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DEVELOPMENT MANAGEMENT AGENDA

THURSDAY 29 NOVEMBER 2018 AT 7.00 PM
DBC 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 Corporate and Democratic Support or 01442 228209

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

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.

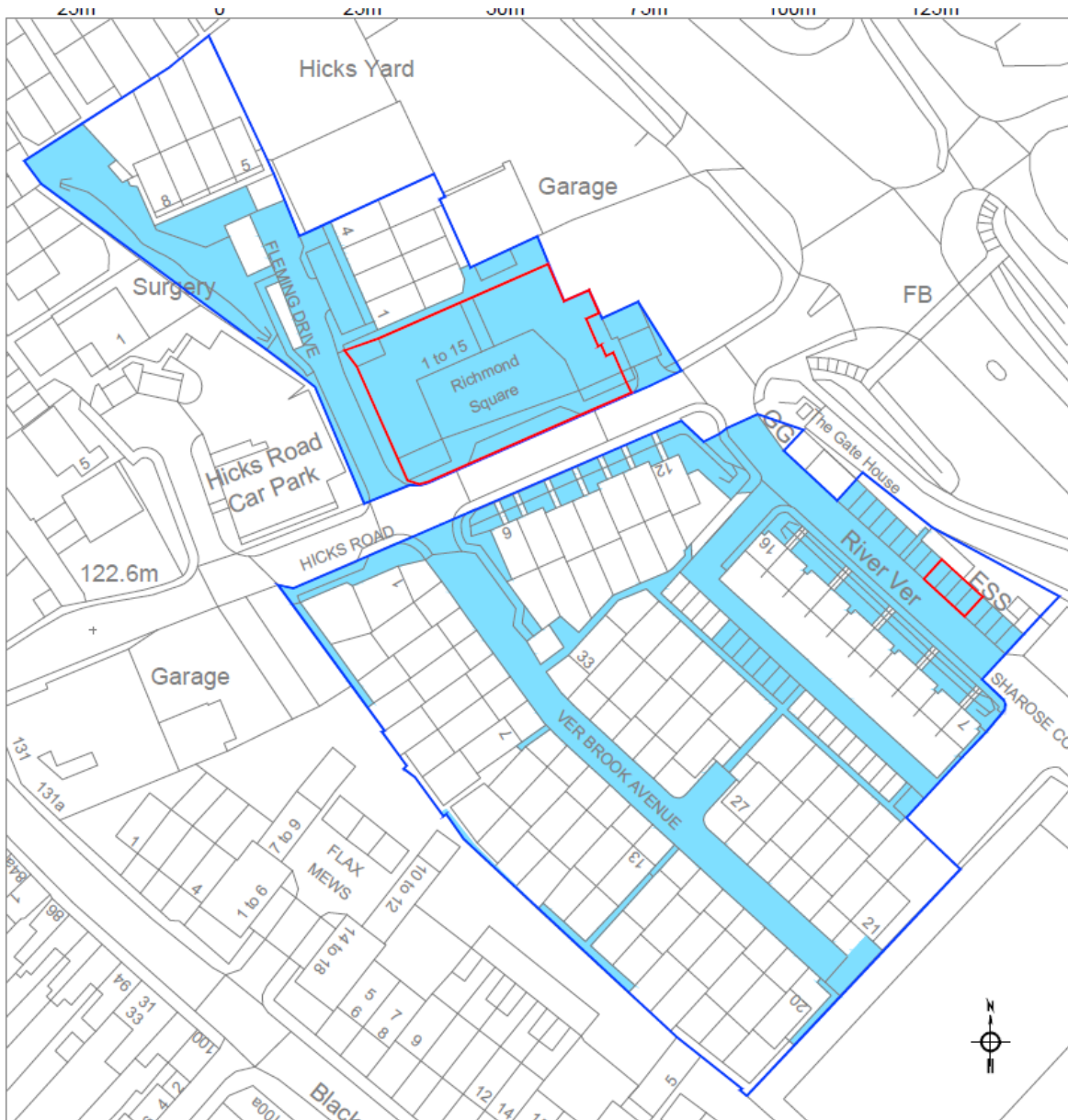
5. INDEX TO PLANNING APPLICATIONS

- (a) 4/01278/18/FUL - CHANGE OF USE OF UNIT 1 (CLASS D1 SURGERY/HEALTH CENTRE USE) TO CLASS A1 CONVENIENCE FOODSTORE, TOGETHER WITH CHANGE OF USE OF UNIT 2 (CLASS A1/A2/A3/A4 AND B1) TO THREE RESIDENTIAL UNITS (ONE 1-BED AND TWO 2-BED FLATS), TOGETHER WITH ASSOCIATED EXTERNAL ALTERATIONS, LANDSCAPING, AMENDMENT TO RICHMOND SQUARE AND PROVISION OF PARKING - UNITS 1 AND 2, RICHMOND SQUARE, HICKS ROAD, MARKYATE, AL3 8FL (Pages 5 - 64)
- (b) 4/01941/18/OUT - CONSTRUCTION OF UP TO 3 NEW HOUSES, TWO NEW VEHICULAR ACCESSES AND WIDENING OF EXISTING VEHICULAR ACCESS. ALTERATIONS TO EXISTING HOUSE - SHOTHANGER, SHEETHANGER LANE, FELDEN, HEMEL HEMPSTEAD, HP3 0BG (Pages 65 - 96)
- (c) 4/02075/18/FHA - DEMOLITION OF CONSERVATORY AND CONSTRUCTION OF A REAR EXTENSION AND A SIDE EXTENSION OVER GARAGE AND COMPLETE CHANGE OF ROOF TILES - 3 OAKWOOD, BERKHAMSTED, HP4 3NQ (Pages 97 - 124)
- (d) 4/02509/18/FHA - SINGLE STOREY REAR EXTENSION, FIRST FLOOR FRONT EXTENSION, ALTERATIONS TO ROOF TO FORM ROOM IN THE ROOF AND REAR DORMER - 14 CEDAR WALK, HEMEL HEMPSTEAD, HP3 9EB (Pages 125 - 130)

6. APPEALS UPDATE (Pages 131 - 133)

Item 5a 4/01278/18/FUL CHANGE OF USE OF UNIT 1 (CLASS D1 SURGERY/HEALTH CENTRE USE) TO CLASS A1 CONVENIENCE FOODSTORE, TOGETHER WITH CHANGE OF USE OF UNIT 2 (CLASS A1/A2/A3/A4 AND B1) TO THREE RESIDENTIAL UNITS (ONE 1-BED AND TWO 2-BED FLATS), TOGETHER WITH ASSOCIATED EXTERNAL ALTERATIONS, LANDSCAPING, AMENDMENT TO RICHMOND SQUARE AND PROVISION OF PARKING.

UNITS 1 AND 2, RICHMOND SQUARE, HICKS ROAD, MARKYATE, AL3 8FL



Location plan
1:1250

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UNITS 1 AND 2, RICHMOND SQUARE, HICKS ROAD, MARKYATE, AL3 8FL



4/01278/18/FUL	CHANGE OF USE OF UNIT 1 (CLASS D1 SURGERY/HEALTH CENTRE USE) TO CLASS A1 CONVENIENCE FOODSTORE, TOGETHER WITH CHANGE OF USE OF UNIT 2 (CLASS A1/A2/A3/A4 AND B1) TO THREE RESIDENTIAL UNITS (ONE 1-BED AND TWO 2-BED FLATS), TOGETHER WITH ASSOCIATED EXTERNAL ALTERATIONS, LANDSCAPING, AMENDMENT TO RICHMOND SQUARE AND PROVISION OF PARKING.
Site Address	UNITS 1 AND 2, RICHMOND SQUARE, HICKS ROAD, MARKYATE, AL3 8FL
Applicant	c/o agent
Case Officer	James Gardner
Referral to Committee	Contrary to the views of Markyate Parish Council

1. Recommendation

1.1 That planning permission be **GRANTED**.

2. Summary

2.1 Regard has been had to the relevant policies pertaining to new retail development outside of designated local centres. It is considered that the proposal would not conflict with the retail / shopping aims of Policy CS16 of the Dacorum Core Strategy. The principle of A1 retail in this location was established by planning permission 4/01173/11/MFA. Furthermore, the designated local centre comprises a number of active retailers and there do not appear to be any vacant units. Thus, edge of centre locations need to be considered.

2.2 Given that attempt to market Unit 2 has been made to no avail, consideration now needs to be given to alternative uses. The proposal to provide 3 new units of accommodation is therefore considered to be acceptable and would not be contrary to saved Policy 45 of the Dacorum Local Plan.

2.3 Adequate parking has been provided for both the new residential units and the proposed convenience store.

3. Site Description

3.1 The application site is located to the north of Hicks Road, Markyate, and comprises two vacant units on either side of a newly created public square.

3.2 Unit 1 is located on the western side of the site and has an extant permission to be used as a D1 surgery. Unit 2, located on the eastern side of the site, has permission to be used for a flexible use (A1, A2, A3, A4 and B1) and as a gym and sports injury clinic (see 4/00169/17/FUL).

3.3 The site forms part of the redevelopment of Hicks Road within application ref: 4/01173/11/MFA.

4. Proposal

4.1 Planning permission is sought for the change of use of Unit 1 (Class D1 Surgery/Health Centre use) to a Class A1 convenience foodstore, and a change of use of Unit 2 (Class A1, A2, A3, A4 and B1) to three residential units (one 1-bed and two 2-bed flats), together with associated external alterations, landscaping, amendment to Richmond Square and provision of parking.

5. Relevant Planning History

4/01173/11/MFA

Comprehensive redevelopment to provide a range of 75 residential dwellings; new class B1, B2 and B8 accommodation (including the retention of two light industrial buildings within Sharose Court); a new surgery/health centre (Class D1); 3 commercial units (for class A1/A2/A3/A4 and B1 use), creation of a public square, associated landscaping; formation of new access roads and provision of 197 car parking space (amended scheme)
Approved 04/07/2012.

4/00528/13/NMA

Non-Material Amendment to planning permission 4/01173/11/MFA, namely minor alterations to elevations, internal layout, turning circles and access
Approved 13/08/2013.

4/00169/17/FUL

Proposed change of use from flexible use (A1/A2/A3/A4 and B1) to a gym and sports injury clinic/hub (D2)
Approved 31/03/2017.

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, CS11, CS12, CS16, CS17, CS23

6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 10, 18, 19, 21, 44, 45, 57,

6.4 Supplementary Planning Guidance / Documents

- Hicks Road Masterplan (2012)
- Accessibility Zones for the Application of car Parking Standards (July 2002)

7. Constraints

- A5 (200M BUFFER)
- FLOOD ZONE 3
- FLOOD ZONE 2
- Former Land Use
- LARGE VILLAGE

8. Representations

8.1 These are reproduced in full at Appendix 1

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix 2

9. Considerations

Main Issues

9.1 The main issues to consider are:

- Policy and Principle
- Parking and Impact on Highway Safety
- Impact on Appearance of Building and Street Scene
- Other Material Consideration

Policy and Principle

9.2.1 There are two elements to this application, firstly, the change of use of Unit 1 from doctors surgery (Class D1) to retail (Class A1), and change of use of Unit 2 from Class A1/A2/A3/A4/B1 use to residential (Class C3). These shall be discussed in turn.

Change of Use of D1 Unit to A1 (Retail):

Policy context

The following policies are relevant in the consideration of the change of use to retail.

9.2.2 Policy CS16 of the Dacorum Core Strategy (2013) states that any new retail floorspace will only be permitted outside of defined centres if the proposal complies with the sequential approach and demonstrates that the proposal would not impact upon the vitality and viability of centre.

9.2.3 The Dacorum Core Strategy promotes new retail development in central locations first in order to support the vitality and viability of centres. The sequential approach stipulates that retail development is delivered on sites in the following order of preference:

1. Locations in shopping areas in appropriate existing centre;
2. Other locations within these centres;
3. Edge of centre locations; with preference given to sites that are or will be well-connected to the centre; and
4. Out of centre sites, with preference given to sites which are or will be served by a choice of means of transport and which are closest to the centre and have a higher likelihood of forming links with the centre.

9.2.4 Paragraph 87 of the NPPF (2018) states that, when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

9.2.5 Paragraph 89 of the NPPF (2018) states that, where applications for retail development are located outside town centres, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. Where there is no locally set threshold, the default threshold is 2,500m².

9.2.6 Saved Policy 44 of the Dacorum Local Plan (2004) states that shopping proposals outside defined centres will be required to demonstrate that a sequential approach to site selection has been followed.

9.2.7 The Hicks Road Masterplan identified a number of significant benefits for the entire village that would be directly attributable to the site. These included, but were not limited to:

- *the creation of a vibrant and integrated mixed-use quarter (centred around the public square) – integrating the new residential, retail, commercial and community floorspace to create vibrancy/activity within the heart of the development.*
- *the provision of small-scale retail uses (Classes A1/A2/A3 and A4) to add life and vibrancy to the new public spaces and to complement the role and function of the existing High Street.*

9.2.8 It should also be noted that the principle of a retail use in this area was established by 4/01173/11/MFA. Weight is attached to this.

Sequential Approach

9.2.9 It is important to note that there is no evidence, including the site visit and observations made on the ground or through consultation on the application, that there are unoccupied units within the designated local centre of Markyate.

9.2.10 It follows that edge of centre locations must be considered for retail development.

Edge of Centre Site

9.2.11 The application site comprises an ‘edge of centre’ location in retail terms. For the avoidance of doubt, the NPPF (2018) provides the following definition:

Edge of centre: For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

Assessment

9.2.12 The development is considered to be in accordance with Policy CS16 as it would comply with the sequential approach (there is no evidence of unoccupied units within the designated local centre). Policy CS16 does not provide a threshold at which an impact assessment should be carried out; therefore, paragraph 89 of the NPPF (2018) is engaged – i.e. an impact assessment is only required for retail development of over 2,500m².

9.2.13 Notwithstanding the above, given that the application site is contiguous with the village centre, it is arguable whether the sequential test is relevant. The comments from the previous case officer’s committee report are instructive:

There have been concerns raised by some residents and shop owners of the fear that it will take trade away from the existing shops, and food outlets within the High Street. However, it is considered that these uses should complement each other rather than take trade away as they are close by within easy access. (my emphasis).

9.2.14 Furthermore, Hicks Road previously formed part of Strategic Site 2 (SS2), wherein “Ground floor retail uses will be acceptable where they meet local need and complement the existing retail offer within the village centre. Such uses to create a link to/extension of High Street into Hicks Road.”

9.2.15 The principle of retail floorspace located outside of the Markyate village centre was established by the approved application, which was itself guided by the Hicks Road

Masterplan. The masterplan made the following comments in respect of the retail function of Markyate:

The High Street provides the focus for the remaining retail and commercial uses within the village. However, despite the cohesive nature of the street pattern, there are only a small number of shops and pubs left within the village centre. Instead, the High Street is now dominated by residential accommodation interspersed with small-scale retail facilities. There is currently no strong focal point for commercial/retail activity within the town and little space to promote community uses, evening economy and outdoor cafes. The provision of small-scale retail uses (Classes A1/A2/A3 and A4) to add life and vibrancy to the new public spaces and to complement the role and function of the existing High Street.

9.2.16 Richmond Square was, and continues to be, seen as an extension of the local centre. In point of fact, it is contiguous with it and therefore, although technically an 'edge of centre' site, its proximity with the High Street is such that it is considered to be a de-facto part of the village centre. The approved application established the principle of Richmond Square as forming a continuation of the village centre.

9.2.17 The Strategic Planning Team have not raised any objections to the proposal. It is understood that changes to the currently defined boundaries of the village centre are being considered as part of the new local plan, which could potentially see Richmond Square included within it.

9.2.18 Given that reference is made to "small-scale retail uses" in the masterplan, it is also worth giving further consideration to what, in practical terms, this actually means as the proposed convenience store would be larger than what has already been approved.

9.2.19 Saved Policy 45 (Scattered Local of Shops) of the Dacorum Local Plan (2004) states that "*Small means up to 235 sq. m in area.*" It is important to note that the proposed net sales area equates to 170 square metres, with the remaining 177 square metres required for back-of-house facilities and plant equipment, which is split over two levels. As such, the whole of the unit (347sqm) is not proposed to be given over to the sale of goods. It is uncommon for convenience stores to operate over two levels; however, for the avoidance of doubt and to allay any potential concerns over the impact of the additional space at first floor level, it has been indicated that the applicant would be amenable to a planning condition limiting the sales area to 170 square metres. The proposal is therefore considered to be a small-scale retail use.

9.2.20 Whilst it has been noted that Condition 29 of planning permission 4/01173/11MFA limited the floorspace of any retail unit occupying Unit 1 to 105 square metres "*In order to maintain the viability of existing retail units within the village in accordance with Policy 43 of the DBLP.*", this appears to be an arbitrary figure as no justification was provided within the officer's report; nor does SS2 identify a threshold for unit sizes.

9.2.21 The Hicks Road Masterplan refers to small-scale retail uses complementing the role and function of the existing High Street, but does not say that competition is inappropriate. Limiting competition is not the role of planning, as acknowledged by the previous case officer. The key issue is the impact on the Markyate local centre as whole, not the NISA store in isolation. Competition between respective shops can benefit customers (by keeping prices competitive and offering a wider choice of goods), and is an integral part of a free market economy. Whether in the local centre or not, two businesses selling similar products will be in competition with one another.

9.2.22 Unit 1 has been vacant since construction. The original intention was that it would be occupied by the existing Markyate doctor's surgery in order to provide enhanced facilities for Markyate's growing population. Unfortunately, the unit was not deemed to be appropriate for

the needs of the surgery and, as a result, has remained vacant. It is understood that the surgery is now pursuing other options: planning permission is being sought for a single storey side extension, two storey side extension and associated works (see 4/01954/18/FUL). Consequently, a productive use now needs to be found for this unit.

9.2.23 A common concern raised by members of the public to the principle of new development is that infrastructure does not keep pace with growth. The Dacorum Core Strategy states that:

Wherever new housing planned, there will be a need to expand existing social infrastructure and/or provide new services and facilities. New development will be expected to contribute towards these needs. For larger-scale development this could include the provision of a new local centre.

9.2.24 The combination of a Doctor's surgery and enhanced retail offerings at Richmond Square was intended to serve the growing needs of Markyate. In recent years there have been a number of new developments in and around the area, as well as increases in density through infilling. The provision of a new A1 shop would be commensurate with the growth in population and density within the local area. The site's proximity to the A5183 (formerly the A5) may also attract passing trade from residents of outlying areas – i.e. Flamstead, Pepperstock, Kensworth – on their way to and from work. It is considered that this could have positive spin-off benefits for the other shops and retail offerings within Markyate. The food store is considered to further the aims and objectives of Policy CS23 of the Dacorum Core Strategy, which states that "Social infrastructure providing services and facilities to the community will be encouraged."

Summary of assessment

- The proposal would not conflict with the retail / shopping aims of Policy CS16.
- The principle of a retail unit outside of the Markyate Village Centre was established by the approved planning application (4/01173/11/MFA).
- Small-scale retail is encouraged in the Hicks Road Masterplan, noting previous approval of a Class A1 use (within Unit 2).
- The designated local centre comprises a number of active retailers and there do not appear to be any vacant units.
- The site is visually and physically connected to the centre – well connected, as required by paragraph 87 of the NPPF (2018).
- The centre suffers from a lack of retail focus.
- The application offers the opportunity to provide a convenience store which would be commensurate with the size of Markyate and take into account the recent growth in population.

Change of Use of A1/A2/A3/A4/ B1 Unit to Residential (C3):

9.3.1 The loss of shops outside of designated local centres is restricted by saved Policy 45 of the Dacorum Local Plan (2004) unless:

- (a) there is another shop in similar use available for customers within a convenient walking distance, or, in the absence of such an alternative, all reasonable attempts to sell or let the premises for shop purposes have failed; and
- (b) the alternative use complements the function and character of the area.

9.3.2 A marketing note, dated 27th March 2018, prepared by Brasier Freeth Chartered Surveyors outlines the steps taken to market Unit 2.

9.3.3 In summary, formal marketing commenced in September 2015 and there was some interest shown, culminating in an offer being made, and accepted, by a fitness studio on the understanding that a change of use to D2 could be obtained.

9.3.4 Planning permission was granted for a change of use to a “gym and sports injury clinic /hub” on 31st March 2017 under planning permission 4/00169/17/FUL. However, the marketing note goes on to state that the permission was never implemented “*as the transaction ground to halt in September 2017 due to funding issues.*” Marketing continued to take place until an agreement had been reached with the Co-op, which prompted the submission of the application currently being considered.

9.3.5 The unit has been unoccupied since it was constructed and therefore its conversion to a residential purpose would not result in the loss or displacement of an existing retail function.

9.3.6 Subsequent to the completion of the Hicks Road development, the General Employment Area designation has been removed. As such, there is no specific requirement for the retention of employment floorspace in this area. Therefore, given that a) there has been no interest from B1 operators b) the unit is not currently being used for a B1 use (and thus there would be no displacement of an existing operator), and c) the loss of the B1 use was deemed acceptable when planning permission 4/00169/17/FUL was granted, the loss of the B1 use does not give rise to concerns.

9.3.7 Overall, it is considered that the residential use of Unit 2 would complement the proposed retail shop and would not be out of keeping with the general character of the immediate area, which is predominantly residential.

Parking and Impact on Highway Safety

Unit 1 – Convenience Store:

9.3.8 The specific parking arrangements have evolved during the course of this application.

9.3.9 Originally, no parking was to be provided as the site is adjacent to a public car park. However, based upon a parking survey carried out on 27th September 2018, it would appear that there is very little capacity within the car park in question.

9.3.10 To compound matters, the Hicks Road surgery is currently seeking planning permission to increase the number of treatment rooms from 2 to 7. While it is acknowledged that, by its very nature, a public car park is, subject to compliance with any relevant by-laws, available for the use of all persons, it must be accepted that there are a finite number of parking spaces and there will inevitably come a point where competing uses result in the car park being full at all times. The result would inevitably be overspill parking encroaching onto the highway.

9.3.11 Saved Appendix 5 of the Dacorum Local Plan requires 1 off-road parking space per 30m² of gross floor area for A1 shops. Consequently, the proposed shop would give rise to a maximum parking standard of 11.56 spaces – essentially 12 spaces as it is not feasible, nor desirable, to provide 0.56 of a parking space.

9.3.12 Markyate is located within Zone 4 wherein between 75% and 100% of parking requirements should be provided on site – i.e. between 9 and 12 spaces. Based on parking surveys provided, it would appear that the car park does not have this capacity.

9.3.13 It must however be acknowledged that a retail permission exists at Richmond Square for 191m², of which 105m² could be used for retail sales. A Convenience Store retailer could therefore occupy one the existing units and trade with no alterations to parking or improvements to the benefit of the area. This application seeks to provide a number of parking spaces commensurate with the uplift in gross floor area; namely 191m² to 347m². A difference of 156m² would give rise to a parking requirement of between 3.9 (75%) and 5.2 spaces (100%).

9.3.14 It is anticipated that the vast majority of customers will be from the local area and walk to the store. In acknowledging that there will be times when even local customers will opt to use their cars - such when the weather is inclement or if they have more than two or three shopping bags – and that the site’s proximity to the A5183 will inevitably attract some car-borne passing trade, it is considered necessary to include additional parking. This application proposes to provide 5 car parking spaces and would thus comply with this the maximum parking standards.

9.3.15 Numerous comments have been made to the effect that the convenience store would have an adverse impact on Hicks Road and Markyate High Street. Having visited the site, the case officer can attest that there are examples of parking along both sides Hicks Road. Other than a short section nearest the High Street, there are no parking restrictions.

9.3.16 Consequently, as outlined above, 4 short stay (30 minute) car parking spaces and 1 further space for a member of staff (located adjacent to Fleming Drive) are to be provided. This is considered to strike a balance between the need to provide some additional parking whilst retaining a significant proportion of the public square and ensuring a reasonably pragmatic delivery arrangement (additional spaces could be provided, but would result in a shared-use loading bay).

9.3.17 The amended plans were submitted in conjunction with an updated Delivery and Servicing Management Plan which outlines how deliveries are to be received and waste collected, keeping noise nuisance and local traffic disruption to a minimum.

9.3.18 The anticipated delivery programme has been reproduced below for ease of reference:

Delivery Type	Source	Max. Vehicle Size	Frequency	Delivery Window
Ambient, Fresh, Frozen, Milk	Co-op Depot	10.35m rigid vehicle	1 per day (each day)	8am – 10pm
Bread	Supplier	10m rigid vehicle	1 – 2 per day (each day)	8am – 10pm
TOTAL RIGIDS			2 – 4 DELIVERIES	
Newspapers & Magazines	Supplier	Large Transit Sized Van	1 per day	6am – 9am
Sandwiches	Supplier	Large Transit Sized Van	1 per day	6am – 9am
TOTAL VANS			2 DELIVERIES	

9.3.19 Clarification has been provided in terms of how the 30-minute time limit would be enforced. The full response from the agent has been reproduced below for ease of reference:

The Co-operative Group Food employ Horizon Parking to manage car parking where restrictions and enforcement are required (i.e. limited stay). The car park will be managed with the primary objective of providing short-term free car parking for customers of the Co-op Store.

The car park will operate a formal time restricted parking operation (limited to 30mins) in which an attendant will monitor the car park for overstays and non-customer parking. One of the Horizon Parking employees will cover a number of stores within an area and visit the stores based on the level of misuse, peak periods and store feedback to ensure the spaces are protected for customer and short stay use.

The Horizon Parking employee will visit the store 2 – 3 days per week. If issues become apparent with customers or otherwise contravening the parking restriction then the frequency that the Horizon attendant visits the site will increase until the parking is enforced and suitable controlled. To further ensure the car park remains protected the Co-op staff would also be provided with the training, support and equipment in order to manage the car park in Horizon's absence, on a mobile and varied basis during operating hours.

The duration of stay is recorded using a handheld device to capture vehicle registrations with those overstaying being issued with Parking Charge Notices. The visits will be varied and cover differing days and times throughout the week.

9.3.20 These measures appear to be a reasonable way of ensuring that the parking bays are only used for their intended purpose.

9.3.21 Swept path analysis has been provided to demonstrate that a rigid delivery vehicle could manoeuvre into, and depart from, the already existing dedicated loading bay without significant disruption. A worst-case scenario has been assessed and is shown on 3725-06A. This demonstrates that the delivery vehicle could reverse into the loading bay while maintaining 2.2m carriageway (A car is typically 1.8m width). The car shown on 3725-06a is a large Jaguar S-Type.

9.3.22 Demarcation between the loading bay and parking spaces will not be required. It is reasonable to assume that the loading bay will be effectively controlled by the store manager. If local residents continue to use the loading bay for parking, this would be subject to parking enforcement action by Horizon Parking or, alternatively, could be addressed by the provision of collapsible

9.3.23 It has been demonstrated that a rigid vehicle could turn right onto Hicks Road from London Road / High Street safely, although it is conceded that there is the potential for some encroachment onto the kerb of the footway connecting Hicks Road to the High Street when the lorry performs the required turn. However, the following points need to be given due consideration:

- The lorry will not be travelling at speed.
- Should pedestrians happen to be using the footway at the time, it is reasonable to assume that the lorry driver would wait for them to pass before completing the turn. In reality, this is unlikely to result in significant disruption to the free flow of traffic.
- The masterplan envisaged retail uses and provided a loading bay for this very purpose.

9.3.24 It is also noted that, in order to complete the turn, the lorry would encroach onto the oncoming lane. As above, the lorry would not be travelling at speed. Furthermore, it is reasonable to assume that due care would be taken by the driver.

9.3.25 The Highway Authority have not raised any objections to the proposal.

Unit 2 – new residential units:

9.3.26 A total of 3 new residential units would be created as a result of the conversion of Unit 2:

1 x 1-bed flat and 2 x 2-bed flats.

9.3.27 This would give rise to a maximum parking standard of 4.25 spaces (1.25 spaces x 1 & 1.5 spaces x 2).

9.3.28 As shown on drawing no. 1675/001, 4 car parking spaces are to be allocated to the new residential units, which meets the Council's maximum standard.

9.3.29 Previously, an objection was received from Markyate Precision Engineering to the effect that the right to use the parking spaces referred to in the planning statement, and which were proposed to be used by the new residential units, was reserved for the benefit of the retained land in their ownership. It is understood that this matter has now been resolved between the respective parties, with confirmation being received on 8th August that Markyate Precision Engineering were formally withdrawing their objection of 21st June 2018. Should planning permission be granted, a condition will be imposed requiring the provision of the 4 parking spaces prior to the occupation of the new residential units

Impact on Appearance of Building and Street Scene

9.4.1 Whilst the proposed parking area would result in the marginal reduction in size of Richmond Square, there would remain a significant element of amenity space for public use.

9.4.2 The function of this square is not as originally conceived, particularly given the lack of interest in the retail units and the perceived parking stress in the area. Two replacement trees and a number of planters are proposed in mitigation. These measures are considered acceptable.

9.4.3 The elevations originally submitted indicated that the fenestration for Flat 3 would have remained unchanged, raising concerns over the living conditions of any future occupants. Amended plans were subsequently submitted to the Local Planning Authority which show fenestration of a domestic nature.

9.4.4 The development is therefore considered to accord with Policies CS11 and CS12 of the Dacorum Core Strategy (2013).

Effect on Amenity of Neighbouring Properties

9.5.1 There would be no adverse effects.

9.5.2 Consideration has been given to the potential impacts of the proposed development on the occupiers of surrounding properties.

9.5.3 It should be noted that the proposal would not result in any new built development; rather, it would consist of altering the existing fabric of the building – such as windows and doors – in order to residential accommodation.

9.5.4 Consequently, there would be no loss of daylight or sunlight, loss of privacy or any undue disturbance to surrounding properties.

Other Material Considerations

Flood Risk Assessment

The Environment Agency have commented on the Flood Risk Assessment submitted on 10th July and have removed their objections to the proposal.

The Lead Local Flood Authority have confirmed that they have no objections.

Response to Neighbour comments

8 These points have been addressed above other than:

“The village has an adequate local store and does not need a supermarket.”

The shop unit could more accurately be described as a convenience store. Whilst the village may well have an existing local store, this does not preclude a further store being provided. It is the role of the planning department to assess application on their individual merits.

The Hicks Road Masterplan clearly states that the introduction of retail uses in this part of the village would be positive for the vitality of Markyate.

Opinion seems to be split as to whether the store is needed. Comments received from no. 15 Cowper Court (below) offer a different view:

“After living in Markyate for a number of years as a family we strongly support the planning on Hicks Road. The village is lacking a adequate convenience store, which provides fresh and affordable produce. We currently never use the small shop in the village as its over priced and lacks fresh food. For many years we have felt that more and more house have been built, with a lacks of local amenities. As a house hold of workers it is a pain that we always have to stop off on the way home to some of the other local villages to get something half decent to eat because Markyate does not offer this.”

Non-delivery of a new Doctor's Surgery, which we understand was part of the original Hicks Road regeneration scheme.

One of the objectives of the re-development of the site was to provide a new and improved medical facility for local residents. Unfortunately, Unit 1 was subsequently deemed unsuitable. The surgery is, however, currently in the process of obtaining planning permission for extensions to their existing premises. Consequently, the use of this unit as a retail store would not prejudice the provision of improved medical facilities within Markyate.

Added pollution from increased traffic

It is assumed that a large majority of customers would be from the local area and therefore would not arrive by car. There will be some car-borne passing trade. However, given the size of the store, this is unlikely to result in significant traffic flows into Hicks Road.

Harvest time will be impossible as the big lorries needing to get to the local farms will not be able to get through

The dedicated loading bay would ensure that delivery vehicles do not block Hicks Road.

Disruptive & noisy for residents in the vicinity with very early morning deliveries including weekends

Deliveries in the early morning (prior to 8am) would be limited to newspapers, magazines and sandwiches. These types of deliveries are unlikely to cause a significant disturbance to surrounding properties.

Community Infrastructure Levy (CIL)

9.9 This application is CIL liable. As per the CIL Charging Schedule, new residential development is charged at a rate of £100.00 per square metre and £150.00 per square for convenience based supermarkets.

10. Conclusions

10.1 The proposal would bring vacant units into a productive use and, in the case of Unit 1, provide an active frontage, ensuring that Richmond Square fulfils the purpose for which it was originally intended.

10.2 The provision of three new flats would make a small but valuable contribution to the borough’s housing stock. Adequate parking has been provided for these units.

10.3 The proposed convenience store would offer a greater choice of food products for the local residents of Markyate. It would also serve as a link to the High Street, where other goods and services are available.

10.4 There are no sequentially preferable sites within the Markyate Local Centre that could accommodate a convenience store. Hicks Road represents an edge of centre location with good transport links to the surrounding area; therefore, development in this location is not considered to be inappropriate. A retail impact assessment on the Markyate Local Centre is not required as the floorspace proposed falls below the minimum threshold specified in the NPPF (2,500 square metres).

10.5 Matters pertaining to parking and Highways have been carefully considered and, on balance, are considered to be satisfactory.

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>102/1675/105 rev. C PL/1675/002 rev. H</p> <p>Drawing no. 09 Drawing no. 11</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
3	<p>The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in size, colour and texture those used on the existing</p>

	<p>building.</p> <p>Reason: To ensure a satisfactory appearance to the development, in accordance with Policy CS12 of the Dacorum Core Strategy/</p>
4	<p>The residential units hereby approved shall not be occupied until a scheme providing for the insulation of the building against the transmission of noise and vibration between both the residential and any non-residential part of the building has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to first occupation of the new residential units and retained thereafter.</p> <p>Reason: To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with Policy CS12 of the Dacorum Core Strategy (2013) and paragraph 127 (f) of the NPPF (2018)</p>
5	<p>Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.</p> <p>Reason: To ensure adequate off-street parking during construction in the interests of highway safety.</p>
6	<p>The landscaping works shown on 1202/1675/105 rev. C shall be carried out prior to first occupation of Unit 1 and retained thereafter.</p> <p>Reason: In the interests of the visual amenities of the area, in accordance with Policies CS11 and CS12 of the Core Strategy (2013).</p>
7	<p>The customer and staff parking shown on 1202/1675/105 rev. C shall be provided prior to first occupation of Unit 1 and retained thereafter.</p> <p>Reason: To ensure that sufficient parking is provided to serve the development, in accordance with saved Policies 57 and 58 of the Dacorum Local Plan (2004); saved Appendix 5 of the Dacorum Local Plan (2004) and Policy CS12 of the Dacorum Core Strategy (2013).</p>
8	<p>The 4 parking spaces shown on drawing no. 1675/001 rev E shall be kept permanently available for parking and retained for the sole use of the 3 residential units hereby approved.</p> <p>Reason: To ensure that sufficient parking is provided to serve the development, in accordance with saved Policies 57 and 58 of the Dacorum Local Plan (2004); saved Appendix 5 of the Dacorum Local Plan (2004) and Policy CS12 of the Dacorum Core Strategy (2013).</p> <p>Article 35 Statement</p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p>INFORMATIVES</p> <p>DBC Environmental Health</p>

Un-expected Contaminated Land Informative

Our contaminated land record shows that the land is located on a landmark historic contaminated land use of an un-specified factory or works site of medium risk. There is a possibility that this may have affected the application site with potentially contaminated material. Therefore, I recommend that the developer be advised to keep a watching brief during ground works 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.

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.

Hertfordshire Highways

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

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

Environment Agency

Finished Floor Levels

We recommend that finished floor levels for the proposed development are set as high as is practically possible, ideally 300millimetres above the 1 in 100 chance in any year including an allowance for climate change flood level. This is to protect the proposed development from flooding.

Flood Risk Activity Permit

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the culverted River Ver, designated a 'main river'. This was formerly called a Flood Defence Consent. A permit is separate to and in addition to any planning permission granted. Further details and

guidance are available on the GOV.UK website: https://www.gov.uk/guidance

Appendix 1

Consultation responses

ENVIRONMENT AGENCY	No objection
<p>13/11/18</p> <p>Thank you for consulting us on the above application following the receipt of a Flood Risk Assessment (FRA). We are now in a position to remove our objection in our letter dated 12 June 2018 reference: NE/2018/128689/01-L01.</p> <p>Advice for Local Planning Authority You are the competent authority on matters of evacuation or rescue, and therefore should assess the adequacy of the evacuation arrangements, including the safety of the route of access/egress from the site in a flood event or information in relation to signage, underwater hazards or any other particular requirements. You should consult your emergency planners as you make this assessment.</p> <p>Advice for Applicant</p> <p>Finished Floor Levels We recommend that finished floor levels for the proposed development are set as high as is practically possible, ideally 300millimetres above the 1 in 100 chance in any year including an allowance for climate change flood level. This is to protect the proposed development from flooding.</p> <p>Flood Risk Activity Permit This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the culverted River Ver, designated a 'main river'. This was formerly called a Flood Defence Consent. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits.</p> <p>Should you have any queries regarding this response, please contact me.</p> <p><u>14/11/18</u></p> <p>Thank you for re-consulting us on the above application upon receipt of the additional information. We have reviewed the additional information and have no additional comments to make following our previous response letter dated 23 July 2018 (ref: NE/2018/128689/02- L01).</p> <p>Should you have any queries regarding this response, please contact me.</p>	
HCC - Dacorum Network Area	No Objection

13/11/18 – latest amended comments

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

CONDITIONS

1. Construction Parking: Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety.

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 application is for change of use of unit 1 (class D1 surgery/ health centre use) to class A1 convenience foodstore, together with change of use of unit 2 (class A1/A2/A3/A4 and B1) to three residential units (one 1-bed and two 2-bed flats), together with associated external alterations and provision of parking. Amendments have been proposed to the parking arrangements.

This amendment submits document no ADL/AJM/3725/14A:- DELIVERY AND SERVICING MANAGEMENT PLAN.

LOCAL ROAD NETWORK

Hicks Road is an unclassified local access road. It is subject to a 30mph speed limit in the vicinity of the site. There are single yellow lines at the southwestern end of the road for a distance of about 50m back from its junction with High Street.

I have checked HCC's records of collisions that resulted in injury over the last 5 years. Only one is recorded in Hicks Road. That took place in 2017 at the junction with the A5183 and resulted in slight injury.

PARKING AND ACCESS

The response to question 6 in the application form indicates that no new or altered pedestrian or vehicle accesses are proposed and no works would be required in the highway.

There are no parking restrictions outside the site. The nearest are single yellow lines at the southwestern end of the road for a distance of about 50m back from its junction with High Street.

Four parking spaces are proposed to be allocated to the three proposed flats. There is a public car park adjacent to the site, which users of the proposed convenience store would be able to use. Three cycle parking spaces are proposed, to be shared between the flats and the foodstore.

A previous version of the proposed development was for eight public car parking spaces to be provided at Richmond Square and one staff space (as per drawing 3725-05). Five spaces would require control to accommodate the delivery vehicle loading. This method of control would be achieved by prior notification (delivery driver calling ahead) which occurs at numerous Co-op stores nationwide.

This arrangement would provide more parking than required considering the proposals are for uplift in retail floor area of 109sqm. In response to neighbour concerns the scheme has been amended to provide four public spaces and one staff space with a permanent dedicated Loading Bay of 11.5m length. This would result in less public parking being available for the area but would meet DBC standards whereby the 109sqm uplift requires 4 (3.6) spaces based on one space per 30sqm. In light of local concerns about parking the developer has offered a contribution for the Council to use to review and implement further parking restrictions in this area, should it be required. These should be secured by S106 agreement and paid to DBC. This arrangement would be acceptable to the highway authority.

WASTE COLLECTION

It is proposed that existing residential refuse and recycling area will be used by the residents of the proposed residential dwellings. For the convenience foodstore, a dedicated storage area is provided to the rear of the property.

TRIP GENERATION

It is anticipated that there will be 5-6 deliveries per day to the foodstore. These would arrive between 6am and 10pm and will use the existing loading bay to the front of the site which is accessed off Hicks Road.

This amendment submits a document outlining the delivery schedule and includes a diagram indicating that a delivery lorry is able to access the loading bay. It is intended to ensure the number of individual deliveries to the premises is minimised, by consolidating depot deliveries types (where practicable) into one delivery vehicle.

The delivery vehicle would turn from A5183 to London Road south of the site, turning right from High Street to Hicks Road, and positioning within the parking bays. The vehicle would then continue north, exiting the lay-by to the A5183.

CONCLUSION

HCC as highway authority considers that the proposals would not have a severe residual impact upon highway safety or capacity, subject to the imposition of the condition and informative notes above.

LEAD LOCAL FLOOD AUTHORITY	No Objection
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24/10/18

Thank you for re consulting us on the above application for the change of use of unit 1 (Class D1 Surgery/Health Centre) to Class A (Convenience Food store) together with change of use of unit 2 (Class A1/A2/A3/A4 and B1) to three residential units, together with associate external alterations and provision of parking.

We acknowledge that this is a minor planning application and that part of the site is within Flood Zones 2 and 3. Nevertheless we are happy to provide our advice in relation to the additional information submitted by the applicant in support to this application.

According to the letter Ref. HC/JT/P17-3018 from Henry Courtier on behalf of Pegasus Group to Dacorum Planning Authority, the applicant has submitted a flood risk assessment in light with the comments from the Environment Agency and the Lead Local Flood Authority.

Having reviewed the Flood Risk Assessment, Ref. No. ST2767/FRA-1807, Revision 1, dated 09/07/2018, prepared by Stomor, we note that:

- The applicant proposes to locate the 3 residential units and respective access within Flood Zone 1.
- The commercial areas are proposed to be located within flood zone 2 and 3.
- The change of use will not increase the impermeable area.
- It is assumed that the surface water run off discharges towards the Main River Ver and the run off from the site will remain as it currently is.

The LLFA would have no objection in principal to the proposal however we would recommend the LPA to seek from the applicant confirmation of the existing drainage connection and discharge into the Main River Ver.

19/11/18

Thank you for re consulting us on the above application for the change of use of unit 1 (Class D1 Surgery/Health Centre) to Class A (Convenience Food store) together with change of use of unit 2 (Class A1/A2/A3/A4 and B1) to three residential units, together with associate external alterations and provision of parking.

We note that no additional information has been submitted in relation to surface water drainage or flood risk therefore we maintain our position as stated in our letter dated 24 October 2018.

STRATEGIC PLANNING

No objection

No objections in principle to the change of use proposed (and associated mix of uses) given its Local Centre location (Policy CS4).

We acknowledge that there have been issues regarding the suitability of the new D1 unit to support the relocation of the existing doctors' surgery and we need to be pragmatic about finding reasonable alternatives to this. In light of this, we would support the provision of a new convenience store given its benefits to the vitality and viability of the centre as a whole.

It is disappointing to see the loss of the potential of unit 2 (to provide for a mix of commercial uses) to residential. However, again, we need to be pragmatic to ensure occupancy of the unit and to take into account what appears to be a lack of interest from the market to take on the property for its intended purpose. We would expect the applicant to demonstrate that the property has been effectively marketed over time and any subsequent lack of interest.

14/11/18

We do not wish to comment on the amended plans/additional information.

CONSERVATION AND DESIGN

No objection

The proposal involves the change of use of the units in the new build Richmond Square. We would not object to the changing of these units to another use provided that it did not impact on the viability of the shops within the High Street of Markyate. It is most important to preserve the vitality and character of the central shopping street and we would not want town centre businesses to close many of which are in historic buildings to be replaced with modern buildings outside (although close) to the village centre.

In relation to the conversion of the building into a dwelling the flat (blue hatched) to the street frontage would appear to be entirely unusable without the need for permanent blinds installed to both bedrooms. We therefore completely disagree with the planning statement 6.28 that the "future occupants of the flats will enjoy good quality of living space". The corner bedroom to the square would appear particularly unusable given that the ground floor bedroom appears to be almost entirely glazed to the pavement. It would therefore be recommended that if this proposal is to be considered that the window openings be infilled and more appropriate domestic scale windows installed. This would allow the flat to be usable, provide a better external appearance when in use as a flat and enhance the appearance of the overall scheme. It would also help visually define the space between the domestic dwellings and the retail elements of the site.

The only other concern would be that as this is a major gateway entrance into Markyate that any signage should be limited and illumination kept to a minimum to ensure that it does not detract from the setting of the conservation area.

Recommendation Provided that the proposal is considered by the planning officer not to impact on the viability of businesses in the centre of the village we would not object. The fenestration for the corner flat to the street frontage is unacceptable and should be reconsidered at this time. Bricks, brick bond, joinery details to match existing.

08/11/18

We have now reviewed the amended drawings:

Our previous concerns have been addressed and we believe that the proposals would not be acceptable. The alterations would allow the new flats and shop to site comfortably within their surroundings and not detract from the original composition. As such we would support the proposals and recommend approval. Brickwork, brick bond and mortar colour to match existing, Joinery details and finishes to match existing.

DBC – Contaminated Land

No objection

Thanks for contacting the Pollution and Environmental Protection Team in respect of the above planning application 4/01278/18/FUL for the change of use of Unit 1 (Class D1 Surgery/Health Centre Use) to Class A1 (Convenience Food store) together with change of use of Unit 2 (Class A1/A2/A3/A4 and B1) to three residential units of (One 1-bed and Two 2-bed flats), together with associated external alterations, landscaping, amendment to Richmond Square and provision of parking and I will like to comment as follows.

Please be advise that we have no objection to the proposed change of use application in relation to Noise, Air Quality and Land Contamination.

However, with the development located on a landmark historic contaminated land use of an un-specified factory or works site of medium risk, the following planning condition and informative are recommend should planning permission be granted.

Noise Insulation ? Residential & Non-Residential

Prior to the occupation of the proposed change of use new dwelling, a scheme providing for the insulation of the building against the transmission of noise and vibration between both the residential and any non-residential part of the building will need to be submitted to and approved in writing by the Local Planning Authority. The scheme will need to be carried out before the use commences.

Reason: To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with Policies and procedures of Dacorum Borough Council.

Un-expected Contaminated Land Informative

Our contaminated land record shows that the land is located on a landmark historic contaminated land use of an un-specified factory or works site of medium risk. There is a possibility that this may have affected the application site with potentially contaminated material. Therefore, I recommend that the developer be advised to keep a watching brief during ground works 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.

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.

Should you have any further query in respect of the application, please do not hesitate contact me on Ext 2719 quoting Flare reference 566537

Markyate Parish Council	Objection
<u>04/07/18</u>	
<p>Much opposition by Councillors. Much opposition by NISA local store. Much opposition by High Street businesses - petition sent. Public objection - over 1000 residents - petition sent. Major issue is parking - there is just not enough room. Harvest time will be impossible as the big lorries needing to get to the local farms will not be able to get through. Taking footfall away from the High Street - which will have an impact on local business. Planning information misleading. Condition 29 states 103 sq. mtrs, these plans propose 347 sq. mtrs. - 300% bigger</p>	
<u>06/11/18</u>	
<p>Strongly object. The size is way over the original 105 sq. meters that was granted. All shops and businesses are opposed; it will take business away from them. Delivery lorries every day will be a nuisance. The car park is not big enough - what about staff parking? 4 to 1 objections.</p>	

Appendix 2

Neighbour notification/site notice responses

Objections

Address	Comments
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<p>9 HICKS ROAD, MARKYATE, ST ALBANS, AL3 8LJ</p>	<p>I completely object to this development. This cause absolute traffic build up on Hicks Road. The parking is horrendous already. People from neighbouring villages use Hicks Road as a through road from their respective villages - with the added cars parking illegally on pathmants and curbs this poses a safety risk for my young family.</p> <p>I have also noticed there is a proposal to change the public car park parking to a maximum of 4 hrs and the is a payable stay. With this in proposal too this add further traffic issues.</p> <p>I am also very concerned for the added pollution from the added traffic!</p> <p>Please do not allow this proposal to go ahead. We have a village shop and I will continue to use it and boycott the Co-Op!</p> <p>Not ha happy resident</p>
<p>7 HICKS ROAD, MARKYATE, ST ALBANS, AL3 8LJ</p>	<p>I do not object to the residential element, but a shop cannot be allowed into this unit unless there are additional plans to make parking restrictions on Hicks Road. The road is extremely busy and lots of parked cars on the kerb from residents already. Yellow lines must be put in place and the "loading zone" enforced if this is to be allowed as this road will become even more problematic, like the issues on the High Street which effectively one way only due to the volume of parked cars</p>
<p>4, Saberton Close, Redbourn, St Albans, AL37DS</p>	<p>I object to the change of use of Unit 1 from Class D1 Surgery/ Health Centre to A1 Convenience Store because it goes against Dacorum Borough Council's Core Strategy for Hicks Road development and will be detrimental to Markyate residents.</p> <p>The DBC strategy for Hicks development was</p> <p>To secure improvements for community facilities by replacement of the doctor's surgery.</p> <p>A1 retail will go against this. The village needs an accessible doctor's surgery.</p> <p>Retail units to be 'small A1/A2/A3/A4 units to complement existing offer within the village centre'.</p> <p>Unit 1 is x3 the largest shop in the High St. This store will dilute trade in the High St with loss of village facilities, erosion of choice and subsequent loss of local jobs.</p> <p>To ease peak time congestion provide & focus on a safer environment.</p> <p>A store this size will create noise, congestion, unsafe environment & loss of parking bays in a residential area.</p> <p>Dacorum planning must fulfill their obligation & refuse this</p>

<p>Unit 1, Sharose Court, Hicks Road, Markyate, AL3 8JH</p>	<p>application.</p> <p>I write to state my strong objection to the planning application detailed above specifically for change of use of Unit 2 Richmond Square to three residential units (one 1-Bed and two 2-Bed Flats).</p> <p>The basis of my objection is that the 'provision of parking' as stated in the Planning Statement submitted by Pegasus Group, on behalf of Harkalm Investments Ltd, as part of the planning application, does not exist. The information relating to parking provision given in the Planning Statement, specifically Clauses 4.7 (page 5) and 6.34 / 6.35 is factually incorrect and completely misleading to the Planning Application.</p> <p>In detail:</p> <p>The parking spaces, highlighted on the Location and Block Plan submitted and referred to in Clauses 4.7 and 6.34 of the Planning Statement, are on land that was conveyed by the previous owners Zog 2 Limited and Zog 3 Limited to Weston Homes on the 20th December 2012. This conveyance provides at clause 12.3.6 that the right to park on the said parking spaces is reserved for the benefit of the retained land being the land that Markyate Precision Machining Co now own. They are not available for allocation to anyone else. The parking spaces have always been white lined and marked as CP (Corporate Parking) not RP (Residential Parking) and bear MPM Parking signs. Contrary to the claims in the Planning Statement these spaces are not 'currently unallocated' and are permanently assigned under rights of the lease to MPM and not 'occasionally used by visitors' as claimed.</p> <p>The other parking spaces referred to in Clause 6.34 of the Planning Statement of an 'adjacent bank of further unallocated car parking spaces' are in fact allocated to MPM and indeed situated on land owned by MPM following a freehold purchase of the land comprising of the entire service road area, including turning circle and car parking spaces. Any claim of ownership by Harkalm Investments Ltd is totally false. As such these parking spaces are certainly not available as 'overspill' for residential parking and indeed MPM will be taking steps to restrict access to the Service Road by residents as we, and other tenants of Sharose Court business units have been plagued by illegal parking and fly tipping in our bins, since the residential development was completed in 2014/15.</p> <p>Nothing should be done on the site that impedes the current commercial use of the buildings on Sharose Court. The original development was always supposed to have a commercial element to ensure balance and employment.</p> <p>In conclusion, I believe that the application should be refused</p>
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	<p>on the basis that the information provided in the planning statement is factually incorrect; there are no permanent or ad hoc parking facilities for use by the proposed residential units which, as I understand it, is a planning requirement and certainly one which should be strongly implemented within this area of the village. If by some tweak of planning regulations, the development is allowed to progress without parking, this will increase the already unacceptable incidents of illegal parking on pavements in Hicks Road. Pedestrians, often with pushchairs and young children, are forced to walk on the road which is extremely dangerous. Please refer to photograph attached which was taken mid morning on a weekday (9.44am 8th June) but quite frankly could be taken on any day as it is typical of the current everyday parking and obstruction of pavement situation in Hicks Road.</p>
<p>5 HICKS ROAD, MARKYATE, ST ALBANS, AL3 8LJ</p>	<p>I write to object to the change of use to A1. There is currently a sufficient local store and the village will not sustain two; hence one will ultimately close with loss of employment. Markyate has a successful bakery which also serves local villages and local business should be supported and not taken away by national chains. Early morning deliveries will create unacceptable noise to local residents. The public car park statement is misleading there is no spare capacity and residents park on the pavements in Hicks Road. This is due to the councils mismanagement of the Weston Homes development which locals now have to live with. I understand the car parking proposed for the residential is on land not owned by the applicant and hence will exacerbate the situation further. Both the local and county councillors are aware of the dire traffic problems in Markyate. I therefore request the planning committee to refuse this application.</p>
<p>Rt Hon Sir Mike Penning, The Bury, Queensway, Hemel Hempstead, HP1 1HR</p>	<p>I recently visited the shop/business owners in Markyate and the consensus is that they are really worried that the vibrancy of Markyate High Street would be seriously damaged should the Council approve the above planning application for the change of use of Richmond Square. I have been told that objections have been submitted to the Planning Department and these have my full support.</p> <p>In fact, Condition 29 on the original application, A/001173/11/MFA, it is noted that any shop unit shall not exceed 105 square metres. This condition also states this requirement shall apply to any future re-arrangement of the commercial floor-space within the development permitted. This Condition was inserted 'in order to maintain the viability of existing retail units within the village'.</p> <p>My understanding is that in the change of use application is that the shop units should be in excess of 105 square metres; and also that the existing retail unit be changed to residential use.</p> <p>I do believe that the Conditions agreed by James Doe, Assistant Director, Planning Development & Regeneration on 4th July 2012, should be strictly adhered to in order that the</p>

	<p>shops, and businesses in Markyate, and in particular the High Street, should not be adversely affected.</p> <p>Also, if the application for change of use should be approved, then the impact on Markyate Village from the increased traffic could be disastrous. There exist a large number of road traffic issues that have yet to be satisfactorily resolved and to add to these would be calamitous.</p> <p>I would, therefore, respectfully say that my belief is that the Conditions, to which the original planning application was subject, should be applied to the current application for change of use.</p> <p>I would be grateful if you would consider the contents of this letter and come back to me with your comments.</p>
<p>JMS Planning & Development, Valley Farm, Rumburgh Road, Wissett, IP19 0JJ</p>	<p>I act on behalf of Mr Patel who operates the Nisa Local & Post Office at 66-68 High Street, Markyate AL3 8HZ. In addition to meeting the day-to-day convenience shopping needs of the local area the Nisa Local also provides a free ATM facility, lottery, pay station and pay point along with Post Office services. The store is open from 6.00 am to 9.00 pm seven days a week and due to being a member of Nisa is able to bring services and products that are wanted and needed by the community.</p> <p>My client has operated the shop for some 10 years. The shop forms an integral part of the local community having donated over £6,000 to the village from a 'Making a Difference Locally Charity' providing donations to the Markyate Noise Project, Markyate Football Club, Markyate Baptist Church, Markyate's St John's Church, Markyate Scouts and many more. Accordingly, the shop is as key local resource and is well utilised and supported.</p> <p>This letter sets out my client's concerns about the proposal at Richmond Square, Hicks Road, Markyate against the history of the site, the retail provision within Markyate with reference to both national and local policy.</p> <p>The Proposal</p> <p>Planning permission was originally granted in 2012 under reference 4/01173/11/MFA (with a Non-Material Amendment approved on 13 August 2013 reference 4/00528/13/NMA) for the development of the site to provide 75 dwellings, new Class B1, B2 and B8 accommodation, a new surgery/health centre (Class D1), three commercial units for Class A1, A2, A3, A4 and B1 use, the creation of a public square, associated landscaping, formation of new access roads and provision of 197 car parking spaces (amended scheme). This permission restricted any shop unit falling within A1 use to a maximum size of 105 sqm. The development was constructed in 2015 but Unit 1, which was to comprise a surgery/health centre of 348 sqm and Unit 2 comprising the commercial unit with permission for A1, A2, A3, A4 and B1 uses (214 sqm) have</p>

remained vacant.

Site and Surroundings

The application site is located on Hicks Road and forms part of the Richmond Square development, which comprises both commercial and residential development constructed in 2015. The site is adjacent to the Hicks Road public car park with the doctors' surgery located to the rear.

The main shopping area of Markyate is located to the west of the site on the High Street, with the defined centre boundary being some 60 metres from the application site. Car parking for the High Street is provided as on-street car parking or within the Hicks Road public car park.

The application site is physically, functionally and visually separated from the village centre as it is not visible from the retail units/High Street detailed above. Furthermore, the footway linking the application site with the High Street is narrow in parts and at its junction with High Street experiences regular occurrences of vehicles mounting the pavement to negotiate the turn.

Notably, Hicks Road is narrow and suffers from regular parking on street as a result of the adjacent car park usually being full. Many of these cars park partly on the pavement and on the street (as the street is not wide enough to park without doing so) and as a consequence create problems for pavement users. This is discussed in more detail below.

Planning Policy Background

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and now constitutes guidance for local planning authorities and decision makers and is a material consideration in the determination of planning applications.

The purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 6). Paragraph 7 confirms that there are three dimensions to sustainable development; economic, social and environmental and these roles are mutually dependent. To achieve sustainable development, economic, social and environmental gain should be sought jointly and simultaneously through the planning system (paragraph 8).

Paragraph 17 sets out 12 core principles, which underpin both plan making and decision taking within the overarching roles that the planning system should play. These include; proactively drive and support sustainable economic development to deliver homes, businesses and industrial units, infrastructure and thriving local places that the country needs; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and characters of different areas promoting the vitality of our main urban areas; conserve heritage assets in a manner appropriate to their significance so they can be enjoyed for

their contribution to the quality of life for this and future generations; and take account of and support local strategies to improve health, social and culture wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs.

Section 2 of the NPPF is dedicated to ensuring the vitality of town centres. Paragraph 23 confirms that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. It suggests this should be undertaken with consideration to recognising town centres as the heart of their communities and pursue policies to support their vitality and viability; define a network and hierarchy of centres that is resilient to anticipated future economic changes; promote competitive town centres that provide customer choice and a diverse retail offer which reflects the individuality of town centres and allocate sites when 'need' is identified. Paragraphs 24 and 25 confirm the application of the sequential approach to site selection and paragraph 26 sets out the requirements for impact assessments, setting a threshold of 2,500 square metres, but allowing local authorities to set their own thresholds. The section concludes by saying that where the application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors it should be refused.

Paragraph 70 of the NPPF confirms that to deliver social, recreational and cultural facilities and services the community needs, planning policies and decisions should, 'plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities in residential environments'.

The development plan for the site comprises the Core Strategy adopted in 2013, saved policies from the Dacorum Local Plan 2004 and the Proposals Map. On the Proposals Map the application site forms part of the land at Hicks Road, Markyate Strategic Site SS2 and falls outside the defined local centre. The site is not included within the Conservation Area.

Policy 43 (Shopping Areas in Local Centres) details each local shopping centre containing a shopping area, of which Markyate is specified as 38-48, 66 (the Nisa Local & Post Office), 73-75 and 91-99 High Street. Whilst this policy focuses on the loss of shop uses the reason stated for the policy is that 'the size and character of shopping areas in local centres varies considerably, but each should be capable of providing a basic range of goods which people wish to obtain near their homes. A minimum level of shopping thus needs to be protected'.

Saved Policy 44 (Shopping Development Outside Existing Centres) applies to the application proposal being that it is outside the defined shopping area of Markyate. This policy

advises that proposals will need to demonstrate a sequential approach to site selection in accordance with Policy 38 (now superseded by Core Strategy policy – see below) and that there is a need for development in relation to:

- a) The quantitative requirement for additional floorspace;
- b) The qualitative need for the facility.

The Policy continues to state that shopping development will only be permitted outside existing centres if it meets the aforementioned tests and it:

1. Does not result in an over provision of floorspace likely to damage the main shopping hierarchy in Dacorum or adjoining districts;
2. Would not seriously affect the vitality or viability of a nearby town or local centres;
3. Would not prejudice future investment in existing centres;
4. Provides a necessary extension to the range and diversity of outlets available to shoppers;
5. Is easily and safely accessible by a choice of means of transport, including passenger transport as well as by cyclists, pedestrians and people with disabilities; and
6. It would help reduce the need to travel.

The supporting text to this Policy states that 'careful assessment should be made of all retail development schemes to ensure that function of centres is not damaged'.

Policy 45 (Scattered Local Shops) suggests loss of shops outside local centres will not be supported and that additional small local shops may be permitted in exceptional circumstances where there is proven need. This policy is not strictly relevant, albeit the applicant refers it to as the site is adjacent to a local centre where other policies apply (and small is defined as shops of less than 235 sqm).

The Core Strategy is more up-to-date and was adopted on 25 September 2013. Policy CS16 (Shops and Commerce) confirms that the main retail hierarchy of town centres and local centres will be strengthened by encouraging appropriate new retail development and retaining sufficient existing shops in these centres. (Markyate is noted as being a local centre with a neighbourhood shopping function providing a range of mainly small shops, services and facilities of a local nature serving a small catchment). The policy advises that new retail development will be assessed in terms of its location, scale and impact. It will be permitted if it accords hierarchy and conforms to the sequential approach. Most retail development will be directed to the town and local centres. The policy states that new retail development will only be permitted outside of defined centres if the proposal complies with the sequential approach and demonstrates a positive overall outcome in terms of the Impact Assessment.

The Core Strategy confirms that the sequential approach will be used to assess applications for new retail development that are not in an existing centre and are not in accordance with

policy. The requirement applies to extensions or retail uses where the gross floorspace of the proposed extension is greater than 200 sqm.

A strategic site SS2 'Land at Hicks Road, Markyate' sets out the redevelopment this for the site and amongst other things includes 'small A1/A2/A3/A4 units' confirming these are to be complimentary to the existing retail provision within the village centre. Such uses create a link or extensions of the High Street into Hicks Road.

Planning Issues

My client, as a longstanding occupier within Markyate Local Centre of some 10 years, is familiar with the way the village operates and the fragility of the existing retail and commercial units within the centre. In this respect, my client has three principal objections. These relate to;

1. Retail issues;
2. Loss of the Post Office services;
3. Highway issues

Each of these is considered in turn below.

Retail Issues

Notably, whilst the supporting planning statement for the application details the planning history it fails to detail the conditions particularly relevant to any unit used for Class A1 purposes. Specifically, Condition 29 of the original redevelopment permission states, 'any shop unit falling within Use Class A1 shall not exceed 105 sqm as shown on the approved plans. This condition shall apply to the original construction and any future rearrangement of the commercial floorspace within the development hereby permitted'. The reason stated for this condition is 'in order to maintain the viability of existing retail units with the village in accordance with Policy 43 of the DBLP'. All reference to this condition is omitted from the applicant's submission. This is a significant omission and appears to our client to be intended to deflect attention from the key issues.

As noted above the unit that the Co-operative Food Group intends to occupy is 347 sqm, which is over 300% larger than the threshold set within the original permission for the site. This would have been unacceptable when the scheme was originally granted planning permission in 2012 and the policy position (both national and local) remains unchanged. My client is unaware of any changes locally which would now dictate that the reasoning and basis for the previous condition is no longer applicable. Notwithstanding this, the onus is clearly on the applicant to demonstrate why this restrictive condition is no longer required. The applicant has not addressed the condition at all within its planning submission. In the absence of any such justification my client sees no reason why Condition 29 should be set aside.

In this case whilst the applicant suggests that it is effectively a swap of A1 use from one unit to another. However, there was a restriction on the amount of Class A1 floorspace allowable and the proposal is over 200 sqm greater than that allowed under Condition 29 of the original permission.

The applicant's assertion that it only needs to undertake a sequential test assessment relating to the difference between the existing retail floorspace on site (which has never actually been used) is erroneous. The applicant provides no basis or justification as to why the sequential assessment for the residual floorspace only is required. This is considered at paragraph 6.22 of the applicant's Retail Statement. However, there is no justification for the assertion only that the net uplift of 133 sqm only would need to be considered. This is not correct. Paragraph 24 of the NPPF confirms that the sequential test should be applied to planning applications for main town centre uses (not simply parts thereof). The application proposal is for a Co-Op Foodstore of 347 sqm. This is the application proposal and it is this for which the sequential test is required.

It is then the applicant's argument that even if there was a sequentially preferable site comprising the additional floorspace required (and there appears no evidence that any assessment has actually been undertaken) that this would not be suitable as disaggregation of floorspace would be unsuitable for the Co-Op's operation. This is no justification for accordance with the sequential test. Applicants are required to demonstrate flexibility. Accordingly, it is considered that the applicant has failed to demonstrate that the application proposal is acceptable in the context of the sequential test.

The applicant has thus completely ignored the planning history of the site and failed to consider either the sequential assessment or retail impact in its planning submission or to provide any justification as to why the increased unit size is acceptable.

The Nisa store within Markyate village centre sells circa 6,000 lines and has a retail area of some 90 sqm. It is, therefore, significantly smaller than the proposed Co-Op store. My client has operated the main convenience store in Markyate village centre for circa 10 years and has become a key local service. My client has invested in re-fitting the store on a number of occasions and donates to local good causes through its 'Making a Difference Charity'. My client considers that the application proposal will have a significant direct impact on its store resulting in a significant trade diversion which will threaten both the viability of the store itself and the viability of the Post Office counter within the store (discussed in more detail below).

The location of the proposed Co-Op store is considered too distant to easily facilitate linkage with the remainder of the village centre. There is no visual connectivity with the main

shopping area and it is considered that the proposed application site is sufficiently distant to ensure that significant 'linked trips' are unlikely.

It is noted that the applicant has asserted that the application proposal will provide local residents with additional choice. However, it should be acknowledged however that my client's existing Nisa store (following Nisa's takeover by the Co-Op) already has access to some 800 Co-Op lines. Shortly rising to the full Co-Op range of some 2,000-3,000 lines. Simply put, I cannot see any evidence submitted by the applicant to justify the proposal or, to demonstrate that there has been any change in circumstances since the previous permission on the site which was restricted by condition.

Highway and Planning Issues

There is no car parking specifically provided for the proposed retail unit and given its size and likely attraction it is considered that it will generate visitors with cars. The applicant intends to make use of the adjacent public car park albeit no evidence has been provided as to whether this car park operates at capacity or whether it will meet the operational needs arising from the Co-op Foodstore.

In my client's experience, the car park is generally full for the majority of the time. Furthermore no assessment has been undertaken to understand whether the additional traffic generated by the proposal would have any impact on Hicks Road/High Street junction, which appears to be operating close to capacity and is constrained by the built form and on-street car parking. The applicant notes within its planning statement that there was no dedicated car parking provided for the retail uses at Unit 2 under the previous planning permission nor for the doctors' surgery. However, it would appear that on the approved car parking plan (reference: 3616/P70) referred to in the Decision Notice that there was dedicated parking for the pharmacy/surgery (albeit it is evident from reviewing the plans and the existing situation on site that the Hicks Road car park was not redeveloped and therefore this provision was not actually made.) Given that the proposed A1 retail unit is of a sufficiently greater size than that allowable under the original permission and thereby the type and style of shopping significantly different, it is likely that the car parking requirement/need may be different from the previous scheme and should be assessed.

Hicks Road also suffers from cars parking along it (both on and off the pavement) which makes movements difficult for pedestrians and also vehicles. In particular, there is regular parking within the servicing bay at the front of the site. In addition, due to the tightness of the corner and the subsequent turn from High Street into Hicks Road, vehicles regularly mount the inside pavement when undertaking the turn. This raises significant highway safety concerns.

Attached to this document are a number of images which have

been taken which demonstrates:

The car park at capacity, which is regularly the case;
The regular parking on Hicks Road.

Loss of Community Facilities

My client is concerned that the application proposal will adversely impact on Markyate Post Office. My client is concerned that the Post Office may be lost from Markyate with the consequential impact that this will have to local residents. The existing Post Office counter within my client's store currently operates on the margins of viability. Any trade diversion from my client's store, which would result in the store's closure, would obviously result in the loss of the Post Office facility. Furthermore, any significant trade diversion from my client's store prejudices its ability to underpin the existing Post Office counter.

The Council is required by the NPPF (Paragraph 70) to plan positively for local facilities which includes Post Offices and must guard against the unnecessary loss of such services. Consideration of the likely land use consequences from my client's operations and the land upon which it sits, such as the loss of the Post Office to Markyate and the consequent loss of employment, are relevant material land use considerations which must be considered in determining this application.

There is no theme of competition within the NPPF or the planning system such that the land use consequences of competition are immaterial considerations. As part of the officer's assessment of all relevant material considerations, a view of the likelihood of Markyate Post Office closing must be reached. The loss of the Post Office would have a significant social effect on local residents and the village of Markyate in addition to the direct effects arising through the loss of employment etc. These are matters which require proper consideration and which we consider presume against a grant of planning permission for the application.

Notably, there is no consideration within the applicant's submission of this issue. No justification or assessment of the impact on the Post Office is provided within the applicant's submission, there is therefore nothing submitted by the applicant to rebut my client's assertion.

In addition, the application proposes the change of use of the existing retail unit which has permission for Use Classes A1/A2, A3/A4 and B1 to residential use. This is considered contrary to Local Plan Policy 45. In particular, there is no evidence that all reasonable attempts to sell or let the premises have failed. The commentary within the applicant's Planning Statement does not accurately reflect the comments within the Marketing Note prepared by Brasier Freeth, which confirms that firstly, marketing of the medical unit only commenced at the end of December 2017 and that in respect

	<p>of the retail unit, the relevant documents to allow the site to be marketed have only just been released. As such, it has not been possible for any occupier to take up the retail unit until recently. Notwithstanding this, the marketing documents confirms that interest has been received to be used as a retail shop, café, restaurant and fitness studio, ie, four separate uses. The report then confirms that the offer was accepted from the fitness studio. As such, the marketing note confirms interest in the unit from four different uses (which may include more than one occupier relating to each use) and confirms that occupation of the retail unit could not occur because the relevant documents were not available. As such, there is no evidence provided by the applicant that the change of use of the retail unit complies with the criterion of Policy 45.</p> <p>Summary</p> <p>Accordingly, it is considered that the above application should be refused as the current proposal does not accord with the previous permission on the site and it is considered that the retail unit is too large and will have an adverse impact on the character of Markyate and therefore is in contradiction with Policy CS16 and saved Policies 43 and 44 as it would have an adverse impact on the existing retail centre within Markyate and has failed to address the sequential approach to site selection. Furthermore, the proposal also raises significant highway safety issues and does not make appropriate provision for car parking. My client also raises concerns over the impact of the application proposal on Markyate Post Office and the failure to comply with saved Policy 45 of the Dacorum Borough Local Plan. 8</p> <p>I would be grateful if the above points could be noted. I would like to be notified should the application be presented to Planning Committee. I confirm that I wish to speak at Committee on behalf of my client. Shoud you wish to discuss</p>
<p>24 Friars Walk,MARKYATE,Dunstable,,LU6 3JA</p>	<p>I am a frequent visitor to Markyate and thus regularly drive around the village.</p> <p>I object to the development based on its failure to provide adequate consideration to the safe use of public roads. I struggle to find parking as it is with many residents using the space on Hicks road and even the goods loading only bays. I am often needing to park several hundred yards away from the High Street just to visit. I fear that with a big shop opening on a busy road it will become very difficult to access Markyate.</p> <p>Besides the difficulty in finding parking, the Hicks road junction with the A5 is very dangerous, with people having to queue on the high speed busy A5 to turn into Markyate. This is exacerbated by people parking on the pavement and narrowing the roads, which I would imagine worsens with big lorries making deliveries to Co-op.</p>
<p>20 THE COPPINS,MARKYATE,ST ALBANS,,AL3 8RP</p>	<p>We have only moved into the village recently, but were dismayed to learn about the potential planned redevelopment of vacant commercial units to create additional retail capacity,</p>

	<p>without delivering a new Doctor's Surgery, which we understand was part of the original Hicks Road regeneration scheme.</p> <p>Granting planning permission for another grocery store, in direct conflict with the village's sole convenience shop, does not achieve diversification of retail within a village.</p> <p>The issue is further compounded by the applicant (The Co-Operative Group) purchasing the Nisa brand (as the symbol group, rather than the existing retail site) in November 2017. This application could place a local, family-run and community-focussed business at risk of closure.</p> <p>Furthermore, this application will have a detrimental effect on traffic volumes, causing congestion and localised pollution (both noise and emissions) in an already busy route through the village.</p> <p>This Change of Use should not proceed.</p>
<p>5 FLEMING DRIVE,MARKYATE,ST ALBANS,,AL3 8FG</p>	<p>My objections are; having a supermarket in this situation will cause disruption and disturbance through noise and parking issues. The planning for the Silverbrook estate included three small local shops in Richmond Square not a large shop with the frequency of deliveries likely at a supermarket.</p> <p>The village has an adequate local store and does not need a supermarket.</p> <p>The parking issues are chronic. It is dangerous to turn out of Fleming Drive on a daily basis due to parking both on Fleming Drive and Hicks Road that obscures the view of oncoming traffic. It is very dangerous for our children simply to cross our road at the junction to walk up to the High Street. If the square is to be used for parking then that will be an ugly eyesore and cause noise to residents all around.</p> <p>The shop is obviously intended to attract people driving past on the main road and this will exacerbate the traffic issues in the centre of the village and change its atmosphere too. People coming off the main road and those joining it often speed on Hicks Road causing danger to local pedestrians especially children. The cars that currently park along the side of the road by Richmond Square already create considerable danger to children and to add to this would be really unforgivable.</p> <p>Having created a successful new development at Silverbrook why detract from it in this way.</p>
<p>66 High Street,Markyate,St Albans,,AL3 8HZ</p>	<p>On 9th November 2018 I visited the Co-Op located on Westfield Road in Dunstable to assess the delivery procedure in the transport and planning statement for the development versus the reality of Co-Op's operations. The store is of relevant size at 370 sqm and located within a residential area such as the units on Hicks Road. During the assessment we found that Co-Op contravene their own planning statements and provide photographic evidence highlighting the lack of control Co-Op have over their deliveries.</p>

	<p>Planning application CB/11/04115/FULL made to Central Bedfordshire on behalf of Co-Op stated:</p> <p>'The junction toward the west of the site will provide access and egress for customers only, with the junction toward the east providing access for service vehicles, which will exit via the western junction enabling them to enter and exit the site in a forward gear. This arrangement will enable service vehicles to park and unload in the area immediately in front of the retail unit, preventing conflict with customer vehicles...' (our emphasis).</p> <p>A short commentary is provided to expand on what the photographic evidence attached in the appendix exemplify:</p> <p>Figure 1</p> <p>Narrow roads prevent safe access to the store leading to motorists completely mounting the kerb. Hazards are created by the Co-Op delivery for both pedestrians and motorists.</p> <p>Figure 2</p> <p>Far from precision delivery timings, a second Co-Op delivery vehicle arrives at the store via the access point designated as an exit point only for lorries in the planning statement.</p> <p>Figure 3 & 4</p> <p>The layout of the car park and barriers show the lorry will have to engage its reverse gear to complete its delivery once the first delivery vehicle has left, flouting the transport and planning statements.</p> <p>The lorry is seen conflicting with pedestrians and several customer vehicles whilst seriously reducing safe access. At this point no new customers could use the car park and resorted to illegal parking as a direct result of Co-Op neglecting their unrealistic planning statement.</p> <p>It is considered of material planning concern that Co-Op are unable to control their deliveries to discharge their own planning statements as evidenced by this letter. Based on an unlikely, dangerous and complex access plan along with a demonstrated lack of capability to guarantee safety of the public; application 4/01278/18/FUL should be rejected.</p>
<p>66 High Street, Markyate, St Albans, AL3 8HZ</p>	<p>This letter is in response to the Traffic Statement submitted by ADL Traffic Engineering Ltd dated 25 October 2018.</p> <p>Two errors have been identified within the Traffic Statement:</p> <p>ADL have shown longer runs of double yellow lines that do not exist as noted in Figure 1. The road south of the indicated point is in constant use by residents for parking as shown in</p>

Figure 2. In reality it is highly unlikely for the body or wheel alignment to be in the positions as demonstrated by ADL given the number of legally parked cars where ADL have improperly drawn double yellow lines. It is suggested ADL produce a revised traffic statement taking this vital information into account.

Failure to attach a drawing to scale makes it impossible to verify the drawings, it is suggested a scale also be included in an updated traffic statement along with the removal of the double yellow lines and how the turn may be completed given the heavy use of the road for parking where ADL currently place their tracking information.

The junction at Hicks Road/High Street is a source of major concern as identified in the public petition. Due to the narrow dimensions of the junction, vehicles are often driving on the oncoming lane in order to negotiate the turn onto Hicks Road and avoid the corner kerb shown in Figure 3. Oftentimes road users do mount the kerb when driving on the oncoming lane is not possible due to risk of collision and is also depicted in Figure 3. Access to the High Street, to the detriment of the pedestrian, is via a single footpath on one side of Hicks Road and is a mere 32 inches wide.

According to www.crashmap.co.uk, since 2015 8 incidents including those defined as serious have occurred in the close vicinity of Hicks Road and its junctions. The statistic is above the norm and a concern to our village.

Figure 4 shows the delivery vehicle will impinge the kerbs as evidenced by the green body tracks. It is also noteworthy for your consideration that this manoeuvre would require a 100% accurate turning circle by the driver every single time a delivery is made to prevent further ingress into the pedestrian footpath. A feat that is impossible by any human driver leading to the conclusion that ADL deem it permissible to have Co-op's delivery vehicles endangering public safety through this zero-error margin manoeuvre. The conclusion is reasonable and must be considered in a further traffic statement to demonstrate a safe planning statement.

Whilst making the turn, the lorry is shown to massively encroach on the oncoming lane of Hicks Road. The narrowest point on Hicks Road is 5.56m as shown in purple in Figure 5 and each lane has a width of 2.78m. Following a turn from the lorry onto Hicks Road, the lorry would need to travel a further 25.35m (15.00m + 10.35m length of rigid) before vehicles in the opposite lane are permitted a 2.78m clearance to continue their journey towards the junction. In order to keep traffic flowing road users will be forced to reverse and/or mount the pavement to avoid a standstill or collision. Thus, the traffic statement also deems it permissible to inhibit the free flow of traffic.

	<p>In a bid to avoid disturbing oncoming traffic on Hicks Road, as described in point 4, prior to the turn, the lorry driver may wish to obtain a line of sight to gauge the vehicle movements on Hicks Road. Figure 6 demonstrates the lorry would not have this freedom in the current track and would actually need to proceed further down the High Street to ensure a safe turn before proceeding to reverse (if clear of vehicles) and attempt the manoeuvre. In either outcome the free flow of traffic is inhibited, and the lorry will mount the pedestrian footpaths. It is noteworthy that this portion of Hicks Road houses Harts Motors, Dales Vehicle Engineers, Markyate Hand Car Wash and the Public Car Park resulting in many cars being present in the vicinity of the intended manoeuvre.</p> <p>The ADL traffic statement fails to meet The Highway Code by breaching Rule 145- 'You MUST NOT drive on or over a pavement, footpath or bridleway except to gain lawful access to property, or in the case of an emergency' whilst Rule 204 states 'the most vulnerable road users are pedestrians, cyclists, motorcyclists and horse riders' which the current traffic statement does not account. The traffic statement is also in contravention of relevant planning policies including NPPF Paragraph 109 & 110, DBLP Saved Policies 12 & 51 and Core Strategy Policy 8.</p> <p>On these bases, we believe the application should rightly be refused given the failure to provide a safe and accurate traffic statement, which is an essential ingredient for any application as dictated by Dacorum Borough Council, Herts County Council and the central government.</p>
<p>66 High Street, Markyate, St Albans, AL3 8HZ</p>	<p>This letter is in response to the additional information submitted by ADL Traffic & Highways Engineering Ltd & Garden Studio, dated 12 and 15 October 2018 respectively. Due to these documents bringing significant change to the original planning application, it is considered that these should be subject of formal consultation.</p> <p>Previous documents have established that Hicks Road has inadequate parking provisions, as well as the public car park on Hicks Road being at capacity. According to Dacorum Borough Council's Parking Standards Review, between 9 - 12 parking spaces are required for the proposed Co-Op store of 347 sqm.</p> <p>In order to meet this parking requirement, ADL suggest 8 car parking spaces, each limited to 1 hour for public use. These parking spaces are set to cover part of the 'Goods Vehicles Loading Only' bay and cross onto the public square at Richmond Square. Bollards are to be installed to 5 of these parking spaces to stop vehicles parking whilst lorries service the store. A further single parking space has been proposed for staff use, to the rear of the unit. This totals 9 parking spaces; the minimum required.</p> <p>A comprehensive response to the latest submitted documents</p>

is bullet pointed below for your consideration.
(Please note, point 11 corresponds to a dismissed appeal decision made on 17 October 2018 attached within the Appendix of this letter).

ADL state, 'The Loading Bay is to be controlled by Co-operative (or whomever occupies the retail unit) who are proposed to be the sole retailer within the square as part of the planning application proposals'. We suggest this approach is short-sighted, as it does not consider future changes to the units that would require use of the loading bay. The loading bay was never intended to be for the prime use of the sole retailer, but rather for the wider public. According to Dacorum Borough Council policy, goods vehicles loading only bays can be used for 'heavy and/or bulky' goods including uses such as 'moving house'. As such, the loss of the loading bay from public access or use, by privately controlling the bay through use of bollards is undesirable. Doing so would shift genuine users of the bay to other parts of the road, increasing Highways concerns previously established on Hicks Road.

The re-development on Hicks Road (4/01173/11/MFA) was designed to include a pocket park and public square for the residents of the 75 dwellings to help compensate for the current lack of open space within the village. Whilst the pocket park failed to be constructed, the public square now remains to be the sole amenity space for residents at the development. As described within the planning statement (4/01173/11/MFA) the public square is intended for farmers markets, community events and children play with clear pedestrian movement - away from Hicks Road. Introducing 8 unbroken expanses of car parking on the square and in constant use would not allow safe pedestrian movement way from vehicles. It is essential the public square continues to benefit the public and remains a focal point on Hicks Road; not taken as surplus space for Harkalm Investments to use at their disposal.

Furthermore, ADL's recent submission now stands contrary to Pegasus's planning statement, which states, 'there is no opportunity to provide external amenity space, however the flats will front onto the public square'. The same public square Pegasus relies on for amenity space to occupants of the residential conversion, has now been proposed by ADL to be reduced down by circa 25%, by encroaching onto the square for parking.

Out of the 8 proposed public car parking spaces, no parking space has been provisioned for a disability vehicle. According to Dacorum Borough Council Parking Standards Review, 'The parking needs of disabled motorists shall be met in full irrespective of location'. If the minimum of one bay for the less able be introduced, a further 6 ordinary car parking spaces would fit within the width of the loading bay. To allow the clearance necessary for wheelchair users, a further 1.2m to the rear of the parking space would result in the disabled bay protruding further over the loading bay, edging onto Hicks

Road. To avoid this, the disabled bay would encroach further into the public square by 1.2m. In either scenario providing a disabled bay would reduce the number of parking spaces to below parking standards.

The track analysis by ADL demonstrates lorries reversing into the loading bay. Figure 1 exemplifies the demanding use of Hicks Road. Hicks Road is a crucial link to the A5183 for the High Street, Markyate Village as a whole and several other villages to its' rear. As such, on an already congested road, it is unrealistic for rigid lorries to reverse safely on Hicks Road into the loading bay, without causing a backlog of vehicles. Furthermore, with vehicles parked to the opposite side of the road, the nose of the lorry would project onto oncoming vehicles which are manoeuvring off the A5183, consequently blocking vehicles from passing. Particular to this point would be if the backlog of vehicles followed through onto the 50mph A5183.

ADL suggest up to 6 commercial vehicles per day would deliver to the store. ADL confirm that, 'parking spaces are prepared ahead of the Co-Op delivery vehicle arrival' (our emphasis), via alerts to the store 30 minutes beforehand. With 2 of the 6 deliveries being Co-Op delivery vehicles, 4 are via other suppliers from non-Co-Op depots. Consequently, staff at the store would not be pre-warned of these other supplier deliveries and hence not be able to raise bollards. This is reinforced by the fact that the sole newspaper & magazine supplier to the county- Smith News- does not provide any advance warning of their deliveries. Without prior warning, bollards would not be raised leading to lorries causing various highway safety concerns as discussed in point 7.

The public (not Co-Op only) are offered a parking bay restricted to 1 hour. With public car parking spaces in high demand, it would be sensible to assume many drivers would use these bays for a variety of uses for the full duration. By providing a 1-hour parking bay, drivers of parked vehicles would not be required to move from the parking space until this time had expired. Consequently, after receiving a 30-minute pre-warning from a delivery lorry, the public driver would still have up to 30 minutes before being required to vacate their bay. Staff at the proposed site would not be able to raise bollards as per their proposed plan. Irrespective of whether the lorry is a Co-Op delivery vehicle, and therefore was to receive pre-warning or not, it would take only 1 bay to be occupied to jeopardise any delivery to the store, effectively making it impossible for a lorry to park within the loading bay, causing numerous highway safety concerns as discussed in point 7.

With up to 5 car parking spaces occupied on arrival of a delivery lorry, lorry drivers would either wait up to 30 minutes for parked cars to vacate before raising bollards to manoeuvre into the loading bay, or begin servicing the store with cars in situ:

Figure 2 demonstrates a lorry (in dark green and to scale) waiting before the loading bay:

The assumption a lorry can wait in this location is made by removing all vehicles that currently park around the loading bay. If a vehicle was parked in this location, the lorry would wait closer to the junction of Hicks Road/High Street where the road is narrower and difficult, increasing the concerns raised. Vehicles heading towards the A5183 would be blocked from passing, risking free flow of traffic.

Visibility of drivers attempting to pass the lorry, drivers manoeuvring into and out of Fleming Drive/Hicks Road and of drivers attempting to navigate out of the proposed 8 public car parking bays is impaired, creating hazardous blind spots. The driver in car parking bay marked with a dark green star within Figure 2, would struggle by not having sufficient turning circle to reverse out of the parking space in order to head towards the A5183.

Figure 2 illustrates a lorry (in purple and to scale) serving the store, parking partly within the loading bay and partly on Hicks Road:

The lorry protrudes dangerously onto Hicks Road, risking free flow of two-way traffic.

The lorry would block-in drivers of up to 5 parked cars that are making use of the parking bays

Visibility concerns are raised for the cars parked within the 3 remaining bays attempting to manoeuvre out of the bay, including drivers manoeuvring into and out of Fleming Drive/Hicks Road.

The driver in car parking bay marked with a purple star within Figure 2, would struggle by not having sufficient turning circle to reverse out of the parking space in order to head towards the A5183.

It is reasonable to assume the latter of the two scenarios would occur, as there is no feasible space for a lorry to stop for any length of time on Hicks Road, either due to the width of the road, constant use of road, or due to vehicles parked along Hicks Road.

Furthermore, vehicles parked within any of the centre parking bays, regardless of a delivery truck being present or not, would need to reverse out of the bay crossing both lanes on Hicks Road before heading in their direction of choice. Dacorum Borough Councils Parking Standards Review stipulate, 'manoeuvring space between rows of spaces or other limits is 6m', with vehicles parked to the opposite side of the road, the clearance necessary is highly unlikely.

If we considered the store was alerted of a delivery 30 minutes before arrival, enabling staff to raise bollards, and on average if a lorry was parked for just 30 minutes whilst carrying out

duties i.e. stock unloaded 'by hand or cage', loading waste and cages, completing paperwork etc, multiply the downtime of 60 minutes by 6 deliveries - 6 hours of parking, across 5 bays, would be rendered useless each day, every day. Consequently, 5 public car parking spaces would be effectively unavailable for use over 1/3 of the time the store is open.

Furthermore, Dacorum Borough Councils Parking Standard Review suggest, 'all spaces should be capable of independent usage'. From the minimum number of car parking proposed, privately controlling 60% percent of these spaces via bollards, whilst potentially blocking in users fails to adhere to this requirement.

Within the planning application form, Co-Op envisage employing 25 staff at this location. With public parking bays limited to 1 hour, staff would be unable to use these bays whilst working a shift, requiring the single staff car parking bay located on the footpath at the rear of the store to accommodate staff that choose to travel by car. Visibility and manoeuvrability concerns are raised of a vehicle reversing out of this staff car parking space onto Fleming Drive which regularly witnesses cars parking along it.

ADL on behalf of Co-Op in October and November of 2017, when applying for permission of A1 retail use at Cody Road of South Cambridgeshire (planning application reference S/1695/16/FL of South Cambridgeshire District Council) and Hatch Motors of Swayvi used relevant TRICS data to understand the number of car parking spaces they required. Within this data ADL considered a 375 sqm Co-Op located in Peterborough to be a suitable comparable to both sites. The proposed site on Cody Road was of 350 sqm, similar to the proposed store on Hicks Road at 347 sqm. ADL calculated the average time a customer would park for and concluded 9 car parking spaces would be required on site for customer use. It's important to note both sites provided Co-Op only customer car parking, whilst the proposed car parking spaces on Hicks Road are for public use, of which there is high demand. Naturally, a parking time limit of 1 hour would lead to a lower turnaround of spaces due to use of bays for a variety of purposes.

Hatch Motors as discussed in Point 10 is located in Sway. Sway is commensurate to Markyate in that both villages are located in a rural setting, house a similar population, with the proposed stores located on busy roads. Following a refusal for A1 retail use at Hatch Motors of Sway from New Forest National Park Authority, the applicant subsequently lodged an appeal. One of the main issues of the appeal being 'The effect on highway safety as a result of parking provision and arrangement'. On 17 October 2018 The Planning Inspectorate determined 'the harm I found as a result of unsatisfactory parking and delivery arrangements is significant and is a compelling reason to dismiss the appeal'. Due to the

	<p>substantial number of issues raised by The Planning Inspectorate directly relating to concerns raised within this letter, I felt it was appropriate to append the Appeal Decision to this letter for your consideration (See Appendix).</p> <p>Taken from Dacorum Borough Councils Parking Standards Review of a comparable site, the survey of Tesco Express located at 207 Fletcher Way, Hemel Hempstead of 267 sqm, found by applying 1 car parking space to every 30sqm of retail floor area 'appear to be broadly appropriate in this instance for retail units less than 500 sqm', and that '7-12 vehicles recorded parking within the site through the occupancy surveys, with 11 at peak time on a Sunday when the larger retail stores are closed'. Bearing in mind the current proposal is for a larger floor area of 347 sqm, with parking spaces available for use by the public, it would be rational from the evidence provided to assume the minimum number of car parking proposed in under provisioned.</p> <p>The delivery and service management provisions suggested by ADL remain fundamentally flawed, with the proposals being impractical, and not fit for purpose. The approach simply does not meet the parking requirements as it fails to provide sufficient, safe and effective parking for both lorry drivers, customers or employees. The lack of parking is reinforced by ADL's own submissions on two separate Co-Op applications, as well as evidenced by an independent survey on behalf of Dacorum Borough Council. Most recently on 17 October 2018, The Planning Inspectorate refused the appeal of the planning application at Hatch Motors of Sway, on similar grounds as those identified within this letter.</p> <p>Furthermore, privately controlling the loading bay would result in the loss of a public feature, with plans to cut down on already underprovided amenity space to the detriment of local residents.</p>
<p>66 High Street, Markyate, St Albans, AL3 8HZ</p>	<p>Concerning the survey submitted by ADL Traffic and Highways Engineering Ltd. on behalf of the applicant, I am writing to register my concerns in relation to the bullish and misinformed manner in which this planning application and the applicant is progressing. The most obvious misnomer in ADL Traffic and Highways Engineering Ltd's survey is the inclusion of the 10 bays (of which they only mention 7) allocated to the doctor's surgery for the GP's and their patients within the public capacity of the car park. Disconcertingly manipulating the data throws the entire survey into disrepute. The remainder of my letter further explains why the survey should be discounted and the submission of a new, fully comprehensive replacement which follows HCC's recommendations.</p> <p>It is bewildering to me that the numerous concerns raised by the residents and businesses of Markyate regarding the parking issues are being washed away with a mediocre one-</p>

day parking survey by a company that does not feel or live with the repercussions of the consequences they draw from an inferior data set. Firstly, after a discussion ADL Traffic and Highways Engineering Ltd. had with Ms. Valerie Spiers of HCC, it was advised a survey should ideally be completed away from the school holiday period (stated in their letter dated 5th September 2018). The date ADL Traffic and Highways Engineering Ltd. chose for their survey was Saturday 25th August 2018. Table 1 shows the term start days of the main schools in and around Markyate demonstrating the survey does not follow recommendations. HCC's own term commencing date for the Michaelmas term for schools administered entirely by them is Monday 3rd September 2018. I must stress this is not an inconsequential oversight but a continuation on the theme of disregarding residents' concerns and failing to comply with the spirit and policies of the planning application process.

Notwithstanding the obvious error in the survey thus rendering it inadmissible in delivering facts, the parking survey conducted on a single day cannot characterise the issues residents continually face. Instead, in the interest of a meaningful application process, we delivered a parking survey over a number of days showing that the public car park is at capacity. I hope it will be apparent when I forward you a new parking survey complete with photographic evidence of every data point of the car park at regular intervals during the day, which will present a stark difference when compared with the deceptive conclusions drawn by ADL Traffic and Highways Engineering Ltd. The parking survey, to follow, will span multiple days to provide an unbiased and true insight to answer whether the car park is at capacity or not, which seems central to your decision.

Now let us assume, as difficult as it may be, ADL Traffic and Highways Engineering Ltd's survey is accurate. The parking restrictions offered by the applicant via bollards on the goods loading only bay coupled with the expanding doctor's surgery, whom have requested further allocated parking in the public car park (4/01954/18/FUL), would absolutely increase the average usage of the car park as these cars will not vanish, rather the problem will have simply been shifted. The increased traffic and car park usage resulting from the huge shop's customers and staff would then need to be taken into account and it is not difficult to see even by the flawed ADL numbers that they do not make a coherent argument to support their conclusion. Trends are important in determining the outcome of an application as they help in planning positively and for the future. The ACS (Association of Convenience Stores) report was handsomely cherry-picked to drive the applicant's agenda; for completeness Figure 1 shows the figures from the ACS reports which the application/applicant's agents cite for 2016, 2017 and 2018. The figure shows a year-on-year rise in the number of car users specifically for local shopping (screenshot from the reports are provided as an appendix verifying the data)

	<p>showing the potential increase in demand for parking is by no means 'marginal'.</p> <p>The National Travel Survey, from which ADL Traffic and Highways Engineering Ltd. retrieve the following quote: 'Walking was the most frequent mode used for short trips: 81% of trips under one mile were walks.' also states that a 'trip' classifies as a number of activities and only a fifth of these are for shopping as shown by Figure 2. In conjunction with the ACS report, it is clear to see many people visit local stores using a car.</p> <p>Mr Gardner, whilst I understand yours is a difficult role requiring the careful balancing of a number of factors; I implore you to reconsider the valid and consistent arguments that the many stakeholders of Markyate have presented against the many flaws in the applicant's case. Objections from our MP to the Parish Council to the many comments you have received from the public all show deep concern, especially given the fact the previous development was cleared with objectors through appropriate conditions which now seem to be meaningless if this application is allowed to proceed as it stands. Even some of those that support the application have given the proviso of resolving the parking issues that are so desperately clear for all to see. I fear that if you do not see the troubles so many villagers deal with on a regular basis, business or residential, and the applicant is permitted their application without appropriate conditions then this case will not have been determined positively for Markyate and with the future in mind. If my letter and the new survey, to follow soon, do not convince you there are grave parking issues surrounding this planning application I strongly suggest an independently appointed surveyor of your choosing to complete the same at my expense so that the truth may prevail.</p>
<p>66 High Street, Markyate, St Albans, AL3 8HZ</p>	<p>Following my objection letter dated 26 June 2018, I am writing in response to the recent comments prepared by Pegasus Planning on behalf of Harkalm Investments Ltd dated 25 July 2018.</p> <p>Regretfully Pegasus Planning have not addressed the main body of concerns that formed the numerous objections; namely the impact on building a strong, competitive economy, the safety of our village roads and the threat to vital services, such as the Post Office, which many residents rely upon (NPPF Issue July 2018 Paras. 92). Sadly, Pegasus have groundlessly moved to dismiss these material planning concerns under the umbrella of 'commercial motivation' that apparently I, residents and the businesses of Markyate share.</p> <p>Whilst Pegasus are entitled to their own opinions they are not entitled to their own facts, to set the record straight with evidence backed arguments rather than unfounded charges of 'commercial motivation'; I hereby identify the misleading notions in Pegasus's response:</p>

1. 'Concern has been raised by the owner of the Nisa Local & Post Office (Prepared by JMS Planning and Development) and local residents . . . [T]hese objections are commercially motivated and seek to maintain the status quo in Markyate Village Centre. The objection seeks to protect an existing retailers trading potential, contrary to established planning principles'

There is no proof or evidence that I and the residents of Markyate have concerns that are commercially motivated. The numerous concerns were raised in line with material planning policies (NPPF 2018 paragraphs 85, 87, 92, 102, 105, 182 & DBPL policy 44) such as safe access to the village, disturbances to residents due to lack of proper parking, noise and delivery provisions in addition to threats to the viability of existing retail units, of which mine happens to be one. On the contrary, we do not seek to maintain the status quo and invite Co-Op to join the village in its healthy, fair and unbiased competition as stated in our objection. An A1 unit competing with independent village retailers on a total floor area 300% larger than the limit determined fair by a democratically elected committee certainly does not reflect a balanced approach.

2. 'In the event planning permission is issued for the proposed change of use of Unit 1 to retail development, Condition 29 of planning permission 4/01173/11/MFA would no longer apply. A new planning history for the unit will be established.'

Condition 29 explicitly stated 'any shop unit falling within Use Class A1 shall not exceed 105 sqm as shown on the approved plans. This condition shall apply to the original construction and any future rearrangement of the commercial floorspace within the development hereby permitted.' (our emphasis). 4/01173/11/MFA is a related planning application and condition 29 set a precedent to protect sustainable development as outlined in the NPPF and this policy position has not changed since; therefore, the need for condition 29 still remains, the rationality and reasonability of such a condition is demonstrated in point 3.

3. 'As indicated on the plans supporting the application, it is also important to note that the proposed net sales area equates to 170sqm, with the remaining 177sqm required for back-of-house facilities and plant equipment, which is split over two levels. As such, the whole of the unit (347sqm) will not be given over to the sale of goods and the Applicant is willing to accept a planning condition that the trading area shall be no more than 170sqm.

Condition 29 clearly states 'any shop unit falling within Use Class A1 shall not exceed 105 sqm as shown on the approved plans.' (our emphasis) to foster a strong, competitive economy. Many retailers on the high street have shown they

can run successful businesses with this amount of floor area and this was taken into account when the committee issued the condition. The Core Strategy mentioned provisions for 'small' A1 units, whilst this is a relative description of size, if one assumes 'small' within the context of businesses in Markyate then 105 sqm is in fact bigger than the space many current high street businesses operate on let alone 170 or 347 sqm. Consequently, there was no appeal to the condition by the developers at the time planning permission was granted as it was determined a balanced outcome. The aim to seek a larger floor area is commercially motivated to maximise the applicant's profits; Co-Op stores nationwide have successfully operated on floor areas commensurate with the limits set by condition 29 (store details displayed in Table 1). Thus, there is no justification for a larger floor area to be granted in planning law as there have been no policy changes since.

4. 'The objection states that the policy position remains unchanged. The application site formed part of a Strategic Site identified in the Adopted Core Strategy (SS2). One of the key principles identified for the site is that 'Ground Floor retail uses will be acceptable where they meet local demand and complement the existing retail offer within the village centre' (Policy SS2). No threshold of unit size is identified in the site allocation'.

Pegasus are correct, no threshold of unit size was allocated in the core strategy adopted in 2013. However, in the very same document, under Markyate Place Strategy, clause 25.10 states 'The key local shopping and service function of the village centre will be protected. The new commercial uses as part of the Hicks Road scheme will complement and reinforce this role.' (our emphasis). Under the remit of this clause, during the detailed planning of the new development in 4/01278/18/FUL, condition 29 was attached to adhere to the Core Strategy. The DBLP, 4/01173/11/MFA case officer recommendations, committee report and the Core Strategy should be read together to understand where, why and how the threshold has been identified rather than cherry-picked. This policy position remains unchanged.

'Secondly, in attempting to address the putative concerns of an existing retailer, the imposition of Condition 29 has essentially blighted the opportunity to deliver the anticipated benefits flowing from the retail component at the site. The current units (limited to less than 105sqm) have been vacant since completion and evidence of almost 3 years marketing has been presented as part of this application submission. It is evident there is no local demand for such units (the site allocation stipulates that ground floor retail uses would be acceptable where they meet local demand)'.

Pegasus's response continues to misconstrue the vacancy of the units. There have been several parties interested in these units over the past few years including for the use as a gym, café, restaurants and indeed retail uses as noted by Brasier

Freeth's marketing note in Pegasus's planning statement. There was no mention that condition 29 'blighted' the opportunity of the units and no evidence to support this opinion. The same marketing note which Pegasus refer to admits that failure of Weston Homes, the freeholder, to produce the relevant sale documents contributed towards the vacancy of the units, this was only resolved in March 2018. Many retailers on the high street successfully trade in floor areas smaller than 105 sqm. Pegasus mention their client would be 'unable to operate effectively and the operation would not be viable' without a floor area of 347 sqm yet Pegasus provide no evidence.

Perhaps the reason for this omission is that a number of Co-op sites do in fact 'operate effectively' and trade with a total floor area commensurate with condition 29 as shown in Table 1.

Thus the condition conforms with the NPPF in that it is 'relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'. Finally, condition 29 was not implemented for any single entity or persons but rather, as stated in the decision notice, to 'maintain the viability of existing retail units within the village in accordance with Policy 43 of the DBLP'. Pegasus imply a bias on the part of the council with their misleading statement which is once more not evidenced.

6. 'Put another way, this application affords the opportunity to provide a small convenience store in a location which is recognised as providing the ability to support the rest of the village centre through positive spin-off benefits. It is not the role of the planning system to restrict competition.'

'Small' is a relative term as mentioned previously, in the context of Markyate it cannot rationally mean a store size 300% the floor area of many high street businesses; this would not support the rest of the village but rather detract from the high street. I agree it is not the role of the planning system to restrict competition; however, it is entirely within the system remit to protect essential community services i.e. the Post Office and the character of the village through appropriate conditions. Consequently, Co-Op are welcome to open a store in the village and planning permission has already been granted for an A1 use; any further planning application to seek a larger floor area is simply commercially motivated and shows ineptness at adapting to the local needs.

7. 'The proposed convenience store is anticipated to serve the immediate community, with evidence showing 53% of customers typically living within a ¼ mile of their local store, and 78% within 1 mile (<https://www.acs.org.uk/research/local-shop-report>). As such is not intending to attract significant levels of car borne visitors. Notwithstanding this, there is an existing layby immediately to the front of the store, as well as the public car park serving the doctors surgery adjacent to the

west'.

Unfortunately, Pegasus continue their cherry-picking with this misleading statement. The very same report from the Association of Convenience Stores (ACS) to which Pegasus refer states whilst 78% live within 1 mile of their local store almost 40% still choose to drive. Therefore, it cannot be rationally deduced that there would be no significant levels of car borne visitors. Besides, Pegasus have also failed to realise the existing layby immediately to the front of the store is a goods loading/unloading bay only; it is not for the use of parking which shows a complete lack of local knowledge on which they base their application. Interestingly, the same report referred to by Pegasus also demonstrates that 61% of independent retailers operate on a shop area of 93 sqm or less demonstrating that condition 29 does not blight the opportunity of the units but instead, only blights the monopolistic potential of the units.

Thank you for allowing us the opportunity to present the facts on this matter and provide clarification on several misleading statements. As always, please feel free to contact me for further clarification on any of the information in this letter, which I summary below:

We do not seek to maintain the status quo; Co-Op are welcomed into our village providing they abide by planning conditions derived from the needs of the community. The core strategy made provisions for 'small' A1 units, which in the context of Markyate's independent trading environment implies a maximum floor space of 105 sqm. Thus, the planning officer sought to integrate this unit 'without destroying the commercial activities along the historic high street'. Condition 29 served to ensure the A1 use will complement the village and serve as an extension to the choice and diversity available in the village. No evidence backs Pegasus's claim that condition 29 has 'blighted' the opportunity of the units, in fact it has been shown the freeholder contributed to the delay of the units being taken up via the marketing note. The planning application submitted by Pegasus is commercially motivated as they seek to maximise the profit opportunities of their client by securing a much larger floorspace instead of adapting to local needs.

Co-Op have successful operational stores nationwide and many have a total floor area in line with the limit previously set by the committee, this demonstrates the units are indeed viable to reinforce and complement the village centre.

I have shown our objection is for a fair, balanced and vibrant Markyate; one which works for all including Co-Op if they choose to adapt and integrate into the community at an appropriate scale. A unit already established for A1 use at Richmond Square is available and proved to be viable. Condition 29 softens the highways concern whilst continuing to maintain the viability and vitality of the High Street and village centre and enhancing the social, cultural and economic

	DNA of Markyate.
66 High Street, Markyate, St Albans, AL3 8HZ	<p>I object to the planning application 4/01278/18/FUL made on 24th May 2018 to Dacorum Borough Council, for CHANGE OF USE OF UNIT 1 (CLASS D1 SURGERY/HEALTH CENTRE USE) TO CLASS A1 CONVENIENCE FOODSTORE, TOGETHER WITH CHANGE OF USE OF UNIT 2 (CLASS A1/A2/A3/A4 AND B1) TO THREE RESIDENTIAL UNITS (ONE 1-BED AND TWO 2-BED FLATS), TOGETHER WITH ASSOCIATED EXTERNAL ALTERATIONS AND PROVISION OF PARKING at UNITS 1 AND 2, RICHMOND SQUARE, HICKS ROAD, MARKYATE, AL3 8FL</p> <p>because</p> <p>The planning application has a negative social, cultural as well as economic impact by not abiding by Condition 29 of planning application 4/01173/11/MFA and thereby lacking reasonable provision for the vitality or viability of existing retail units</p> <p>My Name is Bhavesh Patel, part owner of the Nisa Local & Post Office on the High Street in Markyate.</p> <p>It was a worrying day when I discovered the submission of planning application 4/01278/18/FUL. After my discussions with Dacorum Borough Council for application 4/01173/11/MFA, the Council sided with me and several other local business owners that there was a compelling reason to include Condition 29 which states 'Any shop unit falling within Use Class A1 shall not exceed 105 square metres as shown on the approved plans. This condition shall apply to the original construction and any future re-arrangement of the future commercial floorspace within the development hereby permitted. Reason: In order to maintain the viability of exiting retail units within the village in accordance with Policy 43 of the DBLP, to ensure the businesses on the High Street remained viable and thrived into the future'. Planning application 4/01278/18/FUL is undermining the Council's approach to protect the High Street by not even mentioning or considering Condition 29 as the plans indicate a floor space of 347 square metres - 300% bigger than the limit set by Dacorum Council. The issue is compounded by the edge of village location, away from the High Street and village centre as shown by Figure 1. I feel the breach of Condition 29 will harm Markyate's local economy and urge the Council to refuse the application to protect local businesses.</p> <p>Since the early 1900's Markyate has been the home of several independently run businesses, some of which have passed down generations trading within a delicately balanced village ecosystem. As stated in planning application 4/01173/11/MFA, the village welcomes fair competition but the sheer size of the proposed store would allow the retail chain to encapsulate</p>

rather than complement what the village currently offers. The Council only need to look at nearby Dunstable, a once bustling market town, to see the affect footfall being directed away from the High Street can have in terms of dwindling consumer choice and the closures of businesses. The opening of several large retail stores in the vicinity led to long term vacant units with 13 out of 23 retail units currently empty on High Street South as shown in Figure 2. Despite government funds being pumped into Dunstable, it has not been possible to reverse the tragic loss of a once beautiful market town full of vibrant businesses.

A large store size would effectively create an unlevel competing playing field. The proposal will harm High Street businesses by diverting trade and footfall away from the village centre. Figure 3, published by the Department for Business, Innovation & Skills, shows how this can lead to a downwards spiral as nearby stores suffer the consequences leading to closures. Even boutique businesses, which do not directly compete with the retail chain in terms of products and services, would be negatively impacted due to a reduction in linked trips to the High Street, posing a genuine threat to the community spirit which has made Markyate a lovely place to live and work for generations.

Our own MP, Mike Penning, has said 'local shops are essential to the communities they serve and the provide vital and flexible employment in the local area'⁴. Cardigan's Chamber of Commerce chairman, Paul Oakley, said a chain store would 'cripple independent traders' and 'these developments pose a real threat to smaller retailers'. Paul subsequently refused a retail chains application to double their store size as he felt there was 'no doubt' it would have an impact on independent shops⁵. Up and down the country there is a clear precedent for Councils to refuse planning applications to protect flourishing local businesses; from the market town of Saxmundham of Suffolk to Mole Valley District Council⁷ or even West Somerset Council - these Councils have sided with their constituents to protect local interests.

Competition is inevitable; this is the path to bring out the best in businesses and I vehemently believe in this to improve Markyate. However, allowing a retail space several times the size of any other on the high street will create a one-sided playing field. It would be a shame to see businesses suffer and close after years of loyal service to our villagers. Currently we have 17 thriving local and independent businesses on the High Street alone, all significantly enhancing the character and vibrancy of the centre with each providing a service and offering truly diverse to each other. Individuality of these stores make people feel good about where they live, with these independents preventing homogenisation. The village centre has always enjoyed commercial diversity and investment, which could quickly be taken away as we join the rocketing loss of

independent stores which begins with footfall being diverted away from the high street.

The planning application states a creation of 25 jobs, however; I implore you to think about the guaranteed reduction in staffing levels along the high street, as staff are lost on one side of the village, and only some hired on the other. Studies by the National Retailer Planning Forum found retail chains create a net loss of jobs in local areas⁹. I employ 14 people of all ages and backgrounds in my store, in line with Simms' findings, pound for pound we hire twice the number of people than a retail chain

would to generate the same revenue¹⁰. It is reported around half of the money from local businesses remain local, whereas just five percent can be said about retail chains¹¹. Is this the reason why Markyate's business ecosystem has survived so long? Businesses supporting each other by spending locally, through local plumbers, local electricians, local fridge engineers and more resulting in a web of interconnected spend contributing to the local economy.

My family and I purchased our business in Markyate a decade ago, we spent generous amounts of money to renovate the store to become one which our neighbours would enjoy to visit. We have continually invested in the store to evolve through the years to our customers delight. My business is a genuine village store, we supply a range of products and services tailored for our customers' needs. It may interest you to know that when a recently deceased resident OAP of Markyate struggled to live

independently, we regularly delivered groceries to him on occasions at a loss. He would call us for items worth less than £10 and we would deliver it to him. Would retail chains think twice about offering such tailored care of their customers? Yet they may be allowed to wipe out my business with impunity? We donate kindly through our Making A Difference charity to support local good causes such as the Markyate Youth F.C Under 13's, Markyate Cricket Club, Bizzee Bee Primary School, Markyate and Flamstead Community First Responders, The Fire Fighters Charity and many more inbetween because my family and I truly depend on these organisations and believe in the community spirit.

The High Street Post Office was on the brink of closure before we agreed to provide those vital community services in our store and save people, especially the elderly, leaving Markyate to access essential services. I am regretful to inform you that if the planned store was to open, there would be an adverse impact on our store and there is a high chance of the already financially struggling Post Office closing as the current usage is only supported by the foot flow to the retail element of the store. Unable to sustain the Post Office would make me have to look to convert the Post Office space into retail space and pitifully compete with the planned store's seismic floor space and commercial

	<p>advantage.</p> <p>I would like to clarify the history of the units in question which Pegasus have incorrectly referred to in their planning statement. The exclusivity period mentioned on page 28 (PDF Page Reference) expired for Unit 1 only in December 2017 and very quickly, the property was sold prior to auction in March 2018, and snapped up by an investment company for a multiple retail chain use, no reasonable amount of time was provided for the property to be marketed outside of the exclusivity period for any other complementing use. Referring to page 28, Unit 2 had several interested parties, including uses as a restaurant, café and gym. In March 2017 the council approved the conversion from flexible use to a gym and sports injury clinic D2 use and Brasier Freeth accepted an offer from a gym developer. Pegasus refer to the stalling of the gym development as 'funding issues' on page 16 (PDF page reference) point 6.12 but on the contrary, Brasier Freeth have admitted in the marketing summary note that they failed within reasonable time to obtain the appropriate documents from the freeholder, Wester Homes. Banks typically offer 3 months before an offer expires, and thus the failure of Brasier Freeth to complete the transaction led to the gym not opening. In fact, Brasier Freeth admit the documents were only received around March 2018 in their note, essentially meaning no interested party could make use of the units until now. I feel the council should not consider this a strength of the application but rather a weakness.</p> <p>I know that our Councillors care and are committed about our village and the need to secure growth but a sustainable community is equally important. The material evidence I have presented in this letter exemplifies the net loss our village will experience without appropriate planning conditions. I invite you to our store to discuss the issues directly and experience the friendly open community environment my store is first-hand. Standing by your previous righteous recommendation of Condition 29 will warrant a sustainable and diverse retail provision amongst the high street and genuinely encourage the occupier of the new units to provide a unique range of products and services instead of allowing them to encapsulate the village centre's offering. Just because the current size of the A1 retail provision does not work for retail chains should not mean the Council should change it to not work for the village. Especially as many village business owners manage to operate on much smaller floor spaces.</p> <p>Thus, please refuse the application of a commercial unit of this size in order for small businesses to compete and please join us in the fabulous community spirit that has adorned Markyate for so long.</p>
66 High Street, Markyate, St Albans, AL3 8HZ	Pegasus, Co-Op, Harkalm Investment Ltd. and Instinctif Partners need to be held accountable for false information that has been continuously peddled in the course of this planning application. The recent statement of community consultation is

marred with mathematical impossibilities and therefore lacking integrity.

Besides the community consultation taking place before the material changes to the planning application were made i.e. including the introduction of a car park in our public square; there are several grave issues relating to the data of the survey described below:

1. The percentage totals in the below excerpt from the consultation manually total 88.6%. Paragraph 4.9 mentioned 212 respondents gave a view whilst the table below shows 201 responses. Meanwhile, adding the individually numbers in the response's column returns a new and unmentioned value in the text of 178. Where have responses been removed?

Confusingly, not one data point from the table above correlates to any of the data provided within the excerpt below.

2. Paragraph 3.5 states 7 questions were asked but data for only 6 questions provided. Why has data for question 'How would you view the development specifically of a Co-Op store at the site of Units 1 and 2 Richmond Square, Hicks Road, Markyate?' been omitted.

3. Point 4.6 states '205 respondents gave a view on the existing food offering within walking distance'. The excerpt from the survey below shows only 190 responded. Where have responses been added?

4. The total of the percentage response to question 3 manually totals 105.2%. Where did the extra 5.2% of respondents come from?

5. Paragraph 4.16 states 163 choices were made for question 5 whilst the total from the excerpt below is 113. Meanwhile, adding the individually numbers in the top-Up column returns a new and unmentioned value in the text of 161. Which number is the correct one?

Unless these stark differences can be accounted for, this consultation should be given no weight. For the record, the following is the running list of false information entered by the applicant into this application:

1. Submitting a survey under the guise of HCC conformation
2. Counting the non-public 10 parking bays within the public capacity of the Hicks Road public car park
3. Claiming the most common mode of transport to the store would be on foot and falsely citing statistics from the National Transport Survey i.e. 81% of trips under one mile are on foot without stating that only 20% of these are for shopping.
4. Claiming no interest in the Units at Richmond Square
5. Stating the Co-Op would be unable to operate within condition 29
6. Falsely claiming Co-Op can precisely control the timings of deliveries when in fact, and as evidenced through my previous

	<p>letter, there is a precedent to flout their own planning statement. Additionally, Co-Op are unable to control the delivery times of their suppliers.</p> <p>7. Transport statement map showing longer runs of double yellow lines than actually exist on the high street, perhaps to ease concern about the manoeuvrability of their large lorries.</p> <p>Please find enclosed 57 individual objections from residents of Markyate, conforming to material planning considerations, which take into account recent changes to the application. Common comments include;</p> <p>Lack of Parking Increase in noise Concerns of lorry movement Detriment to High Street businesses, Post Office, and existing employees Store size too large for Markyate</p>
<p>66 High Street, Markyate, St Albans, AL3 8HZ</p>	<p>This letter is in response to further changes made by Frampton-Martin Sage Design Limited & ADL Traffic Engineering Limited, dated 12 & 14 November 2018 respectively.</p> <p>Figure 1 shows an official ordinance survey map in translucent yellow layered on top of ADL's tracking map. Please note the red circles highlight all road boundaries match perfectly between both maps, except the junction box and kerb outside of building 131. According to ADL's Traffic Statement if the kerb is as shown on the OS map, the lorry would drive over the kerb and further into the footpath to make the turn, which is reported up to 4 times a day. Please note;</p> <p>The footpath connecting Hicks Road to the High Street is to one side of the road only and is a mere 32 inches wide.</p> <p>This junction is used daily by school children walking from Hicks road to catch a bus or to school.</p> <p>5 parking spaces are proposed, of which 1 is dedicated to staff. Providing 1 space for the less able as required by the Dacorum Borough Car Parking Standards Review reduces the parking bays to 3. o The Car Parking Standards Review suggests between 9-12 car parking spaces are provided for a store of 348sqm.</p> <p>On several planning applications ADL have made on behalf of Co-Op using TRICS data conclude 9 parking spaces are required for a store of this size, to which a Planning Inspectorate agreed to the calculations (however subsequently refused planning).</p> <p>o Considering store opening times are outside of bus operating hours, and given Markyate's rural location and limited bus service i.e. restricted locations, infrequent service, no service on Sunday, it is likely staff would make sure of</p>

private transport.

Why is the approach different at Markyate where parking issues are demonstrably more severe?

The loading bay in its current form allow lorries to enter and exit in forward gear and conform to HSE, 'As far as possible vehicles should not have to reverse. If you can, use one-way road layouts and drive-through loading bays.' Hicks Road connects Markyate and surrounding villages to the A5183 (Main Distributor), it is highly unlikely lorries are able to reverse on this road as proposed.

No consideration is given to tail lift use, according to Figure 2 this would take place on the public footpath; failing to conform to HSE advice, 'goods being loaded and unloaded on purpose designed loading areas' whilst '(un)loading should be off the road and pavement, well away from members of the public'. Furthermore, as indicated in Figure 2, the lorry strikes a lamppost, the location of which prevents tail lift use. This could lead to the lorry blocking a parking bay to service the store. Given the high demand of parking spaces blocking a bay may not be possible, which may result in lorry drivers parking on Hicks Road.

Figure 2 shows a car passing a manoeuvring lorry. Images within previous submissions clearly show this part of the road has no parking restrictions and is often used for resident parking.

Whilst vans and lorries make use of the loading bay, the Manual For The Streets indicate users attempting to reserve out of a parking bay crossing both lanes of Hicks Road are not provided sufficient visibility splay. This is up to 6 times per day for the applicant, and highly likely to be more from other loading bay users. Please note cyclist use Hicks Road as part of the Chiltern Cycleway and pedestrians on organised walks.

Valuable amenity space continues to be cut down for the benefit of the private company. The same public square Pegasus relies on for amenity space to occupants of the residential conversion, has now been proposed by ADL to be condensed by encroaching onto the square for parking.

Items from the Traffic Statement dated 25 October 2018 remain unresolved; o Showing longer runs of double yellow lines that do not exist on the High Street. This space is used for car parking, is its therefore highly unlikely the lorry will be in this position to turn.

o the lorry would need to travel a considerable distance before vehicles in the oncoming lane are permitted a clearance to continue their journey towards the junction

o to obtain a clear line of sight the lorry would travel further down the High Street to ensure a safe turn before proceeding to reverse (if clear of vehicles). In either outcome the free flow of traffic is inhibited, and the lorry will mount the pedestrian

	<p>footpaths.</p> <p>The ADL traffic statement continues to fail meeting The Highway Code, particularly Rule 145: 'You MUST NOT drive on or over a pavement, footpath or bridleway except to gain lawful access to property, or in the case of an emergency'. The traffic statement is also in contravention of relevant planning policies including NPPF Paragraph 109 & 110, DBLP Saved Policies 12 & 51 and Core Strategy Policy 8 and should be rejected pending a more sustainable traffic management plan.</p>
<p>5 HICKS ROAD, MARKYATE, ST ALBANS,,AL3 8LJ</p>	<p>Objection to amended application details. Ref: 4/01278/18/FUL</p> <p>Objections as follows:</p> <p>Delivery and Servicing Management Plan. October 2018</p> <ul style="list-style-type: none"> - 2.1.2. The terminology "It is intended" does not mean it is guaranteed. - Delivery Vehicle and Timings. Who will enforce this timetable after planning has been granted. It certainly won't be the council and the residents will have little recourse to anyone to enforce it. 2.2.2. Delivery management. Who will enforce the route these vehicles take. The statements made in the report are not enforceable. - 2.4. Control of Parking Spaces - Loading bay for the retail unit. How/who will enforce this? - How will the 8 public spaces be enforced/by whom? - 2.4.6. Van drivers are not interested in planning obligations - ADL letter 5 September 2018. <p>The car parking survey in Hicks Road is flawed and the planning committee should visit the site themselves to see the parking situation. The survey data was carried out on 25th August, which was a weekend, during main vacation month and also sandwiched between the August bank holiday weekend period.</p> <ul style="list-style-type: none"> - Instinctif Partners Survey. If the survey extended to the areas marked on Appendix 1 as stated is the catchment area, this is worrying as it will increase traffic. Contrary to earlier statements in the application, people will not walk this distance to a shop and thus it is no longer "local". I live adjacent to the Hicks Road car park and was not asked to participate. - DBLP Policy 43 is breached. Size of the proposed unit. - Core Strategy SS2 is breached . The proposed use does not complement existing uses in the village it is in direct competition with them.

	<p>- Prudens is an independent bakery serving the village and surrounding villages. The delivery plan clearly shows a "Bread Delivery" vehicle.</p> <p>- The current Nisa store is now part of the Co-Op group. Two Co-Op stores in the village are not sustainable.</p> <p>Residential Units</p> <p>Markyate has had two not insignificant housing developments built out in the last 5 years. It does not have the infrastructure for continued piecemeal/ah hoc dwellings. Car usage/air quality impact/road capacity/schools/parking/medical services.</p> <p>This application should be refused.</p>
Local Petition	<p>Petition received from local residents on 19/11/18 - 57 individual responses.</p> <p>Comments include concerns over:</p> <p>Lack of parking. Increase in noise. Concerns over lorry movement. Congestion. Pollution. Detriment to High Street businesses, Post Office, and existing employees. Store size too large for Markyate.</p>

Supporting

Address	Comments
15 COWPER COURT, MARKYATE, ST ALBANS, AL3 8HR	<p>After living in Markyate for a number of years as a family we strongly support the planning on Hicks Road. The village is lacking a adequate convenience store, which provides fresh and affordable produce. We currently never use the small shop in the village as its over priced and lacks fresh food. For many years we have felt that more and more house have been built, with a lacks of local amenities. As a house hold of workers it is a pain that we always have to stop off on the way home to some of the other local villages to get something half decent to eat because Markyate does not offer this.</p> <p>Markyate is a great village and more needs to be done to allow it to be more family friendly, which we feel this planning would allow. It is a shame that other planning has passed in the village, such as a so called function room, which produces more noise pollution and keeps the residence awake.</p> <p>I would like to suggest parking restrictions on Hicks Road to support the residence of the road.</p>

Commenting

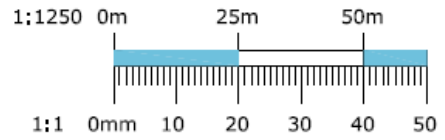
Address	Comments
<p>10 HICKS ROAD, MARKYATE, ST ALBANS, AL3 8LJ</p>	<p>We acknowledge receipt of your letter dated 1st June 2018 in regards to the above planning application and are pleased to respond as follows:</p> <p>As the units have been empty since construction completion of the Silverbrook development, we welcome the proposed planning application for change of use to establish additional residential units and convenience food store. However we do feel that this will require additional control of the streetscape in relation to now established parking practices.</p> <p>Since construction completion, the residents of the flats within Richmond Square have utilised the north kerbside of Hicks Road, including the established loading bay, as their dedicated parking. Despite many of the flats having allocated parking spaces along Sharose Court and within the Hicks Road/Ver Brook parking area (located behind). This is exacerbated by our neighbours on the south side of Hicks Road, opposite the development, who insist on parking on the footpath; again regardless of whether they have allocated parking available in the rear car park, or availability in the Hicks Road public car park. Combined, this parking practice does cause a bottleneck on Hicks Road, restricting traffic flow to single lane movement. See attached photo.</p> <p>Our concern would be that, without suitable parking restrictions on Hicks Road there will continue to be severe traffic issues which have not been considered in the submitted planning application documents, particularly at proposed delivery times. We would therefore consider that parking restrictions along the south kerb of Hicks Road a necessity, if this application were to be approved.</p> <p>We have reviewed the 'Delivery & Servicing Management Plan' produced by ADL Traffic & Highways Engineering Ltd. , submitted on behalf of The Co-Operative Group Food Ltd., and have the following comments:</p> <p>Para 2.2.2 – provides the proposed routing of delivery vehicles northwards along London Road and turning right into Hicks Road and into the northside loading bay. Within the proposed delivery windows of 8am to 10am (for the 12.2m rigid vehicle) this junction is usually very busy with commuter/school traffic and queues are not uncommon. In addition, the right turn into Hicks Road is very tight for a rigid vehicle and we would consider that this may impact on existing traffic use. We would suggest that Auto tracking is undertaken for the maximum vehicle size to take the right turn from London Road into Hicks Road as this may require additional works to the existing junction.</p> <p>We note that Auto tracking has been used to model the delivery vehicle into and out of the existing loading bay on Hicks Road. This indicates that the anticipated vehicle swing when leaving the loading bay is close to, or over the southern</p>

	<p>kerb line which, when considering the current parking issues above, will be either difficult or dangerous to manoeuvre.</p> <p>We trust that you will find our comments useful in your determination of the planning application, which we do fully welcome. However this development does have the capability of being detrimental to the village if these issues are not suitably considered within the determination process.</p> <p>Should you have any comments or queries in relation to our comments above, please feel free to contact me on the mobile number below.</p>
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Agenda Item 5b

Item 5b 4/01941/18/OUT CONSTRUCTION OF UP TO 3 NEW HOUSES, TWO NEW VEHICULAR ACCESSES AND WIDENING OF EXISTING VEHICULAR ACCESS. ALTERATIONS TO EXISTING HOUSE.

SHOTHANGER, SHEETHANGER LANE, FELDEN, HEMEL HEMPSTEAD, HP3 0BG.



Item 5b 4/01941/18/OUT CONSTRUCTION OF UP TO 3 NEW HOUSES, TWO NEW VEHICULAR ACCESSES AND WIDENING OF EXISTING VEHICULAR ACCESS. ALTERATIONS TO EXISTING HOUSE.

SHOTHANGER, SHEETHANGER LANE, FELDEN, HEMEL HEMPSTEAD, HP3 0BG.



4/01941/18/OUT	CONSTRUCTION OF UP TO 3 NEW HOUSES, TWO NEW VEHICULAR ACCESSES AND WIDENING OF EXISTING VEHICULAR ACCESS. ALTERATIONS TO EXISTING HOUSE.
Site Address	SHOTHANGER, SHEETHANGER LANE, FELDEN, HEMEL HEMPSTEAD, HP3 0BG
Applicant	Mr Boddy, Shothanger
Case Officer	Sally Robbins
Referral to Committee	Called in by Cllr Riddick on the grounds of residential amenity and impact on character and appearance of the area

1. Recommendation

- 1 That planning permission be **Delegated with a View to APPROVAL** subject to the expiry of the consultation period.

2. Summary

2.1 The application site is located within the urban area of Hemel Hempstead wherein residential development is acceptable in principle, subject to compliance with other policies in the development plan. The site is located within the Felden East Character Area (HCA5) where infilling and redevelopment may be acceptable according to the development principles. One of the development principles indicates that there should be a 10m separation distance between dwellings fronting Sheethanger Lane.

2.2 The proposed dwellings would be in the range of 4-8m apart, with separation distances of over 10m maintained between the proposed dwellings and existing dwellings Woodriding and The Pines, which is considered to be compatible within the context of the surrounding area. Given the satisfactory separation distance maintained between existing properties Woodriding and The Pines, added to the substantial screening and orientation of the dwellings, there will be no significant impact in terms of residential amenity. The proposal thus complies with Policy CS12 of the Core Strategy (2013). Indicative car parking provision within the site is acceptable and in accordance with Saved Appendix 5 of the Local Plan (2004).

3. Site Description

3.1 The application site is located on the northwest side of Sheethanger Lane in the Felden area of Hemel Hempstead. The site comprises a detached two-storey dwellinghouse with two single storey side extensions. The application site measures 0.4 hectares and occupies a slight bend in Sheethanger Lane.

4. Proposal

4.1 The application seeks outline planning permission for up to three dwellings, the construction of two new vehicular accesses, the widening of the existing vehicular access and alterations to the existing dwelling. All other matters are reserved, including appearance, landscaping, layout and scale.

4.2 The submitted indicative site layout plan shows that the dwellings would follow the existing meandering building line along Sheethanger Lane and would be oriented with frontages addressing the street. The side extensions to the existing dwelling would be demolished and the site would be sub-divided into four separate curtilages. The detailed design and specific siting of the proposed houses remains to be considered at the reserved matters stage.

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

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

6.3 Saved Policies of the Dacorum Borough Local Plan

Saved Policies 10, 13, 18, 21, 51, 57, 58, 99, 100, 101
Saved Appendices 3 and 5

6.4 Supplementary Planning Guidance / Documents

- Area Based Policies (May 2004) - Residential Character Area HCA 5:Felden East
- Accessibility Zones for the Application of car Parking Standards (July 2002)

7. Constraints

- Former Land Use
- Tree Preservation Order (adjacent sites)

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix A

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and principle
- Layout, Design, Scale and Visual Impact
- Impact on Highway 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).

Layout, Design, Scale and Visual Impact

9.4 Core Strategy (2013) Policies CS11 and CS12 state that development within settlements should respect the typical density in the area, integrate with the streetscape character respect surrounding properties. The application site is located within the Felden East Character Area (HCA5) in the SPG where infilling and redevelopment may be acceptable according to the development principles. The Felden East Character Area Appraisal (HCA5) notes the following design principles:

- *Design:* No special requirements. Variety and innovation in design acceptable.
- *Type:* Detached dwellings are encouraged, although the conversion of existing large dwellings to flats may be acceptable. The redevelopment of houses standing in large grounds for flats may also be acceptable.
- *Height:* Should not generally exceed two storeys.
- *Size:* Large dwellings are encouraged.
- *Layout:* Wide to very wide spacing (5 m to 10 m and over 10 m respectively) is expected, with a minimum of 10 m spacing for proposals fronting onto Felden Lane and Sheethanger Lane. Informal, irregular layouts are acceptable, although the building line should be followed in Felden Drive. Rear gardens to houses will be expected to be provided at over 11.5 m in length.
- *Density:* Should be compatible with the existing character in the density range of 10 dwellings/ha.

9.5 The surrounding area is characterised by detached dwellings with a wide variation in the size, style, design and materials of surrounding properties. Sheethanger Lane is semi-rural in character with open plan landscaped gardens.

9.6 The features described in the Character Appraisal for Felden East (HCA5) would be retained. The spacing is described as being typically over 10m, although mention is made of the fact that plots have been divided extensively with some examples of redevelopment incorporating reduced distances between dwellings of around 5m in Felden Drive.

9.7 The proposed site layout plan indicates three large detached dwellings with large rear gardens, measuring a minimum of 26m deep. Plot 1 would be 21m wide, plot 2 would be 14m wide and plot 3 would be 16.5m wide. The existing dwelling Shothanger would occupy a 25m wide plot. The existing and proposed dwellings would be situated in excess of 5m apart, with the exception of plots 2 & 3, which would be 4m apart. It is acknowledged that this does not

meet the desired 10m separation, however these are guidelines and it is considered that a 4-8m spacing would be compatible with properties in the surrounding area, including: The Coppins & Stanley House, Sheethanger Lane(4.6m); The Pines & Feldenwood, Sheethanger Lane (3.8m); 4a & 4b Felden Drive (3.9m); Boxwood House & Ashford House, Sheethanger Lane (5m); Little Heath House & Felden Thatch, Sheethanger Lane (3.8m); Fullerton & The Doone, Sheethanger Lane (4.5m); 7 & 8 Felden Drive (2m); The Langham, Sheethanger Lane & Littlemore House, Felden Lawns (3.2m).

9.8 The density, type, size and garden depth of the proposed dwellings are considered to be acceptable in the context of surrounding development and comply with the development principles outlined in the Felden East Character Appraisal (HCA5).

9.9 The existing verdant character of the application site would be retained by virtue of the retention (and protection during construction) of the mature trees situated along the frontage. Some of the mature hedgerow along Sheethanger Lane would be removed in order to allow the widening of the existing vehicular access and the construction of two new vehicular accesses.

9.10 Whilst the detailed design, landscaping and scale would be subject to approval at reserved matters stage, it is considered that the proposed three dwellings are acceptable and therefore comply with HCA5 and Polies CS11 and CS12 of the Core Strategy (2013).

Impact on Residential Amenity

9.11 The impact on residential amenity will be fully considered at the reserved matters stage. However, an indicative layout plan has been submitted and therefore the impact of height, scale and window locations can be anticipated to some extent. It is not considered that there would be any significant issues of overlooking or loss of privacy caused by the development.

9.12 The indicative site layout plan shows that the dwelling on plot 1 would be situated approximately 8m forwards of Woodriding. However, a separation distance of 11.3m would be maintained between the side elevations of these two properties. Furthermore, as elevations have not been provided at this time, it would be secured by condition at reserved matters stage that any first floor side facing windows should be obscure glazed and non-opening below a level of 1.7m above floor level. The proposed dwelling on plot 1 would clear a line drawn at 45 degrees from any first floor habitable windows in Woodriding.

9.13 In relation to The Pines, the proposed dwelling on plot 3 would measure approximately 10.5m away at an oblique angle. Again, it would be secured at the reserved matters stage that any side facing first floor windows would be obscure glazed and non-opening below 1.7m.

9.14 In terms of the residential amenity of future occupiers of plots 1,2, 3 and Shothanger, it is considered that there will be no significant detrimental impacts. The layout, spacing and orientation of the dwellings is such that there would be no significant overlooking, loss of privacy or loss of light.

9.15 Overall, the proposal at this outline stage is considered to comply with the criterion in Policy CS12 in relation to residential amenity.

Access

9.16 The site is currently accessed via a driveway leading to a large gravelled parking area. In accordance with the submitted indicative layout plan, the existing vehicle crossover would be widened to provide access to plots 2 and 3. Two new vehicle crossovers would be constructed in order to provide separate access points to plot 1 and Shothanger.

9.17 All three access points would provide safe vehicular access for the existing and proposed dwellings. The submitted indicative layout plan shows that adequate off-street parking could be achieved in accordance with Saved Appendix 5 of the Local Plan (2004). Furthermore, there would be sufficient turning space in order for vehicles to exit the site in forward gear. The Highway Authority has raised no objection to the proposal, subject to conditions to minimise the impact on public highway during the construction period, which would be considered as part of the detailed reserved matters application.

Impact on Trees and Landscaping

9.18 The landscaping of the site is reserved. However, the impact on existing trees needs to be considered as part of this application given that the indicative layout is for determination. There are two area Tree Preservation Order's adjacent to the site, although none of the trees within the site itself are protected. The applicant has provided a Tree Survey Report, which includes a tree protection plan.

9.19 In relation to the widening of the existing access point, there is currently a hard surface covering the extent of the widening. However, method of construction, construction materials or depth of construction has not been provided, all of which can have a significant detrimental impact on tree root systems. The Trees & Woodlands Officer has requested further information with regard to the widening of the access, including construction specifications, along with an Arboricultural Method Statement detailing construction techniques to limit detrimental impact to root systems.

9.20 Additionally, the applicant advises that 'The proposal does not include any plans for additional planting at this stage and given the conclusions of the Tree Survey report there is no evidence to suggest it is needed.' However, owing to the proposed removal of trees, albeit low quality trees, to facilitate the new dwellings the Trees & Woodlands Officer has recommended mitigation tree planting in the form of a Planting Scheme to offset tree losses.

9.21 It is considered that the above details could be satisfactorily secured at reserved matters stage. Moreover, in terms of further landscaping, the proposal offers an opportunity for additional planting and screening, details of which would also be sought under a reserved matters application.

9.22 Subject to the above, the proposal would comply with Policy CS12 and saved Policies 99 and 100.

Impact on Parking & Highway Safety

9.23 The application is in outline with access for determination at this stage. The highway authority has raised no objection to the proposed additional access points and widening of the existing access, subject to conditions to minimise the impact on the public highway during the construction period (a Construction Management Plan), which will be considered as part of the detailed application.

9.24 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.

9.25 The existing dwelling (Shothanger) is a six bedroom house, the parking requirement for which is three spaces, which would be retained. Whilst floor plans have not been provided at

this time, the submitted indicative site layout plan shows three car parking spaces for plot 1 and two spaces each for plots 2 and 3. The floor plans, and therefore number of bedrooms, would be considered at reserved matters stage. However, assuming that the dwellings have 4 or more bedrooms each, the maximum parking requirement would be three spaces per unit. The site is located within accessibility zone 4 whereby developments are expected to provide 75-100% of the maximum standard, which equates to 2-3 spaces per dwelling. The proposal falls within these limits.

9.26 Further details regarding hard surfacing would be required at reserved matters stage in order to ensure that there is no detrimental impact upon the character of the area.

Other Material Planning Considerations

9.27 A similar application was allowed at appeal on a neighbouring site (ref. APP/A1910/A/08/2065247/NWF). The planning application submitted (ref. 4/01781/07/FUL) was to demolish Prospect House on Sheethanger Lane, sub-divide the plot and construct two detached dwellings. It was recommended for approval by the case officer, however the application was overturned at Development Management Committee on the grounds that, due to their bulk and mass, the proposed dwellings would have a detrimental impact on the residential amenity of neighbouring properties. Another reason for refusal was given that the proposed development would not integrate with the surrounding area in terms of scale, site coverage and layout and would therefore be detrimental to the character of Sheethanger Lane.

9.28 In terms of the impact on the character and appearance of the area, the Inspector considered that the separation distance between the proposed dwellings of 5m was adequate, having regard to the detailed design of the proposed dwellings and given their plot siting and set back from the road. The Inspector concluded that the development would ensure that the character and appearance of the area would be preserved, subject to the use of good quality materials and a scheme of hard and soft landscaping.

Response to Neighbour comments

9.29 These points have been addressed above other than:

- Lack of detail on critical matters – as it is an outline planning application with all matters reserved other than access, further details would be provided and subject to statutory consultation.
- Environmental protection/biodiversity – there are no wildlife sites within or adjacent to the application site. There are wildlife sites situated 140m to the east (grassland south of Roughdown Common) and 200m to the west Sheethanger Common. The County Ecologist has been consulted and their response is awaited.
- National policy resist inappropriate development of residential gardens – it is recognised that residential gardens are not always suitable for development, however regard is given to the policies with the development plan and guidance contained within the Residential Character Appraisal SPG.

CIL

9.30 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 outline application for up to three dwellings through layout, scale and proposed access will not adversely impact upon the character and appearance of the surrounding area or the residential amenity of neighbouring occupants. The proposal is therefore in accordance with Saved Appendices 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 **DELEGATED** to the Group Manager, Development Management and Planning, with a view to **APPROVAL** for the reasons referred to above and subject to the following conditions:

Conditions

No	Condition
1	<p>Approval of the details of the siting, design and external appearance of the dwellings hereby approved and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.</p> <p>Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.</p>
2	<p>Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.</p>
3	<p>The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.</p> <p>Reason: To prevent the accumulation of planning permission; to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.</p>
4	<p>No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan should consider all phases of the development. The construction of the development shall only be carried out in accordance with the approved Construction Management Plan, which shall include details of:</p> <ul style="list-style-type: none"> a) Construction vehicle numbers, type, routing b) Traffic management requirements c) Construction and storage compounds (including areas designated for car parking) d) Siting and details of wheel washing facilities e) Cleaning of site entrances, site tracks and the adjacent public highway f) Timing of construction activities to avoid school pick up/drop off times g) Provision of sufficient on-site parking prior to commencement of construction activities h) Post construction restoration/reinstatement of the working areas and temporary access to the public highway i) Construction or demolition hours of operation j) Dust and noise control measure k) Asbestos control measure where applicable <p>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.</p>

5	<p>No development shall take place until a Phase I Report to assess the actual or potential contamination at the site has been submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>For the purposes of this condition:</p> <p>A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.</p> <p>A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.</p> <p>A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems.</p> <p>Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy (2013) Policy CS32.</p>
6	<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 (2018).</p>
7	<p>No development, excluding demolition and groundworks, 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>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 Arboricultural Method Statement detailing construction techniques to limit detrimental impact to root systems</p>

	<p>Trees to be retained and measures for their protection during construction works Mitigation tree planting in the form of a Planting Scheme to offset tree losses Proposed finished levels or contours Car parking layouts Minor artefacts and structures (e.g. refuse or other storage units, external 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 in accordance with Policy CS12 of the Dacorum Core Strategy (2013).</p>
8	<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 Policy CS12 of the Dacorum Core Strategy (2013).</p>
9	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>03 revision A</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</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> <p>INFORMATIVES</p> <p>Contaminated Land</p> <p>1. 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</p> <p>2. 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>

Consultation responses

1. Ward Councillor Riddick:

This application does not comply with the following:

- 1) It is Detremental to Residential Amenity.
- 2) It is non compliant with Supplementary Planning Guidance (SPG) 2004.
- 3) It does not comply with CS11 (a) (b) & (d)
- 4) It does not comply with CS12 (a) (c) (d) (f) & (g) i, iii, iv.
- 5) It is non compliant with NPPF 2018
- 6) It does not comply with the requirements of (HCA5) as set out in SPG 2004.

In addition, I would draw your attention to the 33 detailed Objections registered by Local Residents, and that in particular, submitted by the Resident of 'Holly Lodge', immediately opposite the proposed site.

This latter submission is particularly significant, since the Resident is a Barrister whose thoroughly researched, extensive and comprehensive 47 points as submitted on 28/08/18, more than adequately cover all the relevant planning criteria which is contravened.

2. Trees & Woodlands:

With regards to Planning Application 4/01941/18/OUT - Shothanger, Sheethanger Lane, Felden.

The application proposes to construct an additional 3 new houses and widen an existing access. According to the Tree Survey Report submitted, construction of the new dwellings will require four trees (T11, T12, T13, and T14) to be removed. These are categorised as 'C', according to BS 5837:2012 Trees in relation to design, demolition and construction, and not of sufficient quality to pose a constraint to development.

Construction of the dwellings will require encroachment into the Root Protection Areas (RPA) of T5, T6 and T23. Although there is infringement into RPAs tree protection measures, as outlined in the Tree Survey Report, minimises the severity of adverse impacts and the extent of encroachment is not expected to decrease the overall anticipated lifespan or quality of affected trees.

Widening of the existing vehicle access onto Sheethanger Lane is within RPA of T4. Although there is currently a surfaced covering the extent of the widening, method of construction, construction materials, or depth of construction has not been stated. All of which can have a significant detrimental impact on a trees root system, ultimately leading to a reduced expected lifespan or end in catastrophic failure. Consequently, I require the applicant to submit information relating to the widening of the access. This should include construction specifications, taking into account the above points, along with an Arboricultural Method Statement detailing construction techniques to limit detrimental impact to root systems.

In addition, the applicant advises in the Planning Statement (Paragraph 5.10) 'The proposal does not include any plans for additional planting at this stage and given the conclusions of the Tree Survey report there is no evidence to suggest it is needed.'. I would disagree with this statement, owing to the need to remove trees to facilitate the new dwellings. Subsequently, I expect the applicant to support the proposal with mitigation tree planting in the form of a Planting Scheme to offset tree losses.

3. Contaminated Land:

Thanks for contacting the Pollution and Environmental Protection Team in respect of the above planning application 4/01941/18/OUT for the construction of up to 3 new houses, two new vehicular access and widening of existing vehicular access and alteration to existing house.

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

However, with the proposed development located within 227m of a former contaminated land use i.e. landfill/refuse, 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:

- 1 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.
- 2 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.
- 3 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

2). Construction Management Plan Condition

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan should consider all phases of the development.

Therefore, the construction of the development shall only be carried out in accordance with the approved Construction Management Plan which shall include details of:

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

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

3). Un-expected Contaminated Land Informative

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

4. Waste Management (Refuse):

Each property should have space to store 3 x 240ltr wheeled bins and a kerbside caddy and have a similar space outside the boundary to present them on collection day

5. Highways 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.

Planning Application:

This is an outline planning application to address the details of proposed development and also to consider vehicular access, traffic and car parking etc.

Site and surrounding

The existing site is a single dwelling bounded by a large area. The site is in Felden which is a semi-rural neighbourhood close to Hamel Hampstead town and close to railway station. The area is predominantly residential, comprising privately owned detached houses. The existing

house on site is a detached and comprises 6-bedrooms. The vehicular access off Sheethanger Lane leads to an extensive driveway for parking and manoeuvring, as well as the garaging.

Proposal

The proposal is for three new detached dwelling with parking access. The Indicative Layout plan also shows that the proposed houses could be large.

Access and parking The site is currently accessed from Sheethanger Lane via a driveway leading to a large driveway that facilitates parking and turning. This driveway is gravelled. Sheethanger Lane is a not allocated private road and not maintainable by the highway authority. Applicant proposal is to provide two new accesses and widen the existing access. All three accesses are to provide safe vehicular access for the existing and proposed houses. The driveways are to be surfaced with a bound material for a distance that will avoid any loose material being carried onto Sheethanger Lane by vehicles. On-site parking is a matter for the planning authority. **Conclusion** The proposed development is unlikely to have any adverse impact on the wider road network. The Highway Authority has no fundamental objection to the proposal, subject any conditions to minimise impact on public highway during the construction period. These will be considered as part of the detailed application.

6. Strategic Planning and Regeneration:

We do not wish to comment on this application. Please refer to policy/guidance in the DBLP/Core Strategy/Site Allocations as appropriate.

Appendix B

Neighbour notification/site notice responses

Objections

Address	Comments
HOLLY LODGE,SHEETHANGER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG	<p>Re: Planning Application 4/01941/18/OUT - proposal for the construction of up to 3 new houses, two new vehicular accesses and widening of existing vehicular access. Alterations to existing house. Site Address: SHOTHANGER, Sheethanger Lane, Felden, Hemel Hempstead HP3 0BG.</p> <p>1. We write to inform you of our objections to the above-noted proposal. As immediate neighbours to Shothanger (our house being directly opposite the proposed plot 1), we consider that this proposal is an example of excessive over-development which will have a significant detrimental impact on the character and residential amenity of this area of Sheethanger Lane specifically, and the lane generally.</p> <p>SUMMARY</p> <p>2. The proposal fails to conform with Government Planning Policies - it is inappropriate residential garden development contrary to the Government's planning policies (NPPF 2018) and Ministerial Guidance. See paragraphs 11-16 below and Annex 1, attached.</p> <p>3. It contravenes Dacorum's own local planning policies - in particular: Area Based Policy SPG 2004, which expressly states that- 'a minimum of 10m spacing for proposals fronting on to Felden Lane and Sheethanger Lane' is specifically 'expected' . At distances of 4m to approximately 5m apart the proposed houses are in direct contravention of this requirement. See paragraphs 17-26 below.</p>

4. The size and spatial separation of the proposed houses will clearly not blend with the surrounding properties - they therefore fail to integrate with the streetscape and character of Sheethanger Lane, as SPG 2004 requires. The proposed development therefore represents an unacceptable over-development of the Shothanger plot which will impact negatively on public amenity. See paragraphs 18-26 below.
5. Past planning approvals - The applicant seeks to rely on past planning permissions as justification for allowing the current application. However, a full and proper reading of these clearly demonstrates that they are not valid comparators in a number of fundamental respects and cannot therefore be relied upon as well-founded or persuasive precedents. See paragraphs 27- 36 below.
6. Lack of detail on critical matters - Scant evidence is submitted as to intended important elements of design, in particular spacing, roof shapes, elevations and any garaging - all crucial to a proper and meaningful planning assessment of eventual plot crowdedness. The applicant's request to have access determined as a preliminary matter should therefore be set aside until more and better quality evidence is submitted. See paragraphs 37 & 38 below.
7. Access to light and overlooking - the close proximity of each of the intended houses to each other and the reduced distances between them and adjacent houses will impair access to light and privacy to all houses concerned. The gardens of all the houses in the proposal will be overlooked. See paragraph 39 below.
8. Cars and Traffic - the additional traffic which will be generated by the new development is unacceptable for this quiet, private lane which is used for leisure by families and children. It poses an amenity and safety risk as will the daily presence of large, heavy, and dangerous vehicles during the construction process. See paragraph 40 below .
9. Trees and hedges - The line of trees and hedges bordering the lane are a strong and defining feature of Sheethanger Lane, especially in this part of the lane which is its most visually characteristic section. They are an important visual and environmental asset and must be preserved and respected. The proposal does not provide for their proper protection and the applicant's recent felling of mature native trees to create open spaces for his proposed plan, gives very serious cause for concern. See paragraphs 41-43 below.
10. Environmental protection/biodiversity - environmental protection is at the forefront of all government policy so it is of concern that no Habitats Directive assessment appears to have been conducted. See paragraph 44 below.

DETAILED REASONS FOR OUR OBJECTIONS
CONTRAVENTION OF NATIONAL PLANNING POLICIES

11. Whilst the broad starting point of national and local planning policies is a general presumption in favour of sustainable development, especially in brownfield sites, the acceptability in planning terms of any development still has to be tested against the specific detail of planning policies both at the national and local levels. The proposed development at

Shothanger fails to satisfy planning policies at both levels in a number of important respects and should therefore be rejected. The reasons are as follows.

THE NATIONAL PLANNING FRAMEWORK

12. The National Planning Policy Framework 2018 (NPPF 2018) paragraph 70, is significant in that, in reference to so-called 'windfall sites' such as Shothanger is said to be, it clearly states that local plans should specifically 'consider setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'

13. Ministerial advice emphatically cautions planning authorities against allowing the proliferation of garden developments or what the Minister colloquially terms 'garden grabbing'. In June 2010 HMG (Greg Clark MP) issued a press release followed by a direction to planning authorities. The full text is at Annex I to this letter but the following encapsulates its thrust:

'Councils and Communities are being given immediate powers to prevent the destructive practice of 'garden grabbing' and to decide what types of homes are suitable for their area..... For years the wishes of local people have been ignored as the character of their neighbourhood and gardens having been destroyed'.

The Notes to Editors of this Release go on to state that:

'Reclassifying garden land will enable councils to protect gardens from inappropriate development by planning applications for developments that are objected to by the local community and spoils the character of neighbourhoods.'

14. NPPF 2018 paragraph 127 states that: '...developments should be visually attractive, be sympathetic to local character and maintain a strong sense of place...'

15. The Glossary at annex 2 of the NPPF 2018 sets out the definition of 'previously developed land' (i.e. brownfield) and specifically states that 'This excludes land.....such as residential gardens, parks, recreation grounds and allotments.....'. This definition in the NPPF 2018 was introduced as a response from the government to national criticism that Councils were finding it difficult to justify refusing planning permission on residential garden sites as technically, it was difficult for them to distinguish gardens from 'previously developed land'.

16. Thus, it is clear from the above that when it comes to any potential development of a residential garden such as that at Shothanger, the Government has sought specifically to single out such gardens for particularly careful treatment. The Government clearly expects and envisions that any applications for development that might be allowed in gardens must be tested very prescriptively. It follows that the appropriateness threshold of any proposed garden development needs to be tested to an exceptionally high level of consonance with national and local policies, failing which, it should be resisted as paragraph 70 NPPF 2018 prescribes.

NON-CONFORMANCE WITH THE LOCAL PLANNING DEVELOPMENT PLAN

17. The proposal for Shothanger also fails fundamentally to

	<p>satisfy the requirements of local policies in several key respects.</p> <p>18. The principles governing development in the Dacorum area are contained in the various documents that make up the local Development Plan and must be interpreted and applied with central Government's instruction at the forefront.</p> <p>Policy CS11: Quality of Neighbourhood Design of Dacorum's Adopted Core Strategy 25th Sept 2013 states that:</p> <p>'within settlements and neighbourhoods, development shouldrespect the typical density intended in an area and enhance spaces between buildings and general character;'</p> <p>Policy CS12: Quality of Site Design states that: 'on each site development should:Integrate with the streetscape character; andrespect adjoining properties in terms of: ...Layout...site coverage; scale; height; bulk; materials and landscape and amenity space.'</p> <p>19. Dacorum's Local Plan 1991-2011 saved policy CS10 recognises the need to maximise available land for development but it is to be noted that one of the principal reasons for this approach, as given in paragraph CS10.3, is to achieve consistency with the Government's advice that maximal use of 'previously developed land 'should' underlie the creation of a more sustainable pattern of land use and development'. The principal overall policy drive is therefore brownfield development, not residential garden development. This is especially so given the designation Dacorum has specifically given to Felden East in which Sheethanger Lane is situated. This designation is contained in Dacorum's Area Based Policies: Supplementary Planning Guidance (SPG 2004).</p> <p>CONTRAVENTION OF DACORUM'S SUPPLEMENTARY PLANNING GUIDANCE: SPG 2004</p> <p>20. Dacorum recognises the special environmental character of Felden East and therefore specifically designates it as a Character Area (HCA5) in SPG 2004, stating the following in relation to its character and amenity value: 'A very low density area of detached dwellings set on the south-western edge of the town with extensive landscaping dominating its appearance and producing a very high environmental quality'. '...the spaciousness of the area results from large private dwelling plots and very wide spacing between dwellings.'</p> <p>21. In describing this area's typical layout the SPG says - '... spacing very wide, typically over 10m between dwellings and in many cases over 20m in Sheethanger Lane'. The spacing distance of 4m to approximately 5m apart, for each one of the four houses in the proposed development, clearly falls well outside the ambit of this description.</p> <p>22. In describing Sheethanger Lane's front gardens and forecourts the SPG states that they are: 'Generally very spacious, well landscaped and comfortably accommodating on-site vehicle parking; this contributes strongly to the almost rural appearance of the area.' The forecourts of the proposed houses are not generous,</p>
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especially when compared to other houses in the lane (see site plan at Annex 2 to this letter for examples of the wide frontages and forecourts of directly adjacent properties: Woodriding, The Pines, Feldenwood and many nearby properties). Furthermore, comfortable on-site parking seems also to be an aspiration incapable of fulfilment especially if, as appears the likely intention, separate forecourt garages are to be constructed at some future point. See below.

23. Under the heading 'Policy Statement' of the SPG 2004, Dacorum confirms that its specific approach to development in Felden East is to 'maintain the defined character' with 'infilling' being possibly acceptable but only 'according to the Development Principles' in the SPG.

24. The Development Principles state expressly that: 'large dwellings are encouraged' and that 'front gardens and forecourts should be provided at a size comparable to adjacent and nearby plots'.

Again, the site plan at Annex 2 illustrates that the intended plots are demonstrably smaller and significantly more crammed together than any of the surrounding houses and other houses in this area of Sheethanger Lane. The development clearly also fails in this respect.

25. As to the required spacing distances for developments in this area, it is particularly important to note that the Development Principles in the SPG unequivocally state that:

'wide to very wide spacing is expected, with a minimum of 10m spacing for proposals fronting onto Felden Lane and Sheethanger Lane'.

The Shothanger houses will all be distanced from each other at significantly less than the requisite 10m minimum. At a mix of distances of 4m to approximately 5m between the four houses concerned, it is clear that they do not accord either with the spirit or letter of this stipulation. This is one of the very particular reasons for which this development should be refused.

26. A site visit will quickly illustrate the fact that the design layout and resultant density of the proposed development will not respect local context or street pattern. Most of the provisions of the SPG 2004 relating to Felden East and Sheethanger Lane as set out above are not respected by this proposal. None of the adjoining or nearby properties have layouts and frontages comparable to the much smaller and cramped dimensions shown for the four houses in question.

The properties along Sheethanger Lane are typically characterised by large, wide plots with large or very large spacing between them. The houses in the proposal do not respect this pattern or the clear minimum spacing of 10m stipulation in SPG 2004. This part of Sheethanger Lane in many ways sets the scene for the rest of the lane. The monolithic crenulated effect which will be created by four houses built so close together will create a serious incongruity. PAST PLANNING APPLICATIONS ARE INVALID COMPARATORS IN THIS CASE

27. Even on the admission of the applicant's agent, Apex Consultants, the proposed houses (at a distance of far less than the required minimum) fail the SPG's distance

requirement. However, they are effectively seeking an exemption from these requirements. For this they pray in aid two previous planning applications for building on Sheethanger Lane (APP/A1910/A/08/2065247 & 4/00431/10/FUL) in which they state that planning authorities permitted spacing distances which were narrower than those required by SPG 2004.

28. It is important to note, firstly, that these applications were submitted prior to the 2010 Ministerial Advice (at Annex2) and paragraph 70 NPPF 2018 (see paragraph 12 above), and therefore, in a different planning climate. Secondly, each case must be determined on its individual merits and therefore great care needs to be taken when precedent is invoked. It is very quickly apparent however, that, when examining both these past applications, they are not properly comparable to the form of development now being proposed for the Shothanger plot. They are not valid comparators and therefore carry little, if any, precedent value. The reasons are as follows. Planning Appeal APP/A1910/A/08/2065247 - Ashford House and Boxwood House

29. The original plot relating to this application contained a single dwelling which was demolished. This left the developers with much greater flexibility for locating the two replacements dwellings on the resultant empty plot than the Shothanger plot is able to provide. Thus, whilst it is the case that a small side section (approximately 4m) of the two houses for which permission was eventually granted was spaced at a distance under the minimum 10m SPG requirement, the plot, taken as a whole, was able to accommodate two houses which were acceptably spaced in relation to each other. They were also generously spaced or amply screened with vegetation in relation to the adjoining houses. One of the houses was built to be off-set to the rear of the other. That meant (see Annex 4 and a site visit will confirm) that only an approximate 4m side section of each house was at a distance narrower than the minimum 10m required in SPG 2004. The proposed Shothanger houses cannot offer such flexibility.

30. The distance from the proposed Shothanger plot 1 and Woodriding to the west will also be reduced as will the distance between plot 3 and The Pines to the east. It inevitably follows that the cramped effect of the proposed development will be overbearing and highly incongruous for this lane. Furthermore, both Ashford and Boxwood House have deep forecourts and the adjoining houses (Redwood and Woodriding) have reduced ridge heights and bulky intervening vegetation. All these elements served to ameliorate any excessive visual bulk created by the curtailed spacing distance between Ashford and Boxwood. The Shothanger plot offers none of these ameliorating factors.

31. Thus, if, as the applicant suggests, the Ashford and Boxwood plots are of precedent value, this is misconceived and indeed, misleading. The comparison is irrational as the two projects are very different in nature, layout and ultimate result. Perhaps the most crucial difference between the two projects is the fact that in relation to Ashford and Boxwood an

appeal was allowed to build only two large houses which were somewhat closer together than the SPG anticipated. The Shothanger proposal contemplates four houses, two of which will be appreciably smaller than either Ashford or Boxwood and very considerably smaller both as to size and frontage than the adjacent properties to the eastern boundary: Feldenwood and The Pines. Indeed they are smaller and more crammed in their plots than most if not all the houses on the Lane.

32. To exacerbate the situation, all four Shothanger houses will be built together all at a distance significantly less than those at Ashford & Boxwood at almost every, if not all, points of their side elevations, contrary to that which SPG 2004 specifically contemplates for house spacing on Sheethanger Lane. If allowed, this would create a crowded row of appreciably smaller houses, markedly closer to each other than any of the neighbouring properties and also, significantly, much closer to the adjacent properties (Woodriding and The Pines). The result would be a very considerably more oppressive visual impact to the character of the Lane than Ashford & Boxwood were ever likely to have. This is significant because no garages (except in relation to Shothanger) are shown on the current plans. If it is the applicant's intention to site garages in the forecourt, it is submitted that there is simply insufficient space for this and the result will be an even more crammed, over-built plot, significantly out of keeping with its setting.

Planning application 4/00431/10/FUL: The Pines & Feldenwood

33. The comparison to this planning permission is also flawed. Firstly, the plot on which The Pines and Feldenwood stand was created by the demolition of a single dwelling which stood on it. This created is a very wide plot which now comfortably accommodates only two, large, very wide-fronted houses - the kind of property and layout that the SPG contemplates as desirable for Sheethanger lane, as a site visit will amply illustrate. By way of comparison, the frontage of a single plot at either The Pines or Feldenwood is roughly the same as the frontage for two houses in the proposed development as the applicant's own plan, at Annex 2, illustrates. As Shothanger would be retained in the applicant's proposal, the natural configuration of the building space available in the Shothanger plot allows for a much narrower available building space per plot than that at The Pines and Feldenwood. The Pines and Feldenwood plot also sits comfortably at each of its outer boundaries creating a very large spacing distance between the current Shothanger to the west and Fullerton to the east. Thus the discretion that the planning officer exercised to allow somewhat less than the SPG limits in between Feldenwood and The Pines was exercised reasonably. This is because all other aspects of layout, design, spatial separation from adjacent plots, house size and frontages, were within what would be expected for the plot and the nature and character of the street, as specifically contemplated by SPG 2004. The vegetation, trees and soft landscaping which surrounded the plot also enabled it

to sit appropriately and naturally in its place on the Lane. However, as to this, recent felling of a large mature Willow by the applicant at the front boundary between Shothanger and The Pines has eroded the appearance and effectiveness of the natural boundary. In an attempt to maximise the available building plot to its absolute limits, the Shothanger plot itself has now also lost the advantage of the mature, attractive screening provided by this Willow and other recently felled trees at its western boundary. This may well impact on the acceptability of plot 3 and plot 1 when tested against the letter and spirit of SPG 2004. (see paragraphs 41-43 below relating to trees and hedges).

34. Regrettably, if plot 3 of the Shothanger development were to be allowed, the distance between it and The Pines would also be reduced by a significant amount (even if it remained at the 10m limit). This would also take away one of the elements that made the development of The Pines and Feldenwood appropriate and acceptable in the first place - its very generous, well-screened separation from adjacent properties, one of which is Shothanger itself.

35. The reference which the applicant's agent makes to Feldenwood and The Pines being 1.6m apart at their closest points is misleading in its selectiveness. The point to which this refers is a very small closed porch area set way back towards the back of the houses at ground floor level, thus not infringing in any way on their visual bulk. This is very minor and does not impact on the fact that in all other respects the houses were highly consistent with the character of the area and the requirements with SPG 2004.

36. We would hold up The Pines and Feldenwood as a development that presents a fair and reasonable balance between the Council's need to increase housing and respect for the surrounding environs of Sheethanger Lane. The proposal at Shothanger, will result in four inappropriately squeezed together houses - the building equivalent of trying to put a square peg into a round hole in order to maximise housing density.

LACK OF DETAIL ON CRITICAL MATTERS

37. The applicant asks for their requested access to be determined as a preliminary matter. We submit that the application, even if described as an 'Outline' contains information that is so scant as to important detail that these cannot be left for 'reserved matters'. The absence of garage sitings, for example, makes the request for a determination of property access pointless at this stage. In this context it is to be noted that the property details for Shothanger published online by estate agents Aitchison's in Berkhamsted (though now no longer accessible) showed each plot as having a free-standing garage building in the forecourt. As these are no longer shown in the submitted plans, the Council should put the applicant to specific proof in this respect, as the introduction of forecourt garages in future will make the development even more inappropriately crowded than it already is.

38. The Council should also carefully scrutinise the applicant's statement that 'in the main' the houses might be sited at a

5+m separation distance. The description of more than 5m 'in the main' gives cause for concern. It is not at all clear where the 'in the main' relates to or how much over 5m is intended and where. The site map does not properly assist with any of this and no other meaningful information is presented to assist in properly determining the actual, eventual separation distances. If it is the applicant's true intention to place houses at greater than a 5m distance in certain sections, the actual distance should be specifically stated. It clearly cannot be the minimum 10m expected by the SPG and is likely to be much less than that. Even if some of the separation distances can be worked out to be technically over 5m, it cannot be much more than 5m as the size of the site simply does not allow for separation distances much wider than 5m. Of course, if the applicant is intending to build considerably smaller houses than those neighbouring it, it might be possible to extract a slightly wider separation distance (though still markedly less than 10m). However, smaller houses, which would still have to be crowded in at a less than 10m separation, would still be contrary to the SPG.

ACCESS TO LIGHT AND OVERLOOKING

39. Shothanger has substantial fenestration on both its west and east walls on the ground and upper floors. The same applies to the back of the house. It is most likely therefore that privacy and light (by virtue of its closeness: approximately 4-5/5+m) to both plot 1 and 2 and the closeness of the latter two plots to Shothanger itself, that light and privacy will be compromised as between all of these three plots. The same is likely to be the case as between plots 2 & 3. Excessive plot proximity will also mean that all houses will overlook each other's gardens. This is particularly so as there will be no mature or substantial vegetation/natural screening between each plot. As the proposed houses will also be closer to the existing adjacent houses, light and privacy issues are likely also to arise here.

CARS AND TRAFFIC

40. At present there is only one car present and in use at Shothanger. On the basis of three cars per plot, the intended development will therefore generate approximately 11 more cars than currently use this area as well as the concomitant utility lorries, delivery vehicles and visitors' cars. This poses a safety and amenity risk and a potential danger to users of the lane. For the applicant to pray in aid NPPF paragraph 109 as justification for this traffic increase as being acceptable is misleading because Sheethanger Lane is not a thoroughfare in the ordinary sense of the term. It is a narrow, private road. Effectively, it is a pedestrian lane used by children to play and ride bicycles and by runners/running clubs and dog walkers, as much as it is a vehicular road. Furthermore, the generation of a significant amount of traffic during the construction process involving large and dangerous, heavy vehicles and demolition equipment turning and manoeuvring in a very tight narrow area, is an amenity and safety concern. As such the rights of residents under the Human Rights Act 1998 (Article 1, Protocol 1 - the right to protection of property; and Article 8 - the right to respect for private and family life)

are engaged and put at significant risk.

TREES & HEDGES

41. The intended removal of the mature, established beech hedge by 7.5m in two places is too wide a distance and would thereby interrupt the sight line and consequently, the streetscape of Sheethanger Lane. There is no proposed protection for this hedge during the construction process. The protection suggested for the Horse Chestnut, marked T4 in the applicant's Tree Survey Report (see Annex 3) and at risk of significant adverse construction damage, appears wholly inadequate.

42. Furthermore, there is a regrettable history of tree felling at Shothanger. In October 2017 large, veteran English Oaks were felled at the extreme front left hand corner of what is now the proposed plot 1, clearly in contemplation of this current application and so as to maximise the available land for the insertion of plot 1 (see annex 6). More recently, specifically on the 28th July 2018, another large majestic tree (a Weeping Willow) was felled at the extreme front right hand corner of the proposed plot 3, clearly again, in contemplation of this planning application, in order to maximise the insertion of plot 3. That intention is clear when one examines the documents accompanying the applicant's Planning Statement. The Tree Survey map dated 26th July 2018 (see Annex 3) shows no Willow tree marked at this location whereas our neighbours and I can personally attest (see photos at Annex 5) that the Willow was still standing at the date the Tree Survey was completed. At Annex 2, the applicant's site plan (clearly mistakenly from their perspective) still shows the willow. Regrettably, nothing can be done at this stage as the trees are sadly irrecoverable. However, the misrepresentation contained in the Tree Survey and the recent conduct already exhibited in relation to these important trees, give serious cause for concern as to the reliability of this application. Strict planning conditions should therefore be imposed as to hedge and tree protection, should the Council be minded to grant this or any future amended request for permission.

43. Ironically, the destruction of such large trees at the far ends of the Shothanger plot has diminished the applicant's ability to argue that adequate natural screening exists between Shothanger and the adjacent houses to the west and east.

ENVIRONMENTAL PROTECTION AND BIODIVERSITY

44. In times in which all government policy is underpinned by concern to protect our natural environment, it is worrying that no consideration appears to have been given to the conduct of an assessment under the Habitat's Directive. It is well-known that there are protected bat species and dormice in this area. Indeed it is known that there is a large bat roost at Roughdown Common at the bottom of Sheethanger Lane. Consideration ought therefore to be given to whether a Habitat's Directive assessment needs to be conducted.

45. For all the reasons set out above, we oppose this planning application. Below is a list of Sheethanger residents who have read this letter, agree its contents and support us in our objection to the development at Shothanger.

	<p>46. If, notwithstanding all of the above, the Council is minded to allow some form of future development at Shothanger, we urge that it should mirror proper comparables on the lane such as The Pines and Feldenwood, which much more accurately reflect the SPG requirements for Sheethanger Lane.</p> <p>47. Given the complexities of the proposal, and the number of residents on Sheethanger Lane who are affected, we request that this matter be put before the Development Management Committee.</p> <p>Yours sincerely,</p> <p>xxxx Barrister</p> <p>Cc: Councillors Adeleke, Barrett and Riddick</p> <p>The following is a list of Sheethanger residents who support these objections. Some others will be providing their objections separately:</p> <p>Mr&Mrs xxxx - Fullerton Mr&Mrs xxxx - Marston House Mr&Mrs xxxx - Feldenwood Mr&Mrs xxxx - Brackenwood Mr&Mrs xxxx - Pan's Place Mr&Mrs xxxx - Felden Lawns Mr&Ms xxxx - Woodriding Mr&Mrs xxxx - Carrigmore Mr&Mrs xxxx - The Coppins Mr&Mrs xxxx - Thornbury Mr&Mrs xxxx - The Coppice Mr&Mrs xxxx - The Pines Mr&Mrs xxxx - The Cobbs Mr xxxx - Longwood Mr& Mrs xxx x- Neo House Mr&Mrs xxxx - Chaileys; Mr&Mrs xxxx - Field End</p>
LONGWOOD,SHEETHAN GER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG	I confirmation of my objection to the above planning application as I am 100% in support of xxxx's reasons for refusal.
FELDENWOOD,SHEETHA NGER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG	Following the letter of objection you received from xxxx (dated 29th August), I would like to formally register that my husband and I fully support all of the objections xxxx raised in the letter.
THE PINES,SHEETHANGER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG	We wish to object to the above proposal. As neighbours directly adjacent to the proposed Plot 3, we are very concerned about the scale and nature of the proposed development. It is our belief that it will have a detrimental effect on local residential amenities and specific adverse effects on us. Our objections are as follows: DETRIMENTAL IMPACT ON RESIDENTIAL AMENITIES

1.1 Felden is a small, low density, residential hamlet on the edge of Hemel Hempstead, surrounded by rolling greenbelt countryside and quiet woodland. It supports a rich variety of wildlife and is recognised by Dacorum Council as a specific Character Area (HCA5, Felden East), possessing 'very strong semi-rural qualities', 'with extensive landscaping...producing a very high environmental quality'. 'Public provision of amenity land is minimal, '.... the spaciousness of the area results from large private dwelling plots and very wide spacing between dwellings' (Area Based Policies: Supplementary Planning Guidance (SPG), 2004).

Sheethanger Lane is the premier road of Felden and the Shothanger plot is located in a most prominent position along it. The lane is quiet and visually attractive; a narrow, private road edged with grass verges, in which sit numerous mature, woodland trees. It is the ambiance and appearance of Sheethanger Lane and its dwellings that makes it such a distinctive and attractive amenity, enjoyed by residents and the wider community, including ramblers and dog walkers (Appendix 1).

The development at Shothanger will harm the local amenities-identified by Dacorum Council as the main contributor to the area's distinctive character- and diminish our right to enjoy a quiet and safe residential environment. Furthermore, we contend that this proposal does not comply with Dacorum's approach to development planning in the Felden area, as set out in two key policy documents: the Adopted Core Strategy (ACS) 2006-2031, 25 September 2013; Area Based Policies: Supplementary Planning Guidance (SPG), 2004.

1.2 The Policy Statement in SPG 2004 outlines the general approach as to 'Maintain defined character' and SPG 2004 further describes layout as being 'very wide, typically over 10m between dwellings and in many cases over 20m in Sheethanger Lane'. Moreover, it is stated under Development Principles SPG 2004 that 'Wide to very wide spacing is expected, with a minimum 10m spacing for proposals fronting onto...Sheethanger Lane'. The proposed development allocates only 4-5m between each one of the four houses, therefore, it is clearly far outside of the 'defined character' expected for Sheethanger Lane.

1.3 Whilst 'infilling' might be acceptable in some instances, it must be 'according to the Development Principles'. The latter states that 'Large dwellings are encouraged' and 'front gardens and forecourts: Should be provided at a size comparable to adjacent and nearby plots'. Thus, the site plan proposed is over-developed and not in line with stated 'Development Principles' in SPG 2004. Plots are significantly smaller, houses are pushed too close together and frontage sizes not at all comparable to those of adjacent and nearby properties.

1.4 Policy CS11: Quality of Neighbourhood Design (ACS 2013) states that developments should 'respect the typical density intended in an area and enhance spaces between buildings and general character' and 'preserve attractive streetscapes'. The proposed development does neither; it is evident that it harms the character and appearance of the area and the amenities enjoyed by neighbouring residents.

Additionally, the removal of established mature hedges to create vehicular access and parking areas, as well as space for the dwellings, will open up the entire development area, particularly to the front and boundary side adjacent to The Pines. This will change the 'attractive streetscape' that is characteristic of Sheethanger Lane, particularly as Shothanger occupies such a prominent position on it.

1.5 Policy CS12: Quality of Site Design (ACS 2004) states that each site development should integrate with the streetscape character, and respect adjoining properties in terms of layout, site coverage, scale, height, bulk, landscaping and amenity space.

As already outlined in points 1.1 to 1.4 above, the proposed development demonstratively fails to do any of the above, being entirely out of keeping with the existing environs. Effectively, it will severely impact the visual appearance of one of Dacorum's designated 'Character Areas', diminishing its distinctive character.

FURTHER SPECIFIC MATERIAL PLANNING CONSIDERATIONS

2.1 Policy CS12: Quality of Site Design (ACS 2004) states that developments should avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties; retain important trees or replace them with suitable species if their loss is justified; plant trees and shrubs to help assimilate development and softly screen settlement edges. However, the proposal contravenes CS12, as outlined below:

VISUAL INTRUSION

We are extremely concerned that our home, The Pines, will be markedly affected by this proposal, as we will share the outer boundary of plot 3. The removal of a mature, healthy and beautiful specimen of Willow tree, on Saturday 28 July 2018, from the front right hand corner of the plot- immediately prior to submission of the Shothanger planning application, on 2 August 2018- has already eroded the look and effectiveness of the natural boundary between our two properties. The willow provided very significant and attractive screening and the effects of its removal are already evident; an extremely large section of the boundary is now open, exposing our property to visual intrusion from the Shothanger site, and vice versa (Appendix 2). This can only be exacerbated by the

proposed removal of a high hedge, which runs a few metres inside the boundary and around at right angles to it, which provides further effective natural screening (Appendix 3).

We note that the neither the Willow tree nor the hedge close to the boundary were mentioned in the Tree Survey Report supporting the application. It appears they may have posed a 'significant constraint on the design brief' (Tree Survey Report, July 2018) , the objective seemingly to maximise available development land, at the expense of neighbouring properties and the preservation of the local environment.

OVERLOOKING/ LOSS OF PRIVACY

The density of housing in the proposal and the close proximity of plot 3 is worrying. Overlooking will occur, directly onto our main living area, as well as our garden, with resultant loss of privacy. The removal of the above mentioned high, right-angled hedge, will completely remove any natural screening and open a line of sight directly on to that part of our property.

Significantly, the section of the lane between Shothanger and our property bends round and the orientation of our main living and outdoor seating area with respect to the boundary means that we directly face the boundary fence. Consequently, overlooking will be exacerbated by the juxtaposition of the new development and The Pines.

An additional concern is the potential fate of the mature hedgerow that runs along, what will be left of, the boundary fence to our rear garden. This is an attractive feature that offers good screening to the two plots. It was indicated in The Tree Survey Report that this should be retained and two trees near it removed. In view of the recent action- effectively, significant work has already been started without planning permission (Appendix 4)-to remove seemingly unhelpful constraints to the proposed development at Shothanger (two huge oak trees were also removed from the front left hand corner), we are worried about accidental damage to this hedge, either during pre-development removal of the two trees along it, or during the construction process itself, resulting in a further breach of our privacy from overlooking.

2.4 LOSS OF LIGHT OR OVERSHADOWING

Dacorum's Policy CS12 also states that loss of sunlight or daylight should be avoided, and we will lose sunlight and daylight as a result of this development. The orientation of our garden relative to the shared boundary is south facing. Due to its size and spacing, the new dwellings will cast a significant shadow over our property throughout the day. The degree of overshadowing and its impact on us could be very significant, should the final roof heights turn out to be high.

2.5 NOISE AND DISTURBANCE FROM USE

	<p>At present, the spatial separation of the houses in the lane means that residents can enjoy life, in the privacy and tranquillity of their homes and gardens, with minimal noise disruption from nearby neighbours. It is certain that the close proximity of this sizable development to The Pines will increase noise pollution.</p> <p>Sheethanger Lane is a narrow private road, with no pavements or roadside parking, a very quiet area with no through traffic, where children play safely in the street. Parking is sought for a total of twelve car users; currently there is only one. Undoubtedly, this will bring more noise and disturbance, with more residents, visitors, delivery drivers, utility and service vehicles using the lane. This compromises the areas' distinctive character, its key amenities, and it may also be dangerous for pedestrians, particularly, as the lane bends round next to Shothanger with no clear view of the lane ahead for drivers.</p> <p>ADDITIONAL CONSIDERATIONS</p> <p>3.1 Should the Council decide to allow some form development at Shothanger, we would ask you to consider placing specific conditions in the approval notice to ensure it complies with the requirements of SPG 2004 and ACS 2013 and the material planning considerations we address above.</p> <p>3.2 Additionally, this case raises issues of planning precedents that may affect established Dacorum Council policies and guidance. Therefore, we ask that the application be put to the Development Management Committee.</p>
<p>THE COPPINS,SHEETHANGER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG</p>	<p>We confirm that we are in full agreement with the written objections made by xxxx of Holly Lodge in connection with the above application.</p>
<p>FIELD END,SHEETHANGER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG</p>	<p>I am writing to confirm that I and my husband are also objecting to the planning application for Shothanger. 4 houses on a plot this size as well as the additional driveways is not appropriate from the perspective of the local environment</p>
<p>WOODRIDING,SHEETHAN GER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG</p>	<p>Letter of objection received, summarised as follows:</p> <p>Significant concerns regarding proposed development: access, layout and scale Impact on landscape character of Sheethanger Lane Impact on existing hedgerows and trees Proximity of development in relation to adjoining neighbours Negative impact of additional driveways on landscape boundaries and frontages Concerns regarding the removal of lengths of hedgerow to allow driveway access Detrimental impact on character and apperance of the area Impact of proposed driveway on mature Horse Chestnut Impact of development on trees both within and beyond application site Detrimental impact upom amenity value of Woodriding</p>

<p>EAGLEWOOD,SHEETHAN GER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG</p>	<p>We agree with the detailed comments submitted to the Committee by our neighbours.</p> <p>Notwithstanding the more detailed issues, including non-conformance with planning policies, highlighted in that letter, our principal objection is that this will overdevelop the Shothanger site, where there is insufficient space for three additional properties of a size and with grounds that will fit in with other properties in the area. The loss of mature hedgerows that is proposed creates visual intrusion and the significant increase in traffic that the proposed development will represent will create significant additional noise and disturbance in a quiet residential area.</p>
<p>EAGLEWOOD,SHEETHAN GER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG</p>	<p>Our neighbour, xxxx, tells me that you have asked that we contact you to confirm our support for the letter of objection to the above planning application that she has submitted on behalf of a number of local residents, and the purpose of this e-mail is to do so.</p> <p>We have also lodged an objection via your planning website. Quite simply, this is far too large a scheme for the plot, notwithstanding that it is a substantial one. This density of development and the loss of trees and hedges that it includes is out of place in this area.</p>
<p>CARRIGMOR,SHEETHAN GER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG</p>	<p>I want to register my support for the objections laid out by xxxx in her letter to you of the 29th August concerning</p> <p>Planning Application 4/01941/18/OUT - proposal for the construction of up to 3 new houses, two new vehicular accesses and widening of existing vehicular access. Alterations to existing house. Site Address: SHOTHANGER, Sheethanger Lane, Felden, Hemel Hempstead HP3 0BG.</p>
<p>COBBES,SHEETHANGER LANE,FELDEN,HEMEL HEMPSTEAD,HP3 0BG</p>	<p>This email is to confirm our support for the objection presented to you by xxxx, Holly Lodge, Sheethanger Lane, Felden, HP3 0BG on 29th Aug 18. In our opinion that objection is well presented in the 11 page letter with 6 attached Annexes and we share all of the concerns detailed in it.</p> <p>For clarification, our home Cobbes is the house directly opposite Plot2 and Plot3 on the plan.</p> <p>It is worth saying that, as our directly opposite neighbour, we have always had a friendly relationship with xxxx. So it is with regret that we find ourselves needing to support objections to his planning submission.</p> <p>When we first looked at the application on the Dacorum website (following your letter of 8th Aug 18) we became immediately concerned that the Shothanger plot was showing 4 intended houses on it. We also noted that the two houses on Plots 2 & 3 were significantly smaller than the other two houses in the plan and also appear much smaller than the majority (if not all) of the properties on Sheethanger Lane. This will make them out of character within the lane.</p>

	<p>We are encouraged that there are local planning guidelines already existing which recognise the special character of Sheethanger Lane and the importance of maintaining that. It is the main reason we moved here 22 years ago. It is apparent that the planning application is not respecting these guidelines, in terms of footprint, character and landscaping.</p> <p>We also have concerns about increased traffic, service infrastructure demand, road safety and road upkeep.</p> <p>In addition we are apprehensive about future developers' attitudes to and respect for the residents and lane users' safety and the impact on the road, verges and arboriculture of the lane. Not all past developers have paid due respect to these matters. For example it is quite common, during times of development, to hear developers' heavy lorries ignoring the 15mph speed limit, hit and bounce heavily over the speed bump outside Cobbes.</p> <p>Finally, we are worried about the possible effects on the Cobbes structure of vibration, through the clay layer which runs under all of the area, which may be caused by extensive localised development. This is especially a concern during extremes of dry or wet periods such as that we are experiencing this year.</p>
Pans Place,Sheethanger Lane,Felden,,HP3 0BG	<p>We wish to register our support against the planning application 4/01941/18/OUT.</p> <p>This is a complete over development at Shot hanger Sheethanger Lane Felden .</p>
Fullarton,Sheethanger Lane,Felden,Hemel Hempstead,HP3 0BG	<p>We are writing to support the objections detailed in Mr and Mrs Werbicki's letter of 29th August to the proposed construction of up to 3 new houses at Shothanger, Sheethanger Lane.</p>
Marston House,Sheethanger Lane,Felden,Herts,HP30BQ	<p>My husband and I staunchly oppose the proposed development on the site of Shotanger . We fully support all of the points of opposition as raised by xxxx.</p>
The Coppice,Sheethanger Lane,Hemel Hempstead,,HP30BG	<p>We agree to the objection on the planning application 4/01941/18/OUT for 4 houses on shothanger's plot.</p> <p>To be more specific we wholly support all of the objections raised in xxxx's letter of 29 th August, for the reasons given in that letter.</p>
Thornbury,Sheethanger Lane,Felden,Hemel Hempstead,HP3 0BG	<p>I would strongly like to object to the plans that are being circulated to build four houses in the infill situation in Sheethanger Lane (Reference - 4/01941/18/OUT). It is clear to me that the planning committee and the council have only a superficial knowledge of the consequences of a decision such as this if approved. This includes:</p> <p>(1) Blot on landscape - loss of green space and environmentally unfriendly.</p> <p>(2) Damage to Sheethanger Lane by the builders and the continual fights and arguments that inevitably occur between</p>

	<p>delivery drivers to the building site and the residents.</p> <p>(3) Continued diminution of the efficacy of local services particularly broadband, whose function has deteriorated significantly in recent years on account of the counsel approved infill building in Sheethanger Lane.</p> <p>This proposed additional addition is one step too far. I very much regret that the council are even considering this proposal which is unanimously rejected by all residents in Sheethanger Lane.</p>
Neo House,Sheethanger Lane,Felden,Hemel Hempstead,HP3 0BQ	<p>Further to the letter submitted by xxxx on 29th August objecting to Planning Application 4/01941/18/OUT to which our names were added as supporters, I am now writing to confirm this support for all the points made by xxxx relating to the development of Shothanger in Sheethanger Lane.</p> <p>I hope this email will suffice in formally adding our names to the list of objectors and please do let me know if we need to do anything else.</p>
Chaileys,Sheethanger Lane,Felden,,	<p>I fully endorse the objections set out in xxxx's letter to you of 29th August for all the reasons given in that letter.</p> <p>In addition, Sheethanger Lane is used extensively by our children bicycling and playing. The additional traffic associated with the additional houses would be a further danger to them and the design and density of the proposal is inappropriate for this lane and contrary to Dacorum's own guidance (SPG2004).</p>

Supporting

Address	Comments
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Commenting

Address	Comments
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Item 5c 4/02075/18/FHA DEMOLITION OF CONSERVATORY AND CONSTRUCTION OF A REAR EXTENSION AND A SIDE EXTENSION OVER GARAGE AND COMPLETE CHANGE OF ROOF TILES.

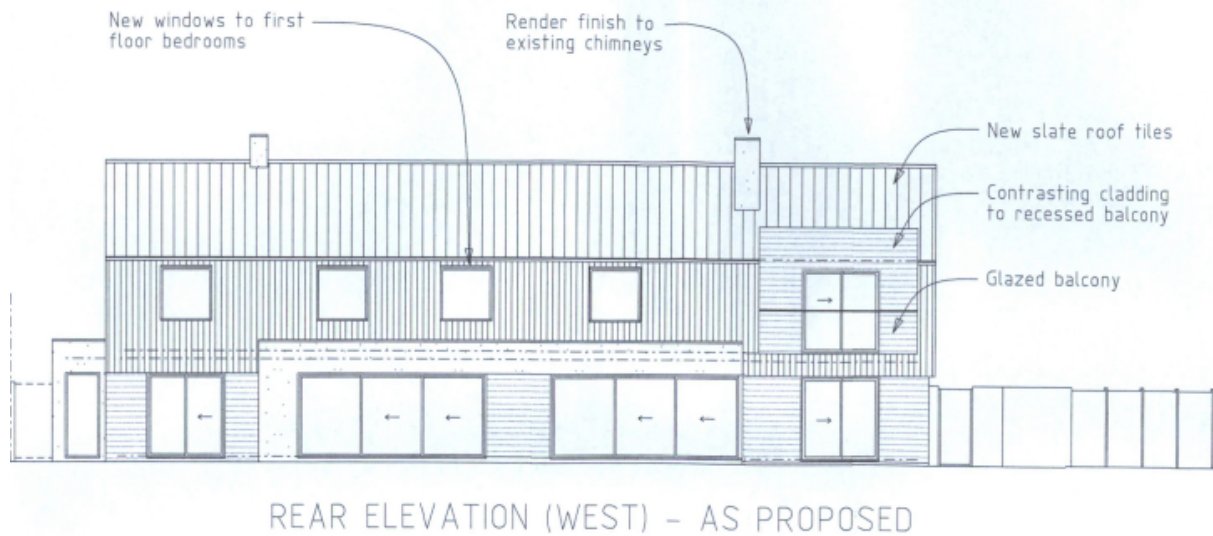
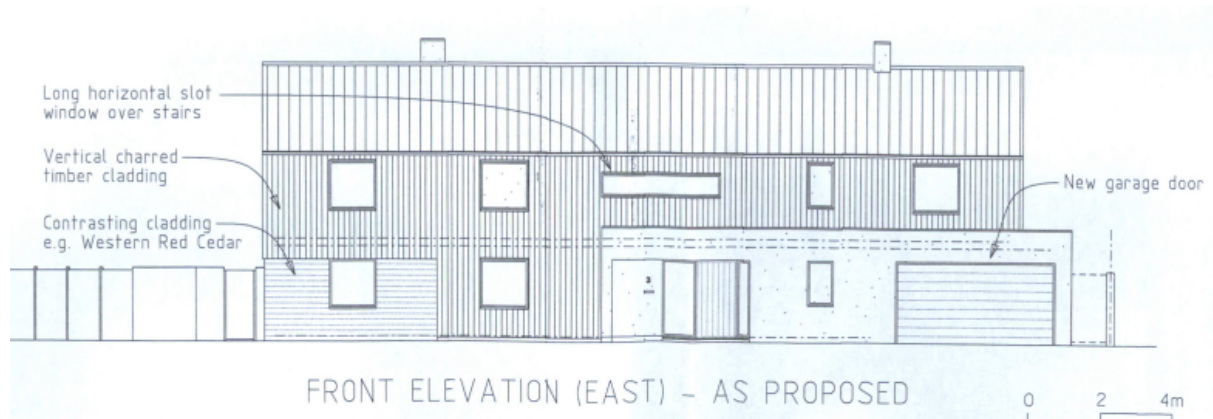
3 OAKWOOD, BERKHAMSTED, HP4 3NQ.



1:60 is

Item 5c 4/02075/18/FHA DEMOLITION OF CONSERVATORY AND CONSTRUCTION OF A REAR EXTENSION AND A SIDE EXTENSION OVER GARAGE AND COMPLETE CHANGE OF ROOF TILES.

3 OAKWOOD, BERKHAMSTED, HP4 3NQ.



4/02075/18/FHA	DEMOLITION OF CONSERVATORY AND CONSTRUCTION OF A REAR EXTENSION AND A SIDE EXTENSION OVER GARAGE AND COMPLETE CHANGE OF ROOF TILES.
Site Address	3 OAKWOOD, BERKHAMSTED, HP4 3NQ
Applicant	Mr K and Mrs S Gossal, 3 Oakwood
Case Officer	Elsbeth Palmer
Referral to Committee	Due to contrary view of Berkhamsted Town Council

1. Recommendation

1.1 That planning permission be **GRANTED**.

2. Summary

2.1 This householder application seeks planning permission for demolition of a rear conservatory, construction of a rear single storey extension and a first floor side extension over the garage, replacement external cladding, replacement windows, glazed balcony to bedroom 1 and change of roof tiles.

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

2.3 Policies CS 11 and 12 seek to ensure quality in neighbourhood and site design. There would not be an adverse impact to neighbouring properties as a result of the proposals and satisfactory parking is provided on site. The design and form of the development would be contemporary in character within an area which already has some variety of housing types.

3. Site Description

3.1 The application site is located on the western side of Oakwood near to the intersection with Shootersway, Cross Oak Road and Denny's Lane, Berkhamsted. Across Denny's Lane to the east is Shootersway Playing Field.

3.2 The site comprises a large detached two storey dwelling built with brick and white timber cladding at first floor with attached garage. The dwelling is located towards the front of a large plot with adequate parking for at least two vehicles in front of the garage doors and two vehicles inside the garage.

3.3 The dwelling was originally built as part of the Oakwood estate - located to the west and rear of the subject site, however Nos. 1,2 and 3 Oakwood are built outside of the circular Oakwood estate and face onto a varied street scene. Nos. 1 and 2 are both tile hung at first floor in contrast to the white timber cladding of No.3.

3.4 In front of the row of 3 dwellings is an oval piece of amenity land with several trees which forms a barrier between the houses and the busy Shootersway.

4. Proposal

4.1 The householder application seeks planning permission for demolition of rear conservatory, construction of a single storey rear extension and a first floor side extension over the garage, replacement external cladding with vertical black charred timber, replacement windows, glazed balcony to bedroom 1, complete change of roof tiles from red pantiles to slate tiles and sedum roof to rear extension.

5. Relevant Planning History

4/02080/17/TPO WORKS TO TREE
Granted
07/09/2017

4/00307/10/TPO WORKS TO TREE
Granted
08/04/2010

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, CS11 and 12.

6.3 Saved Policies of the Dacorum Borough Local Plan

Policies 10 and 13
Appendix 3,5 and 7.

6.4 Supplementary Planning Guidance / Documents

- Area Based Policies (May 2004) - Residential Character Area BCA 12:Shootersway
- Accessibility Zones for the Application of car Parking Standards (July 2002)

6.5 Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

7. Constraints

- HALTON DOTTED BLACK
- 10.7M AIR DIR LIMIT
- TREE PRESERVATION ORDER
- AREA OF SPECIAL CONTROL FOR ADVERTS
- CIL1
- Former Land Use

8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix A

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B

9. Considerations

Main issues

9.1 The main issues to consider are:

- Policy and principle
- Impact on character of the dwelling
- Impact on street scene
- Impact on neighbours
- Impact on trees and landscaping
- Parking
- Other

Policy and Principle

9.2 The site is situated within the town of Berkhamsted wherein residential development is acceptable in accordance with Policy CS4 of the Core Strategy subject to it complying with CS12.

9.3 The Berkhamsted Character Appraisal for this area BCA 12: Shootersway states that development within the plot in terms of extensions and detail is that there are no special requirements.

Impact on character of the dwelling

9.4 The proposed scheme will change the character of the dwelling from that of a more traditional style to a more contemporary design.

9.5 Currently the dwelling has brick at ground floor with white timber cladding to the first floor and pitched roofs to both the main dwelling, porch and single storey attached garage.

9.6 The proposal will result in a contemporary design with flat roofs over single storey extensions and with western red cedar at ground floor level with vertical charred timber cladding at first floor. The style of windows will be changed to a more modern design.

9.7 The proposed extensions are modest in scale and will not upset the balance of the dwelling. The main roof form will remain the same.

Impact on Street Scene

9.8 The proposal is small scale and will not project forward in a way that dominates in the street scene. There will be no increase in ridge height, bulk or scale.

9.9 The main impact on the street scene will be the change in character of the dwelling. This must be assessed in terms of the street scene in which No. 3 Oakwood belongs.

9.10 Properties on the circular Oakwood Estate typically feature two dominant and contrasting external materials, usually masonry at ground floor level and boarded cladding at first floor above. The subject site is outside of this area.

9.11 The dwellings adjacent to the site, across the road on Shootersway and near to the intersection of Cross Oak Road all vary in terms of materials and design.

9.12 Close to this intersection is a recently built contemporary dwelling called "Mariners" which has contrasting timber and white render. The Conservation and Design officer made the following comments on the application for "Mariners" in 2012. *"I consider this a well-considered design with good proportions, scale and massing. I fully support this design and consider it excellent contemporary postmodern design."*

9.13 The applicant could paint the existing first floor cladding black and the ground floor brickwork white under their permitted development rights.

9.14 The changes to the single storey roof design from pitched to flat would in themselves be considered small scale and an argument for their refusal would be difficult to sustain.

9.15 The NPPF states that "planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness."

9.16 Core Strategy (2013), Policies', CS1, CS4, CS10, CS11 and CS12 highlight the importance of good design in improving the character and quality of an area; seeking to ensure that developments are in keeping with the surrounding area in terms of size, mass, height and appearance.

9.17 The NPPF also states that "where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development".

9.18 Finally the NPPF states that "in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area so long as they fit in with the overall form and layout of their surroundings".

9.19 Based on the above and a review of the streetscape character surrounding the subject site it is considered that the proposed scheme will not have a detrimental impact on the character of the area or the circular Oakwood estate to the west of the site and would therefore comply with the NPPF and relevant Core Strategy Policies.

Impact on neighbours

9.20 The proposal will not be overbearing or result in a significant loss of sunlight and daylight for the only adjacent neighbour No. 2 Oakwood. There are side windows at ground floor of No. 2 facing the first floor extension but due to the relationship of the two buildings and the fact that the room also has windows in the rear elevation there will be no significant loss of sunlight or daylight to this room.

9.21 The proposal has one tall window at first floor facing No. 2 Oakwood but as shown on the plans this window will be obscure glazed below 1.7 m to ensure that there will be no overlooking from this window.

9.22 The proposed balcony to the rear of the dwelling will not result in overlooking of the neighbours to the rear as they are well over the back to back distance required of 23m. The distances between the rear of No. 3 and the neighbours to the rear vary from 54m to 67m.

9.23 It is considered that the proposed development will not have a significant impact on the residential amenity of surrounding homes in terms of overlooking, loss of light or being overbearing. The proposal complies with Policy CS12 of the Core Strategy.

Impact on Trees and Landscaping

9.24 No significant trees will be affected by the proposal.

Parking

9.25 The maximum parking standard for a 5 bedroom dwelling in this location is 3 spaces. The site has adequate provision for parking with a double garage and at least two spaces on a driveway in front of the property. There will be provision off street for 4 vehicles.

Other Material Planning Considerations

9.26 Ecology

Hertfordshire Ecology expressed a concern regarding Bats in the area and the impact of the proposal on Bats. After receipt of a Bat Report they are satisfied that an informative on any approval will suffice.

Response to Neighbour comments

9.27 These points have been addressed above and by the applicant in the report submitted on 17th October.

CIL

9.28 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 not CIL liable due to resulting in less than 100m² of additional floor space.

10. Conclusions

10.1 This householder application seeks planning permission for construction of a rear single storey extension and a first floor side extension over the garage, replacement external cladding, replacement windows, glazed balcony, change of roof tiles to slate and sedum roof to rear extension. The proposed scheme is reasonably modest in terms of scale but does change the appearance of the dwelling to a more contemporary design. It is considered in this area of Berkhamsted which has a variety of housing size and design that such a proposal is acceptable. There will be no loss of amenity for the adjacent neighbours as the proposal is reasonably small in scale and set well within the boundary of the site. The proposed scheme complies with CS 4, 12 and Saved Appendix Guidelines on householder extensions.

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

Conditions

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	<p>The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings.</p> <p>Reason: To ensure a satisfactory appearance to the development and to comply with CS 12.</p>
3	<p>The tall window at first floor level in the north side elevation of the extension hereby permitted shall be non opening and shall be permanently fitted with obscured glass below 1.7 metres from the finished floor level.</p> <p>Reason: In the interests of the amenity of adjoining residents namely to avoid any overlooking towards No. 2 Oakwood and to comply with CS 12.</p>
4	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>SITE LOCATION PLAN PROPOSED BLOCK PLAN Existing Ground Floor PLAN GEB5 /02.A Existing First Floor PLAN GEB5 /03.A Existing Elevations PLAN GEB5 /04.A Existing Side Elevations PLAN GEB5 /05 Proposed Ground Floor PLAN GEB5 /06.A Proposed First Floor PLAN GEB5 /07.A Proposed Elevations PLAN GEB5 /08.A Proposed Side ElevationsPLAN GEB5 /09 3D Sketch Visual PLAN GEB5 /10 Area of development PLAN GEB5 /11.A</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>Article 35 Statement</p> <p>Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (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:</p> <p>Ecology</p> <p>If bats or evidence for them is discovered during the course of any works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.</p> <p>Contaminated Land</p> <p>1). 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.</p> <p>2). Construction Dust Informative Dust from operations on the site should be minimised by spraying with water or by</p>

<p>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>3). 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.</p> <p>4). 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>

Appendix A

Consultation responses

Appendix B

Neighbour notification/site notice responses

Objections

Address	Comments
6 OAKWOOD, BERKHAMSTED,, HP4 3NQ	<p>I object to the plans for No3 Oakwood for two reasons:</p> <p>1. The proposed balcony will threaten mine and everybody else privacy opposite the property as it will give anyone on that balcony a clear line of sight over the fences into everyone's houses and bedrooms. For us it will be a problem mostly in the winter when the leaves fall from the trees. Oakwood houses are quite close to one another which, I believe, is why there are no balconies on the Oakwood houses.</p> <p>2. Secondly, the design of the building with charred black timber is not in keeping with the Oakwood Estate. Part of the charm and appeal of Oakwood is that it is an estate and benefits from the houses being different yet complementary as they are sympathetic to one another in style & colour . The design at no1 is entirely different, will jar with the rest of the buildings and, if permitted, will set s president that will stop Oakwood from continuing to be an estate in the future.</p> <p>I wish the new owners lots of health & happiness in their new home and hope that they make a beautiful, modern home for themselves, but I think the Oakwood Community would benefit</p>

	<p>if their architects' designs complemented the estate rather than jarred with it regarding the balcony and overall rendering.</p>
<p>8 OAKWOOD, BERKHAMSTED,, HP4 3NQ</p>	<p>Planning Application ref 4/02075/18/FHA 3 Oak Wood, Berkhamsted, HP4 3NQ</p> <p>We are writing in response to your letter of 21 August 2018 regarding the above planning application.</p> <p>We wish to register our objections to the plans as currently proposed for two main reasons;</p> <ol style="list-style-type: none"> 1. The proposed architectural treatment is out of keeping with the rest of the Oak Wood estate and we believe the reference to other buildings in the Chilterns AONB is misleading and not relevant. 2. The introduction of a balcony to the rear of the building will cause a serious intrusion into the privacy of our property as the balcony has a direct line of sight from first floor level into our back garden. <p>With reference to the Design and Access Statement we would make the following comments;</p> <ol style="list-style-type: none"> 1.1 The DAS refers to the desire to update the external aesthetic but the proposed architectural treatment is completely out of keeping with the rest of the Oak Wood estate. 1.5 The DAS refers to an "...upgrade and enhancement..." to the "streetscene" but we feel it will be a harsh contrast to the adjacent properties 2.4 The DAS implies that the proposal reflects the existing weatherboard cladding but the proposed black timber cladding is a completely different aesthetic to the white boarding or tile hanging of the adjacent properties. 2.5 The DAS cites Mariners at the top of Cross Oak Road as a precedent however we feel that this is completely irrelevant. The houses in Cross Oak Road are all individual with no two properties being of a similar style. There is no visual link between Mariners and 3 Oak Wood and the proposed re-styled building sits directly alongside two houses that harmonise with the rest of Oak Wood. Other properties that have been altered and extended in Oak Wood and the adjacent roads have generally retained the general look of the estate and used sympathetic materials. 2.6 The DAS states that it has been "... strongly informed by...the existing building and wider setting...." however there are no other buildings in the immediate vicinity that have a similar aesthetic to that proposed. 3.1 States that there is a desire to update the layout and aesthetic but we believe the proposed scheme is completely out of context with neighbouring properties.

	<p>3.3 Refers to a modern interpretation of the black timbered barns of the Chilterns but we do not feel that has any relevance in this location.</p> <p>3.4 The DAS describes the sedum roof and the benefits it brings however the area is minimal and this seems to be a prime example of "green-wash" to give credibility to the application. There is no mention of any more meaningful examples of sustainable design such as low or zero carbon aspects of the scheme that would minimise energy consumption.</p> <p>3.6 The reference to the new balcony conveniently ignores the fact that it will overlook our property and those adjacent to us. We acknowledge there is an existing window in this location but a balcony will encourage people to dwell in that area which looks down into our garden.</p> <p>4.1 The DAS states that the scheme ".....is not detrimental to neighbouring properties...." but the scheme does not harmonise with adjacent properties and directly overlooks our garden.</p> <p>4.2 States that there will be "....no loss of privacy...to the adjacent properties." and this is patently incorrect - the new balcony in particular looks down into our garden.</p> <p>4.1 Makes reference to the fact that it "...reflects... the surrounding context.....including.... the immediate neighbouring dwellings and materials....." This is patently incorrect.</p> <p>4.4 Makes reference to ".....building forms found throughout the Chiltens....." but we feel that has no relevance to the immediately adjacent properties - in Oak Wood in particular.</p> <p>5.3 States the scheme "....has no negative impact on the existing surroundings..." We strongly disagree with this statement and believe that it is not supported by the facts.</p> <p>In view of the above comments we trust that you will reject the application.</p>
<p>9 OAKWOOD,BERKHAMST ED,,,HP4 3NQ</p>	<p>We wish to register our objections to the plans for two main reasons:</p> <ol style="list-style-type: none"> 1. The proposed architectural design is not in keeping with the rest of the Oakwood estate, and there is no precedent for a drastic change in the appearance of one property in the estate; 2. The addition of a rear balcony on the first floor will intrude into the privacy of our property as the balcony has a direct line of sight into our back garden.

	<p>We have reviewed the Design and Access Statement (DAS), and make the following observations:</p> <p>Sections 1.2, 1.5 and 2.4: The proposed architectural treatment is completely out of keeping with the rest of the Oakwood estate. The proposed charred timber does not reflect the existing aesthetic style of the neighbouring properties (white boarding or hanging tiles). it does not 'add a high quality upgrade and enhancement to the streetscene' (1.5).</p> <p>Sections 2.5, 2.6: The DAS cites the Mariners property at the top of Cross Oak Road as a precedent for the architectural design. In our view, this comparison is ill-conceived. Mariners sits on its own, and its neighbouring properties are not visible when regarding the property. Number 3 Oakwood has two adjacent properties which will not sit well with the proposed conflicting colour scheme/ choice of materials, and nor do the proposals match the styles of the remaining approx. 37 properties in the rest of the Oakwood estate.</p> <p>Sections 3.6, 4.1, 4.2: The references to the new balcony in these sections ignores the fact that the balcony will overlook our property and those adjacent to us. This is detrimental to the neighbouring properties (which flatly contradicts a claim in 4.1). The statement in 4.2 is false: there is a loss of privacy as the balcony has a direct overview of our garden (this exists throughout the year, but will be more acutely felt in winter when there is less foliage on trees etc.).</p> <p>Sections 3.3, 4.1, 4.4: Various statements are incorrect in our view. There are references that the proposals reflect a modern interpretation of barns based in the Chilterns, that the property, while acknowledging it is not situated in an AONB, it is described as a 'gateway' to AONB Chilterns. This is a property in a residential development of 40 or so similar and complementary properties. References to AONB Chilterns are irrelevant and misleading. The proposed materials are incongruous to the neighbouring dwellings and the Oakwood estate.</p> <p>Section 5.3: The statement that the proposals have 'no negative impact on the existing surroundings' is not borne out by the facts.</p> <p>While we may be sympathetic to the new owners' wishes to modernise their property, we strongly oppose the proposals as they are drafted and trust that they will be rejected by DBC.</p>
<p>BERKHAMSTED TOWN COUNCIL, CIVIC CENTRE, 161 HIGH STREET, BERKHAMSTED, HP4 3HD</p>	<p>Objection.</p> <p>The timber cladding, although contemporary, is out of character with the street scene. (This decision was reached following a vote. Cllr I Reay abstained.)</p> <p>CS12.</p>

<p>7 OAKWOOD,BERKHAMST ED,,HP4 3NQ</p>	<p>Response to planning application for 3 Oakwood, Berkhamsted, HP4 3NQ</p> <p>Dear Ms Palmer</p> <p>I am writing in response to your letter sent 21.08.2018 regarding planning application for the above property. I have several concerns and misgivings regarding the design of this proposal which I would like to outline. My house backs directly onto No. 3 and so will be affected more than most.</p> <ol style="list-style-type: none"> 1. The materials being proposed are inappropriate. All the houses in Oakwood differ from each other and many have been modernised and extended over the years but all have retained the overall character. They are all part brick, some have white fascia, some terracotta tiles but there is a uniformity and a cohesion to the road. The design for No. 3 runs counter to every other house. It is apparent that exotic timbers and avant garde/modern materials have been specifically chosen with no regard as to how it 'sits' in amongst other houses in the road. There is plenty of scope for redevelopment of a house without choosing something that will look so out of place and incongruous. 2. My house will overlook the back of No. 3 and anyone standing on the proposed balcony will look directly into my bedrooms. 3. The beech hedge that separates us will shed its leaves in winter giving me full view of this gloomy looking house. 4. A sedum roof can look most attractive at the point of creation but requires regular maintenance and application of fertiliser. We get a great deal of leaf fall in autumn which will impact the attractiveness of the roof and I'm inclined to think that this is 'fancy' design which will look a mess as time goes by. 5. I draw your attention to a Dacorum council document titled 'Development in residential areas' - 2.1.4, 2.1.5, 2.1.6 and 2.1.7 which most specifically mentions:- '.....retaining the basic structure of the area and certain elements of its character'. 'Use is often made.....do not harmonise with area character'. 'However, as we are dealing with broad principles, the area policy statements may seek to encourage good detailed design which harmonises with other styles where this is a strong and attractive feature of area character'. 'However, in many areas, schemes should not be so imaginative that new proposals completely deviate from the stated policy. Area character must be respected where required'. <p>In conclusion, I feel that the new owners of No. 3 Oakwood are desirous of a unique, bespoke house and should have bought somewhere 'stand alone' where their individual design would have been appreciated.</p>

	<p>Trying to achieve their wants in an established area with an existing character would create a property that would look seriously out of place and affect the look and the marketability of the surrounding houses.</p> <p>Allowing this proposal to stand with its current design would send a message to all other developers and, before too long, the character of the road would be changed beyond all recognition.</p> <p>To quote the Dacorum document, harmony is the keyword. This proposed design is disharmonious.</p> <p>Yours Sincerely</p> <p>J. Brennan 7 Oakwood Berkhamsted HP4 3NQ</p>
<p>6 OAKWOOD,BERKHAMST ED,,,HP4 3NQ</p>	<p>In response to No.3's additional supporting information on their planning application:</p> <ol style="list-style-type: none"> 1. Site context: You can draw lots of circles on different parts of the map but it won't change the fact that No.3 Oakwood is a part of the Oakwood estate. It's at the boundary of the estate but within that boundary. The oakwood estate has 4 different styles of houses but all are designed with complementary features externally. The current designs for No.3 jar with oakwood style houses on multiple levels. 2. Berkhamsted Character Area (see 1 above re no.3 being part of the oakwood estate). 3. Dacorum Adopted Core Strategy. None of the houses referred to in either Berkhamsted or Northchurch are part of existing estates. (See 1 above) 4. Proposed materials. Interesting that you have sited houses around the area that use different materials that you have included in your design. More notable is that your design is that different to the entire area that you have to site 4 or more houses as examples of your different materials. There is no house anywhere near No.3 (on or off the Oakwood estate) that is designed similarly. Hence, it is going to stand out as being at odds with its surroundings. 5. Colour. I'm a little confused by this section as you say "Whilst we appreciate this is not the actual existing colour of the dwelling, it must be given weight when considering the notion of 'remaining in keeping' with the street scene as the materials proposed excluding their colour do not otherwise fundamentally differ from those already prevalent in the surrounding area". It's odd to exclude the colour in a section talking about the colour. You also include a mock up of the property which doesn't reflect the designs you've put forwards where there is significantly more black. In fact, the majority of houses at the back will only see black because the only

	<p>white/cream is appearing in sections below the fence.</p> <p>6. Style. I don't understand why you cannot achieve a contemporary aesthetic in a way that is complementary to the rest of oakwood. You talk about an 'evolution' of the current property, yet your designs demonstrate a revolution.</p> <p>7. Privacy. I don't know why the view is only drawn looking to the left or straight ahead. Although the doors to the balcony are inset, the proposed balcony itself is flush with the back of the house. Therefore, anyone standing on the balcony will have a clear view across to all the gardens from No.6 to No.9. Also, many of the mature trees referred to here are deciduous and this aerial photograph was taken over the summer months. I can see the balcony site from my garden and my house - so No.3 can see me.</p> <p>I am sure that the owners of No.3 will be able to achieve their modern dream house in a way that complements the rest of the Oakwood estate. I just don't think black charred timber and a balcony overlooking all our houses is the way to achieve it. Giselle</p>
<p>BERKHAMSTED TOWN COUNCIL, CIVIC CENTRE, 161 HIGH STREET, BERKHAMSTED, HP4 3HD</p>	<p>The objection expressed previously is sustained. In the meantime and following discussions with the planning officer and receipt of a further consultation letter and information, this application will now be considered at the meeting on 29 October 2018</p>
<p>8 OAKWOOD, BERKHAMSTED, HP4 3NQ</p>	<p>PROPOSED ALTERATIONS TO 3 OAKWOOD PLANNING APPLICATION REFERENCE 4/02075/18/FHA COMMENTS ON ADDITIONAL SUPPORTING INFORMATION</p> <p>In general we would echo the comments recently posted on line by 6 Oak Wood objecting to this application.</p> <p>In addition we would make the following specific comments;</p> <p>1 Site Context The aerial shot seeks to argue that numbers 1 to 3 Oak Wood are not part of the Oak Wood estate in general however our view is that they are part of a group of similar houses that are united by their rear elevations at the very least. We are in one part of the estate where the houses back on to one another and the views across our gardens is important to us and relevant.</p> <p>The harmony of the group of houses is an important feature and that is presumably why there are restrictive covenants on the properties controlling any redevelopment.</p> <p>2 Berkhamsted Character Area The houses in Shooters Way and Cross Oak Road have been built on individual plots and are in a wide range of architectural styles. The point of our previous comments is that No 3 is already part of a homogenized group of properties.</p>

3 Dacorum Adopted Core Strategy

The reference to No 3 as a "gateway" site is in our view tenuous and there are no buildings in the vicinity that use black timber cladding that would tie in visually with the suggested architectural treatment.

There is reference to 1 South Bank Road which is less obtrusive than the black timber cladding proposed for 3 Oak Wood and also does not sit amongst a group of similarly styled properties.

The view up Cross Oak Road, adjacent to Mariners, and looking towards 3 Oak Wood is in our view rather contrived and does not represent the more usual view of No 3 in its normal streetscape.

4 Proposed Materials

The properties that are referred to as providing a precedent for the choice of materials do indeed illustrate the use of white render however none of them uses black timber cladding or creates a harsh visual contrast with the adjacent properties.

As noted above, although the larger part of the Oak Wood Estate is not visible when looking at the front elevation of No 3, the rear elevations of numbers 1 to 9 at least are seen as a group.

5 Colour

The argument that number 3 could be painted black and white is in our view fatuous. Also the illustration of what that would look like does not justify the proposed elevations that are illustrated in the Planning Application.

The proposed modification to number 3 increases the area of the front elevation and the larger part of that proposal is black or cedar cladding. The mock-up illustration of a re-painted number 3 shows a much smaller proportion in black and the greater area of white render gives a lighter feel than the proposal. It does not in our view justify the proposal.

6 Style

3 Oak Wood does not sit in an individual plot and we feel that the argument on style is outweighed by the link to the wider Oak Wood Estate.

7 Privacy

The statement that the proposed balcony is "...set away from and oblique to all the adjacent properties" is in our opinion misleading. If the arrow that is drawn perpendicular to the rear elevation is extended it can be seen that this represents a direct line of sight to the rear of our property in general and to our garden and patio in particular.

The suggestion is that the "..heavily landscaped..." boundary

	<p>will mitigate the intrusion caused by the balcony however the planting to the left of the arrow, running up to Denny's Lane is predominantly deciduous and will not provide any screening for much of the year.</p>
<p>9 OAKWOOD,BERKHAMST ED,,,HP4 3NQ</p>	<p>Comments on Additional Information for Planning Application reference 4/02075/18/FHA</p> <p>We share the views in the comments recently posted by neighbours objecting to this application and make the following specific comments:</p> <p>1 Site Context The aerial shot wishes to portray that Numbers 1 to 3 Oakwood are not part of the Oakwood development. In addition to sharing a common address, Numbers 1 to 3 are also part of a group of similar houses of complementary styles. Numbers 1 to 3 are united to the other houses by their rear elevations. The harmony of the group of houses is an important feature for the Oakwood development.</p> <p>2 Berkhamsted Character Area The houses in Shootersway and Cross Oak Road have been built on larger individual plots and are in a wide range of architectural styles. No 3 Oakwood is already part of an estate with similar and complementary styles of housing comprising approximately 40 properties. The stark contrast between the properties at 1 and 2 Oakwood with the proposals for Number 3 are more relevant. The proposals as contended in the submitted application do not 'add a high quality upgrade and enhancement to the streetscene'.</p> <p>3 Dacorum Adopted Core Strategy In our view, the reference to No 3 as a "gateway" site is unconvincing. There are no other properties nearby which use black timber cladding that would tie in visually with the suggested architectural treatment.</p> <p>In reference to 1 South Bank Road, this is a standalone property which does not sit amongst a group of similarly styled properties. In addition, the cladding on 1 South Bank Road is less harsh than the black timber cladding proposed for 3 Oakwood. Mariners on Cross Oak Road is another stand alone property on a larger plot, away from neighbouring properties, and where the neighbouring properties are individually different. The photograph taken adjacent to Mariners property, and looking towards 3 Oakwood is misrepresentative and obfuscates the fact that No 3 is part of a group of 40 similarly harmonious properties.</p> <p>4 Proposed Materials The properties that are referred to as providing a precedent for the choice of materials include white render however none of them uses black timber cladding or creates a harsh visual contrast with the neighbouring properties. Number 3 Oakwood has two adjacent properties which will not sit well with the</p>

	<p>proposed conflicting colour scheme or the choice of materials. As noted above, although the larger part of the Oakwood development is not visible when looking at the front elevation of No 3, the rear elevations of numbers 1 to 9 at least are seen as a group.</p> <p>5 Colour The mock-up of what the building would look like does not justify the proposed elevations in the planning application. The mock-up has not portrayed the actual Planning Application accurately. The mock-up shows a much smaller proportion of the elevations in black and a greater area of white render than in the actual planning application. On closer examination of the planning application (namely, the drawing with DBC website title "Elevation plans") the proposed modification to number 3 increases the area of the front elevation and the larger part of that proposal is black or cedar cladding. The colours are incongruous with the neighbouring properties in both the mock-up and the actual submitted planning application.</p> <p>6 Style It was previously argued that the proposals reflect a modern interpretation of barns based in the Chilterns, that the property, while acknowledging it is not situated in an Area Of Natural Beauty, it is described as a 'gateway' to AONB Chilterns. It is suggested now that the proposed style should be compared with individual houses on larger plots on Shootersway or Cross Oak Road. The new line of argument that the style comparison should be made with individual plots on Shootersway or Cross Oak Road is weak in our view. The proposed materials are incongruous to the two adjacent dwellings and the rest of the Oakwood development. As stated before, this is a property in a residential development of 40 or so similar and complementary properties.</p> <p>7 Privacy The assertion that the proposed balcony is "...set away from and oblique to all the adjacent properties" is misleading in our view. The view from the balcony represents a direct line of sight to the rear of our property and garden. The distances of the balcony from the neighbouring properties are also misleading. There is a loss of privacy from the boundary of the neighbouring plots, and so the distances to the property boundaries are much shorter than those to the neighbouring residences. The suggestion is that the "...heavily landscaped property boundaries' to screen the balcony from neighbouring properties ignores the fact that the plants and trees are deciduous and do not provide any screening for a large part of autumn and winter.</p>
<p>BERKHAMSTED TOWN COUNCIL, CIVIC CENTRE, 161 HIGH STREET, BERKHAMSTED, HP4 3HD</p>	<p>29-10-18 TP Committee - Objection The committee thanks the architect for the additional information submitted together with the sample of cladding provided. Although the committee has no objection to the proposed structural changes it remains of the opinion that the</p>

	cladding is out of keeping with the street scene. CS11, CS12.
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Supporting

Address	Comments
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Commenting

Address	Comments
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Appendix C

Response to objections prepared by applicant.

ADDITIONAL SUPPORTING INFORMATION IN RESPONSE TO COMMENTS RAISED ABOUT THIS APPLICATION

SITE ADDRESS: 3 Oakwood, Berkhamsted, Hertfordshire, HP4 3NQ

PLANNING REFERENCE: 4/02075/18/FHA

DATE: 21/09/2018

1. Site Context
2. Berkhamsted Character Area – Shootersway BCA12
3. Dacorum Adopted Core Strategy
4. Proposed Materials
5. Colour
6. Style
7. Privacy

1. Site Context

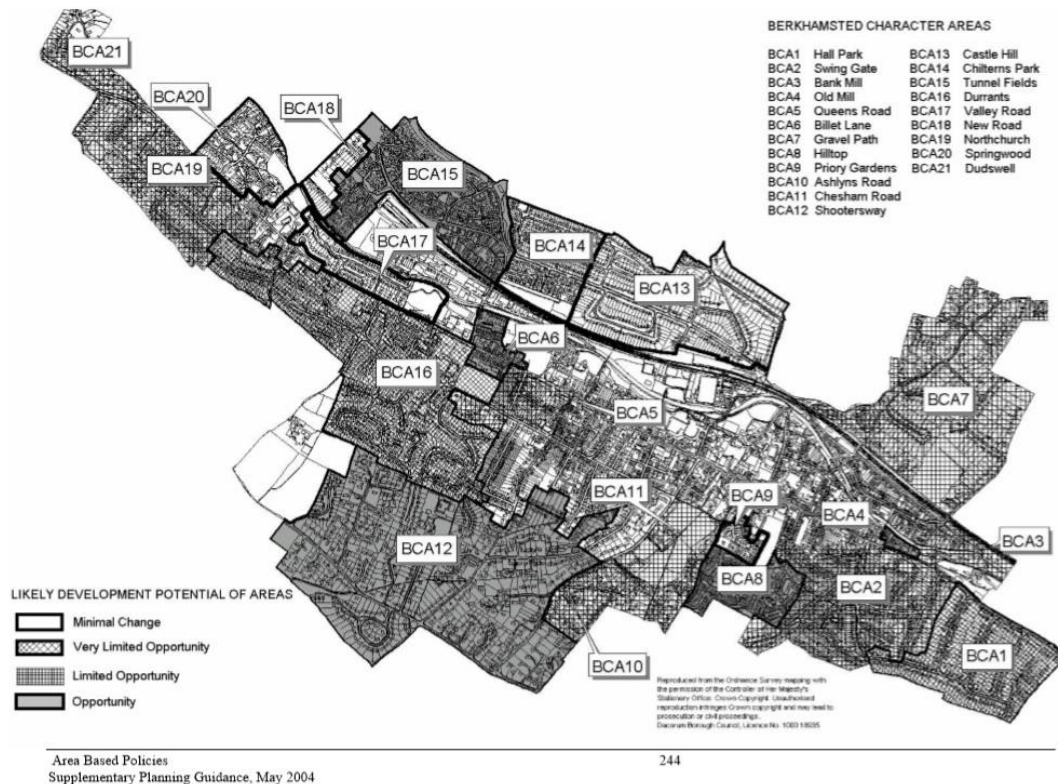
The application site is located on the edge of the Berkhamsted settlement, within the BCA12 Shootersway Character Area which comprises of a mix of properties of different sizes and styles (see separate comments below regarding Character Area). Whilst the property was originally built as part of the Oakwood Estate, the 'estate' itself has no separate Character Area statement nor protection or restriction in terms of materials used beyond standard local and national planning policy. It is not apparent when stood outside No.3 Oakwood that white cladding is a shared common material with any other property as No.'s. 1 and 2 are both tile hung at first floor, rather the contrast between two distinctive materials is the characteristic and common feature between the three properties and this is preserved in our proposals.

No.'s 1-3 Oakwood are built outside of the inward-looking Oakwood estate and therefore any assessment of context should give greater weight to the properties visible in the vicinity of No.3, including those on Shootersway and the top of Cross Oak Road, as well as the wider Shootersway Character Area.



The immediate context is formed by properties along Shootersway and the top of Cross Oak Road.

2. Berkhamsted Character Area – Shootersway BCA12



“A large, mainly very low density residential area on the southern side of town featuring a variety of mainly detached houses in a spacious semi-rural setting, dominated by informal heavy landscaping”

The Shootersway Character Area – which this site forms a part of – is one of the largest and most varied Character Areas within the town, reflecting the increased level of design freedom often found towards the edge of settlements. The Character Area Appraisal states the design of houses features **“variety throughout”** and this is clearly evident in the existing variety of styles of properties encircling the area of green land at the top of Cross Oak Road which forms the context for the application site. The stated policy approach is to maintain this defined character i.e. to maintain variety throughout. It is further clarified within the Character Area statement that **“innovation in design is acceptable”**. This is understood and evidenced in properties such as Mariners, a contemporary new build dwelling on Cross Oak Road. Any insistence to adhere to singular material and stylistic preferences with the aim to homogenize properties aesthetically would be in contradiction to this policy approach. As stated previously there is no additional restriction placed on No.3 Oakwood that stylistically or materially ties it to either No.’s 1 and 2 Oakwood or indeed the wider Oakwood Estate.

While other Character Area statements such as BCA4 Bank Mill highlight detailed design requirements for developments within plots to follow the architectural style, themes and colours of the existing building, BCA12 Shootersway categorically states in this Character Area there are **no special requirements**.

3. Dacorum Adopted Core Strategy

Policy CS10: Quality of Settlement Design highlights the opportunity to *‘deliver landmark buildings at movement and pedestrian gateways and enhance focal points with high quality architecture’*. Within this context, Landmark buildings are defined as being *‘easily recognisable structures that aid navigation to and within an area. They are not necessarily defined by their height, but by their distinctiveness due to design and location’*.

No.3 Oakwood is located on a gateway site at the edge of the Berkhamsted settlement. Not only does this provide further justification to seek a landmark building of a distinctive design, but also it is appropriate that the distinctive design is inspired by and makes links to the adjacent Chilterns AONB with its characteristic use of black timber cladding.

The recently completed scheme at No.1 South Bank Road (ref: 4/02261/15/FUL) is similarly located at a gateway site, is contemporary in style, features vertical timber cladding and now forms a landmark building due to its distinctive design. There are no additional planning restrictions that should prejudice against comparable development at No.3 Oakwood.



No.1 South Bank Road (ref: 4/02261/15/FUL) is located at a comparable gateway site

Policy CS11: Quality of Neighbourhood Design states development should *'protect or enhance significant views within character areas'*. The application site is prominently located toward the top of Cross Oak Road, a key vehicle route through Berkhamsted and key junction within the Shootersway Character Area. As shown in the below image, No.3 Oakwood terminates the view at Cross Oak Road when passing the recently built contemporary dwelling 'Mariners'. As such the two properties will both enhance this significant view out of the settlement.



Existing view towards the application site from the top of Cross Oak Road

4. Proposed Materials

Our proposed selection of materials comes from a careful assessment of the neighbouring properties and the surrounding context. Relevant neighbouring properties include:

- 1. Chendyne, Shootersway** – white render and black timber beams
- 2. Hardrick House, Shootersway** – white render throughout
- 3. Farthings, Shootersway** – dark stained timber cladding at 1st floor, white render at ground floor
- 4. Mariners, Cross Oak Road** – contrasting timber and white render, very contemporary aesthetic



Examples of neighbouring properties with comparable materials to those proposed



15 Crossways – Materials: First floor – dark stained cladding; Ground floor – white render



15 Crossways

Application Site

The above example is located within the same Character Area i.e. Shootersway BCA12. The existing materials are directly comparable with our proposals with dark stained timber cladding at first floor and white render at ground floor. The simple, linear, pitched roof form and horizontal emphasis is also comparable with our proposed designs.

Properties on the wider Oakwood Estate typically feature two dominant and contrasting external materials, often with masonry at ground floor level and boarded cladding at first floor above. This is characteristic of the wider, secluded Oakwood Estate (which is not directly visible from the site) and is featured on the current dwelling. Our proposals would remain within this description.



No's 1 and 2 Oakwood are both tile hung, No.3 Oakwood stands out as being composed of different materials and this would continue to be the case.

5. Colour

Using their Permitted Development Rights, the applicants could paint the existing first floor cladding black and the ground floor brickwork white. There is no restriction against this as the site is not located on Article 2(3) land and there is no Article 4 Direction on the property. Whilst we appreciate this is not the actual existing colour of the dwelling, it must be given weight when considering the notion of 'remaining in keeping' with the street scene as the materials proposed excluding their colour do not otherwise fundamentally differ from those already prevalent in the surrounding area.



The above proposed colours changes could be implemented under Permitted Development Rights

With regard to the specific proposed material, charred timber cladding is recognised as a high quality and environmentally sensitive cladding solution, providing a low tech process which preserves the wood without using chemicals. As noted in our Design and Access statement, vertical black timber boarding has been used successfully on other contemporary dwellings in the Chilterns, notably at the RIBA award winning House 19 in Amersham by Jestico + Whiles. The application site's proximity to the Chilterns AONB and its location as a gateway site on the edge of the Berkhamsted settlement means reference to the traditional materials found throughout the Chilterns AONB is an entirely appropriate and contextually sensitive approach to design in this instance.



House 19, Amersham by Jestico + Whiles

6. Style

The National Planning Policy Framework (NPPF) seeks a high quality of design and that new development is sympathetic to local character, while not preventing or discouraging appropriate innovation or change. To ensure sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 130 of the NPPF states '*where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.*'. Paragraph 131 goes further to state '*In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings*'. As noted within our submitted Design and Access statement the modernisation of this property with minimal change in footprint, improved thermal performance and use of higher quality materials represents an improvement in the standard of design in the area and promotes a very sustainable approach to development generally. The overall form and layout of the property remains largely unchanged.

The acknowledged variety of house designs within the Shootersway Character Area and close proximity to Mariners on Cross Oak Road would mitigate any suggested harm or inappropriateness caused by the evolution of the current property towards a more contemporary aesthetic in this location.

7. Privacy

There have been neighbour objections expressing concern regarding the proposed rear balcony. The proposed balcony is located on the south site boundary to capture views up Denny's Lane and is therefore set away from and oblique to all the adjacent properties. For information, the distances between the proposed balcony and the rear of the adjacent properties are set out below. In all cases there are heavily landscaped property boundaries to screen No.3 Oakwood:

No.6 Oakwood – distance to proposed balcony = approx. 66m

No.7 Oakwood – distance to proposed balcony = approx. 57m

No.8 Oakwood – distance to proposed balcony = approx. 54m

No.9 Oakwood – distance to proposed balcony = approx. 67m

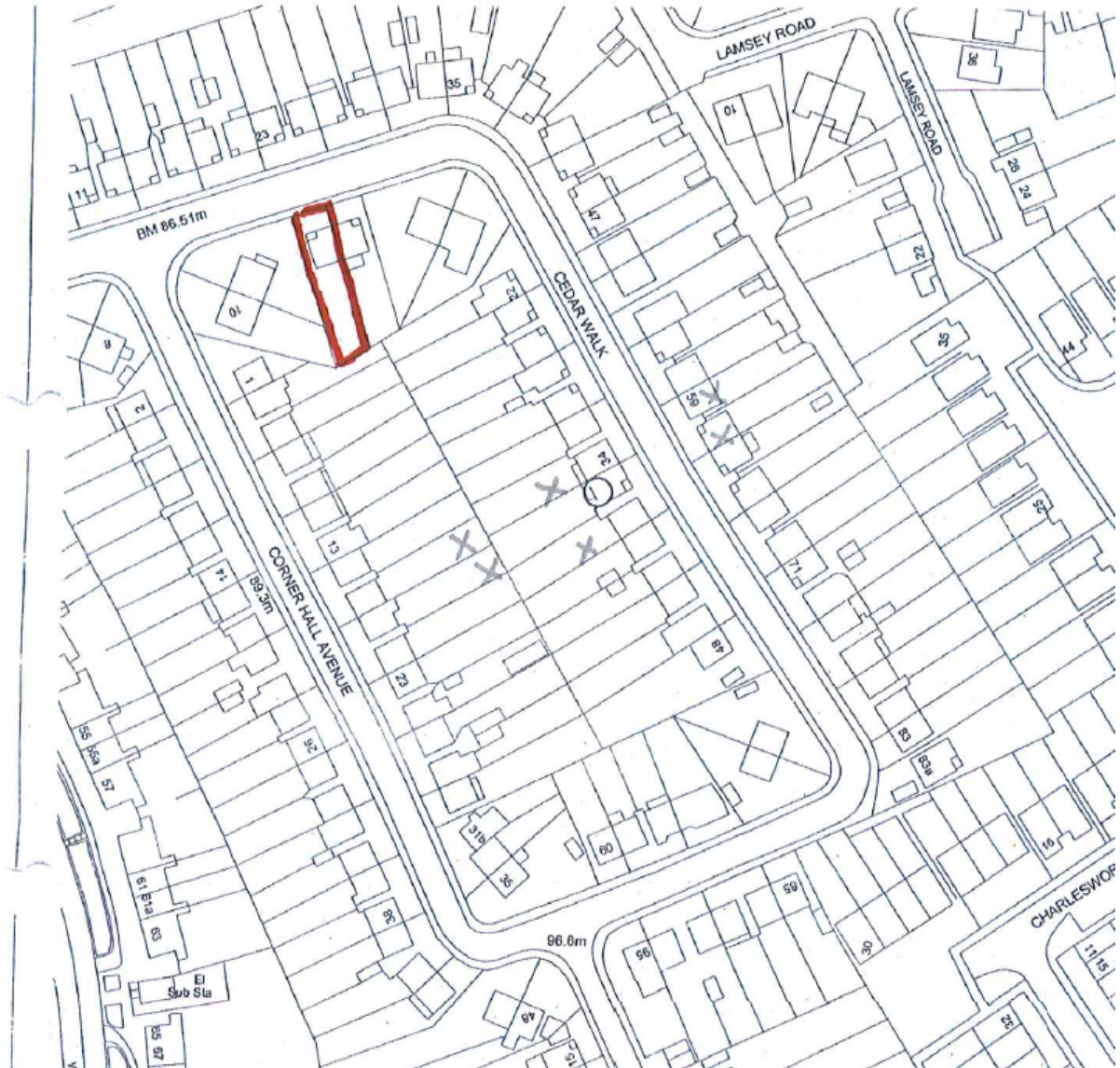


The proposed balcony would provide views along Denny's Lane and be screened by the mature planting to the rear of the site (note: depth of garden to No.3 Oakwood is approx. 25m).

Agenda Item 5d

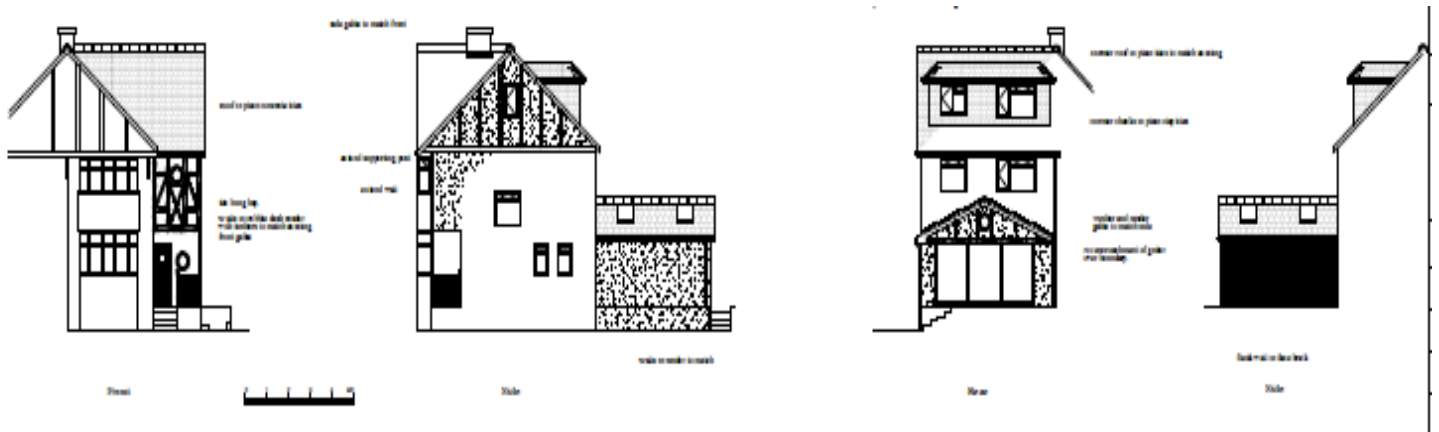
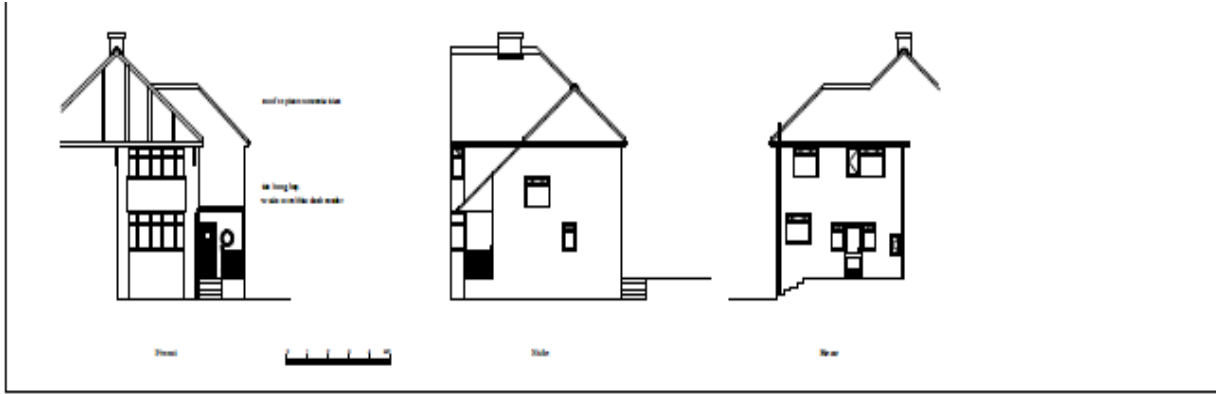
Item 5d 4/02509/18/FHA SINGLE STOREY REAR EXTENSION, FIRST FLOOR FRONT EXTENSION, ALTERATIONS TO ROOF TO FORM ROOM IN THE ROOF AND REAR DORMER.

14 CEDAR WALK, HEMEL HEMPSTEAD, HP3 9EB



Item 5d 4/02509/18/FHA SINGLE STOREY REAR EXTENSION, FIRST FLOOR FRONT EXTENSION, ALTERATIONS TO ROOF TO FORM ROOM IN THE ROOF AND REAR DORMER.

14 CEDAR WALK, HEMEL HEMPSTEAD, HP3 9EB



4/02509/18/FHA	SINGLE STOREY REAR EXTENSION, FIRST FLOOR FRONT EXTENSION, ALTERATIONS TO ROOF TO FORM ROOM IN THE ROOF AND REAR DORMER
Site Address	14 CEDAR WALK, HEMEL HEMPSTEAD, HP3 9EB
Applicant	Mr & Mrs Jonsson
Case Officer	Colin Lecart
Referral to Committee	The applicant is an employee of Dacorum Borough Council

1. Recommendation

1.1 That planning permission be **GRANTED**

2. Summary

2.1 The application site is located within an established residential area of Hemel Hempstead where the principle of residential extension is considered acceptable. Moreover, the proposed single storey rear extension, first floor front extension, alterations to roof to form room in the roof and rear dormer would not adversely affect the street scene or the residential amenity of neighbouring properties. The proposed development therefore complies with The National Planning Policy Framework (2018), Policies CS4, CS11 and CS12 of the Dacorum Core Strategy (2013), Saved Appendices 3 and 5 of the Dacorum Local Plan (2004) and is recommended for approval.

3. Site Description

3.1 The application site is located on Cedar Walk, Hemel Hempstead and comprises of a two storey semi-detached pebble dash dwellinghouse. The property features a front gabled roof with bay windows and hung tiles.

4. Proposal

4.1 The application seeks permission for the construction of a single storey rear extension, first floor front extension, alterations to the roof to form a room and a rear dormer. It should be noted that the rear extension element has already been approved under the Neighbour Prior Approval Scheme (4/02513/18/HPA)

5. Relevant Planning History

4/02513/18/HPA SINGLE STOREY REAR EXTENSION MEASURING 5.3M DEEP WITH A MAXIMUM HEIGHT OF 3.8M AND A MAXIMUM EAVES HEIGHT OF 2.250M
 Prior approval not required
 02/11/2018

6. Policies

6.1 National Policy Guidance

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

6.2 Adopted Core Strategy –

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

6.3 Saved Policies of the Dacorum Borough Local Plan

Saved Appendix 3 - Layout and Design of Residential Areas
Saved Appendix 5 - Parking Provision
Saved Appendix 7 - Small Scale House Extensions

7. Constraints

Established Residential Area

8. Representations

Consultation responses

8.1 None received

9. Key Considerations

Main issues

9.1 The main issues to consider are:

- Principle of Development
- Effect on Appearance of Building and Street Scene
- Effect on Amenity of Neighbours
- Impact on Parking and Access

Policy and Principle

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

Effect on Appearance of Building and Street Scene

9.3 Saved Appendix 7 of the Dacorum Local Plan (2004), Policies CS11, CS12 of the Core Strategy (2013) and the NPPF (2018) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

9.4 No aspect of the proposed rear extension and rear dormer would be visible from the street scene. When looking up Cedar walk from east, the front extension would appear as a side gable due to the staggered build line of the property. From the front of the property the extension would appear as a side extension and as such, it is considered that the proposal would not detriment the street scene.

9.5 The proposed pitched roof would be constructed in plain concrete tiles and the side gable would match the existing front gable. The gable on the pitched roof of the proposed rear

extension would also match the existing. The design of these gables would also be reproduced on the front elevation of the extension while the remainder would appear as pebble dash render to match the existing dwellinghouse.

9.6 Overall, it is considered that the single storey rear extension, first floor front extension, alterations to the roof to form a room and rear dormer would not detriment the appearance of the parent dwellinghouse and street scene; accordingly the proposed coheres with the NPPF (2018), Saved Appendix 7 of the Dacorum Local Plan (2004) and Policies CS4, CS11 and CS12 of the Core Strategy (2013).

Effect on Amenity of Neighbours

9.7 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.

9.8 The proposed first floor front extension would respect the existing build line of the property. One new side window is proposed on the side elevation but this would not face any windows of the neighbours bungalow. There are no direct rear neighbours to the property which would be affected by the construction of the rear dormer. The rear extension would measure approximately 3.75 metres in height and so is considered very unlikely to cause significant harm to residential amenity in terms of loss of light. The rear extension has also already been approved under the Neighbour Prior Approval Scheme.

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

Impact on Highway Safety

9.10 The application would increase the bedroom size of the property by one. This is a considered a minor increase and would not result in significant impact to the safety and operation of the adjacent highway.

Community Infrastructure Levy (CIL)

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

10. Conclusions

10.1 The proposed single storey rear extension, first floor front extension, alterations to the roof to form a room and rear dormer through size, position and design would not adversely impact on the visual amenity of the existing dwellinghouse, immediate street scene, or the residential amenity of neighbouring residents. The proposal is therefore in accordance with Saved Appendices 3, 5 and 7 of the Dacorum Local Plan (2004), Policies CS4, CS11, CS12 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>65B 2018 Rev A</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>Article 35 Statement</p> <p>Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p>

6. APPEALS UPDATE

A. LODGED

4/02263/18/FHA

Patel
NEW DRIVEWAY AND ASSOCIATED WORKS.
2 WHITEWOOD ROAD, BERKHAMSTED, HP4 3LJ
[View online application](#)

4/02739/18/ENA

Cavendish Park Homes Ltd
APPEAL AGAINST ENFORCEMENT NOTICE RAISED PLATFORMS
THE OLD OAK, HOGPITS BOTTOM, FLAUNDEN, HEMEL HEMPSTEAD,
HP3 0PX
[View online application](#)

B. WITHDRAWN

4/00091/18/ENA

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

C. FORTHCOMING INQUIRIES

None

D. FORTHCOMING HEARINGS

None

E. DISMISSED

4/02316/17/FUL

Rivergate Homes Ltd and Paul and Elizabeth Rooksby
CONSTRUCTION OF A PAIR OF SEMI-DETACHED DWELLINGS
LAND ADJ. TO 26, STATION ROAD, BERKHAMSTED, HP4 2EY
[View online application](#)

Decision

1. The appeal is dismissed.

Procedural matters

2. The revised Framework1 was published on 24 July 2018. Both main parties have been given the opportunity to comment on this and I have taken their responses into account.

3. The appellant has confirmed that the certificate of ownership submitted with the application form is incorrect and that they own all of the land to which the proposal relates (as specified on the appeal form). I

have considered the appeal on this basis and am satisfied that this would not prejudice the interests of any party.

Main issue

4. The Council has raised no concerns regarding the design of the dwelling or its impact upon:- (a) the character and appearance of the conservation area; (b) the living conditions of neighbouring occupiers; (c) the local highway network; (d) trees; and (e) ecology. Accordingly, within the context of the Council's reason for refusal and the evidence in this case, the main issue is whether future occupiers would be likely to experience acceptable living conditions in terms of amenity space provision.

Reasons

5. The appeal site lies to the south-east of Nos 26 and 27 Station Road ('Nos 26 and 27'), an attractive pair of semi-detached properties. It lies within the Berkhamsted Conservation Area (the 'conservation area'), with a railway line running adjacent to the rear boundary. The plot significantly slopes up in a north-easterly direction and at the time of my inspection, was overgrown, with a number of mature trees adjacent to the rear boundary.

6. Appendix 3 of the Local Plan² seeks to ensure a good standard of amenity space for future occupants and recommends that rear garden areas should have a minimum depth of 11.5 metres. Whilst this is not achieved by both of the proposed dwellings, it also allows garden depths below 11.5 metres for infill developments, on the provision that they are of equal depth to adjoining properties. Given that I consider the proposal to constitute an infill development and because the garden depths are similar to the adjacent properties at Nos 26 and 27, I am satisfied that the development would comply with this requirement.

7. However, Appendix 3 also states that gardens should be of a width, shape and size to ensure that the space is functional. Set against this context, whilst the width of each plot has been increased from the previous scheme to approximately 16 metres, with a further 24 square metres provided to the side of each dwelling, it is my view that the amenity space would still be unduly restricted in depth, size and functionality by the terraced nature of the site and the proximity of the side garden to the off-road parking spaces and tall boundary fences.

8. Furthermore, because both proposed dwellings would have 3 bedrooms, with two further rooms in the roof, they would be suitable for large families with children. However, the attractiveness of both gardens as an area for play and for them to be used for other routine activities such as sitting out and drying clothes would, to my mind, be substantially reduced by the height, depth and gradient of the retaining structures and terraces, and the mature trees that overhang the site. In such circumstances, I would also consider there to be a reasonable prospect that future occupiers would seek to have the adjacent mature trees lopped, topped or felled.

9. In view of the above factors, it is my view that the scheme would create the impression of a development that has been tightly squeezed onto the site with insufficient functional amenity space.

10. I recognise that that the development is in reasonable walking distance to public open space and that other private gardens to existing housing may have a smaller footprint than that currently proposed, but this does not overcome the harm identified to the living conditions of future occupants.

11. Although the appeal site is in close proximity to a railway line to the rear, the Council's Environmental Health Officer has raised no objections to the appellant's noise and vibration assessment. Based on the evidence before me, I see no reason to take a different view.

12. The appellant has emphasized their attempts to address concerns relating to the previous scheme by reducing the number of dwellings, reconfiguring the internal accommodation and increasing the size of the overall plots. I also acknowledge that the application was the subject of a recommendation for approval from planning officers at the Council. Nevertheless, matters such as these do not, in themselves, confer acceptability and I have considered this appeal strictly on its planning merits. I have also noted the lack of objections by the Council's Conservation Officer, but this in itself does not demonstrate a lack of harm in terms of living conditions.

13. In reaching my conclusion, I have had regard to the two previous appeal decisions referred to by the Council and appellant. Although these are an important consideration, I have assessed the proposal on its own merits in the light of all the evidence which is now before me.

14. In view of the above, I conclude that future occupiers would experience unacceptable living conditions in terms of the functionality and restricted size of the amenity area. The proposal would therefore conflict with Appendix 3 of the Local Plan, which seeks, amongst other things, to ensure that all new gardens are of a width, shape and size to ensure the space is functional.

15. I also find that the scheme would conflict with Paragraph 127 of the Framework which seeks, amongst other things, to ensure that development provides a high standard of amenity for future users.

16. Despite the Council having referred to Policy CS12 of the Core Strategy³ in its reason for refusal, I can find no requirements in this policy that refer to the living conditions of future residents in terms of amenity space provision. I am as a consequence satisfied that the scheme is not in conflict with this policy.

Other matters

17. Given my conclusion on the main issues that the development is unacceptable, the other matters raised by interested parties have not been central to my decision. Accordingly, there is no need for me to

consider them further as it would not alter the outcome of the appeal.

Planning balance

18. Although the site is located in a sustainable location where the principle of development is acceptable, for the reasons set out above, I conclude that the harm to the living conditions of future occupiers would significantly and demonstrably outweigh the modest amount of social and economic benefits that the development would contribute, namely, making an efficient use of land, the provision of an attractive additional family dwelling and employment during construction.

Conclusion

19. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

4/03329/17/ENA

Ellisdon

APPEAL AGAINST ENFORCEMENT NOTICE - ROADWAY

THE HOO, LEDGEMORE LANE, GREAT GADDESSEN, HEMEL

HEMPSTEAD, HP2 6HD

[View online application](#)

An appeal was lodged against the Enforcement Notice served in respect of the construction of a new road, compound/turning area and earth bund. The appeal was made under grounds (a), (b), (c) and (f). All grounds of appeal were dismissed, resulting in the refusal of the deemed planning application and the upholding of the Enforcement Notice and its requirements.

In terms of the ground (b) appeal ('whether the breach has occurred') the Inspector commented on the aerial photos submitted by the Council and the lack of evidence submitted by the appellant. The Inspector noted some historic 'wear' along part of the current route of the road/track, but stated that this was simply a 'route for access', very different to a constructed farm track. The Inspector concluded that this is new development that did not exist previously.

In respect of the ground (c) appeal ('whether this is a breach of planning control') the Inspector concluded that the works involved (significant total length and width) constituted a substantial engineering operation. The Inspector agreed with the Council that the works are also not permitted development within the GPDO.

In respect of the ground (a) appeal ('the deemed planning application') the Inspector concluded that the development represents an unacceptable risk to ground conditions and the wider environment in terms of the use of potentially contaminated materials, that it results in significant harm to the character and appearance of the countryside and diminishes the scenic beauty of the AONB, and that it results in harm to the setting of the Grade II* listed building, The Hoo. As such the development conflicts with the stated Local Plan and NPPF policies.

Finally, in terms of the ground (f) appeal ('that the requirements of the Notice are excessive') the Inspector found that it cannot be excessive for the notice to require the removal of the development in order to remedy the breach, as any lesser steps would not fully remedy the breach. The Inspector stated that the appellants are best placed to know what condition the land was in prior to the breach and therefore the extent of the necessary remedial works, and as such rejected the appellant's claim that this was a vague requirement.

F. ALLOWED

None