

Public Document Pack  
**DEVELOPMENT MANAGEMENT  
AGENDA**



**THURSDAY 27 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 Riddick
Councillor Bateman	Councillor Ritchie
Councillor Birnie	Councillor Whitman
Councillor Clark	Councillor C Wyatt-Lowe (Vice-Chairman)
Councillor Conway	Councillor Fisher
Councillor Maddern	Councillor Tindall
Councillor Matthews	

For further information, please contact Katie Mogan or Member Support

**AGENDA**

**1. MINUTES**

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

**2. APOLOGIES FOR ABSENCE**

To receive any apologies for absence

**3. DECLARATIONS OF INTEREST**

To receive any declarations of interest

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

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

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

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

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

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

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

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

Time per speaker	Total Time Available	How to let us know	When we need to know by
3 minutes	Where more than 1 person wishes to speak on a planning application, the shared time is increased from 3 minutes to 5 minutes.	In writing or by phone	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) 4/01459/18/RES - SUBMISSION OF RESERVED MATTERS (SECONDARY ACCESSES, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR A FIRST PHASE OF 150 FLATS AND 294SQM ANCILLARY RETAIL FLOORSPACE) TO OUTLINE PLANNING PERMISSION 4/03624/14/MOA (RESIDENTIAL DEVELOPMENT (UP TO 207 UNITS) AND ANCILLARY RETAIL UNIT (UP TO 375SQM) - OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR THE STRATEGIC ACCESS ONTO COMBE STREET). LAND ADJACENT TO THE FORUM AND DACORUM WAY, HEMEL HEMPSTEAD, HP1 1HL (Pages 6 - 33)
- (b) 4/03275/17/FUL - CHANGE OF USE FROM NURSERY TO RESIDENTIAL. REDEVELOPMENT OF SITE TO PROVIDE THREE NEW DWELLINGS. WOODVIEW NURSERIES, TINKERS LANE, WIGGINTON, TRING, HP23 6JB (Pages 34 - 64)
- (c) 4/03109/17/MFA - PROPOSED DEMOLITION OF ALL EXISTING BUILDINGS. IMPROVEMENTS TO EXISTING ACCESS, CONSTRUCTION OF FOUR 3-BED AND SIX 2-BED COTTAGES WITH ASSOCIATED CAR PARKING AND ACCESS ROAD WITH WASTE AND CYCLE STORAGE R/O 49 - 53, HIGH STREET, NORTHCHURCH, BERKHAMSTED, HP4 3QH (Pages 65 - 98)
- (d) 4/01003/18/FUL - DEMOLITION OF EXISTING OUTBUILDINGS AND CONSTRUCTION OF A NEW DETACHED DWELLING. CHURCH STREET, HEMEL HEMPSTEAD, HP2 5AD (Pages 99 - 127)
- (e) 4/01496/18/FUL - THE RETENTION OF 4 NO. STORAGE CONTAINERS AND THE PLACEMENT OF 3 NO. ADDITIONAL STORAGE CONTAINERS (USE CLASS B8) WOODLAND WORKS, WATER END ROAD, POTTEN END, BERKHAMSTED, HP4 2SH (Pages 128 - 140)
- (f) 4/01413/18/FUL - EXTENSION OF THE EXISTING CAR PARK INTO THE FIELD/PARKLAND TO CREATE 22 NEW PARKING BAYS. THE VILLAGE HALL SIDE CAR PARK, LEVERSTOCK GREEN VILLAGE CENTRE, HEMEL HEMPSTEAD, HP3 8QG (Pages 141 - 160)
- (g) 4/01519/18/FUL - DEMOLITION OF EXISTING AGRICULTURAL BARN AND CONSTRUCTION OF TWO ONE AND A HALF STOREY THREE BED SEMI-DETACHED DWELLINGS. WOODLANDS, NOAKE MILL LANE, WATER END, HEMEL HEMPSTEAD, HP1 3BB (Pages 161 - 183)
- (h) 4/01559/18/FHA - TWO STOREY SIDE EXTENSION AND PART SINGLE, PART TWO STOREY REAR EXTENSION WITH REAR ROOFLIGHT AND FRONT PORCH 80 WESTFIELD ROAD, BERKHAMSTED, HP4 3PW (Pages 184 - 191)
- (i) 4/01599/18/FUL - CHANGE IN USE OF SITE TO COMPRISE A MIXED USE FISHBREEDING ENTERPRISE AND RESIDENTIAL PREMISE WITH THE CONSTRUCTION OF ONE POLYTUNNEL AND 4 SHALLOW PONDS AND RETENTION OF 1 DRAINAGE POND, 1 POLYTUNNEL, 2 SHALLOW PONDS, EXISTING SHED AND STABLE BUILDING SHANTOCK COTTAGE, SHANTOCK LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0NG (Pages 192 - 207)
- (j) 4/01635/18/FHA - CAR PORT WITH GARDEN STUDIO ABOVE THE HOIST, 2 MASONS YARD, CHAPEL STREET, BERKHAMSTED, HP4 2EA (Pages 208 - 229)

- (k) 4/01624/18/FUL - CHANGE OF USE FROM AMENITY LAND TO RESIDENTIAL LAND. CONSTRUCTION OF 1800MM HIGH CLOSE-BOARD FENCE TO SOUTH BOUNDARY HOLLYBUSH LANE, HEMEL HEMPSTEAD, HP1 2PQ (Pages 230 - 239)
- (l) 4/01703/18/FHA - LOFT CONVERSION INCLUDING REAR DORMER WINDOW AND FOUR ROOF LIGHTS TO FRONT ELEVATION; SINGLE-STOREY REAR EXTENSION REPLACING EXISTING ATTACHED OUTBUILDING 8 BRYFIELD COTTAGES, FLAUNDEN LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0PD (Pages 240 - 247)

**6. APPEALS UPDATE** (Pages 248 - 264)

# Agenda Item 5a

5a 4/01459/18/RES SUBMISSION OF RESERVED MATTERS (SECONDARY ACCESSES, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR A FIRST PHASE OF 150 FLATS AND 294SQM ANCILLARY RETAIL FLOORSPACE) TO OUTLINE PLANNING PERMISSION 4/03624/14/MOA (RESIDENTIAL DEVELOPMENT (UP TO 207 UNITS) AND ANCILLARY RETAIL UNIT (UP TO 375SQM) - OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR THE STRATEGIC ACCESS ONTO COMBE STREET).

LAND ADJACENT TO THE FORUM AND DACORUM WAY, HEMEL HEMPSTEAD, HP1 1HL



<b>4/01459/18/RES</b>	<b>SUBMISSION OF RESERVED MATTERS (SECONDARY ACCESSES, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR A FIRST PHASE OF 150 FLATS AND 294SQM ANCILLARY RETAIL FLOORSPACE) TO OUTLINE PLANNING PERMISSION 4/03624/14/MOA (RESIDENTIAL DEVELOPMENT (UP TO 207 UNITS) AND ANCILLARY RETAIL UNIT (UP TO 375SQM) - OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR THE STRATEGIC ACCESS ONTO COMBE STREET).</b>
<b>Site Address</b>	<b>LAND ADJACENT TO THE FORUM AND DACORUM WAY, HEMEL HEMPSTEAD, HP1 1HL</b>
<b>Applicant</b>	<b>Hills</b>
<b>Case Officer</b>	<b>Robert Freeman</b>
<b>Referral Committee</b>	<b>to The application site is subject to a development agreement with the Borough Council and would have a significant impact on the environment</b>

## 1. Recommendation

1.1 That planning permission be **DELEGATED with a view to APPROVAL** subject to the satisfactory expiration of the consultation period (28th September 2018)

## 2. Summary

2.1 The proposed works represent the next stage in the evolution of the town centre and regeneration of the Gade Zone. They build on the outline planning permission for the site and follow the allocation of the site for a mix of uses in Policy MU/1 of the Site Allocations DPD.

2.2 The proposed development is considered to provide a high quality residential environment within the town centre and would make a valuable contribution towards improved access and movement within the town centre in accordance with Policies CS8, CS12, CS13 and CS33 of the Core Strategy, the Hemel town centre masterplan and Parking and Movement Strategy. The scale and design of residential blocks seeks to maximise the quantum of development on the site whilst maintaining an appropriate relationship with listed buildings on the northern side of the Marlowes, The Forum building and the river Gade and riverside environment in accordance with Policies CS12, CS13, CS27 and CS33 of the Core Strategy

2.3 The proposed development will make an important positive contribution to the housing land supply and provision of affordable housing in accordance with Policies CS17 and CS19 of the Core Strategy.

2.4 Access and Parking arrangements for the proposed development are considered to be satisfactory in accordance with Policies CS8 and CS12 of the Core Strategy and saved Appendix 5 of the Dacorum Borough Local Plan 1991-2011.

## 3. Site Description

3.1 The site comprises the remaining civic buildings to the north of the Forum building and before the former Civic Centre including the Marlowes Health Centre, external car

park area to the old Civic Centre and associated open space, but does not extend to the Police Station to the rear of the Forum.

3.2 The immediate surrounding area comprises a mix of town centre and civic uses ranging in height between two and three storeys and featuring traditional Georgian period properties on the opposite side of the Marlowes, mid to late 20th Century properties along Combe Street and late 20th Century dwellings backing onto the eastern bank of the river Gade.

3.3 A number of listed buildings are located on the eastern side of the Marlowes including the grade II\* listed Old Marlowes House whilst longer views of the Old Town Conservation Area and grade I listed St. Marys church are available to the north of the site.

#### **4. Background**

4.1 Members may be aware that in 2014, the Council carried out an extensive procurement exercise to appoint a development partner to regenerate key parts of the town centre in ownership of the Council and its public sector partners. The developments included the application proposal, delivery of the Forum, regeneration of the market square and bus station and the redevelopment of 39 and 41 Marlowes. (former Gazette/Marlowes Business Centre)

4.2 RG Carter/Endurance Estates were appointed and signed a development agreement with the Council in 2015. They established Gade Zone Developments Ltd, a development company to implement the proposals.

4.3 Planning permission was granted for the construction of the Forum in 2015 (4/03355/14/MFA) with outline planning permission also being granted for the development of up to 207 residential units and up to 375 square metres of retail floorspace on a 'L' shaped site surrounding the Forum building (4/03624/14/MOA) This outline planning permission included land occupied by Hertfordshire Constabulary at the rear of the site and land adjacent to the river Gade. The associated legal agreement to this permission set out that some 35% of the residential units to be provided would be affordable homes.

4.4 Hertfordshire Constabulary are now pursuing a different estates strategy and have planning permission to demolish buildings on their land, refurbish the existing office building and construct a new office building (4/03180/17/FUL)

4.5 It appears unlikely at present that the Police station site will be available for residential purposes. In the meantime a non-material amendment has been granted (4/00720/18/NMA) to the outline permission to allow the discharge of all associated planning conditions on a phased basis.

4.6 The site is currently identified to be brought forward in two phases. The first phase involves the development of land to the north and west of Dacorum Way and subject to this application. A future second phase of development on the site of the Police Station can be brought forward separately.

4.7 An additional application has been submitted to extend the site further north and provide an additional 26 parking spaces (4/01474/18/FUL) Despite the land being within



the ownership of the Council this does not need to be referred to committee in accordance with the scheme of delegation. This application has been recommended for approval and should be granted by the time of committee.

## **5 Proposal**

5.1 The site benefits from outline planning permission for up to 207 residential units and retail space up to 375 square metres. This application seeks approval of all reserved matters identified under Condition 1 of planning permission 4/03624/14/MOA together with a number of pre-commencement planning conditions. The reserved matters comprise secondary access, appearance, layout, and scale with full details set out in conditions 4, 5 and 6 thereto. These matters are submitted in relation to the first phase of development only and exclude the Police Station site to the rear of The Forum building. The quantum of development has been reduced accordingly.

5.2 The application seeks planning permission for the development of 150 flats and 294 square metres of retail floorspace on this land with access off Dacorum Way (south). In accordance with the original legal agreement, the site would provide for some 53 affordable homes incorporating some 40 units for rent and 13 units for shared ownership. These would be a mix of 1 and 2 bed units. This is broadly the area identified by buildings C and D in the illustrative layout to the outline permission and similar in unit numbers

5.3 The development would involve the construction of three blocks of flats on a podium level with undercroft parking for up to 150 vehicles. The levels on the site fall a full storey from the Marlowes to the river Gade providing for parking and access under the building. The bin storage would be located within this lower ground level where it would be accessible from Dacorum Way. Retail floorspace would be provided at ground/podium level to the Marlowes frontage. Flats would be orientated north to south and would form two internal courtyards. The eastern courtyard area would contain a play space for children and drying facilities whilst the more private western courtyard would provide a landscaped courtyard and seating area.

5.4 Block A (Gade Building) would be located adjacent to the river Gade and would extend to some 6 storeys in height with the top floor recessed from the rear elevation. This building would be cranked to address the river Gade and provide a riverside walk/amenity area. This building is set back with a generous open landscaped environment alongside the river bank. This would exceed the Environment Agency's requirements for an 8m buffer to the river Gade. Some steps would rise from the lower ground level and provide connections with the amenity spaces within the western courtyard. The other blocks, B and C, would run parallel to the Marlowes

5.5 .Block B (Central Block) would be located towards the centre of the site and would be slightly taller extend to some 6 storeys above the podium level. This would comprise a mix of both affordable housing and open market units.

5.6 Block C (Marlowes Block) would be located adjacent to the Marlowes and would provide retail space and five flats at podium level with four floors of residential floorspace above. This building has been set back from the frontage of the Forum building and has a comparable shoulder height with this building. The top floor would be set back from the main elevation and provide a small terrace for use by the flats at roof level. The block would comprise affordable housing units.

5.7 The application also seeks to discharge all pre-commencement planning conditions as they relate to this phase of development and covering the following matters:

- Condition 8 - Tree Protection
- Condition 9 - Sustainability and Energy Statement
- Condition 16 - Phasing Plan
- Condition 17 - Construction Management Plan
- Condition 18 - Surface Water Disposal from new access and parking areas.
- Condition 19 - Hardstanding
- Condition 21 - Secondary Access
- Condition 22 - River Gade Corridor
- Condition 23 - Surface Water Drainage
- Condition 28- Site Waste Management Plan

## **6. Policies**

### 6.1 National Policy Guidance

National Planning Policy Framework (NPPF)  
National Planning Guidance

### 6.2 Adopted Core Strategy

- NP1 - Supporting Development
- CS1 - Distribution of Development
- CS2 - Selection of Development Sites
- CS3 - Managing Selected Development Sites
- 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
- CS15 - Office, Research, Industry, Storage and Distribution
- CS16 - Shops and Commerce
- CS17 - New Housing
- CS18 - Mix of Housing
- CS19 - Affordable Housing
- CS23 - Social Infrastructure
- CS25 - Landscape Character
- CS26 - Green Infrastructure
- CS27 - Quality of the Historic Environment
- CS28 - Carbon Emissions Reductions
- CS29 - Sustainable Design and Construction
- CS31 - Water Management
- CS32 - Air, Water and Soil Quality
- CS33 - Hemel Hempstead Urban Design Principles
- CS35 - Infrastructure and Developer Contributions

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

Policies 10, 12, 13, 18, 21, 33, 42, 48, 51, 54, 57, 58, 61, 62, 63, 64, 69, 76, 79, 99, 100, 111, 113, 118 and 129  
Appendices 1, 3, 5, 6 and 8

#### 6.4 Supplementary Planning Guidance / Documents

Accessibility Zones for the Application of Car Parking Standards (July 2002)  
Affordable Housing (Jan 2013)  
Energy Efficiency & Conservation (June 2005)  
Environmental Guidelines (May 2004)  
Gade Zone Planning Statement (April 2012)  
Hemel Hempstead Town Centre Masterplan 2011-2021 (Gade Zone)  
Water Conservation & Sustainable Drainage (June 2005)

### **7. Constraints**

- Flood Zone 2 and 3
- Town/Local Centre

### **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**

#### Policy

9.1 The Site Allocations DPD was adopted in July 2017 and provides detailed requirements for particular sites which it expects to be crucial to the delivery of the Core Strategy. The site is included in Proposal MU/1 as part of the wider Gade Zone. The Gade Zone is expected to delivery of a replacement college, new public service quarter (The Forum) and between 500-600 homes guided by the Town Centre Masterplan (Gade Zone) and associated Gade Zone Planning Statement.

9.2 These documents focus on delivering homes and public services, delivering high quality design, improvements in the public realm and enhancing pedestrian and cycle routes and movements within and around the town centre.

9.3 As the application seeks to discharge reserved matters associated with the outline planning permission for this site and associated conditions each of these will be discussed in turn below:

#### Access

9.4 Proposals for access to the site include access to and within the site, for vehicles, cycles and pedestrians, the treatment of access and circulation routes and how these fit

into the surrounding access network. Such matters are considered in accordance with Policies CS8, CS12 and CS33 of the Core Strategy and saved policies 57, 58 and 62 and Appendices 3 and 5 of the Dacorum Borough Local Plan 1991-2011.

9.5 The outline planning permission approved a main vehicular access to the site to be taken from Combe Street and using a simple priority controlled junction. The existing two-way vehicle junction of Dacorum Way with Marlowes would then be changed to allow exit only and access to the Forum would also be changed in line with the proposals.

9.6 It is now envisaged that access to the first phase of development will continue to be taken from Dacorum Way albeit with a slight realignment of Dacorum Way and with a modified junction between Dacorum Way and Marlowes. The realigned Dacorum Way will comprise a 5.5m wide carriageway with 1.8m footways present along both sides of the road but would retain existing parking and service bays adjacent to The Forum building.

9.7 Access to Dacorum Way in its north-south and east-west alignments is required to be retained throughout the development as an identified blue light route for police vehicles between Combe Street and Marlowes. To prevent traffic associated with the development exiting the site and travelling along Dacorum Way to join Combe Street it is therefore proposed to construct a footway build out with 'No Entry' signage. The applicants are also required to retain parking and service bays for the Forum during construction

9.8 The vehicular access arrangements described above have been subject to discussions with the highway authority who have confirmed them as being acceptable. The use of Dacorum Way to serve a development of this scale is appropriate and should not give rise to conditions prejudicial to matters of highways safety.

9.9 The proposed development would provide a gated undercroft parking area in which a total of 124 parking spaces (including 15 disabled parking bays) would be provided. A complementary planning application is submitted on land to the north to increase this provision to a total of 150 spaces (4/01474/18/FUL) The application for reserved matters approval would provide a parking ratio of 0.8 spaces per dwelling marginally below the maximum parking standard of 1 space per unit as set out in saved Appendix 5 of the Dacorum Borough Local Plan 1991-2011, whilst the later application, if implemented, would meet the required standard. No designated service space or staff parking would be provided for the retail use, although they would be capable of being served by existing loading/unloading bays and public parking facilities within the town centre.

9.10 The site is located in an area with good access to public transport and includes measures to improve use of more sustainable methods of travel. The allocation of parking associated with the residential and retail use of the site is therefore considered to be acceptable under Policies CS8 and CS12 of the Core Strategy and saved Appendix 5 of the Dacorum Borough Local Plan 1991-2011. It should be noted that Policy 55 of the Saved Local Plan states "Car free residential development may be considered in high accessibility locations. Parking provision may also be omitted or reduced on the basis of the type and location of the development (e.g. special needs/affordable housing, conversion or reuse in close proximity to facilities, services and passenger transport)." Such an approach would be appropriate within a town centre environment.

9.11 The application also seeks to improve the environment for pedestrians and cyclists

in accordance with the access and movement objectives in Policy CS33 of the Core Strategy. The proposals provide good pedestrian and cycle links through the site, directly connecting the Marlowes with the river Gade, providing a river walk/cycleway and facilitating the opportunities to create cross link to future development parcels from Combe Street to north of the site and beyond to Gadebridge Park. Cycle parking, in covered and secure cycle stores, are incorporated at ground level of the proposals.

9.12 Refuse storage including recycling is proposed to be located within the underground car park in the vicinity of Dacorum Way. It has been demonstrated that refuse vehicles can access the site and stores via Marlowes before manoeuvring and exiting the site in forward gear.

### Layout and Appearance

9.13 A number of layouts were investigated through the pre-application process and in conjunction with Council officers. The current proposals for three residential blocks orientated on a north-south axis and parallel to the Marlowes is the result of these discussions and builds upon a number of key design principles, responding to the site context, set out in site specific policies and fundamental to the layout and design of the proposals.

9.14 The individual buildings are arranged to provide a strong streetscape to both the Gade and Marlowes frontages of the site and with a view to providing generous courtyards between buildings orientated north-south to maximise daylight and sunlight. This arrangement allows for the formation of pedestrian routes around and through the site creating a high degree of permeability and public access to a wider pedestrian and cycle networks identified in the Town Centre Masterplan. The creation of a podium level exploits the natural topography of the site and provides a concealed and naturally ventilated parking area within the site. This approach does not allow large expanses of parking to dominate the residential environment to the detriment of its appearance and also facilitates the provision of a range of external amenity spaces.

9.15 The siting of Blocks A (Gade) and Block C (Marlowes) are fundamental to the design. Block A (Gade) is sited to provide sufficient distance to the river Gade and has a scale and height appropriate to avoid overshadowing to the river course. It is located over 35m from existing residential properties facing Leighton Buzzard Road which are much smaller in scale and with a view to providing a satisfactory relationship thereto. This also allows substantial improvements to the riverside environment enhancing pedestrian and cycle links through the wider Gade zone. Block C (Marlowes) meanwhile is set back marginally from the frontage of the Forum reinforcing the importance of this civic building whilst developing a strong streetscape along the Marlowes. This is enhanced through the inclusion of retail floorspace at ground level and a more active frontage. Block B would be located centrally to the site and divide the Podium level into two distinct courtyards. This would be approximately 26m from Block A (Gade) and 23m from Block C (Marlowes)

9.16 The three blocks would be constructed from a simple palette of materials selected to relate to the Forum, its colour tones and textures. The blocks are articulated to reduce their respective massing with vertical breaks, contrasting brickwork and detailing.

9.17 The concerns of the Conservation and Design officer, have been considered through a specific design meeting, and it is considered that the bulk of objections have

been addressed through both amendments to the elevations and design details of the scheme. These include a reduction in the height to Block C (Marlowes), extending the lower ground rustication over ground (to all blocks) and first floor levels (to Block C), the provision of studded brickwork patterns at top floor level and rationalisation and recessing of fenestration. The extension of the lower ground rustication helps to relieve the massing whilst adding studded brickwork patterns provides subtle shadowing to the facade to the Marlowes.

9.18 Other design concerns may be addressed through planning conditions and as agreed with the applicants. These would include resolving window materials, shop front treatments and entrance and railing details. The applicants are still required to submit materials under the terms of the outline permission and initial discussions have taken place regards the provision of a sample wall with window being erected at site for approval. An updated comment from the Conservation Officer will be incorporated within the addendum.

9.19 The details of appearance and layout extend to the provision of a range of amenity spaces including functional amenity space for dwellings, communal outdoor drying areas for flats and toddler play space. The majority of flats benefit from having access to either a balcony or directly onto the podium/riverside walk with clear communal use of both internal courtyards within the scheme. This creates a series of amenity spaces with differing amenity functions. The courtyards are detailed in the Landscape Design Report. This establishes that the western courtyard will provide a more informal and quieter outdoor garden area with ornamental grasses and semi-evergreen herbaceous planting. The eastern courtyard would be more active amenity space, planted with scented plants and contain both toddler play equipment, a designated area for rotary dryers and a store for dryers, all of which were required by conditions on the outline permission.

9.20 Details of crime prevention measures to be incorporated in the design of the development have not been submitted and will follow under the discharge of condition 26 of the outline approval. The comments of Hertfordshire Constabulary are therefore noted and can be addressed alongside the discharge of this condition.

9.21 The proposed development is considered to be a good quality development in accordance which reflects the aims and objectives of Policies CS11, CS12, CS13 and CS33 of the Core Strategy

### Scale

9.22 The scale of the proposed development is considered to be appropriate having regard to the relatively height and mass of the Forum building, surrounding developments and changes to topography across the application site and in accordance with Policy CS12 of the Core Strategy. Finished levels on the application site are illustrated in relation to The Forum and existing datum levels in accordance with conditions 1 and 5 (Scale) of the outline planning permission.

9.23 The scale of the proposed scheme ranges from some five storey's on the Marlowes frontage to six floors of development above the Podium/Marlowes level (Block B). A lower ground level is created as land slopes down to the river Gade from the Marlowes. This scale of development, whilst exceeding that originally envisaged in the Town Centre Masterplan, has been carefully considered in terms of the relationship with neighbouring buildings and their impact on the surrounding area. The scale of Block C (Marlowes) and

its elevational treatment takes its lead from the adjacent Forum building and is comparable in height and bulk. This would be mirrored to Block A (Gade) albeit with accommodation formed at lower ground level and as a result in changes in topography. A higher building can be successfully integrated centrally to the application site in the form of Block B (Central) without dominating courtyard and amenity areas.

9.24 The scale of development is considered to be acceptable in accordance with Policies CS12, CS13 and CS27 of the Core Strategy.

#### Impact on Heritage Assets

9.25 The application has been accompanied by a Heritage Statement. This identifies the relative heritage value of the identified heritage assets around the site and contains an impact assessment considering the potential impact of development on the significance of heritage assets including the contribution made by their setting. Such an approach is required in order to satisfy the provisions of Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and the NPPF.

9.26 The impact of the development upon heritage assets has been considered to range from none (in the case of St.Mary's church) to a minor adverse impact; notably on the setting of 51 Marlowes (Grade 2), Old Marlowes House (Grade 2\*), and Little Marlowes House (Grade 2) either side of the Midland Road/Marlowes junction. These aspects of negligible and minor adverse impact are considered to represent less than substantial harm in the context of the NPPF.

9.27 The proposed development is not considered to result in significant harm to the character and appearance, including setting, of nearby listed buildings in accordance with Policy CS27 of the Core Strategy and the NPPF. The benefits of regenerating this site, providing high quality new homes and affordable homes and providing a riverside walk to the Gade would weigh in favour of the grant of planning permission in accordance with paragraph 196 of the NPPF.

#### Impact on Trees

9.28 A number of trees identified on the initial tree survey of the site have already been felled (T20 to T30) given works within the locality of the old Civic Centre site. It is thus prudent only to assess the impact of development upon remaining trees and ensuring their protection for the duration of construction. Two trees, T18 (Common Alder) and T19 (Lime) are identified in the bank of the river Gade and adjacent to the proposed Block A (Gade) These trees are in reasonable condition and will be protected for the duration of construction by protective fencing as indicated on drawing J49.43/2 and by the laying of ground protection measures.

9.29 In accordance with the submitted Arboriculture report some pruning of the Lime will be required to ensure an appropriate relationship with the new building and path. Accordingly it is suggested that the outer crown to the east of the tree is reduced by 2m and the tree reshaped. Such works are not considered to result in significant harm to the tree and would be acceptable under Policy CS12 of the Core Strategy.

#### Landscaping

9.30 The application is accompanied by an Arboriculture report, Landscape Design

Report (TM31R06B) and Landscape Management and Maintenance Plan (TM341R08) (both by Turkingtonmartin) setting out full details of the soft and hard landscaping proposals for the application site including tree protection, planting species and schedules, lighting proposals and details of associated artefacts within the landscaped sections of the site. A number of distinctive areas would be created as set out below:

### *Gade Corridor*

9.31 The Gade Corridor is not only part of the landscaping proposals for the site, but is subject to a discharge of a planning condition in its own right. The Gade Corridor is designed for pedestrians and cyclists as a traffic free route alongside the river Gade between the Water Gardens to the south and Gadebridge Park to the north. A sinuous resin bound gravel path providing a joint foot and cycle way would be provided at the edge of the river bank with private terraces created to lower ground level residential units within Block A (Gade) The Gade corridor provides an opportunity for cultivation with native wildflower species that appears to have been missed.

### *Dacorum Way*

9.32 Dacorum Way has a simple tarmac finish leading from the Marlowes to the Gade corridor. The primary focus of the area is access and movement with a pedestrian path introduced on either side of Dacorum Way.

### *The Marlowes*

9.33 The treatment of the Marlowes to the east of the development will see a continuation of the mixed tone block paving to the south of the site and adjacent to the Forum.

### *Courtyards*

9.34 Two large, south facing residential courtyards are created within the scheme at podium level. The eastern courtyard would adopt a striking asymmetric layout with a path cutting between raised artificial lawns. A play area is located within this courtyard together with a significant paved area for drying. The western courtyard would have a large lawn surrounded by a resin bound gravel path, seating areas and planters. Plants have been selected to provide year round visual interest and planters will be structured to provide layers of plant coverage with higher screening plants closer to private terraces. The courtyards will be lit with low level bollard lights with column lights to Dacorum Way and areas of adopted highway.

9.35 These landscaping proposals are considered to be satisfactory in accordance with Policies CS12 and CS13 of the Core Strategy and should result in a high quality residential scheme.

### Construction Management Plan

9.36 The applicants have provided a Construction Management Plan with the submitted planning documents addressing the requirements of condition 17 of the outline permission. This sets out how deliveries to the site will be managed including restrictions of delivery operations, preferred delivery routes and designated on site material storage areas. The intention is to operate a one-way system through the site exiting via the land



to the rear of the old Civic Centre. Vehicular and pedestrian uses of the site will be segregated. Wheel washing facilities are stated to be available at the site entrances and will be used to prevent debris onto the public highway.

9.37 It will be important to manage parking for contractors and deliveries during this process to ensure no disturbance to neighbouring uses. Parking for contractors will be particularly difficult and will need to be shifted within the red outline area as works progress. The intention will be to utilise land within the lower ground level once the basement level has been provided and this would be access this off Dacorum Way. The information submitted in relation to this condition is considered to be satisfactory.

#### Site Waste Management

9.38 The applicants also set out proposals for Site Waste Management to address the requirements of condition 28. The developers use BRE 'SMART waste' software to plan and manage construction waste as set out in the supporting documents. The development has been designed with standard dimensions and repetitive floor plans to allow for ease of construction and the most efficient uses in materials. Construction waste will be segregated where possible on site and sent for recycling where appropriate. Where mixed waste is unavoidable these skips will be sent to local transfer stations for sorting off-site.

9.39 The submitted Site Waste Management Plan is considered to be satisfactory in accordance with CS28 of the Core Strategy.

#### Sustainable Construction

9.40 A Energy and Sustainability Statement has been submitted with the application to discharge condition 9 of the outline planning permission and respond to requirements within Policies CS28 and CS29 of the Dacorum Borough Local Plan 1991-2011. The approach to construction follows the energy hierarchy in Figure 16 of the Core Strategy; namely 'Be Lean, Be Clean and Be Green'

9.41 The main aim of the statement is to reduce energy consumption (Be Lean) with carbon savings being delivered by maximising the energy efficiency of the building fabric (highly insulated), providing low air permeability to prevent heat loss, low energy lighting systems and through highly efficient building services comprising a communal heating system (gas boiler) with smart meter. Materials have been selected to exceed the limiting fabric parameters of Part L1a of the Building Regulations and thus reduce CO2 emissions over Part L of the Building Regulations. Communal gas boilers will supply energy efficiently from a Plant room at the lower ground level. (Be Clean)

9.42 Water consumption will be regulated with flow regulators on water fittings including those relating to wash basins, sinks and showers. In addition low water use sanitary fittings including dual flush WC and low water use white goods.

9.43 This approach is considered to be appropriate and would satisfy the requirements of Policies CS28, CS29 and CS31 of the Core Strategy.

#### Drainage Strategy

9.44 A Drainage Strategy for the site has been supplied to address the requirements of

pre-commencement conditions 18 and 23 of the outline permission and is summarised below. The drainage strategy for the site has been agreed with Thames Water as the key infrastructure provider.

9.45 The Drainage Strategy is based upon the use of an attenuated Blue Roof Crate System overlain with an extensive Sedum mat systems on the roof of all three residential towers. This provides the bulk of attenuation storage for the development and is supplemented by a geocellular crate system below the lower ground car park. Rainfall across the three tower block green roof areas and two courtyard podium slab areas will percolate down through the surfacing before passing through a drainage layer and into the crate storage system. The drainage for the site is based on the information provided at the outline stage and incorporate a Sustainable Urban Drainage system (SuDS) prior to being discharged. Surface Water will be discharged into the Thames Water adopted sewer network in accordance with earlier Aecom FRA proposals and at an approved flow rate.

9.46 Foul Water drainage will be discharged by gravity to the Thames Water public sewer as agreed with Thames Water. Thames Water have confirmed that the sewer system can accommodate the necessary foul flows from the development and agreed a discharge point as set out within the associated plans.

9.47 The drainage strategy is considered to be appropriate addressing the requirements of conditions 18 and 23 and meeting the requirements under Policies CS12 and 31 of the Core Strategy.

#### Developer Contributions

9.48 Policy CS35 of the Core Strategy requires all new developments to provide or contribute to the provision of the on-site, local or strategic infrastructure required to support the development either in kind or through financial contributions. In this case, the applicants will be required to pay contributions (and any other requirements) to the Council and County Council in accordance with the terms of the legal agreement attached to 4/03624/14/MOA. This agreement and approval pre-dates the introduction of the Community Infrastructure Levy. As such no CIL charges will be levied against the proposals.

9.49 This agreement covers:

- The provision of a minimum of 35% affordable housing for rent (75%) and shared ownership (25%).
- A scheme for the provision of the River Gade walk and cycleway (including adjacent landscaped corridor) and street planting in Combe Street, including a commuted sum towards the ongoing maintenance of that provision.
- Provision of a phasing plan for construction of the development.
- Financial contributions in accordance with Table 2 of the "Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) January 2008 " as follows:
  - Primary Education - To be secured towards expansion of South Hill School.
  - Secondary Education - To be secured towards expansion of the Hemel Hempstead School.
  - Youth Facilities - To be secured towards the improvement of the Bennetts End Youth

Club and Outreach facilities

- Libraries - To be secured towards the provision of facilities for under 5's at the Hemel Hempstead library
- Pooled 'second strand' financial contribution of £114,000, in accordance with the "Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) January 2008 "to be used as a contribution towards the following scheme and measures:
- Improvements to the junction of the A4146 Leighton Buzzard Rd and Combe St
- Improvements to the junction of the A4146 Leighton Buzzard Rd and Queensway
- Pedestrian environment improvements on Queensway, Combe Street and Marlowes
- Cycle route and parking improvements on Queensway, Combe Street and Marlowes
- A Travel Plan in accordance with the HCC Travel Plan Guidance.
- Provision of fire hydrants.

## 10. Conclusions

10.1 The proposals would provide a high quality residential led regeneration scheme for this important town centre site and an appropriate evolution of the design principles, aims and objectives set out by the grant of outline planning permission for the development of the site.

10.2 The proposals, as set out in the planning application, would broadly comply with all relevant development plan policies relating to the site and provides satisfactory information in relation to a number of technical planning matters such as drainage and sustainable construction which are required prior to the commencement of construction works.

10.3 Planning permission may only be granted upon the expiry of a statutory consultation period (28th September 2018) and in accordance with the recommendation below.

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

Conditions

No	Condition
1	The development hereby permitted shall be carried out in accordance with the following approved plans/documents:  21687-XX-07-099 Revision D (GA Lower Ground Floor Plan) 21687-XX-07-100 Revision D (GA Upper Ground Floor Plan) 21687-XX-07-101 Revision D (Level 01 Plan) 21687-XX-07-102 Revision D (Level 02 Plan) 21687-XX-07-103 Revision D (Level 03 Plan) 21687-XX-07-104 Revision D (Level 04 Plan) 21687-XX-07-105 Revision D (Level 05 Plan) 21687-XX-07-106 Revision D (Roof Plan) 21687-XX-07-110 Revision D (North Elevation) 21687-XX-07-111 Revision D (East Elevation) 21687-XX-07-112 Revision D (South Elevation) 21687-XX-07-113 Revision D (West Elevation)

	<p>21687-XX-07-114 Revision D (Gade Block (A) North Elevation)  21687-XX-07-115 Revision D (Gade Block (A) East Elevation)  21687-XX-07-116 Revision D (Gade Block (A) South Elevation)  21687-XX-07-117 Revision D (Gade Block (A) West Elevation)  21687-XX-07-118 Revision D (Central Block (B) North Elevation)  21687-XX-07-119 Revision D (Central Block (B) East Elevation)  21687-XX-07-120 Revision D (Central Block (B) South Elevation)  21687-XX-07-121 Revision D (Central Block (B) West Elevation)  21687-XX-07-122 Revision D (Marlowes Block (C) North Elevation)  21687-XX-07-123 Revision D (Marlowes Block (C) East Elevation)  21687-XX-07-124 Revision D (Marlowes Block (C) South Elevation)  21687-XX-07-125 Revision D (Marlowes Block (C) West Elevation)  21687-XX-07-126 Revision D (Typical Bay - Gade Block)  21687-XX-07-127 Revision D (Typical Bay - Central Block)  21687-XX-07-128 Revision D (Typical Bay - Marlowes Block)  21687-XX-07-130 Revision D (Section A-A and B-B)  21687-XX-07-131 Revision D (Section C-C and D-D)  21687-XX-07-140 Revision D (Location Plan)  21687-XX-07-142 Revision D (Site Plan)</p> <p>471318-PEP-SWFWDS - Version 1.1 (Drainage Strategy)  471318-PEP-00-ZZ-DR-C-1200 (Below Ground Drainage)  471318-PEP-00-ZZ-DR-C-1201 (Drainage Layout to Upper Ground Floor Podium Deck)  471318-PEP-00-ZZ-DR-C-1202 (Drainage Roof Level)  471318-PEP-00-ZZ-DR-C-1205 (Storm and Foul Drainage Manhole Schedule)  471318-PEP-00-ZZ-DR-C-1206 (Drainage Construction Details)</p> <p>Arboriculture Method Statement  TM341R06 D (Landscape Design Report - August 2018)  TM341R08 (Landscape Management and Maintenance Plan Revision A - June 2018)  TM341L01 B (Illustrative Landscape Plan)  TM341L04 B (Materials GA - RMA Phase 1) (Hard Landscaping)  TM341L05 B (Planting GA - RMA Phase 1)  TM341L06 B (Levels GA - RMA Phase 1)</p> <p>14027-1-C (Lighting Strategy Layout Diagram by DW Windsor)</p> <p>ESS/TG/201805- BC (Energy &amp; Sustainability Statement by NRG Consulting - May 2018)</p> <p>The 'GADE' Logistics and Phasing Plan by Hill  Transport Management Plan (TMP) by Hill  Site Waste Management Plan (SWMP) by Hill</p> <p>M1 R1 (Basement Services Routing by Hill)</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
2	Notwithstanding the landscaping details hereby approved, further details of the fencing, entrance gates and railings shall be submitted to and approved in

	<p>writing by the local planning authority prior to the occupation of any residential unit.</p> <p>The landscaping works shall be implemented in accordance with a programme of implementation included in the Construction Management Plan unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: To ensure the implementation of the approved landscaping scheme and a satisfactory appearance to the development in accordance with Policies CS12 and CS13 of the Core Strategy.</p>
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## **Appendix A**

### **Consultation responses**

#### **Hertfordshire Constabulary**

##### *Initial Plans*

Whilst not opposed to this development, I am struggling to find Security or Crime Prevention measures mentioned in the Design and Access Statement. I would ask that the entire development be constructed to the police minimum security standards in Secured by Design. This would meet the requirements of Part Q of the Building Regulations and mitigate any concerns regards access control, compartmentalisation and security. The following points would be applicable:

Layout - This is satisfactory

Communal door sets - These should be certified to BS PAS 24: 2016, or LPS.1175

Access Control to block of flats - Each block has more than 25 flats off a communal entrance; the SBD standard is for the communal entrance doors to have an access control system. Audio Visual. Tradespersons release buttons are not permitted.

Postal delivery for communal dwellings (flats) - Communal postal boxes within the communal entrances , covered by the CCTV or each flat will have post delivered to it via a letter plate fitted in each flat's door., with the local Posta Officer being given an access fob.

Individual front entrance doors of flats - These should be certified to BS PAS 24:2016

Windows - Ground floor windows and those easily accessible certificated to BS Pas 24:2016 or LPS 1175 French doors for balconies.

Dwelling Security Lights - These should be provided at communal entrance hall, lobby, landings, corridors and stairwells, and all entrance/exit points.

Bin stores / Plant Room - The access doors to these should be to LPS.1175, or BS PAS 24: 2016.

Basement car Park - An access control system must be applied to all vehicular and

pedestrian entrances to prevent unauthorised access into the car park (To stop anti-social behaviour or rough sleeping)

Larger developments can suffer adversely from anti-social behaviour due to unrestricted access to all floors. To curtail this either use Controlled lift access or Dedicated door sets to prevent access between the stairwells/lift and communal corridors. Secured by Design recommends no more than 25 flats should be accessed via either of the access control methods.

### **Hertfordshire Ecology Unit**

These comments are restricted to landscaping matters only. Whilst we accept the desire and need for formal and hard landscaping in heavily used areas, we are disappointed that in their desire to create a '*seamless river bank condition*' that wild, native species have been omitted from the planting proposals and horticultural varieties used instead. Furthermore, the management regime would seem to promote the maintenance of closely mown lawns throughout, providing a very formal character which limits its ecological potential.

Although the area available is only modest, the chance to establish a natural, more resilient, riparian and emergent vegetation communities associated with the river Gade has not been proposed, which misses the opportunity to secure a modest biodiversity gain as explicitly encouraged by the NPPF. The current corridor is relatively poor other than within the channel itself.

Consequently we recommend that before the landscaping is approved, the landscape proposals are amended accordingly to develop and enhance the river corridor ecology through the site

### **Hertfordshire Highways**

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

#### **Condition 1: Demolition and Construction Traffic Management Plan**

Demolition of the existing buildings and the construction of the development hereby approved shall not commence until a Demolition and Construction Traffic Management Plan has been submitted to and approved in writing by the LPA. Thereafter, the demolition of the existing development and construction of the approved development shall only be carried out in accordance with the approved Plan.

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

#### **Condition 2: Detailed Design Drawings**

No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- i) Roads, footways, cycleways, foul and on-site water drainage.
- ii) Roads and footway.
- iii) Foul and surface water drainage.
- iv) Visibility splays.
- v) Access arrangements.
- vi) Parking provision in accordance with adopted standard.
- vii) Loading areas.
- viii) Turning areas.

### Condition 3: Provision of Parking and Servicing Areas

Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) the proposed access /on-site car parking shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

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

### Condition 4: Car Parking Management Plan

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

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

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

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

### Condition 5: Servicing and Delivery Plan

The Servicing and Delivery Plan shall contain the delivery and servicing requirements (including refuse collection) for the proposed uses, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that would be used for loading and manoeuvring of delivery and servicing vehicles, and access to / from the site for delivery and servicing vehicles.

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

### Condition 6: Wheel Cleaning Facilities

No development shall commence until the details of wheel cleaning facilities associated with the proposal have been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be installed in accordance with the approved details and maintained on site throughout the duration of the development works.

Reason: To prevent extraneous material being deposited on the highway.

#### Condition 7: Cycle Parking

No development shall commence until a scheme for the parking of cycles has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport.

#### HIGHWAY INFORMATIVES:

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

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

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

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

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

Section 184 or 278 Agreement



Any works within the highway boundary (including alterations to the footway and the proposed site access) would need to be secured and approved via a S278 or S184 Agreement, whichever is most suitable, with the Hertfordshire County Council.

#### S106 Agreement / Community Infrastructure Levy

Dacorum Borough Council has adopted the Community Infrastructure Levy (CIL) and therefore contributions towards local transport schemes would be sought via CIL if appropriate.

Contributions will be sought for upgrades to the bus stop located on Marlowes to the east of the site which would be improved with the addition of an electronic display screen which would cost £8000. Contributions will also be sought for upgrades to the bus stop located south of the site on Combe Street which would be improved with easy access kerbing to enhance the accessibility of the stop. This has a cost of £8000.

A Travel Plan for the residential and commercial developments, consisting of a written agreement with the County Council setting out a scheme to encourage, regulate, and promote green travel measures for owners, occupiers, and visitors to the Development in accordance with the provisions of the County Council's 'Travel Plan Guidance for Business and Residential Development', which is subject to a sum of £6,000 towards the County Council's costs of administrating and monitoring the objectives of the Travel Plan and engaging in any Travel Plan Review. These fees would be sought via a Section 106 Agreement.

#### Description of the Proposal

An outline application for a residential development (up to 207 units) and ancillary retail unit (up to 375 sqm) with all matters reserved except for the strategic access onto Combe Street was granted permission in December 2014. This application is for the submission of reserved matters including secondary accesses, appearance, landscaping, layout and scale for a first phase of 150 flats and 294sqm ancillary retail floorspace. This application varies slightly from the outline planning permission as the unit numbers and retail have been reduced as the site area does not now include the police station and its associated land at the south of the site. This application is for the first phase of development.

#### Site Description

The development site is located within Hemel Hempstead town centre, approximately 400m north west of Hemel Hempstead Hospital and 500m north of The Marlowes Shopping Centre. The site is bordered by a Council Building to the north, by Marlowes to the east, Combe Street to the south and River Gade to the west. Adjacent to the access road from Combe Street is Hemel Hempstead Police Station to the west and The Forum to the east. Combe Street and Marlowes are unclassified Local Access Roads.

#### Analysis

A Design and Access Statement (DAS) is required for all planning applications that have an impact on the highway, as outlined in Roads in Hertfordshire: Design Guide (3rd Edition), this has been provided by the applicant.

#### Policy Review

The applicant has provided evidence of consideration of policy documents in the outline application submission, including the following:

- Hertfordshire County Council Local Transport Plan 3 (LTP3) 2011-2031
- HCC Active Travel Strategy (April 2013)
- HCC Rail and Bus Strategy

Whilst this is considered acceptable, HCC typically requires that the applicant provide evidence of review of the following documents as well:

- National Planning Policy Framework (NPPF);
- Planning Practice Guidance (PPG);
- Manual for Streets (2007).

### Trip Generation

Trip Generation was assessed as part of the granted outline application. The number of dwellings and size of the retail unit are less than the outline application; therefore, it would be expected that the number of trips generated would be less than the agreed outline application. As a result, there is no need to reassess trip generation and provide new forecasts.

### Impact on the Highway Network

As noted in the trip generation section, the impact on the highway network was assessed as part of the granted outline application. The number of dwellings and size of the retail unit are less than the outline application; therefore, it would be expected that the impact on the highway network will be less than the agreed scheme. As a result, there is no need to reassess the impact on the highway network.

### Highway Safety

Personal Injury Accident (PIA) data has been sourced from 'crashmap' for a period covering the past five years from 2013-2017, encompassing the local highway network surrounding the site. Over the study period, there were a total of 17 incidents, with 15 classified as slight and 2 classified as serious, with no fatalities. One of the serious incidents occurred on the Combe Street / Leighton Buzzard Road roundabout junction to the west of the site, the other occurred on the Combe Street / Marlowes roundabout junction to the east of the site. Both these incidents involved one casualty and one vehicle. There does not appear to be a geographical clustering of incidents at a particular location within the study area. A review of the incidents suggests that they are, in the main, the result of driver error rather than a fault of the local highway network.

HCC considers that the lack of clusters of incidents suggests that there are no fundamental safety issues with the existing highway network.

### Highway Layout

#### Access

During Phase 1 it is proposed that the existing vehicle access to the site would be maintained with access to parking and servicing areas accessible from both Combe Street and Marlowes via Dacorum Way. In Phase 2, the vehicle access on Combe Street would be consolidated to a single priority junction to the east of the Waterhouse Street

roundabout. The details of the strategic access on Combe Street have been approved as part of the outline planning application.

### *Delivery, Servicing and Refuse Vehicles*

All delivery, servicing and refuse collection will take place within the site. As part of the submitted DAS the applicant has provided plans which identify the delivery, servicing and refuse collection arrangements. Temporary access for delivery and servicing will be via Marlowes, north of The Forum building. Final phase access will be via Combe Street. Delivery and servicing vehicles will park alongside Dacorum Way at the south of the site before accessing the residential apartments on foot.

Waste storage rooms will be provided for each block at undercroft level with storage provided for segregated recyclable and residual waste, access to waste storage rooms at undercroft level will be through central lift and stair cores. Refuse collection will be directly from Dacorum Way and will not require access to the undercroft parking area. Access to the waste storage rooms will be level and within the maximum carry distance provided within LPA guidance.

HCC considers the above delivery, servicing and refuse arrangements to be acceptable. A Servicing and Delivery Plan would be conditioned to ensure that the development adheres to the above arrangements.

### Parking

Car parking spaces are to be provided in the undercrofts located underneath each block, and will be accessed via Dacorum Way. A total of 124 spaces is to be provided within the application site, including 15 disabled spaces. An additional 26 spaces will be provided in the area to the north of the site which is subject to a separate planning application. The overall number will therefore be 150 car parking spaces. Car parking bays will have minimum dimensions of 2.4m x 4.8m with 6m wide traffic aisles.

The DBC Parking Standards state that within residential zones 1 and 2, a maximum of 1 parking space per 1 / 2-bed units is to be provided. As this application is for 150 flats, the proposed level of parking is therefore in keeping with the maximum standards. It is unclear what the parking arrangements are to be for the retail element of the development, or whether it is to be car parking free. HCC notes that this information needs to be provided and the arrangement clarified.

The DAS submitted by the applicant as part of this reserved matters application states that covered secure cycle storage is to be provided in the area immediately to the north of the site which is subject to a separate planning application. DBC Parking Standards state that 1 long term cycle parking space is required per unit if no garage or shed is provided. The cycle parking provision will need to be in keeping with this standard.

HCC considers that the proposed car parking provision is acceptable. However, it is ultimately the decision of the Local Planning Authority (LPA) to determine the suitability of the proposed parking arrangements.

### Accessibility

#### *Public Transport*

The closest bus stops to the site are located immediately adjacent to the eastern site boundary on Marlowes. The stop is on the western side of Marlowes and consists of a shelter with seating, a timetable and easy access kerbing. There is also a bus stop near the site's southern boundary, to the southern side of Combe Street. This stop consists of a flagpole only. These stops provide access to 14 bus services as well as 3 intercity services the stops are located immediately adjacent the site boundary. HCC notes that the site is therefore well served by regular bus services that provide access throughout Hemel Hempstead and further afield, making buses a viable method of travel for potential future residents of the development. Hemel Hempstead Railway Station is located approximately 1.8km to the south west of the site (29-minute walk or 9-minute cycle). The station is managed by London Northwestern Railway and includes facilities such as a shop, toilets and waiting rooms. Step free access and cycle parking are also available at the station. The station provides regular services to a variety of popular destinations, including London. There are approx. 5 direct services per hour to London Euston.

HCC concludes that the development site is in a highly sustainable location, the train station is beyond reasonable walking distance from the site but the journey can be undertaken comfortably on a bicycle. There are excellent opportunities for residents to use all modes of transport to access any necessary facilities.

### *Walking and Cycling*

The locality has a flat gradient which is conducive to both walking and cycling. Hemel Hempstead town centre and many of its facilities are located within viable walking and cycling times (approx. 3 minutes and 1 minute respectively), such as The Marlowes Shopping Centre and Hemel Hempstead Hospital. The local roads in the vicinity of the site have footway provision along both sides, including Marlowes and Combe Street. The majority of crossing points have dropped kerbs and tactile paving, there are also formal pedestrian crossings to the south east of the site on Combe Street, and to the east on Marlowes. here are no formal cycling facilities within the vicinity of the development site. However, Marlowes and the other streets within the vicinity of the site are suitable for cyclist's due to the road width and the 30mph speed limit. HCC concludes that walking and cycling are viable travel options for potential future residents of the development and that the locality is conducive to both. The accessibility of the area is deemed suitable for the proposed level of development.

### Travel Plan

HCC's Travel Plan Guidance states that a full Travel Plan is required for residential developments of over 80 units. The applicant will therefore need to provide a Residential Travel Plan prior to occupation of the site.

### Construction

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

elements of the building.

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

Dacorum Borough Council has adopted the Community Infrastructure Levy (CIL) and therefore contributions towards local transport schemes would be sought via CIL if appropriate. The bus stop located on Marlowes to the east of the site could be improved with the addition of an electronic display screen, display screens cost approximately £8000. The stop to the south of the site on Combe Street may not be suitable for a shelter; however, easy access kerbing could enhance the accessibility of the stop.

### Summary

HCC as highway authority has reviewed the application submission and have no objections to the proposed development, subject to the aforementioned conditions. HCC has reviewed the relevant documents to assess the impact of the proposals on the local highway network's operation and safety. The trip generation rates are expected to be lower than those provided in the outline application as the scale of development has reduced. The collision data was reviewed and it was found that there were no clusters of collisions in the vicinity of the site that would likely be exacerbated by the proposed development. Therefore, it was found that the proposed development would not likely have a severe impact on the local highway network.

### **HCC Property Services:**

I can confirm that we are aware of an existing S106 agreement dated 25<sup>th</sup> June 2015. The HCC Growth and Infrastructure Unit on behalf of education, childcare, library and youth services has no further comments to make on this variation although you may receive separate communications from the highways team.

### **Conservation and Design:**

#### *Initial Plans*

The proposal involves the construction of 150 flats and ancillary retail. The site has changed a number of times over the 20<sup>th</sup> century. The 19<sup>th</sup> early 20<sup>th</sup> century buildings were cleared in the post war period as part of the new town redevelopment. This wider area incorporated the health centre, court house, police station, library and Pavilion space. To the north lay the town hall. The site is currently under demolition. The only building of this period that remains is the Police Station. To the south The Forum is the new civic centre and library within the Town. Opposite on the Marlowes little change has occurred and the site consists of villas now converted to a number of different uses.

We note the lack of a heritage impact assessment. Given that the proposal would impact on the setting of nearby listed buildings and to a lesser extent the conservation area of the old town it would be recommended that such a report be submitted.

It was noted that a number of pre application discussions took place for the site.

We are most concerned that advice given during the pre application stage does not appear to have been followed and that the proposal would appear to have become less

acceptable between showing officers revisions to the scheme and the current submission. We therefore cannot support the application and would recommend that it be refused.

Throughout the pre application period we have raised concern about the height of the front block to the Marlowes. Concerns were raised that it would be overly dominant within the streetscape and detract from the Forum. The proposal would appear to have increased the height of this block. The fourth floor now sits higher than the line of the horizontal sun shading to the forum. This is completely unacceptable and the building should site at the most at this horizontal height. We previously noted our concerns with the increase in height of the set-back top storey of the building. This set back as previously stated is not substantial and we would be concerned that the visual break would have a relatively limited impact when considering the wider streetscape and its impact on the general heights of the area. As previously mentioned this element needs to be reviewed and if a 5<sup>th</sup> floor is desired the setback increased substantially.

We are also most concerned about the fenestration and pattern of brickwork proposed. The visual interest to this elevation seems to have been reduced from what was seen at pre application stage. A strong plinth element covering the ground and first floor now is only reflected in the pilasters of the shopfronts. The top floor brickwork now appears to lack detail with minor visual interest being noted within some of the blind windows. The more ornate brickwork proposal designed to create the shadow line appears to have been removed. This has not enhanced the proposals. We are also concerned that the pattern of fenestration goes away from initial concept and discussion about the wider streetscape. A strong vertical emphasis would be preferred highlighting the rhythm of the earlier properties as well as the forum. We would be concerned that the proposed fenestration results in a more horizontal emphasis. In addition it would be questioned as to the depth of the set back to the windows. This appears somewhat standard and not the more substantial recess previously discussed at the pre application stage.

It would also be questioned in relation to this block and also to the rear block if the access area to the gardens / Gade walkway should have the plinth brick detail as they are part of the overall design context. This would help both elements tie in with the architecture of the wider scheme.

To the rear block the plinth level should be raised to the river site to cover the upper ground floor element. We would also be concerned that the redesign of the fenestration does not allow the flats to be read from the elevations and they appear somewhat confusing. We are not convinced that the blind windows without detail add to the qualities of this elevation. We are also concerned that the balconies appear somewhat small and the railing detail does not appear overly attractive. The token relief to the exterior provided by recessed panels does not in our view provide a scheme of suitable quality. We have similar concerns with the central block. This also needs substantial review. We also note that the gables to the south have been revised and appear more cluttered. Given that this provides a visual terminus to the short street between the Forum and the Police station we do not believe that it is of sufficient quality to enhance the built environment at this location. We are also concerned about the proposed railing to the car park. This appears to be very standard and lack any detailing or finesse. Given that this will be highly visible in the approach to the building this needs to be reviewed and improved.

We note the use of UPVC framing to the window and on the sample elevation drawings a lack of detail as to the windows materials. We are concerned that the pattern of glazing and materials, so far as we can gather, would be detrimental to the design of the building and detrimental to the local area. As previously discussed metal windows would provide a more appropriate response to both the building and the wider area. In particular the other buildings to the Marlowes.

Landscape scheme.

We would welcome the sedum roofs. Unfortunately we believe that the proposed landscape plan has substantially reduced in quality from that shown at a pre application stage and now appears bland, banal and most disappointing. This area of the scheme needs substantial review as at present it is unacceptable.

North elevation

We note the separate application with the bike shed element. We would be most concerned now that plans are we understand coming forward for the adjacent site that there appears to be a lack of co-ordination and that it could appear that both schemes are separated by a narrow gap that could lead to a pit like appearance that would not enhance the wider streetscape. This element should be re-examined and perhaps the deck extended to cover this area so that it can be linked at a later date with any scheme to the north which will follow a similar format.

Recommendation - The design is unacceptable and would detrimentally impact on the character of the area. Therefore we would object and recommend that it be refused.

*Amended Plans*

See addendum.

### **Environmental Health:**

Thanks for contacting the Pollution and Environmental Protection Team in respect of the above reserved matter planning application 4/01459/18/RES for secondary access, appearance, landscaping, layout and scale for a first phase of 150 flats and 294sqm ancillary retail floor space to outline planning permission 4/03624/14/MOA and I will like to comment as follows.

Having given adequate consideration to the submitted supportive information, please be advise that we have no comment in relation to the above issue attached to the approved planning application.

However, with condition 17 (Construction Management Plan) information been submitted as part of the above reserved matter application, we are please to inform you that we are satisfied with the submitted information on the TMP on the aspect relating to noise and air quality detailed in section 2 of the Logistic & Phasing Plan prepared by Hill dated 5<sup>th</sup> of June 2018.

### **Strategic Housing**

A total of 53 units of affordable housing should be provided (35%) in accordance with Policy CS19 of the Core Strategy. These should provide a mix of affordable rental units and shared ownership units.

### **Trees and Woodlands**

No comments received.

## **Waste Services**

All houses should have space to store 3 x wheeled bins and a kerbside caddy and a similar space to present them outside their boundary on collection day nearest to the road the collection vehicle uses which is a 26 ton rigid freighter.

Blocks of flats should have a waste storage area large enough for the amount of eurocontainers required which is at a ratio of 1 x 1100ltr residual container per 6 flats and the same again for recycling with the same ratio for food waste in 140ltr wheeled bins. there should be no steps between the storage area and the collection vehicle which is a 26 ton rigid freighter.

Each retail unit should have its own waste storage area and separate to any domestic bin storage areas. They should have as a minimum space to house 2 x 1100ltr eurocontainers again with no steps between it and the collection vehicle which could be a 32ton rigid freighter.

## **Affinity Water**

You should be aware that the site is located within or close to a groundwater Source Protection Zone (SPZ) corresponding to Marlowes Pumping Station. This is a public water supply comprising a number of chalk boreholes operated by Affinity Water Ltd.

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

## **English Heritage**

No comments received

## **Environment Agency**

Thank you for consulting us on the above application. We have no further comments to make in relation to this reserved matters application following our conditions on the outline application.

*Advice to applicant - Flood Risk Activity Permit*

*Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Gade, designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found at [www.gov.uk/guidance/flood-risk-activities-environmental-permits](http://www.gov.uk/guidance/flood-risk-activities-environmental-permits). Please contact us at [PSO-Thames@environment-agency.gov.uk](mailto:PSO-Thames@environment-agency.gov.uk)*

## **Hertfordshire Garden Trust**



The proposals claims to enrich biodiversity but we are unclear how an absence of street trees and the use of artificial lawn would advance that. It should be possible for some small species of trees to be planted along the street to reduce the utilitarian aesthetic currently proposed, aid biodiversity and provide a more pleasant environment. We suggest that more consideration is given to the provision of a high quality landscape

## **Thames Water**

### Waste Comments

Thames Water would advise that with regard to surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

### Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company.

## **Appendix B**

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

None



5b 4/03275/17/FUL CHANGE OF USE FROM NURSERY TO RESIDENTIAL.  
REDEVELOPMENT OF SITE TO PROVIDE THREE NEW DWELLINGS.

WOODVIEW NURSERIES, TINKERS LANE, WIGGINTON, TRING, HP23 6JB



<b>4/03275/17/FUL</b>	<b>CHANGE OF USE FROM NURSERY TO RESIDENTIAL. REDEVELOPMENT OF SITE TO PROVIDE THREE NEW DWELLINGS.</b>
<b>Site Address</b>	<b>WOODVIEW NURSERIES, TINKERS LANE, WIGGINTON, TRING, HP23 6JB</b>
<b>Applicant</b>	<b>MR BATCHELOR, Beechwood</b>
<b>Case Officer</b>	<b>Briony Curtain</b>
<b>Referral to Committee</b>	<b>Called in by Ward Councillor (Stan Mills)</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**

## **2. Summary**

2.1 The application site is located within the Metropolitan Green belt. Having regard for recent case law, the proposal constitutes appropriate development in the Green Belt, as the development meets the exception set out in para 145 of the NPPF (the re-development of Previously developed land). The proposed dwellings would not have a greater impact on the openness of this part of the Green belt than the existing development on the site. Notwithstanding this, in any event, the very special circumstances outweigh the harm to the openness of the Green Belt and are considered acceptable. There would be a benefit to the site by removing the existing buildings and structures, and any visual harm would be mitigated by additional planting. The development is considered acceptable for approval subject to conditions.

## **3. Site Description**

3.1 The application site comprises a horticultural/nursery enterprise in Wigginton, located off Tinkers Lane, a narrow private road which comprises a ribbon of detached dwellings. The

## **4. Proposal**

4.1 Full Planning Permission is sought for the re-development of part of the existing nursery site with three detached dwellings. All existing structures including the greenhouses, poly tunnels, service buildings, sheds, metal containers and all goods externally stored would be permanently removed from the site. A dense landscaped buffer would be provided to the north, south and east.

The scheme has been amended during the course of the application in the following ways;

- Omission of one dwelling house (four dwellings were originally proposed)
- Repositioning of the remaining houses close to the NW part of the main site to make the site generally more open.
- Relocating the proposed single storey dwelling so that it is the closest dwelling to the road and thus reducing the impact of the built form from Tinkers Lane.
- Reduction in mass and bulk of the house in new Plot 2 again reducing the impact of the built form from Tinkers Lane.

- Relocation of two storey house between Woodview house and Beechwood bungalow. The dormer window to the side elevation facing Woodview has been removed to avoid overlooking.

## 5. Relevant Planning History

4/01279/04/FU REPLACEMENT SERVICE BUILDING  
Granted  
20/07/2004

4/02058/00/FU CONSTRUCTION OF AGRICULTURAL DWELLING  
Granted  
02/04/2001

4/00242/90/4 MOBILE HOME  
Refused  
26/04/1990

## 6. Policies

### 6.1 National Policy Guidance

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

### 6.2 Adopted Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS2 - Selection of Development Sites  
CS3 - Managing Selected Development Sites  
CS5 - The Green Belt  
CS8 - Sustainable Transport  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS17 - New Housing  
CS19 - Affordable Housing  
CS24 - Chilterns Area of Outstanding Natural Beauty  
CS27 - Quality of the Historic Environment.  
CS29 - Sustainable Design and Construction  
CS32 - Air, Water and Soil Quality

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

Policies 13, 18, 21, 51, 57, 58 and 97  
Appendix 3, 5 and 7

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

- Environmental Guidelines (May 2004)
- Chilterns Buildings Design Guide (Feb 2013)
- Planning Obligations (April 2011)
- Affordable Housing (Jan 2013)
- Landscape Character Assessment (May 2004)

## **7. Constraints**

- CIL1
- 10.7M AIR DIR LIMIT
- HALTON DOTTED BLACK
- CHILTERN AONB
- AREA OF ARCHAEOLOGICAL IMPORTANCE
- AREA OF SPECIAL CONTROL FOR ADVERTS
- Former Land Use
- 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:

- Policy and principle
- Impact on openness of Green Belt
- Appearance and Scale
- Impact on AONB
- Impact on residential amenities of surrounding properties
- Impact on Highway Safety and Parking Provision
- Other

### **Policy and Principle**

9.2 The application site lies within the Green Belt. Section 13 of the National Planning Policy Framework (NPPF) deals with the Green Belt wherein Para 133 states that the Government attaches great importance to Green Belts where the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence.

9.3 Para 143 (NPPF) states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.

9.4 Para 144 (NPPF) goes on to state that substantial weight should be given to any harm to the Green Belt land and that 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.

9.5 Para 145 (NPPF) notes that LPAs should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include; (g) 'limited in-filling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would;

- not have a greater impact on the openness of the Green Belt than the existing development, or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the Local Planning Authority.

9.6 At the local planning level, the adopted Dacorum Core Strategy Policy CS5 deals with the Green Belt, and echoes the requirements of the NPPF by confirming that the Green Belt will be protected from inappropriate development in accordance with national policy and should remain essentially open in character. Core Strategy Policy CS5 states that within the Green Belt, small-scale development will be permitted, which includes (d) the redevelopment of previously developed sites, provided that:

- It has no significant impact on the character and appearance of the countryside:  
and
- It supports the rural economy and maintenance of the wider countryside

9.7 The above national and local planning policy stance is therefore interpreted as follows:

- the redevelopment of PDL is acceptable in principle providing it has no significant impact on the character and appearance of the countryside.
- if the redevelopment does have a significant impact on the countryside then it is judged to be 'inappropriate development'
- 'Inappropriate development' is only allowed if it can be demonstrated 'very special circumstances' which are sufficient to outweigh that harm.

#### Previously developed Land

9.8 Annex 2: The Glossary of the NPPF defines Previously developed land as follows;

*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed where the remains of the permanent structure or fixed infrastructure have blended into the landscape.*

9.9 The application site comprises a well established horticultural nursery enterprise and there is no dispute that the greenhouses, poly tunnels and surrounding land were (and some are still) originally used for agricultural purposes. However, whilst originally and for many years the site operated as a traditional horticultural business; growing home produced plants for sale, over time, the use of the land, and its trading arrangements have altered significantly. The site still sells some home produced plants but the majority of the plants now sold are bought in (container plants) not home produced and the range of products sold from the site has increased to include landscaping products (sand, gravel) and garden products (ornaments, stone chippings, compost etc). Whilst still in agricultural use there are clearly retail elements to the site. The retail unit, has increased in size and expanded in terms of the range of products sold (and stored on the site). Through the passage of time the retail elements operating from the site would be immune from enforcement action.

9.10 Given the application site, the associated buildings, structures and fixed surface infrastructure are not used solely for agricultural purposes but also comprise retail elements it is concluded that the land does constitute Previously developed.

There is case law to support this approach.

9.11 In the case of Lee Valley Regional Park v Broxbourne Borough Council, a site which was also formerly a horticultural nursery but over time sold florists sundries from the buildings, Mr Justice Ouseley ruled that the southern part (the nursery) of the site in question was correctly treated as Previously Developed Land. He ruled that '*the glasshouses had been agricultural buildings but their agricultural use did not just cease, it had been replaced by a non-agricultural use or by a mixed agricultural and non-agricultural use. Although plants were still grown there, a retail component was introduced when the plants and other florist's sundries were sold from the glasshouses. This use was permitted on appeal in 1999. So, the buildings were not last lawfully used for agricultural purposes, but for a mixed use including agricultural and non-agricultural components*'. He goes on to state; '*The buildings had been designed for the purposes of agriculture. They had been designed as horticulture, so they had in the past last been used for the purposes of agriculture. The mere cessation of an agricultural use would not cause them to cease being agricultural buildings. An unlawful change of use which would still be enforced against, would not change the use of the building in this context. The words "agricultural building" in the NPPF, as in the legislation, in my view mean a building used for the purposes of agriculture alone and do not include one which was used for agriculture purposes but which, lawfully, is now used for another purpose, mixed with agriculture or not. These buildings were no longer used for agricultural purposes alone*'. He found the site was correctly treated as PDL by the Local Planning Authority.

9.12 A similar case can be argued at the Woodview Nurseries site.

The land and buildings are still used, in part, to grow plants but a retail component has undoubtedly been introduced and the scale of this retail component has increased over time. Whilst this mixed use does not benefit from a formal planning permission, through the passage of time it is considered the retail components of the site would be immune from enforcement action. An examination of aerial photographs of the site, historic planning applications, and their supporting documentation clearly suggest that the retail components now on the site have existed for in excess of 10 years and form a significant part of the overall use of the site and the business. The statements



submitted to support the 2000 planning application (which sought consent for an agricultural workers dwelling) set out details of the nursery site, its trading arrangements and a letter from the County Land Agent notes that *'it is a long established family concern based on a traditional horticultural nursery and now sells a wide range of home produced and bought in nursery and garden products to both retail and trade customers'*. The use of the site at that time is specified as a 'Horticultural Production Nursery and Retail Enterprise' it is also noted in the reports that the business operates a 'landscaping enterprise' which undertakes hard and soft landscaping projects with 'rockery stone, york stone, crazy paving and walling block' all stored at the site and advertised for sale. The conclusion of the report refers to the nursery and a *'retail unit'*.

9.13 Taking the above into account, it is considered that the site can be considered as previously developed land.

9.14 As such, it would meet the identified exception within paragraph 145 and would represent development that is **not** inappropriate within the Green Belt provided the re-developed proposed does not have a greater impact on the openness than the existing development. This is covered in more details in the sections below. However a comparison of the existing and proposed buildings footprints, heights, mass, bulk and volumes together with the position of the proposed dwellings results in the development having no greater impact than the existing development currently occupying the site. The substantial decrease in footprint and site coverage in this case being 'traded-off' for the height increase of the dwellings proposed. The dwellings are clustered adjacent to and set against the backdrop of existing dwellings of a similar mass and bulk which reduce their impact on the openness. The clearing of other areas of the site would increase the openness. Taking the site as a whole there would be no greater impact on openness and as such the development is appropriate development.

#### 'Very Special Circumstances'

9.15 Notwithstanding the above, in any event, there are considered very special circumstances to allow the proposed development in the Green Belt.

9.16 As stated, the NPPF makes it clear that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Para 144 (NPPF) goes on to state that substantial weight should be given to any harm to the Green Belt land and that 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.

9.17 Whilst in this case the development is not considered to be inappropriate as it meets the exception test of para 145, the following factors are considered to amount to very special circumstances, and would weigh in favour of the proposal.

- the proposed units result in a significant reduction in 'sprawl' across the site
- the proposal would significantly improve the visual appearance of the area and remove the unsightly storage containers and bulky materials currently stored externally
- the proposal would significantly reduce the intensity of traffic movements to and from

the site and negate the need for large lorries accessing this narrow private, otherwise residential road. This would improve highway safety and improve the residential amenity of adjacent properties.

- the proposal incorporates wide 'green buffers' to the south, north and east of the proposed dwellings that would enhance the rural setting and Wooded character of this part of the AONB.
- the proposal would allow the LPA to control future development in the interests of openness and residential amenity.

### **Impact on openness of the Green Belt**

9.18 The application site is located to the north of Tinkers Lane, in close proximity to the cross roads of Tinkers Lane, Shootersway, Rossway Lane and Hamberlins Lane. The application site is bounded to the east and north by dense Woodland. The land to the north-east remains open. To the south are residential properties which branch off of Tinkers Lane to be two of three properties deep in places. The northern side of Tinkers Lane, comprises single 'layer' dwelling houses in a ribbon but the road bends round at almost 90 degrees to the west. The prevailing street pattern is thus one of a 'wide ribbon' with Tinkers Lane being the central spine.

9.19 Given their height and position, the dwellings will adversely affect the openness of part of the site (and thus the Green belt), but similarly, the loss of the greenhouses and poly tunnels from other parts of the site and their replacement with planting only (which would be conditioned and controlled by the LPA) would improve openness on other parts. In this case in order to assess the overall impact on openness as a whole site, numerous factors should be considered including, footprint, height, site coverage and volume.

9.20 Given the existing structures are low level, single storey structures and the proposed dwelling are one and a half / single storey, rather than compare the footprint of the buildings it is considered far more relevant when assessing openness to consider volume. A numerical comparison of existing and proposed development is a good starting point to which specific factors such as siting and design can then be considered. The proposed dwellings have a considerably lower total volume than the existing buildings and structures occupying the site. This would weigh heavily in favour of the proposal. A comparison of the overall volume of the proposed development compared to the existing is as follows;

#### EXISTING

Existing Glass Houses and Polytunnels (A-I on plans)	- 6,237.4sqm
Other Structures (J-Z)	- 819.3sqm
	<b>7056.7sqm</b>

#### PROPOSED

Dwellings	2,297.4
garages	364
Total	<b>2,664.1sqm</b>

9.21 In addition to the above, the proposed development represents a significant decrease in terms of site coverage and sprawl. Whilst low level and single storey, and set back some distance from the main Lane, the existing development covers approximately half of the total site. Together with the metal containers and outbuildings

that occupy the land between Woodview and Beechwood, the existing development spans the entire width of the site for over 120m. In contrast the proposed dwellings span just under 60m and are concentrated to the central section, ie closest to the existing dwellings (WoodView and Beechwood). The concentration of the development to one area of the site increases the overall openness of the site as a whole and thus the wider area.

9.22 With regard to their visual impact, the dwellings proposed have been carefully sited to ensure they remain within the existing built up 'cluster' of residential properties and do not encroach further to the north onto un-developed land. The application site already comprises one detached, two storey residential property, which is sited to the north-western corner of the site. The proposed dwellings have been sited partly on the footprint of the existing greenhouses; slightly to the south of the existing property so as to not encroach into the more open land further north. Despite their increased height when compared to the existing structures, the proposed dwellings would still be seen against the backdrop of mature woodland and would not therefore harm skyline views.

9.23 Taking all of the above into account, the proposed dwellings are not considered to have a greater impact on the openness of this part of the Green Belt, and in fact, compared to the vast array of buildings, containers and other structures currently occupying the site it is considered there will be an overall improvement in openness. The proposals are considered to comply with the requirements of the NPPF and Policy CS5 of the Core Strategy 2013.

### **Appearance, Layout and Scale**

9.23 The external appearance of each of the dwellings has been designed to be varying in order to reflect the eclectic nature of the properties in the existing street scene. No two properties in the area are alike yet they are predominantly traditional in their appearance. The size, heights, and overall massing of the dwellings in the vicinity varies significantly. When compared to the existing properties, the mass and bulk of the proposed dwellings would not be out of keeping and they would not adversely affect the overall character or appearance of this part of Tinkers Lane. The height of the dwellings at single or one and a half storeys relates well to adjacent properties and has been reduced from the two storeys originally proposed to reduce the overall ridge height, mass and bulk to be more in line with the single storey buildings currently occupying the site. Given they are set back some distance within the site and a wide landscape buffer is proposed to the south and east, the dwellings would not appear unduly prominent or overbearing when viewed from Tinkers lane street scene.

9.24 Turning to layout, several options for the positioning of the buildings were explored, including aligning the properties parallel to Tinkers lane to complete the 'ribbon'. However, these would be prominent when viewed from Tinkers lane and the main crossroads (the public domain) which would be in contrast to the open nature of the current frontage which is currently used to house container plants only. There is a large detached property; Beechwood already sited to the north-western corner of the site and as such the new dwellings will be set back and clustered around this. In part, from the public domain, they would be concealed from view or be viewed against the backdrop of the existing property. The southern side of Tinkers lane already sees properties set back behind others and accessed via long drives so the proposed approach would not be at odds with the existing street pattern or appear out of

keeping. Plot 3 is an in-fill development sited between two similarly sized residential properties (Woodview and Beechwood).

The layout, overall appearance and scale of the proposed dwellings are considered acceptable and complies with Policies CS11 and CS12 of the Core Strategy 2013.

### **Impact on AONB**

9.25 The site is located within the Chilterns Area of Outstanding Natural beauty wherein national and local planning policy seeks to conserve the special qualities of the landscape. Section 15 of the NPPF deals with conserving the natural environment and para 172 states that great weight should be given to conserving and enhancing Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited. In accordance with Policy CS24 of the Core Strategy 2013 development should support the principles set out within the Chilterns Buildings Design Guide. The AONB Management Plan 2014-2019 also sets out a vision for conserving the area and a framework for achieving this vision.

9.26 The nursery site, whilst a traditional feature of many rural landscapes, is now generally unsightly and unattractive in its appearance. Activities across the site have diversified and it is now scattered with metal storage containers, pallets of materials stacked for sale, areas of sand and rock piles and other garden paraphernalia stored externally for sale. Through the passage of time these structures and containers are immune from enforcement action and can thus remain on the land. In addition to the unsightly containers, the poly tunnels and green houses are, in places, in a poor state of repair and thus appear dilapidated and generally untidy. The site as a whole is no longer attractive and as such its clearance is considered to benefit the overall setting and wider landscape. The benefits of clearing the site would be highly localised as the mature woodlands that surround the site, restrict long distance views of the application site. Public views are contained to those possible from Tinkers Lane. The application site is not visible in longer distance views.

9.27 With regard to the scale of development and its layout, the number of units has been reduced and the scheme has been amended during the course of the application. The amended dwellings have been sited close to the existing dwelling of Beechwood, clustered together and would be 'buffered' to the north, east and south by open undeveloped areas, (which subject to approval of the details) would be entirely planted and remain open (i.e. free from built development). The south and east of the site are the most prominent when viewed from the entrance to Tinkers Lane and the 'green buffer' being introduced would enhance the rural, wooded feel of this part of the AONB. As the Chilterns Conservation Board Officer notes the site is located between *areas 114 and 110 which share a common objective to 'promote the appropriate management of woodland in order to conserve and where absent to re-establish a rich ground flora etc. The overall impression is one of tranquillity and enclosure'*. The layout of the proposal is considered to meet these objectives. The existing unsightly, sprawling structures across the site would be cleared and substantial planting introduced, especially to the most prominent areas of the site which given their position at the start of, help form and reinforce the rural setting of Tinkers lane and this part of the AONB.

9.28 Turning to the buildings themselves, and their appearance (which has already

been considered above with regard to their impact on the street scene), and their impact on character and appearance of the AONB it is considered that given they would not significantly alter the appearance of this corner of Tinkers Lane, the overall character and appearance of this part of the AONB would be conserved. The mass, bulk, overall form and detailing of the proposed dwellings relate to those of the existing properties in this part of Tinkers Lane. The Chilterns Buildings Design Guide (CBDG) provides guidance on ways in which the outstanding and distinctive qualities of the AONB can be conserved or enhanced when building takes place. The design of the proposed dwellings adheres to a number of the principles, albeit mainly those referring to the detailing of the buildings (i.e. materials, inclusion of chimneys etc.).

9.29 Overall it is considered that given the state of the existing site, the appearance of this part of the AONB would be improved by the removal of the existing buildings (and all associated works and storage) from the site and its re-development with the low density housing proposed. The scale and extent of the dwellings proposed are considered to be limited in accordance with the requirements of the NPPF and their position and layout within the well-established residential cluster would not harm the special qualities of the wider area. The substantial 'green buffers' proposed would help soften the development and enhance the rural feel of this corner of Tinkers lane.

The proposal is considered to comply with the NPPF and Policies CS24 of the Core Strategy 2013 in this regard.

### **Impact on Highway Safety**

9.30 The proposed re-development would not have an adverse impact on the safety or operation of the adjacent highway network. Tinkers Lane is a private road and as such does not fall within the jurisdiction of Herts County Council as Highway Authority.

9.31 A planning statement has been submitted in support of the application and sets out those traffic movements would be likely to significantly decrease as a result of the proposal. Given the existing use of the site, visitors frequently visit the site to purchase plants and other products, as do large Lorries to either deliver or collect produce. During several site visits numerous vehicles of varying sizes from cars to large vans frequented the site. This is common occurrence during the hours of operation. There are no formal parking arrangements with vehicles parking in an ad-hoc manner along the entrance track and in an area of hard standing between Beechwood and Woodview.

9.32 It is not proposed to alter the access point of the site from Tinkers Lane, each dwelling is served by adequate on-site parking and there is more than sufficient space to safely manoeuvre within the site to enter and leave in a forward gear. The proposal would not give rise to any parking or highway concerns and complies with Policy CS8 and CS12 of the Core Strategy and saved policies 57, 58 and appendix 5 of the Local Plan.

### **Impact on Trees and Landscaping**

9.33 The Woodlands Officer comments that *'there are no trees on this site that are a constraint to development. The difference to the landscape between this traditional nursery and a number of new houses is best determine by policy than opinion. In the event of recommending a grant for this proposal, please condition a detailed*

*landscaping scheme'.*

9.34 The development would not adversely affect any trees or significant landscaping and as such would comply with Saved Policy 99 of the Local Plan. Given the setting of the site, and the inclusion of the proposed 'green buffers', it is considered necessary and reasonable to require full details of hard and soft landscaping by condition.

9.35 With regard to the Woodlands Officers comments on the impact on the landscape, these have been covered elsewhere in the report but is concluded on balance the loss of the unsightly structures and the limited housing proposed would improve the overall appearance of the wider landscape.

### **Impact on Archaeology**

9.36 The development site is partially in Area of Archaeological Significance no. 22, which denotes one of the best preserved lengths of Grims Ditch in the county [Historic Environment Record No 50, Scheduled Monument ref 35346 – 35349]. This prehistoric earthwork (a probable boundary marker, of Later Iron Age date) survives in sections, mainly in woodland, running to the west from Berkhamsted towards Longcroft Farm, on the county boundary, and into Buckinghamshire. The preservation of the ditch varies, but a section cut through it at Hastoe revealed that it was originally 5.5m deep. A section of the earthwork runs just over 50 metres to the north of the development site, between Smarts Wood to Crawleys Lane [Scheduled Monument 35347].

9.37 The County Archaeologist has been consulted and raises no objection; she notes that the details of the proposed development are such that it should be regarded as likely to have an impact on significant heritage assets. She recommends that the standard archaeology conditions (requiring a Written Scheme of Investigation) are included. These have been imposed.

### **Impact on residential amenities of surrounding properties.**

9.38 Given the siting, layout and orientation of the proposed dwellings there would be no adverse impact on the residential amenities of adjacent properties in terms of light, privacy or visual intrusion. Given the generous separation distances and orientation of the dwellings any overlooking would be from such a distance that it would not result in a significant loss of privacy to existing residents. The dormer proposed to the side of the dwelling to Plot 3 which faced Woodview has been omitted. The proposals avoid harm to adjacent properties and thus comply with Policy CS12.

### **S106 and Planning Obligations**

9.39 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. An application for the proposed development would be CIL liable.

The Charging Schedule clarifies that the site is in Zone 1 within which a charge of £250 per square metre is applicable to this development. The CIL is calculated on the basis of the net increase in internal floor area. CIL relief is available for affordable housing, charities and Self Builders and may be claimed using the appropriate forms.

## **Other Matters**

9.40 In their objections residents have raised several other issues; setting of precedent, exclusion of parts of existing site and reference to case law dealing with development in the Green Belt. With regard to precedent, each case must be assessed on its own merits. The application site is considered PDL wherein re-development is not inappropriate, and in any event there are very special circumstances which are specific to this case and site alone. These could not simply be applied to other sites. It is acknowledged that only part of the land in the applicant's ownership is contained within the current application. Whilst ideally the application would cover all the land (including the blue land to the north) and indeed this was requested, there is no mechanism by which the Local Planning Authority can insist on this. The application as submitted must be assessed and determined.

Notwithstanding this, the blue land is currently open and contains no buildings or lawful structures; as such its development in the future would require planning permission. The re-development of the application site with the dwellings proposed is considered acceptable and no regard has been given to the blue land in these considerations. Turning lastly to the case law (*Boot v Elmbridge Borough Council*) the matter of 'appropriate' development and whether the site constitutes PDL has already been addressed and as it is concluded that the proposed development does not have a greater impact than the existing development is not inappropriate. In any event, there are also very special circumstances that weigh in favour of the proposal.

**10. RECOMMENDATION** – That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions and 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>Other than site clearance and grounds works, no above ground development shall take place, until samples of the materials proposed to be used on the external walls/roofs of the development shall have been submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.</p> <p>Reason: To ensure a satisfactory appearance to the development in accordance with Policy Cs12 of the Core Strategy 2013.</p> <p>Reason: In the interests of the visual amenities of the Chilterns Area of Outstanding Natural Beauty in accordance with Policy CS27 of the Core Strategy 2013.</p>
3	<p>Prior to the occupation of the dwellings hereby approved full details of both hard and soft landscape works shall have been submitted to and approved in</p>

	<p>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;  car parking layouts and other vehicle and pedestrian access and circulation areas;  minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc);</p> <p>The approved landscape works shall be carried out fully in accordance with the details agreed and thereafter maintained as such.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies Cs12 and CS27 of the Core Strategy 2013.</p>
4	<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, D, E, F &amp; G  Part 2 Classes A, B and C</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 locality.</p>
5	<p>1a). Contaminated Land Condition</p> <p>Other than site clearance works (not demolition) 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</p>



	<p>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 the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p> <p>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.</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 Core Strategy (2013) Policy CS32 and the NPPF (2012).</p> <p>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 <a href="http://www.dacorum.gov.uk">www.dacorum.gov.uk</a></p>
6	<p>Other than site clearance works, no demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:</p> <ol style="list-style-type: none"> <li>1. The programme and methodology of site investigation and recording</li> </ol>

	<p>2. The programme for post investigation assessment  3. Provision to be made for analysis of the site investigation and recording  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation  5. Provision to be made for archive deposition of the analysis and records of the site investigation  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.</p> <p>Reason: To safeguard archaeological features of interest in accordance with Policy CS27 of the Core Strategy 2013.</p>
7	<p>i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 6.</p> <p>ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 6 and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.</p> <p>Reason: To safeguard archaeological features of interest in accordance with Policy CS27 of the Core Strategy 2013.</p>
8	<p>Prior to the occupation of the dwellings hereby approved, all buildings and structures, storage containers and goods stored externally (including those structures not substantially completed), other than those shown for retention on the approved plans or permitted by this permission, shall be demolished / removed and the materials arising from demolition / clearance permanently removed from the site.</p> <p>Reason: In the interests of maintaining the open character of the Green Belt and AONB in accordance with Policies CS5 and CS24 of the Core Strategy 2013.</p>
9	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) the garages hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwellings hereby approved and they shall not be converted or adapted.</p> <p>Reason: In the interests of highway safety and to safeguard the appearance of this part of the Green belt and AONB in accordance with Policies CS5, CS8 and CS24 of the Core Strategy 2013.</p>
10	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>1180/AG(0)01 - Location Plan  1180/AG(0)02 Rev A - Existing Site Plan  1180/AG(0)03 Rev B - Proposed Site Plan  1180/AG(0)04 Rev A - Plot 1  1180/AG(0)05 Rev A - Plot 2</p>

	<p>1180/AG(0)06 Rev A – Plot 3 1180/AG(0)07 Rev A - Street Elevations</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>Article 35;</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> <p>I hope the above clarify our position on the submitted application?</p> <p>Should you have any further query in respect of the application, please do not hesitate contact me on Ext 2719 quoting Flare reference 551456.</p>
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## Appendix A

### Consultation responses

#### **Scientific Officer - Contamination**

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

However, considering the nature of proposed end use i.e. residential with private garden, 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.

### **County Fire and Rescue Response**

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

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request.

Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link:  
[www.hertsdirect.org/planningobligationstoolkit](http://www.hertsdirect.org/planningobligationstoolkit)

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.

**Wigginton Parish Council**

Original Plans;  
Wigginton Parish Council wish to make no comment on this application.

Amended Plans;  
Wigginton Parish Council discussed this planning application and would like to support the application.

### **Herts County Council Highways**

Original Plans;  
Decision

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

This application is for Change of use from nursery to residential. Redevelopment of site to provide four new dwellings.

#### **HIGHWAY COMMENT**

HCC road hierarchy states that Tinkers Lane does not form part of the adopted public highway. It is accessed from a crossroads with Shootersway and Hamberlins Lane.

Looking through the application form there are no plans to change the current access arrangements and adequate off street parking will be provided for the proposed development.

As Tinkers Lane is a private road, Hertfordshire County Council as highway authority has no jurisdiction over this section of road and considers that the proposal will not have an unreasonable impact on the safety and operation of the adjoining highways.

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.

This application is for Change of use from nursery to residential. Redevelopment of site to provide four new dwellings. This amendment includes plans of the garages for the proposed dwellings.

#### **HIGHWAY COMMENT**

HCC road hierarchy states that Tinkers Lane does not form part of the adopted public highway. It is accessed from a crossroads with Shootersway and Hamberlins Lane.

Looking through the application form there are no plans to change the current access arrangements and adequate off street parking will be provided for the proposed development.

As Tinkers Lane is a private road, Hertfordshire County Council as highway authority has no jurisdiction over this section of road and considers that the proposal will not have a severe residual impact on the safety and operation of the adjoining highways

## **Chilterns Conservation Board**

### OBJECT.

Land at Woodview Nurseries Wiggington Herts

Change of use from nursery to residential redevelopment to provide four new dwellings.

DBC reference 4/03275/17/FUL |

2nd February 2018

CCB Holding Objection

The Chilterns Conservation Board (CCB) has been recently alerted to this application. In view of the close proximity to the close for consultations we would propose that these comments are submitted in as 'holding objection' in that, as we set out, we do not consider this application can progress to decision due to the lack of information provided. We set out the policy background as affects the AONB here and our duties under the Countryside and Rights of Way Act. We are aware that the land is also Green Belt and that is a separate policy matter, albeit the existing use within the Green Belt benefits the open character of the site, which also contributes to the character of the AONB In this location.

Pre-application (informal) Opinion on behalf of the Chilterns Conservation Board

Section 87 of the Countryside and Rights of Way Act 2000 sets out the general purposes and powers of a Conservation Board and includes, section 87(1) It is the duty of a conservation board, in the exercise of their functions, to have regard to (a)the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and (b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty, but if it appears to the board that there is a conflict between those purposes, they are to attach greater weight to the purpose mentioned in paragraph (a). section 87 (2) A conservation board, while having regard to the purposes mentioned in subsection (1), shall seek to foster the economic and social well-being of local communities within the area of outstanding natural beauty... and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of outstanding natural beauty.

Relevant Legislation and Policy Tests, including AONB Management Plan.

The principal issue in the consideration of planning merits will be the conservation and enhancement of the special qualities of the AONB. This land is within a sensitive part of this nationally protected landscape and any planning assessment will require a detailed understanding of the landscape character and the impacts upon this highly valued landscape. Such work would need to be undertaken in accordance with the guidance in the Landscape Institute's GLVIA 3rd edition. We could not find any such assessment in the accompanying papers. There is no commentary in the Design and Access Statement nor the supporting planning statement on the special qualities in any meaningful way.

The site is part of the Hertfordshire landscape character area study and sits on the boundary between landscape character areas 110 ASHLYNS



AND WIGGINGTON PLATEAU and 114 TRING GAP FOOTHILLS. Area 114 and 110 both include strategy and guidelines for managing change which share a common objective to 'promote the appropriate management of woodland in order to conserve and where absent to re-establish a rich ground flora and the distinction between different management systems, such as high forest and coppice with standards. To encourage replanting plantations with indigenous mixed broadleaves.'. The overall impression is one of tranquillity and enclosure. The wider area contains a gently undulating plateau forming part of the Chilterns dip slope, historic estate land including Tring Park to the north, registered parkland, the suburban edge of Tring and extensive mixed woodlands. The application site and area generally is nestled within woodlands and surrounded by more open farmed landscapes.

Key legislation and policy will be as follows:

Legislation: section 85 (i) of the Countryside and Rights of Way (CROW) Act -'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'

Development Plan Policy: Core Strategy POLICY CS24: The Chilterns Area of Outstanding Natural Beauty The special qualities of the Chilterns Area of Outstanding Natural Beauty will be conserved. The scarp slope will be protected from development that would have a negative impact upon its skyline. Development will have regard to the policies and actions set out in the Chilterns Conservation Board's Management Plan and support the principles set out within the Chilterns Buildings Design Guide and associated technical notes.

Saved Local Plan POLICY 97 CHILTERN'S AREA OF OUTSTANDING NATURAL BEAUTY. In the Chilterns Area of Outstanding Natural Beauty the prime planning consideration will be the conservation of the beauty of the area; the economic and social well-being of the area and its communities will also be taken into account. Any development proposal which would seriously detract from this will be refused. Wherever development is permitted it will be on the basis of its satisfactory assimilation into the landscape. Every effort will be made to discourage development and operations that would adversely affect the beauty of the area. Landowners are encouraged to adopt the following planning guidelines which will contribute to the preservation and enhancement of the area (and continues).

Management Plan: The AONB Management Plan 2014-2019 at L5 - 'Developments which detract from the Chilterns' special character should be resisted'. D1 - The natural beauty of the Chilterns AONB should be conserved and enhanced by encouraging the highest design standards, reinforcing local distinctiveness and respecting the landscape, settlement character and special qualities of the AONB. D6 - 'Where new housing development is proposed this should only be permitted if its scale, massing and density reflect the local context and have regard to the special qualities of the AONB'. D11 - 'Enhancement of the landscape of the AONB should be sought by the removal or mitigation of intrusive development'. D12 - 'Development should be sought that represent the highest environmental and design standards whilst complementing the

character of the AONB'.

National Planning Policy Guidance: Paragraph 115 of the National Planning Policy Framework (NPPF) states that 'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty';

The Chilterns Buildings Design Guide and Supplementary Technical Notes, provides detailed guidance on the design detail of buildings, once the principle of development is established.

Conclusions

Following our initial review of the papers the principle of development is not established with respect to AONB policy alone and there is no explanation of the landscape impact as set against the landscape sensitivity as would be required by the Landscape Institute GLVIA 3rd edition. The Management Plan countenances the removal of intrusive development but the current use is unlikely to fall into that category and temporary storage and general site ephemera would only be afforded a little weight as a material planning consideration. More importantly there is no design rationale for the proposed dwellings as set against the landscape requirements and the Chilterns Buildings Design Guide, as may apply.

In conclusion we would report that the current application cannot progress and it may be prudent for the applicant to resolve Green Belt policy matters first before continuing, after which AONB matters must be addressed. Within the remit of the National Planning Policy Framework this site would not be deemed to be previously developed land, as set out in the glossary definition.

There is no Landscape and Visual Impact Assessment prepared in accordance with the Landscape Institute's Guidelines (GLVIA 3rd edition) so there is insufficient information on which to determine the impacts.

CCB is grateful for the opportunity to submit these comments.

Yours sincerely

Michael Stubbs MRICS (Planning and Development)

Planning Adviser on behalf of the Chilterns Conservation Board

The Lodge Station Road Chinnor Oxfordshire OX 39 4HA

### **The Chiltern Society**

I know Tinkers Lane and have just visited it again, and of course it is a rural private road.

The Nursery immediately establishes the rural atmosphere of the road, and the existing houses are all well spaced out, with land around them.

I am not in favour of this application for a cluster of four new dwellings which will not enhance the rural character of the road. Any new building in the AONB must enhance the natural surroundings.

This cluster of dwellings would also create a precedent. Whereas at present, each house in Tinkers Lane is set in it's own land, if this application is approved, it could encourage other owners to seek to build more clusters of houses. This would certainly lead to a more urban character, which must be avoided.

Tinkers Lane is some distance from facilities such as transport, schools, doctors.

### **Trees and Woodlands**

There are no trees on this site that are a constraint to development. The difference to the landscape between this traditional nursery and a number of new houses, best determine by policy than opinion.

In the event of recommending a grant for this proposal, please condition a detailed landscaping scheme.

### **Herts County Archaeology**

Please note that the following advice is based on the policies contained in National Planning Policy Framework (NPPF).

The development site is partially in Area of Archaeological Significance no. 22, which denotes one of the best preserved lengths of Grims Ditch in the county [Historic Environment Record No 50, Scheduled Monument ref 35346 – 35349]. This prehistoric earthwork (a probable boundary marker, of Later Iron Age date) survives in sections, mainly in woodland, running to the west from Berkhamsted towards Longcroft Farm, on the county boundary, and into Buckinghamshire. The preservation of the ditch varies, but a section cut through it at Hastoe revealed that it was originally 5.5m deep.

A section of the earthwork runs just over 50 metres to the north of the development site, between Smarts Wood to Crawleys Lane [Scheduled Monument 35347].

I believe that the position and details of the proposed development are such that it should be regarded as likely to have an impact on significant heritage assets. I recommend, therefore, that the following provisions be made, should you be minded to grant consent:

1. A programme of archaeological evaluation (in the form of trial trenches) of the proposed development site, before any development commences.
- 2) Such appropriate mitigation measures indicated as necessary by that evaluation. These may include:
  - a) the preservation of any archaeological remains *in situ*, if warranted;
  - b) the appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results;
  - c) the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered).
- 3) The analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of these results, as appropriate;
- 4) Such other provisions as may be necessary to protect the archaeological interests of the site

I believe that these recommendations are both reasonable and necessary to provide

properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 141, etc. of the National Planning Policy Framework, and the relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case two appropriately worded conditions on any planning consent relating to these reserved matters would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

#### Condition A

No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

#### Condition B

- i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).
- ii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

If planning consent is granted, this office will be able to advise further on the requirements for the investigation and to provide information on accredited archaeological contractors who may be able to carry out the work.

## Appendix B

### Neighbour notification/site notice responses

### Objections

Address	Comments
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Ben Leys - OBJECT;

Tinkers Lane, as you are fully aware is in the Chiltern AONB, it is a rural private lane, with existing houses well spaced out, with land around them. We feel no consideration has been given to Tinkers Lane being in the Chiltern AONB and Green Belt and Grim's Ditch/Ancient Monument being on the land adjacent to the proposed development.

This is not previously developed land - at present there are  
Glade House - OBJECT

As per our discussion, we would like to make the following initial observations and representations;

1. The application concerns a scheme within Chiltern AONB, and we are aware that you have received representations from both the Chiltern Society and the Chiltern Conservation Board.
1. Further, Grim's Ditch, a Scheduled Monument protected under the Ancient Monuments & Archaeological Areas Act 1979 traverses the applicant's site. This is clearly shown on plans of the area.
1. We chose to live in this special Lane because of its setting, and its reputation for being rigorously protected Green Belt land.
1. We are unclear as to why the application deals only with part of the applicant's site. We contend that we would need to know the plan for the entire site, and not just a part of it, so as to avoid any risk of mission creep.
1. We are of the understanding that the site does not qualify as Previously Developed Land, upon which the application is predicated because of the Agricultural covenant the town that the applicant's current residence (which we gather is to remain) is situated. The entire site therefore is predicated upon that agricultural land use. As you will be aware, PDL does not apply to greenhouses for agricultural purpose and we contend are not permanent structures. For ease of reference, see <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>
1. We are of the view that the site layout is inappropriate, as the proposed homes face inwards to a cul-de-sac and are not in keeping with the setting out of the private Lane. As a private Lane community, we would insist that any new houses are set well back from the Lane.
1. Regrettably, the applicant has still not communicated with us or other immediate neighbours to his site, so that we have not had any opportunity to understand or discuss his aspirations. We are not necessarily opposed to any development on the site because the existing nursery is a blot on the landscape, and some say a health hazard (allegedly there has been hearsay of contaminated land towards the rear of the site); however that is not justification to grant town planning consent for houses on Green Belt, AONB and Scheduled Monument land, just because the nursery business has been run down over recent years.
1. The amateurish scheme approach to date doesn't even represent the correct existing site layout compared with the proposed, and anyway is not representative of the applicant's site. Should the Council have a mind to grant consent for a scheme on the Woodview Nursery land, the setting out of the proposed houses, and access to it across private land will need to be very carefully considered before granting consent because the consented scheme would depend upon it.
1. We further contend that the density of the site is not in keeping with the setting or the amenity of an Area of outstanding Natural Beauty.
1. Should the Council decide to consent to redevelopment of Woodview Nursery, others may be inclined to pursue an application for redevelopment of their land in the Lane, and you can appreciate that expectations will run high in that context.

We gather that you have not yet visited site but when we spoke you were aware that Woodview, the applicant's previous redevelopment 18 months ago, has been

constructed at odds with the architects drawings you uploaded (dated August 2017) for the current Woodview Nursery application, and still remains empty.

We may well submit further representations once we have attended the Wigginton Parish Council meeting on 20 February 2018. In the meantime, please take the above as representations and objections of the scheme as currently shown on your website.

#### Farlands - OBJECT

We are writing to object to the above planning application on several grounds.

#### **Green Belt**

There has recently been a review of Green Belt Boundaries and there is consultation at the moment going forward under an Issues and Options document for the period to 2031-2036. This plot was not proposed in either as being suitable for exclusion from the Green Belt, nor is any consultation planned on this issue. The site remains covered by Green Belt designation and there is no evolving policy of the Planning Authority that might change that.

2. The application is not an appropriate land use within the Green Belt

Current use of a good proportion of the site (adjoining Tinkers Lane) is for the growing, storage and display of plants, shrubs and saplings. As such this part of the site is at present open and attractive.

The erection of a dwelling or dwellings on this part of the site reduces and does not preserve the openness of the Green Belt.

R (Boot) v Elmbridge Borough Council [2017] EWHC 12 (Admin) in the High Court clarifies the approach that planning authorities should take when applying guidance of the National Planning Policy Framework (NPPF) to applications for development within the Green Belt.

It is stated within the NPPF that the test for appropriate development is subject to the proviso that it ***“preserves the openness of the Green Belt and does not conflict with the purpose of including land within it.”***

Elmbridge BC argued that the planning committee could decide that the proposal preserved the openness of the Green Belt, even if it caused limited harm, on the basis that all new buildings in the Green Belt caused some harm to openness.

However, the High Court ruled that a development cannot *“preserve”* the openness of the Green Belt if it causes harm to openness.

3. The application fails to preserve the openness of the Green Belt and reduces that openness.

In addition “very special circumstances” are required under paragraph 88 of the NPPF to justify development within the Green Belt.

3. The application fails to demonstrate any very special circumstances to justify development in the Green Belt.

## **Previously Developed Land**

This is defined as land which *is or was occupied by a permanent structure*. However it excludes land that is or has been occupied by *agricultural or forestry buildings*.

The application site has been occupied by a business that includes agriculture. The commonly accepted definition of “agriculture” includes “horticulture” and the normal activities of a “nursery”. The differences, if any significant ones do exist, are only those of scale and here there is no recognisable dividing line. There is no argument about whether businesses which raise seed potatoes or seed corn are engaged in agriculture. There is no discernible difference in principle between that and the activities of Woodview Nursery who plant and grow on seedling tomatoes and tomato plants, shrubs, saplings and potatoes in grow bags. They have therefore been engaged in agriculture.

In addition Woodview Nursery have been engaged in the felling and lopping of trees either themselves or through other contractors and have produced mulch and wood fuel from the waste. Seasonally they sell locally grown Christmas trees. They have therefore been engaged in forestry.

The buildings on the site are poly tunnels and greenhouses. Neither of these types of building are permanent structures.

4. The application does not qualify as Previously Developed Land because (a) the buildings are used for agriculture and forestry and (b) are not of a permanent nature.

## **AONB**

The Planning Authority has the duty to have regard to the statutory purposes of AONBs to ‘conserve or enhance the natural beauty of their area’ been carried out and to take into account the AONB Management Plan.

5. The application will have a negative impact on the openness of the AONB
6. No evidence has been provided that the proposed buildings will be either well positioned with regard to each other, to the existing nearby properties or to surrounding AONB.

## **Other Issues**

The site is poorly located as a development for multiple houses. It is unsustainable in terms of access to transport, educational and social facilities, employment sites, usable broadband and to the highway network (the road abutting being a private road).

7. The site fails to meet current national requirements in terms of sustainability and access to social and physical infrastructure

The site will cause damage to the setting of Ancient Monument 28(b) (Grimm’s Ditch) and will encroach onto Archaeological Area 22

8. The site is unsuitable in terms of its proximity to an Ancient Monument and presence of an Archaeological Area.

We would be grateful if you could address these issues in your report and draw the committee's attention to this objection.

### Commenting

Address	Comments
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Condoover House

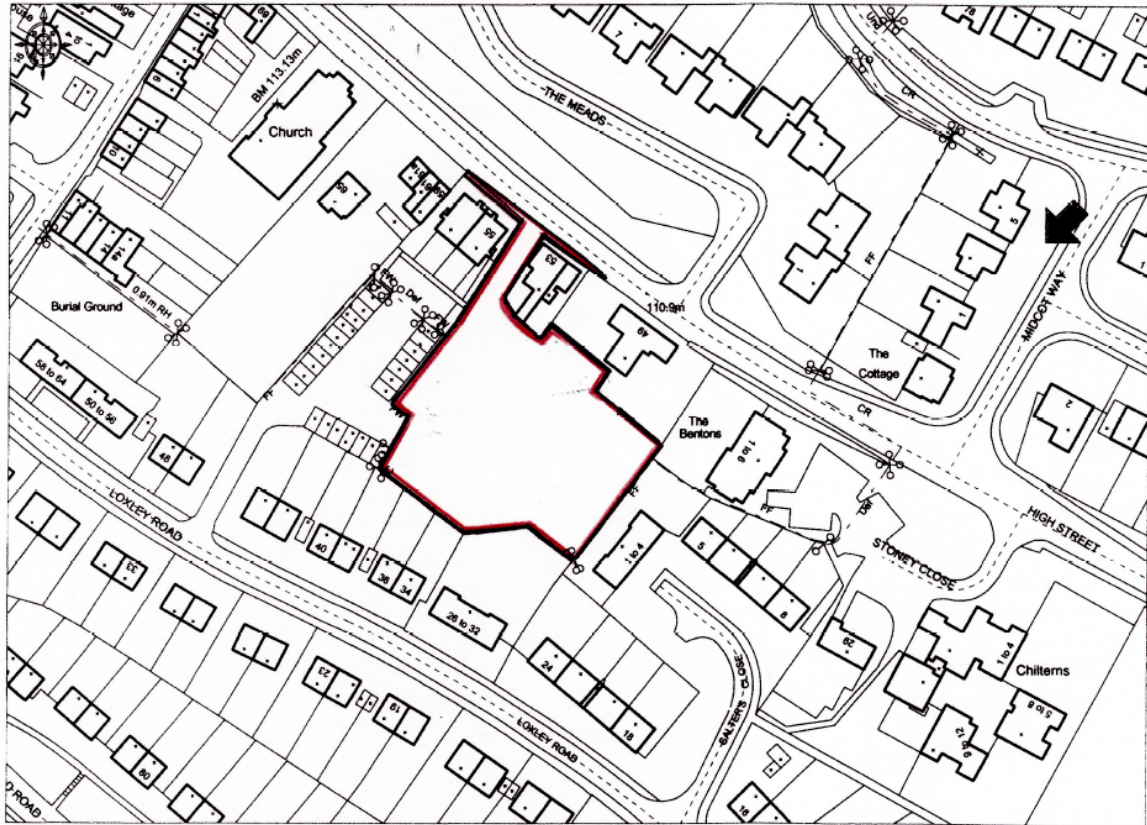
I am writing to advise you that I am withdrawing our objection to the above scheme, as per the amended application, as advised in your letter of the 22nd May 2018.

I also have to advise you that the applicant has not given me any assurances in connection with further development of the site and I am, therefore, relying on the Dacorum Planning Authority to ensure that the principles and obligations of further development in a place with a designation of an Area of Outstanding Natural Beauty, are strictly adhered to.



5c 4/03109/17/MFA PROPOSED DEMOLITION OF ALL EXISTING BUILDINGS. IMPROVEMENTS TO EXISTING ACCESS, CONSTRUCTION OF FOUR 3-BED AND SIX 2-BED COTTAGES WITH ASSOCIATED CAR PARKING AND ACCESS ROAD WITH WASTE AND CYCLE STORAGE

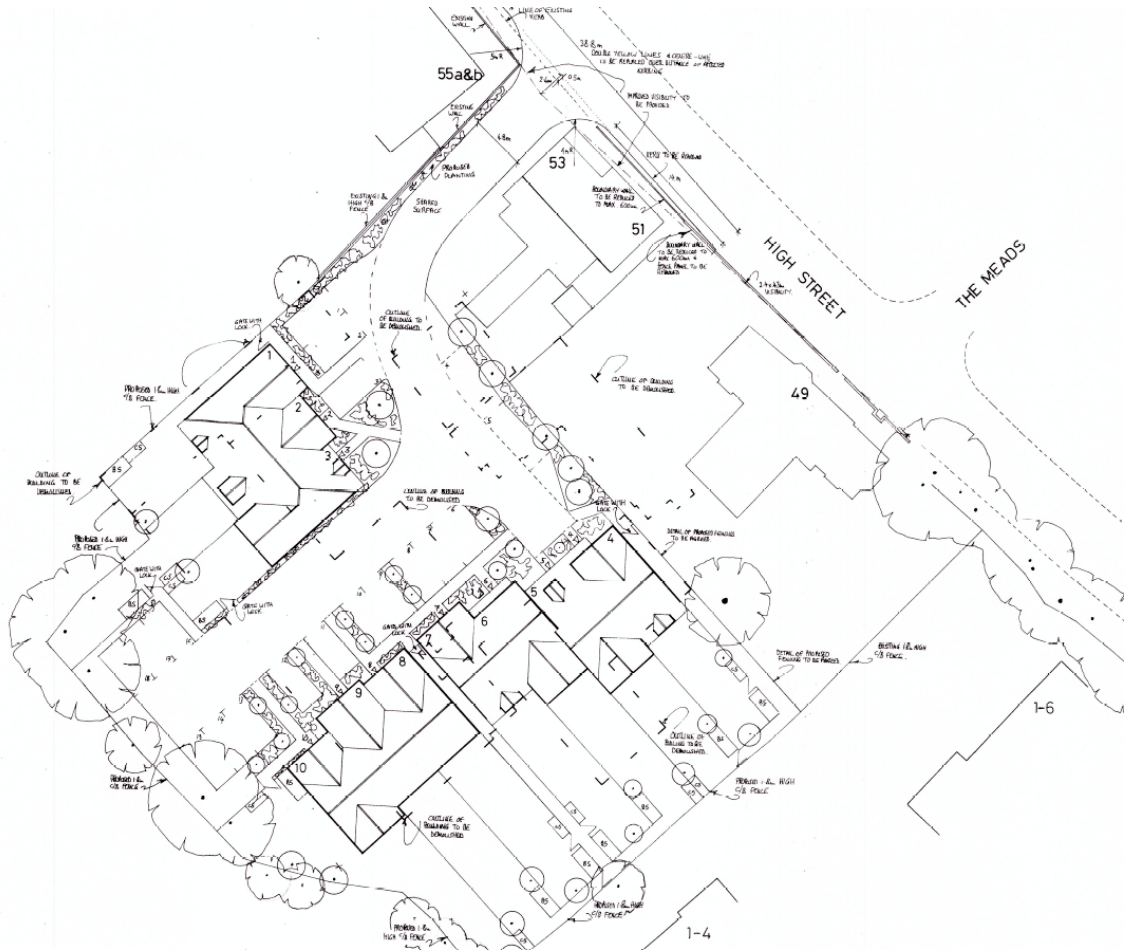
R/O 49 - 53, HIGH STREET, NORTHCHURCH, BERKHAMSTED, HP4 3QH



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5c 4/03109/17/MFA PROPOSED DEMOLITION OF ALL EXISTING BUILDINGS. IMPROVEMENTS TO EXISTING ACCESS, CONSTRUCTION OF FOUR 3-BED AND SIX 2-BED COTTAGES WITH ASSOCIATED CAR PARKING AND ACCESS ROAD WITH WASTE AND CYCLE STORAGE

R/O 49 - 53, HIGH STREET, NORTHCHURCH, BERKHAMSTED, HP4 3QH





<b>4/03109/17/MFA</b>	<b>PROPOSED DEMOLITION OF ALL EXISTING BUILDINGS. IMPROVEMENTS TO EXISTING ACCESS, CONSTRUCTION OF FOUR 3-BED AND SIX 2-BED COTTAGES WITH ASSOCIATED CAR PARKING AND ACCESS ROAD WITH WASTE AND CYCLE STORAGE</b>
<b>Site Address</b>	<b>R/O 49 - 53, HIGH STREET, NORTHCHURCH, BERKHAMSTED, HP4 3QH</b>
<b>Applicant</b>	<b>V &amp; R HOMES LTD, C/O AGENT</b>
<b>Case Officer</b>	<b>James Gardner</b>
<b>Referral to Committee</b>	<b>Contrary views of Northchurch Parish Council</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**.

## **2. Summary**

2.1.1 This application relates to the construction of 10 new cottage-style dwellings on brownfield land currently occupied by commercial premises. The principle of re-developing the site for residential purposes is acceptable as it is not designated employment land and is in an established urban area, thus according with saved Policy 10 of the Dacorum Local Plan (2004) and Policy CS4 of the Core Strategy.

2.1.2 The form, scale and design of the dwellings are all considered to be acceptable and would satisfactorily integrate with the surrounding development. A reasonable quantum of development is proposed, which makes effective use of the available land but avoids an overly cramped appearance. The re-development of the site would result in an improvement to the setting of the Conservation Area and enhance views from within it. This is accordance with saved Policies 21 and 120 of the Dacorum Local Plan (2004) and Policies CS11, CS12 and CS27 of the Dacorum Core Strategy (2013).

2.1.3 There would be no significant adverse impacts on the residential amenity of neighbouring dwellings. The proposal is considered to comply with the relevant local and national planning policies.

## **3. Site Description**

3.1.1 The application site comprises an area of approximately 0.25ha and is currently occupied by commercial buildings associated with car repairs/washing.

## **4. Proposal**

4.1.1 This application seeks full planning permission for the demolition of all the existing buildings on the site and the construction of 10 terraced dwellings (six 2-beds & four 3-beds) with associated amenity space and car parking.

## **5. Relevant Planning History**

No recent history.

## **6. Policies**

### 6.1 National Policy Guidance

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

### 6.2 Adopted Core Strategy

NP1, CS1, CS2, CS4, CS8, CS9, CS11, CS12, CS13, CS17, CS18, CS19, CS27, CS28, CS29, CS31, CS32, CS35

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

Policies 10, 12, 13, 18, 21, 51, etc.

### 6.4 Supplementary Planning Guidance / Documents

- Accessibility Zones for the Application of car Parking Standards (July 2002)

## **7. Constraints**

- Conservation Area
- Former Land Use

## **8. Representations**

### Consultation responses

8.1.1 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 / Conservation Area
- Impact on Amenity of Neighbours
- Impact on Trees and Landscaping
- Parking Arrangements and Impact on Highway Safety
- Other Material Planning Considerations

### 9.2 Policy and Principle

9.2.1 The application site is located in Northchurch – an established urban area - and therefore the principle of residential development is acceptable, in accordance with Policy CS4 of the Dacorum Core Strategy (2013). Furthermore, there is a strong presumption in Policy CS17 in favour of promoting residential use of the land to address a need for additional housing within the Borough.

9.2.2 Saved Policy 10 of the Local Plan (2004) seeks to optimise the use of available land within urban areas provided it:

- makes optimum use of the land available whether in terms of site coverage or height; or
- contributes towards or provides for the reasonable sharing of facilities, such as off street car parking; or
- does not prevent other land coming forward for development in the future; or
- helps to achieve a comprehensively planned development framework.

9.2.3 The proposal would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). The development would be located in a sustainable location and seeks to optimise the use of previously developed urban land; the proposal is therefore in accordance with policies CS1, CS4, and CS17 of the Core Strategy (2013) and saved Policy 10 of the Local Plan (2004).

### 9.3 Layout, Design and Scale

9.3.1 Saved Appendix 3 of the Dacorum Local Plan (2004) deals with the detailed aspects of the layout and design of residential areas, with reference specifically being made to the need for development to respect the character of the surrounding area, and, in particular, the provision of adequate space in order to avoid creating a development with a cramped appearance. Variety and imagination in the layout and design of housing is important to ensure that the development is not afflicted by mundanity and repetitiveness.

9.3.2 The layout makes use of the existing access from the A4251. During the course of pre-application discussions, the possibility of forming a new access between the site boundary and no. 49 was discussed; however, following concerns from the Conservation and Design Officer and dialogue with the Highway Authority, retaining and improving the existing access was considered to be most appropriate. This has naturally had a direct impact on the form and layout of the site.

9.3.3 From looking at the plans submitted in support of this application it is evident that considerable time has been taken over the design and layout of the development.

9.3.4 Plots 1-3 would be located proximate to the north-western boundary of the site and orientated toward Northchurch High Street, whilst Plots 4-7 and 8-10 would face a north-westerly direction and roughly align with Northchurch Place (no. 49 High Street) to the north-east.

9.3.5 Individually, the dwelling designs have a pleasing visual appearance and are relatively modest in scale. The designs utilise a mixture of hipped and gable roof forms and include front and rear facing pitched roof dormers. Architectural detailing in the

form of brick arches and sills around the window openings is also included, helping to distinguish the dwellings from the ersatz English cottage-style found all too often in new developments. In order to ensure a high quality development, should Members be minded to grant planning permission, it would be appropriate to include a condition requiring samples of materials to be provided prior to the commencement of building works.

9.3.6 Plots 1- 3 would be the most visible part of the development, and as such, it is especially important that the design is suitable and reflects the character of the area. This particular group would utilise a steeply pitched hipped roof with a two-storey projection to the rear. The front elevation would be characterised by two front facing gables, one of which would be externally finished in brick and the other from render. Plot 3 includes an unobtrusive pitched roof half dormer which further adds design variation to the group and helps to minimise the appearance of a planned estate. The terrace would have a stagger in order to add some visual interest. With the exception of plots 1 and 3, all of the dwellings within the site would have an area of amenity space exceeding the standard prescribed in saved Appendix 3 of the Dacorum Local Plan (2004).

9.3.7 Guidance in respect of the density of new development is provided by saved Policy 21 of the Dacorum Local Plan, in which it is stated that careful consideration needs to be given to new housing proposals in order to ensure that they make effective and most efficient use of the available land. A density in the region of 30 to 50 dwellings per hectare is generally considered to be acceptable; densities below 30 dwellings per hectare should be avoided.

9.3.8 The density of the application site has been calculated as approximately 41 dwellings per hectare (net). For the avoidance of doubt, the net site area comprises the land to be developed for housing and directly associated uses (e.g. access roads, gardens and parking areas).

9.3.9 In this instance, the quantum of development is considered to be appropriate to the context and does not, therefore, give rise to any concerns.

#### 9.4 Impact on Street Scene / Conservation Area

9.4.1 In accordance with Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, local planning authorities are under a duty to designate as conservation areas any parts of their own area which are considered to be of special architectural or historic interest, the character and appearance of which it is desirable to conserve. Conservation Area designation introduces general control over the demolition of unlisted buildings and provides a basis for the formulation of specific planning policies, whose ultimate aim will be to conserve or enhance the area. Section 72 of the aforementioned Act states that, when considering works within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the area.

9.4.2 The north-eastern edge of the application site falls within the Northchurch Conservation Area and as such the statutory duties outlined above are relevant to the assessment of the proposal, in addition to national and local planning policies, summaries of which are provided below:

Paragraph 200 of NPPF 2018

- Local planning authorities should look for opportunities for new development within Conservation Areas to enhance and better reveal the significance of heritage assets. Proposals that preserve those elements of the setting that make a positive contribution to the asset should be treated favourably.

Saved Policy 120 of Dacorum Local Plan 2004

- There is a presumption against the demolition of any building that contributes to the character of a conservation area (case officer's emphasis).
- New developments or alterations or extensions to existing buildings in the conservation areas will be permitted provided they are carried out in a manner which preserves or enhances the established character or appearance of the area. Development proposals outside a conservation area which affect its character and setting will be considered likewise.
- Each scheme will be expected to, inter alia, respect established building lines, layouts and patterns; use materials and adopt design details which are traditional to the area and complement its character and be of a scale and proportion which is sympathetic to the scale, form, height and overall character of the surrounding area.

Policy CS27 of Dacorum Core Strategy (2013)

- All development will favour the conservation of heritage assets.
- The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced.
- Development will positively conserve and enhance the appearance and character of conservation areas.

9.4.3 This application proposes the demolition of all buildings on site, one of which is partially located within the Northchurch Conservation Area. In order to establish the significance, if any, and whether or not the building contributes to the character of a conservation area, the applicant commissioned IQ Planning Consultants to carry out a heritage assessment. This was received by the local planning authority on 17<sup>th</sup> May 2018.

9.4.4 The contents of Page 18 of the Heritage Statement, which describes the building in question, has been reproduced below for ease of reference:

*This is the only building situated within the Conservation Area that is proposed to be demolished (indicated as building A on the site plan above), although the Conservation Area boundary runs through the building, excluding its rear projecting part. It is in a poor state of repair and condition, and is currently used by a car washing business located at the site, primarily for storage.*

*In the absence of written records, the exact age of the building cannot be ascertained, however given its presence alongside No. 49 High Street in the historic OS Maps shown further above, coupled with its materials and general style, it is likely that it was erected around the same time as No.49, dating to a mid-Victorian construction period of Circa 1855-1860. It is likely that it may have*



*been used for external storage by the occupants of Northchurch Place, for example for the storage of equipment necessary in the maintenance of the grounds.*

*The building has a footprint of 18m wide and a maximum depth of 12.8m to its rear projecting part. The outer building walls comprise a mixture of red brick stock. The south east end section of the building containing a curved metal bar enclosure and rear metal barred window/opening appears to be a later addition, due to its lower height pitched roof construction, and brickwork which more closely appears to match the brickwork of the later former dairy building adjacent to it (the latter was erected during the late 1920s / early 1930s). There are two small metal framed windows in the north eastern elevation facing High Street, which are also later additions, as are the metal garage and wooden door serving the toilet area on the south east elevation.*

*The building has a low profile pitched roof comprising slate tiles, with red clay tiles forming the roof ridge. The roof is in poor condition, with some broken and loose slate tiles, and considerable bowing in places, particularly in the central areas of the pitch facing High Street, and along its rear projecting element. Internally most of the roof construction is exposed and reveals rafter and purlins appearing to be constructed of soft wood. The floor is composed of cast concrete panels. There is the presence of damp in some of the walls near ground level, and some of the external brickwork also shows deterioration due to moisture damage. Various spot repair work of a generally poor quality and temporary nature has been carried out throughout the building. This includes roof membrane patches on some of the slate tile areas, the replacement of some clay ridge tiles near the south eastern end of the building, the insertion of waterproof lining and roof meshing above some of the rafter areas along with MDF panels, and the rebuilding of the internal rear wall with blockwork.*

9.4.5 The Council's Conservation and Design Officer has reviewed the Heritage Statement and concurs with its findings, stating that:

*The single storey 19<sup>th</sup> century structure has now also been investigated. It would appear to have had some interest and was associated with the property to the frontage. However, it is in a very poor state and has had a number of unsympathetic alterations to the fabric which have detrimentally impacted upon its character. The only surviving element of interest appears to be the metal railing area to the rear.*

9.4.6 Therefore, given the very poor state of repair and its negative visual appearance, the building is not considered to be worthy of retention. The other buildings on the site are believed to date to the inter-war period. Many, if not all, of these buildings have either a ramshackle or utilitarian appearance and are not, in the opinion of the Conservation and Design Officer, worthy of local listing, and by extension, retention.

9.4.7 Were the development to be approved and the permission implemented, there would be substantial benefits to the Northchurch Conservation Area, its setting and the street scene:

- It would result in the removal of commercial / industrial uses which are at variance with the residential character of the area, and introduce a much more sympathetic form of development.

- The buildings within the existing site would be removed and replaced with modest cottages more appropriate to the local context.
- The removal of the existing buildings and careful positioning of the proposed dwellings within the site would open up views toward the rear of the site and mature trees, when viewed between nos. 49 and 51 High Street.

9.4.8 In terms of the impact on the street scene, Policies CS11 and CS12 seek to ensure that development preserves attractive streetscapes and enhances any positive linkages between character areas, protects or enhances significant views within character areas and integrates with the streetscape character.

9.4.9 Whilst the vast majority of the site is located behind existing development fronting the High Street, this does not preclude the opportunity for visual improvements. Indeed, in addition to opening up views between nos. 49 and 51, plots 1, 2 and 3 would be visible through the gap between no. 53 High Street (Montague Pianos) and 55a High Street, replacing the existing car-related businesses. Although there would not be a continuous frontage, the aforementioned plots being located some 35 metres back from the highway, the design has regard to the local context and, as a result, would satisfactorily integrate with the streetscape character make a positive contribution to this section of the street scene.

## 9.5 Impact on Amenity of Neighbours

9.5.1 The site layout has been designed in such a way as to minimise, so far as possible, the impact on neighbouring properties.

### Plots 1-3

9.5.2 There would be some oblique overlooking of the rear garden areas of 55a and 55b; however, this would not be from close quarters and would not exceed levels reasonably be expected in a built up area. No objections have been received from these properties.

9.5.3 There would be a separation distance in excess of 27 metres between plots 1-3 and the rear elevation of nos. 51-53. Although 23 metres is the minimum distance stated in saved Appendix 3, a necessary distinction is made in the policy where there is a change in levels. This separation distance is considered to be acceptable. No objections have been received from these properties.

9.5.4 There are no obvious implications for the residential amenity of the dwellings located on Loxley Road (at a higher level).

### Plots 4-7

9.5.5 Plot 4 is located 8.60 metres away from the rear projecting wing of no. 49 High Street. However, the windows on the side elevation are shown as serving an en-suite and bathroom, so the expectation is that the windows would be fitted with obscure glass. Nevertheless, a condition will be included with any grant of planning permission

9.5.6 The new layout represents a considerable improvement on the existing state of affairs, as an unattractive two-storey building is being removed and a modest cottage is being constructed a greater distance away. No objections have been received from

the residents of no. 49 High Street.

### Plots 8-10

9.5.7 The separation distance between the rear elevations of plots 8-10 and nos. 1-4 Salter Close are approximately 23.63 metres, 22.91 metres and 22.08 metres. Whilst the plot 10 falls marginally short of 23 metres given that there is only a marginal deficit, and the fact that the residents to the rear have not objected, on balance, the proposal is considered to be acceptable. Furthermore, the orientation is favourable so there would not be no loss of sunshine / daylight.

### 9.6 Impact on Trees and Landscaping

9.6.1 A tree survey was not included with the submission, although it is understood, and indicated on drawing no. 16 2422-1 Revision C, that some trees are to be retained. For the avoidance of doubt and to ensure that only healthy trees and those which are appropriate to the context, bearing in mind the proximity of new built development, are retained, a landscaping condition will be included to ensure that the particulars are clarified prior to the commencement of any development.

9.6.2 Consideration has also been given to Policy CS29 regarding the requirement to incorporate one new tree per dwelling on-site. Providing new housing is important and is clearly high on the agenda of central government; yet it is also important that the houses being constructed are situated in pleasant surroundings. Trees help to soften urban landscapes; provide shade and aid biodiversity. Wherever possible the requisite number of trees should be provided. Accordingly, tree planting for this site will be reserved by condition.

### 9.7 Parking Arrangements and Impact on Highway Safety

9.7.1 For residential development, Dacorum's supplementary planning guidance expects all parking demand to be accommodated on site. Saved Appendix 5 of the Dacorum Borough Local Plan (2004) provides specific details of the maximum parking standards and is based on a zonal approach, whereby significantly lower provisions of parking provision may be acceptable in areas of high accessibility, or where overspill on-street parking can be effectively controlled.

9.7.2 The application site is located within Zone 4, as defined by 'Accessibility Zones for the Applications of Car Parking Standards', and is not considered to be an area where lower parking provision is acceptable. Thus, the following maximum parking standards are applicable:

<b>Description</b>	<b>Maximum car parking standards</b>
1-bedroom dwellings/bedsits	1.25 spaces
2-bedroom dwellings	1.5 spaces
3-bedroom dwellings	– 2.25 spaces
4 or more-bedroom dwellings	3 spaces

9.7.3 A total of 18 car parking spaces would be provided to serve the new development. On the basis that the development would comprise 6 x 2-bedroom dwellings and 4 x 3-bedroom dwellings, the provision of 18 spaces would meet the Council's maximum standard.

9.7.4 Standard minimum size car parking spaces are taken as being 2.4m x 4.8m for areas of hardstanding, and where spaces are provided in lay-bys, a bay length of 6 metres is required. The Strategic Planning Team are currently undertaking a review of the dimensions of car parking spaces, though it is understood that this is at an early stage. As such, they are not relevant to this application.

9.7.5 The majority of the car parking spaces would take the form of bays located in front of the dwellings. Bays 4 and 5 are the exception, taking the form of lay-bys. The dimensions measured on the supporting plans confirm that the car parking spaces would comply with the relevant standards.

9.7.6 Saved Appendix 3 of the Dacorum Local Plan (2004), which provides guidance on the layout and design of residential areas, highlights the importance of providing appropriate access for statutory undertakers, emergency services and essential delivery and refuse disposal vehicles.

9.7.7 The access road includes a turning head in order to aid manoeuvrability within the site. At the request of the case officer, swept path analysis has been provided which demonstrates that both a refuse freighter and fire appliance could enter and leave the site in forward gear.

9.7.8 It will be noted by Members that concerns have been raised by a number of local residents over the lack of a pedestrian crossing.

9.7.9 The Highway Authority have not raised objections to the proposal subject to the inclusion of conditions and informatives. Subsequent communication with the Highway Officer has confirmed that the applicant entered into pre-application discussions with the Highway Authority prior to the submission of this application, and it was concluded that localised works to the highway (i.e. alterations to the kerblines of the High Street - and reductions in the height of a boundary wall outside of 51-53 High Street) would be satisfactory. The access is an existing arrangement and due to the commercial use of the site it is conceivable that the current intensity of use – both in terms of vehicular and pedestrian movements – is greater than if it were to be used for residential purposes.

9.7.10 Provision of a crossing is further complicated by the fact that the pedestrian footpath on the south-western side of the High Street is not in the ownership of the Highway Authority. Permission would therefore be required from the owner to use this as a connection point. Assuming this were possible, and that the location was deemed to be suitable for a controlled or uncontrolled crossing point by the Highway Authority, it would be entirely at the discretion of the developer as to whether a crossing was actually provided (as the Highway Authority have not stipulated this as a requirement).

9.7.11 The concerns regarding pedestrian safety have been noted and the possibility of providing a pedestrian link into Salter Close (over land the ownership of Dacorum Borough Council) has been explored. However, the Housing Department have

confirmed that they are not amenable to this proposal.

9.7.12 Compliance with the Council's maximum parking standard would limit, though admittedly would not avoid entirely, the potential for vehicular-pedestrian conflict. The expectation is that car parking would, for the most part, be contained within the site itself, thus limiting the necessity of crossing the road on foot. Whilst far from ideal it should be borne in mind that this state of affairs is not dissimilar to the situation that already exists in the immediate vicinity: numbers 49, 55 – 65a High Street and Northchurch Baptist Church are all located on the south-western side of the High Street and do not benefit from any connection to the pedestrian highway network; neither do they have a controlled or uncontrolled crossing point.

9.7.13 Concerns have also been raised with regard to potential disruption arising as a result of the delivery of building materials, contractors, plant machinery etc. These concerns have been noted and will be addressed by way of a Construction Traffic Management Plan, details of which are to be submitted prior to the commencement of on-site works.

### **Other Material Planning Considerations**

#### **9.8 Contaminated Land**

9.8.1 The Council's Contaminated Land Officer has recommended that further ground investigation is carried out. This is considered to be reasonable and will be included as part of the planning permission.

#### **9.9 Refuse and Recycling**

9.9.1 Access for refuse collection vehicles has already been dealt with above (see "*Parking Arrangements and Impact on Highway Safety*").

9.9.2 It is noted from the site layout plan that bin storage is to be provided in the rear gardens of the respective dwellings. This is preferable as it would protect the street scene from unsightly bins for a large proportion of the week.

9.9.3 The particulars of the bin storage will be required by way of a condition and will need to be provided prior to first occupation of the development.

#### **10 Loss of Existing Facilities / Employment**

10.1.1 The proposal is predicated upon the loss of the existing commercial uses; however, the site does not fall within a designated General Employment Area and is not therefore afforded protection by planning policies.

10.1.2 That said, it is anticipated that the proposal would result in the provision of a number of employment positions during the construction phase, after which it could reasonably be assumed that the new residents would patronise shops in Northchurch and Berkhamsted, supporting the local economy.

#### **10.2 Affordable Housing**

10.2.1 As per Policy CS19 of the Core Strategy (2013) and the Council's Affordable Housing SPD (2013), affordable housing obligations should be met in the form of dwellings as part of the proposed development on sites which have a size threshold of a minimum:

- 0.3ha or greater or providing 10 or more dwellings in Hemel Hempstead; or
- 1 0.16ha or greater or providing 5 or more dwellings in the rest of the Borough.

10.2.2 The Council's Affordable Housing SPD - Clarification Note (July 2016) was produced in response to the Ministerial Statement of 28 November 2014 and the associated changes to the National Planning Practice Guidance. The government's approach introduces a waiver to developments of 10 units and below with a combined gross internal floor space of no more than 1,000 square metres ('maximum combined gross floorspace').

10.2.3 The combined gross floor space of the proposed development equates to 906 square metres and thus falls below the waiver.

10.2.4 Having reviewed the particulars, Strategic Housing have confirmed that the development is exempt from affordable housing contributions.

### 10.3 Hertfordshire Fire and Rescue

10.3.1 The County Council have confirmed that the provision of fire hydrants is required. This will be secured by way of an appropriately worded condition.

### 10.4 Permitted Development Rights

10.4.1 The Government's Planning Practice Guidance provides useful advice to Local Planning Authorities as regards the use of conditions:

*When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary control.*

Paragraph 53 of the NPPF (2018) states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

Paragraph 55 of the NPPF states "Planning conditions should only be imposed where they are:

- Necessary
- Relevant to planning and;
- To the development to be permitted

- Enforceable;
- Precise and;
- Reasonable in all other respects

The 6 tests must all be satisfied each time a decision to grant planning permission subject to conditions is made.

Any proposed condition that fails to meet any of the 6 tests should not be used. This applies even if the applicant suggests it or agrees on its terms or it is suggested by the members of a planning committee or a third party.

Specific guidance in relation to conditions which remove permitted development rights is also provided:

*Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances.... Area wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.*

The site's location proximate to the Northchurch Conservation Area means that a certain level of circumspection is required when considering whether to allow future occupiers free reign to alter their dwellings, within the limits of the General Permitted Development Order. Permitted development rights allow for a wide range of extensions and alterations to be carried out without the requirement for planning permission.

The fact that the terraces have been designed to form attractive groups, cohesive groups means that alterations to one dwelling within a group could quite easily adversely impact upon the whole group. Plots 1-3 are the most sensitive within the site as they clearly visible from the High Street, and furthermore, the roof form lends itself to alteration. In particular, if Class B permitted development rights were not removed, there would be an inevitable unbalancing of the group and visual disruption to the carefully considered proportions if a hip-to-gable conversion were to take place to either plot 1 or 3 in isolation. The other terraces within the site already have gable ends and thus are not at risk in quite the same way.

For this reason, it is considered appropriate to remove Class B permitted development rights (relating to roof extension) for plots 1-3. It would also be appropriate to remove permitted development rights in respect of chimneys (Class G), given that this adds a traditional, vernacular feel to the area and in light of the fact that plots 1-3 are highly visible.

Restrictions on the PD rights of the remainder of the dwellings is not considered to be necessary.

## 10.5 Drainage

10.5.1 RSK Land and Development Engineering Ltd were commissioned by The Hall Partnership to provide a Sustainable Drainage Strategy in support of this planning

application.

10.5.2 Two options have been proposed:

- Infiltration with the use of permeable paving and soakaways (though infiltration tests are yet to be conducted); or
- Attenuation and discharge into Thames Water surface sewer.

10.5.3 The Lead Local Flood Authority have been consulted and have no objections.

10.5.4 As the specifics of the scheme are yet to be finalised and in order to secure the principles of the current proposed scheme, two conditions are recommended for inclusion with any grant of planning permission.

## 11 Response to Neighbour comments

11.1.1 These points have been addressed above other than the following comment:

*Finally, these houses are in addition to the proposed large scale house building project of 285 homes in Northchurch. What provision is being made for the extra school places and other infrastructure needed to cope with so many new houses? This proposal will take the number of new homes to 300.*

11.1.2 Under Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) the Council is expected to publish a list of infrastructure projects that may benefit from CIL funding.

11.1.3 The Regulation 123 list sets out those projects or types of infrastructure that Dacorum Borough Council intend will be, or may be, wholly or partially funded by CIL.

11.1.4 The following categories are of relevance and appear on the aforesaid list:

- Early Years Education and Childcare Facilities.
- Primary Education Facilities.
- Secondary Education Facilities.
- Further Education.
- Health Facilities.

11.1.5 It is unlikely that the construction of ten modest dwelling would have a discernible impact on the local infrastructure.

However, taking planned growth in the area into account, it is acknowledged that there would be some impact on local services.

11.1.6 This application is CIL liable and the contribution arising from the development may potentially be used to fund infrastructure improvements in the future, should this be deemed appropriate.

## 12 Community Infrastructure Levy (CIL)

12.1.1 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.

### 13. Conclusions

13.1.1 The proposed development would replace an agglomeration of commercial uses with 10 cottage-style dwellings. The removal of these commercial uses from what is predominantly a residential area would result in an improvement to the residential amenity of the surrounding dwellings in Loxley Road, Salter Close and the High Street.

13.1.2 Each dwelling would have its own garden and the designs would be in keeping with the local character. Overall, it is considered that the development would enhance the setting of the Northchurch Conservation Area.

13.1.3 The on-site parking provision complies with the Council's maximum parking standard, and it has been demonstrated that larger vehicles could safely manoeuvre within the site. The Highway authority have not raised any objections to the access or the raised any concerns with respect to pedestrian access.

13.1.4 Taking all the above into account, the case officer is of the view that the application complies with the relevant local and national planning policies.

**11. RECOMMENDATION** – That planning permission be **GRANTED** for 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>16.2422-1      Revision C</p> <p>17.2422-2      Revision B</p> <p>17.2422-3      Revision B</p> <p>17.2422-4      Revision B</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>No development (except demolition and site clearance) shall take place until details of the materials, including details of doors and windows at a scale of 1:20 and rainwater goods and brick bonding to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to 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: To ensure a satisfactory appearance to the development and the interests of the visual amenities of the Conservation Area in accordance with the aims of saved Policy 120 of the Dacorum Borough Local Plan (2004) and Policies CS12 and CS27 of the Dacorum Core Strategy (2013).</p>
4	<p>No development (except demolition and site clearance) 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;  minor artefacts and structures (e.g. furniture, play equipment, other storage units, signs, lighting etc);</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.</p>
5	<p>The dwellings hereby approved shall not be occupied until details of facilities for the storage of refuse have been submitted to and approved in writing by the local planning authority. The approved facilities shall then be provided before the development is first brought into use and they shall thereafter be permanently retained unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: To accord with Policy 129 of the Dacorum Borough Local Plan 1991-2011.</p>
6	<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</p>

	<p>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 the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p>
7	<p>All remediation or protection measures identified in the Remediation Statement referred to in Condition 6 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 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).</p>
8	<p>The development permitted by this planning permission shall be carried out in accordance with the approved Sustainable Drainage Strategy carried out by RSK reference 133126-R1(0) dated 05 October 2017 submitted and the following mitigation measures detailed within the FRA:</p> <ol style="list-style-type: none"> <li>1. Limiting the surface water run-off rates to maximum of 5.3l/s with discharge into Thames Surface water sewer.</li> <li>2. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.</li> <li>3. Implementing the appropriate drainage strategy using appropriate above ground SuDS measures to include permeable paving as indicated on drainage drawing.</li> </ol> <p>Reason: To reduce the risk of flooding to the proposed development and future</p>

	occupants.
9	<p>No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall also include;</p> <ol style="list-style-type: none"> <li>1. Confirmation of proposed drainage scheme based on either infiltration or discharge in surface water sewer.</li> <li>2. Infiltration tests should be conducted to BRE Digest 365 Standards where infiltration is proposed.</li> <li>3. Implementing the appropriate drainage strategy using appropriate above ground SuDS measures where possible.</li> <li>4. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.</li> <li>5. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.</li> </ol> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants.</p>
10	<p>Prior to the first occupation of the development hereby permitted, vehicular visibility splays measuring 43m x 2.4 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway</p> <p>Reason: In the interests of highway safety.</p>
11	<p>Construction of the development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan should consider all phases of the development including demolition, excavation and construction of all elements of the proposals. 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:</p> <ol style="list-style-type: none"> <li>a. Construction vehicle numbers, type, routing;</li> <li>b. Traffic management requirements;</li> <li>c. Construction and storage compounds (including areas designated for car parking);</li> <li>d. Siting and details of wheel washing facilities;</li> <li>e. Cleaning of site entrances, site tracks and the adjacent public highway;</li> <li>f. Timing of construction activities to avoid school pick up/drop off times;</li> <li>g. Provision of sufficient on-site parking prior to commencement of construction activities;</li> <li>h. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.</li> </ol> <p>Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.</p>
12	<p>No development (except demolition and site clearance) shall take place until details of fire hydrants or other measures to protect the development from fire</p>

	<p>have been submitted to and approved in writing by the local planning authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The proposed development shall not be occupied until such measures have been implemented in accordance with the approved details.</p> <p>Reason: To ensure that sufficient strategic infrastructure is provided to support the development in accordance with Policy CS35 of the Dacorum Core Strategy (2013).</p>
13	<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 to plots 1-3 (shown on drawing number 16 2422-1 Rev. C) without the prior written approval of the local planning authority:</p> <p>Schedule 2 Part 1 Classes B and G</p> <p>Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding visual amenity of the locality, in accordance with saved Policy 120 of the Dacorum Local Plan (2004) and Policies CS12 and CS27 of the Dacorum Core Strategy (2013).</p>
14	<p>No development (except demolition and site clearance) shall take place until details of the proposed slab, finished floor and ridge levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land shall have been submitted to and approved in writing by the local planning authority. The building(s) shall be constructed in accordance with the approved levels.</p> <p>Reason: For the avoidance of doubt, to ensure a satisfactory form of development and in the interests of the residential amenity of the surrounding dwellings, in accordance with saved Appendix 3 of the Dacorum Local Plan (2004), Policies CS11, CS12 and CS27 of the Dacorum Core Strategy (2013).</p>

## Appendix A

### Consultation responses

#### Conservation & Design

We have now received the heritage impact assessment for the above development. We would therefore comment as follows:

We would agree with the statement and its analysis of the impact of the proposed development. The majority of the buildings on the site date from the inter war period and are of lesser interest. They are not worthy of local listing and therefore we would not object to their demolition. The single storey 19<sup>th</sup> century structure has now also been

investigated. It would appear to have had some interest and was associated with the property to the frontage. However it is in a very poor state and has had a number of unsympathetic alterations to the fabric which have detrimentally impacted upon its character. The only surviving element of interest appears to be the metal railing area to the rear.

The proposed scheme is in keeping with the general character of the area. The housing has been designed in an appropriate manner to reflect the character of Northchurch and the size, scale, layout and massing of the development would be appropriate. The design and general detailing proposed is appropriate for the character of the area and reflects and responds to local features. Therefore we believe that overall the proposals would not cause harm to the setting of the conservation area. The materials and joinery detailing should be conditioned to ensure that the character of the area is preserved.

We would recommend that the boundary treatment to the rear of the historic Victorian properties should be a brick wall reusing the historic bricks of the single storey 19<sup>th</sup> century structure. This would provide a more in keeping boundary treatment which would preserve the character of the conservation area. This would be most important when considering the overall impact on the areas character as inappropriate boundary treatments would detract from the character of the conservation area. It would also be recommended that the large stone blocks be reused within the landscaping on the site. As previously noted with the landscaping it would be useful to agree a high quality surfacing material for the entrance area to the site and ideally pedestrian linkages to the rear of the site into the garage courtyard area or to the rear of the adjacent flats to provide better access throughout the area and help it integrate with the street patterns of the wider area.

**Recommendation The proposals are now acceptable. Bricks, brick bond, tiles, render, eaves and joinery details and finishes subject to approval. Hard and soft landscaping including boundary treatments subject to approval. Details (including coping) and finish of the new boundary walls to the High street to be agreed. Historic material to be reused where possible.**

### **DBC Contaminated Land**

Thanks for contacting the Pollution and Environmental Protection Team in respect of the above planning application 4/03109/17/MFA for the demolition of all existing buildings, improvements to existing access, construction of four 3-bed and six 2-bed cottages with associated car parking and access road with waste and cycle storage.

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

However, with the proposed development within 125metres buffer zone of a former contaminated industrial land use from our record, the following planning conditions and informative are recommend should planning permission be granted.

#### **1a). Contaminated Land Condition**

No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by

the local planning authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

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

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

**1b).** All remediation or protection measures identified in the Remediation Statement referred to in Condition 1a above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

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

**Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32 and the NPPF (2012).**

**Informative:**

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

via the Council's website [www.dacorum.gov.uk](http://www.dacorum.gov.uk)

## **2). Construction Management Plan Condition**

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan should consider all phases of the development. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The Construction Management Plan shall include details of:

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

**Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, in accordance with Core Strategy (2013) Policy CS8.**

## **3. Un-expected Contaminated Land Informative**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority with all works temporarily suspended because, the safe development and secure occupancy of the site lies with the developer.

## **4. Construction/Demolition Dust Informative**

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

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

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

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 537447.

**Hertfordshire Highways**



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

1: Prior to the first occupation of the development hereby permitted, vehicular visibility splays measuring 43m x 2.4 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway. Reason: In the interests of highway safety.

(Note: Off-site works have been agreed with the Highway Authority as part of a pre application submission .Drawing No 16 2422-1 Rev C, showing an indicative layout incorporates the changes suggested to improve the visibility from the site access onto the High St.

2 Construction of the development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan should consider all phases of the development including demolition, excavation and construction of all elements of the proposals. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

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

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

S278 Agreement Any works within the highway boundary will need to be secured and approved via a S278 Agreement with the HCC.

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

AN1) Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the

Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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

### Description of the Proposal

Proposed demolition of all existing buildings. Improvements to existing access, construction of four 3-bed and six 2-bed cottages with associated car parking and access road with waste and cycle storage. Both pedestrian and vehicular access to the site would be via the existing (modified) access off the High Street leading on to a shared surface road approximately 4.8m wide. This access road has not been offered for adoption nor is it likely that the local highway authority would adopt it. Roads in Hertfordshire highway design guide, 3rd edition (RiH 3rdedt.)

High Street This is a classified road, A4251 main distributor. This information can be obtained from the Gazetteer (<http://www.hertsdirect.org/actweb/gazetteer/>) or Webmaps.

Road Safety The applicant has submitted a stage 1 safety audit as part of the submission. This looks at the issues raised at by the HA at pre application stage regarding visibility and other issues such as localised ponding of surface water etc. The access road will need to contain any surface water run-off and will not be allowed to discharged on to the highway network (Note RSK drainage report look s at this and the foul water collection and disposal too)

### Analysis

The applicant has not submitted any transport information ie - Transport Assessment, Transport Statement or a Travel Plan. A Planning Design Statement has been submitted though as part of this submission along with a safety audit which will be checked as part of a legal s278 agreement for the off-site works should this application be granted. As part of a Design and Access statement, the application should take account of the following policy documents; • National Planning Policy Framework (March 2012); • Hertfordshire County Council (HCC) Local Transport Plan 3-2011-2031 • Roads in Hertfordshire Design Guide 3rd Edition • Dacorum Borough Councils parking provision as per their parking policy.

Trip generation and distribution As there are no supporting/mitigating details from the applicant regarding trip generation and distribution that this level of development will generate. However, this level of development is unlikely to generate significantly high levels of movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity.

Impact on Highway Network As mentioned above, the highway authority has had

dialogue with the applicants over the possible repositioning of this existing access. The result of these pre application discussions concluded that it would be acceptable to improve the existing access with a package of off-site works rather than relocate the access. These included works to the footway and boundary wall. The detail of these improvements is shown in the plan, DWG No 16 2422-1 Rev C. Highway Layout The modified vehicular access would need to be built to the highway authority's standards hence the condition covering vehicular visibility requirements and the informative covering construction protocol/permission.

### Parking

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

Servicing Arrangements Refuse and recycling receptacle storage will need to be provided. The applicant should speak to the waste collection officer at Cupid Green depot over the size of refuse vehicles used and the applicant will need to supply computer aided drawings showing swept track runs of a large vehicle such as a refuse vehicle entering and leaving the site in a forwards gear. It is noted that a track run swept path dwg has been submitted for a fire tender but again the highway authority considers that the site must be accessible by a refuse vehicle as well. ie enter and leave in a forwards gear

### Travel Plans

The applicant has not submitted a travel plan as part of this application. The scale of the development falls below the threshold that requires either a Travel Plan or a Statement

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

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

### Conclusion

The assessment does not indicate any significant issues with the proposal. The highway authority would not wish to restrict the grant of planning permission subject to the inclusion of the above conditions and informatives.

### **DBC Refuse Collection**

Each property should have enough space to store 3 x wheeled bins and a kerbside caddy with the same amount of space to present them outside their boundary on collection day. The collection vehicle is a 26 ton rigid freighter.

### **Northchurch Parish Council**

OBJECTION on the basis it is an overdevelopment of the site and insufficient parking

### **Lead Local Flood Authority**

23/02/18

Thank you for consulting us on the above application for full planning permission for proposed demolition to all existing buildings. Improvements to existing access, construction of four three-bed and six two-bed cottages with associated car parking and access road with waste and cycle storage.

Following a review of the Sustainable Drainage Strategy carried out by RSK reference 133126-R1(0) dated 05 October 2017, we can confirm that we have no objection in principle on flood risk grounds and advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.

We note two options have been proposed for drainage. Option 1 proposes infiltration with the use of permeable paving and soakaways; however infiltration tests have yet to be carried out. An alternative option 2 has been proposed based on attenuation and discharge into Thames surface water sewers restricted to 5.3l/s. It is assumed that the existing site currently discharges into the Thames surface water sewer. We acknowledge that Thames Water have been contacted and have no concerns with proposals. As the proposed scheme has yet to provide the final detail and in order to secure the principles of the current proposed scheme we recommend the following planning condition to the LPA should planning permission be granted.

### **LLFA position**

#### **Condition 1**

The development permitted by this planning permission shall be carried out in accordance with the approved Sustainable Drainage Strategy carried out by RSK reference 133126-R1(0) dated 05 October 2017 submitted and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off rates to maximum of 5.3l/s with discharge into Thames Surface water sewer.
2. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Implementing the appropriate drainage strategy using appropriate above ground SuDS measures to include permeable paving as indicated on drainage drawing.

#### **Condition 2**

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

1. Confirmation of proposed drainage scheme based on either infiltration or discharge in surface water sewer.
2. Infiltration tests should be conducted to BRE Digest 365 Standards where infiltration is proposed.
3. Implementing the appropriate drainage strategy using appropriate above ground SuDS measures where possible.
4. Detailed engineered drawings of the proposed SuDS features including their,

location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

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

### **Reason**

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

### **Informative to the LPA**

The proposed soakaways for room drainage are shown to be located within private curtilage. As the drainage system is serving more than one property, the lack of maintenance would affect several properties. The LPA will need to be satisfied that the drainage scheme can be adopted and maintained for its lifetime.

25/01/18

Thank you for consulting us on the above application for full planning permission for proposed demolition to all existing buildings. Improvements to existing access, construction of four three-bed and six two-bed cottages with associated car parking and access road with waste and cycle storage.

No detailed information has been submitted in relation to surface water management. Without this information, the flood risks resulting from the proposed development are unknown. In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site is not increasing flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques, the following information is required as a minimum as part of the surface water drainage assessment:

- A drainage strategy which includes a commitment to providing appropriate SuDS in line with the non-statutory national standards, industry best practice and HCC Guidance for SuDS.
- Drainage plan including location of all drainage features.
- Where infiltration is proposed, evidence of ground conditions / underlying geology and permeability including BRE Digest 365 compliant infiltration tests should be provided.
- Detailed calculations of existing/proposed surface water storage volumes and flows with initial post development calculations and/or modelling in relation to surface water are to be carried out for all rainfall events up to and including the 1 in 100 year including an allowance for climate change.
- Evidence that if the applicant is proposing to discharge to the local sewer network, they have confirmation from the relevant water company that they have the capacity to take the proposed volumes and run-off rates.

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

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

### **Informative to the LPA**

The applicant can overcome our objection by submitting a surface water assessment which covers the deficiencies highlighted above and demonstrates that the development does not increase risk elsewhere and where possible reduces flood risk overall, and gives priority to the use of sustainable drainage methods. If this cannot be achieved we are likely to maintain our objection to the application.

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

Please note if the LPA decide to grant planning permission we wish to be notified for our records.

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

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

### **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.

I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.

I trust the above is of assistance if you require any further information please contact the Development Services team.

### **Building Control**

No comment.

### **Appendix B**

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

#### **Objections**

##### **71 High Street**

This proposed house building is in an area with already inadequate parking provision. I estimate that roughly 20 residential parking spaces would need to be built into the area with additional spaces for visitors. The proposal will mean lengthy construction in the area with no detail provided as to how the building will minimise inconvenience to traffic on High St. Are Northchurch residents going to have to suffer months of temporary traffic lights hampering already congested roads at peak times?

Also, are the current businesses operating at that location happy with this proposal? This proposal appears to effectively put both mechanics to the rear of the piano shop out of businesses.

Finally, these houses are in addition to the proposed large scale house building project of 285 homes in Northchurch. What provision is being made for the extra school places and other infrastructure needed to cope with so many new houses? This proposal will take the number of new homes to 300.

##### **7 The Meads**

Inadequate parking provisions; A three bedroom family home will have 2 to 3 vehicles and 2 bedroom homes are likely to have 2 vehicles, in addition there should be capacity for visitors. 18 spaces is therefore inadequate. This area of Northchurch suffers from severe parking issues already, this proposal will exacerbate this issue.

Poor pedestrian access; this is a busy and hazardous road and there is no footpath provision in the SE direction.

These two issues combine; inadequate parking will result in residents parking in areas



requiring crossing of the road. There is no safe crossing facilities at this end of the High Street. The property at 49 High Street is a multi-occupancy dwelling and has no parking provision, this application is an opportunity to provide those residents with parking and so reduce the parking pressures elsewhere and reduce the current amount of road crossings by pedestrians.

Flood impact; 'The Meads' suffers from flooding, this should be assessed.

### **85 High Street**

There is insufficient parking along the high street and this development does not provide enough parking spaces for the size and quantity of units proposed, there is also no allowance for disabled persons parking.

In addition there is no swept path analysis to substantiate that a refuse vehicle or fire tender can service this development.

There is no improvement to the main pathway on this side of the high street or improved crossing arrangements. This is concerning as based on the size of these properties it would suggest that they will be family homes with small children.

The architecture is not entirely in keeping with the conservation area and material selection would be vital especially after replacing in keeping buildings. It would be better to have restored number 49 rather than demolish.

### **'Northchurch Go 20' Community Campaign**

Thank you for the plans, I have submitted a comment online.

I would also like to make a formal comment on behalf of the 'Northchurch Go 20' campaign; we are a local community group looking to improve road and pedestrian safety in Northchurch.

Our comment is as follows:-

*'We object to the planning application 4/03109/17/MFA on the grounds of inadequate pedestrian access and inadequate parking provision. We are a community group of local residents that have spent some time investigating the road safety aspects of Northchurch High Street. In our investigation, we have become aware of how vulnerable pedestrians are in the High Street area. We are particularly concerned that 10 dwellings are proposed with NO pedestrian access provided in either direction, meaning that all pedestrian access to the dwellings will involve crossing the High Street. This end (SE) of the High Street, where the application is proposed, has no crossing facilities and is a long distance from the only crossing in Northchurch. We know from experience that this road is difficult and dangerous to cross. The lack of parking will contribute to the pedestrian access issue, because the only additional parking available to residents of the development will be on the other side of the High Street (The Meads etc.) thus requiring crossing the High Street. 1.8 spaces per household (four of which are 3 bedroom family) and no visitor spaces is wholly inadequate especially taking into account the extremely bad parking situation in this area already.'*

On a side note I would like to say that this is an opportunity to look at the crossing facilities at this end of the High Street. There are lots of activities for example at the Baptist Church involving young children and they have to cross often in low light and poor conditions. The residents of 49 High Street have no parking of their own and so require to cross the High Street regularly.'

I hope you will take these comments into account.

5d 4/01003/18/FUL DEMOLITION OF EXISTING OUTBUILDINGS AND CONSTRUCTION OF A NEW DETACHED DWELLING.

4 CHURCH STREET, HEMEL HEMPSTEAD, HP2 5AD

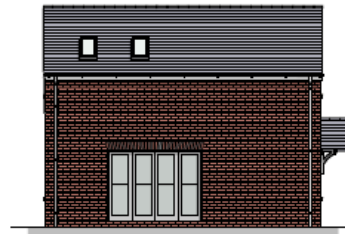


5d 4/01003/18/FUL DEMOLITION OF EXISTING OUTBUILDINGS AND CONSTRUCTION OF A NEW DETACHED DWELLING.

4 CHURCH STREET, HEMEL HEMPSTEAD, HP2 5AD



Front Elevation

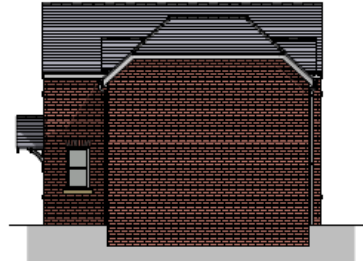


Side Elevation

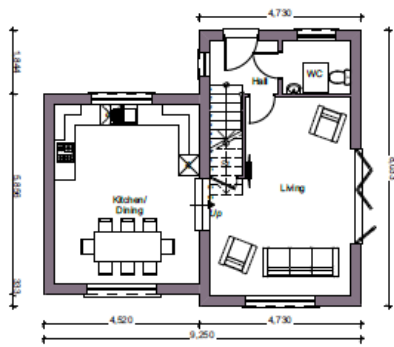


Rear Elevation

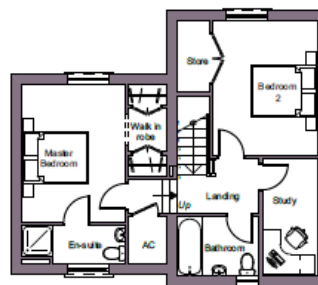
\* Denotes obscure glazing and restricted opening



Side Elevation



Ground Floor Plan



First Floor Plan

<b>4/01003/18/FUL</b>	<b>DEMOLITION OF EXISTING OUTBUILDINGS AND CONSTRUCTION OF A NEW DETACHED DWELLING.</b>
<b>Site Address</b>	<b>4 CHURCH STREET, HEMEL HEMPSTEAD, HP2 5AD</b>
<b>Applicant</b>	<b>HEATHER BLACKWOOD, 4 CHURCH STREET</b>
<b>Case Officer</b>	<b>Sally Robbins</b>
<b>Referral to Committee</b>	<b>Called in by Councillor Fisher on the grounds of overdevelopment, shortage of parking in the area and harm to the residential amenity of neighbouring properties.</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**

## **2. Summary**

2.1 The principle of residential development in this location is considered acceptable. The proposal comprises a modest two-bedroom infill dwelling that would sit comfortably within the application site. The design of the proposed dwelling is considered to be acceptable within the architecturally varied street scene. In addition, the proposed dwelling will not have a significant impact on the residential amenity of neighbouring properties. The proposed development therefore complies with the National Planning Policy Framework (2018), Policies CS1, CS4, CS10, CS11, CS12 and CS17 of the Core Strategy (2013), Saved Policies 10, 18, 21, 58, 99 and 100 and Appendices 3 and 5 of the Local Plan (2004), and the Highfield (HCA20) Character Area Appraisal (2004).

## **3. Site Description**

3.1 The application site is located on the northeast side of Church Street in the Old Town area of Hemel Hempstead. The site is situated to the rear of 4 Church Street, which comprises a two storey detached dwellinghouse, two detached outbuildings and a car port. The surrounding area is characterised predominantly by two storey terraced dwellinghouses along Church Street, semi-detached dwellinghouses on Chapel Street and relatively new residential development comprising houses and flats to the rear of the site on Honeypot Close. The character of the area is fairly mixed in terms of age of property, style of dwelling and material finish.

## **4. Proposal**

4.1 The application seeks full planning permission for the demolition of the existing outbuildings and the construction of a detached two storey, two-bedroom dwelling and associated parking.

## **5. Relevant Planning History**

5.1 None

## **6. Policies**

### **6.1 National Policy Guidance**

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

## 6.2 Adopted Core Strategy

NP1, CS1, CS4, CS10, CS11, CS12 and CS17

## 6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 10, 18, 21, 58, 99 and 100; Appendices 3 and 5

## 6.4 Supplementary Planning Guidance / Documents

- Area Based Policies (May 2004) - Residential Character Area HCA20: Highfield
- Accessibility Zones for the Application of car Parking Standards (July 2002)

## 7. Constraints

7.1 None

## 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 the character and appearance of the area
- Impact on residential amenity
- Amenity space
- Impact on parking and highways safety
- Other

### Policy and Principle

9.2 Core Strategy (2013) Policy CS1 states that Hemel Hempstead will be the focus for homes and Policy CS4 states that appropriate residential development within residential areas in the Towns and Large Villages is encouraged. Furthermore, within the Core Planning Principles outlined in the NPPF (2018) there is heavy emphasis on the planning system's responsibility to deliver more homes. Paragraph 59 of the NPPF stresses this further, seeking to boost the supply of housing and paragraph 118 promotes and supports the development of under-utilised land and buildings, especially if this would

help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. Paragraph 68 of the NPPF states that decision makers should give great weight to the benefits of using suitable sites within existing settlements for homes. Additionally, Saved Policy 10 of the Local Plan (2004) also seeks to optimise the use of available land within urban areas.

9.3 Taking all of the above into account, the proposal is acceptable in principle and would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). The development would be located in a sustainable location and would seek to optimise the use of urban land. The proposal is in accordance with policies CS1, CS4 and CS17 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (2004) and the NPPF (2018).

#### Impact on Character and Appearance of Surrounding Area

9.4 Core Strategy 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 scale, mass, height and appearance. This guidance is supported by Saved Local Plan Policies 10, 18, 21 and Appendix 3. Furthermore, 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. The Highfield Character Area Appraisal (2004) states that infilling may be acceptable according to the Development Principles, which state that the design should respect the characteristics and architectural themes of nearby and surrounding development. It also states that all types of dwelling are acceptable.

9.5 The surrounding area is predominantly characterised by terraced two storey dwellinghouses with examples of development from a variety of eras. To the rear of the application site is the relatively newly built residential development of Honey Pot Close, part of the Behive Public House re-development, which comprises a mixture of houses and flats. Towards the south of the application site are a row of Victorian terraced properties (89-95 Chapel Street). Many of the plot sizes within the immediate vicinity are modest with rear garden depths ranging from 6m (97 and 99 Chapel Street) to 14m (89 and 91 Chapel Street).

9.6 The proposed dwelling would be situated to the rear of 4 Church Street in what is currently the rear garden. The dwelling would utilise an existing private access road off Church Street that leads to a communal parking area. The plot would be sub-divided to provide a 13m deep garden to 4 Church Street and a wrap-around garden for the proposed dwelling measuring 16.5m wide and 4.2-11.5m deep.

9.7 The dwelling would measure 8m deep and 9m wide with an eaves height of 4m and a maximum ridge height of 6.8m. The main roof would feature a traditional gable end, whilst the secondary lower roof structure would be half hipped and would comprise a small crowned section. At first floor level windows would be concentrated on the front and rear elevations and would include half dormer windows. Hanging tile detailing is

proposed within the gable end structures of the roof, dormer windows and front porch. Further articulation is proposed around the ground floor windows and doors, including flat brick arches. The dwelling would be finished in red facing bricks, slate roof tiles and timber framed windows and doors. The architectural detailing and window fenestrations of the proposed unit would remain congruous with the surrounding area. Two car parking spaces are proposed to the front of the dwelling, with the remainder of the site to provide private amenity space. Two new car parking spaces would also be provided to the rear of 4 Church Street.

9.8 It is considered that the layout and architectural style and built form of the proposed dwelling would not result in a detrimental impact upon the character and appearance of the surrounding area. The proposal therefore complies with Policies 10, 18, 21 and Appendix 3 of the Dacorum Local Plan (2004), Policies CS10, CS11 and CS12 of the Core Strategy (2013), the NPPF (2018) and Nash Mills Character Area Appraisal (2004).

#### Impact on Residential Amenity

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

9.10 The proposed dwelling would be situated 14.3m from the main rear wall of 4 Church Street. There are no first floor windows proposed on the west side elevation of the proposed dwelling and as such there will be no significant impact in terms of overlooking or loss of privacy in relation to 4 Church Street. There is an increase in levels of approximately 1.8m from 4 Church Street towards the proposed dwelling. However, it is considered that the separation distance is significant enough that there will not be any significant loss of daylight. Furthermore, the orientation of the site is such that the proposal would be situated to the northeast of 4 Church Street and will therefore have limited impact in terms of sunlight.

9.11 Turning to the properties to the rear of the proposed dwelling (89-95 Chapel Street) the separation distance would be 18m. There are first floor windows proposed on the rear elevation of the proposed dwelling, however the windows would serve bathrooms, which are not considered to be habitable rooms. In accordance with the submitted plans the first floor windows on the rear elevation would be obscure glazed and non-opening below 1.7m above floor level. As such, it is not considered that there would be a significant impact in terms of overlooking or loss of privacy in relation to 89-95 Chapel Street. Should planning permission be granted, a condition would be imposed to retain the first floor rear facing windows as obscure glazed and non-opening below 1.7m above floor level. There is an increase in levels of approximately 1.7m from the rear of 89-95 Chapel Street to the proposed dwelling. The separation distance of 18m, added to the fact that the proposed dwelling is situated to the north of 89-95 Chapel Street, is



considered sufficient enough that there will not be any significant loss of sunlight or daylight.

9.12 Concerns were raised by the residents of 89 Chapel Street that the proposed dwelling would have an overbearing impact. The plans were subsequently amended to reduce the overall height of the proposed dwelling by 1.1m and a small crown roof was incorporated into the design. The resulting crown roof would be situated at the same height of the main roof of 89 Chapel Street. Taking the amendments into account, as well as the separation distance of 18m, it is considered that the proposal will not have a significant overbearing impact on the residents of 89, 91 and 93 Chapel Street.

9.13 The side elevation of the proposed dwelling would be situated 15m from the rear elevation of 1 and 2 Honeypot Close. There are no first floor windows proposed on the side elevation other than two small roof lights that would serve a study, which is not considered to be a habitable room. As such it is not considered that there would be a significant impact in terms of loss of privacy or overlooking in relation to 1 and 2 Honeypot Close.

9.14 Concerns have been raised by the residents of 3 Honeypot Close in relation to loss of light, privacy and being visually overbearing. 3 Honeypot Close comprises a terrace area with a 2m high privacy screen running halfway along the southwest elevation. The proposed dwelling would be visible from the terrace, however at an oblique angle. Furthermore, taking into account the fall in levels from 3 Honeypot Close towards the application site it is not considered that the dwelling would be visually overbearing or result in a significant loss of light. No first floor windows are proposed on the side elevation of the application dwelling and as such there will be no significant loss of privacy.

9.15 Taking all of the above into account, it is considered that the proposed development will not detrimentally impact the residential amenity of neighbouring properties, or future occupiers, thus is considered acceptable in terms of the NPPF (2018), Saved Appendices 3 and 7 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

#### Amenity Space

9.16 Saved Appendix 3 of the Local Plan states that private gardens should normally be positioned to the rear of dwellings and have an average minimum depth of 11.5 m. However, a reduced rear garden depth may be acceptable for small starter homes. Saved Appendix 3 does allow some flexibility for infill developments where garden depths are below 11.5m but of equal depth to adjoining properties. Generally, all gardens should be of a width, shape and size to ensure the space is functional and compatible with the surrounding area.

9.17 In terms of the garden being functional, the proposed dwelling would have an L

shaped south and east facing garden that wraps around the property, with an area measuring 101 sqm. This is considered to be a functional layout and area, which is compatible in size with surrounding properties. For example, the garden area for 2 Honeyplot Close is 52 sqm, for 1 Honeyplot Close is 51 sqm, 87a Chapel Street is 70 sqm, 87b Chapel Street is 83 sqm and 87c Chapel Street is 119 sqm.

#### Impact on Trees and Landscaping

9.18 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.

9.19 There is established vegetation on the site, including a mature Cypress hedge along the boundary and trees and bushes within the site. No part of the application site or individual trees within are covered by a Tree Preservation Order (TPO). The proposal includes the removal of the mature hedge and a mature tree within the site. The Trees and Woodlands Officer was consulted on the proposal and advised that no trees of significant landscape value or amenity will be detrimentally affected by the development and raised no objection to the application being approved in full.

9.20 The proposed scheme has the potential to provide soft and hard landscaping on site, as well as appropriate screening. Should planning permission be granted a condition would be recommended requesting details of hard surfacing materials, proposed boundary treatment and screening and other soft landscaping details.

9.21 The proposal is considered to accord with Saved Policies 99 and 100 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013).

#### Impact on Parking & Highway Safety

9.22 Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 105 of the NPPF (2018) states that when setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Policy CS8 of the Core Strategy (2013) and Saved Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

9.23 The existing dwelling (4 Church Street) comprises three bedrooms, the requirement for which is 2.25 spaces in accordance with Saved Appendix 5 of the Local Plan. The proposed dwelling would have two bedrooms, which would require 1.5 spaces. The development would provide two car parking spaces each for the existing dwelling and the proposed dwelling (a total of 4 spaces), which meets the requirements set out in Saved Appendix 5. In addition, the application site is considered to be in an accessible location, situated close to the town centre of Hemel Hempstead and in close proximity to local public transport routes. As such, it is not considered that the proposed development would have a negative impact on local parking provision.

9.24 In terms of highways safety, the Highways Authority were consulted and raised no objection to the proposal. Although the application form states that new or altered pedestrian or vehicular accesses from the public highway are proposed, drawing no 7286/01E indicates that the new accesses and parking will be accessed via a private driveway off Church Street. Therefore, no new or altered vehicular or pedestrian access is proposed on the public highway.

9.25 The proposed development will not result in a detrimental impact on local parking provision, nor will it have a severe impact to the safety and operation of the adjacent highway. Thus, the proposal meets the requirements of Policy CS8 and CS12 of the Core Strategy (2013) and Saved Appendix 5 of the Local Plan (2004).

Response to Neighbour comments

9.26 These points have been addressed above other than concerns regarding loss of parking in the adjacent car park. The proposal includes the provision of four car parking spaces wholly within the application site. No changes are proposed to the adjacent car park. Residents raised concerns that they will no longer be able to park on the private driveway outside the application site, however this area is not a designated parking area and as such it is not considered that the application could be refused on these grounds.

CIL

9.27 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. Conclusions**

10.1 The proposed dwelling through design, scale and material finishes will not adversely impact upon the visual amenity of the immediate street scene or the residential amenity of neighbouring occupants. The proposal is therefore in accordance with Saved Appendixes 3 and 5 of the Dacorum Local Plan (2004), Policies CS4, CS10, CS11, CS12 and CS17 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 condition

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, other than groundworks and demolition, until

	<p>details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.</p> <p>Reason: To ensure a satisfactory appearance to the development, in accordance with Core Strategy (2013) policy CS12.</p>
3	<p>No development, other than groundworks and demolition, shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:</p> <p>a) Hard surfacing materials  b) Means of enclosure  c) Boundary treatment  d) Soft landscape works which shall include planting plans, written specifications and schedules of plants trees to be retained and measures for their protection during construction works  e) Proposed finished levels or contours  f) Car parking layouts and other vehicle and pedestrian access areas  g) Refuse storage.</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.</p>
4	<p>The windows at first floor level on the rear (southeast) elevation on drawing ref. 7286/02H of the dwelling hereby permitted shall be non-opening below 1.7m above floor level and shall be permanently fitted with obscured glass unless otherwise agreed in writing with the local planning authority.</p> <p>Reason: In the interests of the amenity of adjoining residents, in accordance with Core Strategy (2013) Policy CS12.</p>
5	<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 and C</p> <p>Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential amenity of the surrounding dwellings, in accordance with Core Strategy (2013) Policy CS12.</p>
6	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>7286/01F</p>

	<p>7286/02H</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning, in accordance with Core Strategy (2013) Policy CS12.</p> <p>Article 35</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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p>INFORMATIVES</p> <p>1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <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>2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <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>
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## Appendix A

### Consultation responses

#### **1. Strategic Planning & Regeneration:**

We do not wish to comment on this application.

#### **2. Thames Water:**

Waste Comments:

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Water Comments:

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

### **3. Highway Authority:**

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

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

#### INFORMATIVES

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

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

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

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

#### COMMENTS

This proposal is for Demolition of existing outbuildings and construction of a new detached dwelling

#### PARKING

Four new on-site parking spaces will be provided

#### ACCESS

Although in section 6 of the application form the applicant has stated that new or altered pedestrian or vehicular accesses from the public highway are proposed, drawing no 7286/01D indicates that the new accesses and parking will be accesses via a private driveway off Church Street. Therefore, no new or altered vehicular or pedestrian access is proposed and no works are required in the highway.

#### CONCLUSION

The proposals are considered acceptable to the Highways Authority subject to the informative notes above.

#### **4. Conservation & Design:**

On the new development, depending on distance and overlooking, the site would appear to be able to accommodate a new dwelling; however, the proposed house appears very cramped on the site. It is also not made clear on the location plan, but it would appear that most of the robust, pleasantly curving cypress hedging, extending up from the historic brick wall to No 4 and incorporating a discrete arched opening to allow vehicular access, will be lost to car parking (both to No 4 and the new dwelling) and to allow views out from the new house. Although the current plan shows two parking spaces for each house, the impact would be even greater if double garages were proposed here in the future.

The design of the proposed house is poor, with little relieving detail apart from slate-hanging to the two half dormers and bracketed porch canopy, and a chimney with offsets. The half-hipped main roof contrasts to the predominantly gabled roof form of the houses in Church Street, while the front gable could be better articulated; the extended lean-to roof to the side is clumsy.

However, it may be that a more sympathetic scheme could be devised. Addressing the fact that this is a backland development to a traditional terraced street, then either a building with a more Victorian 'industrial' feel, or alternatively a more contemporary design, would be appropriate in this location.

#### **5. Trees & Woodlands:**

According to the information submitted no trees of significant landscape value or amenity will be detrimentally affected by the development. Subsequently I have no objections to the application being approved in full.

#### **6. Waste Management (Refuse Collection):**

There should be storage space for 3 x 240ltr wheeled bins and a kerbside caddy and a

similar space to present them outside their boundary on collection day.

## **Appendix B**

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

#### **Objections**

##### 6 Church Street:

We live next to this property, with a car park entrance between us. The only access to the proposed building will be via this car parking area which is busy enough and noisy without a house being built. We are concerned about the extra traffic and where the owners would park as even one more car trying to park would cause problems. The buildings being demolished include a driveway to the current property where there are often two or more cars parked...where will they go? Previous owners of this house had problems when the now Beehive development went ahead, and we think this will only cause major problems, especially with access not only for cars but for deliveries too. Church Street is a very narrow road which at certain times is very busy and extra traffic isn't really needed.

##### Further comments:

Following your second letter regarding the above, I still have major concerns over this application. The access to the proposed build is a very narrow entrance to a council car parking area which is in constant use. There will be nowhere to store building materials except by using this car park, meaning less spaces for an already overused area. Large delivery vehicles will not be able to access the site for deliveries causing havoc on a narrow road used as a cut through and a mini racetrack. I have lived in this area for most of my life and there has never been a residential property in this space. I would like to know how bulky building materials would be stored and whether the surface of the car park, already quite bad, will be resurfaced after the many extra vehicles using it. I am not trying to create problems but the problems are there and need sorting out before any build is begun.

##### 2 Honeypot Close:

Based on the information we currently have I am objecting as it will be far too close to my garden, we will be completely overlooked, it will block out all our light and therefore impact the value of our property.

##### 87C Chapel Street:

According to these plans, the proposed 2 story house will be crammed into an already busy area of houses. This is too close to the rear of our back garden and will be at an elevated height overlooking our property. It will also block any view of the trees in the background and replace it with a brick wall. The parking on Church Street and Chapel Street is limited already. The proposed property will have a knock on affect to this. A big reason why we bought our property was for its privacy and natural views from the back garden which will disappear if this plan goes ahead.



## 1 Honeypot Close:

We live at 1 Honeypot Close and share a boundary with 4 Church Street at the rear of our Garden. Having given detailed consideration to the proposal and the all plans we feel that the Development should not be permitted. The development would have severe adverse impacts upon our property, including a severe reduction in light levels and an unacceptable loss of privacy. In addition, we feel the proposed development is overbearing, too large for the plot and would lead to overdevelopment of the area and a decrease in the amenity of the neighbourhood. The proposed development is much larger than the outbuilding which currently stands on the plot. (See photograph 1 which shows in the background behind our shed the one story outbuilding currently on the plot) It will be significantly taller and wider which, given its proximity to the mutual boundary (which is delineated currently by the wall of the existing outbuilding) would lead to a general loss of light and serious overshadowing to our property, particularly throughout the afternoon. (Photograph 2 - taken from our back bedroom window - shows light levels in the Garden taken at around 6pm - as you can see the sun will be completely obscured if a structure any taller than the current outbuilding is built on the plot.) In particular, our living room faces out onto the application site and the proposed development would lead to a significant deficit in the natural light the room currently enjoys. This is the most used room in our house and we cannot overstate the negative impact that the proposed development would have on our enjoyment of the property. In addition, the proposed development is very close to the end of our garden and would result in an almost complete block of sunshine in that area - which we feel is unacceptable. (Photograph 3 is a view from our back bedroom window which faces onto the site - on the far right you can see the end of our terrace and the height of the roofline. The proposed new development would be a similar height and you can get a real sense from this photo of how enclosed our property would become if the outbuilding (again visible behind our shed) is replaced by a building of the proposed proportions. The overall intrusiveness of the development were it to go ahead, both on our property and other houses in the immediate vicinity should be clearly apparent.) In our view, the proposed development is over-bearing, out of scale with surrounding properties, far too large for the plot, and far too close to the surrounding properties as a result. (Photograph 4 is taken from our living room through the patio doors and shows how short our garden is and just how close to our house the proposed development would be). I note from the plans that it is not intended that there will be any windows on the side of the development facing our property. Whilst this is welcome, the proximity of the proposed development to our boundary would nevertheless result in a direct loss of privacy due to the short distances involved. As mentioned above, photograph 2 is taken from the window in our back bedroom. As you will see, this room faces out onto the proposed development. Currently this room enjoys good levels of sunlight and far reaching views across the old town. Whilst we acknowledge we have no right to a view, we consider that the proposed development would adversely affect the residential amenity of our property and that of other neighbouring owners to the extent that this should be taken into account when considering permission. In addition, this area is already densely populated. We consider that an additional house, such as the one proposed, would constitute over development, have a negative impact on the character of the neighbourhood and generally affect the open aspect of the neighbourhood currently enjoyed. Finally, we consider that the proposed development is not in line with the National Planning Framework as it constitutes 'garden grabbing'. Taking all of the above into account we feel that the application for planning permission should be denied.

### 3 Honeypot Close:

I strongly object to this as it will be very close to my terrace and therefore block a lot of light out, and being that close could be very invasive into my property. We bought our property for the views which consequently will be restricted if this planning permission goes forth.

### Further comments:

Following the revised plans, which do not appear to have been changed at all, I strongly object. My balcony directly overlooks the garden where the planned building is to take place and I did not buy my property under the impression further buildings would be built in the area, especially that close to me. I believe the planned building would impact my property and its value.

### 93 Chapel Street:

After looking at proposed plans, we are very concerned about the height & size of the proposed building. This site is elevated and considerably higher than our property in Chapel street, although the upper windows in proposed property are frosted, because of the elevation the downstairs doors & windows will be overlooking at least five properties in chapel street, we also will be overlooking the proposed living room/dining space from our upstairs windows. This proposed building is far too big for the site, & having lived in chapel street for 21 years this proposed building will have a real impact on our every day living & general well being.

### Further comments:

I have looked at updated plans for number 4 Church street . the previous issues regarding our objection still remain. The change in property type application ,although smaller in bedroom size & foot print is slightly smaller this still gives us the same issues. The rear elevation because of the difference in height between our property (Chapel street) & proposed new property in Church street will still be a impact on our privacy, we will still be able to look into ground floor windows & visa versa. Proposed new house will overlook properties on three sides with the exception of the side elevation which has no windows is the side that faces the applicants house, number 4 Church street.

### 11 Church Street:

Dear Sally, we live at 11 Church Street, a road of old Victorian houses built before cars were around. The street being so narrow, parking of residents cars is restricted to only one side of the street. Most houses have two or more cars and often have to park in the car park or neighbouring streets. The car park from which the proposed dwelling will be accessed will mean the loss of at least two car parking spaces within the car park. Number 4 has 'unrestricted' right of way to cross the car park but this proposal will effectively mean a loss to the car park itself which is a restriction to other residents. This is over-development in an already crowded area.

### Further comments:

Church St is a road of old Victorian houses built before cars were around. The street being so narrow, parking of residents cars is restricted to only one side of the street.

Most houses have two or more cars and often have to park in the car park or neighbouring streets. The car park from which the proposed dwelling will be accessed will mean the loss of at least two car parking spaces within the car park. Number 4 has 'unrestricted' right of way to cross the car park but this proposal will effectively mean a loss to the car park itself which is a restriction to other residents despite the plans reading 'Existing Parking Court Unaltered' this is not the case as vehicle access to No4 will effectively take up two residents places. Currently residents from Chapel St also park in Church St and on amenity land in Chapel St. This second proposal is only slightly smaller and one bedroom less but a 'study' added. This is over-development in an already crowded area.

#### 91 Chapel Street:

I strongly object to this Planning Proposal. It will cause overdevelopment to a very small site which will impact on all the properties around it and create a huge visual intrusion. It is exceptionally close to my home and because of the elevation of the land rising from my house up towards the site, the new property will overlook my garden and house, causing loss of light and privacy. In this elevated position the windows on the ground floor will look directly into the windows of my dining room, bedroom and bathroom. To illustrate this I have attached photographs showing our existing view of the site and drawings (to scale) which show the dominance it will have over my home at 91 Chapel Street and to my neighbours in 89 and 93 Chapel Street. The redevelopment of the Beehive site has already caused a severe impact on this neighbourhood by its scale and it is ironic that the previous owner of 4 Church Street took his objection of overlooking to Planning Appeal level. Another concern is that the proposal is for a three double bedroomed property, which could mean six extra vehicles accessing this site. Residents of both Chapel Street and Church Street are already having to cope with the additional parking created from the homes at the top of Chapel Street (part of the Beehive development). One of the main reasons I was attracted to my garden when I first bought the property was the feeling of openness and light. This will be destroyed by this development.

#### Further comments:

I again strongly object to this Planning Proposal. The amended plans show a building that is still overbearing, out of scale in its location and a clear example of 'garden grabbing' which will increase the density and overdevelopment of this small site. It is still exceptionally close to my home and because of the elevation of the land rising from my house to the new property it will overlook my garden and house, causing loss of light and destroying my privacy. I note in the new proposal that the patio doors have been moved to the east elevation, but that the windows on the rear elevation remain at the same height and will therefore still overlook my garden and house. To illustrate this, I again attach photographs showing our existing view of the site and drawings (to scale) which show the dominance that this ugly building will have over my home and my neighbours. The concern about the parking remains, as for the original proposal, as it would mean potentially 4 extra vehicles.

#### 87B Chapel Street:

We strongly object. This will be a gross over-development of the land. It will be built on an incline so our back garden and the back of our house will be totally overlooked, not only by the upstairs windows but also by the downstairs patio door and windows. This

will affect our privacy and have an impact on our every day life. The overall size and the sheer height of the proposed development is massively larger than the existing outbuildings and will cause a drastic loss of light.

The approach road to the property is merely a one lane entrance to a car park which is always over crowded with cars and is very busy with traffic going in and out. The parking in Church Street and Chapel Street is a major problem now without a three bedroom house being built with potentially more cars. Noise and disturbance will be an issue. Trees and hedging will be lost having a negative impact on wildlife which will not be compensated by a few bird boxes. This will be detrimental to the whole area.

#### Further comments:

After viewing the amended plans we still strongly object. It is clear that the design has not massively changed. This means that the new property will still be an over development of the land. The development is much too big for the small garden is it planned for. The new design is still much larger than the current buildings on the plot. All properties around will still be overlooked due to the elevation and light will be blocked. There will still be a major issue with parking as this is a built up area and parking is at a premium. This new design will still be detrimental to the area and the neighbouring properties as stated before.

#### 6A Church Street:

We write to submit our objections to the proposed development at 4 Church Street - reference 4/101003/18/FUL. After consideration to the proposed development we consider this will have a detrimental effect to the adjacent and nearby dwellings. Due to the elevated situation of the proposed development the front facing upper floor windows will be in clear unobstructed view of the rear of 6, 6a,8,8a Church street, where at present none of the dwellings are overlooked, this was also a consideration of the development at Honeygot Close prior permission being granted (Ref: 4/00187/11/MFA). In addition, parking is very limited for the residence of both Church Street and Chapel Street with a high number of residence now having to park some distance from their homes at the rear of 6,6a,8,8a Church Street. I note from the plans that the existing facility to parking four vehicles will remain, however two parking spaces will be relocated for use by 4 Church Street, these new relocated parking spaces will be positioned adjacent to spaces where residents are now able to parallel park. The proposal does not allow for this existing parking, the two relocated parking spaces at 4 church street would need to use the whole width of the road to be able to manoeuvre in and out of their spaces, thus actually reducing the parking at the rear of 6, 6a,8, 8a Church Street and for the residence of Church Street by at least 2 spaces. After taking all of the above into account we feel that the application for planning permission should be denied

#### 4 Honeygot Close:

We write to submit our objections to the proposed development at 4 Church Street - reference 4/101003/18/FUL. We live at 4 Honeygot Close. We feel that the Development should not be permitted. The development would have severe adverse impacts upon our property, including a severe reduction in light levels in our kitchen (that already has a limited access to natural light) and an unacceptable loss of privacy we currently enjoy in our garden. In addition, we feel the proposed development is overbearing, too large for the plot and would lead to over-development of the area and a decrease in the amenity of the neighbourhood. The proposed development is much larger than the

outbuilding which currently stands on the plot. We consider that the proposed development is not in line with the National Planning Framework as it constitutes 'garden grabbing'.

89 Chapel Street:

The plans show a house that is overly large for the site area, resulting in very small garden area. The site is at a higher level than the houses in Chapel Street, although the survey drawing does not show the existing levels of the adjacent properties, nor does the proposed layout show the intended levels. The proposed plans are therefore inadequate in that they do not show the true relationship with existing houses. They do not show that the proposal will not have a detrimental effect on 89 and other adjacent houses. There is only some 4m distance from the rear elevation to the southern boundary that abuts 89 Chapel Street (and 87C - 95). This will result in the building being overbearing and result in a loss of outlook. The plans show a large patio door immediately behind no 89. Because the site is at higher level than the houses in Chapel Street the door will be above fence level and this will result in overlooking and loss of privacy. You are invited to view the proposal from 89 Chapel Street, please contact me if you wish to arrange access.

Further comments:

I have viewed the amended plans and note that they still do not show proposed site levels. The revised plans do not make any material change to the impact on 89 Chapel Street and therefore my previous objections still stand. Again I would ask that the case officer makes an appointment to view the proposal from my property.

8A Church Street:

The new proposals show a slight reduction in the size of the proposed building, it does not remove any of the concerns raised by the objectors from the initial proposal. Therefore all the previous objections should still be considered as valid in respect of the amended plans. Parking and over development being my main concerns for this application

7 Honeypot Close:

Object to the proposed plans of erecting a property.

11 CHURCH STREET,HEMEL HEMPSTEAD,,,HP2 5AD	Dear Sally, we live at 11 Church Street, a road of old Victorian houses built before cars were around. The street being so narrow, parking of residents cars is restricted to only one side of the street. Most houses have two or more cars and often have to park in the car park or neighbouring streets. The car park from which the proposed dwelling will be accessed will mean the loss of at least two car parking spaces within the car park. Number 4 has 'unrestricted' right of way to cross the car park but this proposal will effectively mean a loss to the car park itself which is a restriction to other residents. This is over-development in an already crowded area.
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<p>11 CHURCH STREET,HEMEL HEMPSTEAD,,,HP2 5AD</p>	<p>Church St is a road of old Victorian houses built before cars were around.  The street being so narrow, parking of residents cars is restricted to only one side of the street.  Most houses have two or more cars and often have to park in the car park or neighbouring streets.  The car park from which the proposed dwelling will be accessed will mean the loss of at least two car parking spaces within the car park. Number 4 has 'unrestricted' right of way to cross the car park but this proposal will effectively mean a loss to the car park itself which is a restriction to other residents despite the plans reading 'Existing Parking Court Unaltered' this is not the case as vehicle access to No4 will effectively take up two residents places. Currently residents from Chapel St also park in Church St and on amenity land in Chapel St. This second proposal is only slightly smaller and one bedroom less but a 'study' added.  This is over-development in an already crowded area.</p>
<p>6 CHURCH STREET,HEMEL HEMPSTEAD,,,HP2 5AD</p>	<p>We live next to this property, with a car park entrance between us. The only access to the proposed building will be via this car parking area which is busy enough and noisy without a house being built. We are concerned about the extra traffic and where the owners would park as even one more car trying to park would cause problems.  The buildings being demolished include a driveway to the current property where there are often two or more cars parked...where will they go?  Previous owners of this house had problems when the now Beehive development went ahead, and we think this will only cause major problems, especially with access not only for cars but for deliveries too.  Church Street is a very narrow road which at certain times is very busy and extra traffic isn't really needed.</p>
<p>6 CHURCH STREET,HEMEL HEMPSTEAD,,,HP2 5AD</p>	<p>Following your second letter regarding the above, I still have major concerns over this application. The access to the proposed build is a very narrow entrance to a council car parking area which is in constant use. There will be nowhere to store building materials except by using this car park, meaning less spaces for an already overused area. Large delivery vehicles will not be able to access the site for deliveries causing havoc on a narrow road used as a cut through and a mini racetrack. I have lived in this area for most of my life and there has never been a residential property in this space.  I would like to know how bulky building materials would be stored and whether the surface of the car park, already quite bad, will be resurfaced after the many extra vehicles using it.  I am not trying to create problems but the problems are</p>

	there and need sorting out before any build is begun.
4 HONEYPOT CLOSE,HEMEL HEMPSTEAD,,,HP2 5ZG	<p>We write to submit our objections to the proposed development at 4 Church Street - reference 4/101003/18/FUL.</p> <p>We live at 4 Honeypot Close.</p> <p>We feel that the Development should not be permitted. The development would have severe adverse impacts upon our property, including a severe reduction in light levels in our kitchen (that already has a limited access to natural light) and an unacceptable loss of privacy we currently enjoy in our garden.</p> <p>In addition, we feel the proposed development is overbearing, too large for the plot and would lead to over-development of the area and a decrease in the amenity of the neighbourhood.</p> <p>The proposed development is much larger than the outbuilding which currently stands on the plot.</p> <p>We consider that the proposed development is not in line with the National Planning Framework as it constitutes 'garden grabbing'.</p>
7 HONEYPOT CLOSE,HEMEL HEMPSTEAD,,,HP2 5ZG	Object to the proposed plans of erecting a property.
1 HONEYPOT CLOSE,HEMEL HEMPSTEAD,,,HP2 5ZG	<p>We live at 1 Honeypot Close and share a boundary with 4 Church Street at the rear of our Garden.</p> <p>Having given detailed consideration to the proposal and the all plans we feel that the Development should not be permitted. The development would have severe adverse impacts upon our property, including a severe reduction in light levels and an unacceptable loss of privacy. In addition, we feel the proposed development is overbearing, too large for the plot and would lead to overdevelopment of the area and a decrease in the amenity of the neighbourhood.</p> <p>The proposed development is much larger than the outbuilding which currently stands on the plot. (See photograph 1 which shows in the background behind our shed the one story outbuilding currently on the plot) It will be significantly taller and wider which, given its proximity to the mutual boundary (which is delineated currently by the wall of the existing outbuilding) would lead to a general loss of light and serious overshadowing to our property, particularly throughout the afternoon.</p> <p>(Photograph 2 - taken from our back bedroom window - shows light levels in the Garden taken at around 6pm - as you can see the sun will be completely obscured if a structure any taller than the current outbuilding is built on the plot.)</p> <p>In particular, our living room faces out onto the</p>

application site and the proposed development would lead to a significant deficit in the natural light the room currently enjoys. This is the most used room in our house and we cannot overstate the negative impact that the proposed development would have on our enjoyment of the property.

In addition, the proposed development is very close to the end of our garden and would result in an almost complete block of sunshine in that area - which we feel is unacceptable. (Photograph 3 is a view from our back bedroom window which faces onto the site - on the far right you can see the end of our terrace and the height of the roofline. The proposed new development would be a similar height and you can get a real sense from this photo of how enclosed our property would become if the outbuilding (again visible behind our shed) is replaced by a building of the proposed proportions. The overall intrusiveness of the development were it to go ahead, both on our property and other houses in the immediate vicinity should be clearly apparent.)

In our view, the proposed development is over-bearing, out of scale with surrounding properties, far too large for the plot, and far too close to the surrounding properties as a result. (Photograph 4 is taken from our living room through the patio doors and shows how short our garden is and just how close to our house the proposed development would be).

I note from the plans that it is not intended that there will be any windows on the side of the development facing our property. Whilst this is welcome, the proximity of the proposed development to our boundary would nevertheless result in a direct loss of privacy due to the short distances involved.

As mentioned above, photograph 2 is taken from the window in our back bedroom. As you will see, this room faces out onto the proposed development. Currently this room enjoys good levels of sunlight and far reaching views across the old town. Whilst we acknowledge we have no right to a view, we consider that the proposed development would adversely affect the residential amenity of our property and that of other neighbouring owners to the extent that this should be taken into account when considering permission.

In addition, this area is already densely populated. We consider that an additional house, such as the one proposed, would constitute over development, have a negative impact on the character of the neighbourhood and generally affect the open aspect of the neighbourhood currently enjoyed.

Finally, we consider that the proposed development is not in line with the National Planning Framework as it constitutes 'garden grabbing'.



	<p>Taking all of the above into account we feel that the application for planning permission should be denied.</p>
<p>1 HONEYPOT CLOSE,HEMEL HEMPSTEAD,,,HP2 5ZG</p>	<p>Planning Objections - 4/101003/18/FUL</p> <p>We write to submit our objections to the proposed development at 4 Church Street - reference 4/101003/18/FUL.</p> <p>We live at 1 Honeypot Close and share a boundary with 4 Church Street at the rear of our Garden.</p> <p>Having given detailed consideration to the proposal and the all plans we feel that the Development should not be permitted. The development would have severe adverse impacts upon our property, including a severe reduction in light levels and an unacceptable loss of privacy. In addition, we feel the proposed development is overbearing, too large for the plot and would lead to overdevelopment of the area and a decrease in the amenity of the neighbourhood.</p> <p>The proposed development is much larger than the outbuilding which currently stands on the plot. (See photograph 1 which shows in the background behind our shed the one story outbuilding currently on the plot) It will be significantly taller and wider which, given its proximity to the mutual boundary (which is delineated currently by the wall of the existing outbuilding) would lead to a general loss of light and serious overshadowing to our property, particularly throughout the afternoon.</p> <p>(Photograph 2 - taken from our back bedroom window - shows light levels in the Garden taken at around 6pm - as you can see the sun will be completely obscured if a structure any taller than the current outbuilding is built on the plot.)</p> <p>In particular, our living room faces out onto the application site and the proposed development would lead to a significant deficit in the natural light the room currently enjoys. This is the most used room in our house and we cannot overstate the negative impact that the proposed development would have on our enjoyment of the property.</p> <p>In addition, the proposed development is very close to the end of our garden and would result in an almost complete block of sunshine in that area - which we feel is unacceptable. (Photograph 3 is a view from our back bedroom window which faces onto the site - on the far right you can see the end of our terrace and the height of the roofline. The proposed new development would be a similar height and you can get a real sense from this photo of how enclosed our property would become if the outbuilding (again visible behind our shed) is replaced by a building of the proposed proportions. The overall intrusiveness of the development were it to go ahead, both on our property and other houses in the immediate</p>

	<p>vicinity should be clearly apparent.)</p> <p>In our view, the proposed development is over-bearing, out of scale with surrounding properties, far too large for the plot, and far too close to the surrounding properties as a result. (Photograph 4 is taken from our living room through the patio doors and shows how short our garden is and just how close to our house the proposed development would be).</p> <p>I note from the plans that it is not intended that there will be any windows on the side of the development facing our property. Whilst this is welcome, the proximity of the proposed development to our boundary would nevertheless result in a direct loss of privacy due to the short distances involved.</p> <p>As mentioned above, photograph 2 is taken from the window in our back bedroom. As you will see, this room faces out onto the proposed development. Currently this room enjoys good levels of sunlight and far reaching views across the old town. Whilst we acknowledge we have no right to a view, we consider that the proposed development would adversely affect the residential amenity of our property and that of other neighbouring owners to the extent that this should be taken into account when considering permission.</p> <p>In addition, this area is already densely populated. We consider that an additional house, such as the one proposed, would constitute over development, have a negative impact on the character of the neighbourhood and generally affect the open aspect of the neighbourhood currently enjoyed.</p> <p>Finally, we consider that the proposed development is not in line with the National Planning Framework as it constitutes 'garden grabbing'.</p> <p>Taking all of the above into account we feel that the application for planning permission should be denied.</p>
<p>3 HONEYPOT CLOSE,HEMEL HEMPSTEAD,,,HP2 5ZG</p>	<p>I strongly object to this as it will be very close to my terrace and therefore block a lot of light out, and being that close could be very invasive into my property. We bought our property for the views which consequently will be restricted if this planning permission goes forth.</p>
<p>3 HONEYPOT CLOSE,HEMEL HEMPSTEAD,,,HP2 5ZG</p>	<p>I strongly object to this as it will be very close to my terrace and therefore block out a lot of light. Being that close would be very invasive into my property. We brought our property for the views which consequently will be restricted if this planning permission goes forth.</p>
<p>3 HONEYPOT CLOSE,HEMEL HEMPSTEAD,,,HP2 5ZG</p>	<p>Following the revised plans, which do not appear to have been changed at all, I strongly object. My balcony directly overlooks the garden where the planned building is to take place and I did not buy my property under the impression further buildings would be built in the area, especially that close to me. I believe the planned building</p>

	would impact my property and it's value.
2 HONEYPOT CLOSE,HEMEL HEMPSTEAD,,,HP2 5ZG	Based on the information we currently have I am objecting as it will be far to close to my garden, we will be completely overlooked, it will block out all our light and therefore impact the value of our property.
2 HONEYPOT CLOSE,HEMEL HEMPSTEAD,,,HP2 5ZG	<p>Having checked the amended plans it really isn't clear that anything has actually changed.</p> <p>Are you able to detail what the actual changes are to 4 Church Street.</p> <p>Based on what we have viewed online I am still rejecting the application as per my previous rejection. It still appears to be a two storey building and therefore no changes have been made.</p>
89 CHAPEL STREET,HEMEL HEMPSTEAD,,,HP2 5AE	<p>The plans show a house that is overly large for the site area, resulting in very small garden area. The site is at a higher level than the houses in Chapel Street, although the survey drawing does not show the existing levels of the adjacent properties, nor does the proposed layout show the intended levels. The proposed plans are therefore inadequate in that they do not show the true relationship with existing houses. They do not show that the proposal will not have a detrimental effect on 89 and other adjacent houses.</p> <p>There is only some 4m distance from the rear elevation to the southern boundary that abuts 89 Chapel Street (and 87C - 95). This will result in the building being overbearing and result in a loss of outlook.</p> <p>The plans show a large patio door immediately behind no 89. Because the site is at higher level than the houses in Chapel Street the door will be above fence level and this will result in overlooking and loss of privacy.</p> <p>You are invited to view the proposal from 89 Chapel Street, please contact me if you wish to arrange access.</p>
89 CHAPEL STREET,HEMEL HEMPSTEAD,,,HP2 5AE	<p>I have viewed the amended plans and note that they still do not show proposed site levels.</p> <p>The revised plans do not make any material change to the impact on 89 Chapel Street and therefore my previous objections still stand.</p> <p>Again I would ask that the case officer makes an appointment to view he proposal from my property.</p>
87C CHAPEL STREET,HEMEL HEMPSTEAD,,,HP2 5AE	According to these plans, the proposed 2 story house will be crammed into an already busy area of houses. This is too close to the rear of our back garden and will be at an

	<p>elevated height overlooking our property. It will also block any view of the trees in the background and replace it with a brick wall.</p> <p>The parking on Church Street and Chapel Street is limited already. The proposed property will have a knock on affect to this.</p> <p>A big reason why we bought our property was for its privacy and natural views from the back garden which will disappear if this plan goes ahead.</p>
<p>93 CHAPEL STREET,HEMEL HEMPSTEAD,,,HP2 5AE</p>	<p>After looking at proposed plans, we are very concerned about the height &amp; size of the proposed building. This site is elevated and considerably higher than our property in Chapel street, although the upper windows in proposed property are frosted, because of the elevation the downstairs doors &amp; windows will be overlooking at least five properties in chapel street, we also will overlooking the proposed living room/dining space from our upstairs windows.</p> <p>This proposed building is far too big for the site, &amp; having lived in chapel street for 21 years this proposed building will have a real impact on our every day living &amp; general well being.</p>
<p>93 CHAPEL STREET,HEMEL HEMPSTEAD,,,HP2 5AE</p>	<p>Dear Sally</p> <p>I have looked at updated plans for number 4 Church street . the previous issues regarding our objection still remain.</p> <p>The change in property type application ,although smaller in bedroom size &amp; foot print is slightly smaller this still gives us the same issues.</p> <p>The rear elevation because of the difference in height between our property (Chapel street) &amp; proposed new property in Church street will still be a impact on our privacy, we will still be able to look into ground floor windows &amp; visa versa.</p> <p>Proposed new house will overlook properties on three sides with the exception of the side elevation which has no windows is the side that faces the applicants house, number 4 Church street.</p> <p>Kind regards Robert &amp; Rosie Houston</p>
<p>91 CHAPEL STREET,HEMEL HEMPSTEAD,,,HP2 5AE</p>	<p>I strongly object to this Planning Proposal. It will cause overdevelopment to a very small site which will impact on all the properties around it and create a huge visual intrusion.</p> <p>It is exceptionally close to my home and because of the elevation of the land rising from my house up towards the site, the new property will overlook my garden and</p>

	<p>house, causing loss of light and privacy. In this elevated position the windows on the ground floor will look directly into the windows of my dining room, bedroom and bathroom. To illustrate this I have attached photographs showing our existing view of the site and drawings (to scale) which show the dominance it will have over my home at 91 Chapel Street and to my neighbours in 89 and 93 Chapel Street.</p> <p>The redevelopment of the Beehive site has already caused a severe impact on this neighbourhood by its scale and it is ironic that the previous owner of 4 Church Street took his objection of overlooking to Planning Appeal level.</p> <p>Another concern is that the proposal is for a three double bed roomed property, which could mean six extra vehicles accessing this site. Residents of both Chapel Street and Church Street are already having to cope with the additional parking created from the homes at the top of Chapel Street (part of the Beehive development). One of the main reasons I was attracted to my garden when I first bought the property was the feeling of openness and light. This will be destroyed by this development.</p>
<p>91 CHAPEL STREET,HEMEL HEMPSTEAD,,,HP2 5AE</p>	<p>I again strongly object to this Planning Proposal. The amended plans show a building that is still overbearing, out of scale in its location and a clear example of 'garden grabbing' which will increase the density and overdevelopment of this small site. It is still exceptionally close to my home and because of the elevation of the land rising from my house to the new property it will overlook my garden and house, causing loss of light and destroying my privacy. I note in the new proposal that the patio doors have been moved to the east elevation, but that the windows on the rear elevation remain at the same height and will therefore still overlook my garden and house. To illustrate this, I again attach photographs showing our existing view of the site and drawings (to scale) which show the dominance that this ugly building will have over my home and my neighbours. The concern about the parking remains, as for the original proposal, as it would mean potentially 4 extra vehicles.</p>
<p>87B CHAPEL STREET,HEMEL HEMPSTEAD,,,HP2 5AE</p>	<p>We strongly object. This will be a gross over-development of the land. It will be built on an incline so our back garden and the back of our house will be totally overlooked, not only by the upstairs windows but also by the downstairs patio door and windows. This will affect our privacy and have an impact on our every day life. The overall size and the sheer height of the proposed development is massively larger than the existing outbuildings and will cause a</p>

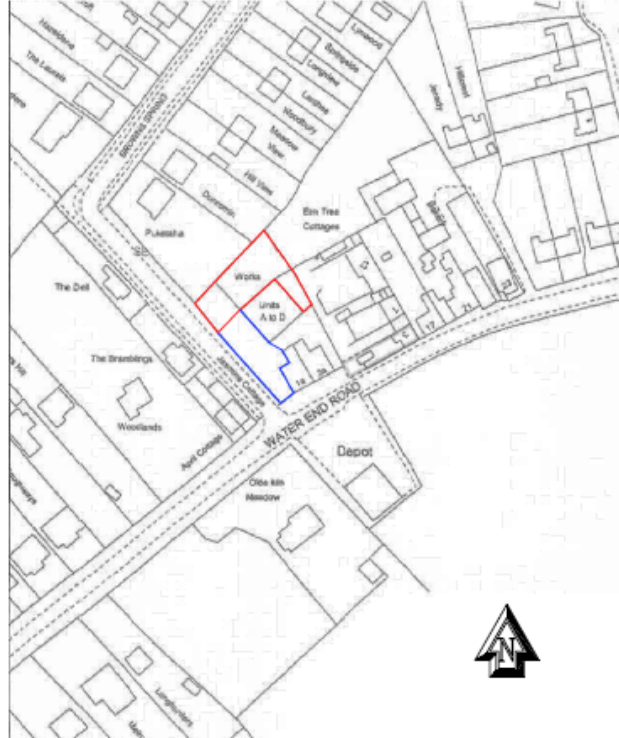
	<p>drastic loss of light.</p> <p>The approach road to the property is merely a one lane entrance to a car park which is always over crowded with cars and is very busy with traffic going in and out. The parking in Church Street and Chapel Street is a major problem now without a three bedroom house being built with potentially more cars. Noise and disturbance will be an issue.</p> <p>Trees and hedging will be lost having a negative impact on wildlife which will not be compensated by a few bird boxes.</p> <p>This will be detrimental to the whole area.</p>
<p>87B CHAPEL STREET,HEMEL HEMPSTEAD,,,HP2 5AE</p>	<p>After viewing the amended plans we still strongly object. It is clear that the design has not massively changed. This means that the new property will still be an over development of the land. The development is much too big for the small garden is it planned for. The new design is still much larger than the current buildings on the plot. All properties around will still be overlooked due to the elevation and light will be blocked. There will still be a major issue with parking as this is a built up area and parking is at a premium. This new design will still be detrimental to the area and the neighbouring properties as stated before.</p>
<p>6A CHURCH STREET,HEMEL HEMPSTEAD,,,HP2 5AD</p>	<p>We write to submit our objections to the proposed development at 4 Church Street - reference 4/101003/18/FUL.</p> <p>After consideration to the proposed development we consider this will have a detrimental effect to the adjacent and nearby dwellings. Due to the elevated situation of the proposed development the front facing upper floor windows will be in clear unobstructed view of the rear of 6, 6a,8,8a Church street, where at present none of the dwellings are overlooked, this was also a consideration of the development at Honeypot Close prior permission being granted (Ref: 4/00187/11/MFA). In addition, parking is very limited for the residence of both Church Street and Chapel Street with a high number of residence now having to park some distance from their homes at the rear of 6,6a,8,8a Church Street. I note from the plans that the existing facility to parking four vehicles will remain, however two parking spaces will be relocated for use by 4 Church Street, these new relocated parking spaces will be positioned adjacent to spaces where residents are now able to parallel park. The proposal does not allow for this existing parking, the two relocated parking spaces at 4 church street would need to use the whole width of the road to be able to manoeuvre in and out of their spaces, thus actually reducing the parking at the rear of 6, 6a,8, 8a Church Street and for the residence of Church Street by at least 2 spaces. After</p>

	taking all of the above into account we feel that the application for planning permission should be denied
6A CHURCH STREET,HEMEL HEMPSTEAD,,,HP2 5AD	<p>We write to submit our objections to the proposed development at 4 Church Street - reference 4/101003/18/FUL.</p> <p>In addition, parking is very limited for. After consideration to the proposed development we consider this will have a detrimental effect to the adjacent and nearby dwellings. Due to the elevated situation of the proposed development the front facing upper floor windows will be in clear unobstructed view of the rear of 6, 6a,8,8a Church street, where at present none of the dwellings are overlooked, this was also a consideration of the development at Honey Pot Close prior permission being granted (Ref: 4/00187/11/MFA)</p>
6A CHURCH STREET,HEMEL HEMPSTEAD,,,HP2 5AD	<p>We write to submit our objections to the proposed development at 4 Church Street - reference 4/101003/18/FUL.</p> <p>After consideration to the proposed development we consider this will have a detrimental effect to the adjacent and nearby dwellings. Due to the elevated situation of the proposed development the front facing upper floor windows will be in clear unobstructed view of the rear of 6, 6a,8,8a Church street, where at present none of the dwellings are overlooked, this was also a consideration of the development at Honey Pot Close prior permission being granted (Ref: 4/00187/11/MFA)</p>
8A CHURCH STREET,HEMEL HEMPSTEAD,,,HP2 5AD	<p>The new proposals show a slight reduction in the size of the proposed building, it does not remove any of the concerns raised by the objectors from the initial proposal. Therefore all the previous objections should still be considered as valid in respect of the amended plans. Parking and over development being my main concerns for this application</p>

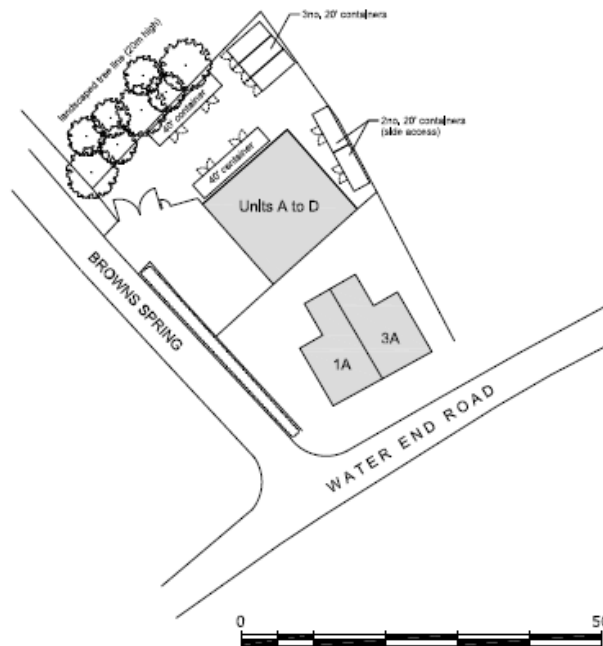
# Agenda Item 5e

5e 4/01496/18/FUL THE RETENTION OF 4 NO. STORAGE CONTAINERS AND THE PLACEMENT OF 3 NO. ADDITIONAL STORAGE CONTAINERS (USE CLASS B8)

WOODLAND WORKS, WATER END ROAD, POTTEN END, BERKHAMSTED, HP4 2SH



LOCATION PLAN 1:1250



SITE PLAN 1:500





<b>4/01496/18/FUL</b>	<b>THE RETENTION OF 4 NO. STORAGE CONTAINERS AND THE PLACEMENT OF 3 NO. ADDITIONAL STORAGE CONTAINERS ASSOCIATED WITH THE BUILDERS YARD</b>
<b>Site Address</b>	<b>WOODLAND WORKS, WATER END ROAD, POTTEN END, BERKHAMSTED, HP4 2SH</b>
<b>Applicant</b>	
<b>Case Officer</b>	<b>Briony Curtain</b>
<b>Referral to Committee</b>	<b>Objection from Potten End Parish Council</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**

## **2. Summary**

2.1 The application site is located within Potten End, a small village in the Green Belt wherein in accordance with the National Planning Policy Framework, new buildings would normally amount to inappropriate development (the storage containers are considered to represent 'buildings' in planning terms given their degree of physical permanence). Paragraph 145, however, clearly highlights 'infilling in the villages' as an exception to this and as such the development proposed is appropriate development and therefore acceptable in principle subject to a detailed assessment of its impact.

2.2 The application proposes the retention of 4 existing containers and the placement of 3 additional containers for B8 storage purposes. The application is not concerned with a change of use of the site; which is lawfully a builders yard but concerned solely with the 'buildings'. Given their size, scale and position they would not significantly harm the overall character or appearance of the area or adversely affect the residential amenity of adjoining properties in terms of visual intrusion, privacy or loss of light. With regard to noise and disturbance, subject to the imposition of conditions requiring the implementation of sound reduction measures (rubber stop bumps and soft close mechanisms to the doors) and restricted access hours there would be no significant harm. Herts County Council as Highway Authority are satisfied that given the scale of the proposal and infrequent traffic movements set out in the planning statement the development would not have a significant adverse impact on the safety or operation of the adjacent highway network. No parking is directly required as a result of the proposal only vehicular access.

2.3 The proposal complies with Policies CS1, CS6, CS8 and CS12 of the Core Strategy 2013 and is therefore considered acceptable.

## **3. Site Description**

3.1 The application site is located within the selected small village of Potten End, a settlement within the Metropolitan Green Belt. The existing

## **4. Proposal**

4.1 Planning permission is sought for the retention of 4 existing metal containers and the siting of an additional three. The containers would be used for the storage of building materials and furniture. A planning statement supports the application which sets out the nature and scale of the storage usage, the likely traffic movements and hours of operation.

## 5. Relevant Planning History

4/01965/17/RET	THE RETENTION OF 4 NO. STORAGE CONTAINERS AND THE PLACEMENT OF 3 NO. ADDITIONAL STORAGE CONTAINERS (USE CLASS B8) Withdrawn 21/02/2018
4/01099/17/FUL	CHANGE OF USE FROM B8 (WAREHOUSE AND DISTRIBUTION) TO B2 (GENERAL INDUSTRIAL)  Granted 18/07/2017
4/00516/75/FUL	ERECTION OF REPLACEMENT SINGLE STOREY BUILDING Granted 12/08/1975
4/00085/18/FUL	CHANGE OF USE FROM PRINTERS (CLASS B1) TO BARBER SHOP (CLASS A1) Unknown

## 6. Policies

### 6.1 National Policy Guidance

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

### 6.2 Adopted Core Strategy –

NP1, CS1, CS6, CS8, CS11, CS12, CS13, CS31, CS32

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

Policies 10, 34, 51, 57, 58, 99, Appendix 5

## 7. Constraints

- CIL1
- 10.7M AIR DIR LIMIT
- SMALL VILLAGE
- AREA OF SPECIAL CONTROL FOR ADVERTS
- Former Land Use
- 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:

- Policy and principle
- Design and impact on Character and appearance of the area
- Impact on residential amenity and living conditions of the occupiers of surrounding properties
- Impact on Highway Safety and Parking Provision
- Other

### Policy and Principle

9.2 The application site is located in the Metropolitan Green Belt, within the designated small village boundary. Policy CS1 of the Core Strategy 2013 states that the rural character of the Borough should be conserved. However, development that supports the vitality and viability of local communities, causing no damage to the character of the area and not contravening relevant policy, will be supported. Para 83 of the NPPF states that planning policies and decisions should enable (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Para 84 goes on to state 'the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'.

9.3 The storage containers are considered to represent 'buildings' in planning terms (given their degree of physical permanence), and this application only considers the retention and construction of these new buildings. It is not considering the use or change of use of the site. The existing lawful use is a builders yard with a primary storage function and this has been confirmed via enforcement files.

9.4 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

9.4 The main issues to consider in terms of Green Belt policy, therefore, are the appropriateness of the development; effect on the purpose of including land in the Green Belt; effect on the openness of the Green Belt and the impact on the visual amenity of the Green Belt; if it is inappropriate development are there any very special

circumstances to justify its approval.

### ***Appropriateness***

9.5 Paragraph 145 of the National Planning Policy Framework sets out the exceptions for new buildings within the Green Belt which are considered to be 'not inappropriate' development. One such exception is:

- “...*limited infilling in villages...*”

9.6 The scale, bulk and mass of the proposed and existing containers are relatively modest and they would be positioned throughout the application site. As such, I would consider the proposal to be 'limited' in scale. Further, as the application site is enclosed by built urban form on all boundaries, and the proposal lies within the Selected Small Village of Potten End, I consider that this development would represent 'infilling' within a village.

9.7 Taking the above into account, It is considered that the proposed development would represent limited infilling in a village. As such, it would meet the identified exception within paragraph 145 and would represent development that is **not** inappropriate within the Green Belt.

### Design and the impact on the character and appearance of the area.

9.8 As stated, Policy CS1 of the Core Strategy 2013 states that the rural character of the Borough should be conserved. Policies CS11 and CS12 state that developments should respect the typical density and layout of surrounding built form and the character of the area. The proposed smaller containers have a maximum height of approximately 2.5m, a width of approximately 2.4m and a depth of approximately 6m. The larger containers appear to have a maximum height of approximately 2.5m, a width of approximately 2.4m and a depth of approximately 12.1m.

9.9 Though there would be some views of the containers from the public domain, these views would be limited to immediately in front of the gates. From longer distance views they would be screened behind landscaping or existing buildings in the area. It is considered that the build, scale, form and positioning of the containers would not result in a cramped, or visually prominent development within the immediate streetscene. Further, the containers are well set back within the site (over 10m from the front fencing) which would limit their visual impact on the area. The northern boundaries which separate the application site from adjoining residential properties comprises mature landscaping which screens the containers from view. The development is functional in nature and is consistent with the type of development one would associate with the lawful use of the site.

9.10 As stated above it is noted that the proposed development would be within close proximity of existing established vegetation. However, on discussion with Dacorum Landscape and Woodland it is not considered that the development would result in harm to this vegetation and that it is not of significant amenity value to protect.

### Impact on residential amenity and living conditions of the occupiers of surrounding properties

9.11 Policy CS12 (e) aims to preserve neighbouring amenity in requiring development to avoid harm to residential amenity. Given the size, scale and position of the existing and proposed containers the development would not result in significant harm to the living conditions of the occupants of adjacent properties in terms of loss of light, overlooking or visual intrusion. It is acknowledged that there are residential properties within close proximity of the site, however, given their low profile and their concealed position; behind the existing mature landscaping, the containers would not appear unduly prominent or oppressive to the detriment of residential amenity.

9.12 Turning to noise and disturbance a planning statement (that sets out the likely intensity of use, details of traffic movements, hours and times of operation etc) and a Noise Survey Report have been submitted to support the proposal. The Noise report assesses current noise levels in the site/area, sets out the likely sources of noise associated with the proposal and where necessary highlights measures to reduce these. The noise sources include; vehicle movements, the use of the metal containers and the movement of materials and equipment. Mitigation measures include; restricting operations to Mon-Fri 08.00 - 18.00, and installing rubber bump stops and a soft closing mechanism to the container doors.

9.13 The Councils Environmental Health Officers have reviewed the reports and are satisfied that whilst the submitted report does not consider resultant noise impacts, given that the hours and days of the containers use would be restricted and that mitigation measures would be fitted to the metal containers the proposal would not result in significant harm to the living conditions of surrounding properties.

9.14 Taking all of the above into account, and also having regard to the lawful use of the site, it is not considered that the proposal would result in significant harm to adjacent properties in terms of light, privacy, visual intrusion or noise and disturbance to the extent that would warrant a refusal of planning permission. To safeguard residential amenity, a condition restricting the hours of operation and requiring the full implementation of the mitigation measures set out in the submitted Noise report is considered necessary and reasonable and shall be imposed. Should the development become a statutory nuisance in the future, this could be controlled under separate Environmental Health Legislation.

#### Impact on Highway Safety and Parking Provision

9.15 Policy CS12 of the Core Strategy seeks to ensure that all developments have sufficient parking provision. Policies CS8 of the Core Strategy, and Policies 57, 58 and Appendix 5 of the saved Dacorum Local Plan set out maximum demand based parking standards.

9.16 The proposal does not provide any formal on-site parking and the planning statement submitted in support of the proposal sets out that no parking is required on site. The application site is to be un-manned and vehicles will visit infrequently to offload or remove materials and equipment to the containers. As such the main consideration within the site is access to the containers, and the ability of vehicles to manoeuvre within the site. The containers occupy a limited area of the total site and are positioned (they occupy the periphery of the site) in such a manner as to allow access between them.

9.17 Turning to highway safety, Herts County Council have been consulted and raise

no objection to the proposal. A supporting statement sets out the likely traffic movements associated within the development; the containers will be accessed by either 4x4 or 7.5 tonne vehicles with a crane on an infrequent basis (3 times a week) during normal working hours / days. The vehicles will off load or pick up construction materials and equipment to be stored in the containers or to be taken to sites being developed by the applicants. The site is located close to the junction of Water End Road and Brown Spring. The existing access is off of Brown Spring, and shared with other industrial uses (MOT test centre). It is not proposed to alter the access arrangement as part of the proposal.

9.18 It is acknowledged that Brown Spring is a predominantly residential road, and that the site access is shared with other commercial / industrial uses, however, the proposal would not significantly adversely affect the safety or operation of the adjacent highway. The lawful use of the site is a builders yard, and the proposal would not significantly intensify its use. In addition the statements submitted in support of the application set out that vehicle movements would be infrequent and restricted to 'working hours'.

9.19 Taking into account all of the above, the proposal would not significantly adversely affect the safety or operation of the adjacent highway network and it is concluded that a refusal could not be sustained.

**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>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 fully in accordance with the following approved plans/documents:</p> <p>1410/102 - 40ft Container Specification            1410/101 - 20ft Container Specification            1410/100 - Site and Location Plan            Planning, Design &amp; Access Statement (June 2018)            Environment Noise Survey Report (May 2018)</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>Prior to their first use, the sound reduction measures (rubber bumps stops and soft closing mechanism for the doors) set out in the submitted Environmental Noise Survey dated May 2018, shall be fitted to the metal structure of the containers hereby permitted and shall be thereafter maintained as such.</p> <p>Reason: to safeguard the residential amenities of adjacent properties in accordance with Policy CS12 of the Core Strategy 2013.</p>

4	<p>The metal storage containers hereby approved shall only be accessed (opening and closing of container doors) between the hours of 08.00 - 18.00 Monday - Friday (excluding bank holidays).</p> <p>Reason: to safeguard the residential amenities of adjacent properties in accordance with Policy CS12 of the Core Strategy 2013.</p> <p>Article 35;</p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p>
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## **Appendix A**

### **Consultation responses**

#### **Herts County Council Highways**

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

#### **Planning Application**

The application represents a resubmission of a similar scheme ref: 4/01965/17/RET for the retention of 4 no. storage containers and the placement of 3 no. additional storage containers (use class B8). The planning application is seeking full planning permission for the proposal

The site : The application is on a land at Woodland Works, Water End Road, Potten End, Berkhamsted, HP4 2SH. The Application Site currently contains four lockable single storey storage containers, two of which are 40ft long containers and two smaller 20ft long containers. The application Site to offload construction material and equipment to be stored in the containers. As such, the Application Site is Infrequently used. In July 2017 planning permission reference 4/01099/17/FUL was granted for the change of use from B8 (warehouse and distribution) to B2 (general industrial).  
Proposal

The proposal is for the retention of 4 no. storage containers and the placement of 3 no additional storage containers (Use Class B8). The Proposal does not involve a material change of use as the current lawful use of the Application Site is Use Class B8 storage and distribution use. A total of seven storage containers will be placed on the Application Site, two of which are 40ft long containers with the remainder being 20ft long containers. All containers are single storey.



## Access

The development will be accessed from the existing access to the Application Site which is off Browns Spring. The vehicles will be either a 4x4 or 7.5 tonne vehicle, but no large vehicles. No parking will be provided for the development.

Conclusion Highway Authority does not wish to restrict the grant of consent

## **Potten End Parish Council**

The Parish Council strongly opposed the MOT Planning Application and despite this opposition Planning Permission was granted. With regard to the Shipping Containers, the Parish Council is not aware that the company concerned applied for Planning Permission for the first tranche of Shipping Containers. Now an additional three are required on the same site and it would appear retrospective permission is now being sought for the four containers.

The Parish Council supports the objections of local residents regarding this most recent application. In addition, it would question whether DBC intends to approve the turning of this part of a small village into a mini-trading park to include hairdressers, a MOT station and a storage depot for shipping containers - what next?

## **Environmental Health - Scientific Officer (Noise)**

The acoustic report does not properly consider the resultant noise impact of opening/closing metal containers upon the nearest residential receptors. The loading and unloading of containers and associated increased vehicle movements are also not properly considered. The acoustic report merely states baseline levels; and does not adequately consider BS4142:2014 'Methods for rating and assessing industrial and commercial sound'. There is a likelihood that use of the containers could cause a statutory noise nuisance.

Therefore, based on the above, this department considers that if planning consent were to be granted the following Planning Conditions are strongly recommended, to be applied.

Condition 1:

The hours of site operation shall be restricted to Monday-Friday (excluding bank holidays, 08:00 – 18:00 hours. No site activity on Saturday or Sundays.

Reason:

To protect local residential amenity.

Condition 2:

The methods of sound reduction identified in the acoustic report shall be fitted to the metal structure of the containers; prior to first use of the containers.

o Rubber bump stops

o Soft closing mechanism for the doors.

Reason:

o To protect local residential amenity.

## **Appendix B**

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

## Objections

Address	Comments
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Bramblings - OBJECT;

This is NOT an industrial estate! The MOT centre has taken any spare parking & even block the entrance to the proposed site with numerous cars daily. Where will these cars park when the site is in more frequent use? The current site is already a complete eyesore, no one has been in for at least 6 months & it's completely abandoned. Branches from overgrown trees came down in the heaving snow in January & have never been cleared, to call it a visual intrusion would be an understatement. The owner of the site has no consideration for those that have to look at it every day. We have 2 small children so the thought of lorries with cranes turning up, even occasionally concerns me from a safety point of view, not to mention the potential damage to parked cars. 2 wooden posts from our grass verge have already been ripped out by careless drivers trying to manouver out of a prohibitively tight entrance. Do not make more planning mistakes on our road. I have photo evidence to demonstrate

Kimset - OBJECT

We the residents have been here before with exactly the same objections. Since then matters have worsened to the extent we now have a commercial garage to contend with of which you approved. Most days cars using these premises plus residents, and others in the village who do not even live here clogging up all one side of Browns Spring.

Since you approved the original application for containers on this site they, the containers have NEVER been used for the purpose as stated in that application. So whats the point of having any more. Are we The Residents going to look forward to heavy vehicles trying to manoeuvre into this congested site with further damage to our verges and footpaths. I look to you to refuse this application.

The Laurels - OBJECT

Access to, from and along Browns Spring has become difficult, hazardous and dangerous since the MOT station opened.

Cars are now parked all along Browns Spring and into Water End Road at the junction. Sight lines for Water End Road traffic are now often poor and sometimes non existent at the junction.

Refuse collection and other large vehicles now have to reverse into and along along the full length of Browns Spring

Commercial and emergency service vehicle drivers unfamiliar with Browns Spring now have to reverse out onto Water End Road.

Our car has been damaged twice since, whilst parked in Browns Spring

Vehicles accessing the proposed containers would have to cross the MOT station forecourt, leaving even less off road parking for the MOT station, and/or vehicles will block Browns Spring waiting for access obstructing vehicles to be removed by the MOT station.

Please also consider the visual intrusion, noise and disturbance resulting from use of the containers at any time 24/7.

#### Woodbury - OBJECT

Browns Springs is predominantly a residential road in a small village, character and integrity should be considered. This application furthers previous use of this site for storage of industrial ISO type containers, there are currently four containers on site at ground level, these are surrounded by industrial type fencing. Since installation the site has remained virtually untouched, unused and become overgrown. The addition of further containers particularly if they are to be placed on top of existing ones will detract visually from existing character of residential road. By virtue of what they are design, appearance and materials are not in keeping with a residential road. This is also likely to increase heavy vehicle traffic IF they are to be regularly accessed, given this is a cul de sac, heavy vehicles when operating block access and egress to residents. As this is a storage facility this brings no viable financial benefit to the village in terms of employment or use by residents.

Low Dene - OBJECT on grounds of road safety, noise, pollution, impact this will have on residents access and safety and quality of life.

- The current application seeks to retain 4 containers and proposes an additional 3. There has been no previous application for the 4 and therefore no opportunity for residents to comment about the appropriateness of the site to house containers at all, nevermind to add three more.

- why was planning permission not sought prior to the siting of the containers? Is this a retrospective application ?

If the containers are unlawfully on the site then they should be treated with all the rigour a new application would receive.

- the site is tiny and squeezed between residential housing and a small business unit with which it shares a short access. The unit has recently had a change of use to a MOT centre and this has exacerbated parking problems and greatly increased traffic movements. Car Parking on the site is limited. At present the MOT centre can use the space by the gate to the container access as they are not in use but this would not be available once access to the containers was required.

- how can vans safely access the site ?

- vehicular access to Brown Spring is already restricted and cars park on the corner making access dangerous. More large vehicles is unacceptable for safety reasons. Large vehicles attempting to access the container site and then having to reverse out again is a danger, especially for the properties opposite. It is a danger all road users including pedestrians and horse riders.

- there is a considerable amount of disquiet and concern from residents. It is felt that these containers are an eyesore and are totally inappropriate for a residential area. There is also anxiety that the owner will stack them higher.

- there is also concern over what is to be stored and safeguarding issues with hazardous chemicals and inflammable materials etc. The close proximity of the residential properties makes this a real concern.

- this application should be refused and it should be questioned if the site is suitable for commercial use at all.

#### Dunromin - OBJECT

I would like to register my objection to the above planning application. My property is adjacent to the site.

The four containers currently on site have been placed without planning permission.

Since then the site has opened an MOT and car service business. The adequacy of parking is limited. The site already has congestion with vehicles frequently entering and leaving backing and turning into Browns Spring and parking along the road. Any further development on this busy site is likely to exacerbate the situation.

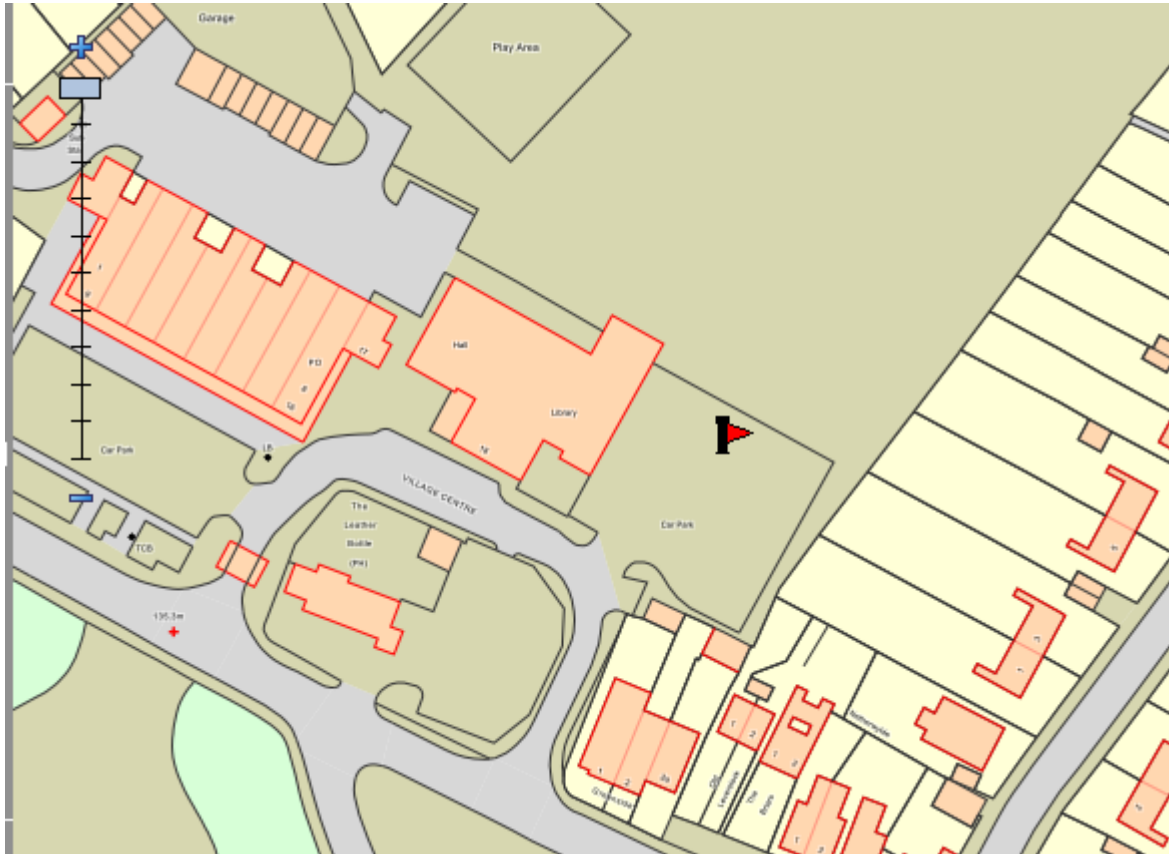
The containers are an eyesore and currently have an air of neglect with overhanging and fallen tree boughs. There is no screening and a visual intrusion when entering the road and from neighbouring properties.

Would you kindly take into account these comments which deciding on this application.

# Agenda Item 5f

5f 4/01413/18/FUL EXTENSION OF THE EXISTING CAR PARK INTO THE FIELD/PARKLAND TO CREATE 22 NEW PARKING BAYS.

THE VILLAGE HALL SIDE CAR PARK, LEVERSTOCK GREEN VILLAGE CENTRE, HEMEL HEMPSTEAD, HP3 8QG







<b>4/01413/18/FUL</b>	<b>EXTENSION OF THE EXISTING CAR PARK INTO THE FIELD/PARKLAND TO CREATE 22 NEW PARKING BAYS</b>
<b>Site Address</b>	<b>THE VILLAGE HALL SIDE CAR PARK, LEVERSTOCK GREEN VILLAGE CENTRE, HEMEL HEMPSTEAD, HP3 8QG</b>
<b>Applicant</b>	<b>Dacorum Borough Council, The Forum</b>
<b>Case Officer</b>	<b>Nigel Gibbs</b>
<b>Referral to Committee</b>	<b>The land is owned by this Council and objections received</b>

## **Recommendation**

1.1 That planning permission be **GRANTED**.

## **2. Summary**

2.1 This is a challenging application to carefully reconcile the loss of parkland against the requested needs for additional parking to serve for Leverstock Local Centre in an existing very sustainable location where there is already available parking. It is also set against insufficient time to report the responses to the recently submitted Revised Scheme, with the requirement to report the application to this meeting.

2.2 The change of use would result in the removal of part of a long established area of Playing Fields/ Parkland/ Public Open Space adjoining The Village Hall. As a whole this designated Open Space performs a fundamentally important role at Leverstock Green.

2.3 The loss of the land conflicts with Policy CS23 of Dacorum Core Strategy regarding Social Infrastructure and can only be justified if there are other material considerations which outweigh this harm. Sport England, as statutory consultee, considers that there is a case to support the application with the resultant loss of some playing field land. This is notwithstanding the closeness of the proposed car parking to the longstanding informal very important well used basketball /wall facility. It is fundamentally important that the car park does not undermine the current harmonious coexistence of this facility with the wider Parkland and the existing car park, with resultant pressure for this recreational facility's closure/ relocation through challenges by car users that it is too close for the safe use of the car park.

2.4 The proposal would cause visual harm to the setting of the Parkland due to the car park's physical/ visual encroachment of the Open Land and the consequent loss of the existing long established boundary hedge which forms such an important strong transitional buffer between the car park and the edge of the Parkland. New proposed low hedging will soften but not eliminate the car park's significant visual incursion which would be reinforced by the need for essential additional lighting to create a safe parking area, reflecting the vulnerability of this fragile transitional edge.

2.5 The Revised Scheme has sought to reduce the impact following consideration of the redesign of the existing car park layout.

2.6 In determining the application considerable weight has been given to the Strategic Planning Team's advice upon the future benefits for the Local Centre of the additional parking which have been balanced against the aforementioned identified harm.



### **3. Site Description**

3.1 The Village Hall Car Park adjoins the Leverstock Green Parkland. It is separated by a long established hedge with a small gap enabling access between the car park and the Parkland. This substantial designated Open Space features an informal basketball /wall facility, a children's play area and football pitch. The land is also used by dog walkers providing a substantial 'green lung'. The ' wooded edged Parkland is partially abutted by gardens. The former Commission for New Towns purchased the site in 1964 from which this Council has acquired the land.

3.2 The football pitch is let to Hemel Athletic every season, September to mid- May, being a very sought after location. It sometimes serves two teams with staggered 10.00 and 12.00 kick offs.

3.3 The field also serves as a venue for Leverstock Green Association, Summer functions, an annual firework display and a children's sports day.

3.4 There is evidence of unlawful use of the Parkland by drivers, reinforced by the responses from local residents to the application.

3.5 The existing car park is surrounded by the aforementioned hedge which is reinforced by strong planting on its south eastern edge. It is served by a one way ' in / out 'system/ layout and some column based lighting. This lighting is complemented by two wall mounted mesh encased caged floodlights attached to the flank wall of the Village Community Centre.

### **4. Proposal**

4.1 This is for the enlargement of the existing car park to provide 18 additional car parking spaces through the change of use of part of the adjoining Parkland with an additional 4 derived from the re-design of the existing car park. The Original Scheme proposed 20 spaces within the area subject to the change of use and an additional 4 within the existing car park, facilitated by the removal of the aforementioned boundary hedge.

4.2 Following the application's receipt the LPA requested the details to explain the need for the car park. The DBC Agent's Supporting Statements are referred by the Considerations.

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

4/00520/07/BPA	EXTERNAL WORKS TO FORM FENCED PLAY/BIN STORE AREA AND REPOSITIONING OF STORAGE CONTAINER Granted 29/05/2007
4/01844/06/FUL	TEMPORARY STORAGE CONTAINER Temporary permission 13/10/2006
4/02342/04/BPA	EXTENSION TO COMMUNITY CENTRE, PLAY AREA AND BIN STORE Granted

26/11/2004

4/01516/93/4 FRONT AND REAR EXTENSIONS TO HALL  
Granted  
20/01/1994

## **6. Policies**

### **6.1 National Policy Guidance**

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

### **6.2 Adopted Core Strategy**

NP1, CS4, CS8, CS10, CS11, CS12, CS13, CS23 and CS32

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

12, 13, 43, 54, 57 73, 99, 113 and 116

Appendices 6 and 8

### **6.4 Supplementary Planning Guidance / Documents**

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area HCA 27 : Leverstock Green Central
- Water Conservation & Sustainable Drainage (June 2005)
- Energy Efficiency & Conservation (June 2006)
- Accessibility Zones for the Application of car Parking Standards (July 2002)

### **6.5 Advice Notes and Appraisals**

- Hemel Hempstead

## **7. Constraints**

- Open land
- Local centre
- 15.2m Air Limit
- CIL Zone 3

## **8. Representations**

Consultation responses: Original Scheme

8.1 These are reproduced in full at Appendix A.

## Neighbour notification/site notice responses

### Original Scheme

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: Loss of the Open Space and The Need for the Car Parking to serve the Locality, and
- Layout, Design, Scale/Impact on the Character of the Locality.

### Policy and Principle

9.2 Dacorum Core Strategy Policy CS1 expects that Hemel will be the focus of new development based upon a range of criteria. These include making best use of existing green infrastructure under its criterion (e). This is in association with Policy CS4 which aims to ensure that in Open Land Areas the primary purpose is to maintain the generally open character and development proposals will be assessed against relevant open land policies. This approach is reinforced by paragraph 15.21 which expects that land already identified as existing open space will be protected and enhanced. The emphasis upon the role/ protection of Open Spaces is acknowledged through Dacorum Core Strategy's Strategic Objectives (Part 12 page 28) and the Community Strategy, in addition to their role in the Public Realm (page 60).

9.3 Moreover Dacorum Core Strategy Part 20 - Hemel Hempstead Place Strategy-recognises the role of Green Spaces under its Point 4, with one of the Local Objectives (page 144) being to deliver major open space enhancements. The HHPS also recognises the close interaction between the neighbourhoods and open spaces under Paragraph 20.11 This is whereby the town's neighbourhoods will be supported through the planning and maintenance of shops / local centres (also through paragraph 20.8) and services and retaining the pattern of open spaces. It is recognised that the management of the town's open spaces will ensure Hemel's green infrastructure is effectively used.

9.4. This reference to the importance of the open spaces is focussed through the expectations of Policy CS23 in supporting the Borough's Social Infrastructure. Under Figure 14 the definition of Social Infrastructure includes open space and outdoor leisure. This policy expects that such existing social infrastructure is protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable.

9.5 The principle regarding the loss of the Open Space is therefore a fundamental issue set against this background. Whilst Sport England raises no objections there are major concerns expressed by Parks & Open Spaces. This is reinforced by the implications of Original Scheme's closeness of the car parking to the informal basketball facility and potential resultant pressures by car park users to actively seek the closure/ relocation of

this recreational facility as explained above. The Revised Scheme has sought to address/ reduce this identified potentially problematical inbuilt conflict situation which is as explained by the updated Supporting Statement.

9.6 The respective Original Supporting Statement and for the Revised Scheme are referred to below:

9.7 The DBC Agent's Supporting Statement confirms:

“The car park extension is desperately needed to assist with high usage peak times during the day for the shops and community buildings. I have received complaints/requests from residents in Malmes Croft for verge hardening and enforcement where vehicles are parking on the verges and footpaths to use the shops as they are not able to find space in the car park.

This situation has been exacerbated by the new developments close by where the shops and community facilities have seen an increase in usage. For these businesses to continue to sustain themselves and provide economic growth to the area additional capacity needs to be provided.

I have looked at the existing parking orientation to see if this can be changed to facilitate additional spaces and reduce the impact and amount of additional green space required, however, due to existing rights of access to the properties that back on to the car park this was not achievable.”

9.8 The Revised Scheme which involves lesser uptake of the Parkland is supported by the following Statement:

“The car park extension is desperately needed to assist with high usage at peak times during the day for the shops and community buildings. Complaints have been received from residents in adjacent roads where vehicles are parking on the verges and footpaths to use the shops as they are not able to find space in the car park.

I do acknowledge the distance between the existing basketball facilities and proposed parking isn't ideal, but the scheme has been amended and moved away to take this in to consideration. With additional fencing and hedging around the car park extension will reduce, if not eliminate, any possible conflict between park users and vehicles.

If conflict does arise as a result of this car park extension, additional measure can be introduced by way of sports fencing around the sports facilities however, I don't believe this will be necessary.

The parking situation has been exacerbated for a number of reasons over the years with the new play facilities being one of them. An upgrade in 2016 to the play park has proven to be very popular with the community and residents visiting from other neighbourhoods.

New housing developments close by has also added pressure to the shops and

community facilities that have seen an increase in usage. For these businesses to continue to sustain, grow and provided economic growth to the area, additional capacity needs to be provided.

I have considered the existing parking orientation to see if this can be improved to facilitate additional spaces and reduce the impact and amount of additional green space required. However, due to existing rights of access to the properties that back on to the car park this was not achievable.”

9.9 In addition there are environmental issues (see below).

#### Layout, Design, Scale/Impact on the Character of the Locality

9.10 Policy CS11 (Quality of Neighbourhood Design) specifies that within settlements and neighbourhoods, development should satisfy a range of criteria including avoiding large areas dominated by car parking. Policy CS11 is complemented by various Policy CS12 (Quality of Site Design) development criteria including (e) the planting of trees and shrubs and (f) the integration within the streetscape character.

9.11 Although the area of land to be used for parking does not have a specific recreational formalised function it is an integral and long established part of the Parkland, acting as a very informal 'soft gateway' / transition from the car park, like so many park entrances. Its loss, in conjunction with the hedge at this entrance and replacement with the formalised car park significantly changes the whole context and ambience. The proposal would cause visual harm to the setting of the Parkland due to the car park's physical/ visual encroachment of the Open Land at the entrance and the consequent loss of the existing long established boundary hedge which forms such an important strong transitional buffer between the car park and the edge of the Parkland. New low hedging will soften but not eliminate the car park's significant visual incursion which would be reinforced by the need for essential additional lighting to create a safe parking area, reflecting the vulnerability of this fragile transitional edge and blurring the current night time physical distinction between the lit car park and unlit park.

#### Impact on Neighbouring Properties/ Residential Amenity

9.12 This is with reference to the expectations of Dacorum Core Strategy Policies CS12 and CS32, Appendix 3 of the Dacorum Local Plan and the NPPF regarding residential amenity.

9.13 There are understandable concerns raised by some residents to the impact of the additional parking. However, there would not be a case to resist the application due to the impact upon the residential amenity of the locality.

#### Impact on Highway Safety

9.14 Hertfordshire Highways raise no objections. The layout would enable an emergency/ maintenance vehicle to access the Parkland. The reconfiguration of the existing layout has taken into account parking for persons with disabilities/ limited mobility.

#### Other Material Planning Considerations

9.15 As the land is a former land use the Scientific Officer recommending a precautionary approach to contamination. There should be no soakaways installed on contaminated land. There is no known localised land stability or drainage problems.

9.16 Hertfordshire Ecology raises no objections, notwithstanding the loss of the existing planting to facilitate the construction of the new parking. This removal will be only partially compensated by new planting around the new parking area perimeter, being however less than the existing to be removed. The introduction of lighting into this 'in town dark landscape' for essential safety reasons is an environmental dis-benefit.

9.17 An Environmental Impact Assessment is not necessary and there are no air safeguarding issues. Several conditions are necessary.

#### Response to Neighbour comments

9.18 The loss of the Parkland. The negative implications are addressed by the Report and reinforced by Parks & Open Spaces consultation response.

9.19 The concerns regarding resultant increased anti-social behaviour are understandable. Improved lighting is fundamentally important, which could be complemented by the introduction of CCTV. Hertfordshire Constabulary has raises no objections to the car parking even without these technical improvements.

### **10. Conclusions**

10.1 As confirmed by the Summary the proposal is contrary to Policy CS23 with the Original Scheme resulting in objections from Parks & Open Spaces, notwithstanding Sports England's response. In addition, there will be visual harm day and night. Also according to nearby local residents there are very real concerns regarding resultant anti-social behaviour which is however set against Hertfordshire Constabulary's response. The Revised Scheme has sought to reduce the harm.

10.2 There will be benefits for car drivers visiting the Local Centre/ local businesses and the Village Hall during the day and night, with the latter dependent upon improved lighting. The day time includes visitors/users of the Parkland such as the football teams using the pitch.

10.3 Therefore, the decision in this case is most difficult in reconciling the provision of increased parking requirements in a relatively sustainable location - without survey evidence - set against the permanent resultant harm to part of the long established parkland local environment/ setting. However, despite the identified harm, there are a very limited number of objections (from a wide consultation with neighbours) which is a reflection of the local community's reaction to the proposal and as advised by Strategic Planning the car park would 'future proof' the Local Centre. It is an application where an organised site visit by Members of the Committee would be beneficial.

10.4 For clarification under Departure Procedures although there is a loss of part of a sports pitch facility involving Council owned land, as Sport England have not objected it is interpreted that it is not an application requiring referral to the Secretary of State.

**1. 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>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 car park shall be surfaced in accordance with details submitted and approved in writing by the local planning authority.</p> <p>Reason: In the interests of visual amenity in accordance with Policy CS12 of Dacorum Core Strategy.</p>
3	<p>The planting around the whole perimeter of the car park shown by Drawing No.DBC/ 1018/003/REV A1B shall be carried out in the planting season following the first use of the car park hereby permitted fully in accordance with the planting details also subject to this condition. For the purposes of this condition the planting season is between 1 October and 31 March. Details of the precise details of the planting shall be submitted within 6 months of this decision.</p> <p>Reason: In the interests of the appearance of the locality and biodiversity in accordance with Policies CS 11, CS12, CS26 and CS29 of Dacorum Core Strategy.</p>
4	<p>The planting subject to Condition 3 which if within a period of ten 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 another section of hedge of the same species and size as that originally planted at the same place in the next planting season. For the purposes of this condition the planting season is between 1 October and 31 March.</p> <p>Reason: In the interests of the appearance of the locality and biodiversity in accordance with Policies CS11, CS12, CS26 and CS29 of Dacorum Core Strategy.</p>
5	<p>The car park hereby permitted shall not be brought into use until all of the perimeter fence referred to by Drawing No.DBC/ 1018/003/REV A1B has been installed fully in accordance details approved in writing by the local planning authority. Thereafter the approved fence shall be retained at all times.</p> <p>Reason: In the interests of visual amenity in accordance with Policy CS12 of Dacorum Core Strategy.</p>
6	<p>The car park hereby permitted shall not be brought into use until a scheme for its exterior lighting in conjunction with improvements to the existing car park have been submitted to and approved in writing by the local planning authority. The exterior lighting shall be installed and thereafter retained and maintained fully in accordance with approved details.</p> <p>Reason: To safeguard the local environment in accordance with accord with the requirements of Policies CS12, CS29 and CS32 of the Dacorum Core</p>

	Strategy and Policy 113 and Appendix 8 of the saved Dacorum Borough Local Plan.
7	<p>Subject to the requirements of the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plans :</p> <p>LOCATION PLAN DBC/ 1018/003/REV A</p> <p>Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.</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 lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p>Informatives Highways</p> <p>1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to willfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <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>2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <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>Un-expected Contaminated Land Informative</p> <p>Our contaminated land record shows that the land is located on a tip of a former contaminated land use i.e. garage and within a very close proximity of Smithy and former petrol station, there is a possibility that these activities 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 where applicable on the site for any potentially</p>



<p>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><b>Construction Hours of Working – (Plant &amp; Machinery) Informative</b>  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.</p> <p><b>Construction Dust Informative</b></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 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.</p> <p><b>Ecology</b>  In order to protect breeding birds, their nests, eggs and young, tree-felling or pruning should only be carried out during the period October to February. If this is not possible then a pre-development (same-day) search of the area should be made by a suitably experienced ecologist. If active nests are found, then clearance work must be delayed until the juvenile birds have left the nest and are fully independent or professional ecological advice taken on how best to proceed.</p>
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**Appendix A - Consultation responses to Original Scheme**

Strategic Planning

The land in question is identified as Open Land under Policies 116 in the saved DBLP and CS4 in the Core Strategy. Obviously, the approach of both these policies is to safeguard the open character of such land and to limit opportunities for new development except where they relate to ancillary/related facilities. The proposed car park is to chiefly serve the adjoining local centre, so it is difficult to argue that this is directly needed in terms of the existing Open Land. In addition, the land forms part of the wider playing fields as highlighted in the earlier response and enclosed extract from the 2008 Open Space Study. Therefore, there would be a loss of some of the associated play area of the playing fields.

Whilst we would not want to see any loss of play space/Open Land we need to consider whether there are arguments for the expanded car park. We would suspect that this local centre experiences high demand for parking during the day (as most of the local centres do) and that this exceeds existing capacity at peak times. There may well be highway related issues in terms of queuing into the centre and potentially

illegal/inappropriate parking pressures elsewhere as a result (that may lead to highway safety issues). The reality is that the Council has already undertaken a programme of hard-surfacing amenity areas in Hemel Hempstead to attempt to alleviate/reduce residential parking problems (We do not know if any, for example, involved the loss of Open Land.). Furthermore, there may be some planning advantages in part to “future-proofing” the centre given the potential for substantial housing/employment growth on the eastern side of the town.

We are not familiar with the parcel of land proposed to be lost but this seems to be relatively small in relation to the playing fields as a whole and lies at its southern periphery. It does not appear to result in the loss of any formal playing pitches nor would it appear to undermine the integrity of the wider Open Land. It would be sensible to seek the views of the Clean, Safe and Green team regarding the impact of the proposal on the playing space. There is no reason why the additional car parking could not benefit users of the playing fields as well as the centre itself.

Overall, the policy preference is not to see the land developed. However, we do see wider potential advantages, if properly evidenced, that could be argued in favour of being flexible over this approach.

#### Trees & Woodlands

Response awaited.

#### Estates & Valuation

Response awaited.

#### Parks & Open Spaces

Just a couple of questions:

1. The statement provided by Sport England- The rationale is to provide additional car parking capacity to support the use of the playing field (including the playground, basketball court and wider public open space) and adjoining village hall. It is understood that the existing car park is operating at capacity during peak periods and that the additional spaces would help facilitate greater community use of the open space during these periods including use of the football pitch. The car park extension would therefore be considered ancillary to the principal use of the site as a playing field.

2. Where do Sport England get this rationale from? There is no evidence or statement within the planning application, that gives a reason why the car park is being built, in fact the planning application and associated documents contain very little information at all gain the statement from Strategic Planning is rather general and does not use any given proof, surely we need proof? We would suspect that this local centre experiences high demand for parking during the day (as most of the local centres do) and that this exceeds existing capacity at peak times – How can they comment on a suspicion that there is a high demand for parking? And then come to the conclusion it is ok, to build on open space.

The planning application and associated documents contains no information in regards

to- Why the car park is needed, have any studies been carried out to prove that the extra parking is needed to quote our own planning-

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 needs for which clearly outweigh the loss.

Parks & Open Spaces can find no evidence within the application for the above. The main concern for the whole application is there is nothing within the planning application to explain why the car park is needed. P & O have been to the park on numerous occasions and the car park has never been full. The car park is next to a Green Line bus stop, which travels to London, and suspect that people who use this bus, park in the car park, as there are no parking restrictions. It would be more cost effective to monitor this use and if needed implement parking restrictions. On another note P & O we have never had any complaints from users of the park whether that be users of the play area or sports pitches, that the parking is not adequate.

However P & O's biggest concern is the loss of open space/park/sports land. Parks and open spaces are of massive importance, Parks provide intrinsic environmental, aesthetic, and recreation benefits to our residents, as well as both physical and mental health benefits. As you may know we have had other parks threatened with being built upon and P & O have had to make forcible cases not to let this happen. If the Council lets one of its parks be built upon, by DBC it leaves us open to other applications and weakens our argument against these

#### Scientific Officer

No objection to the proposed development in relation to Noise, Air Quality and land contamination.

However, with the proposed development located on the tip of a former contaminated land use i.e. garage and within a very close proximity of a Smithy and former petrol station, the following planning informative are recommend should planning permission be granted.

#### 1). Un-expected Contaminated Land Informative

Our contaminated land record shows that the land is located on a tip of a former contaminated land use i.e. garage and within a very close proximity of Smithy and former petrol station, there is a possibility that these activities 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 where applicable on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation

and an appropriate course of action agreed.

2). 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.

3). 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.

Hertfordshire County Council Highways

Decision

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

The proposal is unlikely to have a severe residual impact on the highway network. It reduces some existing amenity land, but the introduction of 38 additional parking bays as shown on the submitted plan may reduce some of the on street parking that occurs at present.

The following informatives should be included within the decision notice should the Local Planning authority wish to grant planning permission.

Informative notes

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

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

Conclusion

The assessment does not indicate any significant issues with the proposal to create additional off street parking on amenity green land.

The highway authority would not wish to restrict the grant of planning permission subject to the above informatives.

#### Hertfordshire Ecology

Although situated in close proximity to a range of protected sites and features, it is not anticipated that any of these will be affected by this proposal.

If any trees or shrubs need to be pruned or removed, breeding birds must be a consideration. However, a precautionary approach is appropriate and the following Informative should be added to any consent:

“In order to protect breeding birds, their nests, eggs and young, tree-felling or pruning should only be carried out during the period October to February. If this is not possible then a pre-development (same-day) search of the area should be made by a suitably experienced ecologist. If active nests are found, then clearance work must be delayed until the juvenile birds have left the nest and are fully independent or professional ecological advice taken on how best to proceed”.

Otherwise, the application can be determined accordingly and I make no further.

#### Hertfordshire Constabulary: Crime Prevention

I have visited the area and have no concerns relating to crime prevention or security, therefore I can support this application.

#### Sport England

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

[www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

The proposal involves an extension to the car park at Leverstock Green Sports Field to create an additional 24 parking bays. The rationale is to provide additional car parking capacity to support the use of the playing field (including the playground, basketball court and wider public open space) and adjoining village hall. It is understood that the existing car park is operating at capacity during peak periods and that the additional spaces would help facilitate greater community use of the open space during these periods including use of the football pitch. The car park extension would therefore be considered ancillary to the principal use of the site as a playing field.

In terms of the impact on the playing field, the car park extension would encroach onto a relatively small area of the playing field adjoining the existing car park. Part of this area is occupied by trees and a path and could not be used for marking out playing pitches. The remaining area is not currently used for playing pitches and the limited space available between the nearby basketball court and the site boundary would limit the potential for playing pitch use of this area in any case. The basketball court and the football pitch to the north would not be affected by the proposal.

### **Appendix B - Comments received from Local residents/ Responses to Site Notice: Original Scheme**

#### Old Leverstock

This car park is already very noisy with young drivers who park late at night revving their engines and playing loud music with their doors open.

These meet ups by young drivers also result in a nuisance as they throw beer cans, needles and condoms into the hedges and into our garden. Adding additional spaces will make this situation worse.

These drivers treat the current small area of parking as a race track. Making it larger will only result in more cars participating around a larger track.

Adding these spaces will add to the traffic issues of the junction of the car park exit where cars are regularly backed up at rush hours. As people get anxious they edge out causing local people not able to get out of their drives and a dangerous position in not being able to see on coming traffic. The traffic on any afternoon rush hour can back up all the way to the A414 dual carriageway.

This also cuts into the children playing area of a field. Why are we eating into that.

#### 3 Curtis Road

This car park is already creating hurdle for neighbours, very noisy especially night time.

Adding additional spaces is not the solution and will make this situation more worse, will cause more cars, rush , noise , pollution etc.

It will reduce/cut the ground space, which is not fair with childrens and other local community who use this ground / park regularly.

There is will be more rush and traffic issue, especially in rush hours, junction always

blocked and will be more worse.

I strongly oppose this parking extension proposal.

#### 5 Curtis Road

Living directly next to the proposed extension of the existing car park, I do not actually understand the necessity of doing so. The existing car park serves the village hall, and the shops adequately, I have never seen the car park full in the 10 years I have lived here.

The car park itself is next to the park, a large green space that is used by so many in the village. Why make it smaller? We have very little usable green space in the village that is within easy walking distance, and not used as a sports facility.

There are many nights and evenings that are disturbed by cars that are parked in the car park that have their doors open with music blaring.

I also do not understand why we want to allow more cars to park in the centre of the village, this will create more pollution, I'd like a full report on the safety of the air for those of us who live directly next to the proposed extension, ensuring the quality of the air that we breathe won't be impacted by the increase in cars.

#### Neighbour

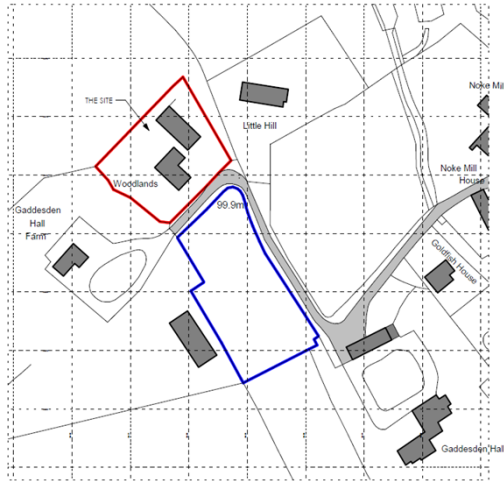
The Council's website advises of an application to create 38 new parking bays. This cannot be right, and whilst this has probably already been pointed out, the new bays will be 24. 38 is the number of the existing bays. I assume the application will be corrected as it could give a rather misleading position.





## 5g 4/01519/18/FUL DEMOLITION OF EXISTING AGRICULTURAL BARN AND CONSTRUCTION OF TWO ONE AND A HALF STOREY THREE BED SEMI-DETACHED DWELLINGS.

WOODLANDS, NOAKE MILL LANE, WATER END, HEMEL HEMPSTEAD, HP1 3BB



SITE LOCATION PLAN

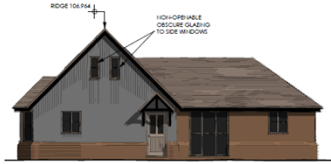


5g 4/01519/18/FUL DEMOLITION OF EXISTING AGRICULTURAL BARN AND CONSTRUCTION OF TWO ONE AND A HALF STOREY THREE BED SEMI-DETACHED DWELLINGS.

WOODLANDS, NOAKE MILL LANE, WATER END, HEMEL HEMPSTEAD, HP1 3BB



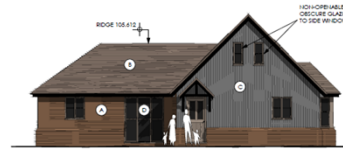
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1 : 100



NORTHEAST ELEVATION - COLOUR  
1 : 100



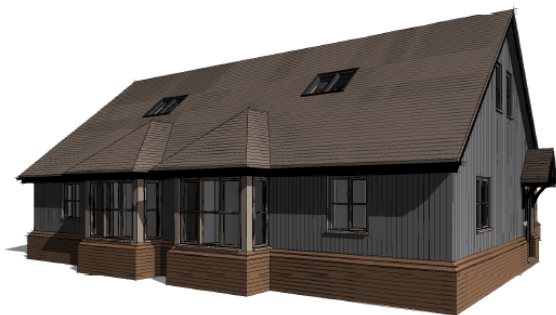
SOUTHEAST ELEVATION - COLOUR  
1 : 100



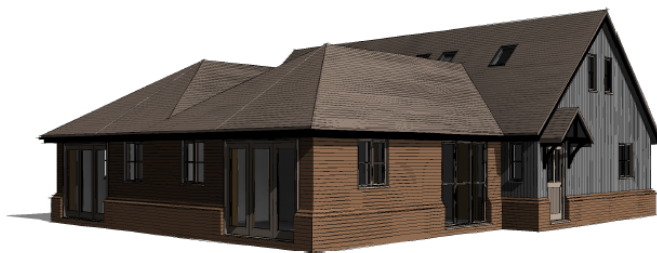
SOUTHWEST ELEVATION - COLOUR  
1 : 100

**EXTERNAL MATERIALS KEY**

CODE	DESCRIPTION
A	RED STOCK BRICKWORK WITH PLINTH
B	CRAFTSMAN PLAIN CLAY ROOF TILES WITH BONNET HP'S
C	VERTICAL NATURAL HARDWOOD CLADDING
D	HARDWOOD WINDOWS & DOORS
E	CONSERVATION STYLE ROOFLIGHTS



SOUTH EAST PERSPECTIVE



NORTHWEST PERSPECTIVE

<b>4/01519/18/FUL</b>	<b>DEMOLITION OF EXISTING AGRICULTURAL BARN AND CONSTRUCTION OF TWO ONE AND A HALF STOREY THREE BED SEMI-DETACHED DWELLINGS.</b>
<b>Site Address</b>	<b>WOODLANDS, NOAKE MILL LANE, WATER END, HEMEL HEMPSTEAD, HP1 3BB</b>
<b>Applicant</b>	<b>Mr N Martin, Woodlands</b>
<b>Case Officer</b>	<b>Andrew Parrish</b>
<b>Referral to Committee</b>	<b>Due to the Contrary views of the Parish Council</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**

## **2. Summary**

2.1 The proposed replacement of the residential annex to 'Woodlands' with two semi-detached dwellings in a converted barn style would have a reduced footprint, volume and floorspace, and is considered to cause no harm to the openness of the Green Belt thereby complying with Policy CS5. The proposed design and materials would appear modest and sympathetic to the open rural character of this part of the hamlet of Water End. There would be no harm to adjoining residential amenities and the proposal would provide satisfactory off-road parking, landscaping, private amenity provision and supporting facilities in accordance with Policies CS10, 11, 12, 13 and saved Policies 58, 99 and 100. There would be no harm to ecological interests subject to a further bat survey which is to be secured by condition. The site would encroach into the adjoining definitive footpath. However, the Countryside Access Officer has indicated no objection subject to a diversion order and provided the loss of public space is compensated for by the provision of a 2m surfaced path, to HCC RoW specification. This is to be secured by a Grampian style condition before any development commences on site. In view of the above the application is recommended for approval.

## **3. Site Description**

3.1 The application site comprises a large detached two storey dwelling located to the west of the Leighton Buzzard Road within the hamlet of Water End. It is accessed via the narrow Noake Mill Lane, part of which is a BOAT (Byway Open to All Traffic) and part of which is a public footpath (57). The site, which is located within the Metropolitan Green Belt, contains a large single storey outbuilding to the north-east of the house within its grounds and there is a large area of hardstanding immediately adjacent to this outbuilding and to the frontage. The outbuilding has been converted, for most of its area, into annexes for the applicant's children. The site backs onto open fields and there is a public right of way (footpath 57) adjacent to one side. The surrounding area is rural and comprises large detached houses of various styles and ages set within generous plots.

## **4. Proposal**

4.1 Permission is sought to demolish the large outbuilding and to construct two new semi-detached dwellings.

## **5. Relevant Planning History**

4/03264/16/FUL	RETENTION OF A SINGLE STOREY TIMBER BUILDING FOR USE AS AN ANIMAL SHELTER Refused 13/03/2017
4/03393/15/FUL	DEMOLITION OF EXISTING THREE DWELLINGS AND COMMERCIAL STORAGE UNIT. CONSTRUCTION OF THREE NEW COTTAGES WITH ASSOCIATED PARKING AND REAR GARDENS. Withdrawn 17/12/2015
4/00721/15/LDE	USE OF LAND AND BUILDINGS FOR B8 STORAGE PURPOSES. Refused 22/12/2015
4/00735/14/FUL	DEMOLITION OF EXISTING THREE DWELLINGS AND COMMERCIAL STORAGE UNIT COMPLEX AND CONSTRUCTION OF TWO THREE-BEDROOM DETACHED DWELLINGS WITH ASSOCIATED FORECOURT PARKING AND REAR GARDENS. Withdrawn 10/07/2014
4/02527/07/FUL	DEMOLITION OF EXISTING DWELLING AND OUTBUILDING AND REPLACEMENT DWELLING Granted 11/12/2007
4/01734/05/LDP	DETACHED GARAGE Granted 28/09/2005
4/01710/97/4	TWO STOREY SIDE EXTENSION Refused 23/07/1998
4/00268/16/ENA	APPEAL AGAINST ENFORCEMENT NOTICE - OUTBUILDINGS Dismissed 28/10/2016
4/00269/16/ENA	APPEAL AGAINST ENFORCEMENT NOTICE - SCAFFOLDING USE Dismissed 01/11/2016

## **6. Policies**

### **6.1 National Policy Guidance**

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

### **6.2 Adopted Core Strategy**

Policies NP1, CS5, 10, 11, 12, 13, 29, 31, 35.

Appendices 1, 3, 5 and 8

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

Policies 13, 58, 99, 100, 111, 113, 129

### 6.4 Supplementary Planning Guidance / Documents

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

### 6.5 Advice Notes and Appraisals

- Sustainable Development Advice Note (Dec 2016)
- Refuse Storage Guidance Note (Feb 2015)

## **7. Constraints**

- Right of Way
- 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**

The application follows pre-application advice and previous withdrawn schemes.

### Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on Green Belt
- Impact on street scene and character of area
- Impact on highway safety and footpaths
- Impact on residential amenity

### Policy and principle

9.2 The site is in the Metropolitan Green Belt in an open countryside location to the north of Hemel Hempstead wherein, under Policy CS5 of the Council's adopted Core Strategy (September 2013), there is a presumption against the construction of new buildings. Exceptions are however allowable in accordance with Para. 145 of the updated NPPF (National Planning Policy Framework) for certain categories of development.

9.3 The only category within which the proposal might be considered to fall would be for limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

9.4 The applicant has intimated that it also falls within Para. 145 (d) "*the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*". However, the existing building is considered to be an annex to the main residential use, and not a separate residential use in its own right, therefore change of use would be required and it follows that it cannot be in the same use.

#### Impact on Green Belt

9.5 The proposals comprise the replacement of the existing L shaped outbuilding with two semi-detached dwellings.

9.6 In accordance with NPPF, the acid test is whether the development would have a greater impact on the openness of the Green Belt than the existing development. Policy CS5 reflects this and also goes on to require that development should have no significant impact on the character and appearance of the countryside; and should support the rural economy and maintenance of the wider countryside.

9.7 The proposal would replace the existing large single storey outbuilding which extends to 234 sq metres of gross external footprint / floor area and comprises a volume of 822 cubic metres. The proposed new building would comprise two floors essentially contained within a single storey design to the frontage with lower single storey projections springing off the main range to the rear. It would comprise 165 sq metres of gross external floor area and a volume of 648 cubic metres. On the above basis, it is considered that the new build would prima facie have less impact on the openness of the Green Belt than the existing building to be demolished. Furthermore, whilst the proposed main ridge height would be slightly higher than existing by 0.8 metres (6.1 metres high overall), the new building would be significantly more compact than existing with the overall depth reduced from 24 metres to 13.5 metres. The depth of the main ridgeline would also be less than the existing main ridgeline by some 4.8 metres, albeit turned 90 degrees. Therefore, on balance, it is considered that there would be no greater impact, and indeed less impact, on the openness of the Green Belt than existing. The more compact form would also result in less encroachment on the Green Belt than existing, thereby complying with one of the five purposes served of the Green Belt. i.e. "*c) to assist in safeguarding the countryside from encroachment*".

9.8 With regards to the impact on the character and appearance of the countryside, it is considered that the proposal would be modest, well designed and, subject to samples / details by condition, would use materials sympathetic to a rural area.

9.9 With regards to supporting the rural economy and maintaining the wider countryside, this requirement of the Core Strategy is not strictly compliant with the NPPF. However, the proposal is likely to involve employment of local trades in its construction whilst the ongoing residential use would continue to support local services and facilities in the area.

9.10 The proposals would comply with Policy CS5.

9.11 A restriction on permitted development for extensions and outbuildings would be recommended in order to control the potential harm to the openness of the Green Belt.

#### Impact on street scene and character of area

9.12 Policies CS10, 11, 12 and 13 of the Core Strategy are overarching policies applicable to all development which seek a high quality of design in all development proposals.

9.13 The proposal is for a modest rectangular barn style building with low eaves and a well - proportioned 45° pitched roof. It would be subordinate in height to the existing dwelling 'Woodlands'. The building is positioned to the east side of the site and set back from the principal elevation of Woodlands but rotated slightly towards the north east to make best use of the irregular shape of the plot. A single storey projecting wing to the rear northern side of the building would contain open plan family accommodation with a Kitchen Diner opening directly out onto the garden space via bi-fold doors. Each dwelling would have a subordinate bay front window serving bedrooms which overlook the private driveways. Eight conservation style rooflights are proposed, the majority to the rear with only two on the frontage.

9.14 Materials would comprise a locally produced multi-stock facing brick to match that of other buildings within the vicinity. The main part of the building would have a brick plinth with natural vertical larch cladding above. The rear wing would be faced fully with brick. The roof would be finished with plain clay roof tiles. Fenestration would comprise painted or stained hardwood casements. Samples / details of materials would be recommended for approval by condition.

9.15 The building line would be set back in relation to that at Woodlands, allowing for off-street parking to the frontage comprising permeable bound gravel driveways together with a good opportunity for soft landscaping. Reasonable size rear gardens are proposed a minimum depth of 12.2 metres by some 11 metres wide, backing onto open fields. Hedge and tree planting is indicated.

9.16 The new building would be sited a minimum of 1 metre from the proposed timber boundary fence with the existing dwelling 'Woodlands', giving a total separation distance of approximately 3 metres to that property. A similar minimum 1 metre step-in from the public footpath on the other side would give a total separation from the existing dwelling 'Little Hill' of some 16.6 metres.

9.17 In street scene terms, the building would sit comfortably in relation to the surrounding rural context and the overall development is considered sympathetic to the countryside location in terms of its overall scale, height, design, materials, spacing and landscaping and would be considered to result in a visual improvement to the appearance of the existing outbuilding.

9.18 In view of the sensitive rural location adjacent to a public right of way, it would be expedient to remove permitted development for roof lights, dormers and solar panels that could undermine the settled barn-like appearance of the development.

9.19 Subject to details of materials, fenestration, eaves, joinery and landscaping, the proposal would comply with Policies CS10, 11, 12 and 13 of the Core Strategy.

### Impact on highway safety and footpaths

9.20 Parking provision should accord with the maximum parking standards as assessed against saved Policy 58 and Appendix 5 of the Borough Plan.

9.21 Parking provision, comprising informal hardstanding areas to the frontage, allowing tandem parking for each dwelling are considered sufficient for the use and acceptable for this rural location. The existing dwelling 'Woodlands' would lose off street car parking. However, there are 5 existing off-street parking bays opposite 'Woodlands' which that dwelling could use which are considered more than sufficient. There would be no material detriment to highway safety should there be any overspill parking and the Highway Authority have raised no objections to the proposal subject to conditions covering visibility, cycle parking and a construction logistics plan to ensure no impact on the public right of way. This part of Noake Mill Lane is not maintained by Hertfordshire County Council.

9.22 The Countryside Access Officer has advised that the public footpath will need to be diverted in order for this development to proceed as per the plans submitted given the site covers part of the definitive right of way. He has said that to offset the loss of public space, a 2m surfaced path, to HCC RoW specification, could be included in the conditions which would be subject to the diversion process being successful. The diversion would need to be secured via a Grampian style condition which the applicant has agreed.

9.23 Subject to the above, the proposal would comply with Policy CS12 and saved Policy 58.

### Impact on trees and landscaping

9.24 Whilst an existing Copper Beech tree within the frontage of Woodlands would be removed to enable the development to take place, two trees are proposed within the rear gardens of the development, and a further tree on the frontage which would help soften the development / car park and maintain the tree cover within the locality.

9.25 There are trees on the opposite side of the footpath, however, given their location and size, it is not considered that these would be adversely affected by the development.

9.26 Details of landscaping by condition are recommended.

9.27 The proposals would comply with Policy CS12 and 13 and saved Policies 99 and 100.

### Impact on residential amenities

9.28 There would be no harm to adjoining residential amenities. The nearest residential property is 'Little Hill' to the north east, separated by the public right of way. However, there would be no windows overlooking and the separation distance and height of the development is sufficient to ensure no loss of light / overbearing appearance.

9.29 The proposal would accord with Policy CS12.

### Sustainable Design and Construction



9.30 Any new development should be consistent with the principles of sustainable design as set out in Policies CS29, CS30 and CS31 of the Core Strategy.

9.31 A CS29 sustainability checklist has been submitted in accordance with Policy CS29. However, many of the answers to the questions are simply deferred to the tendering process or are said to be too small to make any difference or said to be not relevant. It is therefore unclear if the full sustainable development principles will be met. It is therefore recommended that a pre-commencement condition requiring completion of the checklist details be provided which has been agreed by the applicant.

9.32 Some further information on sustainable construction is set out in the DAS, viz: that the house has been designed to Lifetime Homes standards, and that rainwater discharge will be into soakaway cells with additional water butt collection provided at the rear of each dwelling which is acceptable. However, permeable car parking and hardstanding is said to be proposed in the form of bound gravel to the front and rear of the new dwellings, but if this is bound it is unclear how this will work. To reduce waste, clean building material resultant from demolition is said to be recycled on site where possible, which is welcome. The applicant has also said they are willing to consider photovoltaics to the south facing part of the roof provided it would not affect the buildings overall appearance causing a detrimental effect. However, as no details have been provided the impact of the appearance of the development cannot be assessed. As the south is effectively the frontage, it is difficult to see that the introduction of solar panels will cause anything but a detrimental effect to the development in this relatively sensitive countryside location. We would therefore recommend removal of Part 14 PD rights to enable control over this aspect which has been accepted by the applicant.

#### Protected Species

9.33 The development could potentially impact on bats, a European Protected Species, which could have roosts within the buildings to be demolished and/or trees. A bat survey has been carried out which found no bats or evidence of bats. However, features suitable for roosting were found. The bat survey therefore recommends further surveys and outlines acceptable worst case scenario mitigation/compensation measures. The Herts & Middx Wildlife Trust recommends a condition to ensure that outstanding surveys are conducted and that, if positive, the proposed mitigation is triggered.

#### Other considerations

9.34 The Hertfordshire Fire & Rescue Service seeks the provision of fire hydrants through a s106 agreement. However, a Grampian style condition is considered suitable and satisfactory to secure this.

9.35 Whilst noting the parish council objections on grounds of overdevelopment, it is not considered that there are any grounds to refuse the application in this respect.

The proposal is not considered to set any kind of precedent as each site is different and any application would be assessed on its merits.

9.36 Any permission granted would need to consider removal of permitted development for extensions, outbuildings and alterations in order to maintain control over the impact on the Green Belt and appearance of the development.

## 10. Conclusions

10.1 The proposed development would not harm the openness of the Green Belt and there would be no material harm to the rural character of this part of Water End. The proposal is not considered to be an overdevelopment of the site. The proposal is therefore recommended for approval.

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

### Conditions

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>No development other than demolition, site preparation, groundworks and footings shall take place until a sample panel at least 1 metre by 1 metre of the materials proposed to be used on the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. The panel shall include details of pointing and the finished colour of the timber cladding. The approved materials shall be used in the implementation of the development.</p> <p>Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area in accordance with saved Policy CS12 of the Dacorum Core Strategy September 2013.</p>
3	<p>All rainwater goods shall be finished black with a round profile and, notwithstanding any details submitted, no development other than demolition, site preparation, groundworks and footings shall take place until 1:20 details of the following (including materials and finished colour) shall have been submitted to and approved in writing by the local planning authority.</p> <p>Doors and windows Rooflights Eaves and other joinery Bin storage enclosure;</p> <p>Development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area in accordance with saved Policy CS12 of the Dacorum Core Strategy September 2013.</p>
4	<p>Development shall take place in accordance with the approved site plan PRJ/18/003/002 rev B and notwithstanding any details shown, no hard or soft landscaping of the site shall take place until full details of 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 where appropriate;  sustainable urban drainage measures;  proposed finished levels or contours;  minor artefacts and structures (e.g. signs, lighting etc);  proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);</p> <p>The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted.</p> <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 in accordance with saved Policies 99 and 100 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 and 13 of the Dacorum Core Strategy September 2013.</p>
5	<p>The development shall be carried out in accordance with the approved levels shown on Drg. No. PRJ/18/003/002 rev B.</p> <p>Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with Policies CS11, 12 and 13 of the Dacorum Core Strategy September 2013.</p>
6	<p>No development shall take place until an updated CS29 sustainability checklist shall have been submitted to and approved in writing by the local planning authority. The approved measures shall be provided before the development is first occupied.</p> <p>Reason: To ensure the sustainable development of the site in accordance with the aims of Policy CS29 of the Dacorum Core Strategy September 2013 and adopted Supplementary Planning Guidance. The details are required before commencement of development as if they are deferred until after the development has begun, the design will already have been agreed and finalised, and the materials potentially ordered and used, thereby undermining the control of the local planning authority in respect of achieving a sustainable form of development and potentially increasing costs and delays for the applicant if they have to be changed.</p>
7	<p>No development shall take place until evidence has been submitted to show that a diversion order for public footpath 57 has been approved and that a 2 metre wide surfaced path, to Hertfordshire County Council's Rights of Way specification, has been agreed and implemented in respect of the length of</p>

	<p>footpath as indicated on Drg. No. PRJ/18/003/002 rev B.</p> <p>Reason: To ensure that the footpath diversion is in place and that the full site area is available before any part of the development is commenced and, if approved, to offset the loss of public space as a result in accordance with Policies CS12 and CS26 of the Dacorum Core Strategy September 2013.</p>
8	<p>No development shall take place until a Construction Logistics Plan has been submitted to and approved in writing by the local planning authority in consultation with the Highway Authority.</p> <p>Reason: To minimise the impact of construction works upon highway safety and to show how deliveries, weight and size of HGVs will negotiate what is a narrow access lane in the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy September 2013. The details are required before commencement of development to ensure that a plan is in place and approved before traffic movements in connection with demolition works takes place.</p>
9	<p>No demolition or roof stripping shall take place unless the local planning authority has been provided with:</p> <p>a) an updated survey based on the methodology contained in the recommendations in the approved ecological report (Cherryfield ecology 19/04/2018)</p> <p>b) if bats or their roosts are found, a copy of the licence issued by [the relevant licensing body] pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead.</p> <p>All required compensatory measures must be fully installed before first occupation of the development and the measures thereafter retained.</p> <p>Reason: To ensure that appropriate provision is made for the protection of bats in accordance with Policies of the Development Plan and EU Directives.</p>
10	<p>The development shall not be occupied until a scheme has been submitted to and approved in writing by the local planning authority for the provision of a fire hydrant(s) to serve the development and the approved scheme of fire hydrant(s) has been installed.</p> <p>Reason: In the interests of the safety of the occupants of the development.</p>
11	<p>Visibility splays of not less than 2.4 m x 25 m shall be provided to each side of the accesses where they meet the highway before any part of the development hereby permitted is first brought into use, and they shall thereafter be maintained, in both directions from the crossover, within which there shall be no obstruction to visibility between a height of 0.6 m and 2.0 m above the carriageway.</p> <p>Reason: In the interests of highway safety in accordance with Policy CS12 of the Dacorum Core Strategy September 2013 and saved Policy 54 of the Dacorum Borough local Plan 1991-2011.</p>
12	<p>The development shall not be occupied until the car parking areas have been laid out, constructed and surfaced. The car parking and turning areas so</p>



	<p><b>INFORMATIVE:</b></p> <p>The Byway Open to All Traffic BOAT Great Gaddesden 058 as shown on the Definitive Map of Public Rights of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement &amp; concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges. If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works. <a href="https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx#DynamicJumpMenuManager_1_Anchor_8">https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx#DynamicJumpMenuManager_1_Anchor_8</a></p>
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## Appendix A

### Consultation responses

Great Gaddesden Parish Council 41 CHRISTCHURCH ROAD	09/07/2018	This application for the replacement of an agricultural building with two dwellings is in a charming rural setting and is overdevelopment on the edge of The Chilterns Area of Outstanding Natural Beauty & will be a blight on Noake Mill Lane.
HCC - Dacorum Network Area HERTS COUNTY COUNCIL	23/07/2018	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: 4/01519/18/FUL   DEMOLITION OF EXISTING AGRICULTURAL BARN AND CONSTRUCTION OF TWO ONE AND A

		<p>HALF STOREY THREE BED SEMI-DETACHED DWELLINGS.   WOODLANDS, NOAKE MILL LANE, WATER END, HEMEL HEMPSTEAD, HP1 3BB</p> <p>1. The development shall not commence until the details of the type, design of at least one cycle parking space per dwelling, lighting and access lock to the cycle stores have been submitted to and approved in writing by the Local Planning Authority and HCC Highways. Cycle parking should be weather resistant and secure. The approved details shall thereafter be installed and permanently retained for cycle parking. Reason: To ensure the provision of cycle parking spaces in line with the adopted standards.</p> <p>2. Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4m by 25m shall be provided to each side of the accesses where they meet the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway. Reason: In the interests of highway safety.</p> <p>3. No development shall commence until a Construction Logistics Plan has been submitted to and approved in writing by the local planning authority and the Highway Authority. Reason: To minimise the impact of construction works upon highway safety and to show how deliveries, weight and size of HGVs will negotiate what is a narrow access lane. Informative: AN*) The Byway Open to All Traffic BOAT Great Gaddesden 058 as shown on the Definitive Map of Public Rights of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement &amp; concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the</p>
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		<p>Highway or Highway verges. If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works.</p> <p><a href="https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx#DynamicJumpMenuManager_1_Ancor_8">https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx#DynamicJumpMenuManager_1_Ancor_8</a></p> <p>HCC Highways provided comments on the similar application on this site in 2014 (4/00735/14/FUL).</p> <p><b>Sustainability</b></p> <p>Secure cycle parking will be required to meet Policy 7 (Active Travel-cycling) of the LTP4. The proposals show cycle parking located in the rear gardens of the properties. It will be accessible via side footpaths. The details of the design of the cycle stores are however missing and should be secured by a planning condition to ensure it is of high quality to meet the HCC's ambition for cycle uptake in the county.</p> <p>The submitted plan shows a new 'public footpath' running along the side of the dwelling. HCC Highways approached the Dacorum access officer (Clayton Rea) for comment and we understand that the acceptability of the design of this footpath is being looked at separately by the officer.</p> <p><b>Road ownership status</b></p> <p>The status of this section of Noake Mill Lane, where Woodlands has access off does not form part of the adopted public highway.</p> <p><b>Visibility from the access</b></p> <p>There is an existing hedge which obstructs visibility in the west direction from the drives. A condition should be imposed to ensure that the hedge is cut back and visibility splays of 2.4 by 25m in both directions from the private drives are maintained at all times to comply with</p>
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		<p>Roads in Hertfordshire, Section 4, 2.3.</p> <p><b>Parking</b>  The submitted plan shows two off street parking spaces for each dwelling, which meets the standards contained in the Dacorum Local Plan. The Applicant clarifies that there are four existing car parking spaces on the development site and four spaces as proposed (2 per new dwelling). There are also five existing car parking spaces opposite the development site that serve the woodlands house. Therefore, there is no loss of parking with this application.</p> <p><b>Construction Logistics Plan</b>  The section of road from the Leighton Buzzard Road is maintained by the local authority as a Byway Open to All Traffic BOAT Great Gaddesden 058 as shown on the Definitive Map of Public Rights of Way. Therefore the applicant will need to consider submitting a construction logistics plan showing how deliveries, weight and size of HGVs will negotiate what is a narrow access lane. The Applicant should be made aware that there is a very good example in the form of a guidance and template available on the tfl website (<a href="http://content.tfl.gov.uk/construction-logistics-plan-guidance-for-developers.pdf">http://content.tfl.gov.uk/construction-logistics-plan-guidance-for-developers.pdf</a>) which can be used to produce a robust CLP. Although developed by TfL this is now commonly used across the UK. This can be scaled down to the size of the proposed works and can be secured via a planning condition. Conclusions: HCC Highways raise no objection to the proposals subject imposing the planning conditions and an informative as set out above.</p>
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HERTS PROPERTY SERVICES HERTS COUNTY COUNCIL	02/07/2018	<p>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.</p>
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DBC - RIGHTS OF	20/07/2018	This site is crossed by Great Gaddesden
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WAY		<p>public footpath 57.</p> <p>The public footpath will need to be diverted in order for this development to proceed as per the plans submitted.</p> <p>The current legal extent of the footpath varies from a width of 2.4 m at the southern end of the applicants land to 9m at the northern end. An area of 240m<sup>2</sup> . The widths given on the plans of 3.5m at the &amp; 6m at the front and rear respectively, give an area of 207m<sup>2</sup> .</p> <p>To offset any loss of public space perhaps a 2m surfaced path, to HCC RoW specification, could be included in the conditions. This would be subject to the diversion process being successful.</p>
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HFRS	25/06/2018	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
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		<p>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.</p> <p>Section 106 planning obligation clauses can be provided on request.</p> <p>Justification</p> <p>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:  <a href="http://www.hertsdirect.org/planningobligationstoolkit">www.hertsdirect.org/planningobligationstoolkit</a></p> <p>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'.</p> <p>In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:</p> <p>(i) Necessary to make the development acceptable in planning terms.</p> <p>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</p>
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		<p>11/95: Use of conditions in planning permission, paragraph 83).</p> <p>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).</p> <p>(ii) Directly related to the development;</p> <p>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.</p> <p>(iii) Fairly and reasonable related in scale and kind to the development.</p> <p>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.</p> <p>I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.</p>
Herts and Middx Wildlife Trust, Grebe House	28/06/2018	<p>The submitted bat survey recommends further surveys and outlines acceptable worst case scenario mitigation/compensation measures. The following condition adapted from BS 42020 should be attached to the decision to ensure that outstanding surveys are conducted and that, if positive, the proposed mitigation is triggered.</p>

		<p>The following works (demolition or roof stripping) shall not in any circumstances commence unless the local planning authority has been provided with:</p> <p>a) an updated survey based on the methodology contained in the recommendations in the approved ecological report (Cherryfield ecology 19/04/2018)</p> <p>b) if bats or their roosts are found, a licence issued by [the relevant licensing body] pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead.</p> <p>All required compensatory measures must be fully installed before occupation and retained thereafter.</p>
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**Consultees: not responded**

DBC - BUILDING CONTROL		
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THREE VALLEYS WATER PLC (AFFINITY WATER) AFFINITY WATER		
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THAMES WATER UTILITIES DEVELOPMENT CONTROL		
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DBC - TREES & WOODLANDS - CLEAN SAFE AND GREEN		
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**Appendix B**

**Neighbour notification/site notice responses**

**Objections**

Gaddesden Hall	07/08/2018	In response to whether Para 145, exception (g) of the NPPF applies to this proposal, my
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		<p>interpretation is as follows:</p> <p>Limited infilling: this is not 'limited infilling'. This proposal covers practically the whole width of the allocated land and even spreads out onto the public footpath. There is even a little land grab at the back of the property (Site and Block Plans - top right-hand side corner of dwelling 2B plot: the boundary line should be straight but instead seems to avoid the trunk of a tree that does not even exist yet). This proposal is more like 'outfilling' than 'infilling'...</p> <p>Partial or complete redevelopment of previously developed land. This description of 'previously developed land' surely should relate to a main building, not a nearby outbuilding. In this particular case, no changes (partial or complete) are proposed to the main house and therefore, this exception should not apply. As for the 'impact on the openness of the Green Belt', the land at Woodlands has already been subject to significant changes in a calculated attempt to eventually develop the land without any consideration about Green Belt openness. This proposed development has actually already caused harm. Approval would corroborate that it is worthwhile for landowners to play the system. It does not seem right that their efforts should be rewarded.</p> <p>Weight should also be given to the applicant's previous planning and enforcement history. In this particular case, approval would give the applicant immunity against current enforcement actions.</p> <p>Approval would also create a precedent. The applicant's next step could be to demolish the main dwellinghouse and build at its place a row of similar-style attached houses, in keeping with the style of this proposal.</p> <p>Increased traffic with the use of the outbuilding as dwelling has already brought safety issues particularly with the lack of lane maintenance (untrimmed hedges and overgrown vegetation are providing very poor visibility). A neighbour (name withheld) was recently walking her dog, on a lead, when it was nearly hit by a passing vehicle. The driver did not see her in the mirror (located at the bend) and there was little space</p>
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		for her to move out of the way. I myself had a very close encounter this week with another vehicle on that same bend. Luckily, I was driving slowly and our cars only just missed each other.
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**Supporting**

None

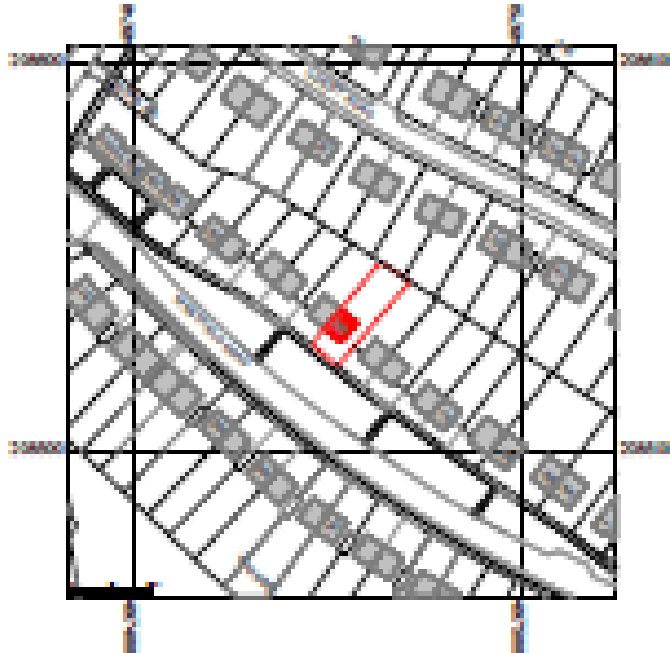
**Commenting**

None

# Agenda Item 5h

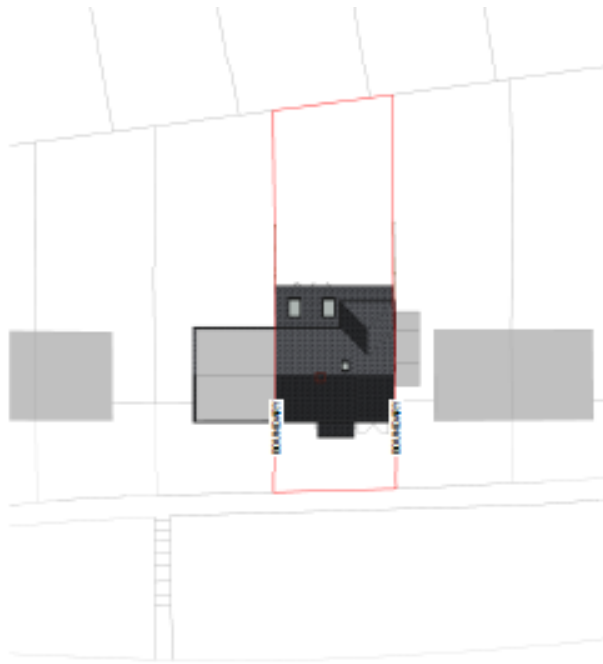
5h 4/01559/18/FHA TWO STOREY SIDE EXTENSION AND PART SINGLE, PART TWO STOREY REAR EXTENSION WITH REAR ROOFLIGHT AND FRONT PORCH

80 WESTFIELD ROAD, BERKHAMSTED, HP4 3PW



OS MAP  
INCORPORATING AN  
1:25000 MAP





WESTFIELD ROAD

Block Plan  
SCALE: 1:200 @ A1  
1:400 @ A3

<b>4/01559/18/FHA</b>	<b>TWO STOREY SIDE EXTENSION AND PART SINGLE, PART TWO STOREY REAR EXTENSION WITH REAR ROOFLIGHT AND FRONT PORCH</b>
<b>Site Address</b>	<b>80 WESTFIELD ROAD, BERKHAMSTED, HP4 3PW</b>
<b>Applicant</b>	<b>Mr B Greene, 80 Westfield Road</b>
<b>Case Officer</b>	<b>Briony Curtain</b>
<b>Referral to Committee</b>	<b>Objection from Berkhamsted Town Council</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**

## **2. Summary**

2.1 The application site is located in a residential area of Berkhamsted wherein extensions are acceptable in accordance with Policy CS4 of the Core Strategy 2013. The size, scale and design of the extensions respect the existing building and would successfully integrate into the existing streetscape. There are other examples of very similar extensions in the immediate vicinity. Given their size, position and orientation the extensions would not cause significant harm to the residential amenities of adjacent properties. The proposal complies with Policies CS4, CS8, CS11, and CS12.

## **3. Site Description**

3.1 The site comprises a two-storey semi-detached dwelling which falls within the BCA16 (Durrants) Character Area. In common with the adjacent properties in this part of the road, the property sits at a lower level than the highway with a grassed bank in front. The spacing between each pair of houses is fairly generous in this part of the road, with each property having a brick built storage shed / outbuilding to the side. However the wider street scene is fairly dense and less open, with a variety of housing types and sizes, many of which extend across the full width of plots at two storey level.

3.2 Several properties in the immediate vicinity (most noticeably No.s 72 & 74) have undertaken similar two storey side extensions to the boundaries.

## **4. Proposal**

4.1 Planning permission is sought for the construction of a two storey side/rear extension and a single storey rear extension.

The proposal has been amended during the course of the application, the two storey rear projection has been reduced from 3m to 2m and a hipped roof, has replaced the originally proposed gable.

## **5. Relevant Planning History**

None.

## **6. Policies**

## 6.1 National Policy Guidance

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

## 6.2 Adopted Core Strategy (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**

- 15.2M AIR DIR LIMIT
- HALTON DOTTED BLACK
- 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
- Impact on character and appearance of existing dwelling house / street scene
- Impact on residential amenities of adjoining properties
- Impact on Highway Safety
- Other

### Policy and Principle

9.2 The application site is located in the built up area of Berkhamsted, wherein the principle of residential extension is acceptable subject to compliance with the relevant national and local policies outlined below. The main issues in the consideration of this application relate to the impact of the proposed extension on the character and appearance of the existing dwelling house, immediate street scene and residential

amenity of neighbouring properties.

#### Impact on existing dwelling house / Street Scene

9.3 There would be no adverse effects and no objection has been received from the Town Council in relation to the visual appearance of the proposed extensions.

9.4 The extensions would reflect the design, roof form, and overall appearance of the existing building and would be finished in materials to match. The two storey side element of the proposal would result in the loss of all of the spacing between the property and the side boundary, and this impact would be compounded if the adjacent property No. 78 were to similarly extend. However, the loss of this spacing would not have a significant detrimental impact on the character and appearance of the street scene. It would reflect similar existing developments in the area, and, being set at a lower level than the highway, would not represent a prominent or visually intrusive feature.

9.5 The rear extensions would not be readily visible from the street scene. Given the reduced spacing to the side boundary, there would be limited glimpses of the two storey rear extension, however, given its minimal rear projection at only 2m, it would not appear incongruous or intrusive. The single storey rear extensions would not be visible and as such would not alter the overall appearance of the wider area.

9.6 Overall the impact on the street scene is considered acceptable, the proposals would intergrate into the streetscape character and thus accord with Policy CS12 of the Dacorum Core Strategy 2013.

#### Effect on amenity of Neighbours

9.7 The impact of the development would largely be confined to the immediate neighbouring properties of No.s 78 and 82 Westfield Road. The proposal is not considered to have a significant adverse impact on their residential amenity in terms of light, privacy or visual intrusion and thus complies with Policy CS12 (c) in this regard.

9.8 To the east, No. 78 itself is set away from the common boundary and separated from the application site by its own sheds and outbuildings. The two storey rear element of the proposal has been amended during the course of the application to reduce its visual impact and has been limited to 2m deep as opposed to the 3m originally proposed. In addition a hipped roof to reduce the mass and bulk at roof level has been introduced. The extensions would be visible but would not breach a 45 degree angle of light from the nearest rear facing windows, and would not appear unduly prominent or oppressive. There would be no significant loss of light.

9.9 To the west there would be a limited impact on the amenities of No. 82 which is the other half of the semi-detached dwelling. The single storey rear extension would abut the common boundary and would, as the Town Council note, breach a 45 degree line from the rear facing ground floor windows. However, it should be noted that the extension does not breach the 45 degree rule in the vertical plane. Given the orientation, there would be a minimal loss of light in the morning. However, the extension is not excessive in height or depth and as acceptable amount of light would still reach the rear fenestration of No. 82. Moreover, it is important to note that a 3m deep extension identical to that proposed could be constructed in this exact position

without the need for planning permission. This is a material consideration that should be afforded significant weight. The two storey element would clearly be visible from the immediate garden area but given its limited 2m projection and the fact it is set almost 5m from the common boundary it would not appear intrusive to a degree that it would harm residential amenity.

Impact on Highway Safety

9.10 The extension would result in the creation of one additional bedroom. In accordance with saved Appendix 5 of the DBLP, three bedroomed properties give rise to a maximum standard of 2.25 parking spaces. However, it is important to note that there is no vehicular access to the existing property and no-off street parking provision for the current two bedroomed property. The additional parking demand arising from the creation of one additional bedroom is unlikely to be significant and, although on-street parking pressure in the area is high, a refusal solely on parking deficit could not be sustained, especially given the relatively sustainable location of the site and the lack of existing parking. In addition it is important to note that other similar proposals have recently been supported.

Response to Neighbour comments

9.11 These points have been addressed above.

Community Infrastructure Levy

9.12 Policy CS35 requires all development to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. This application is not CIL liable due to resulting in less than 100sqm of additional floor area.

**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>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>A100 Rev A  A101 Rev A  A102 Rev A  A103 Rev A  A104 Rev A  A105 Rev A</p>

	A106 Rev A  Reason: For the avoidance of doubt and in the interests of proper planning.
3	The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing building.  Reason: To ensure a satisfactory appearance to the development.  Article 35 Statement  Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

## Appendix A

### Consultation responses

#### Berkhamsted Town Council

Original Plans;

Objection. Loss of light to adjacent property and the 45-degree rule is infringed from the ground floor windows. Appendix 7 (v)

Amended Plans;

#### Objection

The infringement of the 45<sup>o</sup> rule from the ground floor windows remains an issue. Appendix 7 (c)

## Appendix B

### Neighbour notification/site notice responses

#### Objections

Address	Comments
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78 Westfield Rd; object  
In the autumn months we will be losing light in the hall way kitchen bathroom and top half of the garden we put in to. Darker shadow in the day time

#### 82 Westfield Rd - Object

From the plans proposed the rear extension will extend 3 metres into the rear garden, we feel this will diminish the amount of sunlight available to the 3 metre stretch of our garden, from early to mid morning daily.

Our property 82 Westfield Roads back garden is north east facing and the sun rises in the east, moving clockwise throughout the morning. We already lose much light from large trees at bottom of our garden and gardens of 80 & 78 Westfield Road. We have taken photos of the suns position during these times and are happy to provide them. Also we think that we will lose light inside the main living area at rear of house. Light is already lost from the front of house due to large trees and the house being lower than the road.

During construction we are worried about parking as there are only 2 parking bays in front of the properties, where would a skip go and materials be left as parking is already at a premium, so many people have on average 2 cars per household.

#### Amended Plans;

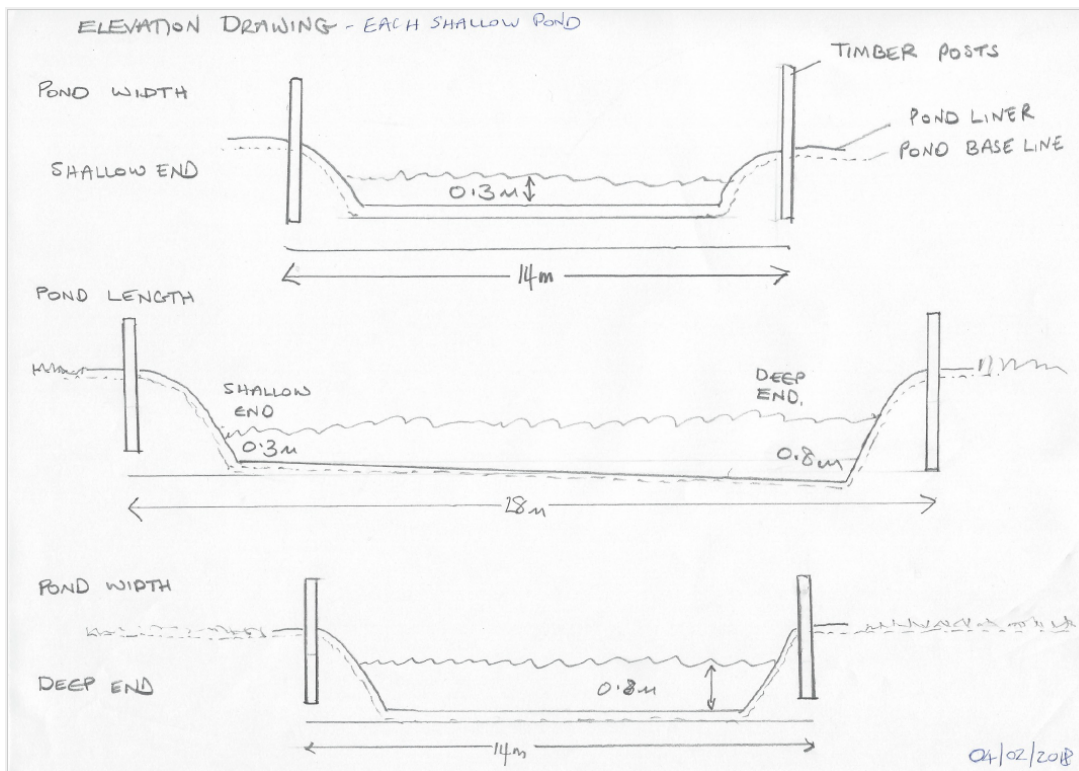
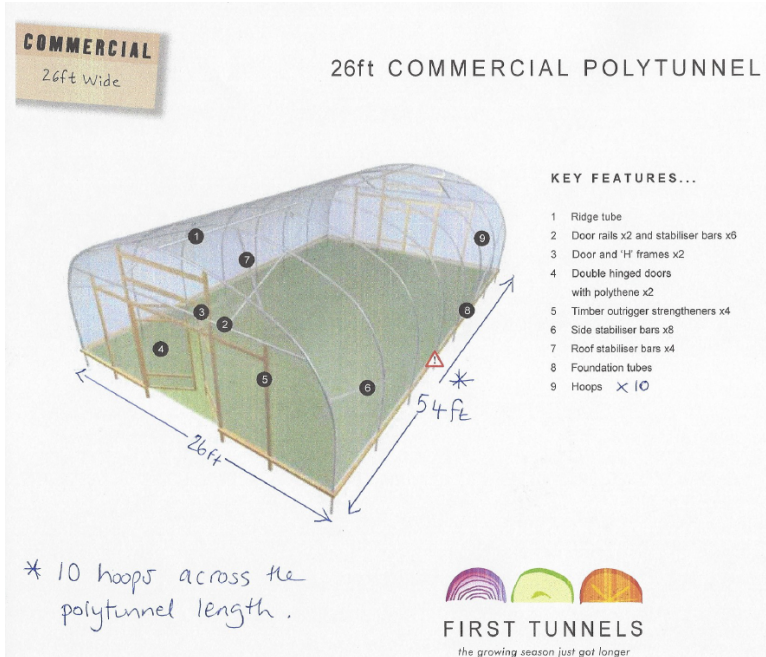
#### 82 Westfield Road - Object

We have looked at the plans and the only thing that we can see thats changed is the top floor extension has been decreased from 3m to 2m but ground floor is still 3m. Which means we will still lose light from our rear (dining room window) and our view to the right will be a solid brick wall.

# Agenda Item 5i

5i 4/01599/18/FUL Change in use of site to comprise a mix use fishbreeding enterprise and residential premise with the construction of one polytunnel and 4 shallow ponds and retention of 1 drainage pond, 1 polytunnel, 2 shallow ponds, existing shed and stable building

SHANTOCK COTTAGE, SHANTOCK LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0NG





<b>4/01599/18/FUL</b>	<b>Change in use of site to comprise a mix use fishbreeding enterprise and residential premise with the construction of one polytunnel and 4 shallow ponds and retention of 1 drainage pond, 1 polytunnel, 2 shallow ponds, existing shed and stable building</b>
<b>Site Address</b>	<b>SHANTOCK COTTAGE, SHANTOCK LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0NG</b>
<b>Applicant</b>	<b>Mr Byer, Shantock Cottage</b>
<b>Case Officer</b>	<b>Rachel Marber</b>
<b>Referral to Committee</b>	<b>Contrary views of Bovington Parish Council</b>

## **1. Recommendation**

1 That planning permission be **GRANTED**

## **2. Summary**

2.1 The change in use of site to comprise a mix use fishbreeding enterprise and residential premise with the construction of one polytunnel and 4 shallow ponds and retention of 1 drainage pond, 1 polytunnel, 2 shallow ponds, existing shed and stable building is considered to result in moderate harm to the openness of the Green Belt, which by definition constitutes inappropriate development. A case of very special circumstances has been outlined and balanced against the harm to the Green Belt. It is considered that the very special circumstances outlined are sufficient to clearly outweigh the harm caused to the Green Belt. As such, the proposal is considered acceptable development in the Green Belt in accordance with Policy CS5 of the Core Strategy (2013) and the NPPF (2018). The proposal would also not adversely impact upon the visual amenity of the immediate street scene or surrounding countryside, the residential amenity of neighbouring residents or highway safety in accordance with Saved Appendices 3 and 5, Policies 57 and 58 of the Dacorum Local Plan (2004) and Policies CS8, CS11, CS12, CS14, CS26, CS29 and CS31 of the Core Strategy (2013).

## **3. Site Description**

3.1 The application site is located on the southern side of Shantock Lane and comprises a detached house set in an extensive plot that also contains a polytunnel and two existing shallow ponds which are in use in connection with a fishing enterprise to breed koi carp to sell. The surrounding area is rural in character and lies within the Metropolitan Green Belt.

## **4. Proposal**

4.1 The application seeks a mixed use on the site as an individual residential dwelling and fish rearing business.

4.2 The proposal seeks permission to retain the following existing elements of the business:

- 1 drainage pond;
- 1 polytunnel;

- 2 shallow ponds;
- Shed; and
- Stable building

4.3 The proposal also seeks permission to expand the business by constructing the following additional elements:

- 1 polytunnel; and
- 4 shallow ponds

4.4 As the existing ponds and poly tunnel comprised approximately 10% of the garden area of the house they were deemed incidental to the use of the property as a residential premises and did not require separate planning consent. However, as it is now sought to expand and improve the business it is no longer deemed incidental and permission is required for all structures, existing and proposed.

4.5 The new ponds, like the existing, would be created by pushing the top few inches of topsoil out from the centre of the area, to create a bank and then the ponds would be lined and filled. No soil would be removed from the site.

4.6 Together with the existing ponds, the proposed area occupied by the koi business would be in the region of 75% of the garden area.

4.7 The shallow ponds are required for the rearing of hatchlings until they grow into fry at around 1 inch in size. At that size, they are harvested and moved into the polytunnels. A selection process identifies the best quality fry, which represent around 5% to 10% of the harvest; these are grown on in the tanks in the polytunnels and the remaining fish are held as stock and sold.

4.8 The two polytunnels are required for the selected hatchlings. The polytunnels house ponds for breeding and growing of the fish in warm water recirculation tanks and filtration systems. The polytunnels provide a warmer water environment, providing a prolonged growing season and faster growth; whilst also allowing natural sunlight through which is important in developing strong colours and a healthy immune system in the koi carp.

## 5. Relevant History

4/00944/94/OUT DETACHED DWELLING AND GARAGE (OUTLINE)  
Refused  
13/09/1994

4/00280/92/4 FIRST FLOOR SIDE EXTENSION  
Granted  
22/04/1992

## **6. Policies**

### 6.1 National Policy Guidance (2018)

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

## 6.2 Adopted Core Strategy – (2013)

CS5 – Selected Small Villages in the Green Belt  
CS8 - Sustainable Transport  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS14 – Economic Development  
CS26 - Green Infrastructure  
CS29 - Sustainable Design and Construction  
CS31 – Water Management

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

57 - Provision and Management of Parking  
58 – Private parking provision  
Appendix 3 - Layout and Design of Residential Areas  
Appendix 5 – Parking Provision

## **7. Constraints**

The Green Belt  
Special Control for Advertisement

## **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 within the Green Belt
- Impact on Street Scene
- Impact on Residential Amenity
- Impact on Highway Safety
- Balancing Exercise and Very Special Circumstances
- Community Infrastructure Levy

### Principle of Development within the Green Belt

9.2 The application site is located within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open;

the essential characteristics of Green Belts are their openness and their permanence. 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 special circumstances can be demonstrated which would outweigh this harm.

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

### *Appropriateness*

9.4 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). Therefore, the most relevant paragraph of the NPPF in regards to Green Belt land is Paragraph 145. This states that the construction of new buildings in the Green Belt should be regarded as inappropriate development, other than in a number of exceptions. These include facilities for outdoor sport, outdoor recreation and for cemeteries, burial grounds and allotments, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, and the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use.

9.5 Policy CS5 of the Dacorum Borough Council Core Strategy (2013) confirms, amongst other things, that the Council will apply national Green Belt policy to protect the openness and character of the Green Belt. It also indicates that small-scale development will be permitted subject to a number of criteria, including buildings for the uses defined as appropriate in national policy, and the redevelopment of previously developed sites subject to the effect on the character and appearance of the countryside, the rural economy and maintenance of the wider countryside.

9.6 The proposal for a fish breeding enterprise would not comprise buildings for agriculture or forestry as the 'end product' of the fish enterprise proposed would not be for consumption, fur, wool, skins etc and would not represent 'working of the land'. Therefore, the proposal would not fall within the definition of agriculture as set out in the Act (1990). The proposed works would also not comprise outdoor sport facilities, an extension or alteration to an existing building, replacement building, limited infilling in a village or affordable housing. The proposal would however constitute limited infilling or the partial or complete redevelopment of previously developed land, which is considered acceptable in the Green Belt provided the proposal would not have a greater impact on the openness of the Green Belt.

9.7 Annexe 2 of the NPPF confirms that the definition of previously developed land extends to garden land provided it is not within a built up area. The application site includes the curtilage of the residential dwelling and is located within a rural environment with sporadic neighbouring built form, and therefore the proposal falls within the definition of previously developed land.

9.8 It is important to note that paragraph 146 of the NPPF (2018) also clarifies that other forms of development are not inappropriate in the Green Belt provided they preserve the

openness and do not conflict with the purposes of including land within it, these include engineering operations and material changes in the use of land.

### *Openness*

9.9 The application site comprises a detached dwellinghouse situated on a large plot. Views into the site from Shantock Lane are limited during the summer due to heavy boundary vegetation surrounding the site. There are no Public Rights of Way in close proximity to the site and therefore the proposal would have limited impact to the visual sense of openness.

9.10 The proposed development would comprise the retention of two existing ponds, one drainage pond and construction of four additional shallow ponds. This would total 6 ponds used for fish breeding. Although this is a large number of ponds which would cover the majority of the site it is considered that these would result in limited 'other harm' to the Green Belt as the ponds would maintain openness and have little visual impact to surroundings due to having no above ground structure. As such, this element of the proposal is considered to have limited detrimental effect on openness.

9.11 Turning to the two proposed polytunnels, this would comprise structures of approximately 8 meters wide, 16 meters deep and 3.5 metres high. These structure would be translucent and of temporary character and appearance expected of the rural environment. These two structures will be located closest to the dwellinghouse and site access, concentrating the high level of built form to one area within the site. Due to the design and location of the two polytunnels it is considered that their impact on the openness of the Green Belt would have a modest negative effect.

9.12 The shed and lean-to structures are low-level and domestic in nature and have been sited behind the polytunnels, by the heavy boundary foliage separating the application site to neighbouring property, Shantock Lodge. Furthermore, it is considered that these structures were lawful at time of construction due to being outbuildings associated with the residential property. Nonetheless, as they are now used in association with the fishing enterprise they are assessed as part of the proposed development. By virtue of the siting and design and small-scale nature these structures are considered to have neutral effect on openness.

9.13 It is understood that use of the site as a fish breeding business would increase the physical sense of openness by way of site intensification in the form of visitors, vehicle movements and deliveries. Deliveries to the site will be no more than once a day for four days a week. Visitors to the site would be by private appointment and would result in a maximum of 3 visitors a week. Only two staff members who occupy the residential premises would run the business and thereby operate the site. It is therefore considered that the site intensification by way of operation as a business would result in marginal impact to the surrounding area and thereby neutral impact in terms of openness to the Green Belt.

9.14 Taking all the elements of the proposed development together, the proposed polytunnels, 6 shallow ponds and associated structures would result in modest harm to the green belt. Whilst this overall harm identified would be modest, on the basis that the fundamental aim of Green Belt policy is to keep land permanently open, the harm to openness would result in the proposal forming inappropriate development in the Green Belt. The proposal would therefore conflict with paragraph 145 of the revised Framework

and a case of very special circumstances will need to be put forward to outweigh this harm.

9.15 The special circumstance and balancing exercise is outlined within the last section of this report.

#### Impact on Street Scene

9.16 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.

9.17 The site is well screened to the north and east by a belt of trees which restricts views into the site from Shantock Lane. Additionally, due to the flat nature of the site the proposed development would be well screened from wider viewpoints. As such, the impact to the visual amenity of the immediate area would be negligible.

9.18 The proposed polytunnels structures would be of temporary design and of a character and appearance expected of a rural business operation. The ponds would not be overtly visible until standing immediately adjacent to them. The proposed site would remain as garden land and therefore soft landscaping in the form of garden beds would be retained. This would soften the appearance of the development further and successfully blend the two site uses of residential home and business operation.

9.19 In sum, the change of use of the garden land into a mix use residential and fishing enterprise with associated polytunnels and shallow pond excavation is not considered to be visible from the street scene or wider countryside footpaths. The nature and appearance of the site would be that expected for a rural enterprise and is therefore considered to relatively blend into the immediate rural environment.

#### Effect on Neighbours

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

9.21 The closest neighbours to the application site are Shantock Lodge (located approximately 30 metres away), Shantock Hill (located 90s meters away) and Chilterns Farm (10 meters away, but in agricultural use). Due to these separation distances in conjunction with site boundary treatment, it is not considered that the proposed structures would result in a loss of outlook, daylight or privacy to neighbouring residents.

9.22 The level of activity expected on the site is low due to only one van load of exports from the site occurring once per day, two members of staff (who occupy the residential premise) would work on the site full time and customers would visit the site at most 3 times a week in peak periods, and by appointment only. Therefore, it is not considered that the resultant level of activity from the site will be well in excess of what is expected from a normal domestic residence. For this reason, the proposal is not considered to

result in significantly further noise and disturbance to neighbouring residents. A condition has been attached to the recommendation ensuring deliveries to and from the site occur only once per day during normal working hours. This condition will ensure the LPA retain control of the site and safeguard against further site intensification which may give rise to further noise and disturbance to neighbouring residents.

9.23 Thus, the proposal is considered acceptable in terms of residential amenity.

#### Impact on Highways Safety and Parking Provision

9.24 Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 39 of the NPPF (2012) states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Policies CS8 of the Core Strategy (2013) and Saved Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

9.25 The DBC parking standards do not provide maximum parking provision guidance for the proposed sui-generis use of the site.

9.26 The application would utilise the existing site access and parking arrangement of the residential premise. This is considered acceptable given the low level trip generation expected from the development, which would on average result in 3.75 additional trips a week. The existing driveway has capacity to accommodate at least four domestic cars which is considered sufficient to meet this additional requirement.

9.27 Therefore, the proposed development is unlikely to result in significant impact to the safety and operation of adjacent highway. Thus, the proposal meets the requirements of Policies CS8 and CS12 of the Core Strategy (2013) and Saved Appendix 5 of the Local Plan (2004).

#### Balancing Exercise and Very Special Circumstances

9.28 The proposal would result in harm to the openness of the Green Belt and therefore would constitute inappropriate development in the Green Belt. Paragraph 144 of the revised Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

9.29 The considerations put forward in favour of the proposal would be:

- The site cannot be seen from public vantage.
- Aquaculture business which supports the rural economy.
- Site providing habitat for biodiversity.

9.30 The fish breeding business and associated proposed structures would not be visible from the public realm and therefore there is no perceived impact to openness of the Green Belt. Case Law has confirmed that the harm to openness can be off-set by

limited site visibility. Although the limited visibility of the development can reduce the degree of harm to the openness of the Green Belt it can never completely remove the harm since a development that is wholly invisible to the eye remains, by definition, adverse to openness. For this reason, this special circumstance is afforded moderate weight.

9.31 The proposed fish enterprise is a rural business which supports the rural economy, this is supported through both local and national policy. Paragraph 83 of the NPPF (2018) outlines that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas and the development and diversification of agricultural and other land-based rural businesses. This is also supported by Council's Core Strategy which has a strategic objective of supporting rural enterprise. Specifically, Policy CS5 of the Core Strategy supports development in the Green Belt provided it has no significant impact on the character and appearance of the countryside; and supports the rural economy and maintenance of the wider countryside. Policy CS14 of the Core Strategy also outlines development that supports the rural economy and sustainable tourism, will be particularly encouraged. In short, there is strong local and national policy emphasis on supporting rural business and for this reason this consideration is given significant weight.

9.32 The biodiversity benefits of the scheme have been outlined as providing a water source which can attract insects and birds to the site such as, dragonflies damsel flies, moorhens, ducks and grey wagtail. National policy places great weight on the importance of improving biodiversity, with paragraphs 8 and 175 encouraging and promoted developments which help to enhance biodiversity. Policy CS26 of the Core Strategy also requires development and management action to contribute towards the conservation and restoration of habitats and species and the strengthening of biodiversity corridors; this special circumstance is afforded moderate weight as the LPA are aware of other, smaller domestic ponds within the immediate area.

9.33 The proposed development would constitute inappropriate development in the Green Belt and would lead to modest harm in respect to openness. Cumulatively, the other considerations put forward in favour of the proposed development have significant weight and clearly outweigh the totality of moderate harm identified to the Green Belt. Consequently, the very special circumstances necessary to justify the proposed development exist. Therefore, the proposed development would accord with the aims of Policy CS5 of the Core Strategy (2013) and the NPPF (2018).

#### Community Infrastructure Levy

9.34 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 change in use of the site to comprise a mixed use fishbreeding enterprise



and residential premises with the construction of one polytunnel and 4 shallow ponds and retention of 1 drainage pond, 1 polytunnel, 2 shallow ponds, existing shed and stable building is considered to result in moderate harm to the openness of the Green Belt, which by definition constitutes inappropriate development. A case of very special circumstances has been outlined and balanced against the harm to the Green Belt. It is considered that the very special circumstances outlined are sufficient to clearly outweigh the harm caused to the Green Belt. As such, the proposal is considered appropriate development in the Green Belt in accordance with Policy CS5 of the Core Strategy (2013) and the NPPF (2018). The proposal would also not adversely impact upon the visual amenity of immediate street scene or surrounding countryside, the residential amenity of neighbouring residents or highway safety in accordance with Saved Appendices 3 and 5 and Policies 57 and 58 of the Dacorum Local Plan (2004) and Policies CS8, CS11, CS12, CS14, CS26, CS29 and CS31 of the Core Strategy (2013).CS8, CS11, CS12, CS14, CS26, CS29 and CS31 of the Core Strategy (2013).

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

No	Condition
1	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>Supporting statement 24th June 2018  Detailed plan, showing existing site and proposed developments  26ft commercial polytunnel  Elevation drawing- each shallow pond 4th February 2018  Location plan showing existing and proposed structures  Location plan showing only proposed structures</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
2	<p>No deliveries shall be taken at or despatched from the site outside the hours of 9:00am to 17:30pm on Mondays to Saturdays, nor at any time on Sundays, Bank or Public Holidays.</p> <p>Reason: In the interests of the amenities of the occupants of neighbouring dwellings; in accordance with Policy CS12 of the Core Strategy (2013).</p>
3	<p>Customers of the fish breeding enterprise will only be allowed on site on Mondays to Saturdays during the hours of 9:00am to 17:30pm and by private appointment only.</p> <p>Reason: In the interests of the amenities of the occupants of neighbouring dwellings; in accordance with Policy CS12 of the Core Strategy (2013).</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</p>

41) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.
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**Appendix 1**

**Neighbour notification/site notice responses**

**Objections**

<b>Address</b>	<b>Comments</b>
P O BOX 700,ST ALBANS,,,AL2 3WB	Please see the objection letter which has been emailed to the Case Officer on behalf of the owner of Shantock Lodge.
SHANTOCK HALL,SHANTOCK LANE,BOVINGDON,HE MEL HEMPSTEAD,HP3 0NG	<p>My property (Shantock Hall) is directly adjacent to the site of the proposed development (I did not however receive a notice of the application). The size of the proposed development seems disproportionate to the site. It is likely to lead to considerable short term and potentially long term disruption (e.g. noise, additional traffic, waste/smells, etc). The existing polytunnels are clearly visible from my property in winter when the leaves have fallen: they are an eyesore. The fact that the applicant is applying for retrospective permission for the second tunnel suggests he may introduce a third or fourth tunnel without permission. If two tunnels are needed for two ponds, how many are needed for six ponds? The original ponds and polytunnel were acceptable when the fish were a hobby but the size of the project suggests a change in the use of the land which does not seem appropriate for the Green Belt.</p> <p>The application proposes the 'addition' of four ponds, creation of pond walls for the purposes of breeding and keeping Koi Carp and the retention of a second polytunnel.</p> <p>I understand from the planning history of the site that the excavation and creation of the existing ponds and the erection of a polytunnel at the site were not considered to comprise development that required express planning permission on the basis that the use was a hobby incidental to the enjoyment of the dwellinghouse.</p> <p>Regardless of the history and the merits of previous enforcement decisions relating to the use of the site there can be little doubt that the scale and nature of operations now at the site and proposed in this application result in</p>

	<p>a material change of use of the site either to:</p> <ul style="list-style-type: none"><li>• a mixed use as a dwellinghouse and fish breeding business with associated operational development comprising the excavation of four ponds and the retention of two polytunnels and three existing ponds and the other associated buildings and structures or</li><li>• the creation of a separate planning unit and a material change of use to fish breeding business with associated operational development comprising the excavation of four ponds and the retention of two polytunnels and three existing ponds and the other associated buildings and structures.</li></ul> <p>This position is recognised by the applicant in his Supporting Statement dated 24 June 2018, wherein he states that the enterprise 'started as a hobby in 2012/13' and:</p> <p>'[...] over the last 5 years we have developed it into a profitable enterprise [...] we are now a CEFAS ... approved aquaculture business with customers from all over the UK. [...] We are proud that the enterprise we have developed out of our hobby is now supporting the economy of our local area.'</p> <p>The activity at site is no longer a hobby incidental to the dwellinghouse (if, on the basis of the applicant's admission in the above extract of his Supporting Statement, it every was) but comprises a material use of itself as a fish breeding business.</p> <p>It is not possible to consider the proposed operational development devoid of a resolution in respect of the actual use of the land. Accordingly, the application needs to be withdrawn (or refused) and a new application submitted to reconcile the use of the land and the related operational development.</p> <p>The application also needs to define what areas of the land are used for what purposes including what the actual use of the polytunnels is and where the two full time employees can park, where they work from, where the office for the business is located and deliveries and visitors park and access the site from the highway.</p> <p>In addition, there appear to be buildings or structures on the land not accounted for in the current application,</p>
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including structures along the boundary with Shantock Lodge that appear to be used in conjunction with the existing business operation from the site.

A clear understanding of the scale of the existing business and all its facets is required as well as a better understanding of the implications of the expansion of the business so that its impact can be properly assessed.

The information submitted in support of this application is unsatisfactory in terms of providing an accurate basis for assessing the application. The elevation drawing showing the cross sections through the ponds is not to scale and is open to broad interpretation and the size of the ponds and polytunnels shown on the proposed block plan do not accord with the written dimensions. In order to properly assess the proposals in terms of excavation and impact it would be essential to first have an existing site survey so the implications of any local level undulations and changes are considered.

The application is not in a format that enables proper consideration of the merits or harm arising from the proposed development and as such it should either be invalidated, withdrawn or refused permission.

#### The Ponds

The description of development indicates that the proposed development comprises the 'addition' of four ponds.

This description does not properly describe the form of development. It would appear from the cross sections that the ponds are to be created by way of excavation. However, no information is provided in terms of how the excavated materials are to be disposed of, or what land remodelling will occur elsewhere on site to accommodate the excavated materials.

The four ponds proposed have an area of 1568m<sup>2</sup>, this is a very extensive surface area, indeed the total area of all the ponds on the site broadly account for half the entire site area. The depth of water in each of the four proposed ponds ranges from 0.3 – 0.8 metres. However, each pond appears to have an excavated depth of 1.2 – 1.5 metres (see the 'elevation drawings') and is further excavated by circa 150mm to provide for a pond 'base line' and liner. Accordingly, the volume of excavated material is significant. If we conservatively assume an average depth of excavation of 1.3 metres then over 2000 cubic metres of excavated material will be created

by these operations to create 4 ponds alone. The application does not explain how the 2000m<sup>3</sup> of excavated material is to be accommodated on site or to where it is proposed to be transported and how it will be disposed of. These volumes of material assume the site is completely level and each pond is excavated in accordance with the very limited cross-section information provided; the volume of material could be considerably greater.

In light of the very limited site area that would be available post excavation of the ponds, should the proposal comprise regrading of the none excavated land this could have very significant implications for local land form and relative levels. Again, no information is provided to allow any assessment to be made.

It is not possible to properly assess the application without this essential information. However, the operational development comprising excavation and formation of ponds through these engineering operations will have profound impacts on the openness of the application site and its appearance.

The works proposed would lead to a loss of openness (after Turner<sup>1</sup>) and harm to the purposes of including land in the Green Belt by way of encroachment of development into the countryside. In addition, the proposal would fail to recognise (and will harm) the intrinsic character and beauty of the countryside as part of the Green Belt. Therefore the proposals comprise inappropriate development in the Green Belt and as such substantial weight should be given to this harm in accordance with the Framework paragraph 882.

In this context this element of the operational development, if it were possible to properly assess at this stage, would be contrary to the provisions of Policy CP1 and CP11 of the adopted Three Rivers Core Strategy 2011.

#### The Polytunnel

The application purports to include the polytunnel as a failsafe and opines that it does not comprise development that requires planning permission. However, there is no indication why this element of the proposal would not require express planning permission. Given its use as part of a Koi Carp breeding business and the fact that it would appear to be located outside of the curtilage of the dwellinghouse it would not appear to comprise permitted development and nor would it not be

development. Indeed given the use of the existing polytunnel it is clear that it also required express planning permission.

The polytunnel comprises a building and it is permanent and not temporary; thus it requires express planning permission as it is not exempted from control by any class of permitted development<sup>3</sup>.

No explanation is given within the application as to the exact nature of the use of the polytunnel and how it relates to the business. No understanding is provided of the relationship of ponds to tunnels and whether the excavation of 4 more ponds will create yet further need for more polytunnels or buildings at the site (given two existing ponds have led to the need for 2 polytunnels).

The erection of new buildings within the Green Belt comprises inappropriate development<sup>4</sup> and would lead to a loss of openness and harm to the purposes of the Green Belt (i.e. by way of encroachment of development into the countryside)<sup>5</sup>, in addition the proposal would fail to recognise, and would harm, the intrinsic character and beauty of the countryside as part of the Green Belt.

Therefore, the proposals are inappropriate development in the Green Belt and as such substantial weight should be given to this harm in accordance with the Framework.

In this context this element of the proposed operational development, if it were possible to assess at this stage, would be contrary to the provisions of Policy CP1 and CP11 of the adopted Core Strategy and Policy DM2 of the adopted Development Management Policies LDD adopted July 2013.

#### Conclusion

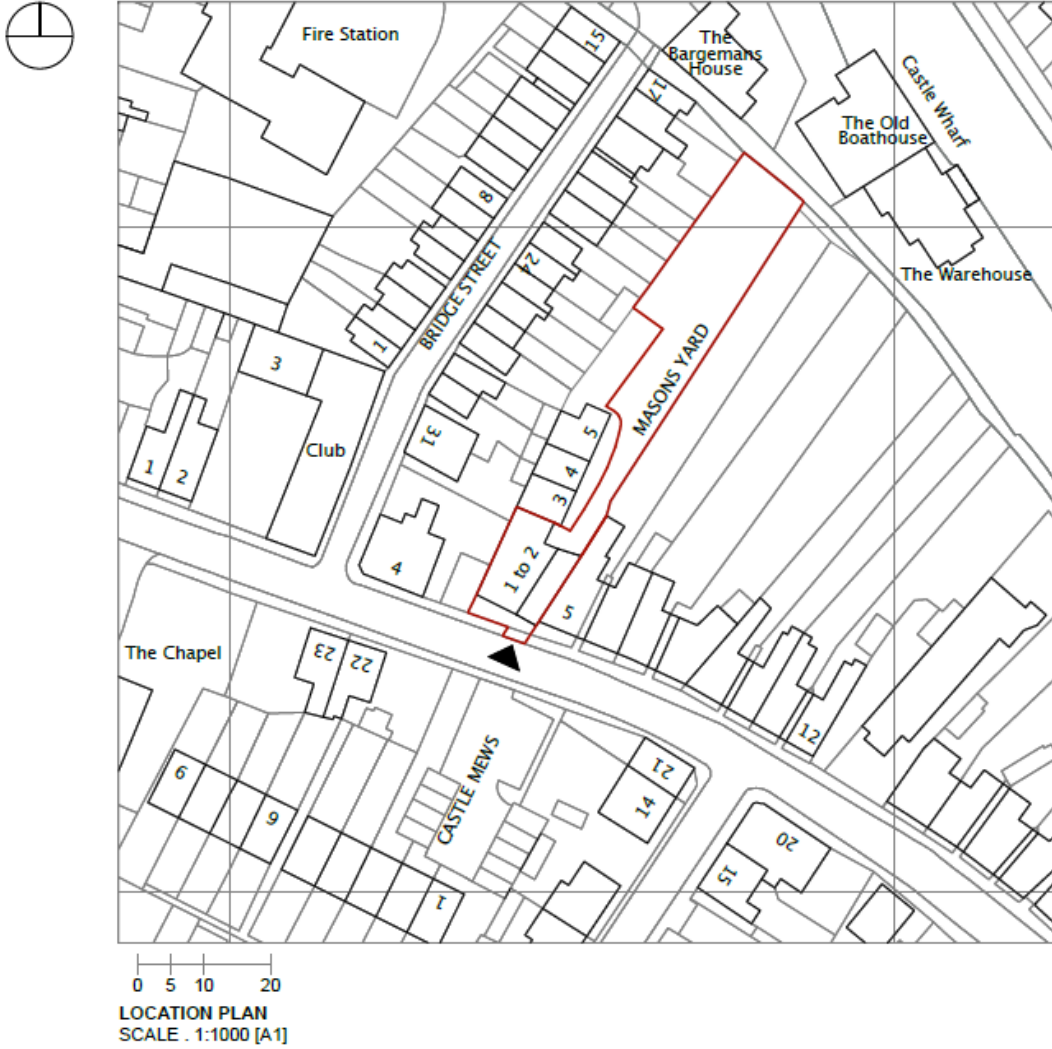
The application cannot properly be assessed at this stage as a material change of use of the land is inherent with these proposals and significant information is missing from the application to enable proper consideration.

The operational development proposed is inappropriate in the Green Belt and would also lead to a loss of openness, encroachment and would fail to recognise the intrinsic character and beauty of the countryside. This harm attracts substantial weight and no material considerations have been demonstrated that would clearly outweigh such harm by way of inappropriateness and the other harm such that very special circumstances have been demonstrated.

	Accordingly, if the application is to be determined permission should be refused.
BOVINGDON PARISH COUNCIL	Proposed change of use is inappropriate in the Green Belt. The objections raised at our Planning Committee meeting held on 18 July 2018 still stand.

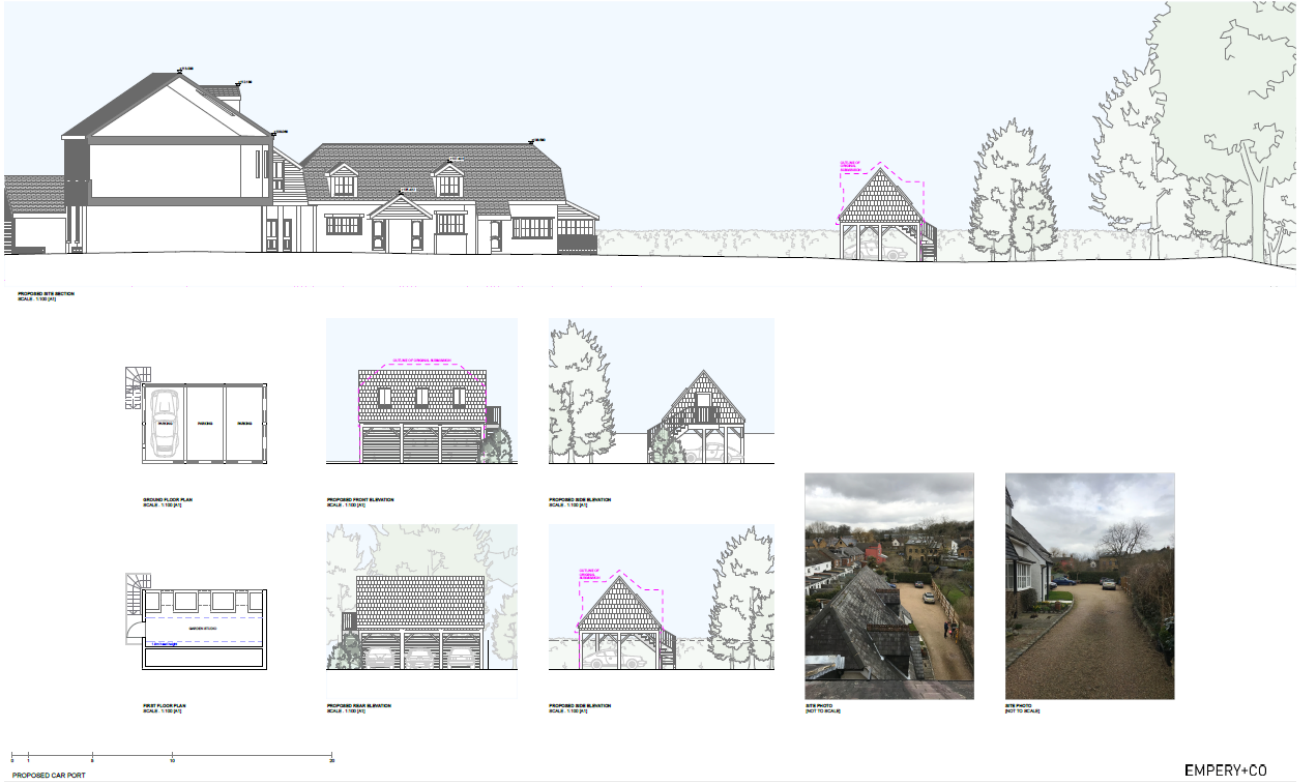
# Agenda Item 5j

5j 4/01635/18/FHA CAR PORT WITH GARDEN STUDIO ABOVE  
THE HOIST, 2 MASONS YARD, CHAPEL STREET, BERKHAMSTED, HP4 2EA





5j 4/01635/18/FHA CAR PORT WITH GARDEN STUDIO ABOVE  
 THE HOIST, 2 MASONS YARD, CHAPEL STREET, BERKHAMSTED, HP4 2EA





<b>4/01635/18/FHA</b>	<b>CAR PORT WITH GARDEN STUDIO ABOVE</b>
<b>Site Address</b>	<b>THE HOIST, 2 MASONS YARD, CHAPEL STREET, BERKHAMSTED, HP4 2EA</b>
<b>Applicant</b>	<b>Mrs Cossins, The Hoist</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 That planning permission be **GRANTED**

## 2. Summary

2.1 The proposed car port with first floor studio through size, position and design would not adversely impact upon the visual amenity of the existing locally listed buildings, immediate street scene, conservation area, or the residential amenity of neighbouring residents. The proposal is therefore in accordance with Saved Appendices 3, 5 and 7 and Policies 57, 58, 99, 100, 118, 119 and 120 of the Dacorum Local Plan (2004), Policies CS4, CS8, CS11, CS12, CS27 and CS31 of the Core Strategy (2013) and the NPPF (2018).

## 3. Site Description

3.1 The application site is located on Masons Yard, accessed via the north side of Chapel Street. The site comprises locally listed terraced, loft styled dwellings which fall within the designated Berkhamsted Conservation Area.

3.2 The application site was an old warehouse which was converted into a residential unit in 1992 (4/00158/92/FUL). This planning permission included the construction of three additional dwellings. Masons Yard is accessed through the carriage way at the right end of the front range.

## 4. Proposal

4.1 The application seeks permission for a three bay car port with studio above.

4.2 The proposal would also result in the demolition of two sheds and trees.

## 5. Relevant History

4/00480/16/FHA ROOF ALTERATIONS TO ACCOMMODATE DISABLED ACCESS LIFT AND BALCONY  
Granted  
10/05/2016

4/00158/92/FUL CONVERT WAREHOUSE TO FORM 2 RESIDENTIAL UNITS & ERECTION OF THREE DWELLINGS (REVISED SCHEME)  
Granted  
14/05/1992

4/01417/91/4 CONVERT WAREHOUSE TO 2 RESIDENTIAL UNITS, DEMOLITION OF

	OUTBUILDINGS,ERECT 3 DWELLINGS & ALTERATIONS TO ACCESS Granted 19/12/1991
4/01418/91/4	DEMOLITION OF OUTBUILDING Granted 26/11/1991
4/01480/90/4	CHANGE OF USE FROM STONEMASONS YARD TO OFFICES (USE CLASS B1), ALTERATIONS, EXTENSIONS & CAR PARKING Granted 10/01/1991
4/02101/89/4	CONTINUED USE OF PREMISES FOR MONUMENTAL MASONS YARD Granted 05/04/1990

## **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 – Selected Small Villages in the Green Belt  
CS8 - Sustainable Transport  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS27 - Quality of the Historic Environment  
CS31 – Water Management

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

57 - Provision and Management of Parking  
58 - Private Parking Provision  
99- Preservation of trees, hedgerows and woodlands  
100- Tree and Woodland Planting  
118 - Important Archaeological Remains  
120 - Development in Conservation Areas  
Appendix 3 - Layout and Design of Residential Areas  
Appendix 5 – Parking Provision  
Appendix 7 - Small-scale House Extensions

### **6.4 Supplementary Planning Guidance / Documents**

Old Mill (BCA4) Berkhamsted Residential Character Area (2004).

## **7. Constraints**

- Residential Area of Berkhamsted
- Adjacent to Locally Listed Buildings
- Area of Archaeological Significance

- Berkhamsted Conservation Area

## **8. Representations**

### Consultation responses

8.1 These are reproduced in full at Appendix A

### Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B

## **9. Considerations**

### Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on Street Scene and conservation area
- Impact on Residential Amenity
- Impact on Trees and Landscaping
- Impact on Highway Safety
- Archaeology
- Flood Risk
- Consultation Responses
- Community Infrastructure Levy

### Policy and Principle

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, conservation area and residential amenity of neighbouring properties.

### Effect on Appearance of Local Listed Building and Conservation Area

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.

9.4 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 Policy 120 of the Local Plan (2004) seek to preserve the setting and distinctiveness of heritage assets.

9.5 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.

9.6 The properties at Nos. 1-5 Masons Yard are locally listed due to the following reasons:

- Architectural Significance: *“Nos. 1,2,3,4 & 5 Masons Yard consists of a tall 2 storey late C19th range fronting Chapel Street and a rear range converted in 1990s to residential use, extending to rear left side and accessed through carriage way at right end of front range.”*

- Local Historic Interest: *“Chapel Street is composed principally of elegant, modest late C19th semi-detached or terraced housing, but punctuated by individual exceptions which are reminders of Berkhamsted’s industrial heritage.”*

9.7 The proposed car port would not be overtly visible from the street scene of Chapel Street or Bridge Street or the wider conservation area, as such the impact to the visual amenity of the immediate area would be negligible.

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

- In principle a car port may be acceptable however it seems particularly bulky at roof level due to the mansard roof form and is approximately 6 metres high, a more modest scale outbuilding would be more appropriate.
- Views of the structure would be limited within the street scene although it will be partly visible when looking from Chapel Street down Masons Yard.
- Consideration should also be given to the possibility of future applications of this type from neighbouring properties on Masons Yard and any cumulative impact.

9.9 The proposed plans have been amended to reduce both the bulk and scale of the proposed car port by removing the proposed dormer windows, changing the mansard roof with that of a simple pitch and reducing the height of the proposed development by 0.5 metres. These amendments overcome the concerns raised by the conservation officer whom provided the following amended comments:

*“The application plans have been amended with the roof form simplified to a gable roof with the ridge height lowered slightly and the roof dormers omitted. This has resulted in a garage building of reduced bulk and a more traditional design and form, the proposal is now considered to preserve the character and appearance of the Berkhamsted Conservation Area.”*

9.10 Moreover, it is not considered that the proposal would detriment the character and appearance of the existing locally listed buildings due to being of marginal scale and clearly subordinate in relation to the dwellings at Masons Yard. Material detail has been recommended by way of condition.

9.11 Consideration to the potential cumulative impact of such an application will be considered in the assessment of the further application, should a similar application come forward. A refusal of this application cannot be substantiated on the basis that an application for further car ports may, or may not, come forward in the future.

9.12 Therefore, it is considered that the proposal would not have an adverse impact upon the historic and architectural features of the properties at Masons yard and would preserve the character and appearance of the Berkhamsted conservation area and wider street scene.

#### Impact on Residential Amenity

9.13 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.

9.14 The proposed car port would be located 20 metres approximately away from the rear elevations of properties on Bridge Street. In addition to this separation distance the car park structure would only be 5 metres in depth, reducing the prominence of the structure to neighbouring residents further. It is important to note that Dacorum does not have any side to rear policy separation distance standards.

9.15 The proposed car port would also be located 15 – 30 metres approximately away from side/rear elevation of properties at Masons Yard which is also considered acceptable.

9.16 No flank elevation windows are proposed on the car port structure and as a result no loss of privacy to neighbouring residents would result. The proposed car park has been amended to omit the dormer windows and rear platform in order to reduce overlooking and loss of privacy to neighbouring residents at Masons Yard and Bridge Street.

9.17 The proposed car port would accommodate a single room garden studio at first floor. A condition has been recommended ensuring that the structure remains in ancillary use to the parent property.

9.18 In sum, the proposed extension work would not detrimentally impact the residential amenity of neighbouring properties, beyond existing site circumstance.

#### Impact on Trees and Landscaping

9.19 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.

9.20 An arboricultural report has been submitted alongside the planning application. This highlights tree protective fencing to be erected around retained trees in order to prevent damage during construction. Trees T6 and T8 would be removed as a result of the proposal however, these are B and C classification due to being small scale and of low amenity value to the conservation area. A TCA application will be required to fell these trees, notification of this has been added by way of informative.

#### Impact on Highway Safety

9.21 Policy CS12 of the Core Strategy (2013) seeks to ensure developments have sufficient parking provision. Paragraph 39 of the NPPF (2012) states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Policies CS8 of the Core Strategy (2013) and Saved Policies 57, 58 and Appendix 5 of the Local Plan (2004) promote an assessment based upon maximum parking standards.

9.22 The proposed car port would be located on the three existing parking spaces serving number 2. These parking spaces would be retained as part of the proposed development therefore the proposal will not impact upon available parking provision or highway safety.

### Archaeology

9.23 Saved Policy 118 requires that the County Archaeological Group will be consulted on all planning applications affecting areas of archaeological significance and archaeological potential. Hertfordshire Archaeology were consulted on the proposed application and confirmed that the development is unlikely to have a significant impact on heritage assets of archaeological interest.

### Flood Risk

9.24 Policy CS31 of the Core Strategy (2013) seeks to minimise the risk of flooding. With regard to the nature of the development and as the application site is not within Flood Zones 2 or 3 it is not considered that the proposal would be susceptible to flooding or increase the overall risk of flooding in the area. The application site is located in close proximity to Flood Zones 2 and 3 as a result of being in close proximity to both the River Bulbourne and Grand Union Canal. As such, the relevant consultees (Canal and River Trust and NATS Safeguarding Team) were notified and raised no objection to the proposed development.

### Consultation Responses

9.25 *Loss of light/ overshadowing to properties at Bridge Street* – This has been addressed within the residential amenity section above. Due to approximate 20 metre separation distance of the car port structure to the rear elevations of the properties on Bridge Street it is not considered that the proposal would result in a loss of daylight and sunlight to neighbouring habitable rooms. It is acknowledged that a marginal loss of light may result in the early hours of the morning, to the very rear garden of properties at Bridge Street as a result of the proposal however, this would be in no way significant to warrant a refusal of the application.

9.26 *Loss of privacy*- This is addressed within the residential amenity section above. A temporary loss of privacy would result for the short period that the staircase is utilised to access the studio room.

9.27 *Loss of outlook to residents on Bridge Street*- This is addressed within residential amenity section.



9.28 *Visually out of character with conservation area and locally listed buildings*- this has been addressed within the visual amenity section above and the application has been subject to consultation from the DBC conservation officer who has raised no objection.

9.29 *Use of space in the future*- A condition restricting the use of the structure for purposes ancillary to the main property has been recommended. This condition is to provide for avoidance of doubt and to clarify the use permitted under this application. A planning application will be required in the future if this use was to be changed.

9.30 *Noise and disturbance*- It is not considered that an internal garden studio will result in significant noise and disturbance given the nature of use and built up residential surrounds.

9.31 *Removal of trees*- This has been addressed within the Impact on Trees and Landscaping Section above.

9.32 *Requirement for studio space and car port* – The assessment of need and requirement is not a key planning material consideration.

Community Infrastructure Levy

9.33 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 car port with first floor studio through size, position and design would not adversely impact upon the visual amenity of the existing locally listed buildings, immediate street scene, conservation area, or the residential amenity of neighbouring residents. The proposal is therefore in accordance with Saved Appendices 3, 5 and 7 and Policies 57, 58, 99, 100, 118, 119 and 120 of the Dacorum Local Plan (2004), Policies CS4, CS8, CS11, CS12, CS27 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

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>PA01 01 PA01 02.B Arboricultural Impact Assessment &amp; Method Statement 14th June 2018 DS/20318/AC Design &amp; Access Statement with Planning and Heritage Statement</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 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.</p> <p>Reason: In the interests of the visual amenities of the Conservation Area; in accordance with Policies CS12 and CS27 of the Core Strategy (2013).</p> <p>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>
4	<p>The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Hoist, 2 Masons Yard.</p> <p>Reason: To ensure that the car port structure is not severed from the main dwelling to provide a self-contained dwelling unit, since this would be out of character with the area, and contrary to the provisions of policy CS4, CS11, CS12 and CS27 of the Core Strategy (2013).</p>
5	<p>In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 from the date of the occupation of the building for its permitted use.</p> <p>(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 1989 Recommendations for Tree Work.</p> <p>(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.</p> <p>(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes</p>

<p>of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area; in accordance with Saved Policies 99 and 100 of the Local Plan (2004).</p> <p>Informative</p> <p>Any tree works will require a tree application to be submitted, including the felling of trees outline within this application.</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 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**

#### NATS LTD Safeguarding Team

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

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

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

## Canal and River Trust

### **No Comment**

## Herts Archaeology

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.

## DBC conservation

The application site is located on Masons Yard which is accessed through a carriageway on Chapel Street. The site falls within the designated Berkhamsted Conservation Area.

Nos. 1-5 Mason's Yard are also designated as Locally Listed Buildings due to the following reasons:

- Architectural Significance: *"Nos. 1,2,3,4 & 5 Masons Yard consists of a tall 2 storey late C19th range fronting Chapel Street and a rear range converted in 1990s to residential use, extending to rear left side and accessed through carriage way at right end of front range."*
- Local Historic Interest: *"Chapel Street is composed principally of elegant, modest late C19th semi-detached or terraced housing, but punctuated by individual exceptions which are reminders of Berkhamsted's industrial heritage."*

Saved appendix 7 of the Dacorum Local Plan (1991), policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area, adjacent properties and existing dwelling house in terms of scale, massing, materials, layout, bulk and height. Policies CS27 of the Core Strategy (2013) and saved policy 120 of the Dacorum Local Plan (1991) reinforce this, in addition to stating that great weight should be given to the conservation of designated heritage assets in considering the impact of proposed developments within a Conservation Area.

The application proposes a car port with garden room above – essentially an open-sided garage with accommodation in the roof, with two very different dormer styles – traditional gabled dormers to the 'rear' (facing Chapel Street) and contemporary style glazed dormer / window to the front along with a balcony area and external stairs.

It is not clear from the application whether the site of the proposed car port is owned by the applicant. It would be useful to see a plan showing the parking arrangements for Masons Yard / a plan clarifying ownership – the Design and Access statement (page 4) only refers to 'a large gravel area situated in the middle of the site which serves as parking for all dwellings on site.' There is a communal garden area beyond this.

In principle a car port may be acceptable however it seems particularly bulky at roof level due to the mansard roof form and is approximately 6 metres high, a more modest scale outbuilding would be more appropriate. Views of the structure would be limited within the street scene although it will be partly visible when looking from Chapel Street down Masons Yard. None the less good design and development of appropriate scale is important in this Conservation Area location. Consideration should also be given to the possibility of future applications of this type from neighbouring properties on Masons Yard and any cumulative impact.

### Amended Comments

The application site is located on Masons Yard which is accessed through a carriageway on Chapel Street. The site falls within the designated Berkhamsted Conservation Area.

Nos. 1-5 Mason's Yard are also designated as Locally Listed Buildings due to the following reasons:

- Architectural Significance: "Nos. 1,2,3,4 & 5 Masons Yard consists of a tall 2 storey late C19th range fronting Chapel Street and a rear range converted in 1990s to residential use, extending to rear left side and accessed through carriage way at right end of front range."
- Local Historic Interest: "Chapel Street is composed principally of elegant, modest late C19th semi-detached or terraced housing, but punctuated by individual exceptions which are reminders of Berkhamsted's industrial heritage."

Saved appendix 7 of the Dacorum Local Plan (1991), policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area, adjacent properties and existing dwelling house in terms of scale, massing, materials, layout, bulk and height. Policies CS27 of the Core Strategy (2013) and saved policy 120 of the Dacorum Local Plan (1991) reinforce this, in addition to stating that great weight should be given to the conservation of designated heritage assets in considering the impact of proposed developments within a Conservation Area.

The application plans have been amended with the roof form simplified to a gable roof with the ridge height lowered slightly and the roof dormers omitted. This has resulted in a garage building of reduced bulk and a more traditional design and form, the proposal is now considered to preserve the character and appearance of the Berkhamsted Conservation Area. The application refers to clay tiles to the roof and clay tile hanging with timber doors which seems appropriate. The roof lights should be of a conservation style and sit flush with the roof slope.

The application proposes the removal of tree T8, a box elder. It is a semi-mature tree and in fair condition according to the arboricultural report. T6 is also due to be felled.

There are a number of other trees within the garden area to the rear of the Masons Yard site.

Trees, either singly or in groups are generally considered to contribute positively to the character and appearance of the Conservation Area and this is the case within this site.

The majority of the trees within the site are due to be retained and only the removal of tree T8 and tree T6 proposed which are adjacent to the parking area and on the site of the area proposed for the new garage / garden building.

Whilst the retention of trees is always to be encouraged the loss of T8 and T6 is not considered to detract from the character or appearance of the Berkhamsted Conservation Area.

Berkhamsted Town Council

### **Objection**

The proposed development, in view of its size and bulk, would cause significant loss of amenity in terms of privacy to surrounding neighbours. The structure's design is out of keeping with the Conservation Area.

### **Appendix B**

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

#### **Objections**

<b>Address</b>	<b>Comments</b>
30 BRIDGE STREET, BERKHAMSTEAD, HP4 2EB	<p>30 Bridge Street</p> <p>Objection (as summarised)</p> <p>Ample space to accommodate an ancillary building/studio in application site without need to be two storeys.</p> <p>The two storey building would infill and alter the landscape character</p> <p>Loss of light/over-shadowing as a result of the proposal.</p> <p>Masons Yard is 400mm above our garden.</p> <p>Loss of privacy</p> <p>Views from development into ground and first floor windows of 17-30 Bridge Street and 6 Chapel Street.</p> <p>Concern about elevated terrace to rear of development.</p> <p>Structure will alter visual amenity</p> <p>Structure will alter amenity of all surrounding gardens and green views.</p> <p>Proposed materials out of character within conservation area.</p> <p>Concerns about use of space in future, such as use for accommodation.</p>

	<p>Studio use would result in noise and disturbance.  Ridge of structure would be more than 5.5 metres above our garden. Casting shadow of neighbouring gardens.  Site section submitted is misleading and an inaccurate reflection of actual land levels.  No dimensions on plans to give a sense of scale.  Mason Yard and 5 Chapel Street are important buildings within conservation area.  Dormer windows on structure would be visible from street scene, would set a dangerous precedence.  Mansard roof design of structure is out of character within conservation area.  Recently granted small balcony on site has impacted on privacy and amenity of our outside space.  Photographic evidence of impact of the structure.  Present objects at Berkhamsted Town Council committee meeting.  Proposal is in conflict with Berkhamsted Conservation Area Character Appraisal and Management Proposal.  Applicant's property is locally listed and therefore extra effort should be invested in preserving the character and landscape.  Development conflicts with Section 69 of Planning Act 1990 where developments and alterations to the conservation area must 'preserve or enhance' the appearance.</p>
<p>25 BRIDGE STREET, BERKHAMSTEAD, HP4 2EB</p>	<p>The proposed plans will infringe on the current privacy enjoyed by our neighbouring home and garden. Not only will our view be restricted, anyone using the studio will also have sight of our property. The carport is not necessary and is only to accommodate a first story building that will affect my family's quality of life.</p> <p><u>Amended Comments</u></p> <p>The amended plans do not alter the fact that the car port proposal is designed to accommodate a 1st floor building that is detrimental to the surrounding area. This area, as part of Berkhamsted's valuable conservation area, needs to be protected.</p>
<p>22 BRIDGE STREET, BERKHAMSTEAD, HP4 2EB</p>	<p>The proposed plans will infringe on the privacy of my neighbouring home and garden. Not only will my view be restricted and the amount of sunlight in the garden severely impacted, anyone using the studio will also have sight into my property. I do not object to the carport but the second story studio would seriously impact my property.</p> <p>We object to the proposed development due to the negative effect it will have on the privacy, residential</p>

	<p>amenity, light and noise levels of our home and garden and those of our surrounding neighbours. Secondly, we feel the development is out of keeping with the character of the conservation area. Thirdly, the proposed structure will stand out adversely as it involves loss of the open aspect of all adjoining gardens. Finally, the size of the development is over-bearing and out-of-scale with the surrounding area, although this is hard to discern from the lack of detail on the plans submitted.</p>
<p>6 CHAPEL STREET, BERKHAMSTEAD, HP4 2EA</p>	<p>We object to the planning proposal on the basis that the site plan is not submitted and as such the confirmed position is not clear. Unable to ascertain true ridge height of the proposed building as the ground level is much higher in Masons Yard than in our back garden. We feel that we would have our privacy compromised over our entire garden and into the first level of our house. The structure seems very unnecessary to park three cars when there is ample parking available.</p>
<p>5 CHAPEL STREET, BERKHAMSTEAD, HP4 2EA</p>	<p>1. We will suffer a significant loss of light/over-shadowing  2. The second storey windows directly overlook our garden, providing unrestricted views into ground and first floor windows to our property and that of 6 Chapel Street and 17-30 Bridge Street. We will all suffer substantial loss of privacy  3. We are extremely concerned by the presence of 1st floor terrace with seating space 1.1m above the top line of our fence  4. The structure will substantially alter the visual amenity of our property and alter views from all surrounding gardens, dramatically changing what are for most residents entirely "green" aspects  6. A "studio" could quite clearly be used in a manner in which both noise and disturbance could result in-use and there is little preventing this drifting into home office/guest accomm/ domestic use in the future  7. This is an unnecessary and insensitive infill development, altering the landscape character within the Article 4 Berkhamsted High Street East conservation area.</p> <p><u>Amended Comments</u></p> <p>Although the proposed design has been amended to reduce the extent of glazing overlooking the neighbouring gardens, and the ridge height has been lowered somewhat, the gable ends, one of which is tight to our fence-line, is now more intrusive and will cast a greater shadow. The staircase to the first floor accommodation still presents a major loss of amenity to neighbouring gardens. Since the proposal remains a 2-storey structure with first floor accommodation, this also</p>



	<p>represents an entirely unnecessary and insensitive infill structure, altering the landscape character within the Article 4 Berkhamsted High Street East conservation area, impacting 20 neighbouring properties and setting a dangerous precedent.</p>
<p>31 BRIDGE STREET, BERKHAMSTEAD, HP4 2EB</p>	<p>I object to this application. The proposed plans will infringe on the privacy of my home and garden. My view will be restricted and anyone using the studio will also have sight into my property. The second storey is unnecessary and will impact too many properties to be allowed. There is currently ample parking for cars for the property, a car port is not only unnecessary in itself but the second storey is inappropriate development that is not needed. Too many properties on Bridge Street and Chapel Street will be affected and it is unfair to impact so many properties with this development. Roof height can't be ascertained by the current plans either so I wholly object to this application.</p> <p>Strongly object to the planning proposal on the basis that this will impact our privacy in Bridge Street and is an unnecessary development. The site plan is not submitted and as such the confirmed position is not clear. A 2 storey structure is not needed at this site - there is plenty of car parking space and as such is a very unnecessary application. A 2 storey structure will impact my privacy and a lot of others at the back of Bridge Street and Chapel Street and as such should not be permitted development. The structure seems very unnecessary and we have been left with an unsightly false dormer window from a previous application that was permitted here. A 2 storey structure is both unnecessary and over development at this particular site.</p> <p><u>Amended Comments</u></p> <p>Objection again.</p> <p>Photographic evidence of lack of use for car parking or desperate need for more space ('studio space') as The Hoist currently has adequate living space? Resident appears to have 1 car and application appears to show space for 3 cars?</p> <p>Loss of privacy impacting on too many residents of Bridge Street.</p> <p>Conservation area with current neighbours respecting this by not requesting over development on their sites. Car needing 'car port' is modern new car which really doesn't need protecting from the elements?</p>

	<p>The building would infill and alter the landscape character</p> <p>Loss of light/over-shadowing as a result of the proposal. Views from development into ground and first floor windows of 17-30 Bridge Street and 6 Chapel Street. Structure will alter amenity of all surrounding gardens and green views.</p> <p>Proposed materials out of character within conservation area.</p> <p>Concerns about use of space in future, such as use for accommodation.</p> <p>Mason Yard and 5 Chapel Street are important buildings within conservation area.</p> <p>Recently granted dormer window on site has impacted on privacy and amenity of our outside space and now looks like an ugly addition with leaded covering.</p> <p>Photographic evidence of impact of the structure.</p> <p>Proposal is in conflict with Berkhamsted Conservation Area Character Appraisal and Management Proposal.</p> <p>Applicant's property is locally listed and therefore extra effort should be invested in preserving the character and landscape.</p> <p>Development conflicts with Section 69 of Planning Act 1990 where developments and alterations to the conservation area must 'preserve or enhance' the appearance.</p> <p>I can only see this as over development of the site and completely unnecessary. Too many neighbours will be impacted in one of the loveliest areas of the town.</p>
<p>24 BRIDGE STREET, BERKHAMSTE D,,,HP4 2EB</p>	<p>The proposed large elevated terrace and open staircase directly overlook our property, and will provide unrestricted views into both our garden and our ground and first floor windows. We will therefore suffer a significant and unacceptable loss of privacy.</p> <p>The Design &amp; Access Statement states the intention that the structure would be incidental to the main dwelling house and not permanently occupied to mitigate this (Section 3, page 14). However this is simply an expression of the applicant's intention at the present time, and we will suffer a significant loss of privacy in the event of any change in the nature of use of the structure.</p> <p>The size of the structure will also be visually intrusive from our property.</p> <p>We would have little or no objection to a single storey car port structure, which would mitigate the majority of the issues that would impact us directly.</p> <p>Further Comments</p>

	<p>Main concerns relate to scale and massing of the proposed structure and unacceptable overlooking from the open staircase and the first floor terrace directly into our garden.</p> <p>Little reason to propose an elevated structure of this scale due to lack of site area. Question adequacy of the remaining parking space for the other residents of Masons Yard.</p> <p>Large elevated terrace and open staircase directly overlook our property and garden.</p> <p>Future use of structure may change in future.</p> <p>Alter visual amenity.</p> <p>Structure would be visually intrusive and alter view from garden.</p> <p>Use as studio questioned.</p> <p>Studio would result in noise and disturbance.</p> <p>Proposal would alter landscape within Article 4 area and conservation area.</p> <p>No objection to a single store car port.</p>
<p>23 BRIDGE STREET, BERKHAMSTEAD, HP4 2EB</p>	<p>I object to the proposed plans for the following reasons:</p> <ol style="list-style-type: none"> <li>1) The documents provided do not give detailed measurements to show the exact position in relation to boundary fences and also the actual height /elevation /overall scale of the building</li> <li>2) The proposal of stairs leading to a terrace on the 1st floor studio will give unrestricted views into ground &amp; first floor windows, and what are currently private gardens, severely impacting on privacy. This is unnecessary when there is a large garden within which to position a studio for occasional use</li> <li>3) The plans suggest a significant impact on sunlight into the rear of both mine and other properties.</li> <li>4) The plans also suggest a scale of building that will give a drastic change in outlook. My property will have the full size of the structure parallel with the rear boundary fence and be visually intrusive</li> <li>5) The Design &amp; Access statement refers to the intended use, however any changes to this in the future would further impact on privacy.</li> </ol> <p><u>Amended Comments</u></p> <p>The revised plans continue to present the same issues for the properties in the vicinity of the car port and garden studio.</p> <p>The plans continue to show a staircase and entrance to the garden studio that will give unrestricted views into garden and ground floor space of mine and other properties</p>

	<p>The plans show a slightly amended design in regard to some aspects of the overall size in relation to other buildings further away to my property, however still do not show any specific measurements.</p> <p>The design would still be visually intrusive and would align fully with my back perimeter fence. This would represent a significant change to the visual amenity of my property and for the conservation area.</p> <p>The revised plans do not change the objections in relation to the impact on noise, privacy and light. As raised previously, any change to usage in the future would further impact on these issues</p> <p>A single storey car port could be built without all the adverse impact on surrounding properties and the visual amenity of the conservation area.</p>
<p>20 BRIDGE STREET, BERKHAMSTEAD, HP4 2EB</p>	<p>We would strongly object to this development, as it would materially impact our quality of life and that of our neighbours.</p> <ol style="list-style-type: none"> <li>1) We would experience a significant loss of light/overshadowing to ours &amp; our neighbours' properties</li> <li>2) We would incur a substantial loss of privacy as the large 1st floor terrace/seating area &amp; windows would directly overlook our property &amp; garden; the line of sight is well above our fence line</li> <li>3) Size &amp; dimensions of proposed development not fully provided</li> <li>4) A two storey structure is unnecessary given the existing size of the property &amp; garden</li> <li>5) Our views from our property would be dramatically altered from the green views we currently enjoy</li> <li>6) Serious concerns over the purpose the studio would be used for, both now &amp; in the future - this could be used in a number of ways which could cause significant noise &amp; light disruption to us and our neighbours</li> <li>7) Out of keeping with the Conservation Area</li> </ol> <p><u>Amended Comments</u></p> <ol style="list-style-type: none"> <li>1) We would still be overlooked by this development, as would our neighbours, materially impacting on our privacy</li> <li>2) The plans appear to include the removal of trees close to our boundary fence, spoiling the green views we currently enjoy</li> <li>3) We question the need for a two storey structure, as there appears to be ample living space &amp; parking already</li> </ol>

	<p>on the property</p> <p>4) Concern that the first floor studio may in time become a residential unit, which would impact adversely on light, noise &amp; privacy</p> <p>5) This is a conservation area, and the proposed development is out of keeping with this.</p>
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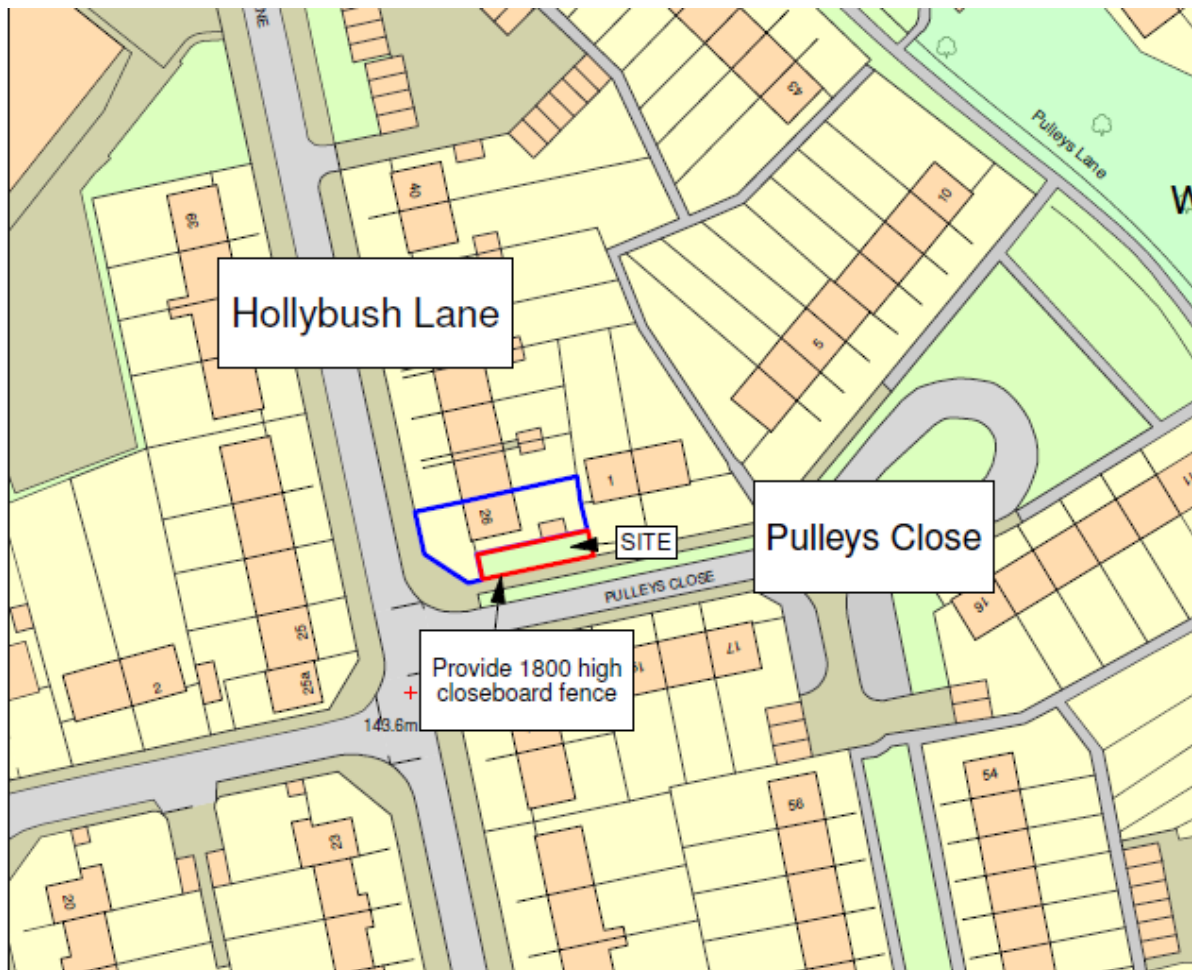
### Supporting

Address	Comments
STONEMASONS,1 MASONS YARD,CHAPEL STREET,BERKHAMSTE D,HP4 2EA	<p>As a resident of Masons Yard I would like to offer my support for this proposal.</p> <p>Having examined the updated submission, I have no concerns with the design, positioning or potential future use of this development.</p>

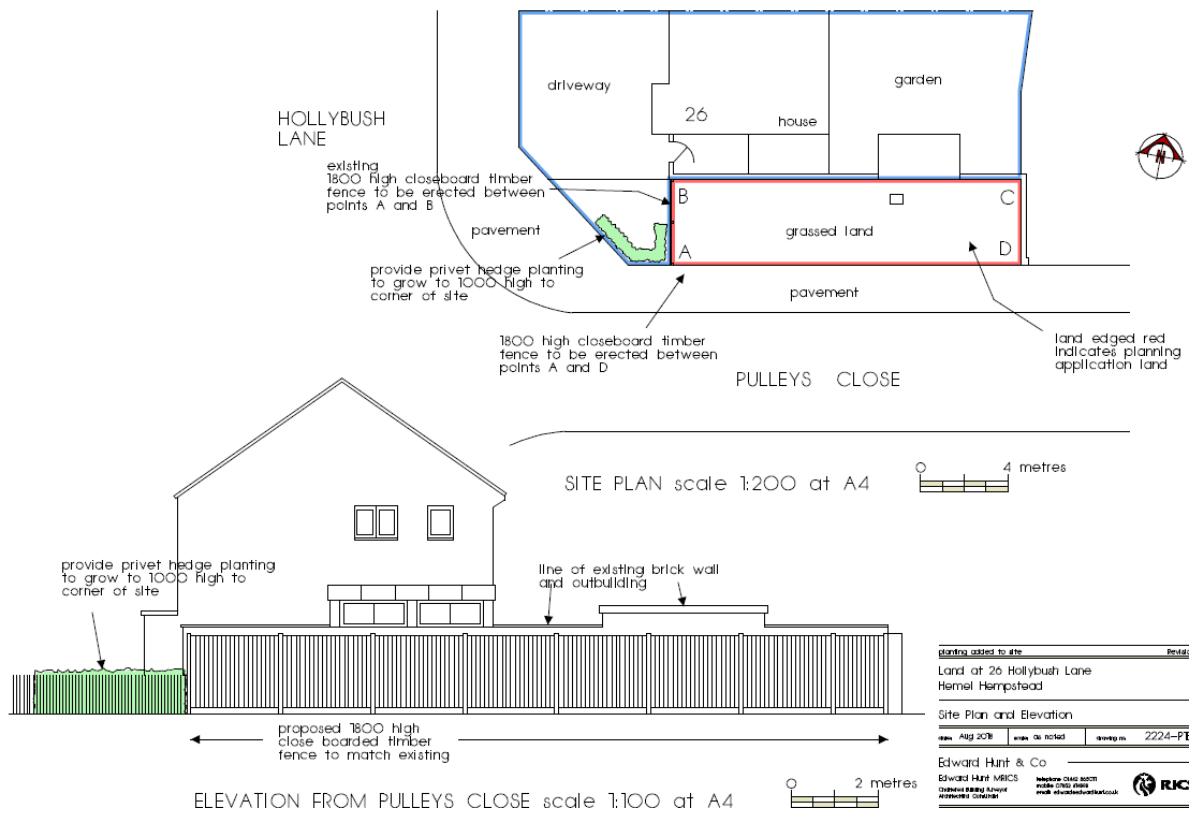
# Agenda Item 5k

5k 4/01624/18/FUL CHANGE OF USE FROM AMENITY LAND TO RESIDENTIAL LAND. CONSTRUCTION OF 1800MM HIGH CLOSE-BOARD FENCE TO SOUTH BOUNDARY

26 HOLLYBUSH LANE, HEMEL HEMPSTEAD, HP1 2PQ



5k 4/01624/18/FUL CHANGE OF USE FROM AMENITY LAND TO RESIDENTIAL LAND. CONSTRUCTION OF 1800MM HIGH CLOSE-BOARD FENCE TO SOUTH BOUNDARY



<b>4/01624/18/FUL</b>	<b>CHANGE OF USE FROM AMENITY LAND TO RESIDENTIAL LAND. CONSTRUCTION OF 1800MM HIGH CLOSE-BOARD FENCE TO SOUTH BOUNDARY.</b>
<b>Site Address</b>	<b>26 HOLLYBUSH LANE, HEMEL HEMPSTEAD, HP1 2PQ</b>
<b>Applicant</b>	<b>Mr &amp; Mrs Butler, 26 Hollybush Lane</b>
<b>Case Officer</b>	<b>Nigel Gibbs</b>
<b>Referral to Committee</b>	<b>The land is owned by this Council and there is a local objection to the application</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**.

## **2. Summary**

2.1 The change of use would result in the permanent removal of a long established area of amenity land which forms an integral and relatively prominent part of the original estate layout. However, on balance, it is not considered that the land is of such importance to the local residential environment / streetscape that would justify its retention. The visual harshness of the enclosing fence is softened by the introduction of planting at the front of no. 26 adjoining the junction with Pulleys Close.

## **3. Site Description**

3.1 No. 26 is an end of terrace dwelling house which adjoins the Hollybush Lane junction with Pulleys Close. The dwelling's southern flank wall and rear garden lie parallel with Pulleys Close. The rear garden's southern high boundary fence is separated from the Pulleys Close public footpath by a virtually rectangular area of Council owned and maintained amenity land, measuring about 4m in overall depth and 15.8m in length. There are drainage covers on the land.

3.2 It is understood from the Applicant/ Agent that the Council's Estates Department has agreed to sell the land as private garden to the Applicant.

## **4. Proposal**

4.1 This is for the change of use of the amenity land to residential garden to be enclosed by a 1.8m high close boarded fence lying parallel and abutting the back edge of the public footpath.

4.2 The Applicant has agreed to establish a planting area involving 1m high privet hedging at the site frontage as shown by Additional Drawing No.2224 P1B.

## **5. Relevant Planning History**

5.1 None.

## **6. Policies**

6.1 National Policy Guidance



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

## 6.2 Adopted Core Strategy

NP1, CS1, CS4, CS10, CS11, CS12, CS13, CS23, CS26 and CS29

## 6.3 Saved Policies of the Dacorum Borough Local Plan

13, 51, 54 and 99

Appendices 3 and 6

## 6.4 Supplementary Planning Guidance / Documents

- Environmental Guidelines (May 2004)
- Area Based Policies (May 2004) - Residential Character Area HCA 3 Warners End
- Water Conservation & Sustainable Drainage (June 2005)

## 7. **Constraints**

- Residential Area of Hemel Hempstead
- 15.2M Air Direction Limit
- Community Infrastructure Zone 3
- Not within an identified former land use or vulnerable Flood Zone

## 8. **Representations**

### Consultation responses

8.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B.

## 9. **Considerations**

### Main issues

9.1 The main issues to consider are:

- Policy and principle.
- Compatibility of the development with the character and appearance of the area: Layout and Design and Soft landscaping.
- Impact on neighbouring properties.
- Highway safety implications.
- Contamination and Land Stability.
- Ecological Implications.

### Policy and Principle

9.2 Dacorum Core Strategy Policy CS1 expects that Hemel will be the focus of new development based upon a range of criteria. These include making best use of existing green infrastructure under criterion (e). This is in association with Policy CS4 which is to ensure that development is guided to appropriate areas within the Borough's Towns and Villages, wherein residential areas 'appropriate residential development is encouraged'.

9.3 Although of relatively small size, the land subject to this application is interpreted as falling within the definition of 'Social Infrastructure' which under Figure 14 of Dacorum Core Strategy, is as 'open space'. Under Policy CS23 existing social infrastructure is to be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable. Assessing the proposal against this policy is not straightforward, given the size of the land and its very localised open space role. However, in this respect, the role/ policy basis of saved HCA 3 (Warners End) is very material, providing a structured micro level basis for considering the proposal. Of particular relevance are the following HCA 3's analysis and policy approach:

- Context. Pages 91 and 92: Existing Character of HCA 3. These explain, amongst a range of matters, that the locality is well provided for with the large presence of 'treed amenity greens' assisting the attractive and well landscaped appearance of the area. Under Landscaping and Planting there is reference to the good provision of public and private landscaping which appears mature and well established. Since the document's publication this analysis of the character remains relevant.
- Policy Approach. Page 94: 'Development Principles: Amenity Land. This expects that areas of amenity land are to be retained and permission will not normally be given on areas of amenity land or for their inclusion within residential curtilages **unless it can be demonstrated that the loss of that land will not unduly harm the character and appearance of the area.** Also the use of parts of areas of amenity land for car parking may be acceptable if the resulting visual impact does not adversely affect the character and appearance of the area and established landscaping. Under 'Landscaping' the provision of further public and private landscaping is encouraged.

9.4 In conjunction with this Policy CS11 (Quality of Neighbourhood Design) specifies that within settlements and neighbourhoods, development should satisfy a range of criteria including:

- (a) Respecting the typical density intended in an area and enhancement of spaces between buildings and general character,
- (b) Preserving attractive streetscapes,
- (d) Protecting or enhancing significant views within character areas,
- (e) Incorporating natural surveillance to deter crime and fear of crime, and
- (f) Avoiding large areas dominated by car parking.

9.5 Policy CS11 is complemented by various Policy CS12 (Quality of Site Design) development criteria including (e) the planting of trees and shrubs and (f) the integration within the street scape character.

9.6 Set against the above there is a need to consider whether the loss of the amenity land is acceptable.

#### Layout, Design, Scale/Impact on the Street Scene and Character of the Area

9.7 The change of use would result in the permanent removal of a long established area of amenity land which forms an integral and relatively prominent part of the original estate layout. However, on balance, it is not considered that the land is of such significant importance to the local residential environment / streetscape that would justify its retention. The visual harshness of the enclosing fence is softened by the introduction of planting at the front of no. 26 adjoining the junction with Pulleys Close. In this respect the proposal accords with the aforementioned HCA 3 Development Principles, the aforementioned relevant criteria of Policies CS11 and CS12 .

#### Impact on Neighbouring Properties/ Residential Amenity

9.8 This is with reference to the expectations of Dacorum Core Strategy Policies CS12 and CS32, Appendix 3 of the Dacorum Local Plan and the NPPF regarding residential amenity. There would not be any harm to the residential amenity of any adjoining/ nearby dwellings.

#### Impact on Highway Safety

9.9 Hertfordshire Highways raise no objections. This would have been based upon the observed site and local conditions, including fencing adjoining the access to No.1 Pulleys Close.

#### Other Material Planning Considerations

9.10 As the land is not a former land use there are no identified contamination issues. There are no known land stability or drainage problems.

9.11 Based upon current site conditions there are no apparent ecological implications with the planting compensating for the loss of the green space.

9.12 The enclosure of the land is expected to reduce the likelihood of any security / crime issues arising from the use of the amenity area which is vulnerable to problematical uses with poor natural surveillance.

9.13 An Environmental Impact Assessment is not necessary and there are no air safeguarding issues. Several conditions are necessary.

#### Response to Neighbour comments

9.14 The provision of the area for additional parking is not workable due to the land's depth which would not enable cars to be parked in the standard layout arrangement with vehicles overhanging the public footpath. Parked cars would also detract from the appearance of the street scene on this prominent corner plot, contrary to the expectations of HCA3 Development Principles.

## **10. Conclusions**

10.1 The removal of a substantial and prominent area of long established amenity land which 'provides visual relief' within the street scene is disappointing in eliminating an integral part of the original estate's localised structural soft landscaping. However, it is not considered that it is of such importance to the existing street scene/ streetscape to justify its permanent retention. The combination of the loss of the green space and fencing would create a harsher impact within the residential locality which would however be softened by the frontage hedging on this prominent corner.

10.2 In the interests of further softening the visual impact of the elongated fence to reinforce the positive role of long established planting in the locality's street scene consideration has been given to inseting the fence to provide a continuous soft edge between the fence and back edge of the footpath. However, it is considered that there would be some potentially inbuilt management/ maintenance/ highway issues regarding planting overhanging the footpath.

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

Conditions

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>All of the fence's outer edge facing Pulleys Close shall be maintained at all times only fully in accordance with in a finish submitted to and approved in writing by the local planning authority. These details shall be submitted before the first use of the land as residential garden.</p> <p>Reason: In the interests of the appearance of the locality in accordance with Policy CS12 of Dacorum Core Strategy.</p>
3	<p>The planting shown by Drawing No.2224 P1B shall be carried out fully in accordance with the specified details in the planting season following the first use of the land as residential garden . For the purposes of this condition the planting season is between 1 October and 31 March.</p> <p>Reason: In the interests of the appearance of the locality and biodiversity in accordance with Policies CS11, CS12, CS26 and CS29 of Dacorum Core Strategy.</p>
4	<p>The planting subject to Condition 3 which if within a period of ten 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 another section of hedge of the same species and size as that originally planted at the same place in the next planting season. For the purposes of this condition the planting season is between 1 October and 31 March.</p> <p>Reason: In the interests of the appearance of the locality and biodiversity in accordance with Policies CBS 11, CS12, CS26 and CS29 of Dacorum Core</p>

	Strategy.
5	<p>No vehicular access shall be installed between the land subject to this planning permission and the highway.</p> <p>Reason: In the interests of highway safety in accordance with Policy CS12 of Dacorum Core Strategy.</p>
6	<p>Subject to the requirements of the requirements of other conditions of this planning permission the development hereby permitted shall be carried out in accordance with the following plans :</p> <p>Site Location Plan Plan 2224 P1B</p> <p>Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.</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 lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p>Highway Informatives</p> <p>1. The Highway Authority requires any works in the public highway to be 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 this development 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.</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 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: <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</p>

	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
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## REPRESENTATIONS

### Appendix A

#### Estates & Valuation

No response.

#### Hertfordshire County Council: Highways

##### Decision

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

##### Informatives:

1. The Highway Authority requires any works in the public highway to be 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 this development 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.
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

The proposal is for Change of use from amenity land to residential land. Construction of 1800mm high close-board fence to south boundary.

The site is adjacent to the property and is on Pulleys Close.

#### Access

The applicant states that no new or altered vehicle access is proposed to or from the public highway. I notice that there is a street name sign currently in the grass verge. The applicant will need to be informed that this will need to be relocated at their expense.

#### Conclusion

The proposal is unlikely to have a severe residual impact on the highway network.

### **Appendix B**

#### **Comments received from local residents:**

##### 19 Pulleys Close

Appreciate the proposal to increase the garden at #26 but have previously highlighted this piece of land for improving parking for Pulleys Close/Hollybush Lane residents. With the addition of two houses opposite Pulleys Close there is less parking available for people and feel this land would be better used for improving parking for the new householders/visitors but also safety as people park on the junction which restricts the view when pulling out. Happy to discuss.

##### No.27 Hollybush Lane

Does not object to the application - in full support.

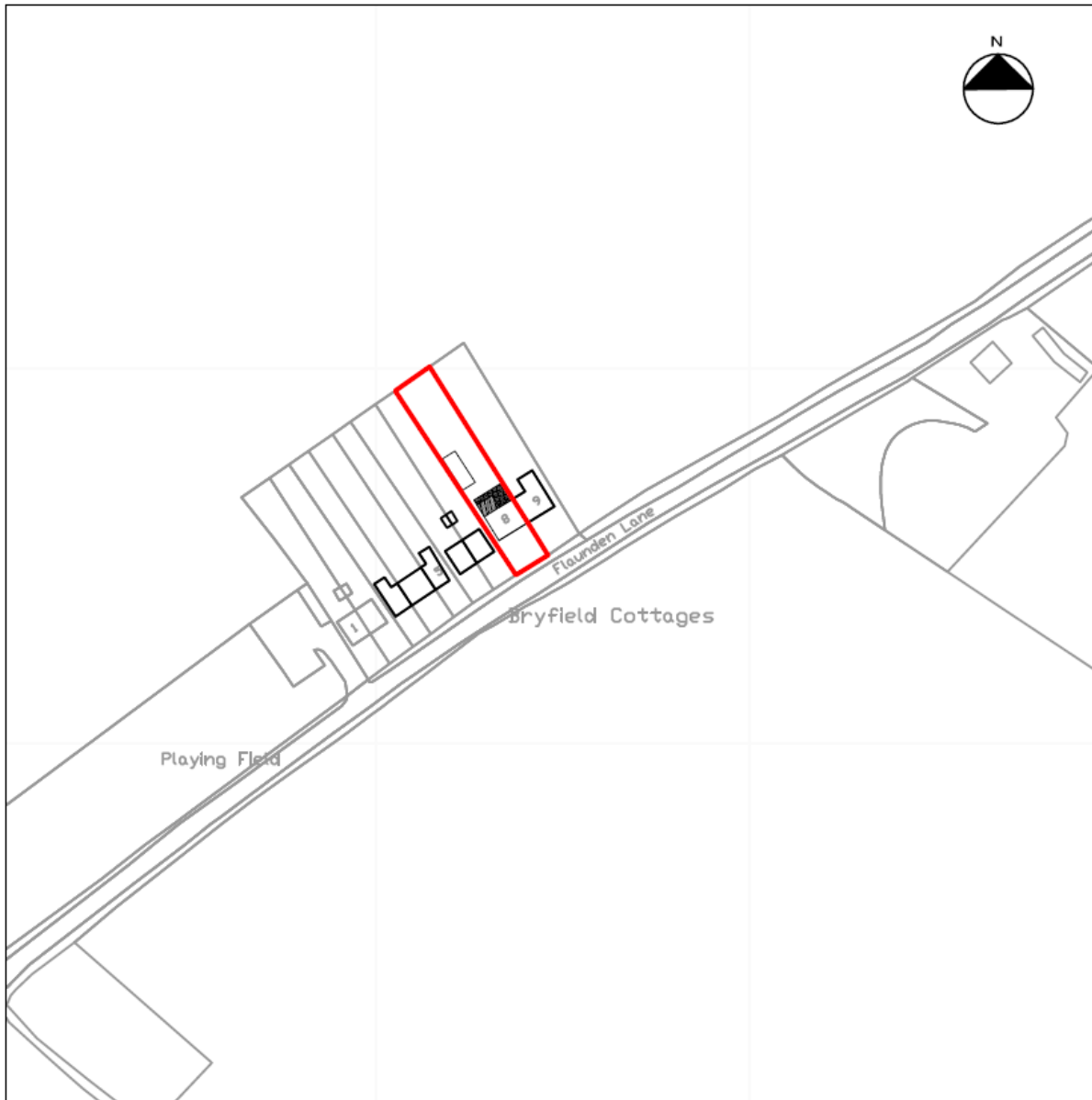
We support this application, as we believe this should be residential land attached to 26 Hollybush Lane. This is the case with the boundary fence across the road (No. 24 Hollybush Lane) and with most other end of terrace houses in this area.

Moreover, we do not believe there will be a detrimental impact on parking in this area, as vehicles very seldom park on this land. There is ample space on the other side of the road and in the parking bays in Pulleys Close.

# Agenda Item 5I

5I 4/01703/18/FHA LOFT CONVERSION INCLUDING REAR DORMER WINDOW AND FOUR ROOF LIGHTS TO FRONT ELEVATION; SINGLE-STOREY REAR EXTENSION REPLACING EXISTING ATTACHED OUTBUILDING

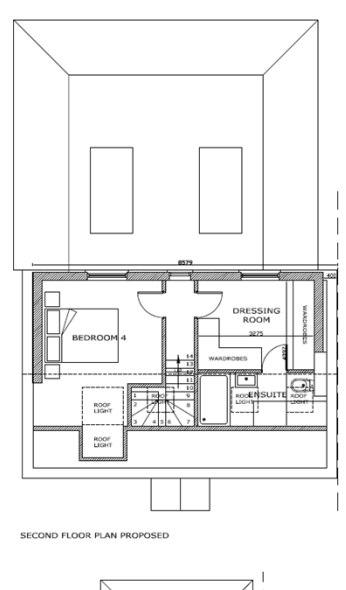
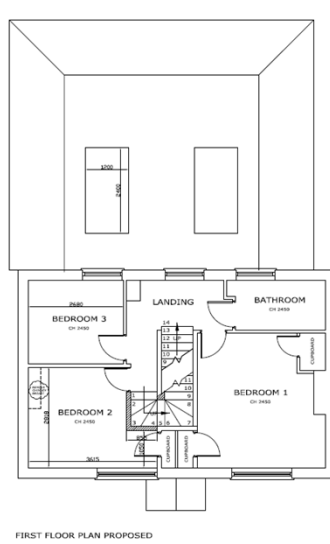
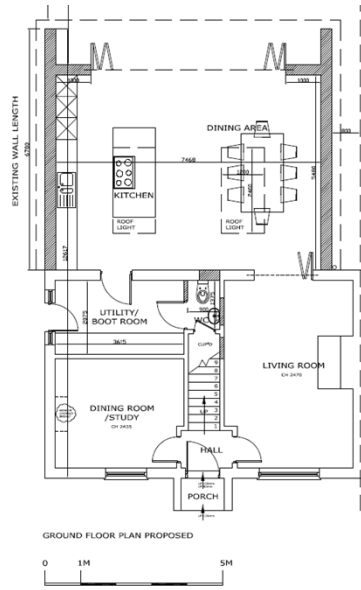
8 BRYFIELD COTTAGES, FLAUNDEN LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0PD



5I 4/01703/18/FHA LOFT CONVERSION INCLUDING REAR DORMER WINDOW AND FOUR ROOF LIGHTS TO FRONT ELEVATION; SINGLE-STOREY REAR EXTENSION REPLACING EXISTING ATTACHED OUTBUILDING

8 BRYFIELD COTTAGES, FLAUNDEN LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0PD





<b>4/01703/18/FHA</b>	<b>LOFT CONVERSION INCLUDING REAR DORMER WINDOW AND FOUR ROOF LIGHTS TO FRONT ELEVATION; SINGLE-STOREY REAR EXTENSION REPLACING EXISTING ATTACHED OUTBUILDING</b>
<b>Site Address</b>	<b>8 BRYFIELD COTTAGES, FLAUNDEN LANE, BOVINGDON, HEMEL HEMPSTEAD, HP3 0PD</b>
<b>Applicant</b>	<b>Mr A Miller, 8 Bryfield Cottages</b>
<b>Case Officer</b>	<b>Sally Robbins</b>
<b>Referral to Committee</b>	<b>Contrary views of Bovington Parish Council</b>

## **1. Recommendation**

1.1 That the application be delegated to the Group Manager with a view to approval, subject to the expiration of the consultation period.

## **2. Summary**

2.1 The application site is located in the Green Belt whereby proportionate extensions to existing buildings are permitted provided that there is no significant impact upon the character and appearance of the countryside. The loft conversion with rear dormer window and front roof lights could be carried out under Permitted Development. The single storey rear extension would replace an existing single storey rear projection. The resultant floor area of the rear extension would not be a significant increase and as such it is considered that the proposed loft conversion and single storey rear extension would remain proportionate to the scale of the original building. The proposal would have limited impact upon the character and appearance of the street scene, nor would it have a detrimental impact upon the residential amenity of surrounding properties. The proposal therefore complies with Core Strategy (2013) Policies CS5, CS11 and CS12, Saved Local Plan (2004) Policy 22 and Appendix 7 and the NPPF (2018).

## **3. Site Description**

3.1 The application site is within the Green Belt and is located on the northwest side of Flaunden Lane in Bovington. The site comprises a semi-detached two storey dwellinghouse with a single storey rear projection, indicated on the submitted plans as an attached outbuilding. The dwelling is set in a large elongated plot with open fields to the rear and is one of nine isolated cottages that form a small cluster of residential development roughly halfway between Bovington and Chipperfield.

## **4. Proposal**

4.1 The application seeks full planning permission for a loft conversion with rear dormer window and four front roof lights and a single storey rear extension to replace the existing single storey rear projection.

## **5. Relevant Planning History**

5.1 None

## **6. Policies**

## 6.1 National Policy Guidance

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

## 6.2 Adopted Core Strategy

CS5, CS10, CS11, CS12

## 6.3 Saved Policies of the Dacorum Borough Local Plan

Policy 22, Appendices 3 & 7

## 7. Constraints

- AREA OF SPECIAL CONTROL FOR ADVERTS
- GREEN BELT

## 8. Representations

### Consultation responses

8.1 These are reproduced in full at Appendix A

### Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B

## 9. Considerations

### Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on Character and Appearance of Building and Street Scene
- Impact on Amenity of Neighbours
- Other

### Policy and Principle

9.2 The application site is located within the Green Belt. Core Strategy (2013) Policy CS5 aims to protect the character and openness of the Green Belt and states that small-scale development will be permitted, such as limited extensions to existing buildings, provided that it has no significant impact on the character and appearance of the countryside. The National Planning Policy Framework (NPPF) (2018) is broadly consistent with this approach stating that one of the exceptions to inappropriate development in the Green Belt is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy CS5 itself is silent in terms of what constitutes small-scale development

or a limited addition. Saved Policy 22 of the Local Plan (2004) is relevant, but is given less weight than the NPPF, as the assessment differs slightly in that Saved Policy 22 requires an assessment of the floor area percentage increase above the original building (allowing 30% above the original floor area).

9.3 There is an existing single storey rear projection, referred to by the applicant as an attached outbuilding. Following a review of historical maps and aerial photographs, it has been reasonably established that the existing single storey rear projection is an original structure. As such the below floor area calculation will take this into account as part of the original floor space.

9.4 The proposed loft conversion and single storey rear extension would result in an increase in floor area of approximately 46% in relation to the original dwelling. Whilst this exceeds the threshold set out in Saved Policy 22, as mentioned above less weight is given to this than an assessment in terms of proportionality as defined in the NPPF. Furthermore, much of the new floor area would be contained within the loft space. When considered on its own, the proposed single storey rear extension would result in an increase in floor area of 17%. This method of calculation is particularly relevant when taking the fact that the proposed loft extension could be carried out under Permitted Development. Additionally, the proposed design of the single storey rear extension comprises a crown roof with a maximum height of 3.3m in comparison to the existing height of the single storey rear projection of 3.6m. This reduction in height, whilst not a significant amount, has been taken into consideration when making an assessment of the increase in bulk and mass.

9.5 Taking all of the above into account, the proposed loft conversion with rear dormer and single storey rear extension are considered to be proportionate to the scale of the original dwelling and would not result in visual harm to the character and appearance of the Green Belt, in accordance with Policy CS5 of the Core Strategy (2013), Saved Policy 22 of the Local Plan (2004) and the NPPF (2018). The proposal is therefore acceptable in principle.

#### Impact on Character and Appearance of Building and Street Scene

9.6 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.

9.7 The existing single storey rear projection measures 5.8m from the rear elevation of the parent dwelling. The proposed single storey rear extension would measure 6.8m from the rear elevation and would span nearly the entire width of the dwelling. The extension would comprise a crown roof with two centrally located roof lights.

9.8 The proposed rear dormer window would be set down slightly from the main ridge, set in from the flank elevations and set up from the eaves. The proposed loft conversion would comprise three windows within the dormer and four roof lights to the front elevation. In accordance with the submitted application form the proposed development would be finished in materials to match the parent dwelling.

9.9 Overall, it is considered that the sympathetic design of the loft conversion and single storey rear extension will not have a detrimental impact upon the character and

appearance of the parent dwelling or surrounding area. As such, the proposal complies with Saved Appendix 7 of the Dacorum Local Plan (2004), Policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2018).

#### Impact on Amenity of Neighbours

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

9.11 It is not considered that the proposed single storey rear extension will result in a significant loss of light to the ground floor windows and doors of neighbouring properties due to the modest eaves height of 2.4m and ridge height of 3.3m. The depth of the single storey rear extension (6.8m) is fairly significant, however the flank elevations would be set back from the boundary with no. 7 by 1.6m and from no. 9 by 0.8m. The proposed loft conversion with rear dormer window and front roof lights will not result in any significant additional overlooking or loss of privacy.

9.12 Taking all of the above factors into account, it is considered that the proposal complies with Policy CS12 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the NPPF (2018) in terms of residential amenity.

#### Impact on Parking

9.13 The proposal would result in the addition of one bedroom, taking the property from a 3-bed to a 4-bed dwelling. There is sufficient parking on the existing driveway for three vehicles, which meets the maximum standard set out in Saved Appendix 5 of the Local Plan (2004) for a dwelling of this size in this location.

#### CIL

9.14 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 100sqm of additional floor space.

### **10. Conclusions**

10.1 The proposed loft conversion with rear dormer and front roof lights through scale, position and design would be acceptable in terms of Green Belt policy and will not adversely impact on the visual amenity of the existing dwelling house, immediate street scene or the residential amenity of neighbouring residents. The proposal is therefore in accordance with Policies CS5, CS11 and CS12 of the Core Strategy (2013), Saved Policy 22 and Appendices 3 and 7 of the Dacorum Local Plan (2004) and the NPPF (2018).

**11. RECOMMENDATION** – That planning permission be **DELEGATED** to the Group

Manager, Development Management and Planning, with a view to approval subject to the expiry of the formal consultation procedure and subject to the following conditions:

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 materials to be used in the construction of the external surfaces of the rear dormer window and single storey rear 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 Core Strategy (2013) Policy CS12.</p>
3	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>490-A1-102 Revision A</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning, in accordance with Core Strategy (2013) Policy CS12.</p> <p>Article 35            Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p>

**Appendix A**

**Consultation responses**

**Bovingdon Parish Council:**

Out of keeping with character of surrounding properties. Over bearing rear dormer and over development of site.

**Appendix B**

**Neighbour notification/site notice responses**

None received



# Agenda Item 6

## 6. APPEALS UPDATE

### A. LODGED

- 4/00097/18/FHA TW-2 ARCHITECTS - Mr & Mrs Wilton  
DEMOLITION OF EXISTING GARAGE, CONSERVATORY, REAR WING  
AND BAY. CONSTRUCTION OF SECOND STOREY EXTENSION AND  
GARAGE. REMODELING OF INTERIOR AND ADJUSTMENTS TO  
WINDOWS.  
HIGHLANDS, KINGS ROAD, BERKHAMSTED, HP4 3BP  
[View online application](#)
- 4/01032/18/FHA Ahern  
DORMER LOFT CONVERSION  
HARRIOTTS END FARM COTTAGE, CHESHAM ROAD, BERKHAMSTED,  
HP4 2SU  
[View online application](#)
- 4/01390/18/FUL Sterling  
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  
[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

4/01591/17/MOA

501 London Road Ltd  
OUTLINE APPLICATION FOR THE PROPOSED DEMOLITION AND REPLACEMENT OF BOTH 499 AND 501 LONDON ROAD SITES AND REPLACEMENTS WITH A 6-STOREY, OFFICE DEVELOPMENT WITH UNDERGROUND AUTOMATIC AND CONVENTIONAL CAR PARKING SYSTEM FOR 563 CAR PARKING SPACES (ALL MATTERS RESERVED)

499 & 501 LONDON ROAD, HEMEL HEMPSTEAD, HP3 9BG

[View online application](#)

### Decision

1. The appeal is dismissed.

### Procedural matter

2. The application was made in outline form with all matters reserved for future consideration. I have assessed the appeal on the same basis. Plans have been submitted which show a suggested site layout and the appearance of the proposed building. I have treated these plans as illustrative only.

3. On 24 July 2018, during the appeal process, the Government published its revised National Planning Policy Framework (the Framework). Both parties have been given an opportunity to comment on the revisions where they may be relevant to this case, and I have taken their responses into account in reaching my decision.

4. Both parties refer to appeal decisions APP/A1910/W/17/3168407 & APP/A1910/W/17/3171292 regarding the erection of offices on 499 London Road. The latter appeal was dismissed on grounds relating to its effects on the character and appearance of the area. This decision is a material consideration  
Main Issue

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

### Reasons

6. The appeal site is located on London Road, a relatively busy main road within Hemel Hempstead. To the west is a public house and to the east a petrol filling station, followed by a row of detached and semi-detached houses. To the south is a car parking area serving the railway station at an elevated level to the appeal site. Separating them is an embankment and a number of mature trees giving a verdant quality to the area. Opposite is Boxmoor Common which further contributes to the green nature of the area.

Buildings are generally two storeys in height and set back from the road giving a relatively open, spacious character and appearance to the area.

7. The appeal site is currently occupied by commercial buildings and large areas of surface car parking. While generally respecting the prevailing character and appearance of the area in terms of their siting and height, I would concur with the Council that the buildings have limited aesthetic merit. Therefore, as a whole, the appeal site makes only a neutral contribution to the character and appearance of the area.

8. The application for the appeal scheme was made in outline form. I am aware that the plan and elevations supplied in support of the application are illustrative only and layout and scale are detailed considerations that could be addressed at the reserved matters stage. However, although I accept that the precise site layout and scale of the building could be addressed at a later stage, I do not agree that all consideration of it is limited to reserved matters.

9. The parameters of the proposal are included within the description of the scheme, being some six storeys high and a total floorspace of 173913.52 sq ft. Given the tight constraints of the site it is difficult to see how such development could be achieved other than within the general scale and extent of development as identified on the submitted plans.

10. In any case, the proposed height of the building would be wholly at odds with the existing development in the area. It would extend to the rear of the two storey houses to the east of the site. While there would be some reduction in the height of the building to the rear of the houses, it would still be likely to be of an extent which would dominate the smaller houses appearing dominant and intrusive in relation to the more domestic scale and massing of the surrounding development, when viewed from both the footways along London Road and Boxmoor Common.

11. Although the proposal would be set back from the road, its height and extent, even taking into account the set-backs, would create a significant large mass of building that would be considerably obtrusive and prominent in the streetscene given the existing scale of development. Furthermore, the height of the building would be likely to block views of the trees from Boxmoor Common which would significantly diminish the contribution they make to the verdant character and appearance of the area.

12. The appellant's submitted Landscape and Visual Impact assessment (LVIA) and Addendum to the LVIA conclude that the proposal would have a low visual impact on the views from the various assessed

viewpoints. From my observations on site I would concur that from the wider landscape, which the LVIA primarily concentrates on, there would be limited impact due to intervening landscape and buildings. However, although within the LVIA, one of the closest viewpoints to the appeal site (5) is blocked by a tree, I saw that when travelling along Fishery Road, the appeal site was visible between the trees and would be more so when they lose their leaf. Therefore from various points along this road, given the scale and extent of the building, the degree of change would, in my opinion be high. 13. The appellant refers to an existing planning permission for 499 London Road (4/00722/17/MOA) as justification for the extent and positioning of development on the site. However, from the limited evidence before me regarding the scheme, it is evident that that it proposes a building of only three storeys in height. Furthermore, the appeal before me includes 501 London Road and therefore, the proposed building would be mostly significantly higher, and of a greater extent than the approved development.

14. My attention has also been drawn to the Two Waters Strategic Framework adopted by the Council in 2015, together with Draft Masterplan Guidance (DMG), which the appellant states was approved for a third round of public consultation by the Council in 2017. I have no further information regarding the status of the DMG and therefore, given it has not been adopted, I give its contents only limited weight.

15. In any case while the Masterplan Statement suggests development of up to four and six storeys in the vicinity of the appeal site as broadly proposed, it also shows some kind of Green Connection to the Moors adjacent to the road. The appellant states that the proposed green roofs reflect the setting of the site adjacent to the Boxmoor Common. In addition, the use of large amount of glazing would allow for views of the Common, trees and open spaces to be reflected back from the building.

16. However, in reality as evidenced in the appellants visualisations of the building (s15-251) it is likely that there would only be very limited views of the green roofs. Furthermore, while there may be some reflection, this would not adequately compensate for the harsh edge to the development caused by the extent and scale of the proposed building. In my opinion therefore there would be very limited green connection and the proposals would fail to take the opportunity to improve and enhance the verdant character and quality of the area. Therefore, I am not persuaded that the proposal would be in accordance with the DMG, which in any case carries limited weight.

17. I do not doubt that the proposed building could be completed to a high quality. Furthermore, the existing buildings have limited aesthetic merit and only make a neutral contribution to the character and appearance of the area. Nevertheless, these matters do not justify a materially harmful proposal.

18. For the reasons above, I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to saved Policies CS11 and CS12 of the Dacorum Local Planning Framework Core Strategy 2013 (CS), Policy 111 of the Dacorum Borough Local Plan 1991-2011 adopted in 2004 (LP) and paragraph 127c of the Framework. These require that development integrates with streetscape character, respects adjacent properties in terms of scale and height, is sympathetic to local character and enhances spaces between buildings and general character. Furthermore, high buildings should not harm the character of the area and the sites surroundings and make a positive contribution to the townscape of the area.

19. The Council also refers to Policy CS4 of the CS within its reason for refusal. This Policy concerns development within Towns and Villages and my attention has not been drawn to any relevant part of the Policy in respect of the effect on character and appearance of the area. In this instance therefore, it has not been determinative. Conclusion

20. Policy 10 of the DBLP seeks to make the optimum use of land available whether in terms of site coverage or height. This may be the case, however Policy 10 also requires that development should be designed to achieve the maximum density compatible with the character of the area. I have found that the proposal would be harmful to the character and appearance of the area. As a result the design does not accord with the clear expectations in the plan policies.

21. The appellant states that the building would be energy neutral as well as an ultra-low emission sustainable development. Moreover, the provision of underground parking would be an efficient use of space. However, there is no evidence before me to suggest that a less harmful scheme could not achieve the same aims.

22. The building would be constructed on a brownfield site and be within a reasonably accessible location. In addition it would lead to the creation of a number of jobs. This would be in broad compliance with the Framework's requirement to make the effective use of land and to build a strong competitive economy. The Framework states that significant weight should be placed on the need to support economic growth and productivity.

23. Nevertheless, paragraph 122 of the Framework also states that the efficient use of land should take into account the desirability of maintaining an area's prevailing character and setting. Furthermore paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take into account opportunities available for improving the character and quality of the area.

24. In this instance, the proposal would be harmful to the character and appearance of the area and therefore would be in conflict with Policies CS11 and CS12 of the CS and Policy 111 of the LP and would not therefore be in accordance with the development plan.

25. In such circumstances, paragraph 2 of the Framework indicates that planning permission should not be granted unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. In this case, the appeal proposal would be contrary to the development plan policies I have referred to, and the very significant resultant harm would not be outweighed by other material considerations.

26. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

4/01805/17/FUL

CHILTERN YOUNG RIDERS

REMOVAL OF TOWER MAST AND ASSOCIATED CABINS, RELOCATION OF TWO STORAGE CONTAINERS TO TWO SINGLE STOREY BUILDINGS, CONSTRUCTION OF TWO SINGLE STOREY BUILDINGS FOR A SWIMMING POOL AND ACCOMODATION FACILITIES  
CYR MX TRACK, TWO PONDS LANE, OFF SHOOTERSWAY,  
BERKHMATED, HP4 3TY

[View online application](#)

Proposal comprised four elements:

to remove the telecommunications equipment comprising of the tower mast;  
relocation of storage containers into two separate canopy buildings;  
the construction of an outbuilding to serve as a bunkhouse; and  
the construction of an outbuilding to accommodate for an indoor swimming pool.

Proposal falls within Designated Green Belt and has been assessed under outdoor sport and recreation and PDL exception criteria. The inspector set out the level of harm identified to the openness and purposes of the Green Belt when considering each element of the scheme separately:

The rationalisation of the storage containers to within 2 canopy shelters would reduce the level of visual clutter within the appeal site. While the proposed canopy shelters would be higher than the existing storage containers, they would create a small cluster of similar buildings reminiscent of a grouping of farm buildings. I consider that the canopy shelters would have a limited positive effect on openness.

The approximately 25m high telecommunications mast on the appeal site is prominent and is visible across a wide area given its elevated position within the landscape, which forms part of the Chilterns AONB, and its position close to the A41. It clearly affects openness. Although largely screened from view from public vantage points, including Pea Lane and Two Ponds Lane, the compound has a considerable and dominant physical and visual presence within the appeal site. The proposed swimming pool building in its stead would slightly increase the height of the proposed weather-boarded building above the height of the existing fencing would not have a negative effect on openness. While I accept that the proposed development would give rise to a greater intensity of use of the appeal site in terms of comings and goings by car, the relatively low level of this additional activity would have a limited detrimental effect on openness.

Although the Council's reason for refusal did not raise concerns about the proposed bunkhouse, the Council confirmed at the hearing that the proposed bunkhouse would sprawl towards the east into an area of ground beyond the existing compound. Therefore, consider the bunkhouse would have a modest negative effect on Green Belt openness.

Taking all the elements of the proposed development together, whilst there would be a positive impact on openness in terms of the consolidation of storage containers, there would be modest harm resulting from the siting of the bunkhouse building. Additionally, the proposed development would impact on one of the Green Belt purposes set out at paragraph 134 (c) of the revised Framework, to safeguard the countryside from encroachment.

While the overall effect would be modest, on the basis that the fundamental aim of Green Belt policy is to keep land permanently open, the harm to openness and the purposes of the Green Belt would result in the proposal forming inappropriate development in the Green Belt.

#### Special Circumstances

The Inspector set out the following case of special circumstances with relevant weight attributed to each circumstance outlined:

Both parties consider that the removal of the mast and compound from previously developed land following the end of the lease would have a consequent positive effect on the character and appearance of the area; this would be an important benefit to which significant weight is attached.

Facility to teach children how to swim, which is an important life skill. Pool will cater for disabled people. This will also relieve pressure on existing local pools. – afforded moderate weight  
Provide shower facilities to Motor Cross use. – afforded moderate weight  
The bunkhouse accommodation would provide accommodation for 2 or 3 students and a parent/carer or teacher. This would allow students to undertake the GCSE PE MX curriculum accredited by Edexcel at CYR as part of the ongoing use of the MX track at weekends- factor given significant weight.  
The appellant highlighted that they operate the appeal site effectively and within the terms of existing planning permissions, and are considerate of their neighbours. Mr Newell also suggested that the proposed development would represent a relatively small addition to the overall site, while advancing his daughter's career and her family's future in keeping with the general ethos of CYR's long-term work with children- modest weight.  
Cumulatively, the other considerations put forward in favour of the proposed development have significant weight. However, they do not clearly outweigh the totality of harm to the Green Belt.

To be published on DCS casework section, coming soon.

4/01976/17/FHA

Metcalfe

LOFT CONVERSION INCLUDING REAR DORMER. INSTALLATION OF FRONT ELEVATION ROOF LIGHT WINDOWS. SINGLE STOREY SIDE INFILL EXTENSION.

21 CHARLES STREET, BERKHAMSTED, HP4 3DG

[View online application](#)

#### Decision

1. The appeal is dismissed.

#### Reasons

2. Planning permission has been granted for a rear dormer window, roof lights to the front roof slope and a single storey side infill extension. The appeal seeks to vary condition 4, which requires the development to be carried out in accordance with the listed approved plans. The appeal is described as against 'having to offset the dormer from the roof ridge by 200mm' and requests 'permission to build up to the ridge or at least to the underside of the existing ridge tile.'

3. The use of a condition specifying the approved plans accords with the advice in the Planning Practice Guidance which states<sup>1</sup> that specifying the application drawings and other details which form part of the permission is best practice and creates certainty for all parties, particularly where applications have been subject to a number of revisions. There is no dispute that the plans referenced were the plans that were approved. I am therefore satisfied that the use of this condition accords with best practice and meets the tests set out at paragraph 55 of the National Planning Policy Framework<sup>2</sup>.

4. The Council's reason for the condition was 'for the avoidance of doubt and in the interests of proper planning, in accordance with Core Strategy (2013) Policy CS12.' Policy CS12<sup>3</sup> refers to the quality of site design, including matters related to living conditions and the character and appearance of the area. Both of these were material considerations in the Council's assessment of the original proposal. The approved plans were the result of discussions between the Council and appellant and include design details relevant to the preservation of the Berkhamstead Conservation Area. Given the approved plans would ensure the development which takes place is that which the Council found to be acceptable, Condition 4 is therefore necessary.

5. Given this, in order for the appellant to secure an alternative proposal, it would be necessary for alternative plans to be specified in a substitute condition. Although the appellant describes their desired changes in the written statement, the appeal documents do not include drawings clearly setting out the changes. The appellant refers to elements of the plans originally submitted with the application, in particular the ceiling height. Whilst the appellant's statement gives some indication of the changes sought, in the absence of a clear set of substitute plans showing those changes, it would not be possible to compose a substitute condition which would satisfy the relevant tests of conditions set out in the Framework<sup>4</sup> and PPG<sup>5</sup>, most pertinently the tests of precision and enforceability.

6. Given the necessity of the condition for the reasons already set out, its removal, as the alternative to replacement, would introduce uncertainty for all parties, as the design and extent of the approved development would be unclear. In addition, the appellant would be deprived of the option to seek a minor material amendment under Section 73 of the Act as the PPG confirms<sup>6</sup> that this provision cannot be used if there is no relevant condition in the permission listing the originally approved plans.

7. In addition, irrespective of the nearby examples drawn to my attention by the appellant, given the lack of clear alternative plans, I cannot be satisfied that that the proposal would preserve or enhance the character or appearance of the Berkhamstead Conservation Area, in line with the statutory duty.<sup>7</sup>

#### Conclusion

8. I conclude that the existing condition 4 is reasonable and necessary in order to provide certainty, in the interests of proper planning, and satisfies the requirements of Policy CS12. It meets the tests set out in Framework, and as no clear alternative proposal has been advanced which I could consider as a replacement for the condition, the request to amend or remove it is not justified. The appeal is therefore dismissed.

1 Paragraph: 022 Reference ID: 21a-022-20140306

2 Published 24 July 2018

3 Dacorum's Local Planning Framework Core Strategy 2006-2031 (Adopted 25 September 2013)

4 Paragraph 55

5 003 Reference ID: 21a-003-20140306

6 Paragraph: 018 Reference ID: 17a-018-20140306

7 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

4/02232/17/ENA

JODI ROGERS

APPEAL AGAINST ENFORCEMENT NOTICE - RAISED PARKING PLATFORM

68 OAK STREET, HEMEL HEMPSTEAD, HP3 9TT

[View online application](#)

The breach of planning control is the construction of a raised concrete parking platform. The Enforcement Notice was appealed solely on ground (f), i.e. that the requirements of the Enforcement Notice exceed what is necessary. Since the requirements in the notice require the complete demolition and removal of the platform and the restoration of the land to its original condition, the Inspector concluded that the purpose of the notice clearly fell within section 173(4)(a); to remedy the breach of planning control that has occurred.

The Inspector further concluded that, given that the Enforcement Notice requirements go no further than requiring the appellants to undo what has been done, by demolishing and removing the platform and restoring the land, the requirements self-evidently cannot exceed what is necessary to fully remedy the breach of planning control. Allowing the platform to remain, in any form, would not fully remedy the breach.

The Inspector stated that the appellant's other arguments (other parking pads in the area, parked cars of the highway, etc.) were ground (a) points that could not be taken into consideration in this appeal.

As such the appeal was dismissed.

4/02315/17/FUL

Mitchell Tye Developments Ltd - Mr Tye

REPLACEMENT OF TWO STOREY WORKSHOP WITH 2-BED DWELLING  
61 LONGFIELD ROAD, TRING, HP23 4DF

[View online application](#)

#### Decision

1. The appeal is dismissed.

#### Procedural Matter

2. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018 and replaces the first Framework published in March 2012. This change to national guidance is a material

consideration, however this has not had a material impact on the main parties' cases in relation to the main issue. References hereafter in the decision are to the new Framework.

#### Main Issue

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

#### Reasons

4. Longfield Road is a straight residential street with two storey detached, semi-detached and terraced dwellings, set close to the street with long, generally mature rear gardens, with trees, hedges and other planting. The similarly long and mature rear gardens of properties in Beaconsfield Road back onto those on Longfield Road.

5. The appeal site has a large, two storey outbuilding to the rear of the garden. It is timber framed with painted metal sheeting, a pitched roof, and single storey elements to the side and front. At the time of my visit, it was in use for storage and as a workshop. It is proposed to replace the outbuilding with a two storey dwelling, through refurbishment and extension of the existing structure. Access would be gained via the side passage of No 61, itself an under construction dwelling which has replaced a previous bungalow on the site. 6. The appellant points out that tandem development effectively already exists on the site.

Although the existing workshop is of a comparable scale to the proposed dwelling, its form and character is that of an ancillary garden building, given the type of materials used and its more impermanent appearance. The scale and appearance of the building nevertheless make it readily visible from surrounding properties. From my observations on site, there are no other developments of comparable scale within the rear gardens of Longfield Road to that at No 61, with the size of those I was able to see being more typical of domestic outbuildings. The existing building is therefore an isolated example within otherwise consistent surroundings which noticeably interrupts the pattern of development.

7. The proposed dwelling would continue, and exacerbate, the interruption to the pattern of development. Whilst it would not be a substantially larger structure, it would be significantly more permanent in its construction, with all of the hallmarks of a domestic residence, including a prominent front elevation with a proposed two storey gable, adding to its conspicuousness within its surroundings. The sub-division of the rear garden between the two properties would also interrupt the consistent size and pattern of the rear gardens, and would leave both with external space well below that of neighbours. The dwelling would be also be visible from the street, through the side access, further highlighting its incongruity within its surroundings. The dwelling in this position would therefore form an isolated and incongruous form of tandem development.

8. Moreover, much of the garden space would be used for the driveway and parking of vehicles for the proposed dwelling. Although the appellant indicates this was the case previously, it would nevertheless be out of character and appearance with the leafy, recreational spaces of neighbouring gardens, reinforcing the proposal's contrast with its surroundings. In addition, the proposed appearance of the dwelling, utilising timber cladding, would not respect the prevailing materials and external form of neighbouring dwellings which are predominantly in red brick or painted render.

9. The appellant questions the Council's concern over the proposed density of development.

Notwithstanding that a strict calculation of density per hectare may produce a result consistent with neighbouring areas, the placement of two properties onto one site would increase its density in a manner harmful to the prevailing pattern and spatial layout of development.

10. The appellant cites examples of purportedly similar development within the area in support of his case. At 82 Longfield Road, and 100 High Street, the approved building has access from a separate road, and aligns with other properties in a continuation of the street scene. The development at 51 Station Road was in an area where backland development was already well established. There are material differences therefore between these examples and the appeal scheme, and I therefore attribute limited weight to them. In any event, I have considered the proposal on its own merits.

11. For the above reasons, the proposed dwelling would fail to preserve the character and appearance of the area. Accordingly, there would be conflict with the design related aims of policies CS11 and CS2 of Dacorum's Local Planning Framework Core Strategy 2006-2031 (Adopted 25 September 2013), including respecting typical densities and enhancing spaces between buildings and general character, integrating with streetscape character and respecting adjoining properties in terms of, amongst other criteria, layout, site coverage, scale, bulk, height, landscaping and amenity space.

12. The proposal would also conflict with the Council's guidance within its Area Based Policies SPG1 (May 2004) – Character Area TCA2 – Miswell Lane, which requires that the existing layout structure should be maintained and the building line should be followed. The proposal would further conflict with the guidance of the Framework, which identifies good design as a key aspect of sustainable development.<sup>2</sup>

#### Other Matters

13. The Council did not refuse permission in respect of the effect of the proposal on the living conditions of neighbouring occupants, or in respect of the effect on highway safety. From all I have seen and read, I have no reason to conclude otherwise in these respects. These, however, would be neutral effects which would not outweigh the harm I have found in respect of the main issue.

14. In reaching my decision, I have had regard to the limited economic investment from building works to



convert the building and subsequent occupation of the dwelling. The dwelling would also add to the Borough's housing stock and would provide a reasonable standard of accommodation for future occupants. However, given its small scale, these benefits would be very limited, and are insufficient to outweigh the conflicts with the development plan which I have found in this case.

15. I have also had regard to other matters raised in public representations. However, as I am dismissing the appeal on the main issue, it is not necessary for me to pursue these matters further.

Conclusion

16. For these reasons, and taking all other relevant matters into consideration, the appeal is dismissed.

4/02368/17/MOA

Lumiere Acquisitions Ltd

DEMOLITION OF A 4 STOREY OFFICE BUILDING. CONSTRUCTION OF UP TO 17 STOREY RESIDENTIAL DEVELOPMENT. FEATURING 305 APARTMENTS, ON-SITE GYM AND LEISURE FACILITIES, ON-SITE COFFEE SHOP, ROOF GARDEN AND LIBRARY/OBSERVATORY, INTERNAL ARBORETUM, FUNCTION ROOM AND UNDERGROUND PARKING FACILITIES FOR 323 CARS IN AN AUTOMATIC CAR PARKING SYSTEM, WITH ON-SITE ELECTRIC CAR SHARE.

THE BEACON, WHITELEAF ROAD, HEMEL HEMPSTEAD, HP3 9PH

[View online application](#)

The appeal is dismissed.

The main issues are;

whether the site provides an appropriate level of affordable housing

whether the site provides an appropriate level of car parking.

Affordable Housing;

The outline application proposes an increased number of units (when compared to the approved scheme) yet the appellants have offered a considerably lower sum in lieu of the provision of on-site affordable housing. The LPA raises a number of concerns regarding some omissions from the submitted Development Viability Report (DVR), which in its opinion means that it does not provide a robust assessment of viability. The Inspector shares the concerns of the Council regarding the level of detail within the DVR. In particular she notes there is limited detail relating to the fully costed breakdown of the proposed scheme costs. Furthermore there is limited justification of the Benchmark Land Value. The Council confirms that similar contributions towards other infrastructure as well as affordable housing would be required as per the S106 agreement associated with the previous approval. The PPG advises that these should be taken into account when defining benchmark land value. However, they have not been included. These two factors alone means the Inspector concludes that the DVR does not constitute a robust assessment. It has therefore been given very limited weight and based on the evidence before the Inspector the reduced level of affordable housing provision is not accepted. Even if the Inspector were minded to accept that a financial contribution was acceptable, there is no method before her to secure the contribution such as a signed S106.

Parking;

With regard to car parking the Inspector notes that para 105 of the NPPF requires that if setting local parking standards, council should take account of the accessibility of the development, the type, mix and use of the development, the availability and opportunities for public transport, car ownership levels and an overall need to reduce the use of high emission vehicles. In assessing whether there would be an appropriate level of parking provision there are a number of factors which need to be taken into account. The Inspector notes that the site is within a relatively accessible location close to a supermarket and within walking distance to the town centre and train station. Therefore it is concluded that the appeal site is located within an area where residents would not necessarily require access to a car in order to meet day to day needs.

Each flat has an allocated parking space. The remaining 18 would be managed by the building management company with spaces available for occupiers or visitors. This process would be secured via condition if the appeal were otherwise acceptable. The other uses proposed within the site would be for residents only and would therefore be unlikely to generate extra demand. Furthermore the small floor area allocated to these elements means that stack number would likely be low.

While the council allege that parking is a problem in the area, there was no evidence of this during a site visit. Whilst the inspector notes this is only a snap shot in time, there is no substantive evidence regarding problems with parking. In any event, the inspector concludes that the requirement for parking would be moderated by the accessible location of the appeal site. In addition it was noted that there is very limited unrestricted on street parking available. Future occupiers would therefore have to travel a considerable distance to park cars, which would in itself be a potential deterrent to people purchasing dwelling if they had more than one car.

While the proposal does not meet the standards required, these are maximum standards. The Inspector concludes that on balance, having regard to the above the proposal would provide an acceptable level of parking.

## **F. ALLOWED**

4/01977/17/FUL                      Hounsfild LLP  
CONSTRUCTION OF 4 NEW DWELLINGS WITH AMENITY SPACE, CAR  
PARKING AND CYCLE STORAGE. PRIVATE GATED ACCESS DRIVE.  
PROPOSED NEW RETAINING WALL OF CONTIGUOUS PILING AND  
STEPOC BLOCK RETAINING WALL WITH GREEN WALL AND NATIVE  
TREE AND SHRUB SOFT LANDSCAPING.  
LAND TO THE REAR OF THE OLD SILK MILL, BROOK STREET, TRING,  
HP23 5EF  
[View online application](#)

### Decision

1. The appeal is allowed and planning permission is granted for a new build terrace scheme of 4 dwellings over three storeys with associated amenity space, car parking provision and cycle storage, private gated access drive. Proposed new retaining wall of contiguous piling and stepoc block retaining wall with green wall and native tree and shrub soft landscaping at land to rear of the Old Silk Mill, Brook Street, Tring HP23 5EF in accordance with the terms of the application, Ref 4/01977/17/FUL, dated 25 July 2017 subject to the conditions set out in the schedule to this decision notice.

### Procedural matter

2. On 24 July 2018, during the appeal process, the Government published its revised National Planning Policy Framework (Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to this case and I have taken their responses into account in reaching my decision.

### Main Issues

3. The main issues are:

The effect of the proposal on the character and appearance of the area

The effect of the proposal on the living conditions of the occupiers of adjoining residential properties with particular regard to outlook, privacy and light. Reasons

### Character and appearance

4. The appeal site lays to the north of the Old Silk Mill a mixture of buildings of various designs and heights used for commercial purposes. It is at a considerably lower level than the residential properties to the west on Kingsley Walk, with a steep embankment on the western boundary. These are predominantly two storey terraced houses of a mostly uniform appearance. To the north is public open space, and to the east a pair of two storey semi-detached houses. As a result, although there is some uniformity in house design, overall the area has a fairly mixed character and appearance. The appeal site is an area of undeveloped land which, in its unmaintained state, does not contribute positively to the character and appearance of the area.

5. The proposed houses would form a terrace of four properties sited in line with Nos 21 and 22 Brook Street and would have a uniform appearance, reflecting the general pattern of residential development in the area.

6. The Development Principles of residential character appraisal TCA15 (Brook Street) of the Dacorum Borough Local Plan Area Based Policies Supplementary Planning Guidance 2004 (SPG) states that the height of new dwellings should not exceed two storeys, unless it can be demonstrated that the character and appearance of the street scene will not be harmed. Furthermore, small to moderate sized dwellings are appropriate and encouraged. I have though been supplied with no definition of small to moderate sized dwellings.

7. The houses would have three storeys, and therefore would be higher than, and have a larger mass than



the two storey houses at Nos 21 and 22. Nevertheless, there would be some distance between the existing and proposed houses so that the appeal scheme would not harmfully dominate Nos 21 and 22. In addition, the appeal site would be seen within the context of the higher residential properties on Kingsley Walk, therefore the proposed roofline would form a staggered built form of development between the properties to the east and west.

8. Furthermore, part of the Silk Mill has three storeys, and it is sited a similar distance back from Brook Street as the appeal site, also near to lower buildings. In addition I saw a four/five storey development to the north of the appeal site. Therefore, the height of the houses would not be unique within the street scene. While I understand the Council's justification for the four/ five storey development at the time of its consideration of the planning application, it is nevertheless now part of the built development forming the character and appearance of the area. Moreover, I note that in the Committee report for the development the Council state that 'much of the surrounding development, although two storeys, is set well back from Brook Street at much higher levels than the highway'. This is similar to the context of the appeal site in relation to Kingsley Walk properties.

9. As a result, I am satisfied that the proposal while not of the same scale, height, bulk or character as Nos 21 and 22 would not be materially prominent or obtrusive within the street scene, thereby maintaining the inherent mixed character and appearance of this part of Brook Street. Consequently, I am satisfied that the proposal would comply with the guidance in the SPG.

10. For the reasons above, I conclude that the proposal would not be harmful to the character and appearance of the area. There would therefore, be no fundamental conflict with Policy CS12 of the Core Strategy 2006-2031 adopted in 2013(CS) which requires that development should integrate with the streetscape character.

Living conditions

11. Nos 136, 138 and 140 Kingsley Walk are part of a terrace of properties with an elevation facing towards the appeal site. They are set back a significant way from the boundary of the appeal site behind a footway and grassed area. The boundary to the site is formed by a wired fence which is currently covered with ivy. The elevations facing the appeal site have a ground floor window, and two first floor windows one of which is obscure glazed. Currently, the windows have a mostly open outlook, albeit partially blocked by the existing boundary treatment at ground floor.

12. Although the proposed dwellings would have three storeys, in reality taking account of the different land levels and the slope of the ground from the front elevation of Nos 136, 138, and 140, the perceived height of the houses from these dwellings would only be about 6 metres. Furthermore, the side gable of the proposed houses, although wide, would have a relatively shallow pitched roof. These factors together with the considerable distance between the proposed and existing properties, means that I am satisfied that the houses would not be materially overbearing or lead to a material loss of light. I note that the Council confirms that the proposal would meet guidelines within the BRE guidance, and I have seen no substantive evidence to dispute this finding. Furthermore, I note the intention to plant trees along the site boundary which would, in any case, soften the appearance of the houses.

13. There would be windows in the side elevation of the proposed house on plot 1 facing the properties on Kingsley Walk. Furthermore, windows and balconies in the rear elevation of the proposed dwellings would face towards properties along Kingsley Walk. However, the combination of the considerable distance between the dwellings, and the proposed comprehensive boundary treatment of fencing and tree planting, means that the existing occupiers would not suffer a material loss of privacy, which is already impacted by the use of the existing footway.

14. Although, there would be a relatively small distance between the houses and the boundary to accommodate tree planting, the Council's Tree Officer has no objections to the proposed landscaping scheme, subject to minor alterations which could be secured by the imposition of a condition. I have seen nothing to lead me to disagree with this approach.

15. There would be potential for overlooking, to an unacceptable degree, from the side bedroom windows in the eastern elevation of the house on plot 4 towards No 22 and from the rear balcony towards the garden of Nos 21 and 22. However, from the evidence before me and my observations on site I see no reason to disagree with the view of the Council that this could be appropriately mitigated through obscure glazing and privacy screens to the balcony. The windows to the bedroom would be secondary, and therefore the prospective occupiers would still have an outlook over the adjacent public open space. Such details could be secured through the imposition of a condition.

16. For the reasons above, I conclude that the proposal would not be materially harmful to the living conditions of adjoining occupiers of residential properties with particular regard to outlook, privacy and light. There would therefore, be no conflict with Policy CS12 of the CS. This requires that development avoids visual intrusion and loss of privacy.

Other matters

17. The proposed access to the houses would be from Brook Street via an existing private unsurfaced driveway which already serves Nos 21 and 22. While concern has been raised regarding the visibility splay, particularly to the south, I saw at my site visit that visibility was good in both directions. While there

are some parking spaces to the north of the access, I saw that these would not interfere with the operation of the proposed access. I also note that the Highway Authority has not raised any objection to the proposal on this or any other basis. I have seen no substantive evidence to disagree.

18. The proposal would be within the setting of the Silk Mill which is a Grade II Listed building and there would be some intervisibility between the buildings. Nevertheless, given the distance between the buildings, the presence of later industrial units and the contemporary design approach to traditional mill village housing, I see no reason to disagree with the views of the Council's Conservation and Design Officer that the proposal would not cause harm to the significance of the listed building provided it is carried out to a high standard of design and detail. Such details could be ensured through the imposition of a condition.

#### Conditions

19. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents. In the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.

20. Conditions requiring the submission of details of materials, the detailed design and appearance of the houses and the repairs to the brick and flint wall are necessary to protect the character and appearance and the setting of the listed building. A condition preventing the removal of the brick and flint wall is necessary given its historical significance. A condition requiring the implementation of approved landscaping works together with the submission of further details is required to protect the character and appearance of the area.

21. A condition requiring details of surface water drainage, taking account of sustainable drainage systems is necessary to ensure the proper drainage of the site. I have amended the wording of the condition to reflect the details required and the need for long term maintenance of the scheme. A condition ensuring that the arrangements for parking, circulation and access are provided and retained is necessary to protect highway safety.

22. A Construction Management Plan, details of piling and conditions regarding contamination are required prior to work commencing to protect existing and proposed resident's living conditions. Details of fire hydrants are necessary to protect the health and safety of residents.

23. Given the location of the houses within the setting of the listed building, and the importance of their design in ensuring that they do not harm the significance of the listed building I am satisfied that it is necessary to restrict the permitted development rights for the dwellings as suggested by the Council.

24. A condition requiring that the development complies with the submitted sustainable checklist is necessary to ensure compliance with Policy CS29 of the CS.

25. I have not imposed the Council's suggested condition regarding levels and heights as compliance is already required under condition 2.

#### Conclusion

26. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

#### SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-101 Rev A, PL-102 Rev D, PL-201, PL-300 Rev C, 170925-L-10 Rev b, 5460-1 Rev 01B, 5460-1 Rev 02B.

3) No development other than site preparation, groundworks, site investigation and remediation shall take place until samples of the materials proposed to be used on the external surfaces of the development (including the driveway surfacing and brick bond) hereby permitted shall have been provided on site as a sample panel at least one metre by one metre and summary details submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development.

4) No development other than site preparation, groundworks, site investigation and remediation shall take place until 1:20 details of the design and appearance of the following shall have been submitted to and approved in writing by the local planning authority:

i) All new windows, external doors and openings (including materials, finishes, cills, window headers, surround details). The details shall include vertical and horizontal cross-sections through the openings to show the position of joinery within the openings;

ii) eaves joinery and rainwater goods;

iii) chimneys;

iv) balconies;

v) bin and cycle stores;

vi) front boundary walls / gates (including brick bond);

vii) vehicle access gates.

The development shall be carried out in accordance with the approved details.

5) The development shall not be occupied until details of the extent and form (including materials) of the general repairs to the existing brick and flint wall shown annotated on plan ref PL-102 Rev D shall have been submitted to and approved in writing by the local planning authority. The approved details shall be carried out prior to the first occupation of the development.

6) The approved soft landscape works shown on plan ref 170925-L-10 Rev b and hard landscape works shown on plan ref PL-102 Rev D shall be carried out prior to the first occupation of the development hereby permitted and notwithstanding any details submitted, no development other than site preparation, groundworks, site investigation and remediation shall take place until full details of the following shall have been submitted to and approved in writing by the local planning authority:

- i) An elevation showing the soft landscape works to the "stepoc" wall 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;
- ii) irrigation lines;
- iii) biodiversity features such as bat boxes;
- iv) proposed finished levels or contours;
- v) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);
- vi) minor artefacts and structures (e.g. furniture, play equipment, signs,
- vii) lighting etc);
- viii) details of a management plan for the ongoing maintenance of the
- ix) landscaped areas.

The approved landscape works shall be carried out prior to the first occupation of the development hereby permitted and the management plan implemented in accordance with the details approved therein.

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.

7) The development hereby permitted shall be carried out in accordance with the approved Policy CS29 Sustainability Checklist.

8) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and,
- iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

9) The development hereby permitted shall not be occupied until the arrangements for vehicle parking, circulation and access shown on Drawing No. PL-102 Rev D shall have been provided, and they shall be retained and kept available for their intended purposes at all times thereafter.

Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the carriageway.

10) No development shall take place until a Construction Management Plan shall have been submitted to and approved in writing by the local planning authority. The statement shall provide for:

- i) the parking of vehicles of site operatives, contractors and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) construction access arrangements;
- v) wheel washing facilities;
- vi) measures to control dust and dirt during construction;

The details shall include a plan showing the proposed location of these areas. The approved statement shall be adhered to throughout the construction period.

11) Prior to commencement of development, a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

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

For the purposes of this condition:

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

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

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

13) All remediation or protection measures identified in the Remediation Statement referred to in Condition 12 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.

14) The development shall not be occupied until fire hydrant(s) to serve the development shall have been implemented in accordance with details submitted to and approved in writing by the local planning authority.

15) The first and second floor windows in the east elevation of Dwelling 4 of the development hereby permitted shall be non-opening and shall be permanently fitted with obscured glass.

16) The development shall not be occupied until details of a privacy screen to the balconies hereby permitted, together with an elevation drawing from the east of the proposed willow hurdle fence shown on plan hereby permitted, shall have been submitted to and approved in writing by the local planning authority. The approved screens and fence shall be installed as an integral component of the development prior to first occupation and shall thereafter be permanently retained in position.

17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:

Schedule 2 Part 1 Classes A, B and C

Part 2 Class A

Part 14 Class A

18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the existing brick and flint wall on the western boundary of the site shall not be demolished, lowered, removed or replaced by another fence, gate or wall.

4/02889/17/ENA

IVOR GREGORY

APPEAL AGAINST ENFORCEMENT NOTICE - USE OF LAND FOR  
COMMERCIAL/RESIDENTIAL PURPOSES AND CONSTRUCTION OF  
STORAGE AREAS AND CONCRETE PAD

THE RICKYARD, ASTROPE LANE, ASTROPE, TRING, HP23 4PN

[View online application](#)

This relates to an appeal against the serving of an Enforcement Notice relating to the commercial / residential use of the land (including the construction of an outbuilding) and the construction of metal/timber storage areas and a concrete pad. The appeal was made on grounds (a), (b), (c) and (d).

In respect of the ground (b) appeal the Inspector agreed with the Council that the Enforcement Notice was correct to allege a commercial / residential use of the land. In particular the Inspector noted that the exceptional quantity of mowers and related machinery and parts on the site appears to go well beyond what might be considered as a hobby or personal collection. Overall, the Inspector concluded that on the balance of probabilities a commercial mower renovation, repair and parts service operated from the appeal site. As such the ground (b) appeal failed.

Turning to the ground (c) appeal the Inspector agreed with the Council that the allegations in the Enforcement Notice represented a breach of planning controls. In particular the Inspector agreed that as a mixed use site it could not benefit from agricultural permitted development rights, that the concrete pad was not built for agricultural purposes, that the outbuilding was not within the curtilage of the main barn (and therefore could not rely on Part 6, Class B PD rights), and that it was not reasonably necessary for agriculture on the unit. As such the ground (c) appeal failed.

In terms of the ground (d) appeal the Inspector concluded that the material stores were less than 4 years old and the outbuilding was subject to the 10-year rule because it was erected as part and parcel of the mixed use being enforced against and that it was less than 10 years old. As such the ground (d) appeal failed.

Finally, in respect of the ground (a) appeal the Inspector granted planning permission for the retention of the outbuilding and the concrete pad for agricultural purposes (considering that these would support the agricultural holding, do quite limited harm to the rural area and (for the concrete pad) could be re-constructed using agricultural PD rights. The Inspector, however, refused planning permission for the commercial / residential use of the land and the metal /timber stores (considered to be harmful to rural character in view of the unsightly and incongruous appearance and extent of the storage structures).

4/03082/16/ROC

Drift Limits and Cathy Leahy  
REMOVAL OF CONDITION 1 (TWO-YEAR TEMPORARY PLANNING PERMISSION) OF PLANNING INSPECTORATE DECISION (APP/A1910/C/14/223612) APPEAL OF PLANNING APPLICATION 4/00435/14/ENA (MOTORCYCLE/MOTOR VEHICLE ACTIVITIES AND ASSOCIATED STORAGE/PARKING)

LAND AT RUNWAYS FARM, BOVINGDON AIRFIELD, UPPER BOURNE END LANE, HEMEL HEMPSTEAD, HP1 2RR  
[View online application](#)

Allowed Appeal.

The Inspector considered the appeal under the following key issues:

(i) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;

Under the 2018 revisions to the Framework there have been changes to what is considered to be not inappropriate development in the Green Belt. Under paragraph 146 of the Framework, material changes in the use of land are now considered to be not inappropriate development in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

(ii) the effect on the openness and purposes of the Green Belt;

The various cars on the track have some effect on openness, but as this is transitory this is negligible, and therefore little weight can be given to this.

Parked cars, both operational and for those visiting the facility, while transitory has a greater effect but is still of limited weight.

The various storage containers, customer facilities and other paraphernalia which were considered at the previous appeal to have a substantial effect on openness, have since been rationalised and relocated but, noting that the reception building and WC block were still in close proximity to the former runway, and were unlikely to be moved, the Inspector considered that these do have a significant effect on openness. The Inspector also considered that these various facilities at present do not represent good design and have a greater effect on openness than well design buildings are likely to have. As such they significantly harm openness. He noted also that protection barriers to the public right of way would have a significant effect on openness.

(iii) the effect of the proposal on the character and appearance of the area;

The Inspector considered that the existing facilities are entirely utilitarian but that they are not appropriate in the longer term and are harmful to the character and appearance of the area. Similarly the W.C. building is utilitarian and the barriers around the sections of the rights of way made up of stacks of bales of hay/straw cannot be considered to be good design. The Inspector did not have information on their modified form but either way considered that the facilities are or would be significantly harmful to the character and appearance of the area.

#### Conclusions on Inappropriate Development

The Inspector considered that the structures would not preserve openness and would conflict with the purposes of the Green Belt and would represent inappropriate development in the Green Belt. As paragraphs 143 and 144 of the Framework make clear, inappropriate development should not be approved except in very special circumstances.

(iv) the effect of the proposal on the living conditions of the occupiers of nearby properties in terms of noise and disturbance;

The Inspector made clear that he was not considering the Management Plan. He noted that the volume of noise was not the issue, but rather the character of the noise. Mainly, this was tyre squeal, principally during drifting, and engine noise.

From his site visit he noted that for an observer, the nature of the sound was 'episodic' and repetitive. That is sounds, both of drifting and engine noise while running on the tracks, involve discrete peaks in noise and repeated at irregular intervals.

His experience of the effect of the wind was the same as reported by local residents, in that it reduced the effects when upwind, and propagation increased downwind.

When on site the sound levels, while louder, were readily understandable, but away from the site there was a 'disconnect' in that the source of the sound could not be seen. This was emphasized by the episodic and repetitive nature of the sound. He could thus understand why local residents reported psychological concerns over hearing a skid and then waiting for the sound of a collision which never happened, which was upsetting.

From what he heard at the site visit the Inspector noted that traditional drifting is particularly intrusive and harmful to the living conditions of nearby residents. The controlled drifting, on the other hand, was considerably less intrusive being closer to a 'scrubbing', lower pitched and quieter than the 'squeal' he heard when traditional drifting was demonstrated. As regards engine noise, given the other authorised uses he considered that, subject to a Management Plan, the noise environment was acceptable. This would mean that a high standard of amenity for local residents would be achieved.

The Inspector appreciated that to date agreeing a Management Plan had been problematic. However, he was satisfied that it should be possible to agree and successfully implement a Management Plan to deal with its various matters. Since the previous appeal decision, from what he could tell, there had been significant improvements to the noise environment through both the types of the vehicles run on the site and thus the noise produced and how drifting takes place and these improvements should not be reversed, but rather continued.

In conclusion, provided traditional drifting did not take place, subject to a Management Plan, the Inspector considered that the proposal would not be harmful to the living conditions of the occupiers of nearby properties. It would therefore comply with Policy CS12 and paragraphs 127, 170 and 180 of the

Framework. He imposed a condition preventing traditional drifting.

(v) the effect on users of the public rights of way network in the area;

The Inspector noted that the revised NPPF emphasized in paragraph 98 that decisions should protect and enhance public rights of way including taking opportunities to provide better facilities for users which is different from the 2012 version. While the route of the footpaths will be protected, the experience of the users would not be enhanced by the proposal, but this experience for users would be within the context of the other authorised uses of the site. Overall, he gave this moderate weight against the proposal.

(vi) would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

The Inspector noted that there were direct and indirect employment opportunities, including operating the site and vehicle maintenance and procurement with 27 full-time equivalent employees and an additional 30 people employed on an ad hoc part-time basis on site and another 7 full-time equivalents employed in vehicle maintenance nearby. He gave these benefits substantial weight.

He also noted spin-off benefits to local facilities such as hotels and restaurants and from a social perspective he identified benefits to the enhancement of driving skills and through charity events to which he gave moderate weight.

He also took account of paragraph 141 of the NPPF that emphasised opportunities for providing outdoor sport and recreation should be planned for positively.

It was also the case that the police and protection driver training could take place for up to 180 days a year which provided the baseline against which the additional effects should be considered.

#### Planning Balance

Whilst the proposal clearly represented inappropriate development in the Green Belt, he balanced this against:

1. Finding no harm to residential amenities, subject to a condition preventing traditional drifting and the implementation of a Management Plan;
2. Substantial weight to the base-line against which the proposal should be considered;
3. The economic benefits of the development;
4. Moderate weight from the social benefits.

He concluded that the harm to the Green Belt was clearly outweighed by the above very special circumstances.

4/03286/16/FUL

MR DAVIS MARTIN  
DETACHED DWELLING

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

This appeal has been allowed. The site is located within the Hall Park character area of Berkhamsted and the appeal proposes a new dwelling within the side garden (the principle of which has been established through previous applications). The Inspector in their decision acknowledged that whilst the unifying characteristic of the road is that of detached houses, architecturally there is variety within the street and a mix of hipped roofs and gable fronted properties of differing widths. The appeal proposal that would introduce a contemporary dwelling presenting a gabled elevation to the road, in its immediate context, would not be at odds with the prevailing street scene. Gaps would be contextually appropriate. Scale, height and form were found acceptable noting ridge heights follow the slope of the road. Detailed design elements (including substantial eaves overhang, cantilevered side projection and wall-to-window ratio) of the dwelling which are not replicated elsewhere in the street, were considered to add to the variety of

buildings.