantle. This indicates a shallow and accessible aquifer/groundwater table. The property and area has limited potential for groundwater flooding.

Specialist advice on the above issues should be obtained at the cost of the applicant and this should be a condition of any planning permission being granted.

## 6. Conclusion

*Planning permission should be **refused** where an application proposal:*

- 7. fails to meet the terms of the 'Development Plan';*
  - *fails to meet the terms of Government policy;*
  - *fails to respect the character or appearance of its local surroundings,*
  - *is incompatible with meeting the national and local objectives of securing sustainable development;*
  - *will cause harm to interests of acknowledged importance, in particular local residential amenity; and*
  - *fails to provide all the information essential to its determination.*

The option for further development of the back garden should not be permitted to be retained in view of the limited access and for the reasons set out in the Decision Notices made in respect of the Original and Amended Applications in respect of this site. In this instance the applicant should be restricted to a sympathetic development of the main house only as one property or two semi-detached properties incorporating the additional garden land up to the boundary of the Green Belt land.

As outlined above the current application is lacking in essential detail in respect of the adequacy of turning and parking and design, appearance and type of materials. It is presently

likely to have detrimental impact on residential amenities as well as the other planning and non-planning concerns outlined above.

Accordingly, it is requested that the application in its current form be refused.

We would be grateful if the council would take our objections and comments into consideration when deciding this application.

*Comments on amended plans*

I wish to confirm our continuing objections to this application as set out in our earlier letter dated 25th June in so far as they still apply, which they do on the whole, except maybe for the provision of the larger gardens as detailed in the latest plan (posted 29th July).

**Homeland, Hempstead Road, Bovington, HP3 0HF**

Application assumes further development in back garden excluding this land and access to it thus insufficient provision for parking. Most properties in Hempstead Road have space to either turn a car or park 3 or more cars which has become necessary as traffic has increased. Frontage would then all have to be hard standing. Most other properties have kept some front garden to keep a pleasant appearance to the road. Volume of traffic necessitates off road parking and more back garden space than in quieter roads. Almost all other houses in Hempstead Road have gardens going back to the field hedge. Planned houses would have less garden than any other house in road. From plans it seems possible to add 4th bedroom in the roof which would add to requirements. Greymantle is an attractive property with good parking and spacious garden previously well kept. Replacing this with smaller houses with minimal parking and garden is clearly detrimental to character and quality of the area.

*Comments on amended plans*

I confirm my opposition as previously stated. The amended layout still shows insufficient parking for the left hand property (parking A1 and A2) . The right hand property is also shown with two parking spaces in front of the house. The side vehicular access to the back garden is kept clear, strongly suggesting intentions for future back garden development.

If Greymantle is to be divided into two, it would be preferable to have side extensions set back from the front to allow for extra parking/turning space at the side of each house, as is the case at Ivydene.

**Purbeck, Hempstead Road, Bovington, HP3 0HF**

I do not believe the proposal is in keeping with the area, I feel it will encroach on my privacy and is massively over developing the site.

Please consider my views accordingly.

**4/00335/18/FUL PART DEMOLITION OF EXISTING SIDE EXTENSIONS AND CONSTRUCTION OF NEW 3-BED DETACHED DWELLING.**

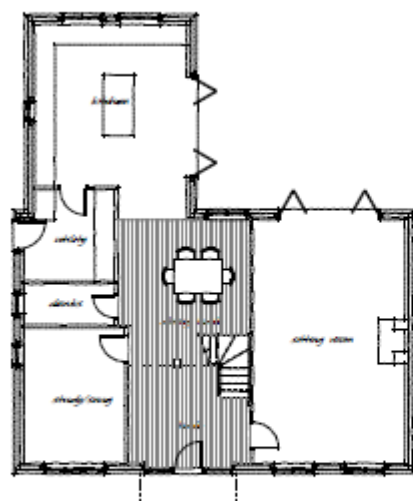
**3 GAVESTON DRIVE, BERKHAMSTED, HP4 1JE**



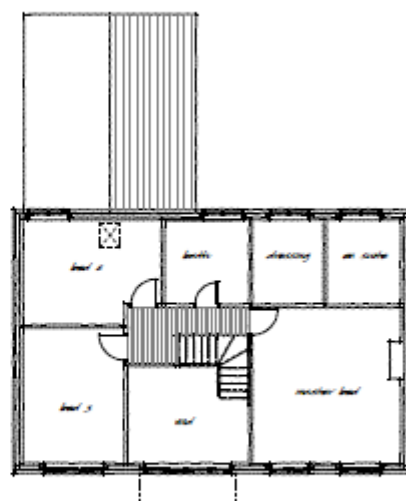
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**4/00335/18/FUL PART DEMOLITION OF EXISTING SIDE EXTENSIONS AND CONSTRUCTION OF NEW 3-BED DETACHED DWELLING.**

**3 GAVESTON DRIVE, BERKHAMSTED, HP4 1JE**



Ground Floor A11 10.0 m2  
Total A11 10.0 m2 of 100 sq ft



First Floor A11 22.2 m2

<b>4/00335/18/FUL</b>	<b>PART DEMOLITION OF EXISTING SIDE EXTENSIONS AND CONSTRUCTION OF NEW 3-BED DETACHED DWELLING.</b>
<b>Site Address</b>	<b>3 GAVESTON DRIVE, BERKHAMSTED, HP4 1JE</b>
<b>Applicant</b>	<b>Mr &amp; Mrs Shaylor, 3 GAVESTON DRIVE</b>
<b>Case Officer</b>	<b>Elsbeth Palmer</b>
<b>Referral to Committee</b>	<b>Due to contrary view of Berkhamsted Town Council</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**.

## **2. Summary**

2.1 This application seeks full planning permission for part demolition of existing side extensions and construction of new 3 bed detached dwelling with off street parking for two vehicles.

2.2 The site is located within a designated residential area of Berkhamsted wherein the principle of development is acceptable in accordance with Policies CS4 and CS17 of the Core Strategy (2013).

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 Policies CS 11 and 12 seek to ensure quality in neighbourhood and site design. 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 reasonably diverse.

## **3. Site Description**

3.1 The site comprises a two-storey detached dwelling with a single storey side extension and car port on a corner plot between Gaveston Drive and Trevelyn Way, Berkhamsted. The plot benefits from off-street parking, comprising a double driveway. The plot also benefits from fairly sizable front and side gardens but has a limited garden depth. The property itself is characterised by a pitched roof, red brick, plain tiles and white uPVC.

## **4. Proposal**

4.1 This application seeks full planning permission for part demolition of existing side extensions and construction of new 3 bed detached dwelling with off street parking for two vehicles.

## **5. Relevant Planning History**

4/00334/18/FHA PART DEMOLITION OF EXISTING SIDE EXTENSIONS AND CAR PORT, CONSTRUCTION OF NEW TWO-STOREY SIDE EXTENSION, INTERNAL ALTERATIONS AND CHANGES TO FENESTRATION.  
Granted  
25/06/2018

## **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, CS10, CS11, CS12, CS17, CS18, CS25 and CS29.

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

Policies 13, 18, 21, 51, etc.  
Appendices 3 and 5

### 6.4 Supplementary Planning Guidance / Documents [include only those relevant to case]

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area BCA 13: Castle Hill
- Water Conservation & Sustainable Drainage (June 2005)
- Energy Efficiency & Conservation (June 2006)

### 6.5 Advice Notes and Appraisals [include only those relevant to case]

Sustainable Development Advice Note (March 2011)

## **7. Constraints**

- 15.2M AIR DIR LIMIT
- HALTON DOTTED BLACK
- AREA OF ARCHAEOLOGICAL IMPORTANCE
- 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:

- Policy and principle
- Layout, Design and Scale
- Impact on Street Scene
- Amenity Space
- Impact on Neighbours

- Trees and Landscaping
- Impact on Highway Safety
- Other

### Policy and Principle

9.2 The National Planning Policy Framework advises that local authorities should seek to find solutions rather than problems with regard to development proposals in their decision making capacity. It however stresses the importance of a high quality of design.

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 Berkhamsted. 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.

9.5 The site is situated within the town of Berkhamsted wherein residential development is acceptable in accordance with Policy CS4 of the Core Strategy.

9.6 The Berkhamsted Character Appraisal for this area (BCA13) sets out a number of development principles for the construction of new dwellings:

No special design requirements.

Detached dwellings are appropriate and are encouraged.

Medium to large sized houses are appropriate and are encouraged.

New development should follow the existing layout structure. The building line must be maintained. Spacing should be provided within the medium range (2m to 5m).

Should be compatible with the character within the existing density range (less than 15 dwellings/ha).

Front gardens and forecourts should be provided at a size, shape and depth common to other plots adjacent to and nearby the development site.

Landscaping and planting: Existing landscaping provision should be maintained where appropriate. Schemes for new development will be expected to supplement and enhance existing landscaping.

Off-street parking: Should be accommodated within individual private curtilages.

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 CS 1, CS4 and CS17,18

of the Core Strategy (2013), Saved Policy 10 of the Local Plan (1991) and the NPPF (2012).

#### Layout, Design and Scale

9.8 The proposed development will be one two storey detached dwelling fronting Gaveston Drive. The proposed dwelling will be approximately one metre forward of No. 3 Gaveston Drive but will be set down from the road in a similar fashion.

9.9 The proposed dwelling will be similar in terms of eaves and ridge height to the existing dwelling.

9.10 The access will remain the same by using the existing access for No. 3 Gaveston Drive.

9.11 The design of the development will be modern and will reflect characteristics of dwellings in the local area.

9.12 Plot sizes vary locally with some small bungalows on large plots and some of the more modern developments to the north of the site which have large dwellings on small plots.

#### Impact on Amenity of Neighbours

9.13 The new dwelling is well removed from the neighbour to the east No. 1 Gaveston Drive (approximately 12 metres to their side elevation) and in line with No. 3 Gaveston Drive so there will not be any significant loss of sunlight and daylight as a result of the proposal.

9.14 The plans have been amended to reduce any overlooking into the rear garden of No. 40. The window for bedroom 2 is the only window in the first floor rear elevation that will not be obscure. Notwithstanding the details shown on the approved plans the windows serving the bathroom, dressing room and ensuite will be obscure and top hung. The one bedroom window is facing the rear neighbour's garden at an oblique angle so will not result in significant overlooking.

9.15 An existing screen of vegetation approx. 4 metres in height runs along the boundary between the site and 40 Trevelyan Way. Provision and agreement on landscaping plans showing existing tree and hedge screen to be supplemented and enhanced as part of a landscaping scheme will be made a condition of any approval.

9.16 It is considered that the obscure glazed windows and the vegetative screen will ensure that there is no harm caused by overlooking.

#### Impact on Street Scene

9.17 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.

9.18 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' of 10, 18 and 21.

9.19 The proposal is a detached two storey dwelling with a 2.4 metre gap between the side



elevation and the boundary of the site. The house will be set forward by one metre from the adjacent property but well set back from the front of the site. Off street parking for two vehicles will be provided to the side of the dwelling. The scale, bulk, design and materials of the proposed new dwelling will be in character with the street scene of Gaveston Drive.

9.20 The character along Gaveston Drive is mixed. The northern side has a strong character of large two storey dwellings on medium to large plots with off street parking to the front of the dwelling and garages to the side of the dwelling. No 1 and 3 Gaveston Drive are split from the rest of the southern side of Gaveston Drive due to the intersection with Trevelyan Way. Further west is No. 5 Gaveston Drive which is similar to the subject site but set back further from the road. The street scene to the west of this dwelling is amenity land and then a row of 6 bungalows which have had a variety of extensions. Overall the character along the southern side of Gaveston Drive is extremely mixed.

9.21 The proposal complies with the majority of the guidance set out in BCA 13. The only aspect which does not follow this guidance is density. The proposal will result in a higher density than the surrounding dwellings but from a street scene point of view the density will appear in character. The reason for this is that there is a gap between No. 3 Gaveston Drive and the neighbour on the eastern side No. 1 Gaveston Drive. This gap is far larger than that between other dwellings in the street scene.

9.22 The proposed new dwelling will not impact detrimentally on the street scene and will comply with CS 11 and 12.

#### Amendments sought through negotiations

9.23 The scheme has been amended through negotiations to reduce its impact and improve the scheme in the following ways:

- enhancement of existing landscaping bounding the site - which will be protected during construction via a condition;
- relocation of main bedroom to front of the dwelling so the majority of rear facing windows at first floor level can be obscured and non-opening; and
- reduction in ridge height to match the existing dwelling.

#### Amenity Space

9.24 The rear garden depth of approximately 9 metres is less than the 11.5 m stated in the guidance provided in Saved Local Plan Appendix 3.

9.25 The garden depth of No. 3 Gaveston Drive is similar to the new dwelling proposed. The garden depths vary in the local area from well in excess of the guidance to some of the more modern developments to the north of the site which have large dwellings on small plots.

9.26 The main reason for a minimum garden depth of 11.5 metres is to ensure that back to back relationships of dwellings are no closer than 23 metres in order to avoid overlooking. The proposed dwelling does not have a back to back relationship with No. 40 - it is a back to side.

9.27 While the depth falls short as it measures 9 metres, the width is generous at 15 metres and the garden has a regular shape such that it would provide a functional area of amenity.

### Impact on Trees and Landscaping

9.28 No comments were received from Trees and Woodlands but due to the existing vegetation on site being of high visual amenity and screening value a condition will be set on any approval requiring the submission of a landscaping plan.

### Impact on Highway Safety

9.29 The proposed development will allow for two off street parking spaces for a 3 bed dwelling. The SPG Accessibility Zones for the Designation of Car Parking Standards states that a three bedroom dwelling requires 2.25 spaces.

9.30 For this reason the existing on-site provision is believed to adequately supply the property's parking needs.

The proposed parking is therefore acceptable under Policy CS12 (b) of the Core Strategy.

### Community Infrastructure Levy (CIL)

9.31 Policy CS35 of the Core Strategy requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 July 2015. This application is CIL liable due to resulting in more than 100m<sup>2</sup> of additional floor space.

### Response to Neighbour comments

9.32 These points have been addressed above.

## **10. Conclusions**

10.1 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 CS 1, CS4 and CS17,18 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (1991) and the NPPF (2012).

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

#### Conditions/Reasons for Refusal

No	Condition
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 and to comply with CS12.
3	<p>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:</p> <p>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; and  car parking layouts and other vehicle and pedestrian access and circulation areas.</p> <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to comply with CS12.</p>
4	<p>Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area and to comply with CS12, CS25 and CS26.</p>
5	<p>The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. and be located on land within the ownership of the applicant. This area shall be levelled, surfaced and drained in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority and retained thereafter available for that specific use.</p> <p>Reason: In the interests of satisfactory development and highway safety and to comply with CS12.</p>
6	<p>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:</p> <p>Schedule 2 Part 1 Classes [A, B, C, E, F]</p> <p>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 immediate neighbour to the south 40 Trevelyan Way and the locality and to comply with CS12.</p>
7	<p>Notwithstanding the details shown on the approved plans the 3 windows at first floor level (nearest to the western side and which serve the bathroom, dressing room and en suite) in the rear elevation of the development hereby permitted shall be permanently fitted with obscured glass and top hung.</p> <p>Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings - to ensure that there is no overlooking into the rear garden of 40 Trevelyan</p>

	Way (specifically the immediate amenity area adjacent to their property) and to comply with CS12.
8	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>Location Plan 2709.01  Proposed Elevations 2709.07 B  Proposed Floor Plans 2709.06 A  Proposed Site Plan 2709.05 A</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>Informatives:</p> <p>Article 35 Statement:</p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p>Highways</p> <p>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:- <a href="https://www.hertfordshire.gov.uk/droppedkerbs/">https://www.hertfordshire.gov.uk/droppedkerbs/</a></p> <p>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: <a href="http://www.hertfordshire.gov.uk/services/transtreets/highways/">http://www.hertfordshire.gov.uk/services/transtreets/highways/</a> or by telephoning 0300 1234047.</p> <p>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 <a href="http://www.hertfordshire.gov.uk/services/transtreets/highways/">http://www.hertfordshire.gov.uk/services/transtreets/highways/</a> or by telephoning 0300 1234047</p> <p>Ecology</p> <p>Bats and their roosts are protected at all times under domestic and European law. Works should proceed with caution, and in the event of bats or evidence of them</p>

being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.'
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That the application be GRANTED subject to the following conditions:

**Appendix A**

**Consultation responses**

**Berkhamsted Town Council**

Amended Plans (showing reduced ridge height).

To be advised through Addendum.

Amended Plans (showing master bedroom moved to front and first floor windows to the rear obscure glazed).

Objection. The development is cramped, there would be a loss of amenity to the adjoining owners and not much amenity space for the new property. Tandem parking would exacerbate the current parking situation and traffic movement. The lack of provision of a garage is out of character with surrounding houses and there is a loss of light to No. 1 and potential damage to the hedge line. Appendix 5; Appendix 3 (iv); CS11; CS12

Amended Plans (showing enhancement of boundary landscaping)

Concern:

The Committee was pleased to see that the issue of landscaping has now been addressed. However, the proposal is for tandem parking at the front of the property which can be problematic to coordinate on a day-to-day basis leading to an increase in on-street parking. The tree planting proposed for the front garden is likely to exacerbate such problems with tandem parking. Appendix 5.

Original Plans

Concern:

The documentation accompanying the application is deficient in terms of landscaping principles and the division of the plot.

CS12

**Ecology Advisor**

I am not aware of any notable ecological interest at this address but as modifications to the roof space are proposed, bats that rely on the property to roost or shelter could be adversely affected; there are records of bats in the area and it is likely they forage around properties on Gaveston Drive. Bats are protected under domestic and European law and, in general terms, it is an offence to disturb or harm a bat, or, damage or obstruct access to a roost.

However, the age, design and condition of the building suggest that the likelihood of bats roosting or sheltering in the building is slight and, therefore, a precautionary approach is appropriate. Consequently, I recommend that the following **Informative** should be added to

any consent:

***“Bats and their roosts are protected at all times under domestic and European law. Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.”***

### **Building Control**

Approved document M –

Please specify the category of the design for the new dwelling (1 visitable/2 accessible and adaptable/3 wheelchair user), and that design considerations for level threshold to the property have been taken into account .

### **Historic Advisor**

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

### **HCC - Highways**

#### Amended Plans

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. The proposed car parking spaces shall have measurements of 2.4m x 4.8m min. and be located on land within the ownership of the applicant. This area shall be levelled, surfaced and drained in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority and retained thereafter available for that specific use. Reason: In the interests of satisfactory development and highway safety.

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

#### INFORMATIVES:

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

2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to 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.

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 Part demolition of existing side extensions and construction of new 3-bed detached dwelling.

This amendment is for additional planting and landscaping

#### PARKING

Demolition of the existing car port will remove two of the current parking spaces for the existing property, so that only one parking space remains. The proposal is to provide two parking spaces for the new property.

#### ACCESS

The existing vxo providing access to the current hard standing and carport will require alteration to allow access to the proposed new parking spaces.

The site is located on Gaveston Drive, which is an unclassified local access road with a 30mph speed limit and no accidents in the vicinity in the last 5 years.

#### 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, subject to the conditions and informative notes above.

#### Original Plans

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:

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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:-

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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/>

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## COMMENTS

This application is for Part demolition of existing side extensions and construction of new 3-bed detached dwelling. PARKING

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The site is located on Gaveston Drive, which is an unclassified local access road with a 30mph speed limit and no accidents in the vicinity in the last 5 years.

## 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, subject to the conditions and informative notes above.

### **Herts Property Services**

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

### **Trees and Woodlands**

No comments received.

## **Appendix B**

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

#### Amended Plans

##### 40 Trevelyan Way - Objects

Unfortunately this minor change won't address any of my well documented concerns about the development.

Namely:

1. Loss of privacy. We would be overlooked when we aren't today. If not immediately then at some point in the future. We have a 5m hedge/tree line between the 2 properties. With such a small back garden proposed for the new build i see no way this natural screen will be maintained as they will get no light.
2. Traffic and safety. The parking and sight lines are bad on this road. People already park near corners and an extra house with more cars won't help. Also the parking proposed with the new house isn't side by side so inevitably one car will be on the road.
3. Environment and landscape. Cramming an extra house into a 60s development will be out of character. We have lots of trees where we live and some of these I'm sure will be lost and the local environment worsened.

#### Amended Plans

##### 4 Gaveston Drive - Objects

We object against this proposed development due to many of the multiple points raised by several neighbours (and the council) already. The real attraction to the road and area is the space and placing of the current properties, in addition I struggle to see the specifics of how this property will fit in the proposed space, I fear lots of the vegetation/trees will be removed and also I can't see how the property will have a sufficient garden space. This will set a dangerous precedent enabling people to consider developing plots to introduce more houses. I see the current house (no.3) has already been granted a double storey extension of the same plot, this with a whole new house is far in excess of the plot/space available.

#### 40 Trevelyan Way - Objects

This 3rd application submission for a new house does nothing to address our core concerns of:

1. Loss of privacy, there is nothing to prevent the existing hedges being taken down or require their adequate maintenance in the future
2. Road safety, a real issue already with people double parking on this road and those around it, with poor visibility. I've seen 2 very near misses, one with a pedestrian, in the last 12 months caused by poor visibility due to the number of parked cars. This development will make it worse.

The owner, who hasn't lived here for years, seems only interested in profit maximisation. No effort is being made to engage with the neighbourhood being impacted.

#### Further comments objecting - 40 Trevelyan Way

We recently received the letter advising the amendment to the proposed build of a new 3 bed detached dwelling. As far as we can understand the only thing that has changed is some extra information about the hedges and trees along the boundary between the adjoining properties including ours - 40 Trevelyan Way.

The means that all of our original concerns below regarding Overcrowding/Overdevelopment, Parking and Safety and elements of Landscape and environment still stand. We still believe that the proposed development could impact on all of these areas.

Regarding our Loss of Privacy. We can see that the applicant has tried to address some of these concerns but we still do not believe that there will be no impact in the longer terms for us. I have attached 2 photos taken from our back garden facing up the hill to the 3 Gaveston Drive property to show the current screening that exists.

Photo 1 - shows a large laurel bush on the boundary between our 2 properties. Behind here is exactly where the new dwelling is being proposed. As you will know laurel bushes are evergreen and so this screening exists year round.

Photo 2 - is of the same aspect and shows the screening that exists between our property and the existing house at 3 Gaveston Drive. As you can see this gives complete screening for us from 3 Gaveston Drive today. And for them from us.

In summary we currently have trees and hedges between our 2 properties that allow complete privacy. We are very concerned this will not be maintained over the long term with the cramming of 2 properties onto 1 current plot.

The new application says, "existing tree and hedge screen to be supplemented and enhanced

as part of a landscaping scheme to be agreed/conditioned". What does this mean? What is to stop the developer or a future owner (say in 5 years time) of this proposed property materially changing the trees and hedges that form the border? The laurel bush and most of the other hedges along the border have their trunk/roots in the 3 Gaveston Drive property so any future owner would presumably be within their rights to chop them down and overlook our property unimpeded?

We are concerned that looking at the revised plans that the proposal to maintain the landscaping between the 2 properties would only last until the property is sold. The garden that comes with the proposed new dwelling will be very small and have very little light. Any future owner would be very tempted to cut down the current 14 foot boundary we have, let in more light to their property and overlook ours - compromising our privacy.

We still vigorously oppose this development.

### 38 Trevelyan Way - Objects

I object for 2 reasons:

1.) The proposed development may result in our garden and rear of property becoming more overlooked. On review of the revised plans, there has been an attempt to maintain the hedge at the rear of the property. While this may be "agreed / conditioned" as noted on drawing 2709.05 A, it provides no assurance against the house owners choosing to remove this hedging following construction of the houses. This being natural, as otherwise their garden and ground floor of the property will receive very little direct sunlight.

2.) We already have commuters using the station regularly parking their vehicles on Gaveston Drive and Trevelyan Way. Infilling will likely worsen this situation. Given the road configuration and limited sight lines offered to drivers due to the corner on Trevelyan Way and associated junction between Trevelyan Way / Gaveston Drive, parked cars on the road present a greater risk to residents and particularly our young children.

### 1 Gaveston Drive - Objects

The proposed adjustments make little effort to deal with our objections on

1) privacy as relates to bordering/hedging that is not accurate and regardless will ensure it all gets destroyed with the build;

2) our issues with light remain

3) our issues with street parking remain

4) and the host of issues related to design and appearance for the area remain as per my previous comments and are I believe contrary to Dacorum planning rules.

And as yet no effort has been made by the owners to engage with any of the neighbours on the matter.

### Further comments Objecting - 1 Gaveston Drive

The revised plans wrt the above planning applications do not address my concerns regarding the overlooking and loss

of privacy which are;

#### 1. Overlooking Loss of Privacy

- The new house either by the side or back windows will be able to oversee our garden in the most intrusive of ways.

- The diagram plan identifies 5 trees as being the border between number 1 & 3 with all in the garden of number 1. This is highly misleading;

(i) They are not all trees, much of it is a hedge

(ii) The trees and hedge are not all in my garden

- This then creates the following issues;

(i) The closeness of the proposed house to the trees and hedge will destroy the plants/tree/hedges once building begins - regardless of who owns the trees/hedges/shrubs.

(ii) Therefore, the only method of providing screening then would require house number 1 to plant trees further inside our garden - this cannot be right

or justifiable. I should not be required at my own cost to plant trees within my own property to facilitate a profitable development at the adjoining property.

- It should also be noted that because of the layout of my house, this portion of the garden is the piece most used - yet if the plans are given the go-ahead,

I will lose this private amenity space for my family

And to re-iterate the previous concerns;

#### 2. Adequacy of Parking/Turning

- The road is narrow and already suffers when anyone chooses to park there - particularly during the week for the station. During the 10 years that the house has been rented out there have been frequent periods where the rental residents of number 3 have chosen to park on the road because of the incline in the parking hill. This can only worsen the situation.

#### 3. Design, Appearance

- The council states the importance of maintaining the character of an area - this infilling is at odds with that objective (Berkhamsted Character Appraisal for the area (BCA13)

- The proposed new house simply will not mimic number 1 Gaveston Drive. It would provide lopsided view of the housing at that end of Gaveston Drive

- I am also at a loss as to understand how the plans can fit in with the DBLP guidance on garden depth (11.5m) and the minimum distance between rear wall and rear of another, privacy requirements of 23 feet.....

- The gardens will not be of the same size per the first point in this section.

#### 4. Loss of Light or overshadowing

- The new houses shadow will from mid-afternoon to evening overhang our garden

substantially, particularly in the summer.

I am also conscious that I may have mis-identified the correct planning application code with my initial written objections ie entitles it 4/00334/18/FHA and did not identify the one related to the building of the house - my comments however would have made it clear what I was referring to - so I hope this is not an issue.

#### Main Points

##### 1. Overlooking loss of privacy

Plans are inaccurate on location and number of trees - no comment on the hedges

Any building would destroy the trees anyway given how close to the border the building would be

The only way I could seek proper cover would be to grow new shrubbery further into my garden - this is unacceptable

Concerns from previous email and re-iterated

2. Inadequacy of parking and turning - the road is narrow and already suffers from owners parking on the road

##### 3. Design and appearance

The infill appears to contravene local planning rules

- related to character, BCA13

- DBLP garden length distance from build

4. Possible loss of light from mid afternoon during the summer.

Note original objections were not recorded on website but were sent to planning officer.

#### 6 Gaveston Drive - Objects

My previous objections to this proposed development still stand!

In addition I must point out the following.

I received notification that the councillor Iain Reay and others are proposing that Bridgewater Rd has yellow lines put on it to stop parking. This hazard prevents free passage of traffic and is dangerous. When I replied to the consultation I said that in principle I agreed that this was a good idea. However my one great concern is that people will seek out other places to park and they will move their cars into side roads such as Gaveston Drive. Our road is already used as a car park for the station and of course residents park cars too. Another house will add to the problem since many households have two or three cars.

#### Original Plans

##### 40 Trevelyan Way - Objects

Currently we are not overlooked at all by 3 Gaveston Drive. There is a 14 foot laurel bush that provides screening between the 2 properties. We are very concerned that the new house being

proposed would overlook (esp from bedrooms 2&3) our back garden and rear of our house. .A new house between No. 1 and 3 Gaveston (the only 2 houses between the junctions of Murry Rd and Trevelyan Way) would be over-crowding through garden grabbing. We would be very concerned that No. 1 Gaveston could do the same, and we would end up with 4 houses in a space that today only has 2!This small section of road, already has parked cars on and around the bend consistently. A new house will only make this traffic worse. The new house would be squashed right up against the boundary and have a tiny garden relative to house size, not in keeping with the location. There are hedges/trees in the areas between the houses and changes to this aspect of the landscape would adversely affect the neighbourhood and our privacy.

#### 40 Trevelyan Way Further comments - Objecting

##### Loss of Privacy

Currently we aren't overlooked from 3 Gaveston Drive at all, both in our house and back garden. There is excellent screening from a 14 foot laurel bush and a number of other trees and high bushes that run the full length of the border of 3 Gaveston with our back garden and house.

The proposed plans for the new dwelling have 2 bedrooms that would face towards our property and we believe would adversely impact on our privacy.

##### Overcrowding/Overdevelopment

The plot that No. 3 Gaveston is on isn't that big. Cramming an extra dwelling on the plot through plot subdivision, "garden grabbing", isn't in keeping with the rest of the houses and streets in the nearby area. The proposed new house takes up a large amount of the small sub divided plot, and is squashed right up against the boundaries of adjoining plots. It increases the density of housing significantly in a small area.

We would be concerned that No. 1 Gaveston could add a new dwelling on their plot, in exactly the same way, and we would end up with 4 houses in a space that today only has 2!

##### Parking and Safety

3 Gaveston Drive is on a short space of road between the junction with Murray Road and Trevelyan Way. There are only 2 houses on the south side of the road (No. 1 and No 3). Adding an extra house with associated cars and driveway will make this part of the road more crowded and less safe, esp given the way the road bends by the junction with Murray Road.

##### Landscape and environment

The application says trees/hedges nearby could influence the development. We wouldn't want to see any changes the landscape in that respect, esp. in heights. The large hedges and trees we have in this area are both part of the character of the neighbourhood but also essential for maintaining current levels of privacy.

#### 36 Trevelyan Way - Objects

The associated application says "Car port altered to parking space, but 3 parking for 3 vehicles unchanged". The present 4 bedroom house currently has 3 parking spaces (on a steep downward sloping drive). These 3 parking spaces now appear to be shared between the

existing house (extended to 5 bedrooms) and the proposed new 3 bedroom house. This will be grossly inadequate and on-street parking will be necessary, contributing further to congestion and danger.

The 4 bedroom houses on this 1960s estate all have reasonable sized gardens suitable for children to safely play in. Building a second house on the same plot will destroy this amenity for future occupants.

#### 6 Gaveston Drive - Objects

I object strongly to this application:

We live on a 1960s development. The houses are not close together and there is a spacious feel. If more houses are put in spaces between existing houses the nature of the local development will be lost. If this house is allowed more will follow and the area spoilt.

We already have a parking problem on a narrow road. People park here when they use the station and that is in addition to the cars of residents. This proposed house will bring more vehicles to a road which already can be difficult to negotiate.

The space between numbers 1 and 3 Gaveston Drive is filled with shrubs and trees which are in the gardens and which provide a pleasant view. A house beside number 3 will obstruct my view to the South West of my house which provides a view of the other side of the valley in which Berkhamsted is placed.

The owners of 3 Gaveston Drive do not live in the house. It has been let for some years. They are damaging our environment not their own!

#### 6 Gaveston Drive - Further objections

This area of Berkhamsted was built in the 1960s. At that time plots were generous and thus the houses are well-spaced with good gardens. It just happened that 3 Gaveston Drive has much of its garden to the side of the existing house thus providing easy road access for the proposed house.

This does not mean however that it should be built.

It would alter the visual appearance of the area by increasing the density of building in the local area. In addition the proposed house is not of the same generous proportions of the existing housing stock and will therefore stand out visually in the wrong way!

If other people in the area were to start seeking and receiving permission to squash in smaller houses the whole area would be altered in character and lose its 1960/70s character which is an attractive feature of where we live.

We already get a fair amount of through traffic in Gaveston Drive and irritatingly, people use it to park for the station. Several more cars, which any new house is likely to generate, will cause an already narrow road to become more congested and impair the passage of large vehicles particularly.

#### 10 Gaveston Drive - Objects

We are the residents at number 10 Gaveston Drive which is directly opposite the site of the proposed development.

We would like to raise concerns in 3 areas:

1) The view from our house South towards the valley , Grand Union Canal and the other side of Berkhamsted will be severely impacted. It was this view that made us decide to buy our house and it is a source of a great deal of happiness at all times of day and night. We have a large window at the top of our first storey and a second dwelling will obscure the view out of it. Moreover a second dwelling will create a "block" of housing and spoil the general visual aesthetic of the street.

2) Parking. It seems inevitable that this will cause additional parking strain on the road. Gaveston Drive was considered for residents only parking restrictions a number of years ago. As more people use the station the number of people parking in Gaveston Drive and walking to the station has increased. Another dwelling will add additional pressure to "on street" parking in the area.

3) Disruption. There will be a hugely disruptive period for us if these developments are passed. That includes many months of noise, building, lorries and deliveries, obstruction and in general a negative impact on our daily lives for many months. As our drive is directly opposite the proposed works, this will cause difficulty in moving our car at times of supplies being delivered, heavy machinery use and general business of the building work itself, which will be dangerous for our children. Coupled with the general waste material that are used in such a build, nails, metalwork, bricks etc.

I would be grateful if the above would be taken into consideration before any decision is made and a mitigation plan developed accordingly.

## Objections

Address	Comments
BERKHAMSTED TOWN COUNCIL,CIVIC CENTRE,161 HIGH STREET,BERKHAMSTED, HP4 3HD	BTC comment  Concern.  The documentation accompanying the application is deficient in terms of landscaping principles and the division of the plot.  CS12.
40 TREVELYAN WAY,BERKHAMSTED,,HP 4 1JH	Currently we are not overlooked at all by 3 Gaveston Drive. There is a 14 foot laurel bush that provides screening between the 2 properties. We are very concerned that the new house being proposed would overlook (esp from bedrooms 2&3) our back garden and rear of our house. A new house between No. 1 and 3 Gaveston (the only 2 houses between the junctions of Murry Rd and Trevelyan Way) would be overcrowding through garden grabbing. We would be very concerned that No. 1 Gaveston could do the same, and we would end up with 4 houses in a space that today only has 2! This small section of road, already has parked cars on and around the bend consistently. A new house will only make this traffic worse. The new house would be squashed right up against the boundary and have a tiny garden relative to house size, not in keeping with the location. There are hedges/trees in the areas between the houses and changes to this aspect



	of the landscape would adversely affect the neighbourhood and our privacy.
1 GAVESTON DRIVE,BERKHAMSTED,,, HP4 1JE	<p>Fuller details of objections are with planning officer on email</p> <p>Main Points</p> <p>1. Overlooking loss of privacy Plans are inaccurate on location and number of trees - no comment on the hedges Any building would destroy the trees anyway given how close to the border the building would be The only way I could seek proper cover would be to grow new shrubbery further into my garden - this is unacceptable</p> <p>Concerns from previous email and re-iterated</p> <p>2. Inadequacy of parking and turning - the road is narrow and already suffers from owners parking on the road</p> <p>3. Design and appearance The infill appears to contravene local planning rules - related to character, BCA13 - DBLP garden length distance from build</p> <p>4. Possible loss of light from mid afternoon during the summer.</p> <p>Note original objections were not recorded on website but were sent to planning officer.</p>
6 GAVESTON DRIVE,BERKHAMSTED,,, HP4 1JE	<p>I object strongly to this application:</p> <p>We live on a 1960s development. The houses are not close together and there is a spacious feel. If more houses are put in spaces between existing houses the nature of the local development will be lost. If this house is allowed more will follow and the area spoilt.</p> <p>We already have a parking problem on a narrow road. People park here when they use the station and that is in addition to the cars of residents. This proposed house will bring more vehicles to a road which already can be difficult to negotiate. The space between numbers 1 and 3 Gaveston Drive is filled with shrubs and trees which are in the gardens and which provide a pleasant view. A house beside number 3 will obstruct my view to the South West of my house which provides a view of the other side of the valley in which Berkhamsted is placed.</p> <p>The owners of 3 Gaveston Drive do not live in the house. It has been let for some years. They are damaging our environment not their own!</p>
36 TREVELYAN WAY,BERKHAMSTED,,,HP4 1JH	<p>The associated application says "Car port altered to parking space, but 3 parking for 3 vehicles unchanged". The present 4 bedroom house currently has 3 parking spaces (on a steep downward sloping drive). These 3 parking spaces now appear to be shared between the existing house (extended to 5 bedrooms) and the proposed new 3 bedroom house. This will be grossly inadequate and on-street parking will be necessary, contributing further to congestion and danger.</p> <p>The 4 bedroom houses on this 1960s estate all have</p>

	reasonable sized gardens suitable for children to safely play in. Building a second house on the same plot will destroy this amenity for future occupants.
38 TREVELYAN WAY, BERKHAMSTED,,, HP4 1JH	<p>I object for 2 reasons:</p> <p>1.) The proposed development may result in our garden and rear of property becoming more overlooked. On review of the revised plans, there has been an attempt to maintain the hedge at the rear of the property. While this may be "agreed / conditioned" as noted on drawing 2709.05 A, it provides no assurance against the house owners choosing to remove this hedging following construction of the houses. This being natural, as otherwise their garden and ground floor of the property will receive very little direct sunlight.</p> <p>2.) We already have commuters using the station regularly parking their vehicles on Gaveston Drive and Trevelyan Way. Infilling will likely worsen this situation. Given the road configuration and limited sight lines offered to drivers due to the corner on Trevelyan Way and associated junction between Trevelyan Way / Gaveston Drive, parked cars on the road present a greater risk to residents and particularly our young children.</p>
6 GAVESTON DRIVE, BERKHAMSTED,,, HP4 1JE	<p>My previous objections to this proposed development still stand!</p> <p>In addition I must point out the following.</p> <p>I received notification that the the councillor Iain Reay and others are proposing that Bridgewater Rd has yellow lines put on it to stop parking. This hazard prevents free passage of traffic and is dangerous.</p> <p>When I replied to the consultation I said that in principle I agreed that this was a good idea. However my one great concern is that people will seek out other places to park and they will move their cars into side roads such as Gaveston Drive. Our road is already used as a car park for the station and of course residents park cars too. Another house will add to the problem since many households have two or three cars.</p>
1 GAVESTON DRIVE, BERKHAMSTED,,, HP4 1JE	<p>The proposed adjustments make little effort to deal with our objections on 1) privacy as relates to bordering/hedging that is not accurate and regardless will ensure it all gets destroyed with the build 2) our issues with light remain 3) our issues with street parking remain 4) and the host of issues related to design and appearance for the area remain as per my previous comments and are I believe contrary to Dacorum planning rules.</p> <p>And as yet no effort has been made by the owners to engage with any of the neighbours on the matter.</p>
40 TREVELYAN WAY, BERKHAMSTED,,, HP4 1JH	<p>This 3rd application submission for a new house does nothing to address our core concerns of:</p> <p>1. Loss of privacy, there is nothing to prevent the existing hedges being taken down or require their adequate maintenance in the future</p> <p>2. Road safety, a real issue already with people double</p>

	<p>parking on this road and those around it, with poor visibility. I've seen 2 very near misses, one with a pedestrian, in the last 12 months caused by poor visibility due to the number of parked cars. This development will make it worse.</p> <p>The owner, who hasn't lived here for years, seems only interested in profit maximisation. No effort is being made to engage with the neighbourhood being impacted.</p>
4 GAVESTON DRIVE, BERKHAMSTED,, HP4 1JE	<p>We object against this proposed development due to many of the multiple points raised by several neighbors (and the council) already. The real attraction to the road and area is the space and placing of the current properties, in addition I struggle to see the specifics of how this property will fit in the proposed space, I fear lots of the vegetation/trees will be removed and also I cant see how the property will have a sufficient garden space. This will set a dangerous precedent enabling people to consider developing plots to introduce more houses. I see the current house (no.3) has already been granted a double storey extension of the same plot, this with a whole new house is far in excess of the plot/space available.</p>

#### Supporting

Address	Comments
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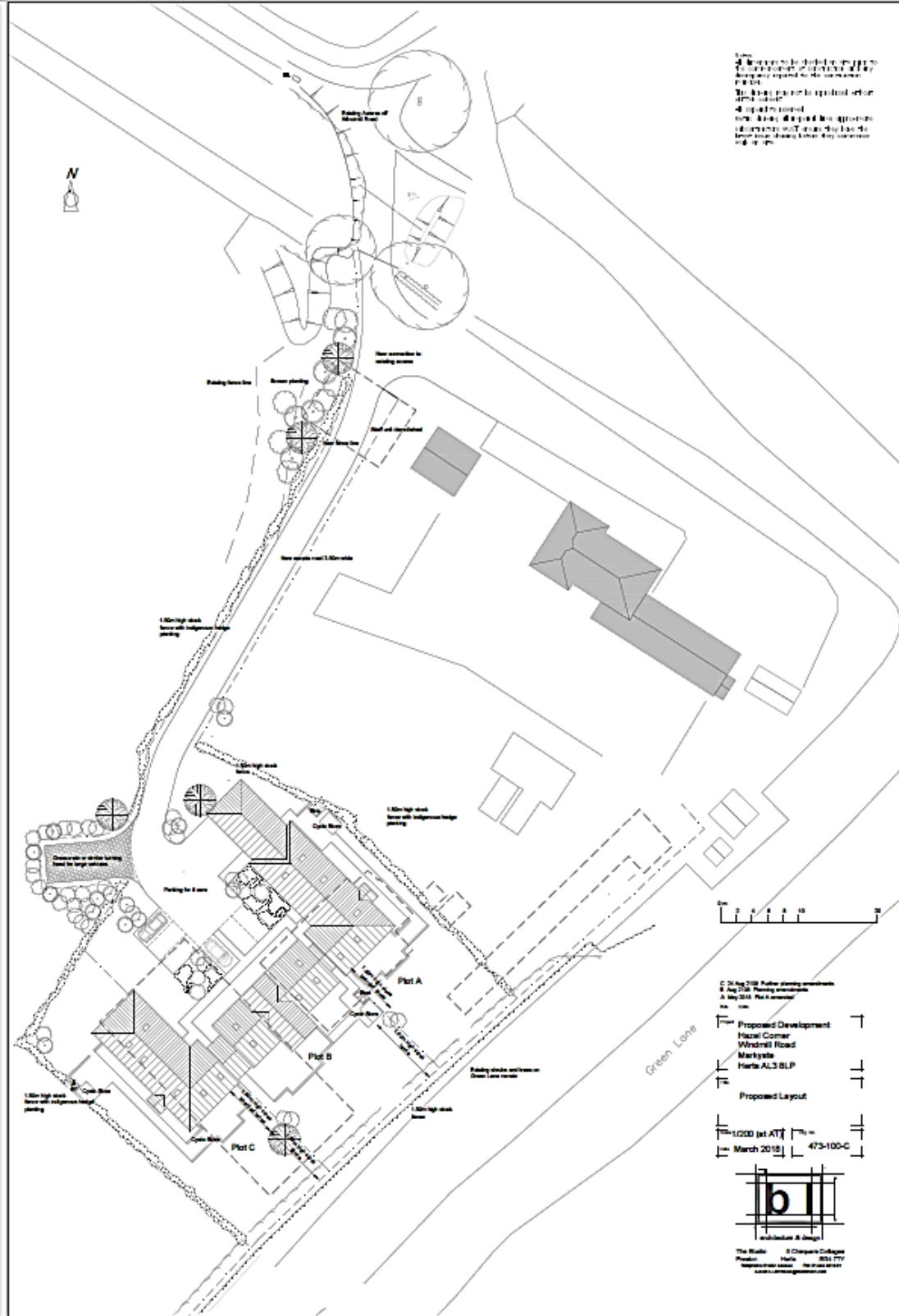
#### Commenting

Address	Comments
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# Agenda Item 5d

## 4/01315/18/FUL DEMOLITION OF EXISTING KENNELS AND CONSTRUCTION OF A COURTYARD OF THREE DWELLINGS AND ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING.

HAZEL CORNER DOG HOTEL, WINDMILL ROAD, MARKYATE, AL3 8LP



**4/01315/18/FUL DEMOLITION OF EXISTING KENNELS AND CONSTRUCTION OF A COURTYARD OF THREE DWELLINGS AND ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING.**

**HAZEL CORNER DOG HOTEL, WINDMILL ROAD, MARKYATE, AL3 8LP**



Rear Elevation (SE)



Front Elevation (NW)



Side Elevation Plot C (SW)



Elevation on B.S.

- Materials
- Roof Plain Clay Tiles
  - Walls Stained Timber boarding
  - Skid outside with first panel
  - Skid Floor
  - Windows Timber Painted and Velux conservation roof lights
  - Doors Timber Painted



Elevation on D.D.

<b>4/01315/18/FUL</b>	<b>DEMOLITION OF EXISTING KENNELS AND CONSTRUCTION OF A COURTYARD OF THREE DWELLINGS AND ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING.</b>
<b>Site Address</b>	<b>HAZEL CORNER DOG HOTEL, WINDMILL ROAD, MARKYATE, AL3 8LP</b>
<b>Applicant</b>	
<b>Case Officer</b>	<b>Rachel Marber</b>
<b>Referral to Committee</b>	<b>Contrary views of Markyate Parish Council</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**

## **2. Summary**

2.1 The proposed demolition of the existing kennels and construction of a courtyard-style three dwellings would be an appropriate form of development in the Green Belt which would not impact upon the visual or physical sense of openness to the Green Belt. Further, the proposal would not result in detrimental impact to the visual amenity of the surrounding area or have an undue impact upon the residential amenity of the neighbouring residents. The proposed development therefore complies with the National Planning Policy Framework (2018), Policies NP1, CS1, CS4, CS5, CS8, CS11, CS12, CS17, CS18, CS26 and CS35 of the Core Strategy (2013) and Saved Policies 10, 18, 21, 57, 58, 97, 99 and 100 and Appendices 3 and 5 of the Local Plan (2004).

## **3. Site Description**

3.1 The application site is located to the east of Windmill Road and comprises a Dog Hotel business with associated residential accommodation for the staff. The site is located within the Metropolitan Green Belt, in a relatively rural location, outside the defined village boundary of Markyate.

## **4. Proposal**

4.1 The application seeks permission for the demolition of the three existing kennel buildings and associated staff accommodation and construction of 3 courtyard style dwellings each comprising four bedrooms.

## **5. Relevant Planning History**

4/02336/15/DRC DETAILS OF CONDITIONS 3 (LANDSCAPING) AND 5  
(CONTAMINATION) ATTACHED TO PLANNING PERMISSION  
4/01530/14/FUL  
Granted  
28/08/2015

4/01530/14/FUL ERECTION OF TWO BEDROOM STAFF ACCOMMODATION BUILDING  
Granted  
05/11/2014

4/01046/07/DRC DETAILS OF LANDSCAPING WORKS REQUIRED BY CONDITION 3 OF PLANNING PERMISSION 4/01813/06 (DEMOLITION OF EXISTING BOARDING KENNEL (BLOCK A) AND CONSTRUCTION OF THREE SINGLE STOREY BOARDING KENNEL BLOCKS)

Granted

26/06/2007

4/01813/06/FUL DEMOLITION OF EXISTING BOARDING KENNEL (BLOCK A) AND CONSTRUCTION OF THREE SINGLE STOREY BOARDING KENNEL BLOCKS

Granted

10/10/2006

4/02094/98/4 SINGLE STOREY REAR EXTENSION, FIRST FLOOR SIDE EXTENSION AND RAISING ROOF OVER ATTACHED KENNELS

Granted

12/02/1999

4/01470/95/4 SINGLE STOREY BUILDING FOR RECEPTION OFFICE AND ISOLATION BOARDING KENNELS

Granted

30/01/1996

## **6. Policies**

### **6.1 National Policy Guidance (2018)**

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

### **6.2 Adopted Core Strategy – (2013)**

NP1 - Supporting Development

CS1 - Distribution of Development

CS4 - The Towns and Large Villages

CS5 - The Green Belt

CS8 - Sustainable Transport

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS17 - New Housing

CS18 - Mix of Housing

CS26 - Green Infrastructure

CS35 - Infrastructure and Developer Contributions

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

Policy 10 - Optimising the Use of Urban Land

Policy 18 - The Size of New Dwellings

Policy 21 - Density of Residential Development

Policy 34 – Other land with Established Employment Generating Uses

Policy 57 - Provision and Management of Parking

Policy 58 - Private Parking Provision

Policy 99 - Preservation of Trees, Hedgerows and Woodlands

Policy 100 - Tree and Woodland Planting

Appendix 3 - Layout and Design of Residential Areas

Appendix 5 - Parking Provision

## **7. Constraints**

Metropolitan Green Belt

Special Control for Advertisements

## **8. Representations**

### 8.1 Consultee Responses

These are reproduced in full at Appendix A

## **9. Considerations**

9.1 The main issues to consider are:

- Principle of development
- Principle of development in the Green Belt
- The quality of the design and the impact on the character and appearance of the area
- The potential impact on the living conditions of future occupants and surrounding residential units
- Highway safety and parking provision
- Impact on trees and landscaping
- Protected Species
- The unit tied to the existing business
- CIL

### Principle of Development

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 application site is situated within a semi-rural area, located within the Metropolitan Green Belt and outside the defined village boundary of Markyate. With regards to the above,



the proposal would be contrary to the Council's overall housing strategy which seeks to channel development towards larger urban areas away from more rural locations. Nevertheless, Policy CS1 of the Core Strategy states development that supports the vitality and viability of local communities, causes no damage to the existing character of a village and/or surrounding area and is compatible with policies protecting and enhancing the Green Belt, Rural Area and Chilterns Area of Outstanding Natural Beauty will be supported. Further, the National Planning Policy Framework (NPPF) (2018) encourages the effective use of land by reusing land that has been previously developed.

9.4 The proposal would result in economic benefits during the construction of the units however; the proposal would result in the loss of a business use resulting in the long term loss of jobs and employment (3 full time jobs, 3 temporary jobs). Nevertheless, the site is not of designated employment and therefore alternative non-employment development will be accepted if the proposal accords with the development strategy in accordance with Saved Policy 34 of the Local Plan (2004).

#### Principle of development in the Green Belt

9.5 The application site is located within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are openness and permanence. There is the presumption against inappropriate development in the Green Belt, as advised by The National Planning Policy Framework (2018). Inappropriate development is, by definition, harmful to the Green Belt unless a case of very special circumstances can be demonstrated which would outweigh this harm.

9.6 Therefore, the main issues to consider in terms of Green Belt policy are the appropriateness of the development, effect on the openness of the Green Belt and the impact on the visual amenity of the Green Belt. If the development is inappropriate a case of very special circumstances would need to be put forward to justify its approval.

#### *Appropriateness*

9.7 The site lies within the identified Green Belt, where the Green Belt Strategy is set out in the NPPF (Section 13: Protecting Green Belt Land). The most relevant paragraph of this document is paragraph 145 which states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, unless they fall within one of the exceptions set out Policy CS5 of the Core Strategy (2013) also summarises acceptable small-scale development which would be permitted.

9.8 The proposed development would be located on a piece of land which has been previously developed, in accordance with the definition for previously developed land (PDL) within Annex 2 of the Framework.

9.9 Policy CS5 of the Core Strategy (2013) states that the redevelopment of previously developed sites may be acceptable. Additionally, the NPPF (2018) states that the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) would be appropriate provided there would be no greater impact on the openness of the Green Belt than the existing development, or

would not cause substantial harm to the openness of the Green Belt when contributing to meeting an identified affordable housing need within the area.

9.10 Taking the above into account, subject to the proposal having no greater impact in terms of the openness of the Green Belt the partial redevelopment of this PDL would constitute appropriate development within the Green Belt, in accordance with identified local and national policy.

#### *Openness*

9.11 The application site is located on the edge of Markyate, which is considered to be a large village, outside of the defined settlement boundary. The site is located off Windmill Road with a public footpath running along the entire eastern boundary of the site. The site is within use as a dog hotel business and subsequently comprises three main low scale kennel buildings and two houses for staff accommodation. All buildings associated within the existing site use as a Dog Hotel would be demolished as part of this application.

9.12 The proposed volume and floorspace comparison of the extensions are set out below.

Comparatives	Footprint sqm	floorspace sqm	volume
Buildings to be demolished	827	827	2242
Proposed three dwellings	383	620	1797
Reduction	-53%	-25%	-20%

9.13 The staff accommodation granted within application ref: 4/01530/14/FUL, and to be demolished under this application, has not be included in this floorspace/volume comparison. Given the above calculation the proposal would result in a reduction of physical built form on the site and therefore would enhance the openness to the Green Belt.

9.14 A plan showing existing and proposed hard surfacing has also been submitted alongside the planning application and although this demonstrates that hardstanding within the site will be slightly increased, with a slight encroachment into the adjacent open field, the proposal would relatively retain existing build footprint. As such, the proposal would result in a more concentrated form of development proposed. The benefit of this is that the proposed development would create less sprawl within the site and subsequent development close to site boundaries, reducing the visual prominence of the proposal. This is evident through the footprint comparison shown above, again improving the openness of the site from the visual sense.

9.15 In terms of physical permanence changing the use of the site to residential would result in the introduction of further built physical presence in the form of landscaping and boundary treatment such as, hard surfacing, cars, vegetation and fencing in addition to three, one and half storey dwellings which would result in a larger concentration of built form. Nonetheless, it is considered that the level of harm caused by such residential paraphernalia can be controlled by use of condition requesting landscaping details which would soften the appearance of the close boarded and stock fencing proposed and removal of Permitted Development Rights.

### *Summary*

9.16 Taking all of the above into account, although the proposal would result in an increased concentration of built form on the site it would reduce site sprawl, visual prominence and overall built form thereby improving both the physical permanence and sense of openness at the site. As such, the proposal is not considered to result in greater harm to the openness of the Green Belt and as such is considered in accordance with Policy CS5 of the Core Strategy (2013) and NPPF (2018).

### The quality of the design and the impact on the character and appearance of the area

9.17 Paragraph 127 of the NPPF (2018) states that, decisions should ensure that developments are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

9.18 In addition, paragraph 130 of the NPPF states that *'permission should be refused for developments of poor design that fail to take opportunity available for improving the character and quality of an area and the way it functions.'*

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

9.20 The application site is not overtly visible from the immediate street scene (Windmill Road) or adjacent footpath which runs parallel to the north and east of the site, due to heavy vegetation lining the street, single storey nature of existing outbuildings and rural location. Moreover, due to the varied character of the area there is no particular uniformed architectural style or dwelling form.

9.21 The proposal comprises the construction of three, one and a half storey courtyard style dwellinghouses. The proposed dwellings have been design to be of rural appearance and material to provide an unobtrusive appearance which is sympathetic to the open countryside environment.

9.22 The DBC conservation and design officer was consulted on the planning application and provided the following comments:

*"If the principle of developing the site is accepted, and other planning issues regarding Green*

*Belt are overcome, then from a design perspective, in attempting to meet a 'farm courtyard' layout, the proposal is weak and the layout contrived. If this 'model' of a more traditional farm layout is to be followed, there needs to be more of a sense of hierarchy to the various units, with some more diversity introduced in terms of detailing and materials – as would be found in other examples in the area. The U-shaped plan could be modified by*

*Modulating the central range by raising part of the roofline to introduce an, open 'barn' element with larger 'barn door' glazing to this element (to replace the projecting porch, and avoiding projections off the linear layout).*

*extending the plot A wing forward of the main range, possibly to incorporate car spaces as part of a 'cart shed' extension to the existing range, so moving some of the intrusive parking from the central courtyard space.*

*Modifying the individual units, perhaps introducing some flint, stable-like doors, modifying the fenestration to have vertical.”*

9.23 These suggested revisions have taken place and it is considered that the design of the new dwellings would result in a visual improvement to the site than the currently existing structures.

9.24 As such, the demolition of the existing low quality kennel buildings and construction of three courtyard barn-style dwellings are considered to have minimal impact to the visual appearance of the area, with a palette of materials selected which would be sympathetic to the rural surrounds. As such, the proposal is considered compliant with Policies CS10, CS11, CS12 of the Core Strategy (2013) and Saved Policies 10, 18 and 21 of the Local Plan (2004).

#### Effect on Amenity of Future Occupiers and Neighbours

9.25 The NPPF (2018) outlines the importance of planning in securing high standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact to neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

9.26 The proposed units would be located 80 metres approximately away from neighbouring residents at White Acres and 45 metres approximately away from the existing residential property at Hazel Corner. Neighbouring resident Newlands would be over 100 metres away from the proposal site, located to the west. Given this distance it is not considered that the proposed development would result in unacceptable impacts on the living conditions of the occupants of surrounding residential properties, in terms of overbearing, overlooking and loss of light.

9.27 Turning to the living conditions the proposal would afford future residents. Saved appendix 3 of the Local Plan (2004) states that external amenity of at least 11.5 metres should be should be provided.

9.28 Plot A would have a garden depth of 16 metres, Plot B 13.5 metres and Plot C 14.5 metres. It is important to note that Plot A and C have wrap around gardens which the depth of has not been calculated. The external amenity space allocated for future residents is

considered sufficient.

9.29 Given the above the proposed development would not cause a loss of outlook or privacy to neighbouring residents and provide a sufficient standard of amenity for future occupiers. The proposal is therefore compliant with the NPPF (2012), Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

#### Highway Safety and Parking Provision

9.30 Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 105 of the NPPF (2018) 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 adequate provision of spaces for ultra-low 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.

9.31 The application seeks to provide 3x four bed dwellings which would require 3 spaces per dwelling, totally 9 parking spaces. The proposal would provide 9 parking spaces in total; 2 spaces for Plot C, 3 spaces for Plot B and 4 spaces for Plot A.

9.32 The proposal would provide a new private driveway which will run parallel to the adjacent field, through the existing staff accommodation and into the site. This private drive will connect to the existing site access. Hertfordshire Highways were consulted on the proposal and raised no objection, providing the following summative comments:

- Drawing no 473-100-A indicates that the exiting access will be utilised. However, any changes to this access must be undertaken by approved contractors.
- Herts Fire and Rescue have been consulted on the length of the proposed driveway. Their response is "Having looked at the plans the turning area looks usable – the question would be the weight it could take which should be 19 tonnes for a fire appliance."
- Windmill Road is an unclassified local access road, with a speed limit of 30mph. Vehicles are therefore not required to leave and enter the highway in forward gear.
- I notice drawing no 473-100-A that the proposal is to have automatic gates across the driveway, which are set back the required distance from the footway.

9.34 The proposed access gates have subsequently been removed from the proposal.

9.35 Due to Highways raising no objection and sufficient off street parking provision, the proposed development would not result in significant impact to the safety and operation of adjacent highway. Thus, the proposal would be considered compliant with the NPPF (2018), Policies CS8 and CS12 of the Core Strategy (2013), Saved Policies 57 and 58 and Appendix 5 of the Local Plan (2004).

### Impact on Trees and Landscaping

9.36 Saved Policies 99 and 100 of the Dacorum Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that retained trees are protected during development and that new planting is a suitable replacement for any removed trees.

9.37 The existing site is relatively sparse in terms of existing vegetation. The proposal seeks to reinforce existing boundary hedging and where appropriate soften the appearance of the proposed development and hardstanding introduced with further shrubs. This is considered important to achieve a high quality development, further information on tree type, size and density number to be planted has been recommended by way of condition.

### Protected Species

9.38 The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework (paragraphs paragraphs 174-177), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 as well as Circular 06/05. Furthermore, Policy CS26 of the Core Strategy (2013) states that proposals should contribute to the conservation of habitats and species.

9.39 The demolition of any building carries a risk of harm to bats. Herts Ecology was consulted on the planning application and have not provided a response within the statutory timeframe. Nevertheless, the onus of this falls on the applicant and therefore an informative in this regard has been attached to the recommended grant consent

### The unit tied to the existing business

9.40 In 2014 (4/01530/14/FUL) permission was granted for the erection of a two bedroom dwelling to serve as staff accommodation for the site business use. Condition 4 attached to this permission restricted the occupation of this unit to persons solely employed by the Hazel Corner Dog Kennels business. The use of the premises for staff employees was considered as a sufficient case of special circumstances to justify the grant approval. For this reason these units will be demolished under the current application but have not been included within the Previous Development Land floor space and volume comparison.

### Community Infrastructure Levy (CIL)

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

## **10. Conclusion**

10.1 The proposed demolition of the existing kennels and construction of a courtyard-style three dwellings would be an appropriate form of development in the Green Belt which would

not impact upon the visual or physical sense of openness to the Green Belt. Further, the proposal would not result in detrimental impact to the visual amenity of the surrounding area or have an undue impact upon the residential amenity of the neighbouring residents. The proposed development therefore complies with the National Planning Policy Framework (2018), Policies NP1, CS1, CS4, CS5, CS8, CS11, CS12, CS17, CS18, CS26 and CS35 of the Core Strategy (2013) and Saved Policies 10, 18, 21, 57, 58, 97, 99 and 100 and Appendices 3 and 5 of the Local Plan (2004).

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

Conditions/Reasons for Refusal

No	Condition
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>Planning Statement DLA Ref: 17/227 May 2018            473-100-C            473-101-D            425-102-B            425-103            475-105-A            473-01-A</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>No development shall take place above damp proof course level until 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:</p> <p>hard surfacing materials;            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;            proposed finished levels or contours;</p> <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area; in accordance with Policy CS12 of the Core Strategy (2013).</p>
4	<p>All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of</p>

	<p>similar size and species, unless the Local Planning Authority gives written approval to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development; in accordance with Saved Policies 99 and 100 of the Local Plan (2004).</p>
5	<p>The existing dwelling shown on Drawing No. P0659/13/G dated 13.08.14 shall be demolished and the materials removed prior to the first occupation of the dwellings hereby permitted.</p> <p>Reason: This represents inappropriate development in the Green Belt and was allowed subject to a business tie. As the business will no longer exist this dwelling will need to be removed in order to safeguard and maintain the openness of the Green belt in accordance with the Core Strategy Policy CS5 (2013) and the NPPF (2018).</p>
6	<p>The bath and en-suite windows at ground floor level in the front and side elevations of the dwellings hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings and future occupiers of the application site; in accordance with Policy CS12 of the Core Strategy (2013).</p>
7	<p>All existing structures shown for demolition in plan ref: 473-100-B shall be demolished and the materials removed prior to the first occupation of the development hereby permitted.</p> <p>Reason: To safeguard and maintain the openness of the Green Belt in accordance with Policy CS5 of the Core Strategy (2013) and the NPPF (2018).</p>
8	<p>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:</p> <p>Schedule 2 Part 1 Classes A, C and E</p> <p>Reason: To safeguard and maintain the openness of the Green Belt in accordance with Policy CS5 of the Core Strategy (2013) and the NPPF (2018).</p>
9	<p>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.</p> <p>For the purposes of this condition:</p> <p>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</p>



	<p>'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Policy CS32 of the Core Strategy (2013).</p>
10	<p>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.</p> <p>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.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development in accordance with Policy CS32 of the Core Strategy (2013).</p> <p>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 membership of a relevant professional organisation.'</p> <p>Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website <a href="http://www.dacorum.gov.uk">www.dacorum.gov.uk</a></p> <p>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.</p>
11	<p>No development shall take place above damp proof course level until information on the number and position of fire hydrants has been 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 new units.</p> <p>Reason: In the interests of health and safety; in accordance with Policy CS12 of the</p>

	Core Strategy (2013).
12	<p>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.</p> <p>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  i) Construction or Demolition Hours of Operation  j) Dust and Noise control measure  k) Asbestos control measure where applicable</p> <p>The construction of the development shall only be carried out in accordance with these approved details.</p> <p>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) Policies CS8 and CS12.</p>
13	<p>The proposed access, driveway and turning area hereby approved and detailed in plan ref: 473-100-B shall have capacity to carry 9 tonnes vehicles.</p> <p>Reason: To ensure safe and satisfactory means of access in accordance with Policies CS8 and CS12 of the Core Strategy (2013).  Highways Informative</p> <p>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:- <a href="https://www.hertfordshire.gov.uk/droppedkerbs/">https://www.hertfordshire.gov.uk/droppedkerbs/</a></p> <p>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: <a href="http://www.hertfordshire.gov.uk/services/transtreets/highways/">http://www.hertfordshire.gov.uk/services/transtreets/highways/</a> or by telephoning 0300 1234047.</p> <p>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</p>

<p>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 <a href="http://www.hertfordshire.gov.uk/services/transtreets/highways/">http://www.hertfordshire.gov.uk/services/transtreets/highways/</a> or by telephoning 0300 1234047.</p> <p>Article 35 Statement</p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 41) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p>
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## Appendix A

### Consultation responses

#### Herts Property Services

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

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

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)).

#### Building Control

I have taken at the proposal and my comments are below:-

- Approved document B – confirmation that turning head is keep clear at all time
- Approved document M – confirm level threshold for disable Access

#### Herts Fire and Rescue

I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. 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.

## Environmental Health

Thanks for contacting the Pollution and Environmental Protection Team in respect of the above planning application 4/01315/18/FUL for the demolition of existing kennels and construction of a courtyard of three dwellings and associated access, car parking and landscaping.

Please be advise that we have **no objection to the proposed development in relation to Noise, Air Quality and land contamination.**

However, with the proposed development located within 20metres of a former contaminated land use i.e. landfill/refuse site, 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.

Therefore, the construction of the development shall only be carried out in accordance with the approved Construction Management Plan which 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.
- i) Construction or Demolition Hours of Operation
- j) Dust and Noise control measure
- k) Asbestos control measure where applicable

**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.

I hope the above clarify our position on the submitted application?

Markyate Parish Council

**Objection**

This is Green Belt area and also the road is unsuitable. Strongly object.

DBC conservation

If the principle of developing the site is accepted, and other planning issues regarding Green Belt are overcome, then from a design perspective, in attempting to meet a 'farm courtyard' layout, the proposal is weak and the layout contrived. If this 'model' of a more traditional farm layout is to be followed, there needs to be more of a sense of hierarchy to the various units, with some more diversity introduced in terms of detailing and materials – as would be found in

other examples in the area. The U-shaped plan could be modified by

- Modulating the central range by raising part of the roofline to introduce an, open 'barn' element with larger 'barn door' glazing to this element (to replace the projecting porch, and avoiding projections off the linear layout).
  - i) extending the plot A wing forward of the main range, possibly to incorporate car spaces as part of a 'cart shed' extension to the existing range, so moving some of the intrusive parking from the central courtyard space.
- Modifying the individual units, perhaps introducing some flint, stable-like doors, modifying the fenestration to have vertical.

### HCC Highways

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

#### CONDITIONS

1. Prior to the first occupation of the development hereby permitted the proposed access /on-site car and cycle parking / servicing / loading, unloading / turning /waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan " drawing no 473-100-A " 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.

2. Prior to the first occupation of the development hereby permitted any access gates, bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 6 metres (this may be reduced to 5.5) metres from the near channel edge of the adjacent carriageway.

Reason: To enable vehicles to safely draw off the highway before the gates are opened.

#### 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 kennels and construction of a courtyard of three dwellings and associated access, car parking and landscaping.

#### PARKING

The proposal includes a total of 12 parking spaces for the proposed new dwellings.

#### ACCESS

There is an existing access onto Windmill Road. Although in section 6 of the application form the applicant has indicated that this proposal includes new or altered pedestrian and vehicle accesses, drawing no 473-100-A indicates that the existing access will be utilised. However, any changes to this access must be undertaken by approved contractors.

The same drawing shows that the proposed driveway is 3.5m wide and approximately 80m long, with a turning area proposed for large vehicles. Herts Fire and Rescue have been consulted on the length of the proposed driveway. Their response is "Having looked at the plans the turning area looks usable – the question would be the weight it could take which should be 19 tonnes for a fire appliance."

Windmill Road is an unclassified local access road, with a speed limit of 30mph. Vehicles are therefore not required to leave and enter the highway in forward gear.

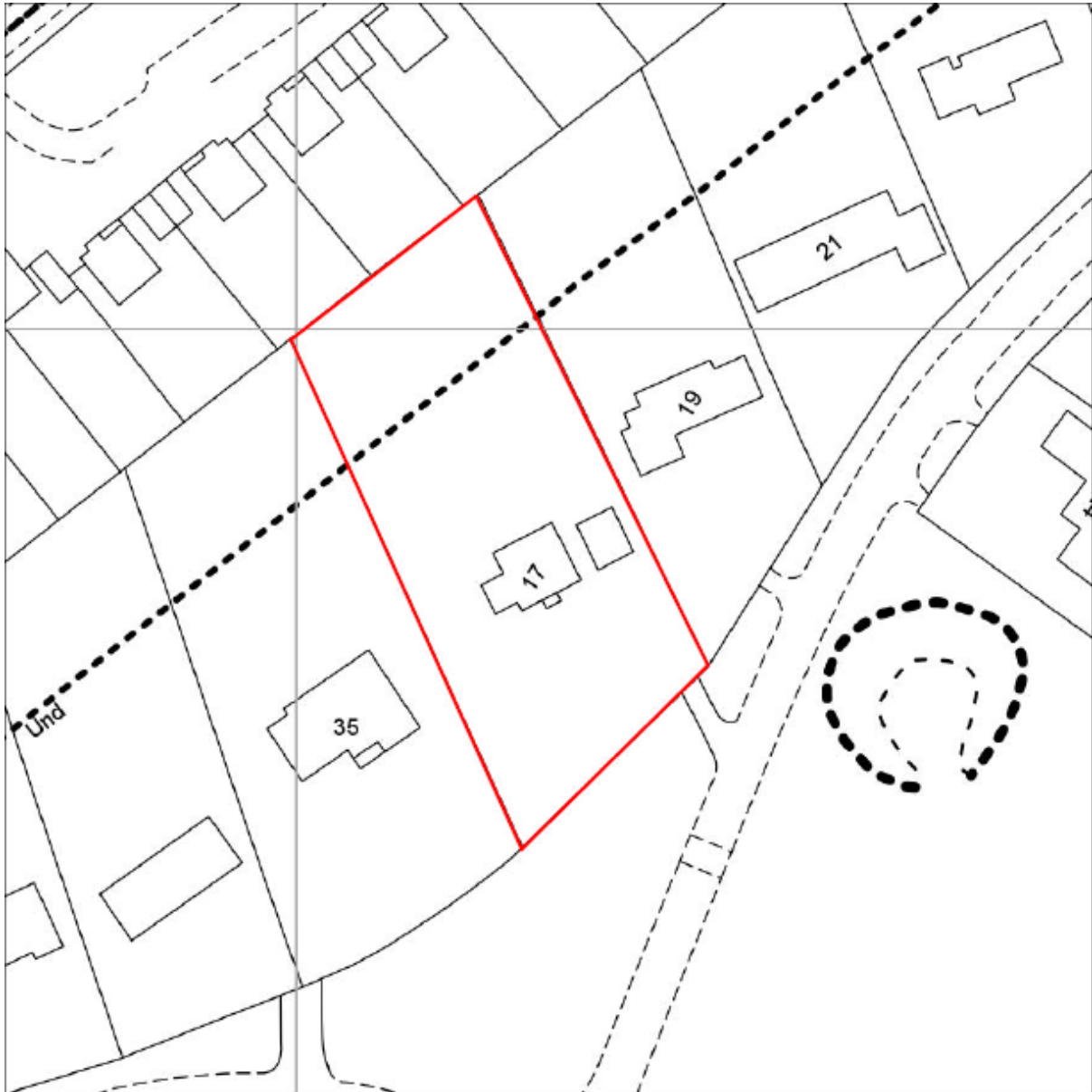
I notice drawing no 473-100-A that the proposal is to have automatic gates across the driveway, which are set back the required distance from the footway.

I notice also that here is a public footpath running along the NE boundary of the site. This must be kept clear of obstructions at all stages of construction.



**4/01280/18/FHA ALTERATION OF FRONT FIRST FLOOR WINDOW INTO DOUBLE DOOR. BALCONY RAILINGS INSERTED TO CURRENT SLAB ABOVE ENTRANCE PILLARS.**

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

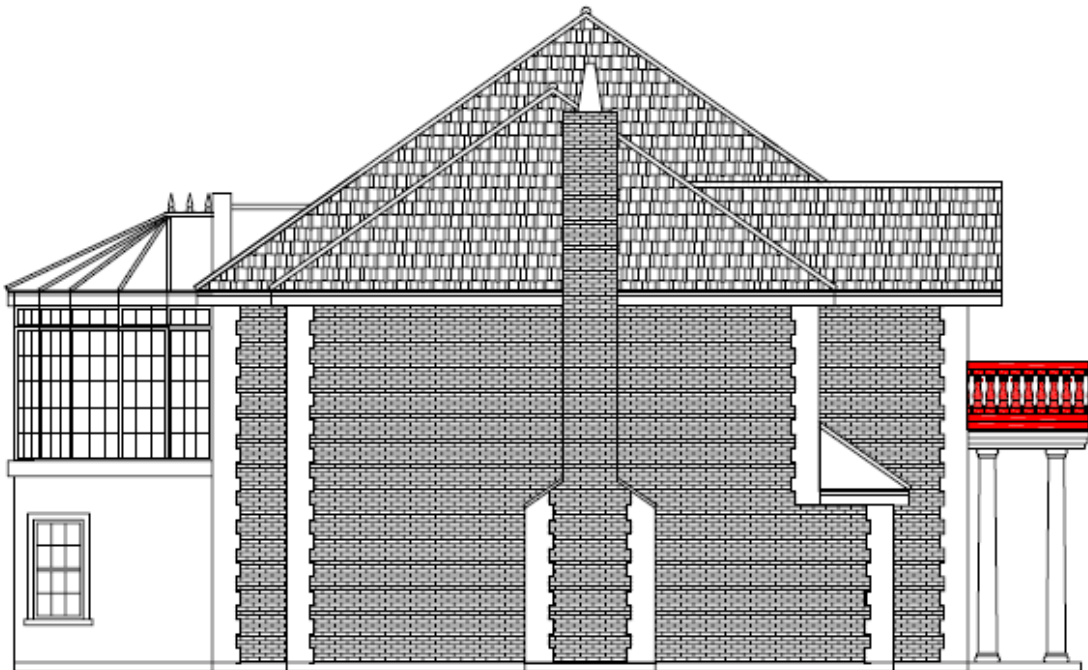


4/01280/18/FHA ALTERATION OF FRONT FIRST FLOOR WINDOW INTO DOUBLE DOOR. BALCONY RAILINGS INSERTED TO CURRENT SLAB ABOVE ENTRANCE PILLARS.

17 HIGHCLERE DRIVE, HEMEL HEMPSTEAD, HP3 8BY



PROPOSED FRONT ELEVATION  
SCALE 1:100 (A3)



PROPOSED SIDE ELEVATION 2-2  
SCALE 1:100 (A3)

<b>4/01280/18/FHA</b>	<b>ALTERATION OF FRONT FIRST FLOOR WINDOW INTO DOUBLE DOOR. BALCONY RAILINGS INSERTED TO CURRENT SLAB ABOVE ENTRANCE PILLARS.</b>
<b>Site Address</b>	<b>17 HIGHCLERE DRIVE, HEMEL HEMPSTEAD, HP3 8BY</b>
<b>Applicant</b>	<b>Mr Akram, 23-25 Marlows</b>
<b>Case Officer</b>	<b>Oliver Phippen</b>
<b>Referral to Committee</b>	<b>Contrary view of Nash Mills Parish Council</b>

## 1. Recommendation

1.1 That planning permission be **GRANTED**.

## 2. Summary

2.1 The development is recommended for approval as it will not have a detrimental effect on the appearance of the dwelling or the street scene, it will not have a detrimental effect on the privacy of neighbours and it will not lead to any overlooking of neighbours. The development is therefore in accordance with Saved Appendices 3 and 7 of the Dacorum Borough Local Plan (2004), Policies CS4, CS11 and CS12 of the Adopted Core Strategy (2013) and the NPPF (2018).

## 3. Site Description

3.1 The application site is located on Highclere Drive, Hemel Hempstead. The property is a large, detached dwelling situated on a large plot and set back a significant distance from the road. The surrounding area is characterised by similar large, detached dwelling but there is little consistency in terms of design or architectural styles. The owner of the property is currently in the process of building a garage to the front of the property that will run along the boundary with No.19.

## 4. Proposal

4.1 Planning permission is sought for the alteration of a front first floor window into a double door and balcony railings inserted on the existing slab above the entrance pillars. It should be noted that the works subject to the application have recently been completed.

## 5. Relevant Planning History

4/00908/18/NM A NON MATERIAL AMENDMENT TO PLANNING PERMISSION  
4/01372/14/FUL (DEMOLITION OF EXISTING HOUSE.  
CONSTRUCTION OF TWO-STOREY, SIX-BEDROOM HOUSE.)  
Refused  
22/05/2018

4/00601/17/FHA CONSTRUCTION OF OUTBUILDING AT REAR OF PROPERTY  
CONSISTING OF GYM AREA AND DETACHED GARAGE  
Granted  
21/11/2017

4/00090/16/LDP CONSTRUCTION OF GYM AND GARAGE.  
Granted  
29/02/2016

4/00092/16/RO C VARIATION OF CONDITION 5 (APPROVED PLANS) ATTACHED TO  
PLANNING PERMISSION 4/01620/13/FUL (DEMOLITION OF EXISTING

HOUSE AND REPLACEMENT WITH TWO-STOREY FOUR BEDROOM HOUSE).  
Granted  
24/02/2016

4/01372/14/FUL DEMOLITION OF EXISTING HOUSE. CONSTRUCTION OF TWO-STOREY, SIX-BEDROOM HOUSE.  
Granted  
10/12/2014

4/01620/13/FUL DEMOLITION OF EXISTING HOUSE AND REPLACEMENT WITH TWO STOREY FOUR BEDROOM HOUSE.  
Granted  
13/12/2013

## **6. Policies**

### **6.1 National Policy Guidance**

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

### **6.2 Adopted Core Strategy (2013)**

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

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

Appendix 3 - Layout and Design of Residential Areas  
Appendix 7 - Small-Scale House Extensions

## **7. Constraints**

Residential Area.

## **8. Representations**

### **Consultation responses**

8.1 These are reproduced in full at Appendix A.

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

8.2 These are reproduced in full at Appendix B.

## **9. Considerations**

### **Main issues**

9.1 The main issues to consider are:

- Policy and Principle;
- Impact on Appearance of Dwelling and Street Scene;
- Impact on Residential Amenity.

#### Policy and Principle

9.2 The application site is located with the residential area of Hemel Hempstead, wherein accordance to Policy CS4 of the Adopted Core Strategy (2013) the principle of a residential extension/alteration is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues to the consideration of this application relate to the impact of the development upon the character and appearance of the existing dwelling, immediate street scene and residential amenity of neighbouring properties.

#### Impact on Appearance of Dwelling and Street Scene

9.3 Saved Appendix 7 of the Dacorum Borough Local Plan (2004), Policies CS11 and CS12 of the Adopted Core Strategy (2013) and the NPPF (2018) 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 development is sympathetic to the existing dwelling and the choice of materials match the existing detailing and entrance pillars. There have been no objections to the appearance of the development and it is deemed that the development will not have a detrimental impact on the appearance of the dwelling or the street scene.

#### Impact on Residential Amenity

9.5 The NPPF (2018) outlines the importance of planning in securing high standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Dacorum Borough Local Plan (2004) and Policy CS12 of the Adopted Core Strategy (2013), seek to ensure that new development does not result in detrimental impact to neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light or loss of privacy.

9.6 Due to the mature screening along the boundary with No.35 and the garage currently being built along the boundary with No.19 it is deemed that the development will not have a detrimental effect on the privacy of the neighbours and it will not lead to any significant overlooking of neighbours. It should be noted that there is generally an element of mutual overlooking of front/rear gardens in urban situations and the views experienced from the balcony are not significantly more harmful than from other first floor windows. Bearing in mind the above and the separation from the boundary it is considered grounds for refusal relating to loss of privacy/overlooking/amenity could not be sustained.

## **10. Conclusions**

10.1 The development is recommended for approval as it will not have a detrimental effect on the appearance of the dwelling or the street scene, it will not have a detrimental effect on the privacy of neighbours and it will not lead to any overlooking of neighbours. The development is therefore in accordance with Saved Appendices 3 and 7 of the Dacorum Borough Local Plan (2004), Policies CS4, CS11 and CS12 of the Adopted Core Strategy (2013) and the NPPF (2018).

**11. RECOMMENDATION** – That planning permission be **GRANTED** for the reasons referred

to above and subject to the following conditions:

Conditions/Reasons for Refusal

No	Condition
1	<p><b>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</b></p> <p><b>HDHH-506-P01</b>  <b>HDHH-507-P01</b>  <b>HDHH-508-P01</b></p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>

**Appendix A**

**Consultation responses**

**Nash Mills Parish Council**

The planning committee Object due to privacy and overlooking issues.

**Appendix B**

**Neighbour notification/site notice responses**

**Objections**

Address	Comments
35 LONGDEAN PARK,HEMEL HEMPSTEAD,,HP3 8BZ	This has already been rejected by the council (whose grounds for the rejection we agree with) and no material evidence has been supplied to explain why that decision should be changed. The council's reasons for the rejection are now more pertinent because a significant proportion of the tree screen between our properties has now been cut down by the applicants.

**Supporting**

Address	Comments
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**Commenting**

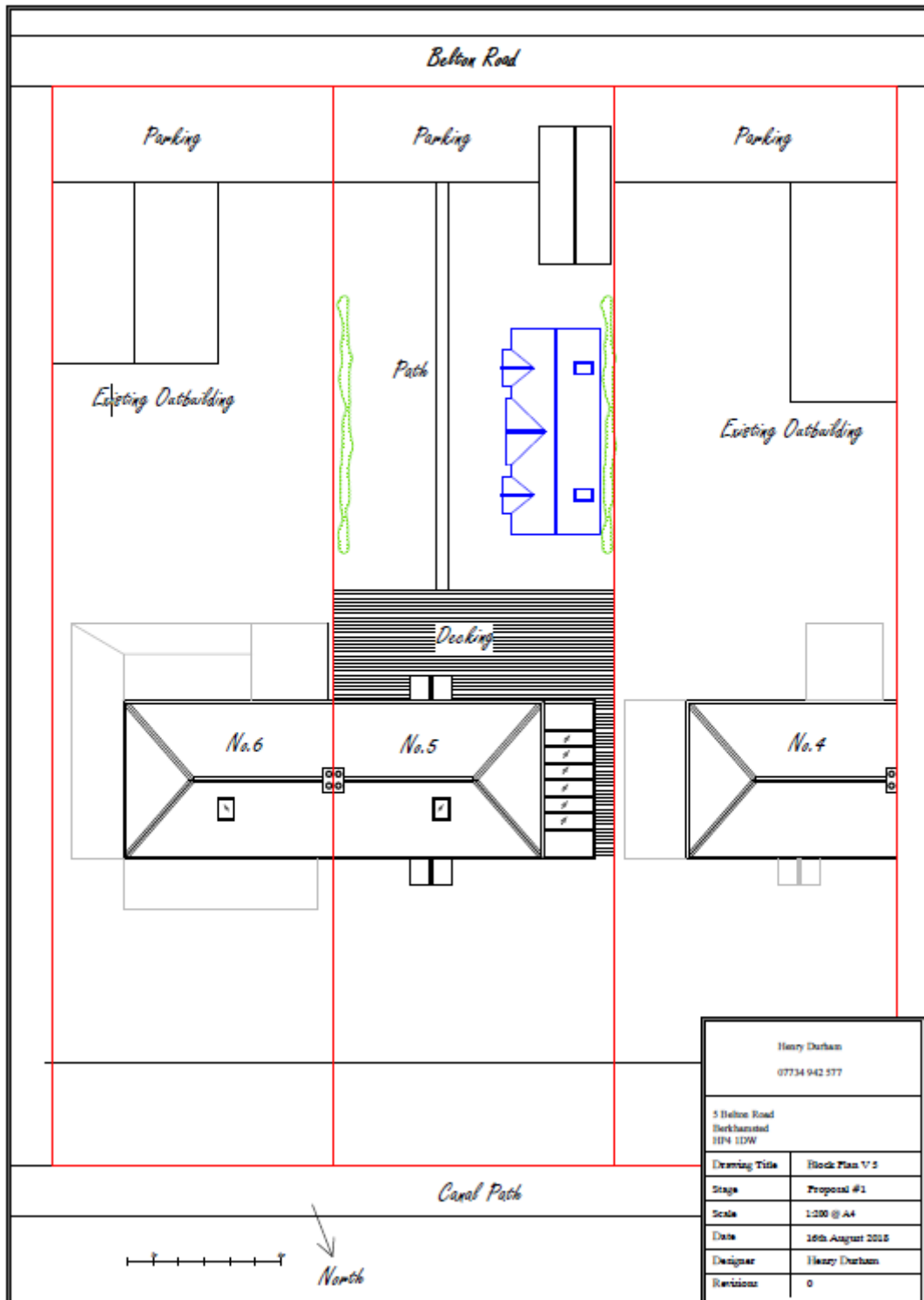
Address	Comments
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# Agenda Item 5f

4/01710/18/FHA CONSTRUCTION OF GARDEN ROOM.

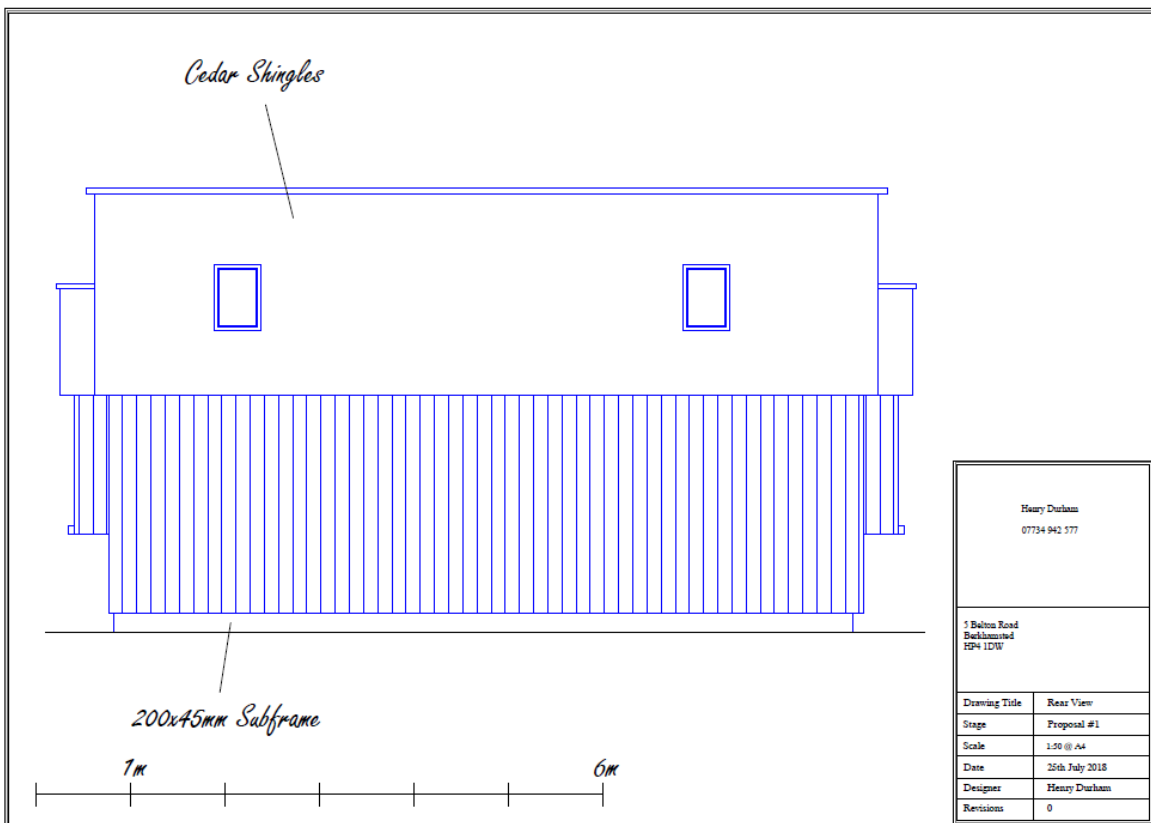
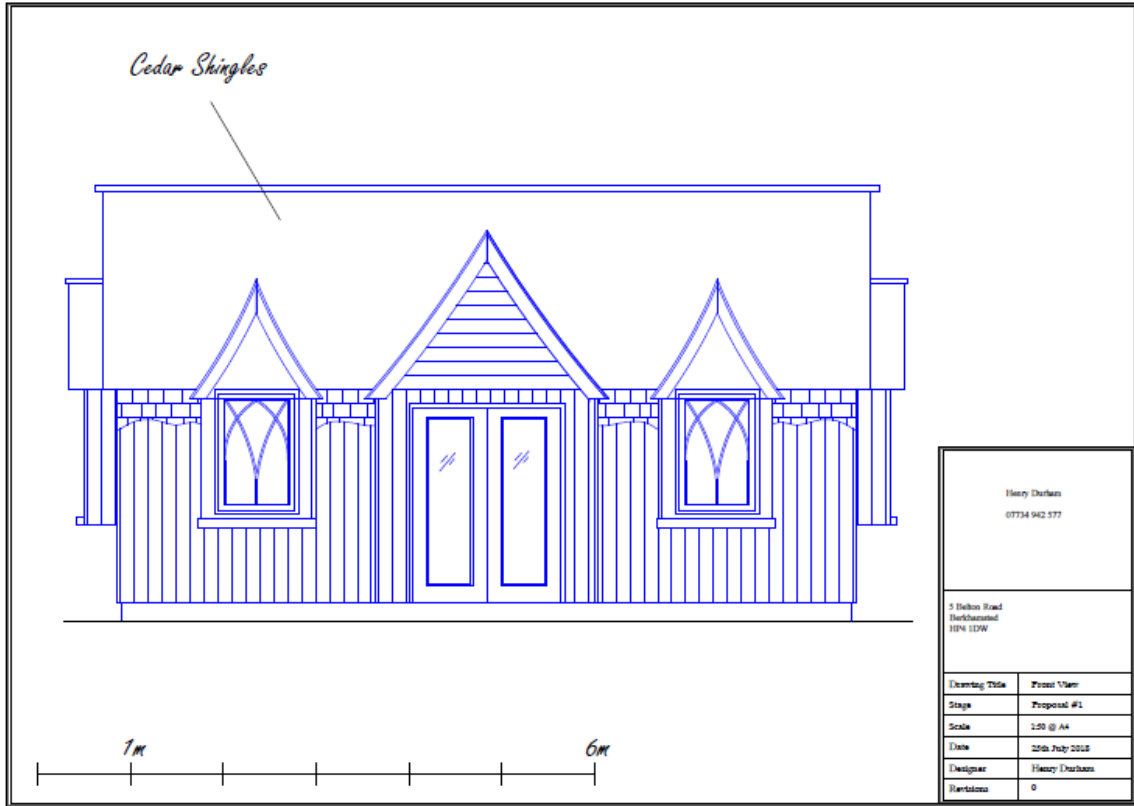
5 BELTON ROAD, BERKHAMSTED, HP4 1DW





**4/01710/18/FHA CONSTRUCTION OF GARDEN ROOM.**

**5 BELTON ROAD, BERKHAMSTED, HP4 1DW**



<b>4/01710/18/FHA</b>	<b>CONSTRUCTION OF GARDEN ROOM.</b>
<b>Site Address</b>	<b>5 BELTON ROAD, BERKHAMSTED, HP4 1DW</b>
<b>Applicant</b>	<b>Mr Henry Durham, 5 Belton Road</b>
<b>Case Officer</b>	<b>Rachel Marber</b>
<b>Referral to Committee</b>	<b>Contrary views of Berkhamsted Town Council</b>

## 1. Recommendation

1.1 That planning permission be **GRANTED**

## 2. Summary

2.1 The proposed rear summerhouse through size, position and design would not adversely impact on the visual amenity of the existing dwellinghouse, immediate street scene or the residential amenity of neighbouring residents. The proposal is therefore in accordance with Saved Appendices 3 and 7 and Policy 118 of the Dacorum Local Plan (2004), Policies CS4, CS11, CS12 and CS31 of the Core Strategy (2013) and the NPPF (2018).

## 3. Site Description

3.1 The application site is located on the north side of Belton Road in Berkhamsted. The site comprises an inter-war two storey semi-detached dwellinghouse situated in the urban area of Berkhamsted and forming a linear front onto the Grand Union Canal. Parking is provided to the rear by way of small concrete lock-up garages accessed via an unmade lane (Belton Road).

3.2 The immediate area is of large built-up urban character with mixed dwelling types and designs at mainly very high densities, set around busy through roads and established industrial areas. All properties located to the north-side of Belton Road are similar in appearance and characterised from Belton Road by rear garages and outbuildings.

## 4. Proposal

4.1 The application seeks permission for the construction of a rear garden room.

## 5. Relevant Planning History

4/01245/15/FHA SINGLE STOREY SIDE EXTENSION  
Granted  
17/06/2015

## 6. Policies

### 6.1 National Policy Guidance (2018)

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

### 6.2 Adopted Core Strategy – (2013)

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

CS31 - Water Management

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

Appendix 3 - Layout and Design of Residential Areas

Appendix 7 - Small-scale House Extensions

Policy 118 - Important Archaeological Remains

### 6.4 Supplementary Planning Guidance / Documents

- Area Based Policies (May 2004) - Residential Character Area BCA6: Billet Lane

## 7. Constraints

Residential Area of Berkhamsted

Billet Lane BCA6

Flood Zone 2

Flood Zone 3

Area of Archaeological Significance

## 8. Representations

### 8.1 Consultee Responses

These are reproduced in full at Appendix A

## 9. Considerations

### Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on Street Scene
- Impact on Residential Amenity
- Archaeology
- Flood Risk
- Community Infrastructure Levy

### **Key Considerations**

#### Principle of Development

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

#### Impact upon the Character of Existing Dwellinghouse and Street Scene

9.3 Saved Appendix 7 of the Dacorum Local Plan (2004), Policies CS11, CS12 of the Core

Strategy (2013) and the NPPF (2018) 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.

The proposed garden room would not be overtly visible from the street scene due to the siting immediately behind the existing single garage. Further, Belton Road is a private road.

Large rear outbuildings fronting Belton Road are a prominent feature of the immediate street scene, with both immediately neighbouring properties (Nos.6 and 4) having large front outbuildings. Moreover, No.2 Belton Road was granted planning consent in 2012 (4/01665/12/FHA) and 2015 (app ref: 4/03793/15/FUL) for a two storey rear outbuilding or similar scale to that proposed under this application.

As such, given the existing dominant rear outbuildings fronting Belton Road it is not considered that the proposed garden room would appear incongruous within the immediate street scene or significantly detriment the character and appearance of the immediate area. As such, the proposal adheres to the NPPF (2012), Saved Appendix 7 of the Dacorum Local Plan (2004) and Policies CS11 and CS12 of the Core Strategy (2013).

#### Impact on the living conditions of future occupants and surrounding residential units

The NPPF (2018) outlines the importance of planning in securing high standards of amenity for existing and future occupiers of land and buildings. Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact to neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way of visual intrusion, loss of light and privacy.

It is not considered that the proposed outbuilding would result in a significant loss of daylight, outlook or privacy to the rear windows of Nos.4 and 6 Belton Road for the reason that the outbuilding would be located 7 – 10 metres away from the front elevation of both neighbouring properties and would only be 4.6 metres in height. The boundary treatment separating the application site from neighbouring residents at Nos.4 and 6 is around 5-6 metres in height and therefore would substantially shield the outbuilding from neighbouring perspective.

The outbuilding would be used as a garden room by the applicants; the ancillary use of this structure has been secured by condition.

Thus, the proposed in regards to residential amenity is acceptable in terms of the NPPF (2018), Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

#### Archaeology

In accordance with Saved Policy 118 of the Local Plan (2004) and NPPF (2018) planning permission will not be granted for development which would adversely affect scheduled ancient monuments or other nationally important sites and monuments, or their settings. The application site falls within an Area of Archaeological Significance and Herts Archaeology were consulted on the proposed application but have not provided a response within the statutory timeframe.

Nevertheless, the onus of this falls on the applicant and therefore an informative in this regard has been attached to the recommended grant consent.

### Flood Risk

Policy CS31 of the Core Strategy (2013) seeks to minimise the risk of flooding. With regard to the nature of the development and as the application site is located within Flood Zones 2 and 3 a site specific Flood Risk Assessment has been submitted alongside the planning application. This document is considered acceptable in its approach to flood risk mitigation measures.

### Community Infrastructure Levy (CIL)

Policy CS35 requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on the 1st July 2015. This application is not CIL Liable due to resulting in less than 100m<sup>2</sup> of additional floor space.

## **10. Conclusion**

10.1 The proposed rear summerhouse through size, position and design would not adversely impact on the visual amenity of the existing dwellinghouse, immediate street scene or the residential amenity of neighbouring residents. The proposal is therefore in accordance with Saved Appendices 3 and 7 and Policy 118 of the Dacorum Local Plan (2004), Policies CS4, CS11, CS12 and CS31 of the Core Strategy (2013) and the NPPF (2018).

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

### Conditions/Reasons for Refusal

No	Condition
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:  Design and Access Statement Block Plan V3 Detailed Plan Front View Plan Rear View Side View 1 Side View 2  Reason: For the avoidance of doubt and in the interests of proper planning.
3	The outbuilding hereby permitted shall not be occupied at any time other than for

	purposes ancillary to the residential use of the dwelling known as 5 Belton Road. Reason: To ensure the outbuilding does not become severed from the parent dwellinghouse; in accordance with Policy CS12 of the Core Strategy (2013).
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## **Appendix A**

### **Consultation responses**

#### Network Rail

Network Rail has reviewed the documentation submitted by the applicant and this proposal will not impact the railway infrastructure.

#### Canal and River Trust

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that “living waterways transform places and enrich lives”. We are a statutory consultee in the development management process.

The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Based upon the information available we have **no comment** to make.

#### Berkhamsted Town Council

### **Objection**

The bulk, mass and height of the proposals are inappropriate and intrusive in relation to adjacent properties.  
CS11; CS12

## A. LODGED

4/00534/18/FUL

BELGRAVE PROPERTY DEVELOPMENTS LTD  
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  
[View online application](#)

4/02450/17/FUL

Bull Homes Ltd  
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  
[View online application](#)

## B. WITHDRAWN

None

## C. FORTHCOMING INQUIRIES

4/00091/18/ENA

Peters  
APPEAL AGAINST ENFORCEMENT NOTICE - COMMERCIAL USE OF  
BUILDING AND METAL FRAMED BUILDING  
LAND ADJ. TWO BAYS, LONG LANE, BOVINGDON, HP3 ONE  
[View online application](#)

## D. FORTHCOMING HEARINGS

None

## E. DISMISSED

None

## F. ALLOWED

4/01060/17/FUL

Land Key Developments  
DEMOLITION OF EXISTING PROPERTY AND REPLACEMENT WITH TWO  
3-BED DWELLINGS

#### Decision

1. The appeal is allowed and planning permission is granted for demolition of existing property and replacement with two semi-detached dwellings at 2 Kitsbury Road, Berkhamsted, HP4 3EG in accordance with the terms of the application, Ref 4/01060/17/FUL, dated 11 April 2017, and the plans submitted with it, subject to the conditions set out in the attached schedule.

#### Main Issue

2. The Council does not advance in its decision notice any concerns from the appeal proposal on the Berkhamsted Conservation Area (CA), nor does it cite any conservation policies from the development plan against which it finds conflict. However, the officer report is quite clear that the effect of the development on the character and appearance of the CA is a key consideration.

3. For the avoidance of doubt and to discharge my statutory duty which I set out below, I shall treat the main issue as the effect of the proposal on the character and appearance of the site, its surroundings, and the CA.

#### Reasons

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5. The appeal site lies within the CA. The building proposed for demolition is a detached dwelling located in a prominent position on a road with a mixture of detached, semi-detached, and terraced houses. This architectural variety is reflected in the street scene but the unifying characteristic of the road is its topography and how the properties respect the falling land levels towards the High Street. 6. Given the variety of buildings within the area, I consider that there is no overall architectural theme which a proposed new building should respond to. The key assessment is whether the scale, form, and positioning of the building would respond successfully to the constraints of the site. In this respect, the Council considers that the proposal would represent a large and overbearing feature within its plot, to the detriment of the appearance of the area and consequently, the CA.

7. The proposed building would be larger than the building it would replace. It would be wider, includes windows at second floor level and the first floor mass to the rear of the building would also be greater. However, when viewed within the street scene, the proposal would maintain the gap with its neighbour to the south-west. Whilst the gap with 305 High Street would decrease, the remaining gap would be contextually appropriate and consistent with other gaps between buildings in the street, particularly the series of semi-detached houses that are located close to the appeal site. The space between the buildings would also be emphasised by the introduction of a hipped roof which would reduce the visual bulk of the building and also references the roof form of the semi-detached houses. Furthermore, the asymmetric nature of the roof pitch would also ensure that the eaves height would remain consistent, despite the introduction of some accommodation at second floor level. In light of the context of the street scene, and the design of the proposal which seeks to maintain the visual gaps between buildings, I consider that the proposal would not represent a large or overbearing feature within its plot. Instead, I conclude that the proposal would be a well-considered and contextually appropriate addition to the street scene.

8. The Council also consider that the garden depths of the proposal would be less than that normally required by residential development, and contend that this is another indicator that the scale, form and positioning of the building would represent an overdevelopment of the site. Whilst the gardens would be shallow, they would be functional and would broadly replicate the depth of the existing garden. Moreover, due to the variety of amenity space sizes in the immediate locality, the size of the gardens would not be out of character. The mass of the building and its relationship with the rear boundary is not significantly different to the existing situation and I therefore consider that the position of the building in this respect would not represent an overdevelopment of the site.

9. For the reasons identified above, the proposal would have an acceptable effect on the character and appearance of the site and its surroundings and would also preserve the character and appearance of the CA. It therefore accords with policies CS11 and CS12 of the Dacorum's Local Planning Framework Core Strategy, September 2013 which, taken together, promote development that preserves attractive streetscapes and respects adjoining properties in terms of layout, site coverage, scale, height, and bulk.

#### Other Matters and Conditions

10. The layout of the proposal is such that it would not provide any on-plot car parking spaces. The Council contend that this is another indication that the proposal would represent an overdevelopment of the site and that additional parking pressure would affect the amenity of existing residents. I observed on my site



visit that many houses in the locality, including the appeal site itself, do not provide off street car parking spaces. In this respect, the proposal would not be an anomaly within the street. As confirmed in the officer's report, Local plan policy states that parking provision and management will be used to encourage reduced car ownership and usage and that the minimum level of car parking provision will be sought in developments by adopting maximum demand-based standards. The proposed dwellings would be located in a highly accessible location and whilst I note the comments from interested parties in relation to the provision of car parking, I have not been provided with any specific evidence in terms of car parking surveys to suggest that the proposal would give rise to significant pressure for car parking. Moreover, I note that the Council's consultee on highway matters raised no objection to the proposal.

11. Therefore, based on the evidence I have before me, and the fact that the proposal would result in a net gain of only 1 unit, I am satisfied that development of the site without on-plot car parking would be acceptable in this context. It would not have an unacceptable effect on the amenity of existing residents and would not give rise to unacceptable parking pressure in the area. It would therefore not result in a layout and level of site coverage that would represent an overdevelopment of the site in that regard.

12. I note the comments from interested parties in relation to bin storage and the concerns regarding demolition and building work. The site is located close to neighbouring properties and is also located within the CA and for these reasons, I am satisfied that whilst not suggested by the Council, it would be necessary and reasonable to control these matters by way of suitably worded conditions. I have therefore imposed a condition that requires the submission of a construction method statement as well as full details of bin storage.

13. In the interests of certainty, I have also imposed the standard time limit for the implementation of the development, and in the interests of clarity, a condition is necessary to list the approved drawings. Due to the site's location within the CA, it is necessary to impose conditions requiring material details to be submitted to and agreed by the Council, although I have changed the trigger as the required details do not go to the heart of the permission and could be agreed after development commences.

14. Conditions that relate to a written scheme of investigation are also necessary due to the archaeological sensitivity of the site. Finally, in light of the potential for contamination at the site, conditions are required to secure the necessary contaminated land report and subsequent remediation.

#### Conclusion

15. For the reasons identified above, the appeal is allowed.

4/02389/16/FUL

Mr P Cowman

RETENTION OF TWO THREE BED DWELLINGS (RETROSPECTIVE)

11 BANK MILL, BERKHAMSTED, HP4 2ER

[View online application](#)

#### Decision

1. The appeal is allowed and planning permission is granted for a pair of three bedroom semi-detached dwellings at 11 Bank Mill, Berkhamsted, HP4 2ER in accordance with the terms of the application, Ref 4/02389/16/FUL, dated 1 September 2016, and the plans submitted with it, subject to the following conditions:

1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no alterations or extensions to the roof of the building hereby permitted.

2) The windows at first floor level in the north west and south east elevations of the development hereby permitted shall be permanently fitted with obscured glass.

3) No wall, fence, hedge or other means of enclosure to be provided along the site frontage shall exceed a height of 600mm.

#### Procedural Matter

2. During the course of the appeal, the revised National Planning Policy Framework (the Framework) has been published. Both main parties were given an opportunity to comment on any relevant implications for the appeal, and any comments received have been taken into account in my reasoning.

3. In allowing the appeal, I have changed the description of development from that which was on the original planning application form. I have removed the reference to the retention of the building as well as the word 'retrospective' because these are not acts of development. In doing this, I am satisfied that neither party is compromised.

#### Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

#### Reasons

#### Site history

5. The appeal site has a long history and planning permission was first granted for a pair of semi-detached dwellings in 2010. Since then, there have been a number of planning applications and appeals that have sought various alterations to the development, much of which relate to the profile of the mansard roof. The most notable decision as I see it is that of the allowed appeal in April 2014 (APP/A1910/A/13/2203847) which the Council's officer report refers to as the 'benchmark scheme against which the proposal must be considered'.

6. Much of that appeal related to the profile of the mansard roof and a comparison between what was originally approved and what was subsequently being proposed. In allowing the appeal, the Inspector commented that 'I doubt that the ordinary man in the street would be able to appreciate the difference between the profile of the roof as approved and that as now proposed and both the Council's and the Appellant's comparison drawings illustrate how very little the difference is between the two.' This appeal decision represents a significant material consideration as a legitimate fall-back position.

7. The proposal now seeks the retention of the houses as built. The key differences between this proposal and that allowed at appeal are the profile of the roof and the introduction of a kicked sprocket at the base of the lower slope of the roof.

Character and appearance

8. As identified above, the site has a long history, much of which has focussed on the profile of the mansard roof. In refusing planning permission, the Council state that the roof form remains unduly large and box-like and consequently, the bulk and mass of the roof dominates the site and appears obtrusive and overbearing in terms of the established character of Bank Mill.

9. The mansard roof of the as-built scheme is bulky and when combined with the eaves overhang and the location of the first floor windows, the building does have a slightly top-heavy appearance. However, in this regard, I share the view of the previous Inspector who stated that 'It seems to me that in accepting accommodation arranged over three floors, two of which are contained within the roof, a significant compromise to the traditional form of mansard was necessary.' The appellant has sought to reduce this compromise by introducing a kicked sprocket detail, similar to the neighbouring property. Whilst this does have a subtle effect on reducing the profile of the roof, the roof is still the dominant feature of the building.

10. Regardless of the different roof profiles that are discussed in the evidence before me, since the 2014 allowed appeal there has been a fundamental change in circumstances and that is the redevelopment of the neighbouring property, no 13. The result of this is that the gable of the appeal building no longer 'rises well above the traditional sloping roof of the bungalow at No. 13'

a matter observed by the previous Inspector. Instead, the appeal site is now seen in the context of the adjacent two storey building. This helps to create a cohesive street scene where the adjacent properties are comparable in terms of bulk and height. Whilst the Council consider that the roof form has diminished in quality from that allowed at appeal in 2014, I consider that the building as built integrates successfully with the street scene when viewed in the context of the redeveloped site next door and the variety found elsewhere in the street. For this reason, I conclude that it is not harmful to the character and appearance of the area.

11. In relation to the proportions of the bay windows, I agree that the cill height does result in the windows having a horizontal emphasis and a slightly squat appearance. That said, they are not the principal feature of the building, and instead, they are one of a number of design features that together make up the composition of the building. When read as a whole and viewed in its context, the building represents an acceptable addition to the street scene and I consider that the proportions of the bay windows do not tilt the balance away from this conclusion.

12. Despite not forming part of their reason for refusal, in their supporting evidence for the appeal, the Council also raise concern that the proposal has a harmful effect on the setting of the Berkhamsted Conservation Area (CA) as well as views out of it. The boundary of the CA is located to the south west of the appeal site and the building can be viewed from within the CA, the Council is therefore entitled to come to a view in relation to the impact of the development. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of that area. In light of my findings in relation to the effect of the development on the character and appearance of the area more generally, I am satisfied that the proposal also preserves the views out of the CA and consequently its setting. Because of this, there is no need to weigh the effect of the proposal against public benefits as required by the National Planning Policy Framework (the Framework).

13. For the reasons identified above, the proposal does not have a harmful effect on the character and appearance of the area. Consequently, the proposal accords with policy CS12 of Dacorum's Local Planning Framework, Core Strategy (2013) (CS) requires, amongst other things, development to integrate with the streetscape character and respect adjoining properties in terms of layout, scale, height and bulk.

Conditions

14. The Council have suggested a condition to remove householder permitted development rights in the interests of safeguarding the residential and visual amenity of the locality. Paragraph 53 of the Framework

states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Moreover, the Planning Practice Guidance advises that conditions restricting the future use of permitted development rights 'will rarely pass the test of necessity and should only be used in exceptional circumstances'. Due to the merits of this case, it is necessary to restrict permitted development rights in relation to roof alterations but I consider that there are no exceptional circumstances to impose a more onerous restriction.

15. In the interests of highway safety, a condition is necessary in relation to the height of front boundary treatments and a condition is also necessary to ensure that obscure glazing remains in the first floor side windows so as to safeguard privacy levels for neighbouring occupants.

#### Conclusion

16. The appeal is allowed.